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SENATE BILL

No. 79

Introduced by Senator Wiener

(Principal coauthor: Assembly Member Wicks)
(Coauthors: Assembly Members Haney and Lee)

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 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, *beginning on January 1, 2027, as provided. These provisions would not apply to a local agency until July 1, 2026, except as specified.* 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. *agency's board of directors to adopt transit-oriented development zoning standards for district-owned real property located in a transit-oriented development zone, which establish minimum zoning requirements for an agency TOD project, as specified.*

~~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.~~

Prior to the 7th revision of the housing element, this bill would not apply to specified sites, including a site that is covered by a local TOD alternative plan, as defined, adopted by a local government. For the 7th and subsequent revisions of the housing element, the bill would authorize a local government to include a local TOD alternative plan its housing element or adopt an alternative plan by ordinance, as specified. The bill would exempt a jurisdiction that has adopted a compliant local TOD alternative plan from the above provisions, as specified.

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 provisions and require the department to promulgate standards relating to the on how to account for capacity pursuant to these provisions in the inventory of land included within a county's or city's housing element. element, as specified. The bill would authorize the regional council of governments or metropolitan planning organization to create a map of designated TOD stops and zones, zones in accordance with these standards, 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.

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

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

13 65912.156. For purposes of this chapter, the following
14 definitions apply:

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

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

21 (c) "Department" means the Department of Housing and
22 Community Development.

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

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

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

35 (g) "High-resource area" means a highest resource or
36 high-resource neighborhood opportunity area, as used in the
37 opportunity area maps published annually by the California Tax
38 Credit Allocation Committee and the department.

39 (h) "Housing development project" has the same meaning as
40 defined in Section 65589.5.

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

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

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

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

(m) *“Transit-oriented development zone” means the area within a one-half mile of a transit oriented development stop.*

~~(m)~~

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

~~(n)~~

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

~~(o)~~

(p) “Tier 3 transit-oriented development stop” means a transit-oriented development stop within an urban transit county, excluding a Tier 1 or Tier 2 transit-oriented development stop, served by frequent commuter rail service or by ferry service; or any transit-oriented development stop not within an urban transit county; *county, except a transit-oriented development stop served solely by bus transit; or any major transit stop otherwise so designated by the applicable authority. local government.*

~~(p)~~

(q) “Transit-oriented development stop” means a major transit stop, as defined by Section 21155 of the Public Resources Code, served by heavy rail transit, very high frequency commuter rail, high frequency commuter rail, light rail transit, bus service meeting

1 the standards of paragraph (1) of subdivision (a) of Section 21060.2
2 of the Public Resources Code, frequent commuter rail service, or
3 ferry service, or otherwise so designated by the ~~applicable~~
4 ~~authority~~. *local government*.

5 ~~(q)~~

6 (r) “Urban transit county” means a county with more than 15
7 *passenger* rail stations.

8 ~~(r)~~

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

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

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

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

38 (D) A development that achieves a minimum density of 90
39 dwelling units per acre and that otherwise meets the eligibility
40 requirements of Section 65915, including, but not limited to,

1 affordability requirements, shall be eligible for three additional
2 concessions pursuant to Section 65915.

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

35 (b) For purposes of this chapter, the distance of a transit-oriented
36 housing development project from a transit-oriented development
37 stop shall be measured in a straight line from the nearest edge of
38 the parcel containing the proposed project to any point on the
39 parcel or parcels that make up the property upon which a
40 transit-oriented development stop is located.

1 (c) A local government may still enact and enforce standards,
2 including an inclusionary zoning requirement that applies generally
3 within the jurisdiction, that do not, alone or in concert, prevent
4 achieving the applicable development standards of subdivision
5 (a).

6 (d) A transit-oriented housing development project under this
7 section shall be eligible for a density bonus, incentives or
8 concessions, waivers or reductions of development standards, and
9 parking ratios pursuant to Section 65915 or a local density bonus
10 program, using the density allowed under this section as the base
11 density. If a development proposes a height under this section in
12 excess of the local height limit, then a local government shall not
13 be required to grant a waiver, incentive, or concession pursuant to
14 Section 65915 for additional height beyond that specified in this
15 section, except as provided in subparagraph (D) of paragraph (2)
16 of subdivision (d) of Section 65915.

