

AMENDED IN SENATE MARCH 24, 2011

SENATE BILL

No. 310

Introduced by Senator Hancock

February 14, 2011

~~An act relating to transit villages.~~ *An act to amend Sections 53395.3, 53395.6, 53395.7, 53395.14, 53395.19, 53395.20, 53396, 53397.1, and 53397.2 of, to add Article 9 (commencing with Section 65470) to Chapter 3 of Division 1 of Title 7 to, and to repeal Sections 53395.21, 53395.22, 53395.23, 53395.24, 53395.25, 53397.4, 53397.5, 53397.6, and 53397.7 of, the Government Code, relating to local development.*

LEGISLATIVE COUNSEL'S DIGEST

SB 310, as amended, Hancock. ~~Transit villages.~~ *Local development.*

(1) Existing law authorizes the legislative body of a city or county to adopt an infrastructure financing plan, which is required to contain specified information, for the purpose of financing certain infrastructure facilities, if specified procedural requirements are met, and requires the legislative body, if it adopts the plan, to submit the proposal to the voters. Existing law authorizes the legislative body to create an infrastructure financing district, by ordinance, if $\frac{2}{3}$ of the qualified electors of the proposed district vote in favor of adoption of the plan, and also authorizes the legislative body to initiate proceedings to issue bonds to finance the infrastructure facilities if $\frac{2}{3}$ of those electors vote in favor of the issuance. Existing law authorizes infrastructure finance districts to finance specified projects, including financing certain infrastructure facilities.

This bill would eliminate the requirement of voter approval and authorize the legislative body to create the district, adopt the plan, and issue the bonds by resolutions.

This bill would, in addition, authorize a district to reimburse a developer that meets specified requirements for permit expenses or expenses related to the construction of affordable housing units. This bill would also require that an infrastructure finance plan also include a plan to finance any potential costs for reimbursing a developer that meets specified requirements for permit expenses.

(2) The Transit Village Development Planning Act of 1994 authorizes a city or county to create a transit village plan for a transit village development district that addresses specified characteristics. In order to increase transit ridership and to reduce vehicle traffic on the highways, the act encourages local, regional, and state plans to direct new development close to transit stations and provide financial incentives to implement these plans.

This bill would establish the Transit Priority Project Program, and authorize a city or county to participate in the program by adopting an ordinance indicating its intent to participate in the program. The bill would require a city or county that elects to participate in the program to adopt streamlined permitting procedures for development projects that meet specified requirements and provide specified zoning variances. The bill would provide that a development project that takes advantage of the streamlined permitting procedures developed pursuant to the program is exempt from specified requirements. This bill would also provide that if a development project takes advantage of the streamlined permitting procedures and is located entirely within a Infrastructure Finance District, then the district may reimburse the developer of a project for any permit expenses incurred or to offset additional expenses incurred by the developer in constructing affordable housing units.

This bill would also make various conforming changes.

~~Existing law requires cities and counties to implement certain planning and zoning plans for the orderly development of communities.~~

~~This bill would express the intent of the Legislature to enact legislation that would require cities and counties to adopt permitting procedures for transit village green pathways developments, as specified.~~

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

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

- 1 *SECTION 1. Section 53395.3 of the Government Code is*
- 2 *amended to read:*

1 53395.3. (a) A district may finance (1) the purchase,
2 construction, expansion, improvement, seismic retrofit, or
3 rehabilitation of any real or other tangible property with an
4 estimated useful life of 15 years or longer ~~which~~ *that* satisfies the
5 requirements of subdivision (b), (2) may finance planning and
6 design work ~~which~~ *that* is directly related to the purchase,
7 construction, expansion, or rehabilitation of that property and (3)
8 the costs described in Sections 53395.5, and 53396.5. A district
9 may only finance the purchase of facilities for which construction
10 has been completed, as determined by the legislative body. The
11 facilities need not be physically located within the boundaries of
12 the district. A district may not finance routine maintenance, repair
13 work, or the costs of ongoing operation or providing services of
14 any kind.

15 (b) The district shall finance only public capital facilities of
16 communitywide significance, which provide significant benefits
17 to an area larger than the area of the district, including, but not
18 limited to, all of the following:

19 (1) Highways, interchanges, ramps and bridges, arterial streets,
20 parking facilities, and transit facilities.

21 (2) Sewage treatment and water reclamation plants and
22 interceptor pipes.

