

By Right Rezoning Checklist

Government Code Sections 65583 and 65584.09 govern required rezoning related to a jurisdiction's ability to meet their lower income RHNA numbers and their promptness in completing this required rezoning. Bills relevant to these requirements have included Assembly Bills 2348 (2004), 1233 (2005) and 1397 (2017).

The options and requirements below will allow jurisdictions to confirm their changes to zoning are consistent with these parts of state law.

OPTIONS AND REQUIREMENTS

- Option 1: Base Zone
 - Apply an existing zone or create a new zone that requires a minimum of:
 - Densities of 16 dwelling units per acre in incorporated cities within nonmetropolitan counties and nonmetropolitan counties that have micropolitan areas. These counties include Del Norte, Humboldt, Lake, Mendocino, Nevada, Tehama, and Tuolumne.
 - Densities of 20 dwelling units per acre in suburban and metropolitan jurisdictions as defined in Government Code Section 65583.2(c)(3)(B)(iii) and (iv)
- Option 2: Overlay Zone
 - Create an overlay zone that requires a minimum of:
 - Densities of 16 dwelling units per acre in incorporated cities within nonmetropolitan counties and nonmetropolitan counties that have micropolitan areas. These counties include Del Norte, Humboldt, Lake, Mendocino, Nevada, Tehama, and Tuolumne.
 - Densities of 20 dwelling units per acre in suburban and metropolitan jurisdictions as defined in Government Code Section 65583.2(c)(3)(B)(iii) and (iv)
- Allow multifamily projects without discretionary review when at least 20 percent of the units in the project are affordable to lower income households.
- Apply the zone to sites that can accommodate at least 16 units per site
- At least 50 percent of the unaccommodated lower income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed uses are not permitted, except that a jurisdiction may accommodate all of the very low and low-income housing need on sites designated for mixed uses if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project.