

AMENDED IN SENATE AUGUST 19, 2014

AMENDED IN SENATE AUGUST 12, 2014

AMENDED IN ASSEMBLY APRIL 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1537

Introduced by Assembly Member Levine

January 22, 2014

An act to amend, repeal, and add Section 65583.2 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1537, as amended, Levine. General plan housing element: regional housing need.

The Planning and Zoning Law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. That law requires the housing element to, among other things, include an inventory of land suitable for residential development and make adequate provision for the existing and projected needs of all economic segments of the community. That law prescribes the densities appropriate to accommodate housing for lower income households and varies those densities depending upon how an area is classified, whether as metropolitan, suburban, or in another category. A city, county, or city and county is required to submit a draft housing element or draft amendment to its housing element to the Department of Housing and Community Development for a determination of whether the draft substantially complies with state law governing housing elements.

This bill would require, until December 31, 2023, a county that is in the San Francisco-Oakland-Fremont California Metropolitan Statistical Area and that has a population of less than 400,000 to be considered suburban for purposes of determining the densities appropriate to accommodate housing for lower income households. *The bill would require these counties to utilize the sums existing in their housing trust funds as of June 30, 2013, for affordable housing, as specified.* The bill would, for that same purpose, also require a city that has a population of less than 100,000 and is incorporated within that county to be considered suburban. The bill would require a county or city so classified to make 2 reports, as specified, to the Legislature and the Department of Housing and Community Development. ~~This bill would require a county subject to the bill to utilize the sum existing in its local housing trust fund as of June 30, 2013, for the development and preservation of housing affordable to low- and very low income households.~~ The bill would apply housing density requirements in place on June 30, 2013, 2014, within ½ mile of a Sonoma-Marín Area Rail Transit station.

This bill would incorporate additional changes to Section 65583.2 of the Government Code proposed by AB 1690 that would become operative if this bill and AB 1690 are both enacted and this bill is enacted last.

This bill would make legislative findings and declarations as to the necessity of a special statute for certain areas of the state.

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

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

- 1 SECTION 1. Section 65583.2 of the Government Code is
- 2 amended to read:
- 3 65583.2. (a) A city’s or county’s inventory of land suitable
- 4 for residential development pursuant to paragraph (3) of
- 5 subdivision (a) of Section 65583 shall be used to identify sites that
- 6 can be developed for housing within the planning period and that
- 7 are sufficient to provide for the jurisdiction’s share of the regional
- 8 housing need for all income levels pursuant to Section 65584. As
- 9 used in this section, “land suitable for residential development”
- 10 includes all of the following:
- 11 (1) Vacant sites zoned for residential use.

1 (2) Vacant sites zoned for nonresidential use that allows
2 residential development.

3 (3) Residentially zoned sites that are capable of being developed
4 at a higher density.

5 (4) Sites zoned for nonresidential use that can be redeveloped
6 for, and as necessary, rezoned for, residential use.

7 (b) The inventory of land shall include all of the following:

8 (1) A listing of properties by parcel number or other unique
9 reference.

10 (2) The size of each property listed pursuant to paragraph (1),
11 and the general plan designation and zoning of each property.

12 (3) For nonvacant sites, a description of the existing use of each
13 property.

14 (4) A general description of any environmental constraints to
15 the development of housing within the jurisdiction, the
16 documentation for which has been made available to the
17 jurisdiction. This information need not be identified on a
18 site-specific basis.

19 (5) A general description of existing or planned water, sewer,
20 and other dry utilities supply, including the availability and access
21 to distribution facilities. This information need not be identified
22 on a site-specific basis.

23 (6) Sites identified as available for housing for above
24 moderate-income households in areas not served by public sewer
25 systems. This information need not be identified on a site-specific
26 basis.

27 (7) A map that shows the location of the sites included in the
28 inventory, such as the land use map from the jurisdiction's general
29 plan, for reference purposes only.

30 (c) Based on the information provided in subdivision (b), a city
31 or county shall determine whether each site in the inventory can
32 accommodate some portion of its share of the regional housing
33 need by income level during the planning period, as determined
34 pursuant to Section 65584. The analysis shall determine whether
35 the inventory can provide for a variety of types of housing,
36 including multifamily rental housing, factory-built housing,
37 mobilehomes, housing for agricultural employees, emergency
38 shelters, and transitional housing. The city or county shall
39 determine the number of housing units that can be accommodated
40 on each site as follows:

1 (1) If local law or regulations require the development of a site
2 at a minimum density, the department shall accept the planning
3 agency’s calculation of the total housing unit capacity on that site
4 based on the established minimum density. If the city or county
5 does not adopt a law or regulations requiring the development of
6 a site at a minimum density, then it shall demonstrate how the
7 number of units determined for that site pursuant to this subdivision
8 will be accommodated.

9 (2) The number of units calculated pursuant to paragraph (1)
10 shall be adjusted as necessary, based on the land use controls and
11 site improvements requirement identified in paragraph (5) of
12 subdivision (a) of Section 65583.

