

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

Introduced by Senator Wiener

January 15, 2025

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, ~~proposed~~ 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 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 and to include housing for lower income households, as specified. The bill would also authorize a transit agency to adopt objective ~~standards~~ *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, if the easement and would only apply these standards for~~ *land that is either (A) within ½ mile of a TOD stop and the objective standards allow for the same or greater development intensity as allowed by local standards or applicable state law. 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 defined.~~ *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:

4

5 CHAPTER 4.1.5. TRANSIT-ORIENTED DEVELOPMENT

6

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

1 (a) California faces a housing shortage both acute and chronic,
2 particularly in areas with access to robust public transit
3 infrastructure.

4 (b) Building more homes near transit access reduces housing
5 and transportation costs for California families, and promotes
6 environmental sustainability, economic growth, and reduced traffic
7 congestion.

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

16 65912.156. For purposes of this chapter, the following
17 definitions apply:

18 (a) "Adjacent" means sharing a property line with a transit stop,
19 including any parcels that serve a parking or circulation purpose
20 related to the stop.

21 (b) "Commuter rail" means a rail transit service not meeting
22 the standards for heavy rail or light rail, excluding California
23 High-Speed Rail and Amtrak Long Distance Service.

24 (c) "Department" means the Department of Housing and
25 Community Development.

26 (d) "Frequent commuter rail" means a commuter rail service
27 with a total of at least 24 daily trains per weekday across both
28 directions and not meeting the standard for very high or
29 high-frequency commuter rail at any point in the past three years.

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

35 (f) "High-frequency commuter rail" means a commuter rail
36 service operating a total of at least 48 trains per day across both
37 directions at any point in the past three years.

38 (g) "High-resource area" means a highest resource or
39 high-resource neighborhood opportunity area, as used in the

1 opportunity area maps published annually by the California Tax
2 Credit Allocation Committee and the department.

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

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

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

14 (k) “Rail transit” has the same meaning as defined in Section
15 99602 of the Public Utilities Code.

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

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

21 (n) “Tier 2 transit-oriented development stop” means a
22 transit-oriented development stop within an urban transit county,
23 excluding a Tier 1 transit-oriented development stop, served by
24 light rail transit, by high-frequency commuter rail, or by bus service
25 meeting the standards of paragraph (1) of subdivision (a) of Section
26 21060.2 of the Public Resources Code.

27 (o) “Tier 3 transit-oriented development stop” means a
28 transit-oriented development stop within an urban transit county,
29 excluding a Tier 1 or Tier 2 transit-oriented development stop,
30 served by frequent commuter rail service or by ferry service; or
31 any transit-oriented development stop not within an urban transit
32 county; or any major transit stop otherwise so designated by the
33 applicable authority.

34 (p) “Transit-oriented development stop” means a major transit
35 stop, as defined by Section 21155 of the Public Resources Code,
36 served by heavy rail transit, very high frequency commuter rail,
37 high frequency commuter rail, light rail transit, bus service meeting
38 the standards of paragraph (1) of subdivision (a) of Section 21060.2
39 of the Public Resources Code, frequent commuter rail service, or

1 ferry service, or otherwise so designated by the applicable
2 authority.

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

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

8 65912.157. (a) A housing development project ~~within one-half~~
9 ~~or one-quarter mile of a transit-oriented development stop~~ shall
10 be an allowed use *as a transit-oriented housing development* on
11 any site zoned for residential, mixed, or commercial ~~development,~~
12 ~~development within one-half or one-quarter mile of a~~
13 ~~transit-oriented development stop,~~ if the development complies
14 with the applicable of all of the following requirements:

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

18 ~~(A) A development may be built up to 75 feet high, or up to the~~
19 ~~local height limit, whichever is greater.~~

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

22 (B) A local government shall not impose any maximum density
23 of less than 120 dwelling units per acre. ~~The development~~
24 ~~proponent may seek a further increased density in accordance with~~
25 ~~applicable density bonus law.~~

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

29 (D) A development that otherwise meets the eligibility
30 requirements of Section 65915, including, but not limited to,
31 affordability requirements, shall be eligible for three additional
32 concessions pursuant to Section 65915.

