

AMENDED IN ASSEMBLY APRIL 20, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 115**

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**Introduced by Assembly Member Bloom**

December 18, 2020

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An act to add and repeal Section 65583.7 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL’S DIGEST

AB 115, as amended, Bloom. Planning and zoning: commercial zoning; housing development.

Existing law, the Planning and Zoning Law, requires that the legislative body of each county and each city adopt a comprehensive, long-term general plan for the physical development of the county and city, and specified land outside its boundaries, that includes, among other mandatory elements, a housing element. Existing law authorizes the legislative body of any county or city, pursuant to specified procedures, to adopt ordinances that, among other things, regulate the use of buildings, structures, and land as between industry, business, residences, open space, and other purposes.

This bill, notwithstanding any inconsistent provision of a city’s or county’s general plan, specific plan, zoning ordinance, or regulation, would require that a housing development be an authorized use on a site designated in any local agency’s zoning code or maps for commercial uses if certain conditions apply. Among these conditions, the bill would require that the housing development be subject to a recorded deed restriction requiring that at least 20% of the units have an affordable housing cost or affordable rent for lower income

households, as those terms are defined, and located on a site that satisfies specified criteria.

The bill would require the city or county to apply certain height, density, and floor area ratio standards to a housing development that meets these criteria. The bill would deem a housing development consistent, compliant, and in conformity with local development standards, zoning codes or maps, and general plan if it meets the requirements of the bill. The bill would require a jurisdiction to comply with these requirements only until it has completed the rezoning, required as described above, for the 6th revision of its housing element. The bill would repeal these provisions as of January 1, 2031. *The bill would also state the intent of the Legislature to develop and implement high-road labor policies to use a skilled construction workforce for projects utilizing the provisions of the act.*

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By adding to the duties of local planning officials, the bill would impose 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. It is the intent of the Legislature to develop and*
- 2     *implement high-road labor policies to use a skilled construction*
- 3     *workforce for projects utilizing the provisions of this act.*
- 4     ~~SECTION 1.~~
- 5     *SEC. 2.* Section 65583.7 is added to the Government Code, to
- 6     read:
- 7     65583.7. (a) Notwithstanding any inconsistent provision of a
- 8     city's or county's general plan, specific plan, zoning ordinance,
- 9     or regulation, and subject to subdivision (c), a housing development
- 10    shall be an authorized use on a site designated in any local agency's

1 zoning code or maps for commercial uses if all of the following  
2 apply:

3 (1) The housing development is subject to a recorded deed  
4 restriction requiring that at least 20 percent of the units have an  
5 affordable housing cost or affordable rent for lower income  
6 households.

7 (2) The site of the housing development satisfies both of the  
8 following:

9 (A) The site of the housing development is not adjacent to any  
10 site that is an industrial use.

11 (B) At least 75 percent of the perimeter of the site adjoins parcels  
12 that are developed with urban uses. For purposes of this  
13 subparagraph, parcels that are only separated by a street or highway  
14 shall be considered to be adjoined.

15 (b) (1) A city or county shall apply the following development  
16 standards to a housing development that meets the criteria in  
17 subdivision (a), unless existing applicable zoning standards of the  
18 city or county are less restrictive:

19 (A) The height limit applicable to the housing development  
20 shall be the greatest of the following:

21 (i) The highest allowed height for the site of the housing  
22 development.

23 (ii) The highest allowed height for a commercial or residential  
24 use within one-half mile of the site of the housing development.

25 (iii) Thirty-six feet.

26 (B) The maximum allowable floor area ratio of the housing  
27 development shall be not less than 0.6 times the number of stories  
28 that complies with the height limit under clause (i) of subdivision  
29 (A).

30 (C) The density limit applicable to the housing development  
31 shall be the greater of the following:

32 (i) The greatest allowed density for a mixed use or residential  
33 use within one-half mile of the site of the housing development.

34 (ii) The applicable density deemed appropriate to accommodate  
35 housing for lower income households identified in subparagraph  
36 (B) of paragraph (3) of subdivision (c) of Section 65583.2.

37 (2) In addition, the housing development shall comply with any  
38 applicable design standards of the city or county to the extent that  
39 those design standards do not prohibit the maximum height limit,  
40 density, or floor area ratio allowed under this section.

(3) Notwithstanding any other provision of this section, a developer of a housing development allowed in accordance with this section may apply for a density bonus pursuant to Section 65915.

(4) A housing development shall be deemed consistent, compliant, and in conformity with local development standards, zoning codes or maps, and the general plan if it meets the requirements of this section.

(c) For purposes of this section:

(1) “Affordable housing cost” has the same meaning as defined in Section 50052.5 of the Health and Safety Code.

(2) “Affordable rent” has the same meaning as defined in Section 50053 of the Health and Safety Code.

(3) “Greatest allowed density” means the maximum allowable gross residential density, including any density that requires conditional approval, allowable under local zoning, including the zoning ordinances and any specific plan adopted by the applicable city or county that apply to the site of the housing development.

(4) “Highest allowable height” means the tallest height, including any height that requires conditional approval, allowable under local zoning, including the zoning ordinances and any specific plan adopted by the applicable city or county that apply to the site of the housing development.

(5) “Industrial use” includes, but is not limited to, utilities, manufacturing, wholesale trade, transportation, and warehousing.

(6) “Lower income households” has the same meaning as defined in Section 50079.5 of the Health and Safety Code.

(d) A jurisdiction shall only be subject to this section until it has completed the rezoning required by Section 65583 for the 6th revision of its housing element pursuant to this article.

(e) The Legislature finds and declares that ensuring the adequate production of affordable housing is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.

(f) This section shall remain in effect only until January 1, 2031, and as of that date is repealed.

~~SEC. 2.~~

*SEC. 3.* No reimbursement is required by this act pursuant to 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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