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AMENDED IN SENATE MAY 29, 2025  
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AMENDED IN SENATE APRIL 23, 2025  
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AMENDED IN SENATE MARCH 5, 2025

**SENATE BILL**

**No. 79**

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**Introduced by Senator Wiener**  
*(Principal coauthor: Assembly Member Wicks)*  
*(Coauthors: Assembly Members Haney and Lee)*

January 15, 2025

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An act to add Chapter 4.1.5 (commencing with Section 65912.155) to Division 1 of Title 7 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 79, as amended, Wiener. Housing development: transit-oriented development.

(1) Existing law, the Planning and Zoning Law, requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and specified land outside its boundaries, that contains certain mandatory elements, including a land use element and a housing element. Existing law requires that the

land use element designate the proposed general distribution and general location and extent of the uses of the land, as specified. Existing law requires that the housing element consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing, as specified. Existing law requires that the housing element include, among other things, an assessment of housing needs and an inventory of resources and constraints that are relevant to the meeting of these needs, including an inventory of land suitable for residential development, as provided. Existing law, for the 4th and subsequent revisions of the housing element, requires the Department of Housing and Community Development to determine the existing and projected need for housing for each region, as specified, and requires the appropriate council of local governments, or the department for cities and counties without a council of governments, to adopt a final regional housing need plan that allocates a share of the regional housing need to each locality in the region.

Existing law, the Housing Accountability Act, among other things, requires a local agency that proposes to disapprove a housing development project, as defined, or to impose a condition that the project be developed at a lower density to base its decision on written findings supported by a preponderance of the evidence that specified conditions exist if that project complies with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time that the application was deemed complete. The act authorizes the applicant, a person who would be eligible to apply for residency in the housing development project or emergency shelter, or a housing organization to bring an action to enforce the act's provisions, as provided, and provides for penalties if the court finds that the local agency is in violation of specified provisions of the act.

This bill would require that a housing development project, as defined, within a specified distance of a transit-oriented development (TOD) stop, as defined, be an allowed use as a transit-oriented housing development on any site zoned for residential, mixed, or commercial development, if the development complies with applicable requirements, as specified. ~~The~~ *Among these requirements, the* bill would establish requirements concerning height limits, density, and floor area ratio in accordance with a development's proximity to specified tiers of TOD stops, as provided. The bill would provide that, for the purposes of the

Housing Accountability Act, a proposed development consistent with the applicable standards of these provisions shall be deemed consistent, compliant, and in conformity with prescribed requirements, as specified. The bill would provide that a local government that denies a project meeting the requirements of these provisions located in a high-resource area, as defined, would be presumed in violation of the Housing Accountability Act, as specified, and immediately liable for penalties, as provided. The bill would specify that a development proposed pursuant to these provisions is eligible for streamlined, ministerial approval pursuant to specified law, except that the bill would exempt a project under these provisions from specified requirements, and would specify that the project is required to comply with certain affordability requirements, under that law.

This bill would require a proposed development to comply with ~~specified requirements under existing law relating to the demolition of existing residential units~~ *demolition and antidisplacement standards; to not be located on sites where the development would require demolition of housing, or that was previously used for housing, that is subject to rent or price controls;* and to include housing for lower income households, as specified. The bill would also authorize a transit agency to adopt objective standards, as specified, for both residential and commercial development proposed pursuant to these provisions if the development would be constructed on land owned by the transit agency or on which the transit agency has a permanent operating easement and would only apply these standards for land that is either (A) within ½ mile of a TOD stop, if the land was owned by the transit agency on or before January 1, 2026, or (B) adjacent to a TOD stop.

This bill would authorize a local government to enact a local TOD alternative plan as an amendment to the housing element and land use element, and would exempt a local government that has enacted a local TOD alternative plan from the above-specified provisions. The bill would require the plan to maintain at least the same total increase in feasible zoned capacity, in terms of both total units and residential floor area, as provided by these provisions across all TOD zones, as provided. The bill would require a local government, except as provided, to submit the draft plan to the department and would require the department to assess the plan and recommend changes to remove unnecessary constraints on housing.