13 (3) For the number of units calculated to accommodate its share
14 of the regional housing need for lower income households pursuant
15 to paragraph (2), a city or county shall do either of the following:

16 (A) Provide an analysis demonstrating how the adopted densities
17 accommodate this need. The analysis shall include, but is not
18 limited to, factors such as market demand, financial feasibility, or
19 information based on development project experience within a
20 zone or zones that provide housing for lower income households.

21 (B) The following densities shall be deemed appropriate to
22 accommodate housing for lower income households:

23 (i) For an incorporated city within a nonmetropolitan county
24 and for a nonmetropolitan county that has a micropolitan area:
25 sites allowing at least 15 units per acre.

26 (ii) For an unincorporated area in a nonmetropolitan county not
27 included in clause (i): sites allowing at least 10 units per acre.

28 (iii) For a suburban jurisdiction: sites allowing at least 20 units
29 per acre.

30 (iv) For a jurisdiction in a metropolitan county: sites allowing
31 at least 30 units per acre.

32 (d) For purposes of this section, a metropolitan county,
33 nonmetropolitan county, and nonmetropolitan county with a
34 micropolitan area shall be as determined by the United States
35 Census Bureau. A nonmetropolitan county with a micropolitan
36 area includes the following counties: Del Norte, Humboldt, Lake,
37 Mendocino, Nevada, Tehama, and Tuolumne and other counties
38 as may be determined by the United States Census Bureau to be
39 nonmetropolitan counties with micropolitan areas in the future.

1 (e) (1) Except as provided in paragraph (2), a jurisdiction shall
2 be considered suburban if the jurisdiction does not meet the
3 requirements of clauses (i) and (ii) of subparagraph (B) of
4 paragraph (3) of subdivision (c) and is located in a Metropolitan
5 Statistical Area (MSA) of less than 2,000,000 in population, unless
6 that jurisdiction's population is greater than 100,000, in which
7 case it shall be considered metropolitan. A county, not including
8 the City and County of San Francisco, shall be considered suburban
9 unless the county is in an MSA of 2,000,000 or greater in
10 population in which case the county shall be considered
11 metropolitan.

12 (2) (A) (i) Notwithstanding paragraph (2), if a county that is
13 in the San Francisco-Oakland-Fremont California MSA has a
14 population of less than 400,000, that county shall be considered
15 suburban. If this county includes an incorporated city that has a
16 population of less than 100,000, this city shall also be considered
17 suburban. This paragraph shall apply to a housing element revision
18 cycle, as described in subparagraph (A) of paragraph (3) of
19 subdivision (e) of Section 65588, that is in effect from July 1,
20 2014, to December 31, 2023, inclusive.

21 (ii) *A county subject to this subparagraph shall utilize the sum*
22 *existing in the county's housing trust fund as of June 30, 2013, for*
23 *the development and preservation of housing affordable to low- and*
24 *very low income households.*

25 (B) A jurisdiction that is classified as suburban pursuant to this
26 paragraph shall report to the Assembly Committee on Housing
27 and Community Development, the Senate Committee on
28 Transportation and Housing, and the Department of Housing and
29 Community Development regarding its progress in developing
30 low- and very low-income housing consistent with the requirements
31 of Section 65400. The report shall be provided twice, once, on or
32 before December 31, 2019, which report shall address the initial
33 four years of the housing element cycle, and a second time, on or
34 before December 31, 2023, which report shall address the
35 subsequent four years of the housing element cycle and the cycle
36 as a whole. The reports shall be provided consistent with the
37 requirements of Section 9795.

38 (f) A jurisdiction shall be considered metropolitan if the
39 jurisdiction does not meet the requirements for "suburban area"
40 above and is located in an MSA of 2,000,000 or greater in

1 population, unless that jurisdiction’s population is less than 25,000
2 in which case it shall be considered suburban.

3 (g) For sites described in paragraph (3) of subdivision (b), the
4 city or county shall specify the additional development potential
5 for each site within the planning period and shall provide an
6 explanation of the methodology used to determine the development
7 potential. The methodology shall consider factors including the
8 extent to which existing uses may constitute an impediment to
9 additional residential development, development trends, market
10 conditions, and regulatory or other incentives or standards to
11 encourage additional residential development on these sites.

12 (h) The program required by subparagraph (A) of paragraph (1)
13 of subdivision (c) of Section 65583 shall accommodate 100 percent
14 of the need for housing for very low and low-income households
15 allocated pursuant to Section 65584 for which site capacity has
16 not been identified in the inventory of sites pursuant to paragraph
17 (3) of subdivision (a) on sites that shall be zoned to permit
18 owner-occupied and rental multifamily residential use by right
19 during the planning period. These sites shall be zoned with
20 minimum density and development standards that permit at least
21 16 units per site at a density of at least 16 units per acre in
22 jurisdictions described in clause (i) of subparagraph (B) of
23 paragraph (3) of subdivision (c) and at least 20 units per acre in
24 jurisdictions described in clauses (iii) and (iv) of subparagraph (B)
25 of paragraph (3) of subdivision (c). At least 50 percent of the very
26 low and low-income housing need shall be accommodated on sites
27 designated for residential use and for which nonresidential uses
28 or mixed-uses are not permitted.