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

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

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

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

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

38 (2) A site that was previously used for more than two units of
39 housing that were demolished within five years before the
40 development proponent submits an application under this section

1 and any of the units were subject to any form of rent or price
2 control through a public entity's valid exercise of its police power.

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

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

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

11 (ii) At least 10 percent of the total units, as defined in
12 subparagraph (A) of paragraph (9) of subdivision (o) of Section
13 65915, are dedicated to very low income households, as defined
14 in Section 50105 of the Health and Safety Code.

15 (iii) At least 13 percent of the total units, as defined in
16 subparagraph (A) of paragraph (9) of subdivision (o) of Section
17 65915, are dedicated to lower income households, as defined in
18 Section 50079.5 of the Health and Safety Code.

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

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

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

34 (k) ~~A~~ *Beginning on January 1, 2027, a* local government that
35 denies a housing development project meeting the requirements
36 of this section that is located in a high-resource area shall be
37 presumed to be in violation of the Housing Accountability Act
38 (Section 65589.5) and immediately liable for penalties pursuant
39 to subparagraph (B) of paragraph (1) of subdivision (k) of Section
40 65589.5, unless the local government demonstrates, pursuant to

1 the standards in subdivisions (j) and (o) of Section 65589.5, that
2 it has a health, life, or safety reason for denying the project.

3 *(l) This section shall not apply to a local agency until July 1,*
4 *2026, unless the local agency adopts an ordinance or local*
5 *transit-oriented development alternative plan deemed compliant*
6 *by the department before July 1, 2026.*

7 ~~65912.158.— (a) Notwithstanding any other provision of this~~
8 ~~chapter, a transit agency may adopt objective standards for both~~
9 ~~residential and commercial developments proposed to be~~
10 ~~constructed on land owned by the transit agency or on which the~~
11 ~~transit agency has a permanent operating easement. These standards~~
12 ~~shall only apply for land that is either:~~

13 ~~(1) Within one-half mile of a transit-oriented development stop,~~
14 ~~if the land was owned by the transit agency on or before January~~
15 ~~1, 2026.~~

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

18 ~~(b) A local government shall not be required to approve any~~
19 ~~height limit under this section greater than the height limit specified~~
20 ~~in this chapter for development adjacent to the relevant tier of a~~
21 ~~transit-oriented development stop. A transit agency shall not set a~~
22 ~~maximum height, density, or floor area ratio below that which~~
23 ~~would be allowed for the site under this chapter.~~

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

27 ~~65912.158. (a) For the purposes of this section, “agency~~
28 ~~transit-oriented development project” means a housing~~
29 ~~development project or mixed use residential project that meets~~
30 ~~all of the following requirements:~~

31 ~~(1) A minimum of 50 percent of the total square footage of the~~
32 ~~project is dedicated to residential purposes.~~

33 ~~(2) A minimum of 20 percent of the total number of units shall~~
34 ~~be restricted for the affordable lower income households and shall~~
35 ~~be subject to a recorded affordability restriction for at least 55~~
36 ~~years in the case of rental units in the case of owner occupied~~
37 ~~units, unless a local ordinance or the terms of federal, state, or~~
38 ~~local tax credit, or other project financing requires a longer period~~
39 ~~of affordability.~~

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

4 (4) *The parcel or parcels on which the project is located is an*
5 *infill site, as define in Section 21061.3 of the Public Resources*
6 *Code.*

7 (5) *The transit-oriented development parcels on which the*
8 *transit-oriented development project would be located was not*
9 *acquired through eminent domain on or after July 1, 2025.*

10 (6) *The parcels on which the transit-oriented development*
11 *project would be located are owned by the agency and either:*

12 (A) *The parcels are adjacent to a transit-oriented development*
13 *stop for which the agency operates service, or form a contiguous*
14 *area adjacent to such a transit-oriented development stop.*

15 (B) *At least 75 percent of the project area is located within*
16 *one-half mile of a transit-oriented development stop for which the*
17 *agency operates service or plans to provide service and was owned*
18 *by the agency on or before January 1, 2026.*

