

**Introduced by Senator Wiener**

January 15, 2025

---

---

An act to amend Section 54221 of, and to add Chapter 4.1.5 (commencing with Section 65912.155) to Division 1 of Title 7 of, the Government Code, and to add Section 21080.26.5 to the Public Resources Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

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

*(1) Existing law prescribes requirements for the disposal of surplus land by a local agency. Existing law defines "surplus land" for these purposes to mean land owned in fee simple by any local agency for which the local agency's governing body takes formal action declaring that the land is surplus and is not necessary for the agency's use. Existing law defines "agency's use" for these purposes to include land that is being used for agency work or operations, as provided. Existing law exempts from this definition of "agency's use" certain commercial or industrial uses, except that in the case of a local agency that is a district, except a local agency whose primary purpose or mission is to supply the public with a transportation system, "agency's use" may include commercial or industrial uses or activities, as specified.*

*This bill would additionally include land leased to support public transit operations in the definition of "agency's use," as described above. The bill would also revise the definition of "agency's use" with respect to commercial or industrial uses to instead provide that a district*

*or a public transit operator may use land for commercial or industrial uses or activities, as described above.*

*(2) 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 housing element. 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 may bring an action to enforce, 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 residential development proposed within a specified distance of a transit-oriented development (TOD) stop, as defined, be an allowed use on any site zoned for residential, mixed, commercial, or light industrial 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 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 liable for penalties, as provided. The bill would specify that the 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 under that law.*

*The bill would require a proposed development to comply with specified requirements under existing law relating to the demolition of existing residential units. The bill would also authorize a transit agency to adopt objective standards 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, provided that the objective standards allow for the same or greater development intensity as allowed by local standards or applicable state law.*

*The 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 permit a local government to adopt an ordinance to implement these provisions, as provided, and would require the local government to submit a copy of this ordinance to the department within 60 days of adoption and the department to review the ordinance for compliance, as specified. If the department finds an ordinance is out of compliance, and a 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.*

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

*The 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.*

*(3) Existing law, the California Environmental Quality Act (CEQA), requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires*

*a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA, until January 1, 2030, exempts from its requirements certain transportation-related projects if specified requirements are met, as provided. CEQA includes within these exempt transportation-related projects a public project for the institution or increase of bus rapid transit, bus, or light rail service, or other passenger rail service, that will be exclusively used by low-emission or zero-emission vehicles, on existing public rights-of-way or existing highway rights-of-way.*

*This bill would exempt from CEQA a public or private residential, commercial, or mixed-used project that, at the time the project application is filed, is located entirely or principally on land owned by a public transit agency, or fully or partially encumbered by an existing operating easement in favor of a public transit agency, and meets specified requirements. The bill would provide that, for a project that requires the construction of new passenger rail storage and maintenance facilities at a publicly or privately owned offsite location distinct from the principal project site, that project would be considered a wholly separate project from the project described in these provisions and shall not be exempt from CEQA.*

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

*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.*

*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~~-yes. State-mandated local program: ~~no~~-yes.~~

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

1     SECTION 1. Section 54221 of the Government Code is  
2 amended to read:

3     54221. As used in this article, the following definitions shall  
4 apply:

5     (a) (1) “Local agency” means every city, whether organized  
6 under general law or by charter, county, city and county, district,  
7 including school, sewer, water, utility, and local and regional park  
8 districts of any kind or class, joint powers authority, successor  
9 agency to a former redevelopment agency, housing authority, or  
10 other political subdivision of this state and any instrumentality  
11 thereof that is empowered to acquire and hold real property.

12     (2) The Legislature finds and declares that the term “district”  
13 as used in this article includes all districts within the state,  
14 including, but not limited to, all special districts, sewer, water,  
15 utility, and local and regional park districts, and any other political  
16 subdivision of this state that is a district, and therefore the changes  
17 in paragraph (1) made by the act adding this paragraph that specify  
18 that the provisions of this article apply to all districts, including  
19 school, sewer, water, utility, and local and regional park districts  
20 of any kind or class, are declaratory of, and not a change in,  
21 existing law.

1 (b) (1) “Surplus land” means land owned in fee simple by any  
2 local agency for which the local agency’s governing body takes  
3 formal action in a regular public meeting declaring that the land  
4 is surplus and is not necessary for the agency’s use. Land shall be  
5 declared either “surplus land” or “exempt surplus land,” as  
6 supported by written findings, before a local agency may take any  
7 action to dispose of it consistent with an agency’s policies or  
8 procedures. A local agency, on an annual basis, may declare  
9 multiple parcels as “surplus land” or “exempt surplus land.”

10 (2) “Surplus land” includes land held in the Community  
11 Redevelopment Property Trust Fund pursuant to Section 34191.4  
12 of the Health and Safety Code and land that has been designated  
13 in the long-range property management plan approved by the  
14 Department of Finance pursuant to Section 34191.5 of the Health  
15 and Safety Code, either for sale or for future development, but  
16 does not include any specific disposal of land to an identified entity  
17 described in the plan.

18 (3) Nothing in this article prevents a local agency from obtaining  
19 fair market value for the disposition of surplus land consistent with  
20 Section 54226.

21 (4) Notwithstanding paragraph (1), a local agency is not required  
22 to make a declaration at a public meeting for land that is “exempt  
23 surplus land” pursuant to subparagraph (A), (B), (E), (K), (L), or  
24 (Q) of paragraph (1) of subdivision (f) if the local agency identifies  
25 the land in a notice that is published and available for public  
26 comment, including notice to the entities identified in subdivision  
27 (a) of Section 54222, at least 30 days before the exemption takes  
28 effect.