23 (3) Facilities for the collection and treatment of water for urban
24 uses.

25 (4) Flood control levees and dams, retention basins, and drainage
26 channels.

27 (5) Child care facilities.

28 (6) Libraries.

29 (7) Parks, recreational facilities, and open space.

30 (8) Facilities for the transfer and disposal of solid waste,
31 including transfer stations and vehicles.

32 (c) Any district ~~which~~ *that* constructs dwelling units shall set
33 aside not less than 20 percent of those units to increase and improve
34 the community's supply of low- and moderate-income housing
35 available at an affordable housing cost, as defined by Section
36 50052.5 of the Health and Safety Code, to persons and families of
37 low- and moderate-income, as defined in Section 50093 of the
38 Health and Safety Code.

39 (d) *Notwithstanding subdivision (b), a district may reimburse*
40 *a developer of a project that is both located entirely within the*

1 boundaries of that district and qualifies for the streamlined permit
 2 procedures established pursuant to Article 9 (commencing with
 3 Section 65470) of Chapter 3 of Division 1 of Title 7, for any permit
 4 expenses incurred pursuant to that program or to offset additional
 5 expenses incurred by the developer in constructing affordable
 6 housing units.

7 *SEC. 2. Section 53395.6 of the Government Code is amended*
 8 *to read:*

9 53395.6. Any action or proceeding to attack, review, set aside,
 10 void, or annul the creation of a district, adoption of an infrastructure
 11 financing plan, including a division of taxes thereunder, ~~or an~~
 12 ~~election pursuant to this chapter~~ shall be commenced within 30
 13 days after the ~~enactment of the ordinance creating the district~~
 14 ~~pursuant to Section 53395.23~~ date the legislative body adopted
 15 the resolution adopting the infrastructure finance plan pursuant
 16 to Section 53395.20. Consistent with the time limitations of this
 17 section, ~~such~~ an action or proceeding with respect to a division of
 18 taxes under this chapter may be brought pursuant to Chapter 9
 19 (commencing with Section 860) of Title 10 of Part 2 of the Code
 20 of Civil Procedure, except that Section 869 of the Code of Civil
 21 Procedure shall not apply.

22 *SEC. 3. Section 53395.7 of the Government Code is amended*
 23 *to read:*

24 53395.7. An action to determine the validity of the issuance
 25 of bonds pursuant to this chapter may be brought pursuant to
 26 Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of
 27 the Code of Civil Procedure. However, notwithstanding the time
 28 limits specified in Section 860 of the Code of Civil Procedure, the
 29 action shall be commenced within 30 days after ~~adoption of the~~
 30 ~~resolution pursuant to Section 53397.6~~ providing for issuance of
 31 the bonds the date the legislative body adopted the resolution
 32 authorizing the issuance of the bonds pursuant to Section 53397.1,
 33 if the action is brought by an interested person pursuant to Section
 34 863 of the Code of Civil Procedure. Any appeal from a judgment
 35 in that action or proceeding shall be commenced within 30 days
 36 after entry of judgment.

37 *SEC. 4. Section 53395.14 of the Government Code is amended*
 38 *to read:*

39 53395.14. After receipt of a copy of the resolution of intention
 40 to establish a district, the official designated pursuant to Section

1 53395.13 shall prepare a proposed infrastructure financing plan.
2 The infrastructure financing plan shall be consistent with the
3 general plan of the city ~~within which~~ *that* the district is located *in*
4 and shall include all of the following:

5 (a) A map and legal description of the proposed district, which
6 may include all or a portion of the district designated by the
7 legislative body in its resolution of intention.

8 (b) A description of the public facilities required to serve the
9 development proposed in the area of the district including those
10 to be provided by the private sector, those to be provided by
11 governmental entities without assistance under this chapter, those
12 public improvements and facilities to be financed with assistance
13 from the proposed district, and those to be provided jointly. The
14 description shall include the proposed location, timing, and costs
15 of the public improvements and facilities.

16 (c) A finding that the public facilities are of communitywide
17 significance and provide significant benefits to an area larger than
18 the area of the district.

19 (d) A financing section, ~~which~~ *that* shall contain all of the
20 following information:

21 (1) A specification of the maximum portion of the incremental
22 tax revenue of the city and of each affected taxing entity proposed
23 to be committed to the district for each year ~~during which~~ *that*
24 the district will receive incremental tax revenue. The portion need not
25 be the same for all affected taxing entities. The portion may change
26 over time.

