

# Assembly Bill 212 Shot Down by City Council

*By Katharine Russ*

Assembly Bill (AB) 212, supported by the MWH Development Corporation, California Building Industry Association, California Home Builders, Catalina Pacific Utilities, and Spiegel Development Inc., was offered up by Northeast San Fernando Valley Assemblyman Felipe Fuentes to add to Sec. 65860.5 of the Government Code. The bill will effectively amend zoning ordinances to accommodate a developer who specifically wanted to build houses on a former golf course and who applied for a zoning ordinance amendment that would be consistent with designations within the Community Plan. Fuentes' bill called for an urgency statute, and based the need "to ensure proper housing planning and zoning in local communities."

In his Motion to Oppose AB212, William T Fujioka, Chief Executive Officer for Supervisor Michael Antonovich, wrote, "Existing law requires county and city zoning ordinances to be consistent with the general

plan. For a zoning ordinance to be considered consistent with a general plan officially adopted by a city or county, the various land uses authorized by the ordinance are required to be compatible with the objectives, policies, general land uses, and programs specified in the general plan. Existing law also applies these provisions to specified charter cities. According to the Senate Local Government Committee analysis, AB 283 (Thomas) was passed in 1978 requiring the City of Los Angeles to make its zoning ordinance consistent with its general plan. The City was given a deadline of January 1, 1981, which was subsequently extended through legislation to January 1, 1982. The City filed a lawsuit against the State and in 1982 the District Court of Appeals upheld the zoning consistency statute. To date, the City has not made its zoning ordinance consistent with all of their community plans that collectively comprise the general plans land use element.

While AB 212 would currently only apply to the City of Los Angeles local land use

decision-making authority, the Department of Regional Planning indicates that AB 212 would establish a precedent that could subsequently be extended to other jurisdictions. In addition, the Department emphasizes that local land use planning is best carried out by the local agency. However, given the exclusive application of this legislation to the City of Los Angeles, opposition to AB 212 is a matter of Board policy determination. Existing policy does exist to oppose legislation that infringes upon boards of supervisors' local land use decision-making authority."

AB212 was slated for the City Council meeting on June 4, 2008, and voted down by the Council in a 13-0 vote. The bill is opposed by the City of Los Angeles, American Planning Association - California Chapter, California State Association of Counties, League of California Cities, and the Regional Council of Rural Counties.