This bill would require the Department of Housing and Community Development to oversee compliance with the bill's provisions, including,

but not limited to, promulgating specified standards relating to the inventory of land included within a county’s or city’s housing element. The bill would authorize the regional council of governments or metropolitan planning organization to create a map of designated TOD stops and zones, which would have a rebuttable presumption of validity. The bill would authorize a local government to enact an ordinance to make its zoning code consistent with these provisions, as provided. The bill would require the local government to submit a copy of this ordinance to the department within 60 days of enactment and would require the department to review the ordinance for compliance, as specified. If the department finds an ordinance is out of compliance, and the local government does not take specified steps to address compliance, the bill would require the department to notify the local government in writing and authorize the department to notify the Attorney General, as provided.

This bill would define various terms for its purposes and make related findings and declarations.

This bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

(2) This bill would provide that the provisions of this bill are severable.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Chapter 4.1.5 (commencing with Section  
 2 65912.155) is added to Division 1 of Title 7 of the Government  
 3 Code, to read:

1 CHAPTER 4.1.5. TRANSIT-ORIENTED DEVELOPMENT

2  
3 65912.155. The Legislature finds and declares all of the  
4 following:

5 (a) California faces a housing shortage both acute and chronic,  
6 particularly in areas with access to robust public transit  
7 infrastructure.

8 (b) Building more homes near transit access reduces housing  
9 and transportation costs for California families, and promotes  
10 environmental sustainability, economic growth, and reduced traffic  
11 congestion.

12 (c) Public transit systems require sustainable funding to provide  
13 reliable service, especially in areas experiencing increased density  
14 and ridership. The state does not invest in public transit service to  
15 the same degree as it does in roads, and the state funds a smaller  
16 proportion of the state’s major transit agencies’ operations costs  
17 than other states with comparable systems. Transit systems in other  
18 countries derive significant revenue from transit-oriented  
19 development at and near their stations.

20 65912.156. For purposes of this chapter, the following  
21 definitions apply:

22 (a) “Adjacent” means sharing a property line with a transit stop,  
23 including any parcels that serve a parking or circulation purpose  
24 related to the stop.

25 (b) “Commuter rail” means a rail transit service not meeting  
26 the standards for heavy rail or light rail, excluding California  
27 High-Speed Rail and Amtrak Long Distance Service.

28 (c) “Department” means the Department of Housing and  
29 Community Development.

30 (d) “Frequent commuter rail” means a commuter rail service  
31 with a total of at least 24 daily trains per weekday across both  
32 directions and not meeting the standard for very high or  
33 high-frequency commuter rail at any point in the past three years.

34 (e) “Heavy rail transit” means an electric railway with the  
35 capacity for a heavy volume of traffic using high-speed and rapid  
36 acceleration passenger rail cars operating singly or in multicar  
37 trains on fixed rails, separate rights-of-way from which all other  
38 vehicular and foot traffic are excluded, and high platform loading.

- 1 (f) “High-frequency commuter rail” means a commuter rail  
2 service operating a total of at least 48 trains per day across both  
3 directions at any point in the past three years.
- 4 (g) “High-resource area” means a highest resource or  
5 high-resource neighborhood opportunity area, as used in the  
6 opportunity area maps published annually by the California Tax  
7 Credit Allocation Committee and the department.
- 8 (h) “Housing development project” has the same meaning as  
9 defined in Section 65589.5.
- 10 (i) “Light rail transit” includes streetcar, trolley, and tramway  
11 service.
- 12 (j) “Net habitable square footage” means the finished and heated  
13 floor area fully enclosed by the inside surface of walls, windows,  
14 doors, and partitions, and having a headroom of at least six and  
15 one-half feet, including working, living, eating, cooking, sleeping,  
16 stair, hall, service, and storage areas, but excluding garages,  
17 carports, parking spaces, cellars, half-stories, and unfinished attics  
18 and basements.
- 19 (k) “Rail transit” has the same meaning as defined in Section  
20 99602 of the Public Utilities Code.
- 21 (l) “Residential floor area ratio” means the ratio of net habitable  
22 square footage dedicated to residential use to the area of the lot.
- 23 (m) “Tier 1 transit-oriented development stop” means a  
24 transit-oriented development stop within an urban transit county  
25 served by heavy rail transit or very high frequency commuter rail.
- 26 (n) “Tier 2 transit-oriented development stop” means a  
27 transit-oriented development stop within an urban transit county,  
28 excluding a Tier 1 transit-oriented development stop, served by  
29 light rail transit, by high-frequency commuter rail, or by bus service  
30 meeting the standards of paragraph (1) of subdivision (a) of Section  
31 21060.2 of the Public Resources Code.
- 32 (o) “Tier 3 transit-oriented development stop” means a  
33 transit-oriented development stop within an urban transit county,  
34 excluding a Tier 1 or Tier 2 transit-oriented development stop,  
35 served by frequent commuter rail service or by ferry service; or  
36 any transit-oriented development stop not within an urban transit  
37 county; or any major transit stop otherwise so designated by the  
38 applicable authority.
- 39 (p) “Transit-oriented development stop” means a major transit  
40 stop, as defined by Section 21155 of the Public Resources Code,