27 (2) A projection of the amount of tax revenues expected to be
28 received by the district in each year ~~during which~~ *that* the district
29 will receive tax revenues, including an estimate of the amount of
30 tax revenues attributable to each affected taxing entity for each
31 year.

32 (3) A plan for financing the public facilities to be assisted by
33 the district, including a detailed description of any intention to
34 incur debt.

35 (4) A limit on the total number of dollars of taxes ~~which~~ *that*
36 may be allocated to the district pursuant to the plan.

37 (5) A date ~~on which~~ *that* the district will cease to exist, by ~~which~~
38 *that* time all tax allocation to the district will end. The date shall
39 not be more than 30 years from the date ~~on which the ordinance~~
40 ~~forming the district is adopted pursuant to Section 53395.23~~ *the*

1 *legislative body adopted the resolution adopting the infrastructure*
2 *finance plan pursuant to Section 53395.20.*

3 (6) An analysis of the costs to the city of providing facilities
4 and services to the area of the district while the area is being
5 developed and after the area is developed. The plan shall also
6 include an analysis of the tax, fee, charge, and other revenues
7 expected to be received by the city as a result of expected
8 development in the area of the district.

9 (7) An analysis of the projected fiscal impact of the district and
10 the associated development upon each affected taxing entity.

11 (8) *A plan for financing any potential costs that may be incurred*
12 *by reimbursing a developer of a project that is both located entirely*
13 *within the boundaries of that district and qualifies for the*
14 *streamlined permit procedures established pursuant to Article 9*
15 *(commencing with Section 65470) of Chapter 3 of Division 1 of*
16 *Title 7, for any permit expenses incurred pursuant to that program.*

17 (e) If any dwelling units occupied by persons or families of low
18 or moderate income are proposed to be removed or destroyed in
19 the course of private development or public works construction
20 within the area of the district, a plan providing for replacement of
21 those units and relocation of those persons or families consistent
22 with the requirements of Section 53395.5.

23 *SEC. 5. Section 53395.19 of the Government Code is amended*
24 *to read:*

25 53395.19. (a) The legislative body shall not enact a resolution
26 ~~proposing formation of forming~~ a district and providing for the
27 division of taxes of any affected taxing entity pursuant to Article
28 3 (commencing with Section 53396) unless a resolution approving
29 the plan has been adopted by the governing body of each affected
30 taxing entity ~~which that~~ is proposed to be subject to division of
31 taxes pursuant to Article 3 (commencing with Section 53396) has
32 been filed with the legislative body at or prior to the time of the
33 hearing.

34 (b) Nothing in this section shall be construed to prevent the
35 legislative body from amending its infrastructure financing plan
36 and adopting a resolution ~~proposing formation of forming~~ the
37 infrastructure financing district without allocation of the tax
38 revenues of any affected taxing entity ~~which that~~ has not approved
39 the infrastructure financing plan by resolution of the governing
40 body of the affected taxing entity.

1 SEC. 6. Section 53395.20 of the Government Code is amended
2 to read:

3 53395.20. ~~(a) At the conclusion of the hearing required by~~
4 ~~Section 53395.17, the legislative body may adopt a resolution~~
5 ~~proposing adoption of adopting the infrastructure financing plan,~~
6 ~~as modified, and approving the formation of the infrastructure~~
7 ~~financing district in a manner consistent with Section 53395.19,~~
8 ~~or it may abandon the proceedings. If the legislative body adopts~~
9 ~~a resolution proposing formation of the district, it shall then submit~~
10 ~~the proposal to create the district to the qualified electors of the~~
11 ~~proposed district in the next general election or in a special election~~
12 ~~to be held, notwithstanding any other requirement, including any~~
13 ~~requirement that elections be held on specified dates, contained in~~
14 ~~the Elections Code, at least 90 days, but not more than 180 days,~~
15 ~~following the adoption of the resolution of formation. The~~
16 ~~legislative body shall provide the resolution of formation, a~~
17 ~~certified map of sufficient scale and clarity to show the boundaries~~
18 ~~of the district, and a sufficient description to allow the election~~
19 ~~official to determine the boundaries of the district to the official~~
20 ~~conducting the election within three business days after the~~
21 ~~adoption of the resolution of formation. The assessor's parcel~~
22 ~~numbers for the land within the district shall be included if it is a~~
23 ~~landowner election or the district does not conform to an existing~~
24 ~~district's boundaries and if requested by the official conducting~~
25 ~~the election. If the election is to be held less than 125 days~~
26 ~~following the adoption of the resolution of formation, the~~
27 ~~concurrence of the election official conducting the election shall~~
28 ~~be required. However, any time limit specified by this section or~~
29 ~~requirement pertaining to the conduct of the election may be~~
30 ~~waived with the unanimous consent of the qualified electors of the~~
31 ~~proposed district and the concurrence of the election official~~
32 ~~conducting the election.~~

