

Introduced by Senator Wiener

January 15, 2025

An act relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 79, as introduced, Wiener. Planning and zoning: housing development: transit-oriented development.

Existing law, the Planning and Zoning Law, requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. Under existing law, a part of the housing element is an assessment of housing needs, which includes the locality's share of the regional housing need. Under existing law, the appropriate council of local governments, or for cities without a council of governments, the Department of Housing and Community Development, adopts a final regional housing need plan that allocates a share of the regional housing need to each locality in the region. Existing law requires the Board of Directors of the San Francisco Bay Area Rapid Transit District to adopt by ordinance transit-oriented development (TOD) zoning standards for each station that establish minimum zoning requirements for height, density, parking, and floor area ratio that apply to an eligible TOD project, as provided, and authorizes developers of certain eligible TOD projects to submit an application for a development that is subject to a specified streamlined, ministerial approval process, as provided.

This bill would declare the intent of the Legislature to enact legislation that would make housing more affordable for California families, reduce greenhouse gas emissions, and enhance public transit systems by, among other things, requiring the upzoning of land near rail stations and rapid

bus lines to encourage transit-oriented development. The bill would make related findings and declarations.

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

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

1 SECTION 1. (a) It is the intent of the Legislature to enact
2 legislation that makes housing more affordable for California
3 families, reduces greenhouse gas emissions, and enhances public
4 transit systems.

5 (b) Specifically, it is the intent of the Legislature that the
6 legislation described in subdivision (a) do all of the following:

7 (1) Require the upzoning of land near rail stations and rapid bus
8 lines to encourage transit-oriented development.

9 (2) Ensure that the degree of upzoning is proportional to the
10 capacity of the adjacent transit network and the distance to transit
11 stations, thereby maximizing the use of public transit infrastructure.

12 (3) Integrate upzoning provisions into local jurisdictions'
13 housing elements to align with statewide housing goals and
14 promote compliance with the regional housing need allocation
15 process.

16 (4) Support transit agencies in increasing and diversifying their
17 revenue sources beyond existing public subsidies and fare revenue
18 either in this bill or in subsequent legislation, ensuring sustainable
19 funding for operational and capital improvements necessary to
20 meet increased demand resulting from upzoning initiatives.

21 SEC. 2. (a) The Legislature finds and declares the following:

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

25 (2) Building more homes near transit access reduces housing
26 and transportation costs for California families, and promotes
27 environmental sustainability, economic growth, and reduced traffic
28 congestion.

29 (3) Public transit systems require sustainable funding to provide
30 reliable service, especially in areas experiencing increased density
31 and ridership. The state does not invest in public transit service to
32 the same degree as it does in roads, and the state funds a smaller

1 proportion of the state’s major transit agencies’ operations costs
2 than other states with comparable systems.

3 (b) Therefore, it is the intent of the Legislature to address these
4 challenges by enacting legislation to do the following:

5 (1) Establishing a framework for transit-based upzoning that is
6 sensitive to the capacity of existing and planned transit
7 infrastructure.

8 (2) Supporting local jurisdictions in integrating these upzoning
9 requirements into their housing elements as part of their general
10 plans.

11 (3) Allowing local jurisdictions to be exempt from the upzoning
12 provisions if they adopt higher intensity or more permissive zoning
13 standards than those set by state law.

14 (4) Ensuring that all eligible parcels may also benefit from the
15 streamlining provisions under Section 65913.4 of the Government
16 Code, provided they meet the labor, environmental, and other
17 relevant standards outlined in the statute.

18 (5) Granting transit agencies the authority to set residential and
19 commercial zoning standards on properties they own or have a
20 permanent operating easement on, provided that the residential
21 and commercial zoning standards are higher intensity and more
22 permissive than the zoning standards set by the local government.

23 SEC. 3. In enacting the legislation described in Section 1, it is
24 further the intent of the Legislature to do the following:

25 (a) Consult with local governments, regional planning agencies,
26 transit operators, housing advocates, environmental groups, and
27 other stakeholders to develop effective and equitable upzoning
28 criteria.

29 (b) Require local jurisdictions to adopt and implement these
30 transit-based upzoning policies in a timely and effective manner.

31 (c) Monitor and evaluate the outcomes of transit-based upzoning
32 policies to ensure alignment with the state’s housing,
33 environmental, and transportation goals.