19 (b) (1) *A transit agency's board of directors may adopt by*
20 *resolution transit-oriented development zoning standards for*
21 *district-owned real property located in a transit oriented*
22 *development zone. These standards shall establish minimum local*
23 *zoning requirements for height, density, floor area ratio, and*
24 *allowed uses, that shall apply to an agency transit-oriented*
25 *development project, that shall be consistent with Section*
26 *65912.157.*

27 (2) *Adopted transit-oriented development zoning standards shall*
28 *establish, for each transit station, the lowest permissible limit for*
29 *height, density, and floor area ratio, and a list of approved*
30 *residential, retail, and commercial uses.*

31 (3) *The transit-oriented development zoning standards adopted*
32 *by the board of directors shall not assign a lowest permissible*
33 *density or floor area ratio below the level permitted under Section*
34 *65912.157, and shall not prohibit residential use.*

35 (4) *The transit-oriented development zoning standards shall*
36 *not establish density standards that exceed 200 percent of the*
37 *maximum density established in Section 65912.157.*

38 (c) *The adoption of, and amendments to, the transit-oriented*
39 *development zoning standards shall comply with all of the*
40 *following:*

1 *(1) The transit agency shall hold a public hearing to receive*
2 *public comment on the proposed transit-oriented development*
3 *zoning standards or proposed changes to the transit-oriented*
4 *development zoning standards. The transit agency shall conduct*
5 *direct outreach to relevant local governments and to communities*
6 *of concern around each station. Before or during the scoping*
7 *meeting, the transit agency shall meet with each local government*
8 *in which the station is located, as well as any relevant*
9 *infrastructure agencies. The consultation required pursuant to*
10 *this section shall include all of the following:*

11 *(A) A review of the housing needs of the jurisdiction.*

12 *(B) A review of the transit-oriented development approved and*
13 *built in the past year in the jurisdiction.*

14 *(C) A review of any transit-oriented development projects*
15 *proposed by the transit agency in the jurisdiction for the past year.*

16 *(D) A discussion of any obstacles to development of any project*
17 *proposed by the transit agency.*

18 *(2) Not less than 30 days before a public hearing of the board*
19 *to consider the transit-oriented development zoning standards, the*
20 *transit agency shall provide public notice and make the draft*
21 *standards available to the public.*

22 *(3) The board shall adopt or reject any proposed transit-oriented*
23 *development zoning standards at a publicly noticed meeting of the*
24 *board not less than 30 days following the original public hearing.*

25 *(d) Where local zoning is inconsistent with the transit-oriented*
26 *development zoning standards for a station, the local jurisdiction*
27 *shall adopt a local zoning ordinance that conforms to the*
28 *transit-oriented development zoning standards and is operative*
29 *within two years of the date that the transit-oriented development*
30 *zoning standards are adopted by the board for a station.*

31 *(e) (1) A local government shall not be required to approve*
32 *any height limit in excess of the standard for development adjacent*
33 *to the transit oriented development stop under Section 65912.157.*

34 *(2) The transit agency shall make a finding as to whether the*
35 *local zoning ordinance conforms to the transit-oriented*
36 *development zoning standards. Local zoning shall remain in place*
37 *unless the transit agency determines that it does not conform to*
38 *the transit-oriented development zoning standards. If, according*
39 *to the transit agency's finding, the local zoning ordinance does*
40 *not conform to the transit-oriented development zoning standards*

1 after two years of the date that the transit-oriented development
2 zoning standards are adopted by the board for that station, the
3 transit-oriented development zoning standards shall become the
4 local zoning for any district-owned parcels that are eligible under
5 this section, except for any height limit in excess of the standard
6 for development adjacent to the transit-oriented development stop
7 under Section 65912.157. For each station, a local jurisdiction
8 may update zoning for transit agency-owned land to comply with
9 transit-oriented development zoning standards until the time that
10 the transit agency enters into an exclusive negotiating agreement
11 with a developer for an agency transit-oriented development
12 project.