29 (c) (1) Except as provided in paragraph (2), “agency’s use”  
30 shall include, but not be limited to, land that is being used, or is  
31 planned to be used pursuant to a written plan adopted by the local  
32 agency’s governing board, for agency work or operations,  
33 including, but not limited to, utility sites, property owned by a port  
34 that is used to support logistics uses, watershed property, land  
35 being used for conservation purposes, land for demonstration,  
36 exhibition, or educational purposes related to greenhouse gas  
37 emissions, sites for broadband equipment or wireless facilities,  
38 *land leased to support public transit operations*, and buffer sites  
39 near sensitive governmental uses, including, but not limited to,  
40 waste disposal sites, and wastewater treatment plants. “Agency’s

1 use” by a local agency that is a district shall also include land  
2 disposed for uses described in subparagraph (B) of paragraph (2).

3 (2) (A) “Agency’s use” shall not include commercial or  
4 industrial uses or activities, including nongovernmental retail,  
5 entertainment, or office development. Property disposed of for the  
6 sole purpose of investment or generation of revenue shall not be  
7 considered necessary for the agency’s use.

8 (B) In the case of a local agency that is a ~~district, excepting~~  
9 ~~those whose primary mission or purpose is to supply the public~~  
10 ~~with a transportation system, district or a public transit operator,~~  
11 “agency’s use” may include commercial or industrial uses or  
12 activities, including nongovernmental retail, entertainment, or  
13 office development or be for the sole purpose of investment or  
14 generation of revenue if the agency’s governing body takes action  
15 in a public meeting declaring that the use of the site will do one  
16 of the following:

17 (i) Directly further the express purpose of agency work or  
18 operations.

19 (ii) Be expressly authorized by a statute governing the local  
20 agency, provided the district complies with Section 54233.5 if  
21 applicable.

22 (d) (1) “Dispose” means either of the following:

23 (A) The sale of the surplus land.

24 (B) The entering of a lease for surplus land, which is for a term  
25 longer than 15 years, inclusive of any extension or renewal options  
26 included in the terms of the initial lease, entered into on or after  
27 January 1, 2024.

28 (2) “Dispose” shall not mean either of the following:

29 (A) The entering of a lease for surplus land, which is for a term  
30 of 15 years or less, inclusive of any extension or renewal options  
31 included in the terms of the initial lease.

32 (B) The entering of a lease for surplus land on which no  
33 development or demolition will occur, regardless of the term of  
34 the lease.

35 (e) “Open-space purposes” means the use of land for public  
36 recreation, enjoyment of scenic beauty, or conservation or use of  
37 natural resources.

38 (f) (1) Except as provided in paragraph (2), “exempt surplus  
39 land” means any of the following:

1 (A) Surplus land that is transferred pursuant to Section 25539.4  
2 or 37364.

3 (B) Surplus land that is less than one-half acre in area and is  
4 not contiguous to land owned by a state or local agency that is  
5 used for open-space or low- and moderate-income housing  
6 purposes.

7 (C) Surplus land that a local agency is exchanging for another  
8 property necessary for the agency's use. "Property" may include  
9 easements necessary for the agency's use.

10 (D) Surplus land that a local agency is transferring to another  
11 local, state, or federal agency, or to a third-party intermediary for  
12 future dedication for the receiving agency's use, or to a federally  
13 recognized California Indian tribe. If the surplus land is transferred  
14 to a third-party intermediary, the receiving agency's use must be  
15 contained in a legally binding agreement at the time of transfer to  
16 the third-party intermediary.

17 (E) Surplus land that is a former street, right-of-way, or  
18 easement, and is conveyed to an owner of an adjacent property.

19 (F) (i) Surplus land that is to be developed for a housing  
20 development, which may have ancillary commercial ground floor  
21 uses, that restricts 100 percent of the residential units to persons  
22 and families of low or moderate income, with at least 75 percent  
23 of the residential units restricted to lower income households, as  
24 defined in Section 50079.5 of the Health and Safety Code, with  
25 an affordable sales price or an affordable rent, as defined in Section  
26 50052.5 or 50053 of the Health and Safety Code, for 55 years for  
27 rental housing, 45 years for ownership housing, and 50 years for  
28 rental or ownership housing located on tribal trust lands, unless a  
29 local ordinance or a federal, state, or local grant, tax credit, or other  
30 project financing requires a longer period of affordability, and in  
31 no event shall the maximum affordable sales price or rent level be  
32 higher than 20 percent below the median market rents or sales  
33 prices for the neighborhood in which the site is located.

34 (ii) The requirements of clause (i) shall be contained in a  
35 covenant or restriction recorded against the surplus land at the time  
36 of sale that shall run with the land and be enforceable against any  
37 owner who violates the covenant or restriction and each successor  
38 in interest who continues the violation.

39 (G) (i) Surplus land that is subject to a local agency's open,  
40 competitive solicitation or that is put to open, competitive bid by



1 a local agency, provided that all entities identified in subdivision  
2 (a) of Section 54222 will be invited to participate in the process,  
3 for a housing or a mixed-use development that is more than one  
4 acre and less than 10 acres in area, consisting of either a single  
5 parcel, or two or more adjacent or non-adjacent parcels combined,  
6 that includes not less than 300 residential units, and that restricts  
7 at least 25 percent of the residential units to lower income  
8 households, as defined in Section 50079.5 of the Health and Safety  
9 Code, with an affordable sales price or an affordable rent, as  
10 defined in Sections 50052.5 and 50053 of the Health and Safety  
11 Code, for 55 years for rental housing, 45 years for ownership  
12 housing, and 50 years for rental or ownership housing located on  
13 tribal trust lands, unless a local ordinance or a federal, state, or  
14 local grant, tax credit, or other project financing requires a longer  
15 period of affordability.

16 (ii) The requirements of clause (i) shall be contained in a  
17 covenant or restriction recorded against the surplus land at the time  
18 of sale that shall run with the land and be enforceable against any  
19 owner who violates the covenant or restriction and each successor  
20 in interest who continues the violation.