1 served by heavy rail transit, very high frequency commuter rail,  
2 high frequency commuter rail, light rail transit, bus service meeting  
3 the standards of paragraph (1) of subdivision (a) of Section 21060.2  
4 of the Public Resources Code, frequent commuter rail service, or  
5 ferry service, or otherwise so designated by the applicable  
6 authority.

7 (q) “Urban transit county” means a county with more than 15  
8 rail stations.

9 (r) “Very high frequency commuter rail” means a commuter  
10 rail service with a total of at least 72 trains per day across both  
11 directions at any point in the past three years.

12 65912.157. (a) A housing development project shall be an  
13 allowed use as a transit-oriented housing development on any site  
14 zoned for residential, mixed, or commercial development within  
15 one-half or one-quarter mile of a transit-oriented development  
16 stop, if the development complies with the applicable of all of the  
17 following requirements:

18 *(1) A transit-oriented housing development project allowed*  
19 *under this chapter shall comply with the greatest of the following:*

20 *(A) Includes at least five dwelling units.*

21 *(B) A minimum density standard of at least 30 dwelling units*  
22 *per acre.*

23 *(C) The minimum density allowed under local zoning, if*  
24 *applicable.*

25 *(2) The average total area of floor space for the proposed units*  
26 *in the transit-oriented housing development project shall not exceed*  
27 *1,750 net habitable square feet.*

28 ~~(1)~~

29 (3) For a transit-oriented housing development project within  
30 one-quarter mile of a Tier 1 transit-oriented development stop, all  
31 of the following apply:

32 (A) A local government shall not impose any height limit less  
33 than 75 feet.

34 (B) A local government shall not impose any maximum density  
35 of less than 120 dwelling units per acre.

36 (C) A local government shall not enforce any other local  
37 development standard or combination of standards that would  
38 prevent achieving a residential floor area ratio of up to 3.5.

39 (D) A development that *achieves a minimum density of 90*  
40 *dwelling units per acre and that otherwise meets the eligibility*

1 requirements of Section 65915, including, but not limited to,  
2 affordability requirements, shall be eligible for three additional  
3 concessions pursuant to Section 65915.

4 ~~(2)~~

5 (4) For a transit-oriented housing development project further  
6 than one-quarter mile but within one-half mile of a Tier 1  
7 transit-oriented development stop, all of the following apply:

8 (A) A local government shall not impose any height limit less  
9 than 65 feet.

10 (B) A local government shall not impose any maximum density  
11 standard of less than 100 dwelling units per acre.

12 (C) A local government shall not enforce any other local  
13 development standard or combination of standards that would  
14 prevent achieving a residential floor area ratio of up to 3.

15 (D) A development that *achieves a minimum density of 75*  
16 *dwelling units per acre and that* otherwise meets the eligibility  
17 requirements of Section 65915, including, but not limited to,  
18 affordability requirements, shall be eligible for two additional  
19 concessions pursuant to Section 65915.

20 ~~(3)~~

21 (5) For a transit-oriented housing development project within  
22 one-quarter mile of a Tier 2 transit-oriented development stop, all  
23 of the following apply:

24 (A) A local government shall not impose any height limit less  
25 than 65 feet.

26 (B) A local government shall not impose any maximum density  
27 standard of less than 100 dwelling units per acre.

28 (C) A local government shall not enforce any other local  
29 development standard or combination of standards that would  
30 prevent achieving a residential floor area ratio of up to 3.