13 (f) (1) The transit agency's approval of transit-oriented
14 development zoning standards shall be subject to review under
15 the California Environmental Quality Act (Division 13
16 (commencing with Section 21000) of the Public Resources Code).
17 The district shall serve as the lead agency for California
18 Environmental Quality Act review for transit-oriented development
19 zoning standards.

20 (2) Any subsequent California Environmental Quality Act review
21 of rezoning to conform with transit-oriented development zoning
22 standards, and of eligible transit-oriented development projects
23 proposed and on district-owned land, shall incorporate the
24 environmental review document certified for the transit-oriented
25 development zoning standards consistent with Section 21094 of
26 the Public Resources Code. A transit agency shall not prepare an
27 environmental impact report or mitigated negative declaration for
28 rezoning pursuant to paragraph (2) of subdivision (e) to implement
29 transit-oriented development zoning standards or for a
30 transit-oriented development project subsequent to the transit
31 agency's certification of an environmental review document for
32 approval of transit-oriented development zoning standards unless
33 the public agency finds, based on substantial evidence, that the
34 rezoning or transit-oriented development project creates a
35 significant effect on the environment that was not analyzed in the
36 prior environmental review document, and mitigated or avoided.

37 (g) In the event that the transit-oriented development zoning
38 standards, objective planning standards, general plan, or design
39 review standards are mutually inconsistent, the transit-oriented
40 development zoning standards shall be the controlling standards.

1 *To the extent that the zoning standards do not resolve*
2 *inconsistencies, the general plan shall be the controlling standard.*

3 *(h) Zoning in effect as a result of this section shall be considered*
4 *the same as locally approved zoning for all purposes, including*
5 *the Density Bonus Law and the Housing Accountability Act.*

6 *(i) Any agency transit-oriented development project shall comply*
7 *with the antidisplacement requirements of Section 66300.6.*

8 *(j) A local government shall not be required to approve any*
9 *height limit under this section greater than the height limit specified*
10 *in this chapter for development adjacent to the relevant tier of a*
11 *transit-oriented development stop. A transit agency shall not set*
12 *a maximum height, density, or floor area ratio below that which*
13 *would be allowed for the site under this chapter.*

14 *(k) If nonresidential development is included in an agency*
15 *transit-oriented development project, at least 25 percent of the*
16 *total planned units affordable to lower income households shall*
17 *be made available for lease or sale and permitted for use and*
18 *occupancy before or at the same time with every 25 percent of*
19 *nonresidential development made available for lease or sale and*
20 *permitted for use and occupancy.*

21 65912.159. (a) A housing development project proposed
22 pursuant to Section 65912.157 shall be eligible for streamlined
23 ministerial approval pursuant to Section 65913.4 in accordance
24 with all of the following:

25 (1) The proposed project shall be exempt from subparagraph
26 (A) of paragraph (4) of, and paragraph (5) of, subdivision (a) of
27 Section 65913.4.

28 (2) The proposed project shall comply with the affordability
29 requirements in subclauses (I) to (III), inclusive, of clause (i) of
30 subparagraph (B) of paragraph (4) of subdivision (a) of Section
31 65913.4.

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

37 (b) Any housing development proposed pursuant to Section
38 65912.157 not seeking streamlined approval under Section 65913.4
39 shall be reviewed according to the jurisdiction's development
40 review process and Section 65589.5, except that any local zoning

1 standard conflicting with the requirements of this chapter shall not
2 apply.

3 65912.160. (a) The department shall oversee compliance with
4 this chapter, including, but not limited to, promulgating standards
5 on how to account for capacity pursuant to this chapter in a city
6 or county's inventory of land suitable for residential development,
7 pursuant to Section 65583.2. *chapter.*

8 ~~(b) The regional council of governments or metropolitan~~
9 ~~planning organization may create a map of transit-oriented~~
10 ~~development stops and zones designated under this chapter. This~~
11 ~~map shall have a rebuttable presumption of validity for use by~~
12 ~~project applicants and local governments.~~

13 *(b) The department shall promulgate standards on how to*
14 *account for capacity pursuant to this chapter in a city or county's*
15 *inventory of land suitable for residential development pursuant to*
16 *Section 65583.2, no later than July 1, 2026.*

