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**SENATE COMMITTEE ON HOUSING**  
**Senator Jesse Arreguín, Chair**  
**2025 - 2026 Regular**

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<b>Bill No:</b>	AB 2576	<b>Hearing Date:</b>	6/24/2026
<b>Author:</b>	Harabedian		
<b>Version:</b>	6/15/2026 Amended		
<b>Urgency:</b>	No	<b>Fiscal:</b>	No
<b>Consultant:</b>	Alison Hughes		

**SUBJECT:** Transit-oriented development: exclusions: historic sites

**DIGEST:** This bill expands the historic sites exclusion in SB 79 (Wiener, Chapter 512, Statutes 2025), prior to one year following the adoption of the seventh housing element, to include contributing sites within a historic district and parcels individually listed as a historical resource in the State Historic Resources Inventory designated before January 1, 2025.

**ANALYSIS:**

*Existing law, pursuant to SB 79 (Wiener, Chapter 512, Statutes of 2025):*

*Terms and Definitions*

- 1) Establishes the following definitions:
  - a) “Adjacent” means within 200 feet of any pedestrian access point to a transit oriented development (TOD) stop. A parcel that meets any of the eligibility criteria under this bill and is adjacent to a Tier 1 TOD Stop or Tier 2 TOD Stop, as defined below, shall be eligible for an adjacency intensifier to increase the height limit by an additional 20 feet, the maximum density standard by an additional 40 dwelling units per acre, and the floor area ratio (FAR) by 1 prior to the application of density bonus law.
  - b) “Residential FAR” means the ratio of net habitable square footage dedicated to residential use to the area of the lot. A local government may not impose any other local development standard or combination of standards that would physically preclude the residential FAR established.
  - c) “Tier 1 TOD stop” means a transit-oriented development stop with an urban transit county, served by heavy rail transit or very high frequency commuter rail.

- d) “Tier 2 TOD stop” excludes a Tier 1 TOD stop, and means a transit-oriented development stop with an urban transit county served by light rail transit, by high-frequency commuter rail, or by bus service, as specified. “Urban transit county” means a county with more than 15 passenger rail stations.
- e) “TOD stop” means a major transit stop or a stop on a route for which a preferred alternative has been selected or which are identified in a regional transportation improvement program, served by heavy rail transit, very high frequency commuter rail, high frequency commuter rail, light rail transit, or specified bus service within an urban county. When a new transit route is planned that was not identified in the applicable regional transportation plan on or before January 1, 2026, these stops shall not be eligible as a TOD stop unless they would be eligible as Tier 1 TOD stops. If a county becomes an urban transit county subsequent to July 1, 2026, then bus service in that county shall remain ineligible for designation of a transit-oriented development stop.
- f) “Urban transit county” means a county with more than 15 passenger rail stations.

*SB 79 Development Standards*

- 2) Provides that a housing development within a specified distance of a transit stop in a residential, mixed-use, or commercial zone shall be entitled to specified development standards pursuant to the table below. TOD housing development projects shall also meet the following requirements:
  - a) The average total area of floor space for the proposed units in the transit-oriented housing development project shall not exceed 1,750 net habitable square feet, and
  - b) The housing development project shall include at least five dwelling units and meet the greater of the following:
    - i. A minimum density of at least 30 dwelling units per acre; or
    - ii. The minimum density required under the local zoning, if applicable.