33 (2) For a ~~residential transit-oriented housing development~~
34 ~~project~~ further than one-quarter mile but within one-half mile of
35 a Tier 1 transit-oriented development stop, all of the following
36 apply:

37 ~~(A) A development may be built up to 65 feet high, or up to the~~
38 ~~local height limit, whichever is greater.~~

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

1 (B) A local government shall not impose any maximum density
2 standard of less than 100 dwelling units per acre. ~~The development~~
3 ~~proponent may seek a further increased density in accordance with~~
4 ~~applicable density bonus law.~~

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 3.

8 (D) A development that otherwise meets the eligibility
9 requirements of Section 65915, including, but not limited to,
10 affordability requirements, shall be eligible for two additional
11 concessions pursuant to Section 65915.

12 (3) For a ~~residential~~ *transit-oriented housing* development
13 *project* within one-quarter mile of a Tier 2 transit-oriented
14 development stop, all of the following apply:

15 ~~(A) A development may be built up to 65 feet high, or up to the~~
16 ~~local height limit, whichever is greater.~~

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

19 (B) A local government shall not impose any maximum density
20 standard of less than 100 dwelling units per acre. ~~The development~~
21 ~~proponent may seek a further increased density in accordance with~~
22 ~~applicable density bonus law.~~

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 3.

26 (D) A development that otherwise meets the eligibility
27 requirements of Section 65915, including, but not limited to,
28 affordability requirements, shall be eligible for two additional
29 concessions pursuant to Section 65915.

30 (4) For a ~~residential~~ *transit-oriented housing* development
31 *project* further than one-quarter mile but within one-half mile of
32 a Tier 2 transit-oriented development stop, all of the following
33 apply:

34 ~~(A) A development may be built up to 55 feet high, or up to the~~
35 ~~local height limit, whichever is greater.~~

36 (A) *A local government shall not impose any height limit less*
37 *than 55 feet.*

38 (B) A local government shall not impose any maximum density
39 standard of less than 80 dwelling units per acre. ~~The development~~

1 ~~proponent may seek a further increased density in accordance with~~
2 ~~applicable density bonus law.~~

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

6 (D) A development that otherwise meets the eligibility
7 requirements of Section 65915, including, but not limited to,
8 affordability requirements, shall be eligible for one additional
9 concession pursuant to Section 65915.

10 (5) For a ~~residential transit-oriented housing~~ development
11 ~~project~~ within one-quarter mile of a Tier 3 transit-oriented
12 development stop, all of the following apply:

13 ~~(A) A development may be built up to 55 feet high, or up to the~~
14 ~~local height limit, whichever is greater.~~

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

17 (B) A local government shall not impose any maximum density
18 standard of less than 80 dwelling units per acre. ~~The development~~
19 ~~proponent may seek a further increased density in accordance with~~
20 ~~applicable density bonus law.~~

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 otherwise meets the eligibility
25 requirements of Section 65915, including, but not limited to,
26 affordability requirements, shall be eligible for one additional
27 concession pursuant to Section 65915.

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

32 ~~(A) A development within an urban transit county may be built~~
33 ~~up to 45 feet high, or up to the local height limit, whichever is~~
34 ~~greater. A development not within an urban transit county may be~~
35 ~~built up to the local height limit.~~

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

39 (B) A local government shall not impose any maximum density
40 standard of less than 60 dwelling units per acre. ~~The development~~

1 ~~proponent may seek a further increased density in accordance with~~
2 ~~applicable density bonus law.~~

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

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

10 (a).