29 (i) For purposes of this section and Section 65583, the phrase
30 “use by right” shall mean that the local government’s review of
31 the owner-occupied or multifamily residential use may not require
32 a conditional use permit, planned unit development permit, or other
33 discretionary local government review or approval that would
34 constitute a “project” for purposes of Division 13 (commencing
35 with Section 21000) of the Public Resources Code. Any subdivision
36 of the sites shall be subject to all laws, including, but not limited
37 to, the local government ordinance implementing the Subdivision
38 Map Act. A local ordinance may provide that “use by right” does
39 not exempt the use from design review. However, that design
40 review shall not constitute a “project” for purposes of Division 13

1 (commencing with Section 21000) of the Public Resources Code.
2 Use by right for all rental multifamily residential housing shall be
3 provided in accordance with subdivision (f) of Section 65589.5.

4 (j) Notwithstanding any other provision of this section, within
5 one-half mile of a Sonoma-Marín Area Rail Transit station, housing
6 density requirements in place on June 30, ~~2013~~, 2014, shall apply.

7 ~~(k) A county subject to this section shall utilize the sum existing~~
8 ~~in the county's housing trust fund as of June 30, 2013, for the~~
9 ~~development and preservation of housing affordable to low- and~~
10 ~~very low income households.~~

11 ~~(l)~~
12 (k) This section shall remain in effect only until December 31,
13 2023, and as of that date is repealed, unless a later enacted statute,
14 that is enacted before December 31, 2023, deletes or extends that
15 date.

16 *SEC. 1.5. Section 65583.2 of the Government Code is amended*
17 *to read:*

18 65583.2. (a) A city's or county's inventory of land suitable
19 for residential development pursuant to paragraph (3) of
20 subdivision (a) of Section 65583 shall be used to identify sites that
21 can be developed for housing within the planning period and that
22 are sufficient to provide for the jurisdiction's share of the regional
23 housing need for all income levels pursuant to Section 65584. As
24 used in this section, "land suitable for residential development"
25 includes all of the following:

- 26 (1) Vacant sites zoned for residential use.
- 27 (2) Vacant sites zoned for nonresidential use that allows
28 residential development.
- 29 (3) Residentially zoned sites that are capable of being developed
30 at a higher density.
- 31 (4) Sites zoned for nonresidential use that can be redeveloped
32 for, and as necessary, rezoned for, residential use.

33 (b) The inventory of land shall include all of the following:

- 34 (1) A listing of properties by parcel number or other unique
35 reference.
- 36 (2) The size of each property listed pursuant to paragraph (1),
37 and the general plan designation and zoning of each property.
- 38 (3) For nonvacant sites, a description of the existing use of each
39 property.

1 (4) A general description of any environmental constraints to
2 the development of housing within the jurisdiction, the
3 documentation for which has been made available to the
4 jurisdiction. This information need not be identified on a
5 site-specific basis.

6 (5) A general description of existing or planned water, sewer,
7 and other dry utilities supply, including the availability and access
8 to distribution facilities. This information need not be identified
9 on a site-specific basis.

10 (6) Sites identified as available for housing for above
11 moderate-income households in areas not served by public sewer
12 systems. This information need not be identified on a site-specific
13 basis.

14 (7) A map that shows the location of the sites included in the
15 inventory, such as the land use map from the jurisdiction's general
16 ~~plan~~ *plan*, for reference purposes only.

17 (c) Based on the information provided in subdivision (b), a city
18 or county shall determine whether each site in the inventory can
19 accommodate some portion of its share of the regional housing
20 need by income level during the planning period, as determined
21 pursuant to Section 65584. The analysis shall determine whether
22 the inventory can provide for a variety of types of housing,
23 including multifamily rental housing, factory-built housing,
24 mobilehomes, housing for agricultural employees, emergency
25 shelters, and transitional housing. The city or county shall
26 determine the number of housing units that can be accommodated
27 on each site as follows:

28 (1) If local law or regulations require the development of a site
29 at a minimum density, the department shall accept the planning
30 agency's calculation of the total housing unit capacity on that site
31 based on the established minimum density. If the city or county
32 does not adopt a law or regulations requiring the development of
33 a site at a minimum density, then it shall demonstrate how the
34 number of units determined for that site pursuant to this subdivision
35 will be accommodated.

36 (2) The number of units calculated pursuant to paragraph (1)
37 shall be adjusted as necessary, based on the land use controls and
38 site improvements requirement identified in paragraph (5) of
39 subdivision (a) of Section 65583.