TOD Stop Type	Dist. from Stop (TOD Zone)	Development Standards for Project
<b>Tier 1:</b> Major transit stop, heavy rail transit, or very high frequency commuter rail in urban transit county	¼ mile from stop	<ul style="list-style-type: none"> <li>• <b>Max Height:</b> 75 ft or 95 ft if adjacent to stop</li> <li>• <b>Max Density:</b> 30 - 120 units per acre (u/a) plus any density bonus or 160 u/a if adjacent to stop</li> <li>• <b>FAR:</b> 3.5 or 4.5 if adjacent to stop</li> <li>• <b>Specified Concessions</b></li> </ul>
	¼ - ½ mile from stop in city with population at least 35,000	<ul style="list-style-type: none"> <li>• <b>Max Height:</b> 65 ft</li> <li>• <b>Max Density:</b> 30 - 100 u/a plus any density bonus</li> <li>• <b>FAR:</b> 3</li> <li>• <b>Specified Concessions</b></li> </ul>
<b>Tier 2:</b> Not Tier 1 major transit stops served by light rail transit, high-frequency commuter rail, or bus rapid transit in an urban transit county	¼ mile from stop	<ul style="list-style-type: none"> <li>• <b>Max Height:</b> 65 ft or 85 ft if adjacent to stop</li> <li>• <b>Ma Density:</b> 30 - 100 u/a plus any density bonus or 140 u/a if adjacent to stop</li> <li>• <b>FAR:</b> 3 or 4 if adjacent to stop</li> </ul>
	¼ - ½ mile from stop in a city with a population at least 35,000	<ul style="list-style-type: none"> <li>• <b>Max Height:</b> 55 ft</li> <li>• <b>Max Density:</b> 30 - 80 u/a plus any density bonus</li> <li>• <b>FAR:</b> 2.5</li> <li>• <b>Specified Concessions</b></li> </ul>

- 3) Provides that for projects with more than 10 units, the project shall comply with one of the following requirements:
  - a) Any of the following:
    - i. At least 7% are dedicated to extremely low-income (ELI) households.
    - ii. At least 10% of the total units are dedicated to very low-income (VLI) households.
    - iii. At least 13% of the total units are dedicated to low-income households.
  - b) If a local inclusionary housing requirement mandates a higher percentage or deeper level of affordability, then the local inclusionary housing standard shall apply.
  - c) All units dedicated to ELI, VLI, or low-income households shall have an affordable cost or rent, as defined, and ensure the continued affordability of those units for 45 years for ownership or 55 years for rental units.

- 4) Prohibits a transit housing development from being located on either of the following:
  - a) A site containing more than two units where the development would require the demolition of housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power that has been occupied by tenants within the last seven years.
  - b) A site that was previously used for more than two units of housing that was demolished within seven years before the development proponent submits an application under this section any of the units were subject to any form of rent or price control.
- 5) Requires a TOD project to meet specified labor standards, including the provision of prevailing wages if the project is not entirely a public work, as specified, and projects over 85 feet shall employ a skilled and trained workforce, as specified.

#### *TOD Development Ordinances*

- 6) Requires the Department of Housing and Community Development (HCD) to oversee compliance with SB 79 development standards. Requires HCD to promulgate standards for how to account for capacity in a city or county's land suitable for development identified in its housing element by July 1, 2026.
- 7) Authorizes a local government to enact an ordinance to make its zoning consistent with the provisions of this chapter, subject to review by HCD, as specified. The adoption of the ordinance shall not be subject to CEQA. Provides that the ordinance may include objective standards, conditions, and policies, applying to TOD housing developments, that are demonstrated by a preponderance of the evidence to not physically preclude, alone or in concert, the applicable SB 79 development standards provided for in (2) above.
- 8) Provides that if a local government adopts an ordinance, it shall submit a copy to HCD within 14 days of adoption. HCD shall review and make a finding of compliance within 90 days, plus an additional 30 days if needed. If HCD does not meet that timeline, the ordinance shall be deemed compliant with SB 79 development standards. If HCD finds that the local government does not comply with SB 79 development standards, HCD shall provide the local government 60 days to respond.
- 9) Requires Metropolitan Planning Organizations (MPOs) to create a map of TOD stops and zones established by SB 79.

