

Attachment 1: State Factors

1. State Legislation

The parameters of the applicable state laws are summarized in the following table.

State Bill	Intent/Parameters
Senate Bill 82 (2015) [Government Code Section 14670.36]	<p>The parameters of this legislature stipulate that up to 20 acres of the Fairview Developmental Center (FDC) campus will be leased for the development of affordable housing for people with developmental disabilities. The legislature outlines the terms of the lease subject to approval of the State Department of General Services (DGS) with the consent of the State Department of Developmental Services (DDS). A minimum of 20% of the housing units developed will be available and affordable to individuals with developmental disabilities. Revenue from the project authorized in this bill will be utilized by the DDS to support individuals with developmental disabilities, including subsidizing rents for those individuals.</p> <p>Previous planning efforts by DDS identified the southeast portion of the FDC campus to locate the mixed-income affordable housing project for up to 332 residential units on approximately 15 acres. This area of the FDC campus is often referred to as “Shannon’s Mountain”. Since the passage of the bill, the State has not moved forward with the proposed housing development at the Shannon’s Mountain site.</p> <p>The State agreed that 15 acres is satisfactory.</p> <p>Government Code Section 14670.36 is attached as Exhibit A.</p>
Senate Bill 188 (2022) [Government Code Section 14670.31]	<p>This legislature allocated \$3.5 million of State funds to the City to develop a specific plan for the property, and to manage the land use planning process integrated with a disposition process for the property, to be carried out by the DGS. The disposition of the property shall provide for affordable housing to the greatest extent feasible and shall be upon terms and conditions the director of DGS deems to be in the best interests of the State. The intent of the legislature is that the FDC property be utilized for a mixed-use development, including mixed-income housing. The development would include and prioritize affordable housing, including at least 200 units of permanent supportive housing, and open space. The FDC – SP project will implement the provisions of this bill.</p> <p>Government Code Section 14670.31 is attached as Exhibit B.</p>

<p>Senate Bill 138 (2023) [Government Code Section 14670.35e]</p>	<p>This bill established a residential program in the community for adolescents and adults with complex needs as part of the safety net plan to provide access to crisis services. The bill authorized the development of up to three (3) complex needs homes, as defined, with a maximum capacity of five (5) beds per home and would prohibit any stay in a complex needs home from exceeding 18 months, except as specified in the bill.</p> <p>The bill does not specify the acreage needed for the complex needs homes; it however, allowed DDS to determine the type of housing units to be developed for providing services to individuals with complex needs. The bill authorized the department to utilize support funds to facilitate the demolition of any existing improvements in the area of the lease amendment.</p> <p>DDS has determined that the complex needs housing development will require five (5) acres for three (3) homes and three (3) supportive structures. A large area is needed for clients with significant behavioral concerns. This housing development will be gated and requires a 50' safety clearance. The supportive structures will be used to provide for a variety of programs such as daytime training centers, exercise arts/crafts, storage, etc. The supporting structures will not be used for housing. DDS has indicated that the construction and operations of the complex needs homes is an immediate need and anticipates site preparation for the complex needs housing to begin this winter, December 2024.</p> <p>Government Code Section 14670.35e is attached as Exhibit C.</p>
<p>Senate Bill 166 (2017) [Government Code Section 65863]</p>	<p>Senate Bill 166 is an amendment to the “No Net Loss Law” that is intended to ensure that development opportunities remain available throughout the housing element planning period to accommodate a jurisdiction’s regional housing needs assessment (RHNA). The city will need to consider the following when making land use decisions related to this project pursuant to SB 166:</p> <ul style="list-style-type: none"> • The city must maintain adequate sites to accommodate its remaining unmet RHNA by each income category at all times throughout the entire planning period. • The city may not take any action to reduce a parcel’s residential density unless it makes findings that the remaining sites identified in its Housing Element sites inventory can accommodate the jurisdiction’s remaining unmet RHNA by each income category, or if it identifies