31 (D) A development that *achieves a minimum density of 75*  
32 *dwelling units per acre and that* otherwise meets the eligibility  
33 requirements of Section 65915, including, but not limited to,  
34 affordability requirements, shall be eligible for two additional  
35 concessions pursuant to Section 65915.

36 ~~(4)~~

37 (6) For a transit-oriented housing development project further  
38 than one-quarter mile but within one-half mile of a Tier 2  
39 transit-oriented development stop, all of the following apply:

1 (A) A local government shall not impose any height limit less  
2 than 55 feet.

3 (B) A local government shall not impose any maximum density  
4 standard of less than 80 dwelling units per acre.

5 (C) A local government shall not enforce any other local  
6 development standard or combination of standards that would  
7 prevent achieving a residential floor area ratio of up to 2.5.

8 (D) A development that *achieves a minimum density of 60*  
9 *dwelling units per acre and that* otherwise meets the eligibility  
10 requirements of Section 65915, including, but not limited to,  
11 affordability requirements, shall be eligible for one additional  
12 concession pursuant to Section 65915.

13 ~~(5)~~

14 (7) For a transit-oriented housing development project within  
15 one-quarter mile of a Tier 3 transit-oriented development stop, all  
16 of the following apply:

17 (A) A local government shall not impose any height limit less  
18 than 55 feet.

19 (B) A local government shall not impose any maximum density  
20 standard of less than 80 dwelling units per ~~acre.~~ *acre*.

21 (C) A local government shall not enforce any other local  
22 development standard or combination of standards that would  
23 prevent achieving a residential floor area ratio of up to 2.5.

24 (D) A development that *achieves a minimum density of 60*  
25 *dwelling units per acre and that* otherwise meets the eligibility  
26 requirements of Section 65915, including, but not limited to,  
27 affordability requirements, shall be eligible for one additional  
28 concession pursuant to Section 65915.

29 ~~(6)~~

30 (8) For a transit-oriented housing development project further  
31 than one-quarter mile but within one-half mile of a Tier 3  
32 transit-oriented development stop, all of the following apply:

33 (A) Within an urban transit county, a local government shall  
34 not impose any height limit less than 45 feet. Outside of an urban  
35 transit county, a local government may apply the local height limit.

36 (B) A local government shall not impose any maximum density  
37 standard of less than 60 dwelling units per acre.

38 (C) A local government shall not enforce any other local  
39 development standard or combination of standards that would  
40 prevent achieving a residential floor area ratio of up to 2.

1 (b) For purposes of this chapter, the distance of a  
2 transit-oriented housing development project from a  
3 transit-oriented development stop shall be measured in a straight  
4 line from the nearest edge of the parcel containing the proposed  
5 project to any point on the parcel or parcels that make up the  
6 property upon which a transit-oriented development stop is located.

7 ~~(b)~~

8 (c) A local government may still enact and enforce standards,  
9 including an inclusionary zoning requirement that applies generally  
10 within the jurisdiction, that do not, alone or in concert, prevent  
11 achieving the applicable development standards of subdivision  
12 (a).

13 ~~(c)~~

14 (d) A transit-oriented housing development project under this  
15 section ~~may receive additional density through~~ shall be eligible  
16 for a density bonus, incentives or concessions, waivers or  
17 reductions of development standards, and parking ratios pursuant  
18 to Section 65915 or a local density bonus program, using the  
19 density allowed under this section as the base density. If a  
20 development proposes a height under this section in excess of the  
21 local height limit, then a local government shall not be required  
22 to grant a waiver, incentive, or concession pursuant to Section  
23 65915 for additional height beyond that specified in this section,  
24 except as provided in subparagraph (D) of paragraph (2) of  
25 subdivision (d) of Section 65915.

26 ~~(d)~~

27 (e) Notwithstanding any other law, a transit-oriented housing  
28 development project that meets any of the eligibility criteria under  
29 subdivision (a) and is immediately adjacent to a Tier 1, Tier 2, or  
30 Tier 3 transit-oriented development stop shall be eligible for an  
31 adjacency intensifier to increase the height limit by an additional  
32 20 feet, the maximum density standard by an additional 40 dwelling  
33 units per acre, and the residential floor area ratio by 1.