33 (b) ~~If at least 12 persons have been registered to vote within the~~
34 ~~territory of the proposed district for each of the 90 days preceding~~
35 ~~the close of the hearing, the vote shall be by the registered voters~~
36 ~~of the proposed district, who need not necessarily be the same~~
37 ~~persons, with each voter having one vote. Otherwise, the vote shall~~
38 ~~be by the landowners of the proposed district and each landowner~~
39 ~~who is the owner of record at the close of the protest hearing, or~~
40 ~~the authorized representative thereof, shall have one vote for each~~

1 acre or portion of an acre of land that he or she owns within the
2 proposed district. The number of votes to be voted by a particular
3 landowner shall be specified on the ballot provided to that
4 landowner.

5 (e) Ballots for the special election authorized by subdivision (a)
6 may be distributed to qualified electors by mail with return postage
7 prepaid or by personal service by the election official. The official
8 conducting the election may certify the proper mailing of ballots
9 by an affidavit, which shall be exclusive proof of mailing in the
10 absence of fraud. The voted ballots shall be returned to the election
11 officer conducting the election not later than the hour specified in
12 the resolution calling the election. However, if all the qualified
13 voters have voted, the election shall be closed.

14 *SEC. 7. Section 53395.21 of the Government Code is repealed.*

15 ~~53395.21. (a) Except as otherwise provided in this chapter,~~
16 ~~the provisions of law regulating elections of the local agency that~~
17 ~~calls an election pursuant to this chapter, insofar as they may be~~
18 ~~applicable, shall govern all elections conducted pursuant to this~~
19 ~~chapter. Except as provided in subdivision (b), there shall be~~
20 ~~prepared and included in the ballot material provided to each voter,~~
21 ~~an impartial analysis pursuant to Section 9160 or 9280 of the~~
22 ~~Elections Code, arguments and rebuttals, if any, pursuant to~~
23 ~~Sections 9162 to 9167, inclusive, and 9190 of the Elections Code~~
24 ~~or pursuant to Sections 9281 to 9287, inclusive, and 9295 of the~~
25 ~~Elections Code.~~

26 (b) If the vote is to be by the landowners of the proposed district,
27 analysis and arguments may be waived with the unanimous consent
28 of all the landowners and shall be so stated in the order for the
29 election.

30 *SEC. 8. Section 53395.22 of the Government Code is repealed.*

31 ~~53395.22. (a) If the election is to be conducted by mail ballot,~~
32 ~~the election official conducting the election shall provide ballots~~
33 ~~and election materials pursuant to subdivision (d) of Section 53326~~
34 ~~and Section 53327, together with all supplies and instructions~~
35 ~~necessary for the use and return of the ballot.~~

36 (b) ~~The identification envelope for return of mail ballots used~~
37 ~~in landowner elections shall contain the following:~~

- 38 (1) ~~The name of the landowner.~~
39 (2) ~~The address of the landowner.~~

1 ~~(3) A declaration, under penalty of perjury, stating that the voter~~
2 ~~is the owner of record or the authorized representative of the~~
3 ~~landowner entitled to vote and is the person whose name appears~~
4 ~~on the identification envelope.~~

5 ~~(4) The printed name and signature of the voter.~~

6 ~~(5) The address of the voter.~~

7 ~~(6) The date of signing and place of execution of the declaration~~
8 ~~pursuant to paragraph (3).~~

9 ~~(7) A notice that the envelope contains an official ballot and is~~
10 ~~to be opened only by the canvassing board.~~

11 ~~SEC. 9. Section 53395.23 of the Government Code is repealed.~~

12 ~~53395.23.—After the canvass of returns of any election pursuant~~
13 ~~to Section 53395.20, the legislative body may, by ordinance, adopt~~
14 ~~the infrastructure financing plan and create the district with full~~
15 ~~force and effect of law, if two-thirds of the votes upon the question~~
16 ~~of creating the district are in favor of creating the district.~~