21 (H) (i) Surplus land totaling 10 or more acres, consisting of  
22 either a single parcel, or two or more adjacent or non-adjacent  
23 parcels combined for disposition to one or more buyers pursuant  
24 to a plan or ordinance adopted by the legislative body of the local  
25 agency, or a state statute. That surplus land shall be subject to a  
26 local agency's open, competitive solicitation process or put out to  
27 open, competitive bid by a local agency, provided that all entities  
28 identified in subdivision (a) of Section 54222 will be invited to  
29 participate in the process for a housing or mixed-use development.

30 (ii) The aggregate development shall include the greater of the  
31 following:

32 (I) Not less than 300 residential units.

33 (II) A number of residential units equal to 10 times the number  
34 of acres of the surplus land or 10,000 residential units, whichever  
35 is less.

36 (iii) At least 25 percent of the residential units shall be restricted  
37 to lower income households, as defined in Section 50079.5 of the  
38 Health and Safety Code, with an affordable sales price or an  
39 affordable rent pursuant to Sections 50052.5 and 50053 of the  
40 Health and Safety Code, for a minimum of 55 years for rental

1 housing, 45 years for ownership housing, and 50 years for rental  
2 or ownership housing located on tribal trust lands, unless a local  
3 ordinance or a federal, state, or local grant, tax credit, or other  
4 project financing requires a longer period of affordability.

5 (iv) If nonresidential development is included in the  
6 development pursuant to this subparagraph, at least 25 percent of  
7 the total planned units affordable to lower income households shall  
8 be made available for lease or sale and permitted for use and  
9 occupancy before or at the same time with every 25 percent of  
10 nonresidential development made available for lease or sale and  
11 permitted for use and occupancy.

12 (v) A violation of this subparagraph is subject to the penalties  
13 described in Section 54230.5. Those penalties are in addition to  
14 any remedy a court may order for violation of this subparagraph.  
15 A local agency shall only dispose of land pursuant to this  
16 subparagraph through a disposition and development agreement  
17 that includes an indemnification clause that provides that if an  
18 action occurs after disposition violates this subparagraph, the  
19 person or entity that acquired the property shall be liable for the  
20 penalties.

21 (vi) The requirements of clauses (i) to (v), inclusive, shall be  
22 contained in a covenant or restriction recorded against the surplus  
23 land at the time of sale that shall run with the land and be  
24 enforceable against any owner who violates the covenant or  
25 restriction and each successor in interest who continues the  
26 violation.

27 (I) A mixed-use development, which may include more than  
28 one publicly owned parcel, that meets all of the following  
29 conditions:

30 (i) The development restricts at least 25 percent of the residential  
31 units to lower income households, as defined in Section 50079.5  
32 of the Health and Safety Code, with an affordable sales price or  
33 an affordable rent, as defined in Sections 50052.5 and 50053 of  
34 the Health and Safety Code, for 55 years for rental housing, 45  
35 years for ownership housing, and 50 years for rental or ownership  
36 housing located on tribal trust lands, unless a local ordinance or a  
37 federal, state, or local grant, tax credit, or other project financing  
38 requires a longer period of affordability.

1 (ii) At least 50 percent of the square footage of the new  
2 construction associated with the development is designated for  
3 residential use.

4 (iii) The development is not located in an urbanized area, as  
5 defined in Section 21094.5 of the Public Resources Code.

6 (J) (i) Surplus land that is subject to a valid legal restriction  
7 that is not imposed by the local agency and that makes housing  
8 prohibited, unless there is a feasible method to satisfactorily  
9 mitigate or avoid the prohibition on the site. A declaration of  
10 exemption pursuant to this subparagraph shall be supported by  
11 documentary evidence establishing the valid legal restriction. For  
12 the purposes of this section, “documentary evidence” includes,  
13 but is not limited to, a contract, agreement, deed restriction, statute,  
14 regulation, or other writing that documents the valid legal  
15 restriction.

16 (ii) Valid legal restrictions include, but are not limited to, all of  
17 the following:

18 (I) Existing constraints under ownership rights or contractual  
19 rights or obligations that prevent the use of the property for  
20 housing, if the rights or obligations were agreed to prior to  
21 September 30, 2019.

22 (II) Conservation or other easements or encumbrances that  
23 prevent housing development.

24 (III) Existing leases, or other contractual obligations or  
25 restrictions, if the terms were agreed to prior to September 30,  
26 2019.

27 (IV) Restrictions imposed by the source of funding that a local  
28 agency used to purchase a property, provided that both of the  
29 following requirements are met:

30 (ia) The restrictions limit the use of those funds to purposes  
31 other than housing.

32 (ib) The proposed disposal of surplus land meets a use consistent  
33 with that purpose.

34 (iii) Valid legal restrictions that would make housing prohibited  
35 do not include either of the following:

36 (I) An existing nonresidential land use designation on the surplus  
37 land.

38 (II) Covenants, restrictions, or other conditions on the property  
39 rendered void and unenforceable by any other law, including, but  
40 not limited to, Section 714.6 of the Civil Code.

1 (iv) Feasible methods to mitigate or avoid a valid legal  
2 restriction on the site do not include a requirement that the local  
3 agency acquire additional property rights or property interests  
4 belonging to third parties.

5 (K) Surplus land that was granted by the state in trust to a local  
6 agency or that was acquired by the local agency for trust purposes  
7 by purchase or exchange, and for which disposal of the land is  
8 authorized or required subject to conditions established by statute.

9 (L) Land that is subject to either of the following, unless  
10 compliance with this article is expressly required:

11 (i) Section 17388, 17515, 17536, 81192, 81397, 81399, 81420,  
12 or 81422 of the Education Code.

13 (ii) Part 14 (commencing with Section 53570) of Division 31  
14 of the Health and Safety Code.

15 (M) Surplus land that is a former military base that was  
16 conveyed by the federal government to a local agency, and is  
17 subject to Article 8 (commencing with Section 33492.125) of  
18 Chapter 4.5 of Part 1 of Division 24 of the Health and Safety Code,  
19 provided that all of the following conditions are met:

20 (i) The former military base has an aggregate area greater than  
21 five acres, is expected to include a mix of residential and  
22 nonresidential uses, and is expected to include no fewer than 1,400  
23 residential units upon completion of development or redevelopment  
24 of the former military base.