1 (3) For the number of units calculated to accommodate its share
2 of the regional housing need for lower income households pursuant
3 to paragraph (2), a city or county shall do either of the following:

4 (A) Provide an analysis demonstrating how the adopted densities
5 accommodate this need. The analysis shall include, but is not
6 limited to, factors such as market demand, financial feasibility, or
7 information based on development project experience within a
8 zone or zones that provide housing for lower income households.

9 (B) The following densities shall be deemed appropriate to
10 accommodate housing for lower income households:

11 (i) For ~~an incorporated cities~~ *city* within ~~a nonmetropolitan~~
12 ~~counties~~ *county* and for ~~a nonmetropolitan counties that have~~
13 ~~county that has a micropolitan areas:~~ *area*: sites allowing at least
14 15 units per acre.

15 (ii) For ~~an unincorporated areas in all~~ *area in a nonmetropolitan*
16 ~~counties~~ *county* not included in clause (i): sites allowing at least
17 10 units per acre.

18 (iii) For ~~a suburban jurisdictions:~~ *jurisdiction*: sites allowing at
19 least 20 units per acre.

20 (iv) For ~~jurisdictions in a jurisdiction in a metropolitan counties:~~
21 *county*: sites allowing at least 30 units per acre.

22 (d) For purposes of this section, ~~a metropolitan counties,~~ *county*,
23 ~~nonmetropolitan counties,~~ *county*, and ~~nonmetropolitan counties~~
24 ~~with micropolitan areas are~~ *county with a micropolitan area shall*
25 *be* as determined by the United States Census Bureau.
26 ~~Nonmetropolitan counties with micropolitan areas include A~~
27 ~~nonmetropolitan county with a micropolitan area includes~~ the
28 following counties: Del Norte, Humboldt, Lake, Mendocino,
29 Nevada, Tehama, and Tuolumne and ~~such~~ other counties as may
30 be determined by the United States Census Bureau to be
31 nonmetropolitan counties with micropolitan areas in the future.

32 (e) ~~A jurisdiction is-~~ (1) *Except as provided in paragraph (2),*
33 *a jurisdiction shall be considered suburban if the jurisdiction does*
34 *not meet the requirements of clauses (i) and (ii) of subparagraph*
35 *(B) of paragraph (3) of subdivision (c) and is located in a*
36 *Metropolitan Statistical Area (MSA) of less than 2,000,000 in*
37 *population, unless that jurisdiction’s population is greater than*
38 *100,000, in which case it-is shall be considered metropolitan.*
39 ~~Counties,~~ *A county*, not including the City and County of San
40 Francisco, ~~will shall~~ *shall* be considered suburban unless ~~they are in a~~

1 *the county is in an MSA of 2,000,000 or greater in population in*
2 *which case ~~they are~~ the county shall be considered metropolitan.*

3 (2) (A) (i) *Notwithstanding paragraph (1), if a county that is*
4 *in the San Francisco-Oakland-Fremont California MSA has a*
5 *population of less than 400,000, that county shall be considered*
6 *suburban. If this county includes an incorporated city that has a*
7 *population of less than 100,000, this city shall also be considered*
8 *suburban. This paragraph shall apply to a housing element revision*
9 *cycle, as described in subparagraph (A) of paragraph (3) of*
10 *subdivision (e) of Section 65588, that is in effect from July 1, 2014,*
11 *to December 31, 2023, inclusive.*

12 (ii) *A county subject to this subparagraph shall utilize the sum*
13 *existing in the county's housing trust fund as of June 30, 2013, for*
14 *the development and preservation of housing affordable to low- and*
15 *very low income households.*

16 (B) *A jurisdiction that is classified as suburban pursuant to this*
17 *paragraph shall report to the Assembly Committee on Housing*
18 *and Community Development, the Senate Committee on*
19 *Transportation and Housing, and the Department of Housing and*
20 *Community Development regarding its progress in developing*
21 *low- and very low-income housing consistent with the requirements*
22 *of Section 65400. The report shall be provided twice, once, on or*
23 *before December 31, 2019, which report shall address the initial*
24 *four years of the housing element cycle, and a second time, on or*
25 *before December 31, 2023, which report shall address the*
26 *subsequent four years of the housing element cycle and the cycle*
27 *as a whole. The reports shall be provided consistent with the*
28 *requirements of Section 9795.*

29 (f) *A jurisdiction ~~is~~ shall be considered metropolitan if the*
30 *jurisdiction does not meet the requirements for "suburban area"*
31 *above and is located in a MSA of 2,000,000 or greater in*
32 *population, unless that jurisdiction's population is less than 25,000*
33 *in which case it ~~is~~ shall be considered suburban.*

34 (g) *For sites described in paragraph (3) of subdivision (b), the*
35 *city or county shall specify the additional development potential*
36 *for each site within the planning period and shall provide an*
37 *explanation of the methodology used to determine the development*
38 *potential. The methodology shall consider factors including the*
39 *extent to which existing uses may constitute an impediment to*
40 *additional residential development, development trends, market*

1 conditions, and regulatory or other incentives or standards to
2 encourage additional residential development on these sites.