34 ~~(e)~~

35 (f) A development proposed pursuant to this section shall comply  
36 with ~~the antidisplacement requirements of Section 66300.6.~~  
37 66300.6, including any local requirements or processes  
38 implementing the provisions of Section 66300.6. This subdivision  
39 shall apply to any city or county.

1 (g) A development proposed pursuant to this section shall  
2 comply with any applicable local demolition and antidisplacement  
3 standards established through a local ordinance.

4 (h) A development proposed pursuant to this section shall not  
5 be located on either of the following:

6 (1) A site containing more than two units where the development  
7 would require the demolition of housing that is subject to any form  
8 of rent or price control through a public entity's valid exercise of  
9 its police power that has been occupied by tenants within the past  
10 five years.

11 (2) A site that was previously used for more than two units of  
12 housing that were demolished within five years before the  
13 development proponent submits an application under this section  
14 and any of the units were subject to any form of rent or price  
15 control through a public entity's valid exercise of its police power.

16 ~~(f)~~

17 (i) A development proposed pursuant to this section shall include  
18 housing for lower income households ~~in one of the following ways:~~  
19 ~~by complying with one of the following requirements:~~

20 ~~(1) If there is a local inclusionary zoning ordinance or affordable~~  
21 ~~housing fee, it shall comply with the requirements of that ordinance~~  
22 ~~or fee.~~

23 ~~(2) (A) If there is no local inclusionary ordinance or affordable~~  
24 ~~housing fee, a development of more than 10 units shall meet the~~  
25 ~~requirements to qualify for a density bonus pursuant to subdivision~~  
26 ~~(b) of Section 65915 or a local ordinance.~~

27 (1) (A) Any of the following:

28 (i) At least 7 percent of the total units, as defined in  
29 subparagraph (A) of paragraph (9) of subdivision (o) of Section  
30 65915, are dedicated to extremely low income households, as  
31 defined in Section 50106 of the Health and Safety Code.

32 (ii) At least 10 percent of the total units, as defined in  
33 subparagraph (A) of paragraph (9) of subdivision (o) of Section  
34 65915, are dedicated to very low income households, as defined  
35 in Section 50105 of the Health and Safety Code.

36 (iii) At least 13 percent of the total units, as defined in  
37 subparagraph (A) of paragraph (9) of subdivision (o) of Section  
38 65915, are dedicated to lower income households, as defined in  
39 Section 50079.5 of the Health and Safety Code.

1 (B) This paragraph shall not apply to any development of 10  
2 units or less.

3 (2) *If a local inclusionary housing requirement mandates a*  
4 *higher percentage of affordable units or a deeper level of*  
5 *affordability than that described in paragraph (1), then the local*  
6 *inclusionary housing requirement mandate shall apply in place of*  
7 *the requirements in paragraph (1).*

8 ~~(g)~~

9 (j) For purposes of subdivision (j) of Section 65589.5, a  
10 proposed housing development project that is consistent with the  
11 applicable standards from this chapter shall be deemed consistent,  
12 compliant, and in conformity with an applicable plan, program,  
13 policy, ordinance, standard, requirement, or other similar provision.  
14 This subdivision shall not require a ministerial approval process  
15 or modify the requirements of Division 13 (commencing with  
16 Section 21000) of the Public Resources Code.

17 ~~(h)~~

18 (k) A local government that denies a housing development  
19 project meeting the requirements of this section that is located in  
20 a high-resource area shall be presumed to be in violation of the  
21 Housing Accountability Act (Section 65589.5) and immediately  
22 liable for penalties pursuant to subparagraph (B) of paragraph (1)  
23 of subdivision (k) of Section 65589.5, unless the local government  
24 demonstrates, pursuant to the standards in subdivisions (j) and (o)  
25 of Section 65589.5, that it has a health, life, or safety reason for  
26 denying the project.

27 65912.158. (a) Notwithstanding any other provision of this  
28 chapter, a transit agency may adopt objective standards for both  
29 residential and commercial developments proposed to be  
30 constructed on land owned by the transit agency or on which the  
31 transit agency has a permanent operating easement. These standards  
32 shall only apply for land that is either:

33 (1) Within one-half mile of a transit-oriented development stop,  
34 if the land was owned by the transit agency on or before January  
35 1, 2026.

