

AMENDED IN ASSEMBLY APRIL 18, 2016

AMENDED IN ASSEMBLY MARCH 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2557**

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**Introduced by Assembly Members Santiago and Bloom**

February 19, 2016

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An act to amend Section 65858 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 2557, as amended, Santiago. Zoning regulations: interim ordinances.

The Planning and Zoning Law authorizes the legislative body of a city, including a charter city, a county, or a city and county under specified conditions to adopt for a period of 45 days as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, the planning commission, or the planning department is considering or studying or intends to study within a reasonable time. Existing law prohibits the extension of an interim ordinance that would have the effect of denying approvals needed for the development of projects with a significant component of multifamily housing, except upon specified findings supported by substantial evidence on the record.

This bill would instead prohibit an interim ordinance from having the effect of denying approvals needed for the development of projects with a significant component of multifamily housing.

*This bill would additionally make findings and declarations that addressing housing matters, including the development of multifamily housing, is a matter of statewide concern, and the bill therefore applies to all cities, including charter cities.*

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 65858 of the Government Code is  
2 amended to read:

3 65858. (a) Without following the procedures otherwise  
4 required prior to the adoption of a zoning ordinance, the legislative  
5 body of a county, city, including a charter city, or city and county,  
6 to protect the public safety, health, and welfare, may adopt as an  
7 urgency measure an interim ordinance prohibiting any uses that  
8 may be in conflict with a contemplated general plan, specific plan,  
9 or zoning proposal that the legislative body, planning commission  
10 or the planning department is considering or studying or intends  
11 to study within a reasonable time. That urgency measure shall  
12 require a four-fifths vote of the legislative body for adoption. The  
13 interim ordinance shall be of no further force and effect 45 days  
14 from its date of adoption. After notice pursuant to Section 65090  
15 and public hearing, the legislative body may extend the interim  
16 ordinance for 10 months and 15 days and subsequently extend the  
17 interim ordinance for one year. Any extension shall also require  
18 a four-fifths vote for adoption. Not more than two extensions may  
19 be adopted.

20 (b) Alternatively, an interim ordinance may be adopted by a  
21 four-fifths vote following notice pursuant to Section 65090 and  
22 public hearing, in which case it shall be of no further force and  
23 effect 45 days from its date of adoption. After notice pursuant to  
24 Section 65090 and public hearing, the legislative body may by a  
25 four-fifths vote extend the interim ordinance for 22 months and  
26 15 days.

27 (c) The legislative body shall not adopt or extend any interim  
28 ordinance pursuant to this section unless the ordinance contains  
29 legislative findings that there is a current and immediate threat to  
30 the public health, safety, or welfare, and that the approval of  
31 additional subdivisions, use permits, variances, building permits,

1 or any other applicable entitlement for use which is required in  
2 order to comply with a zoning ordinance would result in that threat  
3 to public health, safety, or welfare. An interim ordinance adopted  
4 pursuant to this section shall not have the effect of denying  
5 approvals needed for the development of projects with a significant  
6 component of multifamily housing.

7 (d) Ten days prior to the expiration of that interim ordinance or  
8 any extension, the legislative body shall issue a written report  
9 describing the measures taken to alleviate the condition which led  
10 to the adoption of the ordinance.

11 (e) When an interim ordinance has been adopted, every  
12 subsequent ordinance adopted pursuant to this section, covering  
13 the whole or a part of the same property, shall automatically  
14 terminate and be of no further force or effect upon the termination  
15 of the first interim ordinance or any extension of the ordinance as  
16 provided in this section.

17 (f) Notwithstanding subdivision (e), upon termination of a prior  
18 interim ordinance, the legislative body may adopt another interim  
19 ordinance pursuant to this section provided that the new interim  
20 ordinance is adopted to protect the public safety, health, and  
21 welfare from an event, occurrence, or set of circumstances different  
22 from the event, occurrence, or set of circumstances that led to the  
23 adoption of the prior interim ordinance.

24 (g) For purposes of this section, “development of multifamily  
25 housing projects” does not include the demolition, conversion,  
26 redevelopment, or rehabilitation of multifamily housing that is  
27 affordable to lower income households, as defined in Section  
28 50079.5 of the Health and Safety Code, or that will result in an  
29 increase in the price or reduction of the number of affordable units  
30 in a multifamily housing project.

31 (h) For purposes of this section, “projects with a significant  
32 component of multifamily housing” means projects in which  
33 multifamily housing consists of at least one-third of the total square  
34 footage of the project.

35 *SEC. 2. The Legislature finds and declares that addressing*  
36 *rising home costs, monthly rent costs, and housing inventory within*  
37 *the state, including the development of multifamily housing to*  
38 *alleviate housing need, is a matter of statewide concern and is not*  
39 *a municipal affair as that term is used in Section 5 of Article XI*  
40 *of the California Constitution. Therefore, Section 65858 of the*

- 1 *Government Code, as proposed to be amended by this act, shall*
- 2 *apply to all cities, including charter cities.*

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