

AMENDED IN ASSEMBLY JULY 8, 2025  
AMENDED IN ASSEMBLY JULY 7, 2025  
AMENDED IN ASSEMBLY JUNE 23, 2025  
AMENDED IN ASSEMBLY JUNE 16, 2025  
AMENDED IN SENATE MAY 29, 2025  
AMENDED IN SENATE MAY 28, 2025  
AMENDED IN SENATE MAY 13, 2025  
AMENDED IN SENATE APRIL 23, 2025  
AMENDED IN SENATE APRIL 9, 2025  
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 requires each local government to revise its housing element in accordance with a specified schedule.*

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. 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 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  $\frac{1}{2}$  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.~~

*Prior to the seventh revision of the housing element, this bill would not apply to any specified sites exempted by local ordinance, including a site that is covered by a local TOD alternative plan adopted by a local government pursuant to an ordinance. 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 plan to the department and authorize the department to review the plan for compliance, as specified. If the department finds the plan 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 and authorize the department to notify the Attorney General, as provided. For the seventh and subsequent revisions of the housing element, the bill would authorize a local government to enact the plan as an amendment to the housing element and land use element and would exempt a local government that has enacted the plan from the above-specified provisions. 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:

4  
5 CHAPTER 4.1.5. TRANSIT-ORIENTED DEVELOPMENT

6  
7 65912.155. The Legislature finds and declares all of the  
8 following:

9 (a) California faces a housing shortage both acute and chronic,  
10 particularly in areas with access to robust public transit  
11 infrastructure.

12 (b) Building more homes near transit access reduces housing  
13 and transportation costs for California families, and promotes  
14 environmental sustainability, economic growth, and reduced traffic  
15 congestion.

16 (c) Public transit systems require sustainable funding to provide  
17 reliable service, especially in areas experiencing increased density  
18 and ridership. The state does not invest in public transit service to  
19 the same degree as it does in roads, and the state funds a smaller  
20 proportion of the state's major transit agencies' operations costs  
21 than other states with comparable systems. Transit systems in other

1 countries derive significant revenue from transit-oriented  
2 development at and near their stations.

3 65912.156. For purposes of this chapter, the following  
4 definitions apply:

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

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

11 (c) “Department” means the Department of Housing and  
12 Community Development.

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

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

22 (f) “High-frequency commuter rail” means a commuter rail  
23 service operating a total of at least 48 trains per day across both  
24 directions at any point in the past three years.

25 (g) “High-resource area” means a highest resource or  
26 high-resource neighborhood opportunity area, as used in the  
27 opportunity area maps published annually by the California Tax  
28 Credit Allocation Committee and the department.

29 (h) “Housing development project” has the same meaning as  
30 defined in Section 65589.5.

31 (i) “Light rail transit” includes streetcar, trolley, and tramway  
32 service.

33 (j) “Net habitable square footage” means the finished and heated  
34 floor area fully enclosed by the inside surface of walls, windows,  
35 doors, and partitions, and having a headroom of at least six and  
36 one-half feet, including working, living, eating, cooking, sleeping,  
37 stair, hall, service, and storage areas, but excluding garages,  
38 carports, parking spaces, cellars, half-stories, and unfinished attics  
39 and basements.

1 (k) “Rail transit” has the same meaning as defined in Section  
2 99602 of the Public Utilities Code.

3 (l) “Residential floor area ratio” means the ratio of net habitable  
4 square footage dedicated to residential use to the area of the lot.

5 (m) “Tier 1 transit-oriented development stop” means a  
6 transit-oriented development stop within an urban transit county  
7 served by heavy rail transit or very high frequency commuter rail.

8 (n) “Tier 2 transit-oriented development stop” means a  
9 transit-oriented development stop within an urban transit county,  
10 excluding a Tier 1 transit-oriented development stop, served by  
11 light rail transit, by high-frequency commuter rail, or by bus service  
12 meeting the standards of paragraph (1) of subdivision (a) of Section  
13 21060.2 of the Public Resources Code.

14 (o) “Tier 3 transit-oriented development stop” means a  
15 transit-oriented development stop within an urban transit county,  
16 excluding a Tier 1 or Tier 2 transit-oriented development stop,  
17 served by frequent commuter rail service or by ferry service; or  
18 any transit-oriented development stop not within an urban transit  
19 county; or any major transit stop otherwise so designated by the  
20 applicable authority.