36 (2) Adjacent to a transit-oriented development stop, as defined  
37 in this chapter.

38 (b) A local government shall not be required to approve any  
39 height limit under this section greater than the height limit specified  
40 in this chapter for development adjacent to the relevant tier of a

1 transit-oriented development stop. A transit agency shall not set a  
2 maximum height, density, or floor area ratio below that which  
3 would be allowed for the site under this chapter.

4 (c) The board of a transit agency may vote to designate a major  
5 transit stop served by the agency as a Tier 3 transit-oriented  
6 development stop for the purposes of this section.

7 65912.159. (a) A housing development project proposed  
8 pursuant to Section 65912.157 shall be eligible for streamlined  
9 ministerial approval pursuant to Section 65913.4 in accordance  
10 with all of the following:

11 (1) The proposed project shall be exempt from subparagraph  
12 (A) of paragraph (4) of, and paragraph (5) of, subdivision (a) of  
13 Section 65913.4.

14 (2) The proposed project shall comply with the affordability  
15 requirements in subclauses (I) to (III), inclusive, of clause (i) of  
16 subparagraph (B) of paragraph (4) of subdivision (a) of Section  
17 65913.4.

18 (3) The proposed project shall comply with all other  
19 requirements of Section 65913.4, including, but not limited to, the  
20 prohibition against a site that is within a very high fire hazard  
21 severity zone, pursuant to subparagraph (D) of paragraph (6) of  
22 subdivision (a) of Section 65913.4.

23 (b) Any housing development proposed pursuant to Section  
24 65912.157 not seeking streamlined approval under Section 65913.4  
25 shall be reviewed according to the jurisdiction's development  
26 review process and Section 65589.5, except that any local zoning  
27 standard conflicting with the requirements of this chapter shall not  
28 apply.

29 65912.160. (a) The department shall oversee compliance with  
30 this chapter, including, but not limited to, promulgating standards  
31 on how to account for capacity pursuant to this chapter in a city  
32 or county's inventory of land suitable for residential development,  
33 pursuant to Section 65583.2.

34 (b) The regional council of governments or metropolitan  
35 planning organization may create a map of transit-oriented  
36 development stops and zones designated under this chapter. This  
37 map shall have a rebuttable presumption of validity for use by  
38 project applicants and local governments.

39 (c) (1) A local government may enact an ordinance to make its  
40 zoning code consistent with the provisions of this chapter, subject

1 to review by the department pursuant to paragraph (3). The  
2 ordinance may designate areas within one-half mile of a  
3 transit-oriented development stop as exempt from the provisions  
4 of this chapter if the local government makes findings supported  
5 by substantial evidence that there exists no walking path of less  
6 than one mile from that location to the transit-oriented development  
7 stop.

8 (2) The ordinance described in paragraph (1) shall not be  
9 considered a project under Division 13 (commencing with Section  
10 21000) of the Public Resources Code.

11 (3) (A) A local government shall submit a copy of any  
12 ordinance enacted pursuant to this section to the department within  
13 60 days of enactment.

14 (B) Upon receipt of an ordinance pursuant to this paragraph,  
15 the department shall review that ordinance and determine whether  
16 it complies with this section. If the department determines that the  
17 ordinance does not comply with this section, the department shall  
18 notify the local government in writing and provide the local  
19 government a reasonable time, not to exceed 30 days, to respond  
20 before taking further action as authorized by this section.

21 (C) The local government shall consider any findings made by  
22 the department pursuant to subparagraph (B) and shall do one of  
23 the following:

24 (i) Amend the ordinance to comply with this section.

25 (ii) Enact the ordinance without changes. The local government  
26 shall include findings in its resolution adopting the ordinance that  
27 explain the reasons the local government believes that the  
28 ordinance complies with this section despite the findings of the  
29 department.

30 (D) If the local government does not amend its ordinance in  
31 response to the department's findings or does not adopt a resolution  
32 with findings explaining the reason the ordinance complies with  
33 this section and addressing the department's findings, the  
34 department shall notify the local government and may notify the  
35 Attorney General that the local government is in violation of this  
36 section.