25 (ii) The affordability requirements for residential units shall be  
26 governed by a settlement agreement entered into prior to September  
27 1, 2020. Furthermore, at least 25 percent of the initial 1,400  
28 residential units developed shall be restricted to lower income  
29 households, as defined in Section 50079.5 of the Health and Safety  
30 Code, with an affordable sales price or an affordable rent, as  
31 defined in Sections 50052.5 and 50053 of the Health and Safety  
32 Code, for 55 years for rental housing, 45 years for ownership  
33 housing, and 50 years for rental or ownership housing located on  
34 tribal trust lands, unless a local ordinance or a federal, state, or  
35 local grant, tax credit, or other project financing requires a longer  
36 period of affordability.

37 (iii) Before disposition of the surplus land, the agency adopts  
38 written findings that the land is exempt surplus land pursuant to  
39 this subparagraph.

1 (iv) Before disposition of the surplus land, the recipient has  
2 negotiated a project labor agreement consistent with the local  
3 agency’s project stabilization agreement resolution, as adopted on  
4 February 2, 2021, and any succeeding ordinance, resolution, or  
5 policy, regardless of the length of the agreement between the local  
6 agency and the recipient.

7 (v) The agency includes in the annual report required by  
8 paragraph (2) of subdivision (a) of Section 65400 the status of  
9 development of residential units on the former military base,  
10 including the total number of residential units that have been  
11 permitted and what percentage of those residential units are  
12 restricted for persons and families of low or moderate income, or  
13 lower income households, as defined in Section 50079.5 of the  
14 Health and Safety Code.

15 A violation of this subparagraph is subject to the penalties  
16 described in Section 54230.5. Those penalties are in addition to  
17 any remedy a court may order for violation of this subparagraph  
18 or the settlement agreement.

19 (N) Real property that is used by a district for an agency’s use  
20 expressly authorized in subdivision (c).

21 (O) Land that has been transferred before June 30, 2019, by the  
22 state to a local agency pursuant to Section 32667 of the Streets  
23 and Highways Code and has a minimum planned residential density  
24 of at least 100 dwelling units per acre, and includes 100 or more  
25 residential units that are restricted to persons and families of low  
26 or moderate income, with an affordable sales price or an affordable  
27 rent, as defined in Sections 50052.5 and 50053 of the Health and  
28 Safety Code, for 55 years for rental housing, 45 years for ownership  
29 housing, and 50 years for rental or ownership housing located on  
30 tribal trust lands, unless a local ordinance or a federal, state, or  
31 local grant, tax credit, or other project financing requires a longer  
32 period of affordability. For purposes of this subparagraph, not  
33 more than 20 percent of the affordable units may be restricted to  
34 persons and families of moderate income and at least 80 percent  
35 of the affordable units must be restricted to lower income  
36 households as defined in Section 50079.5 of the Health and Safety  
37 Code.

38 (P) (i) Land that meets the following conditions:

39 (I) Land that is subject to a sectional planning area document  
40 that meets both of the following:

- 1 (ia) The sectional planning area was adopted prior to January  
2 1, 2019.
- 3 (ib) The sectional planning area document is consistent with  
4 county and city general plans applicable to the land.
- 5 (II) The land identified in the adopted sectional planning area  
6 document was dedicated prior to January 1, 2019.
- 7 (III) On January 1, 2019, the parcels on the land met at least  
8 one of the following conditions:
  - 9 (ia) The land was subject to an irrevocable offer of dedication  
10 of fee interest requiring the land to be used for a specified purpose.
  - 11 (ib) The land was acquired through a land exchange subject to  
12 a land offer agreement that grants the land’s original owner the  
13 right to repurchase the land acquired by the local agency pursuant  
14 to the agreement if the land will not be developed in a manner  
15 consistent with the agreement.
  - 16 (ic) The land was subject to a grant deed specifying that the  
17 property shall be used for educational uses and limiting other types  
18 of uses allowed on the property.
- 19 (IV) At least 25 percent of the units are dedicated to lower  
20 income households, as defined in Section 50079.5 of the Health  
21 and Safety Code, at an affordable rent, as defined by Section 50053  
22 of the Health and Safety Code, or an affordable housing cost, as  
23 defined by Section 50052.5 of the Health and Safety Code, and  
24 subject to a recorded deed restriction for a period of 55 years for  
25 rental units and 45 years for owner-occupied units, unless a local  
26 ordinance or a federal, state, or local grant, tax credit, or other  
27 project financing requires a longer period of affordability.
- 28 (V) The land is developed at an average density of at least 10  
29 units per acre, calculated with respect to the entire sectional  
30 planning area.
- 31 (VI) No more than 25 percent of the nonresidential square  
32 footage identified in the sectional planning area document receives  
33 its first certificate of occupancy before at least 25 percent of the  
34 residential square footage identified in the sectional planning area  
35 document has received its first certificate of occupancy.
- 36 (VII) No more than 50 percent of the nonresidential square  
37 footage identified in the sectional planning area document receives  
38 its first certificate of occupancy before at least 50 percent of the  
39 residential square footage identified in the sectional planning area  
40 document has received its first certificate of occupancy.

1 (VIII) No more than 75 percent of the nonresidential square  
2 footage identified in the sectional planning area document shall  
3 receive its first certificate of occupancy before at least 75 percent  
4 of the residential square footage identified in the sectional planning  
5 area document has received its first certificate of occupancy.

6 (ii) The local agency includes in the annual report required by  
7 paragraph (2) of subdivision (a) of Section 65400 the status of  
8 development, including the total square footage of the residential  
9 and nonresidential development, the number of residential units  
10 that have been permitted, and what percentage of those residential  
11 units are restricted for persons and families of low or moderate  
12 income, or lower income households, as defined in Section 50079.5  
13 of the Health and Safety Code.