21 (p) “Transit-oriented development stop” means a major transit  
22 stop, as defined by Section 21155 of the Public Resources Code,  
23 served by heavy rail transit, very high frequency commuter rail,  
24 high frequency commuter rail, light rail transit, bus service meeting  
25 the standards of paragraph (1) of subdivision (a) of Section 21060.2  
26 of the Public Resources Code, frequent commuter rail service, or  
27 ferry service, or otherwise so designated by the applicable  
28 authority.

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

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

34 65912.157. (a) A housing development project shall be an  
35 allowed use as a transit-oriented housing development on any site  
36 zoned for residential, mixed, or commercial development within  
37 one-half or one-quarter mile of a transit-oriented development  
38 stop, if the development complies with the applicable of all of the  
39 following requirements:

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

(A) Includes at least five dwelling units.

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

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

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

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

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

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

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

(D) A development that achieves a minimum density of 90 dwelling units per acre and that otherwise meets the eligibility requirements of Section 65915, including, but not limited to, affordability requirements, shall be eligible for three additional concessions pursuant to Section 65915.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

36 (B) A local government shall not impose any maximum density  
37 standard of less than 80 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 2.5.

1 (D) A development that achieves a minimum density of 60  
2 dwelling units per acre and that otherwise meets the eligibility  
3 requirements of Section 65915, including, but not limited to,  
4 affordability requirements, shall be eligible for one additional  
5 concession pursuant to Section 65915.

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

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

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

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

17 (b) For purposes of this chapter, the distance of a transit-oriented  
18 housing development project from a transit-oriented development  
19 stop shall be measured in a straight line from the nearest edge of  
20 the parcel containing the proposed project to any point on the  
21 parcel or parcels that make up the property upon which a  
22 transit-oriented development stop is located.

23 (c) A local government may still enact and enforce standards,  
24 including an inclusionary zoning requirement that applies generally  
25 within the jurisdiction, that do not, alone or in concert, prevent  
26 achieving the applicable development standards of subdivision  
27 (a).

28 (d) A transit-oriented housing development project under this  
29 section shall be eligible for a density bonus, incentives or  
30 concessions, waivers or reductions of development standards, and  
31 parking ratios pursuant to Section 65915 or a local density bonus  
32 program, using the density allowed under this section as the base  
33 density. If a development proposes a height under this section in  
34 excess of the local height limit, then a local government shall not  
35 be required to grant a waiver, incentive, or concession pursuant to  
36 Section 65915 for additional height beyond that specified in this  
37 section, except as provided in subparagraph (D) of paragraph (2)  
38 of subdivision (d) of Section 65915.

39 (e) Notwithstanding any other law, a transit-oriented housing  
40 development project that meets any of the eligibility criteria under

subdivision (a) and is immediately adjacent to a Tier 1, Tier 2, or Tier 3 transit-oriented development stop shall be eligible for an adjacency intensifier to increase the height limit by an additional 20 feet, the maximum density standard by an additional 40 dwelling units per acre, and the residential floor area ratio by 1.

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

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

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

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

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

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

(1) (A) Any of the following:

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

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

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

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

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

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

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

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

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

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

(b) A local government shall not be required to approve any height limit under this section greater than the height limit specified in this chapter for development adjacent to the relevant tier of a transit-oriented development stop. A transit agency shall not set a

1 maximum height, density, or floor area ratio below that which  
2 would be allowed for the site under this chapter.

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

6 65912.159. (a) A housing development project proposed  
7 pursuant to Section 65912.157 shall be eligible for streamlined  
8 ministerial approval pursuant to Section 65913.4 in accordance  
9 with all of the following:

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

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

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

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

28 65912.160. (a) The department shall oversee compliance with  
29 this chapter, including, but not limited to, promulgating standards  
30 on how to account for capacity pursuant to this chapter in a city  
31 or county's inventory of land suitable for residential development,  
32 pursuant to Section 65583.2.