	<p>additional sites so that there is no net loss of residential unit capacity.</p> <ul style="list-style-type: none"> • If the city approves a development of a parcel identified in its Housing Element sites inventory with fewer units than shown in the Housing Element, it must either make findings that the Housing Element's remaining sites have sufficient capacity to accommodate the remaining unmet RHNA by each income level or identify and make available sufficient sites to accommodate the remaining unmet RHNA for each income category. • The city may not disapprove a housing project on the basis that approval of the development would trigger the identification or zoning of additional adequate sites to accommodate the remaining RHNA. <p>If the Specific Plan prescribes less affordable units than what is specified in the Housing Element for this site, the city will need to ensure that it still has adequate sites to accommodate its shortfall.</p> <p>Government Code Section 65863 is attached as Exhibit D.</p>
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2. State Agencies' Operational Requirements

The following table is a summary of State operation's needs for Cal-OES Regional Emergency Operations Center (EOC) and DDS Housing Programs.

Project	Operational Requirements
California Governor's Office of Emergency Services (OES) and Department of General Services (DGS) – Regional Emergency Operations Center (EOC)	<p>Cal OES approved plans for the EOC and certified the associated Environmental Impact Report in December 2023. The future EOC encompasses 15 acres of the FDC southwest corner. The EOC includes a 32,000-square-foot office building, 20,000-square-foot warehouse building, and a 120-foot-tall communications tower. The approved EOC plan does not include a helipad. DGS anticipates completing the EOC site design in Fall 2024 and construction to begin Spring/Summer 2025.</p> <p><u>Shelley Circle Road and Utility Easement:</u> The State collaborated with City to establish the alignment of Shelley Circle and associated utilities along the southeast boarder of the project site. The Preferred Land Use Plan will incorporate this final alignment, with Shelley Circle and utilities easements following the</p>

	<p>southeast corner of the FDC project boundary.</p> <p><u>Communication Tower:</u> The 120-foot-tall communication tower requires a clear line of site to other regional OES communication towers. to maintain this, building height limitations are imposed along two key sightlines. 1) From the EOC to the Santiago Peak (east of the FDC site), allowable building heights range from ~54 feet at the tower location to ~104 feet at the eastern edge of the FDC property. 2) From the EOC to La Habra Peak (north of the FDC site), allowable heights range from ~53 feet at the tower to ~63 feet at the northern boundary of the tower's sightline. These constraints will limit building heights for future development located to the north and east of the communication tower.</p>
<p>Agency: DDS</p> <p>Housing Development</p>	<ul style="list-style-type: none"> • Required acreage and Ideal location: DDS has identified 20 acres to be reserved for housing, in accordance with SB 82 and SB 138. This includes 15 acres for mixed-income housing within the Fairview Developmental Center (FDC) Specific Plan boundary, and 5 acres—located at the existing plant operations site surrounded by the Harbor Village Apartments—for homes serving individuals with complex needs. The preferred location lies within planning areas adjacent to Harbor Village. Consistent with the model used for Harbor Village and the Mark Lane residential development, the State will retain ownership of the land and enter into a long-term lease with a qualified housing management entity. • Operations of the mixed-income housing pursuant to SB 82 will be based on the DDS reverse integration model that is currently utilized for Harbor Village Apartment. This model will set aside at least 20% of the residential units for DDS clients and the remaining 80% is expected to provide housing for moderate income level households.

	<ul style="list-style-type: none"> • DDS request the removal of Merrimac Way and the existing residential development along Mark Lane from the Specific Plan boundary. Merrimac Way will remain a private road and to be used for emergency purposes only. • DDS requests that traffic through State operated residential development are minimized. Specifically, no increase in traffic through Mark Lane to Harbor Boulevard. Shelley Circle North should be designed to include a cul-de-sac and crossings for golf carts and pedestrians. • The State employee parking lot for the Mark Lane residential development shall remain accessible. • In DDS letter dated June 28, 2024, DDS “would not support the inclusion of regional sports and recreation complex in the City’s Specific Plan for the state-owned property as it would be detrimental to the State’s pursuit of affordable housing...”
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State of California

GOVERNMENT CODE

Section 14670.36

14670.36. (a) Notwithstanding any other law, the Director of General Services, with the consent of the Director of Developmental Services, may, in the best interests of the state, let to any person or entity real property not exceeding 20 acres located within the grounds of the Fairview Developmental Center for a period not to exceed 55 years, at a price that will permit the development of affordable housing for people with developmental disabilities.

