



Senator Scott Wiener, 11th Senate District

Senate Bill 79 – Transit Agency Land Use Authority, TOD Upzoning, and Ministerial Approvals

SUMMARY

Senate Bill 79 allows more housing to be built near major public transportation stops by establishing state standards for transit oriented zoning around major transit stops – especially train stations. Specifically, SB 79 zones for multifamily residential uses near major transit stops on any site zoned for residential, mixed use, commercial, or light industrial development, up to a specified height, density, and floor area ratio. These standards will ensure that transit oriented developments (TODs) are feasible and enhance access to transit. The bill also authorizes transit agencies to develop at the same or greater density on land they own or have a permanent operating easement on.

TODs under SB 79 are eligible for the streamlined ministerial approvals process under Senate Bill 423 (Wiener, 2023) if they meet that law’s environmental, labor, and affordability standards. SB 79 does not apply around low frequency bus stops.

BACKGROUND/EXISTING LAW

Existing law under SB 375 (Steinberg, 2005) encourages coordination of housing and transportation policy, with greater land use intensity and more housing near transit. Additionally, under AB 2097 (Friedman, 2022) and AB 2011 (Wicks, 2022), existing law preempts certain local land use restrictions that limit housing near transit and allows greater densities near transit.

Existing law, under AB 2923 (Chiu, 2018), requires cities and counties to adopt the zoning standards in the San Francisco Bay Area Rapid Transit District’s (BART) TOD guidelines and establishes a streamlined approval process for

certain projects on BART-owned land. Existing law also establishes a streamlined, ministerial process for approving housing developments that are in compliance with the applicable objective state and local planning standards.

Several jurisdictions outside of California have made progress in making transit-oriented development easier. Colorado requires cities to allow an average of 40 dwelling units per acre within a quarter-mile of transit. Massachusetts Bay Transportation Authority must have at least one multifamily district allowing at least 15 dwelling units per acre. Utah requires an average density of 50 dwelling units per acre in transit reinvestment zones.

PROBLEM

California faces a housing shortage both acute and chronic, particularly in areas with access to robust public transit infrastructure. Restrictive zoning in existing communities forces development into sprawl – increasing traffic and pollution, and accelerating the loss of open space and farmland. Building more homes near transit reduces transportation and housing costs for California families and promotes environmental sustainability and economic growth, and reduces traffic congestion.

Public transit systems require sustainable funding to provide reliable service, especially in areas with increased density and ridership. California does not invest in public transit service to the same degree as it does in roads and funds a smaller proportion of the state’s major transit agencies’ operations costs than other states with comparable systems. Transit systems in other countries derive significant revenue from TOD at and near their stations.

The housing crisis itself has had a direct impact on transit ridership. According to a UCLA study¹ an increase of \$230 per month in rent led to 22% less transit use by the neighborhood.

Although California has made progress in making TOD easier, most areas within a half-mile of transit are essentially off-limits to TOD – whether they are not zoned for five or more units and thus do not qualify for state density bonus law (SDBL), or they are zoned commercial and not residential.²

Although many regional transit authorities have TOD goals and own the land next to their station, permitting and rezoning barriers and lack of general and (access to) public funding to build deed restricted housing results in these agencies struggling to realize their TOD goals. Building housing on transit authority land will increase ridership and revenue, which will generate sustainable funding for the transit agency.

SOLUTION

Senate Bill 79 establishes state standards for transit oriented zoning around qualifying transit stops. TODs are authorized to achieve specified heights and densities, based on the capacity of the transit service at the station, which will be categorized as follows:

Tier 1: TOD Stops served by grade separated rail transit and high frequency commuter rail.

Tier 2: TOD Stops served by specified light rail transit or bus rapid transit.

Tier 3: TOD Stops served by moderate frequency commuter rail service or ferry service.

SB 79 does not apply around low frequency bus stops.

Additionally, SB 79 authorizes transit agencies to adopt residential and commercial development

¹ [Neighborhood Change and Transit Ridership](#) (Manville et al, UCLA)

standards for land that they control that are equal or greater to the development intensity allowed by local or state law. Transit oriented housing developments under SB 79 are eligible for the streamlined ministerial approvals process under Senate Bill 423 (Wiener, 2023) if they meet that law’s environmental, labor, and affordability standards.

Under SB 79, local governments would have flexibility to tailor their TOD areas and standards in an implementing ordinance subject to oversight from the Department of Housing and Community Development (HCD).

SUPPORT

- California YIMBY (co-sponsor)
- SPUR (co-sponsor)
- Streets For All (co-sponsor)
- Bay Area Council (co-sponsor)
- Greenbelt Alliance (co-sponsor)
- Abundant Housing LA
- Active San Gabriel Valley
- California Community Builders
- Circulate San Diego
- City of Gilroy Councilmember Zach Hilton
- East Bay for Everyone
- Fieldstead and Company, Inc.
- Fremont For Everyone
- Housing Action Coalition
- Local Initiatives Support Corporation, San Diego (LISC SD)
- Redlands YIMBY

FOR MORE INFORMATION

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² California YIMBY