*Local TOD Alternative Plans*

- 10) Provides that a local “TOD alternative plan,” defined as an amendment to the housing element or a program to implement the housing element—such as the adoption of a specific plan, adoption of a zoning overlay, or enactment of an ordinance; that brings the local agency into compliance with this bill —may be adopted provided it incorporates all of the following:
- a) The plan shall provide at least the same total zoned capacity in terms of both total units and FAR, as specified.
  - b) The plan shall not reduce the maximum allowed density for any individual site on which the plan allows residential use by more than 50%, except for sites meeting any of the following criteria:
    - i. Sites within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, or within the state responsibility area, as defined.
    - ii. Sites that are vulnerable to one foot of sea level rise, as specified.
    - iii. Sites with a historic resource designation on a local register, so long as sites excluded from the density requirements of (11)(a) do not cumulatively exceed 10% of the eligible area of any TOD zone.
    - iv. Sites within ½ mile of a Tier 2 TOD stop shall not have a density below 30 units per acre with an FAR of 1.0 and should be considered for attached entry-level owner-occupied housing development opportunities.
  - c) The plan shall not reduce the capacity in any TOD zone in total units or FAR by more than 50%.
  - d) The site’s maximum capacity counted toward the plan shall not exceed 200% of the maximum density established by SB 79.
- 11) Exempts, prior to one year following the adoption of the 7<sup>th</sup> housing element, the following sites from SB 79 if the local government has adopted an SB 79 ordinance:
- a) A site identified by the local government that permits density and FAR at no less than 50% of the SB 79 standards.
  - b) A site in a TOD zone in which 33% of the sites have already permitted density and FAR at no less than 50% of the SB 79 development standards and includes sites with densities that cumulatively allow for at least 75% of the aggregate density for the TOD zone allowed using SB 79 development standards.

- c) A site within a very high fire hazard severity zone or within the state responsibility area, sites that are vulnerable to one foot sea level rise, or sites on a specified historic register.
  - d) Sites identified in a Local Plan.
- 12) Authorizes, for the seventh and subsequent revisions of the housing element, a local government to include a local TOD alternative plan, as specified, in future housing element cycles.
- 13) Provides that, beginning on January 1, 2027, a local agency that denies a housing development project meeting the provisions of this bill shall be presumed to be in violation of the HAA and are immediately liable for specified penalties, unless the local government demonstrates that it has a public health, life, or safety reason for denying the project, as specified.
- 14) Delays implementation of SB 79 development standards until July 1, 2026, unless a local government adopts an ordinance or local TOD alternative plan deemed compliant by HCD before July 1, 2026. Delays implementation to unincorporated areas of a county until the 7<sup>th</sup> regional housing needs allocation cycle.

**This bill:**

- 1) Expands the historic sites exclusion in SB 79 (Wiener) to include any of the following designated before January 1, 2025:
- a) Sites with a historic resource located on a local register.
  - b) A contributing site within a historic district included in the State Historic Resources Inventory, as specified.
  - c) A parcel individually listed as a historical resource included in the State Historic Resources Inventory, as specified.

**Background**

*SB 79 Development Standards.* Beginning July 1, 2026, SB 79 makes housing an allowable use on sites zoned residential, mixed-use, or commercial within one-half mile of an existing or currently proposed qualifying TOD stop in an “urban transit county” for jurisdictions with a population of at least 35,000 residents, and within one-quarter mile of the qualifying TOD stop for jurisdictions with a population of less than 35,000. For unincorporated areas of a county, implementation is delayed until the 7<sup>th</sup> housing element cycle begins. SB 79 projects must include at least five units, achieve the greater of 30 dwelling units per acre (du/acre) or meet the local minimum density requirements, and maintain an average unit size not

exceeding 1,750 square feet. SB 79 projects over 10 units must include specified levels of affordable housing, comply with anti-displacement provisions of the Housing Crisis Act, and comply with specified labor standards.

SB 79 limits the standards local governments can impose on SB 79 projects depending on the distance from specified transit stops and population of the jurisdiction (*see* chart under existing law #2). SB 79 projects that meet certain density thresholds are also eligible for additional concessions and incentives under density bonus law. SB 79 projects are not eligible on the following sites: (1) a site in which the development would require the demolition of more than two units that is subject to any form of rent or price control that was occupied by tenants within the last seven years, and (2) a site that was previously used for more than two units of housing that was demolished within the last seven years and those units were subject to price or rent control.