(b) Notwithstanding any other law, the lease authorized by this section may be assignable subject to approval by the Director of General Services, with the consent of the Director of Developmental Services. The lease shall do all of the following:

(1) Provide housing for individuals who qualify based upon criteria established by the Department of Developmental Services. A minimum of 20 percent of the housing units developed shall be available and affordable to individuals with developmental disabilities served by a regional center pursuant to the Lanterman Developmental Disabilities Services Act (Chapter 1 (commencing with Section 4500) of Division 4.5 of the Welfare and Institutions Code). When filling vacancies, priority for housing shall be given to individuals transitioning from a developmental center or at risk for admission to a developmental center.

(2) Allow for lease revenues or other proceeds received by the state under the leases for projects authorized by this section and Section 14670.35, to be utilized by the Department of Developmental Services to support individuals with developmental disabilities, including subsidizing rents for those individuals.

(3) Include provisions authorizing the Department of Developmental Services, or its designee, to provide management oversight and administration over the housing for individuals with developmental disabilities and the general operations of the project sufficient to ensure the purposes of the lease are being carried out and to protect the financial interests of the state.

(c) The Department of Developmental Services may share in proceeds, if any, generated from the overall operation of the project developed pursuant to this section. All proceeds received from the project authorized by this section and the project authorized by Section 14670.35, in accordance with the terms of the lease, shall be deposited in the Department of Developmental Services Trust Fund, which is hereby created in the State Treasury. Moneys in the Department of Developmental Services Trust Fund shall be used, upon appropriation by the Legislature, for the purpose of providing housing and transitional services for people with developmental disabilities. Any funds not needed to support individuals with developmental disabilities shall be transferred to the General Fund upon the order of the Director of Finance.

(d) The Director of General Services, with the consent of the Director of Developmental Services, may enter into a lease pursuant to this section at less than market value, provided that the cost of administering the lease is recovered.

(e) The project and lease, including off-site improvements directly related to the housing project authorized by this section, shall not be deemed a “public works contract” as defined by Section 1101 of the Public Contract Code. However, construction projects contemplated by the lease authorized by this section shall be considered “public works,” as defined by paragraph (1) of subdivision (a) of Section 1720 of the Labor Code, for the purpose of prevailing wage requirements.

(Amended by Stats. 2016, Ch. 86, Sec. 158. (SB 1171) Effective January 1, 2017.)

State of California

GOVERNMENT CODE

Section 14670.31

14670.31. (a) The Legislature finds and declares all of the following:

(1) The Fairview Developmental Center is located in the City of Costa Mesa, in the County of Orange, and is composed of a developed campus covering approximately 102 acres adjacent to Costa Mesa Country Club.

(2) The Fairview Developmental Center opened in 1959 and is a state-run residential care facility dedicated to serving individuals with developmental disabilities.

(3) The State Department of Developmental Services announced the warm shutdown of the facility and acknowledged that it was not the intent of the state to follow the traditional state surplus property process.

(4) The State Department of Developmental Services is relocating all Fairview Developmental Center residents to homes in the community, and may use former active units for short-term needs.

(5) California is experiencing an acute affordable housing crisis. The cost of land significantly limits the development of affordable housing. It is the intent of the Legislature that priority be given to affordable housing in the disposition of the Fairview Developmental Center state real property.

(6) It is the intent of the Legislature to establish a partnership among the Department of General Services, the State Department of Developmental Services, and the City of Costa Mesa that provides for an expedited land use planning process. During this process, the City of Costa Mesa will manage the planning process. The planning and disposition process is expected to be less than three years in duration.

(7) It is the intent of the Legislature that the Fairview Developmental Center property be utilized for a mixed-use development, including mixed-income housing. The development would include and prioritize affordable housing, including at least 200 units of permanent supportive housing, and open space.

(8) It is further the intent of the Legislature that priority be given to redevelopment concepts that include housing that is deed restricted to provide housing for individuals with developmental disabilities.

(b) The following definitions apply for purposes of this section:

(1) "Agreement" means the formal agreement between the State Department of Developmental Services and the City of Costa Mesa to implement a disposition and land use planning process.

(2) "City" means the City of Costa Mesa.

(3) "Council" means the City Council of the City of Costa Mesa.

