

AMENDED IN ASSEMBLY APRIL 5, 2016
AMENDED IN ASSEMBLY MARCH 18, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2522

Introduced by Assembly Member Bloom

February 19, 2016

An act to amend Section 65589.4 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2522, as amended, Bloom. Land use: attached housing developments.

Existing law requires an attached housing development to be a permitted use, not subject to a conditional use permit, on any parcel zoned for multifamily housing if at least certain percentages of the units are available at affordable housing costs to very low income, lower income, and moderate-income households for at least 30 years, and if the project meets specified conditions relating to location, being subject to a discretionary decision other than a conditional use permit, and a negative or mitigated negative declaration having been adopted for the project under the California Environmental Quality Act.

This bill would instead require an attached housing development to be a permitted use by right, as defined, *and subject to the existing conditions imposed on a use by right*, if it satisfies the same specified conditions as to location and other conditions requiring location on property that is part of the jurisdiction's residential inventory or that has been or will be rezoned under the jurisdiction's housing program. This bill would also condition the permitted use by right upon the

development not having more units than projected for the location and upon compliance with general plan and zoning standards and criteria. *complying with written development standards appropriate to meeting the jurisdiction's share of the regional housing needs and providing housing for very low, low-, or moderate-income households and replacement housing units.* By imposing new duties upon local agencies with respect to housing developments, this 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. Section 65589.4 of the Government Code is
- 2 amended to read:
- 3 65589.4. (a) An attached housing development shall be a
- 4 permitted use by ~~right~~, *right* as defined in subdivision (i) of Section
- 5 ~~65583.2~~, *65583.2 and shall be subject to that subdivision* if it
- 6 satisfies the requirements of subdivision (b) and either of the
- 7 following:
- 8 (1) The attached housing development satisfies the criteria of
- 9 Section 21159.22, 21159.23, or 21159.24 of the Public Resources
- 10 Code.
- 11 (2) The attached housing development meets all of the following
- 12 criteria:
- 13 (A) The attached housing development is either:
- 14 (i) Located on a site that is identified in the jurisdiction's
- 15 inventory of land suitable for residential development described
- 16 in paragraph (3) of subdivision (a) of Section 65583.
- 17 (ii) Located on a site that has been or will be rezoned pursuant
- 18 to the program identified in the jurisdiction's housing element, as
- 19 required by *paragraph (1) of* subdivision (c) of Section 65583,
- 20 and either the rezoning has been completed or three years have
- 21 passed following the date that the jurisdiction's housing element

1 ~~was adopted.~~ *adopted, unless the deadline for the rezoning has*
2 *been extended pursuant to subdivision (f) of Section 65583.*

3 (B) The attached housing development does not contain more
4 dwelling units than were projected by the jurisdiction to be
5 accommodated on the sites described in subparagraph (A) ~~of~~
6 ~~paragraph (2) of subdivision (a)~~ plus any density bonus units for
7 which the development is eligible pursuant to Section 65915.

8 ~~(C) The attached housing development complies with applicable~~
9 ~~general plan and zoning standards and criteria, including, but not~~
10 ~~limited to, design standards, in effect when the attached housing~~
11 ~~development was determined to be complete.~~

12 (C) *The attached housing development complies with objective,*
13 *quantifiable, written development standards, conditions, and*
14 *policies appropriate to, and consistent with, meeting the*
15 *jurisdiction's share of the regional housing need, except that an*
16 *attached housing development shall not be deemed to be*
17 *inconsistent with the zoning for the site if the rezoning described*
18 *in paragraph (1) of subdivision (c) of Section 65583 has not been*
19 *completed for that site three years after the date that the housing*
20 *element was adopted, unless the deadline for the rezoning has*
21 *been extended pursuant to subdivision (f) of Section 65583.*

22 (D) The attached housing element is either:

23 (i) Located in an urbanized area as defined in Section 21071 of
24 the Public Resources Code or within a census-defined place with
25 a population density of at least 5,000 persons per square mile or,
26 if the attached housing development consists of 50 or fewer units,
27 within an incorporated city with a population density of at least
28 2,500 persons per square mile and a total population of at least
29 25,000 persons.

30 (ii) Located on an infill site as defined in Section 21061.3 of
31 the Public Resources Code.

32 ~~(b) At least 10 percent of the units of the attached housing~~
33 ~~development shall be available at affordable housing cost to very~~
34 ~~low income households, as defined in Section 50105 of the Health~~
35 ~~and Safety Code, or at least 20 percent of the units of the attached~~
36 ~~housing development shall be available at affordable housing cost~~
37 ~~to lower income households, as defined in Section 50079.5 of the~~
38 ~~Health and Safety Code, or at least 50 percent of the units of the~~
39 ~~attached housing development available at affordable housing cost~~
40 ~~to moderate-income households, consistent with Section 50052.5~~

1 of the Health and Safety Code. The jurisdiction shall require the
2 developer of the attached housing development to provide sufficient
3 legal commitments to the local agency to ensure the continued
4 availability and use of the housing units for very low, low-, or
5 moderate-income households for a period of at least 30 years.

6 (b) *The attached housing development provides both of the*
7 *following:*

8 (1) *“Housing for very low, low-, or moderate-income*
9 *households” as defined in paragraph (3) of subdivision (h) of*
10 *Section 65589.5.*

11 (2) *Replacement housing units as required by paragraph (3) of*
12 *subdivision (c) of Section 65915.*

13 (c) The provisions of this section are independent of any
14 obligation of a jurisdiction pursuant to subdivision (c) of Section
15 65583 to identify multifamily sites developable by right.

16 (d) This section does not apply to the issuance of coastal
17 development permits pursuant to the California Coastal Act
18 (Division 20 (commencing with Section 30000) of the Public
19 Resources Code).

20 (e) This section does not relieve an applicant or public agency
21 from complying with the Subdivision Map Act (Division 2
22 (commencing with Section 66410)).

23 (f) This section is applicable to all cities and counties, including
24 charter cities, because the Legislature finds that the lack of
25 affordable housing is of vital statewide importance, and thus a
26 matter of statewide concern.

27 (g) For purposes of this section, “attached housing development”
28 means a newly constructed or substantially rehabilitated structure
29 containing two or more dwelling units that is a housing
30 development project, as defined by paragraph (2) of subdivision
31 (h) of Section 65589.5, but does not include a second unit, as
32 defined by paragraph (4) of subdivision (i) of Section 65852.2, or
33 the conversion of an existing structure to condominiums.

34 SEC. 2. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 a local agency or school district has the authority to levy service
37 charges, fees, or assessments sufficient to pay for the program or

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

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