

AMENDED IN ASSEMBLY APRIL 6, 2021  
AMENDED IN ASSEMBLY MARCH 18, 2021  
CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 672**

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**Introduced by Assembly Member Cristina Garcia**

February 12, 2021

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An act to add Section 65863.14 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 672, as amended, Cristina Garcia. Planning and zoning law: rezoning authorization: golf courses.

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.

Existing law, the California Environmental Quality Act (CEQA), requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. That law also requires a lead agency to prepare a mitigated negative declaration for a project

that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would ~~authorize, on and after January 1, 2022, require a city, county, or city and county to rezone~~ *rezone, by the date the 6th regional housing needs assessment cycle applicable to the city, county, or city and county ends, certain sites used as a golf course to also allow for residential and ~~open space~~ open-space use in accordance with specified requirements. The bill would exempt any ordinance, resolution, general or specific plan amendment, or other action necessary of the city, county, or city and county to rezone a site pursuant to the bill's provisions from CEQA. The bill would remove, with respect to a city, county, or city and county, this rezoning authorization on the date the 6th regional housing needs assessment cycle applicable to the city, county, or city and county ends. The bill would require a development on a site that is rezoned for residential and ~~open space~~ open-space use pursuant to the bill's provisions to comply with specified requirements, including that a certain percentage 25 percent of all units developed on the site be available for persons and families of low income for a period of ~~no less than~~ at least 45 years for owner-occupied units and at least 55 years, years for rental units, and that a certain unit per acre density be met, and that a skilled and trained workforce is used to complete the development.* ~~met. By expanding the crime of perjury and by imposing additional duties on local officials, the bill would impose a state-mandated local program.~~

*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.*

*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 specified reasons.*

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

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

1 SECTION 1. Section 65863.14 is added to the Government  
2 Code, to read:

3 65863.14. (a) (1) ~~On and after January 1, 2022, a~~ A city,  
4 county, or city and county ~~is authorized to~~ shall rezone sites used  
5 as a golf course to also allow for residential and ~~open-space use~~  
6 *open-space use*, in accordance with subdivision ~~(b)~~: (b), *if any of*  
7 *the following apply:*

8 (A) *The golf course is in a park-poor area.*

9 (B) *The golf course is owned by the city, county, or city and*  
10 *county, and the golf course is funded by moneys from the city,*  
11 *county, or city and county.*

12 (C) *The golf course is in a high-density area.*

13 (2) Any ordinance, resolution, general or specific plan  
14 amendment, or other action necessary of the city, county, or city  
15 and county to rezone a site pursuant to paragraph (1) shall not be  
16 considered a “project” for purposes of Section 21065 of the Public  
17 Resources Code.

18 (b) Notwithstanding any other law, development on a site that  
19 is rezoned for residential and ~~open-space~~ *open-space* use pursuant  
20 to subdivision (a) shall comply with at least all of the following  
21 requirements:

22 (1) ~~(A) In counties where the countywide median household~~  
23 ~~income is over one hundred thousand dollars (\$100,000),~~ 25  
24 *Twenty-five percent of all units developed on the site shall be*  
25 *continuously available for at affordable rent or housing cost to*  
26 *persons and families of low income, as defined in Section 50093*  
27 *of the Health and Safety Code, income for a period of no less than*  
28 *at least 45 years for owner-occupied units and 55 years. years for*  
29 *rental units. The city, county, or city and county shall ensure this*  
30 *requirement is satisfied with a land use restriction or covenant*  
31 ~~recorded on the land.~~ *recorded deed restrictions.*

32 ~~(B) In counties where the countywide median household income~~  
33 ~~is one hundred thousand dollars (\$100,000) or less, the unit~~  
34 ~~affordability percentage in subparagraph (A) shall be 30 percent.~~

35 (2) *For-sale units that are subject to the requirements of*  
36 *paragraph (1) shall be subject to an equity sharing agreement.*

37 ~~(2) (A)~~

1 (3) ~~In counties where the countywide median household income~~  
 2 ~~is over one hundred thousand dollars (\$100,000), 15~~ *Fifteen* percent  
 3 of the site shall be designated and developed for continuous, ~~open~~  
 4 ~~space~~ *open-space* use.

5 (B) ~~In counties where the countywide median household income~~  
 6 ~~is one hundred thousand dollars (\$100,000) or less, the open space~~  
 7 ~~percentage in subparagraph (A) shall be 10 percent.~~

8 (3)  
 9 (4) A minimum of 15 dwelling units shall be developed per acre  
 10 designated for residential use, unless the city’s, county’s, or city  
 11 and county’s existing maximum density for the land use  
 12 designation is less than 15 units per acre, in which case the number  
 13 of dwelling units per acre necessary to meet the maximum density  
 14 allowable shall be developed.

15 (4) (A) ~~The development shall be completed by a skilled and~~  
 16 ~~trained workforce. For purposes of fulfilling this requirement, the~~  
 17 ~~development proponent shall enter into a project labor agreement~~  
 18 ~~that binds all contractors and subcontractors at every tier~~  
 19 ~~performing work on the project to use a skilled and trained~~  
 20 ~~workforce.~~

21 (B) ~~For purposes of this paragraph, both of the following~~  
 22 ~~definitions apply:~~

23 (i) ~~“Project labor agreement” has the same meaning as set forth~~  
 24 ~~in paragraph (1) of subdivision (b) of Section 2500 of the Public~~  
 25 ~~Contract Code.~~

26 (ii) ~~“Skilled and trained workforce” has the same meaning as~~  
 27 ~~set forth in Chapter 2.9 (commencing with Section 2600) of Part~~  
 28 ~~1 of Division 2 of the Public Contract Code.~~

29 (c) ~~Subdivision (a) shall be inoperative, with respect to a A city,~~  
 30 ~~county, or city and county, on county shall comply with subdivision~~  
 31 ~~(a) by the date the sixth regional housing needs assessment cycle~~  
 32 ~~applicable to the city, county, or city and county ends.~~

33 (d) ~~For purposes of this section, “persons and families of low~~  
 34 ~~income” shall have the same meaning as defined in Section 50093~~  
 35 ~~of the Health and Safety Code.~~

36 *SEC. 2. The Legislature finds and declares that Section 1 of*  
 37 *this act adding Section 65863.14 to the Government Code*  
 38 *addresses a matter of statewide concern rather than a municipal*  
 39 *affair as that term is used in Section 5 of Article XI of the*

1 *California Constitution. Therefore, Section 1 of this act applies to*  
2 *all cities, including charter cities.*

3 *SEC. 3. No reimbursement is required by this act pursuant to*  
4 *Section 6 of Article XIII B of the California Constitution because*  
5 *a local agency or school district has the authority to levy service*  
6 *charges, fees, or assessments sufficient to pay for the program or*  
7 *level of service mandated by this act or because costs that may be*  
8 *incurred by a local agency or school district will be incurred*  
9 *because this act creates a new crime or infraction, eliminates a*  
10 *crime or infraction, or changes the penalty for a crime or*  
11 *infraction, within the meaning of Section 17556 of the Government*  
12 *Code, or changes the definition of a crime within the meaning of*  
13 *Section 6 of Article XIII B of the California Constitution.*

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