*HCD’s SB 79 Advisory.* Due to requests from several MPOs about the need for greater clarity about the implementation of SB 79, on March 20, 2026, HCD issued an SB 79 Advisory.<sup>1</sup> Among other things, the advisory clarified several SB 79 definitions and specified that SB 79 applies to the following counties as of the publication of the advisory: Alameda, Los Angeles, Sacramento, San Francisco, San Mateo, Santa Clara, and San Diego. According to the advisory, HCD will review all SB 79 Ordinances and TOD Alternative Plans and determine their compliance with state law. The advisory also provides that SB 79 development standards apply to the following types of transit:

Heavy Rail	Light Rail	Commuter Rail
<ul style="list-style-type: none"> <li>▪ Bay Area Rapid Transit (BART): All except eBART Pittsburg Center, Antioch stations</li> <li>▪ Los Angeles (LA) Metro Rail: B, D Lines</li> </ul>	<ul style="list-style-type: none"> <li>▪ LA Metro Rail (A, C, E, K Lines)</li> <li>▪ Sacramento Regional Transit (SacRT)</li> <li>▪ San Diego Metropolitan Transit System (MTS) Trolley</li> <li>▪ San Francisco Municipal Railway (Muni) Metro and Streetcar</li> <li>▪ Santa Clara Valley Transportation Authority (VTA) Light Rail</li> </ul>	<ul style="list-style-type: none"> <li>▪ Altamont Corridor Express (ACE)</li> <li>▪ Arrow</li> <li>▪ BART (eBART Pittsburg Center, Antioch stations only)</li> <li>▪ Caltrain</li> <li>▪ Capitol Corridor</li> <li>▪ Coaster</li> <li>▪ Metrolink</li> <li>▪ Pacific Surfliner</li> <li>▪ San Joaquins (Gold Runner)</li> <li>▪ Sonoma-Marín Area Rail Transit (SMART)</li> <li>▪ Sprinter</li> </ul>

<sup>1</sup> *SB 79 Advisory: Clarifications on Definitions for Metropolitan Planning Organizations.* HCD Housing Policy Development Division. March 20, 2026. Accessible here: <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/sb-79-mpo-advisory.pdf>

HCD's advisory notes that SB 79 contemplates application to future planned TOD stops that meet specified requirements. As such, the chart above does not reflect rail typologies for all rail services that have yet to be constructed or enter into operation.

## Comments

- 1) *Author's statement.* "Assembly Bill 2576 makes targeted, practical improvements to SB 79 to ensure that California can advance transit-oriented housing while protecting the historic places and communities that define our cities and neighborhoods. As SB 79 is implemented, it is important that historic districts and resources listed at the local, state, and national levels are clearly recognized and fully protected. This clean-up legislation preserves the intent of expanding housing near transit while promoting thoughtful implementation that respects community history, reduces unintended consequences, and supports equitable outcomes statewide."
- 2) *State and regional guidance.* Independent of the SB 79 Advisory noted above in the Background section, HCD must issue guidance by July 1, 2026, on how SB 79 capacity is to be counted in local sites inventories for future housing element cycles. Additionally, MPOs are required to publish TOD tier maps with a rebuttable presumption of validity, however there is no requirement for MPOs to publish their maps on any statutory timeline. For the 6<sup>th</sup> housing element cycle, up to one year prior to the adoption of the 7<sup>th</sup> housing element revision, local governments may exempt additional parcels from the provisions of this bill under specified conditions via an ordinance update.
- 3) *Alternatives to SB 79 application.* SB 79 creates two implementation alternatives for local governments to use to comply with the provisions of the bill:
  - a) *SB 79 ordinances.* The SB 79 development standards identified in Comment 2 do not apply to a local government that enacts a local TOD ordinance to make their zoning consistent with SB 79 development standards, provided HCD has reviewed and determined the ordinance substantially complies with the SB 79 development standards by July 1, 2026. In other words, a local TOD ordinance would replace the SB 79 development standards. Specifically, HCD must review an enacted ordinance and make a finding as to whether the ordinance is in substantial compliance with SB 79 development standards and report back to the local government within 90 days – or 120 days if HCD needs an additional 30 days to review. If HCD fails to meet these timelines, the ordinance shall be deemed compliant with

SB 79. However, if the ordinance is deemed not to be compliant, the local government shall be given up to 60 days to respond.