14 (iii) The Department of Housing and Community Development  
15 may request additional information from the agency regarding  
16 land disposed of pursuant to this subparagraph.

17 (iv) At least 30 days prior to disposing of land declared “exempt  
18 surplus land,” a local agency shall provide the Department of  
19 Housing and Community Development a written notification of  
20 its declaration and findings in a form prescribed by the Department  
21 of Housing and Community Development. Within 30 days of  
22 receipt of the written notification and findings, the department  
23 shall notify the local agency if the department has determined that  
24 the local agency is in violation of this article. A local agency that  
25 fails to submit the written notification and findings shall be liable  
26 for a civil penalty pursuant to this subparagraph. A local agency  
27 shall not be liable for the civil penalty if the Department of Housing  
28 and Community Development does not notify the agency that the  
29 agency is in violation of this article within 30 days of receiving  
30 the written notification and findings. Once the department  
31 determines that the declarations and findings comply with  
32 subclauses (I) to (IV), inclusive, of clause (i), the local agency  
33 may proceed with disposal of land pursuant to this subparagraph.  
34 This clause is declaratory of, and not a change in, existing law.

35 (v) If the local agency disposes of land in violation of this  
36 subparagraph, the local agency shall be liable for a civil penalty  
37 calculated as follows:

38 (I) For a first violation, 30 percent of the greater of the final  
39 sale price or the fair market value of the land at the time of  
40 disposition.

- 1 (II) For a second or subsequent violation, 50 percent of the  
2 greater of the final sale price or the fair market value of the land  
3 at the time of disposition.
- 4 (III) For purposes of this subparagraph, fair market value shall  
5 be determined by an independent appraisal of the land.
- 6 (IV) An action to enforce this subparagraph may be brought by  
7 any of the following:
  - 8 (ia) An entity identified in subdivisions (a) to (e), inclusive, of  
9 Section 54222.
  - 10 (ib) A person who would have been eligible to apply for  
11 residency in affordable housing had the agency not violated this  
12 section.
  - 13 (ic) A housing organization, as that term is defined in Section  
14 65589.5.
  - 15 (id) A beneficially interested person or entity.
  - 16 (ie) The Department of Housing and Community Development.
- 17 (V) A penalty assessed pursuant to this subparagraph shall,  
18 except as otherwise provided, be deposited into a local housing  
19 trust fund. The local agency may elect to instead deposit the penalty  
20 moneys into the Building Homes and Jobs Trust Fund or the  
21 Housing Rehabilitation Loan Fund. Penalties shall not be paid out  
22 of funds already dedicated to affordable housing, including, but  
23 not limited to, Low and Moderate Income Housing Asset Funds,  
24 funds dedicated to housing for very low, low-, and  
25 moderate-income households, and federal HOME Investment  
26 Partnerships Program and Community Development Block Grant  
27 Program funds. The local agency shall commit and expend the  
28 penalty moneys deposited into the local housing trust fund within  
29 five years of deposit for the sole purpose of financing newly  
30 constructed housing units that are affordable to extremely low,  
31 very low, or low-income households.
- 32 (VI) Five years after deposit of the penalty moneys into the  
33 local housing trust fund, if the funds have not been expended, the  
34 funds shall revert to the state and be deposited in the Building  
35 Homes and Jobs Trust Fund or the Housing Rehabilitation Loan  
36 Fund for the sole purpose of financing newly constructed housing  
37 units located in the same jurisdiction as the surplus land and that  
38 are affordable to extremely low, very low, or low-income  
39 households. Expenditure of any penalty moneys deposited into the  
40 Building Homes and Jobs Trust Fund or the Housing Rehabilitation



1 Loan Fund pursuant to this subdivision shall be subject to  
2 appropriation by the Legislature.

3 (vi) For purposes of this subparagraph, the following definitions  
4 apply:

5 (I) “Sectional planning area” means an area composed of  
6 identifiable planning units, within which common services and  
7 facilities, a strong internal unity, and an integrated pattern of land  
8 use, circulation, and townscape planning are readily achievable.

9 (II) “Sectional planning area document” means a document or  
10 plan that sets forth, at minimum, a site utilization plan of the  
11 sectional planning area and development standards for each land  
12 use area and designation.

13 (vii) This subparagraph shall become inoperative on January 1,  
14 2034.

15 (Q) Land that is owned by a California public-use airport on  
16 which residential uses are prohibited pursuant to Federal Aviation  
17 Administration Order 5190.6B, Airport Compliance Program,  
18 Chapter 20 -- Compatible Land Use and Airspace Protection.

19 (R) Land that is transferred to a community land trust, and all  
20 of the following conditions are met:

21 (i) The property is being or will be developed or rehabilitated  
22 as any of the following:

23 (I) An owner-occupied single-family dwelling.

24 (II) An owner-occupied unit in a multifamily dwelling.

25 (III) A member-occupied unit in a limited equity housing  
26 cooperative.

27 (IV) A rental housing development.

28 (ii) Improvements on the property are or will be available for  
29 use and ownership or for rent by qualified persons, as defined in  
30 paragraph (6) of subdivision (c) of Section 214.18 of the Revenue  
31 and Taxation Code.

32 (iii) (I) A deed restriction or other instrument, requiring a  
33 contract or contracts serving as an enforceable restriction on the  
34 sale or resale value of owner-occupied units or on the affordability  
35 of rental units is recorded on or before the lien date following the  
36 acquisition of the property by the community land trust.

37 (II) For the purpose of this clause, the following definitions  
38 apply:

39 (ia) “A contract or contracts serving as an enforceable restriction  
40 on the sale or resale value of owner-occupied units” means a

1 contract described in paragraph (11) of subdivision (a) of Section  
2 402.1 of the Revenue and Taxation Code.

3 (ib) “A contract or contracts serving as an enforceable restriction  
4 on the affordability of rental units” means an enforceable and  
5 verifiable agreement with a public agency, a recorded deed  
6 restriction, or other legal document described in subparagraph (A)  
7 of paragraph (2) of subdivision (g) of Section 214 of the Revenue  
8 and Taxation Code.