(4) "Director" means the Director of the Department of General Services.

(5) "Department" means the State Department of Developmental Services.

(6) “Property” means all state-owned real property comprising the Fairview Developmental Center, less any acreage transferred to other state agencies by the Department of General Services.

(7) “Specific plan” means a comprehensive planning and zoning document for the Fairview Developmental Center property.

(c) (1) The department, upon those terms and conditions that it deems to be in the best interests of the state, may enter into an agreement with the city for the city to develop a specific plan for the property, and to manage the land use planning process integrated with a disposition process for the property, to be carried out by the Department of General Services. The disposition may include the sale or lease of the property, or property interest, the director deems to be in the best interests of the state. From funds appropriated by the Legislature for this purpose, the department shall allocate three million five hundred thousand dollars (\$3,500,000) to the city to facilitate the disposition of the property by amending the general plan of the city and any appropriate planning documents and zoning ordinances, completing any environmental review, and addressing the economic feasibility of future development for the purposes intended by the Legislature.

(2) In carrying out the land use planning and disposition process pursuant to the agreement, the department, the director, and the city shall provide for the expeditious planning of future land uses for the site and an opportunity for community input, with the intent to provide certainty for the community and a potential developer, expedite marketing, and maximize interested third-party potential purchasers.

(3) The disposition of the property or property interests shall provide for affordable housing to the greatest extent feasible, and shall be upon terms and conditions the director deems to be in the best interests of the state.

(4) The agreement shall require that housing be a priority in the planning process and that any housing proposal determined to be appropriate for the property shall include affordable housing. The agreement and the development plan shall provide for housing and affordable housing at a level consistent with the January 2020 council-adopted strategy of 1,500 units and the housing assessment in the Department of General Services’ 2021 Infrastructure Assessment of up to 2,500 units for the site.

(d) (1) The department may enter into any additional agreements, upon terms and conditions that the department determines to be in the best interests of the state, to provide for the management, operations, and maintenance of the property.

(2) The intent of the Legislature is for expeditious planning and disposition for affordable and permanent supportive housing at the property. The agreement, any necessary land use approvals, including modifying the general plan, rezoning the property, approving a specific plan or plans, and any other action necessary for the implementation of the development plan or the disposition of the property, following CEQA review, shall only be subject to approval by the director and the council. Should the director determine that the transfer, sale, or final disposition of the property has been unduly delayed, the director may dispose of the property as deemed to be in the best interests of the state.

(e) The city shall provide quarterly reports to the department that shall include expenditures, contracts, and an update describing the progress of the expedited planning process.

(Added by Stats. 2022, Ch. 49, Sec. 1. (SB 188) Effective June 30, 2022.)

State of California**GOVERNMENT CODE****Section 14670.35**

14670.35. (a) Notwithstanding Section 14670, the Director of General Services, with the consent of the State Department of Developmental Services, may let in the best interests of the state and at a price which will permit the development of affordable housing for persons eligible under this section, to any person, including, but not limited to, any corporation or partnership, real property not exceeding 60 acres located within the grounds of Fairview State Hospital, for the purpose of developing affordable housing, which may include manufactured housing, for the employees of Fairview State Hospital, and for a period not to exceed 55 years. The lease authorized by this section shall be nonassignable, except it may be assignable, subject to approval by the Department of General Services and the State Department of Developmental Services, to a partnership in which the lessee has an interest of not less than 50 percent or to an individual, corporation or partnership which has a net worth of at least three million dollars (\$3,000,000) and has experience substantially equal to that of the lessee in building, marketing, managing, and leasing residences of the type to be built under the lease, and is subject to review every five years by the Director of General Services, to assure the state that the original purposes of the lease are being carried out.

(b) In the event of default by the lessee under the terms of the lease, the state shall take all necessary steps to cure the default but in no event shall state general funds, except funds collected pursuant to Section 15863, be expended to operate the property.