17 (c) (1) A local government may enact an ordinance to make its
18 zoning code consistent with the provisions of this chapter, subject
19 to review by the department pursuant to ~~paragraph (3).~~ The
20 ordinance may designate areas within one-half mile of a
21 transit-oriented development stop as exempt from the provisions
22 of this chapter if the local government makes findings supported
23 by substantial evidence that there exists no walking path of less
24 than one mile from that location to the transit-oriented development
25 stop. *subdivision (d).*

26 (2) The ordinance described in paragraph (1) shall not be
27 considered a project under Division 13 (commencing with Section
28 21000) of the Public Resources Code.

29 *(d) If a local government adopts an ordinance to come into*
30 *compliance with this section, the following provisions shall apply:*

31 ~~(3) (A)–~~

32 *(1) A local government shall submit a copy of any ordinance*
33 *enacted pursuant to this section to the department within 60 days*
34 *of enactment.*

35 ~~(B) Upon receipt of an ordinance pursuant to this paragraph,~~
36 ~~the department shall review that ordinance and determine whether~~
37 ~~it complies with this section.~~

38 *(2) The department shall, within 60 days, review the enacted*
39 *ordinance, make a finding as to whether the enacted ordinance is*
40 *in substantial compliance with this section, and report that finding*

1 *to the local government. If the department does not provide written*
2 *findings to the local government within 60 days the ordinance*
3 *shall be deemed compliant with this section.*

4 (3) If the department determines that the ordinance does not
5 comply with this section, the department shall notify the local
6 government ~~in writing and~~ *writing. The department shall provide*
7 *the local government a reasonable time, not to exceed 30 days, to*
8 *respond before taking further action as authorized by this section.*

9 ~~(C)~~

10 (4) The local government shall consider any findings made by
11 the department pursuant to ~~subparagraph (B)~~ *paragraph (3)* and
12 *shall do one of the following:*

13 ~~(i)~~

14 (A) Amend the ordinance to comply with this section.

15 ~~(ii)~~

16 (B) Enact the ordinance without changes. The local government
17 shall include findings in its resolution adopting the ordinance that
18 explain the reasons the local government believes that the
19 ordinance complies with this section despite the findings of the
20 department.

21 ~~(D)~~

22 (5) If the local government does not amend its ordinance in
23 response to the department's findings or does not adopt a resolution
24 with findings explaining the reason the ordinance complies with
25 this section and addressing the department's findings, the
26 department shall notify the local government and may notify the
27 Attorney General that the local government is in violation of this
28 section.

29 (e) *The ordinance may designate areas within one-half mile of*
30 *a transit-oriented development stop as exempt from the provisions*
31 *of this chapter if the local government makes findings supported*
32 *by substantial evidence that there exists no walking path of less*
33 *than one mile from that location to the transit-oriented development*
34 *stop.*

35 (f) *The metropolitan planning organization shall create a map*
36 *of transit oriented development stops and zones designated under*
37 *this chapter, in accordance with the department's guidance*
38 *pursuant to subdivision (b). This map shall have rebuttable*
39 *presumption of validity for use by project applicants and local*
40 *governments.*

1 ~~65912.161.— (a) Prior to the seventh revision of the housing~~
2 ~~element, this chapter shall not apply to any site for which a local~~
3 ~~government has adopted an ordinance exempting any of the~~
4 ~~following:~~

5 ~~(1) A site that has been identified by the local jurisdiction in~~
6 ~~the housing element rezoning program and for which the permitted~~
7 ~~density is no less than 50 percent of the density specified under~~
8 ~~subdivision (a) of Section 65912.157.~~

9 ~~(2) (A) A site in a transit-oriented development zone identified~~
10 ~~to be upzoned in a local transit-oriented development program that~~
11 ~~has been adopted either through an ordinance or through a housing~~
12 ~~element amendment.~~

