

**ASSEMBLY BILL**

**No. 1537**

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**Introduced by Assembly Member Levine**

January 22, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1537, as introduced, 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 a county in a Metropolitan Statistical Area of 2,000,000 or more 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, 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.

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.  
12 (2) Vacant sites zoned for nonresidential use that allows  
13 residential development.  
14 (3) Residentially zoned sites that are capable of being developed  
15 at a higher density.  
16 (4) Sites zoned for nonresidential use that can be redeveloped  
17 for, and as necessary, rezoned for, residential use.  
18 (b) The inventory of land shall include all of the following:  
19 (1) A listing of properties by parcel number or other unique  
20 reference.  
21 (2) The size of each property listed pursuant to paragraph (1),  
22 and the general plan designation and zoning of each property.  
23 (3) For nonvacant sites, a description of the existing use of each  
24 property.  
25 (4) A general description of any environmental constraints to  
26 the development of housing within the jurisdiction, the  
27 documentation for which has been made available to the  
28 jurisdiction. This information need not be identified on a  
29 site-specific basis.  
30 (5) A general description of existing or planned water, sewer,  
31 and other dry utilities supply, including the availability and access  
32 to distribution facilities. This information need not be identified  
33 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~~ *city* within ~~a nonmetropolitan~~  
 2 ~~counties~~ *county* and for ~~a nonmetropolitan counties~~ *county* that  
 3 ~~have has a micropolitan areas:~~ *area:* sites allowing at least 15 units  
 4 per acre.

5 (ii) For ~~an unincorporated areas~~ *area* in ~~all a nonmetropolitan~~  
 6 ~~counties~~ *county* not included in clause (i): sites allowing at least  
 7 10 units per acre.

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

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

12 (d) For purposes of this section, ~~a metropolitan counties,~~ *county,*  
 13 ~~nonmetropolitan counties,~~ *county,* and ~~nonmetropolitan counties~~  
 14 *county* with ~~a micropolitan areas are~~ *area shall be* as determined  
 15 by the United States Census Bureau. ~~Nonmetropolitancounties A~~  
 16 ~~nonmetropolitan county with a micropolitan areas include~~  
 17 *areaincludes* the following counties: Del Norte, Humboldt, Lake,  
 18 Mendocino, Nevada, Tehama, and Tuolumne and ~~such~~ other  
 19 counties as may be determined by the United States Census Bureau  
 20 to be nonmetropolitan counties with micropolitan areas in the  
 21 future.

22 (e) A jurisdiction ~~is shall be~~ considered suburban if the  
 23 jurisdiction does not meet the requirements of clauses (i) and (ii)  
 24 of subparagraph (B) of paragraph (3) of subdivision (c) and is  
 25 located in a Metropolitan Statistical Area (MSA) of less than  
 26 2,000,000 in population, unless that jurisdiction's population is  
 27 greater than 100,000, in which case it ~~is shall be~~ considered  
 28 metropolitan. ~~Counties A county,~~ not including the City and County  
 29 of San Francisco, ~~will shall be~~ considered suburban unless ~~they~~  
 30 ~~are the county is~~ in a MSA of 2,000,000 or greater in population  
 31 in which case ~~they are the county shall be~~ considered metropolitan.  
 32 *A county that is included in a MSA of 2,000,000 or greater in*  
 33 *population, and has a population of less than 400,000 shall be*  
 34 *considered suburban. When this county includes an incorporated*  
 35 *city that has a population of less than 100,000, this city shall also*  
 36 *be considered suburban.*

37 (f) A jurisdiction ~~is shall be~~ considered metropolitan if the  
 38 jurisdiction does not meet the requirements for "suburban area"  
 39 above and is located in a 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 ~~is~~ *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.