

Introduced by Senator Leno

February 7, 2011

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 ~~a~~ *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 in that law.*

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 *housing requirements, which may require the provision of*
18 *residential units affordable to, and occupied by, owners or tenants*
19 *whose household incomes do not exceed the limits for lower*
20 *income, very low income, or extremely low income households*
21 *specified in Sections 50079.5, 50105, and 50106 of the Health and*
22 *Safety Code.*
- 23 SEC. 2. *The Legislature declares its intent in adding*
24 *subdivision (g) to Section 65850 of the Government Code pursuant*
25 *to Section 1 of this act, to supersede any holding or dicta in*
26 *Palmer/Sixth Street Properties, L.P. v.City of Los Angeles(2009)*
27 *175 Cal.App.4th 1396, to the extent that the opinion in that case*
28 *conflicts with that subdivision.*