13 ~~(B) This paragraph shall only apply to a transit-oriented~~
14 ~~development zone in which at least 33 percent of sites in the~~
15 ~~relevant transit-oriented development zone have been rezoned for~~
16 ~~densities that cumulatively allow for at least 75 percent of the~~
17 ~~aggregate density for the transit-oriented development zone~~
18 ~~specified under subdivision (a) of Section 65912.157.~~

19 ~~(3) A site that is covered by a local transit-oriented development~~
20 ~~alternative plan adopted by a local government pursuant to an~~
21 ~~ordinance.~~

22 ~~(A) 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 ~~(i) 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 ~~(ii) 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 ~~(iii) A site's maximum feasible capacity counted toward the~~
34 ~~plan shall be not more than 200 percent of the maximum density~~
35 ~~established under this chapter.~~

36 ~~(B) 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 subparagraph (D):

4 (C) 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 transit-oriented
8 development zone and provides at least the same total feasible
9 capacity for units and floor area as Section 65912.157.

10 (D) A local government shall submit a copy of any ordinance
11 passed pursuant to this paragraph and associated written findings
12 adopted pursuant to this paragraph to the department within 60
13 days after adoption. After adoption of an ordinance, the department
14 may submit written findings to the local government as to whether
15 the ordinance complies with this paragraph. The local government
16 shall submit a copy of any existing ordinance adopted pursuant to
17 this paragraph to the department within 60 days of the date this
18 section becomes effective.

19 (i) The department may review the ordinance and associated
20 written findings and if the department finds that the local
21 government's ordinance does not comply with this paragraph, the
22 department shall notify the local government and shall provide the
23 local government with a reasonable time, not to exceed 30 days,
24 to respond to the findings before taking any other action authorized
25 by this paragraph.

26 (ii) The local government shall consider any findings made by
27 the department pursuant to clause (i) and shall do one of the
28 following:

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

30 (II) Adopt the ordinance without changes. The local government
31 shall include findings in its resolution adopting the ordinance that
32 explain the reasons the local government believes that the
33 ordinance complies with this paragraph despite the findings of the
34 department.

35 (iii) If the local government does not amend its ordinance in
36 response to the department's findings or does not adopt a resolution
37 with findings explaining the reason the ordinance complies with
38 this paragraph and addressing the department's findings, the
39 department shall notify the local government and may notify the

1 Attorney General that the local government is in violation of state
2 law:

3 ~~(b) For the seventh and subsequent revisions of the housing~~
4 ~~element, a local government may enact a local transit-oriented~~
5 ~~development alternative plan as an amendment to the housing~~
6 ~~element and land use element of its general plan, subject to review~~
7 ~~by the department.~~

8 ~~(1) A local transit-oriented development alternative plan shall~~
9 ~~maintain at least the same total increase in feasible zoned capacity;~~
10 ~~in terms of both total units and residential floor area, as provided~~
11 ~~for in this chapter across all transit-oriented development zones~~
12 ~~within the jurisdiction.~~

13 ~~(A) The plan shall not reduce the capacity in any transit-oriented~~
14 ~~development zone in total units or residential floor area by more~~
15 ~~than 50 percent.~~

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

19 ~~(C) A site's maximum feasible capacity counted toward the~~
20 ~~plan shall be not more than 200 percent of the maximum density~~
21 ~~established under this chapter.~~

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 zone 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 subdivision as well as the plan's effects on fair housing relative~~
6 ~~to the baseline established under this subdivision, and shall~~
7 ~~recommend changes to remove unnecessary constraints on housing~~
8 ~~from the plan.~~

9 ~~(5) 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 subdivision~~
12 ~~in 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 ~~(e) For the purposes of this section, the following definitions~~
16 ~~apply:~~

17 ~~(1) "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 ~~(2) "Transit-oriented development zone" means the eligible area~~
21 ~~around a qualifying transit-oriented development stop within a~~
22 ~~one-half mile radius of a transit oriented development stop.~~

23 *65912.161. (a) For purposes of this section, "transit-oriented*
24 *development alternative plan" shall mean a plan adopted by the*
25 *local agency via the adoption of or amendment to the housing*
26 *element or a program to implement the housing element such as*
27 *the adoption of a specific plan, adoption of a zoning overlay, or*
28 *enactment of an ordinance; that brings the local agency into*
29 *compliance with this chapter and that incorporates all of the*
30 *following:*