(c) (1) The housing developed pursuant to this section shall be available for the employees of Fairview State Hospital and to provide transitional housing for patient-clients of Fairview State Hospital returning to the community; provided that the housing available for transitional housing for patient-clients shall not be in excess of 10 percent of the units developed. In the event that vacancies occur in the units which cannot be filled by either employees of Fairview State Hospital or transitional patient-clients, then the units may be made available to persons who are in need of affordable housing and whose incomes do not exceed 80 percent of the median income for Orange County as that income may be defined from time to time by the United States Department of Housing and Urban Development. If any vacancies exist in excess of 60 days after lessee has conducted a marketing program in cooperation with the Orange County Housing Authority and approved by the State Department of Developmental Services, and during the 60 days the vacancies were made available to employees, transitional patient-clients, and persons whose incomes do not exceed 80 percent of the median income for Orange County, then, upon approval by the State

Department of Developmental Services, the vacant units may be made available to any persons employed in the City of Costa Mesa.

(2) The housing developed for employees of Fairview State Hospital or transitional patient-clients pursuant to paragraph (1) shall first be available for individuals with developmental disabilities receiving services from a regional center pursuant to Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code, and then to individuals in need of affordable housing as described in this subdivision.

(d) The Director of General Services, with the approval of the State Department of Developmental Services, shall, no later than July 1, 2017, amend the existing lease established pursuant to subdivision (a) to include a portion of the Fairview Developmental Center property in the area of Mark Lane for the purpose of developing additional housing units to serve individuals with developmental disabilities. The amendment shall provide that the additional acreage is subject to the existing lease conditions. The amendment shall require that a management agreement between the lessee and the State Department of Developmental Services be established, including terms and conditions determined by the Director of Developmental Services to be in the best interests of the state. The management agreement shall allow the State Department of Developmental Services to determine the type of housing units to be developed and whether housing is developed by renovation of existing units or construction of new units suitable for providing services to individuals with developmental disabilities. The management agreement shall also give the State Department of Developmental Services the right of first refusal for all housing established pursuant to this section on the subject acreage.

(e) The Director of General Services, with the approval of the State Department of Developmental Services, may amend the existing lease established pursuant to subdivision (a) to include a portion of the Fairview Developmental Center property for the purpose of developing complex needs homes pursuant to Section 4418.8 of the Welfare and Institutions Code. The amendment shall provide that the additional acreage is subject to the existing lease conditions, except any changes determined by the Director of General Services to be in the best interests of the state, including the term of the lease. The amendment shall require that a management agreement between the lessee and the State Department of Developmental Services be established, including terms and conditions determined by the Director of Developmental Services to be in the best interests of the state. The management agreement shall allow the State Department of Developmental Services to determine the type of housing units to be developed for providing services to individuals with complex needs, as defined in paragraph (2) of subdivision (h) of Section 4418.8 of the Welfare and Institutions Code. The management agreement shall also give the State Department of Developmental Services the right of first refusal for all housing established pursuant to this section on the subject acreage.

(f) To expedite the delivery of the housing authorized under subdivision (e), the Department of Developmental Services may utilize support funds to facilitate the demolition of any existing improvements within the area of the lease amendment. Alternatively, the Department of Developmental Services, acting by and through the

Department of General Services, may directly undertake the demolition of such improvements utilizing the same funds.

(g) The Legislature finds and declares that the provision of decent and affordable housing for state employees and transitional patients (i.e. clients of state mental hospitals) is a public purpose of great statewide importance.

(Amended by Stats. 2023, Ch. 192, Sec. 3. (SB 138) Effective September 13, 2023.)

State of California

GOVERNMENT CODE

Section 65863

65863. (a) Each city, county, or city and county shall ensure that its housing element inventory described in paragraph (3) of subdivision (a) of Section 65583 or its housing element program to make sites available pursuant to paragraph (1) of subdivision (c) of Section 65583, including sites rezoned pursuant to Section 65584.09, can accommodate, at all times throughout the planning period, its remaining unmet share of the regional housing need allocated pursuant to Section 65584, and any remaining unaccommodated portion of the regional housing need from the prior planning period, except as provided in paragraph (2) of subdivision (c). At no time, except as provided in paragraph (2) of subdivision (c), shall a city, county, or city and county by administrative, quasi-judicial, legislative, or other action permit or cause its inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need for lower and moderate-income households.

(b) (1) No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the residential density for any parcel identified to meet its current share of the regional housing need or any unaccommodated portion of the regional housing need from the prior planning period to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:

(A) The reduction is consistent with the adopted general plan, including the housing element.