- b) *Local TOD Alternative Plan (Local Plan)*. The SB 79 development standards may also be waived or altered in jurisdictions that choose to implement SB 79 differently by electing to adopt a Local Plan. A Local Plan can be adopted by ordinance, housing element adoption, housing element program implementation, a specific plan, or a zoning overlay. A Local Plan may alter the general development standards prescribed by SB 79, but must maintain at least the same net zoned capacity (measured in both units and residential floor area) as SB 79 provides, and may not reduce maximum density on any site or total capacity in any TOD zone by more than 50%, unless the sites are within a very high fire hazard severity zone, vulnerable to sea level rise, or contain a historic resource on a local register.

Local Plans can apply to any site in the jurisdiction, including those sites owned by other local agencies, and may be implemented by existing local TOD zoning ordinances, overlay zones, specific plans or zoning incentive ordinances, provided they meet the other requirements of the Local Plan. In other words, a local government adopting a Local Plan can collaborate with other local agencies.

- 4) *SB 79 exemptions*. SB 79 does not apply, prior to one year following the adoption of the 7<sup>th</sup> housing element, to the following sites if the local government has adopted an SB 79 ordinance: (a) a site identified by the local government that permits density and FAR at no less than 50% of the SB 79 standards; (b) a site in a TOD zone in which 33% of the sites have already permitted density and FAR at no less than 50% of the SB 79 development standards and includes sites with densities that cumulatively allow for at least 75% of the aggregate density for the TOD zone allowed using SB 79 development standards; (c) a site within a very high fire hazard severity zone or within the state responsibility area, sites that are vulnerable to one foot sea level rise, or sites on a specified historic register; or (d) sites identified in a Local Plan.
- 5) *Historic Preservation*. At the federal level, historic preservation efforts are guided by the National Historic Preservation Act (NHPA) of 1966, which was enacted in response to the widespread destruction of historic and cultural sites during postwar infrastructure expansion and urban renewal projects. The NHPA established the National Register of Historic Places, the nation's official inventory of historic sites, and created procedural protections requiring federal agencies to assess the impact of federal activities on historic resources. It also

established a framework for state and local governments, tribal nations, and preservation organizations to participate in historic preservation efforts.

In California, the Office of Historic Preservation (OHP), under the California State Parks, “administers federally and state mandated historic preservation programs to further the identification, evaluation, registration, and protection of California's irreplaceable resources.” According to the latest version of California’s Statewide Historic Preservation Plan, historic preservation efforts have evolved over the past two decades beyond merely identifying and documenting historic resources. Preservation is now integrated into land use planning, economic development, affordable housing policy, disaster preparedness, and environmental quality initiatives.

There are many historic districts in California, with the stated purpose of preserving the state’s architectural, cultural, and historical heritage. These districts are designated at the local, state, and federal levels, each with distinct regulatory frameworks, benefits, and potential development challenges. Local historic districts are formed through city or county ordinances, often requiring historic surveys, community support, and approval by local historic preservation commissions or city councils. Local designation may regulate the scope of alterations or demolitions that can be conducted within a given district. State historic districts are included in the California Register of Historical Resources and are established through a state nomination process. Development in state historic districts are typically subject to the requirements of the California Environmental Quality Act (CEQA), which requires analysis of potential adverse impacts from future development. The criteria for designation on the California Register of Historical Resources include:

- a) Association with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- b) Association with the lives of persons important in our past.
- c) Embodiment of the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- d) Yield of information important in prehistory or history.

Federal historic districts are listed on the National Registry of Historic Places and must meet national criteria for historic significance and integrity. Notably, federal designation does not automatically prevent development in most of the country. In other states, federal designation simply triggers NHPA reviews if federal funding, permits, or projects are involved. However, in California, development on federally designated properties typically involves CEQA

review, and properties that are listed on the National Registry of Historic Places are automatically added to California's State Historic Resources Inventory, affording them the same protections as state resources.

Within historic districts, not all buildings or structures carry the same level of significance. "Contributing properties" are those built during the district's period of significance, retain their historic integrity, and contribute to the overall historical, architectural, or cultural character of the district. Non-contributing properties may exist within a district, meaning that despite their geographic location they lack historic significance due to alterations or later construction. Preservation efforts also focus on character-defining features, which are the architectural and physical elements that give a historic district or landmark its distinctive identity. These may include architectural elements, materials, and spatial relationships.