17 ~~SEC. 10. Section 53395.24 of the Government Code is repealed.~~

18 ~~53395.24.—After the canvass of returns of any election~~
19 ~~conducted pursuant to Section 53395.20, the legislative body shall~~
20 ~~take no further action with respect to the proposed infrastructure~~
21 ~~financing district for one year from the date of the election if the~~
22 ~~question of creating the district fails to receive approval by~~
23 ~~two-thirds of the votes cast upon the question.~~

24 ~~SEC. 11. Section 53395.25 of the Government Code is repealed.~~

25 ~~53395.25.—The legislative body may submit a proposition to~~
26 ~~establish or change the appropriations limit, as defined by~~
27 ~~subdivision (h) of Section 8 of Article XIII B of the California~~
28 ~~Constitution, of a district to the qualified electors of a proposed~~
29 ~~or established district. The proposition establishing or changing~~
30 ~~the appropriations limit shall become effective if approved by the~~
31 ~~qualified electors voting on the proposition and shall be adjusted~~
32 ~~for changes in the cost of living and changes in populations, as~~
33 ~~defined by subdivisions (b) and (c) of Section 7901, except that~~
34 ~~the change in population may be estimated by the legislative body~~
35 ~~in the absence of an estimate by the Department of Finance, and~~
36 ~~in accordance with Section 1 of Article XIII B of the California~~
37 ~~Constitution. For purposes of adjusting for changes in population,~~
38 ~~the population of the district shall be deemed to be at least one~~
39 ~~person during each calendar year. Any election held pursuant to~~

1 ~~this section may be combined with any election held pursuant to~~
2 ~~Section 53395.20 in any convenient manner.~~

3 *SEC. 12. Section 53396 of the Government Code is amended*
4 *to read:*

5 53396. Any infrastructure financing plan may contain a
6 provision that taxes, if any, levied upon taxable property in the
7 area included within the infrastructure financing district each year
8 by or for the benefit of the State of California, or any affected
9 taxing entity after the effective date of the ~~ordinance~~ *resolution*
10 adopted pursuant to Section ~~53395.23~~ 53395.20 to create the
11 district, shall be divided as follows:

12 (a) That portion of the taxes which would be produced by the
13 rate upon which the tax is levied each year by or for each of the
14 affected taxing entities upon the total sum of the assessed value
15 of the taxable property in the district as shown upon the assessment
16 roll used in connection with the taxation of the property by the
17 affected taxing entity, last equalized prior to the effective date of
18 the ~~ordinance~~ *resolution* adopted pursuant to Section ~~53395.23~~
19 53395.20 to create the district, shall be allocated to, and when
20 collected shall be paid to, the respective affected taxing entities as
21 taxes by or for the affected taxing entities on all other property are
22 paid.

23 (b) That portion of the levied taxes each year specified in the
24 adopted infrastructure financing plan for the city and each affected
25 taxing entity which has agreed to participate pursuant to Section
26 53395.19 in excess of the amount specified in subdivision (a) shall
27 be allocated to, and when collected shall be paid into a special
28 fund of, the district for all lawful purposes of the district. Unless
29 and until the total assessed valuation of the taxable property in a
30 district exceeds the total assessed value of the taxable property in
31 the district as shown by the last equalized assessment roll referred
32 to in subdivision (a), all of the taxes levied and collected upon the
33 taxable property in the district shall be paid to the respective
34 affected taxing entities. When the district ceases to exist pursuant
35 to the adopted infrastructure financing plan, all moneys thereafter
36 received from taxes upon the taxable property in the district shall
37 be paid to the respective affected taxing entities as taxes on all
38 other property are paid.

39 *SEC. 13. Section 53397.1 of the Government Code is amended*
40 *to read:*

1 53397.1. The legislative body may, by majority vote, ~~initiate~~
 2 ~~proceedings to issue bonds~~ *authorize the issuance of bonds*
 3 pursuant to this chapter by adopting a resolution ~~stating its intent~~
 4 ~~to issue the bonds.~~

5 *SEC. 14. Section 53397.2 of the Government Code is amended*
 6 *to read:*

7 53397.2. The resolution adopted pursuant to Section 53397.1
 8 shall contain all of the following information:

9 (a) A description of the facilities to be financed with the
 10 proceeds of the ~~proposed~~ bond issue.