37 65912.161. (a) A local government may enact a local  
38 transit-oriented development alternative plan as an amendment to  
39 the housing element and land use element of its general plan,  
40 subject to review by the department.

1 (1) (A) A local transit-oriented development alternative plan  
2 shall maintain at least the same total increase in feasible zoned  
3 capacity, in terms of both total units and residential floor area, as  
4 provided for in this chapter across all transit-oriented development  
5 zones within the jurisdiction.

6 (i) The plan shall not reduce the capacity in any transit-oriented  
7 development zone in total units or residential floor area by more  
8 than 50 percent.

9 (ii) The plan shall not reduce the maximum allowed density for  
10 any individual site on which the plan allows residential use by  
11 more than 50 percent below that permitted under this chapter.

12 (iii) A site's maximum feasible capacity counted toward the  
13 plan shall be not more than 200 percent of the maximum density  
14 established under this chapter.

15 (B) For the purposes of this paragraph, both of the following  
16 definitions apply:

17 (i) "Feasible" means capable of being accomplished in a  
18 successful manner within a reasonable period of time, taking into  
19 account economic, environmental, social, and technological factors.

20 (ii) "Transit-oriented development zone" means the eligible  
21 area around a qualifying transit-oriented development stop.

22 (2) A local transit-oriented development alternative plan may  
23 designate any other major transit stop or stop along a high-quality  
24 transit corridor that is not already identified as a transit-oriented  
25 development stop as a Tier 3 transit-oriented development stop.  
26 A local transit-oriented development plan consisting solely of  
27 adding additional major transit stops as transit-oriented  
28 development stops shall be exempt from the requirements of  
29 paragraph (4).

30 (3) A local transit-oriented development alternative plan may  
31 consist of an existing local transit-oriented zoning ordinance,  
32 overlay zone, specific plan, or zoning incentive ordinance, provided  
33 that it applies to all residential properties within the transit-oriented  
34 development area and provides at least the same total feasible  
35 capacity for units and floor area as Section 65912.157.

36 (4) Prior to enacting a local transit-oriented development  
37 alternative plan, the local government shall submit the draft plan  
38 to the department for review. The submission shall include any  
39 amendments to the local zoning ordinances, any applicable  
40 objective design standards that would apply to transit-oriented

1 developments, and assessments of the plan’s impact on  
 2 development feasibility and fair housing. The department shall  
 3 assess whether the plan maintains at least an equal feasible  
 4 developable housing capacity as the baseline established under  
 5 this section as well as the plan’s effects on fair housing relative to  
 6 the baseline established under this section, and shall recommend  
 7 changes to remove unnecessary constraints on housing from the  
 8 plan.

9 (b) Section 65912.157 shall not apply within a jurisdiction that  
 10 has a local transit-oriented alternative plan that has been approved  
 11 by the department as satisfying the requirements of this section in  
 12 effect. The department’s approval pursuant to this subdivision  
 13 shall be valid through the jurisdiction’s next amendment to the  
 14 housing element of its general plan.

15 65912.162. The Legislature finds and declares that the state  
 16 faces a housing crisis of availability and affordability, in large part  
 17 due to a severe shortage of housing, and solving the housing crisis  
 18 therefore requires a multifaceted, statewide approach, including,  
 19 but not limited to, encouraging an increase in the overall supply  
 20 of housing, encouraging the development of housing that is  
 21 affordable to households at all income levels, removing barriers  
 22 to housing production, expanding homeownership opportunities,  
 23 and expanding the availability of rental housing, and is a matter  
 24 of statewide concern and is not a municipal affair as that term is  
 25 used in Section 5 of Article XI of the California Constitution.  
 26 Therefore, this chapter applies to all cities, including charter cities.

27 SEC. 2. The provisions of this act are severable. If any  
 28 provision of this act or its application is held invalid, that invalidity  
 29 shall not affect other provisions or applications that can be given  
 30 effect without the invalid provision or application.

31 SEC. 3. No reimbursement is required by this act pursuant to  
 32 Section 6 of Article XIII B of the California Constitution because  
 33 a local government or school district has the authority to levy  
 34 service charges, fees, or assessments sufficient to pay for the  
 35 program or level of service mandated by this act, within the  
 36 meaning of Section 17556 of the Government Code.

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