

ASSEMBLY BILL

No. 878

Introduced by Assembly Member Torres

February 22, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 878, as introduced, Torres. Land use: local planning.

The Planning and Zoning Law requires the housing element of the general plan of a city, county, or city and county to contain, among other things, an assessment of housing needs, including an inventory of land suitable for residential development.

This bill would make technical, nonsubstantive changes to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
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

1 used in this section, “land suitable for residential development”
 2 includes all of the following:
 3 (1) Vacant sites zoned for residential use.
 4 (2) Vacant sites zoned for nonresidential use that allows
 5 residential development.
 6 (3) Residentially zoned sites that are capable of being developed
 7 at a higher density.
 8 (4) Sites zoned for nonresidential use that can be redeveloped
 9 for, and as necessary, rezoned for, residential use.
 10 (b) The inventory of land shall include all of the following:
 11 (1) A listing of properties by parcel number or other unique
 12 reference.
 13 (2) The size of each property listed pursuant to paragraph (1),
 14 and the general plan designation and zoning of each property.
 15 (3) For nonvacant sites, a description of the existing use of each
 16 property.
 17 (4) A general description of any environmental constraints to
 18 the development of housing within the jurisdiction, the
 19 documentation for which has been made available to the
 20 jurisdiction. This information need not be identified on a
 21 site-specific basis.
 22 (5) A general description of existing or planned water, sewer,
 23 and other dry utilities supply, including the availability and access
 24 to distribution facilities. This information need not be identified
 25 on a site-specific basis.
 26 (6) Sites identified as available for housing for above
 27 moderate-income households in areas not served by public sewer
 28 systems. This information need not be identified on a site-specific
 29 basis.
 30 (7) A map that shows the location of the sites included in the
 31 inventory, such as the land use map from the jurisdiction’s general
 32 plan for reference purposes only.
 33 (c) Based on the information provided in subdivision (b), a city
 34 or county shall determine ~~whether~~ *if* each site in the inventory can
 35 accommodate some portion of its share of the regional housing
 36 need by income level during the planning period, as determined
 37 pursuant to Section 65584. The analysis shall determine ~~whether~~
 38 *if* the inventory can provide for a variety of types of housing,
 39 including multifamily rental housing, factory-built housing,
 40 mobilehomes, housing for agricultural employees, emergency

1 shelters, and transitional housing. The city or county shall
2 determine the number of housing units that can be accommodated
3 on each site as follows:

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

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

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

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

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

26 (i) For incorporated cities within nonmetropolitan counties and
27 for nonmetropolitan counties that have micropolitan areas: sites
28 allowing at least 15 units per acre.

29 (ii) For unincorporated areas in all nonmetropolitan counties
30 not included in clause (i): sites allowing at least 10 units per acre.

31 (iii) For suburban jurisdictions: sites allowing at least 20 units
32 per acre.

33 (iv) For jurisdictions in metropolitan counties: sites allowing
34 at least 30 units per acre.

35 (d) For purposes of this section, metropolitan counties,
36 nonmetropolitan counties, and nonmetropolitan counties with
37 micropolitan areas are as determined by the United States Census
38 Bureau. Nonmetropolitan counties with micropolitan areas include
39 the following counties: Del Norte, Humboldt, Lake, Mendocino,
40 Nevada, Tehama, and Tuolumne and ~~such~~ other counties as may

1 be determined by the United States Census Bureau to be
2 nonmetropolitan counties with micropolitan areas in the future.

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

13 (f) A jurisdiction is considered metropolitan if the jurisdiction
14 does not meet the requirements for “suburban area” above and is
15 located in a MSA of 2,000,000 or greater in population, unless
16 that jurisdiction’s population is less than 25,000 in which case it
17 is considered suburban.

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

27 (h) The program required by subparagraph (A) of paragraph (1)
28 of subdivision (c) of Section 65583 shall accommodate 100 percent
29 of the need for housing for very low and low-income households
30 allocated pursuant to Section 65584 for which site capacity has
31 not been identified in the inventory of sites pursuant to paragraph
32 (3) of subdivision (a) on sites that shall be zoned to permit
33 owner-occupied and rental multifamily residential use by right
34 during the planning period. These sites shall be zoned with
35 minimum density and development standards that permit at least
36 16 units per site at a density of at least 16 units per acre in
37 jurisdictions described in clause (i) of subparagraph (B) of
38 paragraph (3) of subdivision (c) and at least 20 units per acre in
39 jurisdictions described in clauses (iii) and (iv) of subparagraph (B)
40 of paragraph (3) of subdivision (c). At least 50 percent of the very

1 low and low-income housing need shall be accommodated on sites
2 designated for residential use and for which nonresidential uses
3 or mixed-uses are not permitted.

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

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