11 (b) The estimated cost of the facilities, the estimated cost of
 12 preparing and issuing the bonds, and the principal amount of the
 13 ~~proposed~~ bond issuance.

14 (c) The maximum interest rate and discount on the ~~proposed~~
 15 bond issuance.

16 ~~(d) The date of the election on the proposed bond issuance and~~
 17 ~~the manner of holding the election.~~

18 ~~(e)~~

19 (d) A determination of the amount of tax revenue available or
 20 estimated to be available, for the payment of the principal of, and
 21 interest on, the bonds.

22 ~~(f)~~

23 (e) A finding that the amount necessary to pay the principal of,
 24 and interest on, the ~~proposed~~ bond issuance will be less than, or
 25 equal to, the amount determined pursuant to subdivision ~~(e)~~ (d).

26 (f) *The issuance of the bonds in one or more series.*

27 (g) *The date the bonds will bear.*

28 (h) *The denomination of the bonds.*

29 (i) *The form of the bonds.*

30 (j) *The manner and execution of the bonds.*

31 (k) *The medium of payment in which the bonds are payable.*

32 (l) *The place or manner of payment and any requirements for*
 33 *registration of the bonds.*

34 (m) *The terms or call of redemption, with or without premium.*

35 *SEC. 15. Section 53397.4 of the Government Code is repealed.*

36 ~~53397.4. The clerk of the legislative body shall publish the~~
 37 ~~resolution adopted pursuant to Section 53397.1 once a day for at~~
 38 ~~least seven successive days in a newspaper published in the city~~
 39 ~~or county at least six days a week, or at least once a week for two~~

1 successive weeks in a newspaper published in the city or county
2 less than six days a week.

3 If there are no newspapers meeting these criteria, the resolution
4 shall be posted in three public places within the territory of the
5 district for two succeeding weeks.

6 *SEC. 16. Section 53397.5 of the Government Code is repealed.*

7 ~~53397.5.~~ The legislative body shall submit the proposal to issue
8 the bonds to the voters who reside within the district. The election
9 shall be conducted in the same manner as the election to create the
10 district pursuant to Section 53395. 20 and the two elections may
11 be consolidated.

12 *SEC. 17. Section 53397.6 of the Government Code is repealed.*

13 ~~53397.6.~~ (a) The bonds may be issued if two-thirds of the
14 voters voting on the proposition vote in favor of issuing the bonds.

15 (b) If the voters approve the issuance of the bonds as provided
16 by subdivision (a), the legislative body shall proceed with the
17 issuance of the bonds by adopting a resolution which shall provide
18 for all of the following:

- 19 (1) ~~The issuance of the bonds in one or more series.~~
- 20 (2) ~~The principal amount of the bonds, which shall be consistent~~
21 ~~with the amount specified in subdivision (b) of Section 53397.2.~~
- 22 (3) ~~The date the bonds will bear.~~
- 23 (4) ~~The date of maturity of the bonds.~~
- 24 (5) ~~The denomination of the bonds.~~
- 25 (6) ~~The form of the bonds.~~
- 26 (7) ~~The manner of execution of the bonds.~~
- 27 (8) ~~The medium of payment in which the bonds are payable.~~
- 28 (9) ~~The place or manner of payment and any requirements for~~
29 ~~registration of the bonds.~~
- 30 (10) ~~The terms of call or redemption, with or without premium.~~

31 *SEC. 18. Section 53397.7 of the Government Code is repealed.*

32 ~~53397.7.~~ If any proposition submitted to the voters pursuant
33 to this chapter is defeated by the voters, the legislative body shall
34 not submit, or cause to be submitted, a similar proposition to the
35 voters for at least one year after the first election.

36 *SEC. 19. Article 9 (commencing with Section 65470) is added*
37 *to Chapter 3 of Division 1 of Title 7 of the Government Code, to*
38 *read:*

1 *Article 9. Transit Priority Project Program*

2
3 65470. (a) *It is the intent of the Legislature to provide a*
4 *process for cities and counties to create development patterns in*
5 *the form of transit priority projects that comply with Chapter 4.2*
6 *(commencing with Section 21155) of Division 13 of the Public*
7 *Resources Code, create good jobs, reduce vehicle miles traveled,*
8 *build the density needed for transit viability, and meet regional*
9 *housing targets.*

10 (b) *A city or county may participate in the Transit Priority*
11 *Project Program by adopting an ordinance indicating its intent*
12 *to participate in the program.*