9 (iv) A copy of the deed restriction or other instrument shall be  
10 provided to the assessor.

11 (S) (i) For local agencies whose primary mission or purpose is  
12 to supply the public with a transportation system, surplus land that  
13 is developed for commercial or industrial uses or activities,  
14 including nongovernmental retail, entertainment, or office  
15 development or for the sole purpose of investment or generation  
16 of revenue, if the agency meets all of the following conditions:

17 (I) The agency has an adopted land use plan or policy that  
18 designates at least 50 percent of the gross acreage covered by the  
19 adopted land use plan or policy for residential purposes. The  
20 adopted land use plan or policy shall also require the development  
21 of at least 300 residential units, or at least 10 residential units per  
22 gross acre, averaged across all land covered by the land use plan  
23 or policy, whichever is greater.

24 (II) The agency has an adopted land use plan or policy that  
25 requires at least 25 percent of all residential units to be developed  
26 on the parcels covered by the adopted land use plan or policy made  
27 available to lower income households, as defined in Section 50079  
28 of the Health and Safety Code, at an affordable sales price or rented  
29 at an affordable rent, as defined in Sections 50052.5 and 50053 of  
30 the Health and Safety Code, for 55 years for rental housing and  
31 45 years for ownership housing, unless a local ordinance or the  
32 terms of a federal, state, or local grant, tax credit, or other project  
33 financing requires a longer period of affordability. These terms  
34 shall be included in the land use plan or policy and dictate that  
35 they will be contained in a covenant or restriction recorded against  
36 the surplus land at the time of disposition that shall run with the  
37 land and be enforceable against any owner or lessee who violates  
38 the covenant or restriction and each successor in interest who  
39 continues the violation.

1 (III) Land disposed of for residential purposes shall issue a  
2 competitive request for proposals subject to the local agency’s  
3 open, competitive solicitation process or put out to open,  
4 competitive bid by the local agency, provided that all entities  
5 identified in subdivision (a) of Section 54222 are invited to  
6 participate.

7 (IV) Prior to entering into an agreement to dispose of a parcel  
8 for nonresidential development on land designated for the purposes  
9 authorized pursuant to this subparagraph in an agency’s adopted  
10 land use plan or policy, the agency, since January 1, 2020, must  
11 have entered into an agreement to dispose of a minimum of 25  
12 percent of the land designated for affordable housing pursuant to  
13 subclause (II).

14 (ii) The agency may exempt at one time all parcels covered by  
15 the adopted land use plan or policy pursuant to this subparagraph.

16 (2) Notwithstanding paragraph (1), a written notice of the  
17 availability of surplus land for open-space purposes shall be sent  
18 to the entities described in subdivision (b) of Section 54222 before  
19 disposing of the surplus land, provided the land does not meet the  
20 criteria in subparagraph (H) of paragraph (1), if the land is any of  
21 the following:

- 22 (A) Within a coastal zone.
- 23 (B) Adjacent to a historical unit of the State Parks System.
- 24 (C) Listed on, or determined by the State Office of Historic  
25 Preservation to be eligible for, the National Register of Historic  
26 Places.
- 27 (D) Within the Lake Tahoe region as defined in Section 66905.5.
- 28 (g) “Persons and families of low or moderate income” has the  
29 same meaning as provided in Section 50093 of the Health and  
30 Safety Code.

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

33  
34 *CHAPTER 4.1.5. TRANSIT-ORIENTED DEVELOPMENT*

35  
36 *65912.155. The Legislature finds and declares all of the*  
37 *following:*

- 38 *(a) California faces a housing shortage both acute and chronic,*  
39 *particularly in areas with access to robust public transit*  
40 *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  
8 to 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  
11 other 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  
16 station or stop, including any parcels that serve a parking or  
17 circulation purpose related to the station or stop.

18 (b) “Department” means the Department of Housing and  
19 Community Development.

20 (c) “Floor area ratio” means the ratio of net habitable square  
21 footage dedicated to residential use to the area of the lot.

22 (d) “High-frequency commuter rail” means a commuter rail  
23 service operating a total of at least six trains per hour during  
24 weekday peak periods at any point in the past three years, or with  
25 a service plan to implement that frequency in the next three years.

This allows the development based on speculation

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

30 (f) “Moderate-frequency commuter rail” means a commuter  
31 rail service with a total of at least 24 daily trains per weekday and  
32 service frequency below a total of 6 trains per hour during weekday  
33 peak periods at any point in the past three years, or with a service  
34 plan to implement that frequency in the next three years.

35 (g) “Net habitable square footage” means the finished and  
36 heated floor area fully enclosed by the inside surface of walls,  
37 windows, doors, and partitions, and having a headroom of at least  
38 six and one-half feet, including working, living, eating, cooking,  
39 sleeping, stair, hall, service, and storage areas, but excluding

1 garages, carports, parking spaces, cellars, half-stories, and  
2 unfinished attics and basements.

3 (h) "Rail transit" has the same meaning as defined in Section  
4 99602 of the Public Utilities Code.

5 (i) "Tier 1 transit-oriented development stop" means a  
6 transit-oriented development stop served by rail transit, as defined  
7 in Section 99602 of the Public Utilities Code, including, but not  
8 limited to, high-frequency commuter rail and light rail transit that  
9 uses fixed guideway facilities immediately adjacent to the  
10 transit-oriented development stop, excluding those rail transit  
11 services defined as part of Tier 2 or 3.

12 (j) "Tier 2 transit-oriented development stop" means a  
13 transit-oriented development stop served by light rail transit run  
14 by a public transit operator that uses fixed guideway facilities that  
15 are not grade separated immediately adjacent to the  
16 transit-oriented development stop, or fixed guideway or nonfixed  
17 guideway bus service with frequencies of 15 minutes or better that  
18 uses transit priority lanes for some or all of the route.