3 (h) The program required by subparagraph (A) of paragraph (1)
4 of subdivision (c) of Section 65583 shall accommodate 100 percent
5 of the need for housing for very low and low-income households
6 allocated pursuant to Section 65584 for which site capacity has
7 not been identified in the inventory of sites pursuant to paragraph
8 (3) of subdivision (a) on sites that shall be zoned to permit
9 owner-occupied and rental multifamily residential use by right
10 during the planning period. These sites shall be zoned with
11 minimum density and development standards that permit at least
12 16 units per site at a density of at least 16 units per acre in
13 jurisdictions described in clause (i) of subparagraph (B) of
14 paragraph (3) of subdivision (c) and at least 20 units per acre in
15 jurisdictions described in clauses (iii) and (iv) of subparagraph (B)
16 of paragraph (3) of subdivision (c). At least 50 percent of the very
17 low and low-income housing need shall be accommodated on sites
18 designated for residential use and for which nonresidential uses
19 or mixed-uses are not ~~permitted~~. *permitted, except that a city or*
20 *county may accommodate all of the very low and low-income*
21 *housing need on sites designated for mixed uses if those sites allow*
22 *100 percent residential use and require that residential use occupy*
23 *50 percent of the total floor area of a mixed-use project.*

24 (i) For purposes of this section and Section 65583, the phrase
25 “use by right” shall mean that the local government’s review of
26 the owner-occupied or multifamily residential use may not require
27 a conditional use permit, planned unit development permit, or other
28 discretionary local government review or approval that would
29 constitute a “project” for purposes of Division 13 (commencing
30 with Section 21000) of the Public Resources Code. Any subdivision
31 of the sites shall be subject to all laws, including, but not limited
32 to, the local government ordinance implementing the Subdivision
33 Map Act. A local ordinance may provide that “use by right” does
34 not exempt the use from design review. However, that design
35 review shall not constitute a “project” for purposes of Division 13
36 (commencing with Section 21000) of the Public Resources Code.
37 Use by right for all rental multifamily residential housing shall be
38 provided in accordance with subdivision (f) of Section 65589.5.

1 (j) Notwithstanding any other provision of this section, within
2 one-half mile of a Sonoma-Marín Area Rail Transit station, housing
3 density requirements in place on June 30, 2014, shall apply.

4 (k) This section shall remain in effect only until December 31,
5 2023, and as of that date is repealed, unless a later enacted statute,
6 that is enacted before December 31, 2023, deletes or extends that
7 date.

8 SEC. 2. Section 65583.2 is added to the Government Code, to
9 read:

10 65583.2. (a) ~~City's~~A city's or county's inventory of land
11 suitable for residential development pursuant to paragraph (3) of
12 subdivision (a) of Section 65583 shall be used to identify sites that
13 can be developed for housing within the planning period and that
14 are sufficient to provide for the jurisdiction's share of the regional
15 housing need for all income levels pursuant to Section 65584. As
16 used in this section, "land suitable for residential development"
17 includes all of the following:

18 (1) Vacant sites zoned for residential use.
19 (2) Vacant sites zoned for nonresidential use that allows
20 residential development.

21 (3) Residentially zoned sites that are capable of being developed
22 at a higher density.

23 (4) Sites zoned for nonresidential use that can be redeveloped
24 for, and, as necessary, rezoned for, residential use.

25 (b) The inventory of land shall include all of the following:

26 (1) A listing of properties by parcel number or other unique
27 reference.

28 (2) The size of each property listed pursuant to paragraph (1),
29 and the general plan designation and zoning of each property.

30 (3) For nonvacant sites, a description of the existing use of each
31 property.

32 (4) A general description of any environmental constraints to
33 the development of housing within the jurisdiction, the
34 documentation for which has been made available to the
35 jurisdiction. This information need not be identified on a
36 site-specific basis.

37 (5) A general description of existing or planned water, sewer,
38 and other dry utilities supply, including the availability and access
39 to distribution facilities. This information need not be identified
40 on a site-specific basis.

1 (6) Sites identified as available for housing for above
2 moderate-income households in areas not served by public sewer
3 systems. This information need not be identified on a site-specific
4 basis.

5 (7) A map that shows the location of the sites included in the
6 inventory, such as the land use map from the jurisdiction's general
7 plan for reference purposes only.