11 (c) *A transit-oriented housing development project under this*
12 *section may receive additional density through Section 65915 or*
13 *a local density bonus program, using the density allowed under*
14 *this section as the base density.* If a development proposes a height
15 under this section in excess of the local height limit, then a local
16 government shall not be required to grant a waiver, incentive, or
17 concession pursuant to Section 65915 for additional height beyond
18 that specified in this section, except as provided in subparagraph
19 (D) of paragraph (2) of subdivision (d) of Section 65915.

20 (d) Notwithstanding any other law, a ~~housing~~ *transit-oriented*
21 *housing* development project that meets any of the eligibility
22 criteria under subdivision (a) and is immediately adjacent to a Tier
23 1, Tier 2, or Tier 3 transit-oriented development stop shall be
24 eligible for an adjacency intensifier to increase the height limit by
25 an additional 20 feet, the maximum density standard by an
26 additional 40 dwelling units per acre, and the residential floor area
27 ratio by 1.

28 (e) A development proposed pursuant to this section shall
29 comply with the antidisplacement requirements of Section 66300.6.
30 This subdivision shall apply to any city or county.

31 (f) A development proposed pursuant to this section shall include
32 housing for lower income households in one of the following ways:

33 (1) If there is a local inclusionary zoning ordinance or affordable
34 housing fee, it shall comply with the requirements of that ordinance
35 or fee.

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

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

(g) 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.

(h) 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, if the easement. *These standards shall only apply for land that is within either:*

(1) Within one-half mile of a transit-oriented development stop and the objective standards allow for the same or greater development intensity as that allowed by local standards or applicable state law; 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 maximum height, density, or floor area ratio below that which would be allowed for the site under this chapter.

~~(b)~~

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

4 65912.159. (a) A housing development project proposed
5 pursuant to Section 65912.157 shall be eligible for streamlined
6 ministerial approval pursuant to Section 65913.4 in accordance
7 with all of the following:

8 (1) The proposed project shall be exempt from subparagraph
9 (A) of paragraph (4) of, *and* paragraph (5) of, ~~and clause (iv) of~~
10 ~~subparagraph (A) of paragraph (6) of~~, subdivision (a) of Section
11 65913.4.

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

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

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

27 65912.160. (a) The department shall oversee compliance with
28 this chapter, including, but not limited to, promulgating standards
29 on how to account for capacity pursuant to this chapter in a city
30 or county's inventory of land suitable for residential development,
31 pursuant to Section 65583.2.

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

37 (c) (1) A local government may enact an ordinance to make its
38 zoning code consistent with the provisions of this chapter, subject
39 to review by the department pursuant to paragraph (3). *The*
40 *ordinance may designate areas within one-half mile of a*

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

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

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

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

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

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

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

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

35 65912.161. (a) A local government may enact a local
36 transit-oriented development alternative plan as an amendment to
37 the housing element and land use element of its general plan,
38 subject to review by the department.

39 (1) (A) A local transit-oriented development alternative plan
40 shall maintain at least the same total increase in feasible zoned

1 capacity, in terms of both total units and residential floor area, as
2 provided for in this chapter across all transit-oriented development
3 zones within the jurisdiction.

4 (i) The plan shall not reduce the capacity in any ~~station area,~~
5 *transit-oriented development zone* in total units or residential floor
6 ~~area,~~ *area* by more than 50 percent.

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

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

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

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

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

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

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

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

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

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

14 65912.162. The Legislature finds and declares that the state
15 faces a housing crisis of availability and affordability, in large part
16 due to a severe shortage of housing, and solving the housing crisis
17 therefore requires a multifaceted, statewide approach, including,
18 but not limited to, encouraging an increase in the overall supply
19 of housing, encouraging the development of housing that is
20 affordable to households at all income levels, removing barriers
21 to housing production, expanding homeownership opportunities,
22 and expanding the availability of rental housing, and is a matter
23 of statewide concern and is not a municipal affair as that term is
24 used in Section 5 of Article XI of the California Constitution.
25 Therefore, this chapter applies to all cities, including charter cities.

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

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