19 (k) "Tier 3 transit-oriented development stop" means a  
20 transit-oriented development stop served by moderate-frequency  
21 commuter rail service or ferry service.

22 (l) "Transit-oriented development stop" means a major transit  
23 stop, as defined by Section 21155 of the Public Resources Code,  
24 excluding any stop served by rail transit with a frequency of fewer  
25 than 10 total trains per weekday.

26 65912.157. (a) A residential development within one-half or  
27 one-quarter mile of a transit-oriented development stop shall be  
28 an allowed use on any site zoned for residential, mixed,  
29 commercial, or light industrial development, if the development  
30 complies with the applicable of all of the following requirements:

31 (1) For a residential development within one-quarter mile of a  
32 Tier 1 transit-oriented development stop, all of the following apply:

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

35 (B) A local government shall not impose any maximum density  
36 of less than 120 dwelling units per acre. The development  
37 proponent may seek a further increased density in accordance  
38 with applicable density bonus law.

Dedicated bus lanes are being added all the time

Half mile and quarter mile radius impacts single-family neighborhoods

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

4 (D) A development that otherwise meets the eligibility  
5 requirements of Section 65915, including, but not limited to,  
6 affordability requirements, shall be eligible for three additional  
7 concessions pursuant to Section 65915.

Not required to be affordable. But  
if affordable units are included  
then density bonus applies

8 (2) For a residential development within one-half mile of a Tier  
9 1 transit-oriented development stop, all of the following apply:

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

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

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

19 (D) A development that otherwise meets the eligibility  
20 requirements of Section 65915, including, but not limited to,  
21 affordability requirements, shall be eligible for two additional  
22 concessions pursuant to Section 65915.

23 (3) For a residential development within one-quarter mile of a  
24 Tier 2 transit-oriented development stop, all of the following apply:

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

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

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

34 (D) A development that otherwise meets the eligibility  
35 requirements of Section 65915, including, but not limited to,  
36 affordability requirements, shall be eligible for two additional  
37 concessions pursuant to Section 65915.

38 (4) For a residential development within one-half mile of a Tier  
39 2 transit-oriented development stop, all of the following apply:

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

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

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

10 (D) A development that otherwise meets the eligibility  
11 requirements of Section 65915, including, but not limited to,  
12 affordability requirements, shall be eligible for one additional  
13 concession pursuant to Section 65915.

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

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

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

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

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

29 (6) For a residential development within one-half mile of a Tier  
30 3 transit-oriented development stop, all of the following apply:

31 (A) A development may be built up to 45 feet high, or up to the  
32 local height limit, whichever is greater.

33 (B) A local government shall not impose any maximum density  
34 standard of less than 60 dwelling units per acre. The development  
35 proponent may seek a further increased density in accordance  
36 with applicable density bonus law.

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

1 (b) Notwithstanding any other law, a parcel that meets any of  
 2 the eligibility criteria under subdivision (a) and is immediately  
 3 adjacent to a Tier 1, Tier 2, or Tier 3 transit-oriented development  
 4 stop shall be eligible for an adjacency intensifier to increase the  
 5 height limit by an additional 20 feet, the maximum density standard  
 6 by an additional 40 dwelling units per acre, and the floor area  
 7 ratio by 1.

Just being an adjacent site  
 you get increased height,  
 density and floor area

8 (c) A development proposed pursuant to this section shall  
 9 comply with the antidisplacement requirements of Section 66300.6.  
 10 This subdivision shall apply to any city or county.

11 (d) A local government that denies a project meeting of the  
 12 requirements of this section that is located in a high-resource area  
 13 shall be presumed to be in violation of the Housing Accountability  
 14 Act (Section 65589.5) and liable for penalties pursuant to  
 15 subparagraph (B) of paragraph (1) of subdivision (k) of Section  
 16 65589.5, unless the local government demonstrates substantial  
 17 evidence that it has a health, life, or safety reason for denying the  
 18 project.

19 65912.158. Notwithstanding any other provision of this chapter,  
 20 a transit agency may adopt objective standards for both residential  
 21 and commercial developments proposed to be constructed on land  
 22 owned by the transit agency or on which the transit agency has a  
 23 permanent operating easement, if the objective standards allow  
 24 for the same or greater development intensity as that allowed by  
 25 local standards or applicable state law.

26 65912.159. A development project proposed pursuant to Section  
 27 65912.157 shall be eligible for streamlined ministerial approval  
 28 pursuant to Section 65913.4 in accordance with both of the  
 29 following:

Ministerial approval

30 (a) The proposed project shall be exempt from subparagraph  
 31 (A) of paragraph (4) of, paragraph (5) of, and clause (iv) of  
 32 subparagraph (A) of paragraph (6) of, subdivision (a) of Section  
 33 65913.4.

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

39 65912.160. (a) The department shall oversee compliance with  
 40 this chapter, including, but not limited to, promulgating standards



1 *on how to account for capacity pursuant to this chapter in a city*  
2 *or county's inventory of land suitable for residential development,*  
3 *pursuant to Section 65583.2.*

4 *(b) (1) A local government may adopt an ordinance to*  
5 *implement the provisions of this chapter, which may include*  
6 *revisions to applicable zoning requirements on individual sites*  
7 *within a transit-oriented development zone, provided that those*  
8 *revisions maintain the average density allowed for the applicable*  
9 *tier, or up to a 100-percent increase, subject to review by the*  
10 *department pursuant to paragraph (3).*

11 *(2) An ordinance adopted to implement this section shall not*  
12 *be considered a project under Division 13 (commencing with*  
13 *Section 21000) of the Public Resources Code.*

14 *(3) (A) A local government shall submit a copy of any ordinance*  
15 *adopted pursuant to this section to the department within 60 days*  
16 *of adoption.*

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

24 *(C) The local government shall consider any findings made by*  
25 *the department pursuant to subparagraph (B) and shall do one of*  
26 *the following:*