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

38 (c) (1) A local government may enact an ordinance to make its  
39 zoning code consistent with the provisions of this chapter, subject  
40 to review by the department pursuant to paragraph (3). The

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

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

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

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

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

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

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

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

36 ~~65912.161. (a) A local government may enact a local~~  
37 ~~transit-oriented development alternative plan as an amendment to~~  
38 ~~the housing element and land use element of its general plan,~~  
39 ~~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 *65912.161. (a) Prior to the seventh revision of the housing*  
16 *element, this chapter shall not apply to any site for which a local*  
17 *government has adopted an ordinance exempting any of the*  
18 *following:*

19 *(1) A site that has been identified by the local jurisdiction in*  
20 *the housing element rezoning program and for which the permitted*  
21 *density is no less than 50 percent of the density specified under*  
22 *subdivision (a) of Section 65912.157.*

23 *(2) (A) A site in a transit-oriented development zone identified*  
24 *to be upzoned in a local transit-oriented development program*  
25 *that has been adopted either through an ordinance or through a*  
26 *housing element amendment.*

27 *(B) This paragraph shall only apply to a transit-oriented*  
28 *development zone in which at least 33 percent of sites in the*  
29 *relevant transit-oriented development zone have been rezoned for*  
30 *densities that cumulatively allow for at least 75 percent of the*  
31 *aggregate density for the transit-oriented development zone*  
32 *specified under subdivision (a) of Section 65912.157.*

33 *(3) A site that is covered by a local transit-oriented development*  
34 *alternative plan adopted by a local government pursuant to an*  
35 *ordinance.*

36 *(A) A local transit-oriented development alternative plan shall*  
37 *maintain at least the same total increase in feasible zoned capacity,*  
38 *in terms of both total units and residential floor area, as provided*  
39 *for in this chapter, across all transit-oriented development zones*  
40 *within the jurisdiction.*



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

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

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

10    (B) *A local transit-oriented development alternative plan may*  
11 *designate any other major transit stop or stop along a high-quality*  
12 *transit corridor that is not already identified as a transit-oriented*  
13 *development stop as a Tier 3 transit-oriented development stop.*  
14 *A local transit-oriented development plan consisting solely of*  
15 *adding additional major transit stops as transit-oriented*  
16 *development stops shall be exempt from the requirements of*  
17 *subparagraph (D).*

18    (C) *A local transit-oriented development alternative plan may*  
19 *consist of an existing local transit-oriented zoning ordinance,*  
20 *overlay zone, specific plan, or zoning incentive ordinance, provided*  
21 *that it applies to all residential properties within the*  
22 *transit-oriented development zone and provides at least the same*  
23 *total feasible capacity for units and floor area as Section*  
24 *65912.157.*

25    (D) *A local government shall submit a copy of any ordinance*  
26 *passed pursuant to this paragraph and associated written findings*  
27 *adopted pursuant to this paragraph to the department within 60*  
28 *days after adoption. After adoption of an ordinance, the department*  
29 *may submit written findings to the local government as to whether*  
30 *the ordinance complies with this paragraph. The local government*  
31 *shall submit a copy of any existing ordinance adopted pursuant*  
32 *to this paragraph to the department within 60 days of the date this*  
33 *section becomes effective.*

34    (i) *The department may review the ordinance and associated*  
35 *written findings and if the department finds that the local*  
36 *government's ordinance does not comply with this paragraph, the*  
37 *department shall notify the local government and shall provide*  
38 *the local government with a reasonable time, not to exceed 30*  
39 *days, to respond to the findings before taking any other action*  
40 *authorized by this paragraph.*

1     (ii) *The local government shall consider any findings made by*  
2 *the department pursuant to clause (i) and shall do one of the*  
3 *following:*

4     (I) *Amend the ordinance to comply with this paragraph.*

5     (II) *Adopt the ordinance without changes. The local government*  
6 *shall include findings in its resolution adopting the ordinance that*  
7 *explain the reasons the local government believes that the*  
8 *ordinance complies with this paragraph despite the findings of the*  
9 *department.*

10    (iii) *If the local government does not amend its ordinance in*  
11 *response to the department's findings or does not adopt a*  
12 *resolution with findings explaining the reason the ordinance*  
13 *complies with this paragraph and addressing the department's*  
14 *findings, the department shall notify the local government and may*  
15 *notify the Attorney General that the local government is in violation*  
16 *of state law.*