8 (c) Based on the information provided in subdivision (b), a city
9 or county shall determine whether each site in the inventory can
10 accommodate some portion of its share of the regional housing
11 need by income level during the planning period, as determined
12 pursuant to Section 65584. The analysis shall determine whether
13 the inventory can provide for a variety of types of housing,
14 including multifamily rental housing, factory-built housing,
15 mobilehomes, housing for agricultural employees, emergency
16 shelters, and transitional housing. The city or county shall
17 determine the number of housing units that can be accommodated
18 on each site as follows:

19 (1) If local law or regulations require the development of a site
20 at a minimum density, the department shall accept the planning
21 agency's calculation of the total housing unit capacity on that site
22 based on the established minimum density. If the city or county
23 does not adopt a law or regulations requiring the development of
24 a site at a minimum density, then it shall demonstrate how the
25 number of units determined for that site pursuant to this subdivision
26 will be accommodated.

27 (2) The number of units calculated pursuant to paragraph (1)
28 shall be adjusted as necessary, based on the land use controls and
29 site improvements requirement identified in paragraph (5) of
30 subdivision (a) of Section 65583.

31 (3) For the number of units calculated to accommodate its share
32 of the regional housing need for lower income households pursuant
33 to paragraph (2), a city or county shall do either of the following:

34 (A) Provide an analysis demonstrating how the adopted densities
35 accommodate this need. The analysis shall include, but is not
36 limited to, factors such as market demand, financial feasibility, or
37 information based on development project experience within a
38 zone or zones that provide housing for lower income households.

39 (B) The following densities shall be deemed appropriate to
40 accommodate housing for lower income households:

- 1 (i) For an incorporated city within a nonmetropolitan county
2 and for a nonmetropolitan county that has a micropolitan area:
3 sites allowing at least 15 units per acre.
- 4 (ii) For an unincorporated area in a nonmetropolitan county not
5 included in clause (i): sites allowing at least 10 units per acre.
- 6 (iii) For a suburban jurisdiction: sites allowing at least 20 units
7 per acre.
- 8 (iv) For a jurisdiction in a metropolitan county: sites allowing
9 at least 30 units per acre.
- 10 (d) For purposes of this section, a metropolitan county,
11 nonmetropolitan county, and nonmetropolitan county with a
12 micropolitan area shall be as determined by the United States
13 Census Bureau. A nonmetropolitan county with a micropolitan
14 area includes the following counties: Del Norte, Humboldt, Lake,
15 Mendocino, Nevada, Tehama, and Tuolumne and other counties
16 as may be determined by the United States Census Bureau to be
17 nonmetropolitan counties with micropolitan areas in the future.
- 18 (e) A jurisdiction shall be considered suburban if the jurisdiction
19 does not meet the requirements of clauses (i) and (ii) of
20 subparagraph (B) of paragraph (3) of subdivision (c) and is located
21 in a Metropolitan Statistical Area (MSA) of less than 2,000,000
22 in population, unless that jurisdiction's population is greater than
23 100,000, in which case it shall be considered metropolitan. A
24 county, not including the City and County of San Francisco, shall
25 be considered suburban unless the county is in an MSA of
26 2,000,000 or greater in population in which case the county shall
27 be considered metropolitan.
- 28 (f) A jurisdiction shall be considered metropolitan if the
29 jurisdiction does not meet the requirements for "suburban area"
30 above and is located in an MSA of 2,000,000 or greater in
31 population, unless that jurisdiction's population is less than 25,000
32 in which case it shall be considered suburban.
- 33 (g) For sites described in paragraph (3) of subdivision (b), the
34 city or county shall specify the additional development potential
35 for each site within the planning period and shall provide an
36 explanation of the methodology used to determine the development
37 potential. The methodology shall consider factors including the
38 extent to which existing uses may constitute an impediment to
39 additional residential development, development trends, market

1 conditions, and regulatory or other incentives or standards to
2 encourage additional residential development on these sites.

3 (h) The program required by subparagraph (A) of paragraph (1)
4 of subdivision (c) of Section 65583 shall accommodate 100 percent
5 of the need for housing for very low and low-income households
6 allocated pursuant to Section 65584 for which site capacity has
7 not been identified in the inventory of sites pursuant to paragraph
8 (3) of subdivision (a) on sites that shall be zoned to permit
9 owner-occupied and rental multifamily residential use by right
10 during the planning period. These sites shall be zoned with
11 minimum density and development standards that permit at least
12 16 units per site at a density of at least 16 units per acre in
13 jurisdictions described in clause (i) of subparagraph (B) of
14 paragraph (3) of subdivision (c) and at least 20 units per acre in
15 jurisdictions described in clauses (iii) and (iv) of subparagraph (B)
16 of paragraph (3) of subdivision (c). At least 50 percent of the very
17 low and low-income housing need shall be accommodated on sites
18 designated for residential use and for which nonresidential uses
19 or mixed-uses are not permitted.