(B) The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

(2) If a city, county, or city and county, by administrative, quasi-judicial, legislative, or other action, allows development of any parcel with fewer units by income category than identified in the jurisdiction's housing element for that parcel, the city, county, or city and county shall make a written finding supported by substantial evidence as to whether or not remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional

housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

(c) (1) If a reduction in residential density for any parcel would result in the remaining sites in the housing element not being adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584, the jurisdiction may reduce the density on that parcel if it identifies sufficient additional, adequate, and available sites with an equal or greater residential density in the jurisdiction so that there is no net loss of residential unit capacity.

(2) If the approval of a development project results in fewer units by income category than identified in the jurisdiction's housing element for that parcel and the jurisdiction does not find that the remaining sites in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need by income level, the jurisdiction shall within 180 days identify and make available additional adequate sites to accommodate the jurisdiction's share of the regional housing need by income level. Nothing in this section shall authorize a city, county, or city and county to disapprove a housing development project on the basis that approval of the housing project would require compliance with this paragraph.

(d) The requirements of this section shall be in addition to any other law that may restrict or limit the reduction of residential density.

(e) This section requires that a city, county, or city and county be solely responsible for compliance with this section, unless a project applicant requests in their initial application, as submitted, a density that would result in the remaining sites in the housing element not being adequate to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. In that case, the city, county, or city and county may require the project applicant to comply with this section. The submission of an application for purposes of this subdivision does not depend on the application being deemed complete or being accepted by the city, county, or city and county.

(f) This section shall not be construed to apply to parcels that, prior to January 1, 2003, were either (1) subject to a development agreement, or (2) parcels for which an application for a subdivision map had been submitted.

(g) (1) If the local jurisdiction has adopted a housing element for the current planning period that is in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3, for purposes of this section, "lower residential density" means the following:

(A) For sites on which the zoning designation permits residential use and that are identified in the local jurisdiction's housing element inventory described in paragraph (3) of subdivision (a) of Section 65583, fewer units on the site than were projected by the jurisdiction to be accommodated on the site pursuant to subdivision (c) of Section 65583.2.

(B) For sites that have been or will be rezoned pursuant to the local jurisdiction's housing element program described in paragraph (1) of subdivision (c) of Section

65583, fewer units for the site than were projected to be developed on the site in the housing element program.

(2) (A) If the local jurisdiction has not adopted a housing element for the current planning period within 90 days of the deadline established by Section 65588 or the adopted housing element is not in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3 within 180 days of the deadline established by Section 65588, “lower residential density” means any of the following:

(i) For residentially zoned sites, a density that is lower than 80 percent of the maximum allowable residential density for that parcel or 80 percent of the maximum density required by paragraph (3) of subdivision (c) of Section 65583.2, whichever is greater.

(ii) For sites on which residential and nonresidential uses are permitted, a use that would result in the development of fewer than 80 percent of the number of residential units that would be allowed under the maximum residential density for the site parcel or 80 percent of the maximum density required by paragraph (3) of subdivision (c) of Section 65583.2, whichever is greater.

(B) If the council of governments fails to complete a final housing need allocation pursuant to the deadlines established by Section 65584.05, then for purposes of this paragraph, the deadline pursuant to Section 65588 shall be extended by a time period equal to the number of days of delay incurred by the council of governments in completing the final housing need allocation.

(h) An action that obligates a jurisdiction to identify and make available additional adequate sites for residential development pursuant to this section creates no obligation under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) to identify, analyze, or mitigate the environmental impacts of that subsequent action to identify and make available additional adequate sites as a reasonably foreseeable consequence of that action. Nothing in this subdivision shall be construed as a determination as to whether or not the subsequent action by a city, county, or city and county to identify and make available additional adequate sites is a “project” for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(i) For purposes of this section, “unaccommodated portion of the regional housing need” means the portion of the local government’s regional housing need from the prior planning period that is required to be accommodated onsite zoned or rezoned pursuant to Section 65584.09.

(j) Notwithstanding Section 65803, this section shall also apply to a charter city.

(Amended by Stats. 2022, Ch. 654, Sec. 2. (AB 2339) Effective January 1, 2023.)