13 (c) *If a city or county elects to participate in the program by*
14 *adopting the ordinance described in subdivision (b), the city or*
15 *county shall do all of the following:*

16 (1) *Adopt streamlined permitting procedures for development*
17 *projects that meet all of the requirements of subdivision (c).*

18 (2) *Allow developers to construct one additional story for each*
19 *story permitted to be constructed in adherence to the city's zoning*
20 *laws as a matter of right for buildings within residential and*
21 *mixed-use zones within the portion of a transit priority project in*
22 *which the program is applicable.*

23 (d) *A development project shall be eligible for the streamlined*
24 *permitting procedures required pursuant to paragraph (1) of*
25 *subdivision (b) if the development project meets all of the following*
26 *requirements:*

27 (1) *Is located in a designated transit priority project and within*
28 *one-half of one mile of a transit station, pursuant to Section 21155*
29 *of the Public Resources Code.*

30 (2) *Is located within a zone in which buildings of three stories*
31 *or more are authorized.*

32 (3) *Meets State Air Resources Board land use guidelines with*
33 *respect to distance from major emitters.*

34 (4) *Is built in compliance with the requirements for Gold*
35 *certification standard under the USGBC LEED program.*

36 (5) *Provides onsite bicycle parking.*

37 (6) *Provides for car sharing if a car sharing program is*
38 *available in the city or county. The car sharing area may be onsite,*
39 *or the developer may pay a fee to the city or county to cover the*
40 *cost of providing for car sharing at an offsite location near the*

1 *project. The developer shall provide one car share for the first 20*
2 *units and one car share for every 50 units thereafter.*

3 *(7) Rents parking space for the residential units separately from*
4 *the residential units, or pays a fee to the appropriate local transit*
5 *management fund to cover one-half of the cost of providing a*
6 *parking space.*

7 *(8) Provides to all units transit passes for 10 years as part of*
8 *the rent or condo fees if transit passes are available from local*
9 *providers.*

10 *(9) Provides to tenants recycling for bottles, cans, paper, and*
11 *plastic containers.*

12 *(10) Provides open space onsite, including, but not limited to,*
13 *accessible roof gardens, or pays a fee into a fund established for*
14 *local open space. The fee shall not exceed 10 cents (\$0.10) per*
15 *square foot.*

16 *(11) Provides 20 percent affordable units in rental or owner*
17 *occupied housing, or pays a fee in an amount equivalent to the*
18 *cost to provide an affordable unit elsewhere within the city's or*
19 *county's jurisdiction, as determined by the city or county.*

20 *(12) Pays prevailing wages to construction workers for*
21 *residential projects over 100 units.*

22 *(e) The following shall be applicable to a development project*
23 *that is eligible for the streamlined permitting procedures required*
24 *pursuant to paragraph (1) of subdivision (c):*

25 *(1) The project may be eligible for the exemption provided for*
26 *in Section 21155.1 of the Public Resources Code.*

27 *(2) The project shall only be subject to local design review of*
28 *the building exterior and shall comply with any local design*
29 *guidelines that were adopted prior to the submission of the project*
30 *application.*

31 *(3) If the project is located entirely within the boundaries of an*
32 *Infrastructure Finance District created pursuant to Chapter 2.8*
33 *(commencing with Section 53395) of Part 1 of Division 2 of Title*
34 *5, the district may reimburse the developer for any permit expenses*
35 *incurred pursuant to this article.*

36 *(f) Design review for a development project that takes advantage*
37 *of the streamlined permitting procedures required pursuant to*
38 *paragraph (1) of subdivision (c) shall be completed by a*
39 *participating city or county within 90 days of plan submittal. The*

1 *design review recommendation shall be forwarded directly to the*
2 *governing body of the city or county.*

3 ~~SECTION 1. It is the intent of the Legislature to enact~~
4 ~~legislation that would require cities and counties to adopt~~
5 ~~permitting procedures for transit village green pathways~~
6 ~~developments, in order to facilitate the implementation of Senate~~
7 ~~Bill 375 of the 2007–08 Regular Session, by encouraging economic~~
8 ~~development within transit villages, reducing vehicle miles~~
9 ~~traveled, promoting the construction of Leadership in Energy and~~
10 ~~Environmental Design (LEED) certified buildings, and providing~~
11 ~~incentives to developers to construct housing in transit villages.~~