20 (i) For purposes of this section and Section 65583, the phrase
21 “use by right” shall mean that the local government’s review of
22 the owner-occupied or multifamily residential use may not require
23 a conditional use permit, planned unit development permit, or other
24 discretionary local government review or approval that would
25 constitute a “project” for purposes of Division 13 (commencing
26 with Section 21000) of the Public Resources Code. Any subdivision
27 of the sites shall be subject to all laws, including, but not limited
28 to, the local government ordinance implementing the Subdivision
29 Map Act. A local ordinance may provide that “use by right” does
30 not exempt the use from design review. However, that design
31 review shall not constitute a “project” for purposes of Division 13
32 (commencing with Section 21000) of the Public Resources Code.
33 Use by right for all rental multifamily residential housing shall be
34 provided in accordance with subdivision (f) of Section 65589.5.

35 (j) This section shall become operative on December 31, 2023.

36 *SEC. 2.5. Section 65583.2 is added to the Government Code,*
37 *to read:*

38 *65583.2. (a) A city’s or county’s inventory of land suitable*
39 *for residential development pursuant to paragraph (3) of*
40 *subdivision (a) of Section 65583 shall be used to identify sites that*

1 can be developed for housing within the planning period and that
2 are sufficient to provide for the jurisdiction's share of the regional
3 housing need for all income levels pursuant to Section 65584. As
4 used in this section, "land suitable for residential development"
5 includes all of the following:

6 (1) Vacant sites zoned for residential use.

7 (2) Vacant sites zoned for nonresidential use that allows
8 residential development.

9 (3) Residentially zoned sites that are capable of being developed
10 at a higher density.

11 (4) Sites zoned for nonresidential use that can be redeveloped
12 for, and, as necessary, rezoned for, residential use.

13 (b) The inventory of land shall include all of the following:

14 (1) A listing of properties by parcel number or other unique
15 reference.

16 (2) The size of each property listed pursuant to paragraph (1),
17 and the general plan designation and zoning of each property.

18 (3) For nonvacant sites, a description of the existing use of each
19 property.

20 (4) A general description of any environmental constraints to
21 the development of housing within the jurisdiction, the
22 documentation for which has been made available to the
23 jurisdiction. This information need not be identified on a
24 site-specific basis.

25 (5) A general description of existing or planned water, sewer,
26 and other dry utilities supply, including the availability and access
27 to distribution facilities. This information need not be identified
28 on a site-specific basis.

29 (6) Sites identified as available for housing for above
30 moderate-income households in areas not served by public sewer
31 systems. This information need not be identified on a site-specific
32 basis.

33 (7) A map that shows the location of the sites included in the
34 inventory, such as the land use map from the jurisdiction's general
35 plan for reference purposes only.

36 (c) Based on the information provided in subdivision (b), a city
37 or county shall determine whether each site in the inventory can
38 accommodate some portion of its share of the regional housing
39 need by income level during the planning period, as determined
40 pursuant to Section 65584. The analysis shall determine whether

1 *the inventory can provide for a variety of types of housing,*
2 *including multifamily rental housing, factory-built housing,*
3 *mobilehomes, housing for agricultural employees, emergency*
4 *shelters, and transitional housing. The city or county shall*
5 *determine the number of housing units that can be accommodated*
6 *on each site as follows:*

7 *(1) If local law or regulations require the development of a site*
8 *at a minimum density, the department shall accept the planning*
9 *agency's calculation of the total housing unit capacity on that site*
10 *based on the established minimum density. If the city or county*
11 *does not adopt a law or regulations requiring the development of*
12 *a site at a minimum density, then it shall demonstrate how the*
13 *number of units determined for that site pursuant to this subdivision*
14 *will be accommodated.*

15 *(2) The number of units calculated pursuant to paragraph (1)*
16 *shall be adjusted as necessary, based on the land use controls and*
17 *site improvements requirement identified in paragraph (5) of*
18 *subdivision (a) of Section 65583.*

19 *(3) For the number of units calculated to accommodate its share*
20 *of the regional housing need for lower income households pursuant*
21 *to paragraph (2), a city or county shall do either of the following:*

22 *(A) Provide an analysis demonstrating how the adopted densities*
23 *accommodate this need. The analysis shall include, but is not*
24 *limited to, factors such as market demand, financial feasibility, or*
25 *information based on development project experience within a*
26 *zone or zones that provide housing for lower income households.*

27 *(B) The following densities shall be deemed appropriate to*
28 *accommodate housing for lower income households:*

29 *(i) For an incorporated city within a nonmetropolitan county*
30 *and for a nonmetropolitan county that has a micropolitan area:*
31 *sites allowing at least 15 units per acre.*

32 *(ii) For an unincorporated area in a nonmetropolitan county*
33 *not included in clause (i): sites allowing at least 10 units per acre.*

34 *(iii) For a suburban jurisdiction: sites allowing at least 20 units*
35 *per acre.*

36 *(iv) For a jurisdiction in a metropolitan county: sites allowing*
37 *at least 30 units per acre.*

38 *(d) For purposes of this section, a metropolitan county,*
39 *nonmetropolitan county, and nonmetropolitan county with a*
40 *micropolitan area shall be as determined by the United States*