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

28 *(ii) Adopt the ordinance without changes. The local government*  
29 *shall include findings in its resolution adopting the ordinance that*  
30 *explain the reasons the local government believes that the*  
31 *ordinance complies with this section despite the findings of the*  
32 *department.*

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

1     65912.161. *The Legislature finds and declares that the state*  
2 *faces a housing crisis of availability and affordability, in large*  
3 *part due to a severe shortage of housing, and solving the housing*  
4 *crisis therefore requires a multifaceted, statewide approach,*  
5 *including, but not limited to, encouraging an increase in the overall*  
6 *supply of housing, encouraging the development of housing that*  
7 *is affordable to households at all income levels, removing barriers*  
8 *to housing production, expanding homeownership opportunities,*  
9 *and expanding the availability of rental housing, and is a matter*  
10 *of statewide concern and is not a municipal affair as that term is*  
11 *used in Section 5 of Article XI of the California Constitution.*  
12 *Therefore, this chapter applies to all cities, including charter cities.*

13     SEC. 3. *Section 21080.26.5 is added to the Public Resources*  
14 *Code, to read:*

15     21080.26.5. (a) *For the purposes of this section, “public*  
16 *project” means a project constructed by either a public agency or*  
17 *private entity, that, upon the completion of the construction, will*  
18 *be operated by a public agency.*

19     (b) *This division shall not apply to a public or private*  
20 *residential, commercial, or mixed-used project that, at the time*  
21 *the project application is filed, is located entirely or principally*  
22 *on land owned by a public transit agency, or fully or partially*  
23 *encumbered by an existing operating easement in favor of a public*  
24 *transit agency, and that includes at least one of the following:*

25     (1) *A project component identified in paragraphs (1) to (5),*  
26 *inclusive, or paragraph (7) of subdivision (b) of Section 21080.25.*

27     (2) *A public project for passenger rail service facilities, other*  
28 *than light rail service eligible under paragraph (5) of subdivision*  
29 *(b) of Section 21080.25, including the construction,*  
30 *reconfiguration, or rehabilitation of stations, terminals, rails,*  
31 *platforms, or existing operations facilities, which will be exclusively*  
32 *used by zero-emission or electric trains. The project shall be*  
33 *located on land owned by a public transit agency, or land fully or*  
34 *partially encumbered by an existing operating easement in favor*  
35 *of a public transit agency, at the time the project application is*  
36 *filed.*

37     (3) *An agreement between the project applicant and public*  
38 *transit agency that owns the land or has the permanent operating*  
39 *easement to finance transit capital infrastructure, transit*  
40 *maintenance, or transit operations, including through a proposed*

1 *public financing district, community financing district, or tax*  
2 *increment generated by the project.*

3 *(c) If a project described in subdivision (b) requires the*  
4 *construction of new passenger rail storage and maintenance*  
5 *facilities at a publicly or privately owned offsite location distinct*  
6 *from the principal project site, then that project shall be considered*  
7 *a wholly separate project from the project described in subdivision*  
8 *(b) and shall not be exempt from this division. Any required*  
9 *environmental review shall not affect or render invalid the*  
10 *exemption provided in subdivision (b), regardless of whether the*  
11 *project described in subdivision (b) cannot proceed unless the*  
12 *offsite facilities are constructed.*

13 *SEC. 4. No reimbursement is required by this act pursuant to*  
14 *Section 6 of Article XIII B of the California Constitution because*  
15 *a local government or school district has the authority to levy*  
16 *service charges, fees, or assessments sufficient to pay for the*  
17 *program or level of service mandated by this act, within the*  
18 *meaning of Section 17556 of the Government Code.*

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

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

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

27 ~~(2) Ensure that the degree of upzoning is proportional to the~~  
28 ~~capacity of the adjacent transit network and the distance to transit~~  
29 ~~stations, thereby maximizing the use of public transit infrastructure.~~

30 ~~(3) Integrate upzoning provisions into local jurisdictions'~~  
31 ~~housing elements to align with statewide housing goals and~~  
32 ~~promote compliance with the regional housing need allocation~~  
33 ~~process.~~

34 ~~(4) Support transit agencies in increasing and diversifying their~~  
35 ~~revenue sources beyond existing public subsidies and fare revenue~~  
36 ~~either in this bill or in subsequent legislation, ensuring sustainable~~  
37 ~~funding for operational and capital improvements necessary to~~  
38 ~~meet increased demand resulting from upzoning initiatives.~~

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

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

4 ~~(2) 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 ~~(3) 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.~~

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

16 ~~(1) Establishing a framework for transit-based upzoning that is~~  
17 ~~sensitive to the capacity of existing and planned transit~~  
18 ~~infrastructure.~~

19 ~~(2) Supporting local jurisdictions in integrating these upzoning~~  
20 ~~requirements into their housing elements as part of their general~~  
21 ~~plans.~~

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

25 ~~(4) Ensuring that all eligible parcels may also benefit from the~~  
26 ~~streamlining provisions under Section 65913.4 of the Government~~  
27 ~~Code, provided they meet the labor, environmental, and other~~  
28 ~~relevant standards outlined in the statute.~~

29 ~~(5) Granting transit agencies the authority to set residential and~~  
30 ~~commercial zoning standards on properties they own or have a~~  
31 ~~permanent operating easement on, provided that the residential~~  
32 ~~and commercial zoning standards are higher intensity and more~~  
33 ~~permissive than the zoning standards set by the local government.~~

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

36 ~~(a) Consult with local governments, regional planning agencies,~~  
37 ~~transit operators, housing advocates, environmental groups, and~~  
38 ~~other stakeholders to develop effective and equitable upzoning~~  
39 ~~criteria.~~

- 1     ~~(b) Require local jurisdictions to adopt and implement these~~
- 2 ~~transit-based upzoning policies in a timely and effective manner.~~
- 3     ~~(c) Monitor and evaluate the outcomes of transit-based upzoning~~
- 4 ~~policies to ensure alignment with the state's housing,~~
- 5 ~~environmental, and transportation goals.~~

O