

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 relating to land use.~~ *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. ~~Golf courses: open space and affordable housing.~~ *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, a city, county, or city and county to rezone sites used as a golf course to also allow for residential and 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 use pursuant to the bill's provisions to comply with specified requirements, including that a certain percentage of units developed on the site be available for persons and families of low income for a period of no less than 55 years, that a certain unit per acre density be met, and that a skilled and trained workforce is used to complete the development.*

~~Existing law requires a local agency disposing of surplus land to send, prior to disposing of that land, a written offer to sell or lease the property for specified purposes, including the development of low- and moderate-income housing, park and recreational purposes, or open-space purposes, unless the land is exempt surplus land, as defined.~~

~~This bill would state the intent of the Legislature to enact subsequent legislation that would enable the use of underutilized golf courses for open space and affordable housing.~~

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 65863.14 is added to the Government
- 2     Code, to read:
- 3     65863.14. (a) (1) *On and after January 1, 2022, a city, county,*
- 4     *or city and county is authorized to rezone sites used as a golf*
- 5     *course to also allow for residential and open space use in*
- 6     *accordance with subdivision (b).*
- 7     (2) *Any ordinance, resolution, general or specific plan*
- 8     *amendment, or other action necessary of the city, county, or city*

1 *and county to rezone a site pursuant to paragraph (1) shall not be*  
2 *considered a “project” for purposes of Section 21065 of the Public*  
3 *Resources Code.*

4 *(b) Notwithstanding any other law, development on a site that*  
5 *is rezoned for residential and open space use pursuant to*  
6 *subdivision (a) shall comply with at least all of the following*  
7 *requirements:*

8 *(1) (A) In counties where the countywide median household*  
9 *income is over one hundred thousand dollars (\$100,000), 25*  
10 *percent of all units developed on the site shall be available for*  
11 *persons and families of low income, as defined in Section 50093*  
12 *of the Health and Safety Code, for a period of no less than 55*  
13 *years. The city, county, or city and county shall ensure this*  
14 *requirement is satisfied with a land use restriction or covenant*  
15 *recorded on the land.*

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

19 *(2) (A) In counties where the countywide median household*  
20 *income is over one hundred thousand dollars (\$100,000), 15*  
21 *percent of the site shall be designated and developed for*  
22 *continuous, open space use.*

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

26 *(3) A minimum of 15 dwelling units shall be developed per acre*  
27 *designated for residential use, unless the city’s, county’s, or city*  
28 *and county’s existing maximum density for the land use designation*  
29 *is less than 15 units per acre, in which case the number of dwelling*  
30 *units per acre necessary to meet the maximum density allowable*  
31 *shall be developed.*

32 *(4) (A) The development shall be completed by a skilled and*  
33 *trained workforce. For purposes of fulfilling this requirement, the*  
34 *development proponent shall enter into a project labor agreement*  
35 *that binds all contractors and subcontractors at every tier*  
36 *performing work on the project to use a skilled and trained*  
37 *workforce.*

38 *(B) For purposes of this paragraph, both of the following*  
39 *definitions apply:*

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

4 (ii) “Skilled and trained workforce” has the same meaning as  
5 set forth in Chapter 2.9 (commencing with Section 2600) of Part  
6 1 of Division 2 of the Public Contract Code.

7 (c) Subdivision (a) shall be inoperative, with respect to a city,  
8 county, or city and county, on the date the sixth regional housing  
9 needs assessment cycle applicable to the city, county, or city and  
10 county ends.

11 ~~SECTION 1. It is the intent of the Legislature to enact~~  
12 ~~subsequent legislation that would enable the use of underutilized~~  
13 ~~golf courses for open space and affordable housing.~~