17    (b) *For the seventh and subsequent revisions of the housing*  
18 *element, a local government may enact a local transit-oriented*  
19 *development alternative plan as an amendment to the housing*  
20 *element and land use element of its general plan, subject to review*  
21 *by the department.*

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

27    (A) *The plan shall not reduce the capacity in any transit-oriented*  
28 *development zone in total units or residential floor area by more*  
29 *than 50 percent.*

30    (B) *The plan shall not reduce the maximum allowed density for*  
31 *any individual site on which the plan allows residential use by*  
32 *more than 50 percent below that permitted under this chapter.*

33    (C) *A site's maximum feasible capacity counted toward the plan*  
34 *shall be not more than 200 percent of the maximum density*  
35 *established under this chapter.*

36    (2) *A local transit-oriented development alternative plan may*  
37 *designate any other major transit stop or stop along a high-quality*  
38 *transit corridor that is not already identified as a transit-oriented*  
39 *development stop as a Tier 3 transit-oriented development stop.*  
40 *A local transit-oriented development plan consisting solely of*

1 *adding additional major transit stops as transit-oriented*  
2 *development stops shall be exempt from the requirements of*  
3 *paragraph (4).*

4 *(3) A local transit-oriented development alternative plan may*  
5 *consist of an existing local transit-oriented zoning ordinance,*  
6 *overlay zone, specific plan, or zoning incentive ordinance, provided*  
7 *that it applies to all residential properties within the*  
8 *transit-oriented development zone and provides at least the same*  
9 *total feasible capacity for units and floor area as Section*  
10 *65912.157.*

11 *(4) Prior to enacting a local transit-oriented development*  
12 *alternative plan, the local government shall submit the draft plan*  
13 *to the department for review. The submission shall include any*  
14 *amendments to the local zoning ordinances, any applicable*  
15 *objective design standards that would apply to transit-oriented*  
16 *developments, and assessments of the plan's impact on*  
17 *development feasibility and fair housing. The department shall*  
18 *assess whether the plan maintains at least an equal feasible*  
19 *developable housing capacity as the baseline established under*  
20 *this subdivision as well as the plan's effects on fair housing relative*  
21 *to the baseline established under this subdivision, and shall*  
22 *recommend changes to remove unnecessary constraints on housing*  
23 *from the plan.*

24 *(5) Section 65912.157 shall not apply within a jurisdiction that*  
25 *has a local transit-oriented alternative plan that has been approved*  
26 *by the department as satisfying the requirements of this subdivision*  
27 *in effect. The department's approval pursuant to this subdivision*  
28 *shall be valid through the jurisdiction's next amendment to the*  
29 *housing element of its general plan.*

30 *(c) For the purposes of this section, the following definitions*  
31 *apply:*

32 *(1) "Feasible" means capable of being accomplished in a*  
33 *successful manner within a reasonable period of time, taking into*  
34 *account economic, environmental, social, and technological*  
35 *factors.*

36 *(2) "Transit-oriented development zone" means the eligible*  
37 *area around a qualifying transit-oriented development stop within*  
38 *a one-half mile radius of a transit oriented development stop.*

39 *65912.162. The Legislature finds and declares that the state*  
40 *faces a housing crisis of availability and affordability, in large part*

1 due to a severe shortage of housing, and solving the housing crisis  
2 therefore requires a multifaceted, statewide approach, including,  
3 but not limited to, encouraging an increase in the overall supply  
4 of housing, encouraging the development of housing that is  
5 affordable to households at all income levels, removing barriers  
6 to housing production, expanding homeownership opportunities,  
7 and expanding the availability of rental housing, and is a matter  
8 of statewide concern and is not a municipal affair as that term is  
9 used in Section 5 of Article XI of the California Constitution.  
10 Therefore, this chapter applies to all cities, including charter cities.

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

15 SEC. 3. No reimbursement is required by this act pursuant to  
16 Section 6 of Article XIII B of the California Constitution because  
17 a local government or school district has the authority to levy  
18 service charges, fees, or assessments sufficient to pay for the  
19 program or level of service mandated by this act, within the  
20 meaning of Section 17556 of the Government Code.