1 *Census Bureau. A nonmetropolitan county with a micropolitan*
2 *area includes the following counties: Del Norte, Humboldt, Lake,*
3 *Mendocino, Nevada, Tehama, and Tuolumne and other counties*
4 *as may be determined by the United States Census Bureau to be*
5 *nonmetropolitan counties with micropolitan areas in the future.*

6 *(e) A jurisdiction shall be considered suburban if the jurisdiction*
7 *does not meet the requirements of clauses (i) and (ii) of*
8 *subparagraph (B) of paragraph (3) of subdivision (c) and is located*
9 *in a Metropolitan Statistical Area (MSA) of less than 2,000,000*
10 *in population, unless that jurisdiction's population is greater than*
11 *100,000, in which case it shall be considered metropolitan. A*
12 *county, not including the City and County of San Francisco, shall*
13 *be considered suburban unless the county is in an MSA of*
14 *2,000,000 or greater in population in which case the county shall*
15 *be considered metropolitan.*

16 *(f) A jurisdiction shall be considered metropolitan if the*
17 *jurisdiction does not meet the requirements for "suburban area"*
18 *above and is located in an MSA of 2,000,000 or greater in*
19 *population, unless that jurisdiction's population is less than 25,000*
20 *in which case it shall be considered suburban.*

21 *(g) For sites described in paragraph (3) of subdivision (b), the*
22 *city or county shall specify the additional development potential*
23 *for each site within the planning period and shall provide an*
24 *explanation of the methodology used to determine the development*
25 *potential. The methodology shall consider factors including the*
26 *extent to which existing uses may constitute an impediment to*
27 *additional residential development, development trends, market*
28 *conditions, and regulatory or other incentives or standards to*
29 *encourage additional residential development on these sites.*

30 *(h) The program required by subparagraph (A) of paragraph*
31 *(1) of subdivision (c) of Section 65583 shall accommodate 100*
32 *percent of the need for housing for very low and low-income*
33 *households allocated pursuant to Section 65584 for which site*
34 *capacity has not been identified in the inventory of sites pursuant*
35 *to paragraph (3) of subdivision (a) on sites that shall be zoned to*
36 *permit owner-occupied and rental multifamily residential use by*
37 *right during the planning period. These sites shall be zoned with*
38 *minimum density and development standards that permit at least*
39 *16 units per site at a density of at least 16 units per acre in*
40 *jurisdictions described in clause (i) of subparagraph (B) of*

1 paragraph (3) of subdivision (c) and at least 20 units per acre in
2 jurisdictions described in clauses (iii) and (iv) of subparagraph
3 (B) of paragraph (3) of subdivision (c). At least 50 percent of the
4 very low and low-income housing need shall be accommodated
5 on sites designated for residential use and for which nonresidential
6 uses or mixed-uses are not permitted, except that a city or county
7 may accommodate all of the very low and low-income housing
8 need on sites designated for mixed uses if those sites allow 100
9 percent residential use and require that residential use occupy 50
10 percent of the total floor area of a mixed-use project.

11 (i) For purposes of this section and Section 65583, the phrase
12 “use by right” shall mean that the local government’s review of
13 the owner-occupied or multifamily residential use may not require
14 a conditional use permit, planned unit development permit, or
15 other discretionary local government review or approval that
16 would constitute a “project” for purposes of Division 13
17 (commencing with Section 21000) of the Public Resources Code.
18 Any subdivision of the sites shall be subject to all laws, including,
19 but not limited to, the local government ordinance implementing
20 the Subdivision Map Act. A local ordinance may provide that “use
21 by right” does not exempt the use from design review. However,
22 that design review shall not constitute a “project” for purposes
23 of Division 13 (commencing with Section 21000) of the Public
24 Resources Code. Use by right for all rental multifamily residential
25 housing shall be provided in accordance with subdivision (f) of
26 Section 65589.5.

27 (j) This section shall become operative on December 31, 2023.

28 SEC. 3. Section 1.5 of this bill incorporates amendments to
29 Section 65583.2 of the Government Code proposed by both this
30 bill and Assembly Bill 1690. It shall only become operative if (1)
31 both bills are enacted and become effective on or before January
32 1, 2015, (2) each bill amends Section 65583.2 of the Government
33 Code, and (3) this bill is enacted after Assembly Bill 1690, in which
34 case Section 1 of this bill shall not become operative.

35 SEC. 4. Section 2.5 of this bill shall become operative only if
36 Section 1.5 of this bill becomes operative pursuant to Section 3,
37 or if Section 1.5 of Assembly Bill 1690 becomes operative pursuant
38 to Section 2 of that bill, and, in either case, Section 2 of this bill
39 shall not become operative.

1 ~~SEC. 3.~~

2 *SEC. 5.* The Legislature finds and declares that a special law
3 is necessary and that a general law cannot be made applicable
4 within the meaning of Section 16 of Article IV of the California
5 Constitution because of the special circumstances of certain areas
6 of the state relating to regional housing needs.

O