31 *(1) A local transit-oriented development alternative plan shall*
32 *maintain at least the same total zoned capacity, in terms of both*
33 *total units and residential floor area, as provided for in this chapter*
34 *across all transit-oriented development zones within the*
35 *jurisdiction.*

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

1 (3) *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 (4) *A site's maximum capacity counted toward the plan shall*
5 *not exceed 200 percent of the maximum density established under*
6 *this chapter.*

7 (5) *A local transit-oriented development alternative plan may*
8 *consist of an existing local transit-oriented zoning ordinance,*
9 *overlay zone, specific plan, or zoning incentive ordinance, provided*
10 *that it applies to all residential properties within the*
11 *transit-oriented development zone and provides at least the same*
12 *total feasible capacity for units and floor area as Section*
13 *65912.157.*

14 (b) *Prior to the seventh revision of the housing element, this*
15 *chapter shall not apply to any of the following:*

16 (1) *A site that has been identified by the local jurisdiction which*
17 *permits density at no less than 50 percent of the density specified*
18 *under subdivision (a) of Section 65912.157.*

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

23 (B) *This paragraph shall only apply to a transit-oriented*
24 *development zone in which at least 33 percent of sites in the*
25 *relevant transit-oriented development zone have permitted density*
26 *no less than 50 percent of the density specified under subdivision*
27 *(a) of Section 65912.157 and which includes sites with densities*
28 *that cumulatively allow for at least 75 percent of the aggregate*
29 *density for the transit-oriented development zone specified under*
30 *subdivision (a) of Section 65912.157.*

31 (3) *A site that is covered by a local transit-oriented development*
32 *alternative plan adopted by a local government.*

33 (c) (1) *For the seventh and subsequent revisions of the housing*
34 *element, a local government may include a local transit-oriented*
35 *development alternative plan in any of the following ways:*

36 (A) (i) *Include a local transit-oriented alternative plan in its*
37 *housing element. When a local government includes a transit*
38 *oriented development alternative plan in its housing element the*
39 *plan shall include an analysis of how the plan maintains at least*

1 *an equal feasible developable housing capacity as the baseline*
2 *established by this chapter.*

3 *(ii) If a local government adopts a housing element that the*
4 *department has determined to be compliant with this section, then*
5 *any action to enforce or implement a compliant housing element*
6 *shall be subject to applicable provisions of housing element law*
7 *(Article 10.6 (commencing with Section 65580) of Chapter 3).*

8 *(B) If a local government does not include the local*
9 *transit-oriented alternative plan in its housing element, the local*
10 *government may adopt an alternative plan that has been deemed*
11 *compliant by the department pursuant to Section 65912.160.*

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

18 *(e) A local transit-oriented development alternative plan may*
19 *designate any other major transit stop or stop along a high-quality*
20 *transit corridor that is not already identified as a transit-oriented*
21 *development stop as a Tier 3 transit-oriented development stop.*
22 *A local transit-oriented development plan consisting solely of*
23 *adding additional major transit stops as transit-oriented*
24 *development stops shall be exempt from the requirements of Section*
25 *65912.160.*

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

33 *65912.162. The Legislature finds and declares that the state*
34 *faces a housing crisis of availability and affordability, in large part*
35 *due to a severe shortage of housing, and solving the housing crisis*
36 *therefore requires a multifaceted, statewide approach, including,*
37 *but not limited to, encouraging an increase in the overall supply*
38 *of housing, encouraging the development of housing that is*
39 *affordable to households at all income levels, removing barriers*
40 *to housing production, expanding homeownership opportunities,*

1 and expanding the availability of rental housing, and is a matter
2 of statewide concern and is not a municipal affair as that term is
3 used in Section 5 of Article XI of the California Constitution.
4 Therefore, this chapter applies to all cities, including charter cities.

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

9 SEC. 3. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 a local government or school district has the authority to levy
12 service charges, fees, or assessments sufficient to pay for the
13 program or level of service mandated by this act, within the
14 meaning of Section 17556 of the Government Code.