Historical landmarks are also included on the California Register. Landmarks are individual sites, buildings, or structures recognized for their exceptional historical, architectural, or cultural significance. These landmarks are associated with key historical events, individuals, or architectural styles and are officially designated by the California Office of Historic Preservation. Once designated, they typically receive regulatory protections under CEQA.

- 6) *Nomination to the California Register of Historical Resources.* Generally, all nominations for historic properties or districts must be submitted to the OHP and reviewed and approved by the State Historical Resources Commission (SHRC). Properties already listed on the National Register of Historic Places or designated as California Historical Landmarks (#770 or higher) are automatically added to the California Register. The SHRC is established by PRC and contains nine members appointed by the Governor. All nominations for inclusion on the California Register must provide detailed documentation of the resource's historical, architectural, or cultural significance, including historical research, photographs, maps, and a justification for eligibility under California Register criteria. Any person or group, including historical societies, advocacy organizations, or members of the public, may prepare and submit a nomination to the SHRC.

Even if a property owner or local government objects, the SHRC can still review a nomination for inclusion on the California Register. While a property owner objection prevents the property from being formally listed in the California Register, it may still be determined "eligible for listing" by the SHRC. A property that is "eligible for listing" is typically treated the same as a property that is officially designated a historic resource for purposes of CEQA

when it comes to development proposals. It is not uncommon for nominations for historic districts to go directly to the SHRC rather than first trying to obtain local designation.

- 7) *SB 79 and Historic Resources.* As noted in Comment 3, SB 79 allows local governments to exclude sites with a historic resource designated as of January 1, 2025, on a local register if the local government has adopted a local alternative plan pursuant to SB 79 indicating the site's exclusion within one year of adopting the seventh revision of the housing element.

This bill would exempt SB 79 development standards from applying to a site, prior to one year following the adoption of the seventh housing element, any of the following apply, prior to January 1, 2025: the site is designated with a historic resource listed on a local register; a contributing site within a historic district is included in the State Historic Resources Inventory; or the parcel is individually listed as a historical resource in the State Historic Resources Inventory, as specified.

- 8) *Opposition.* The SB 79 sponsors are opposed to the bill because of the “substantial amendments taken on May 28, 2026, that reneged on the terms of our neutrality.”
- 9) *Double-referral.* This bill was also referred to the Local Government Committee.

### Related/Prior Legislation

**AB 2074 (Haney, 2026)** — requires major transit cities to designate high-density downtown transit hub districts where qualifying housing developments are allowed by right, subject to specified labor and affordability standards, and establishes a state revolving loan fund to support their construction. *This bill will be heard in this Committee on June 30<sup>th</sup>.*

**AB 2415 (Hoover, 2026)** — revises SB 79 (Wiener, Chapter 512, Statutes of 2025) to add additional historic preservation protections for a jurisdiction that meet certain characteristics. *This bill will be heard today.*

**SB 1361 (Durazo, 2026)** — prohibits a local government with an existing or planned transit oriented development (TOD) stop from taking actions to interfere with a transit project's approval to avoid the application of SB 79 (Wiener, Chapter 512, Statutes of 2025) development standards. *This bill is pending in the Assembly.*

**SB 79 (Wiener, Chapter 512, Statutes of 2025)** — required a housing development project within a specified radius of existing or currently proposed transit-oriented development stop, as defined, be an allowable use on a site zoned for residential, mixed, or commercial development, if the housing development meets certain requirements. This bill also allowed a transit agency to adopt TOD zoning standards for district-owned land located in a TOD zone.

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: No    Local: No

**POSITIONS:** (Communicated to the committee before noon on Wednesday, June 17<sup>th</sup>, 2026.)

**SUPPORT:**

California Preservation Foundation  
City of San Mateo

**OPPOSITION:**

Abundant Housing LA  
Bay Area Council  
California Yimby  
Greenbelt Alliance  
Inner City Law Center  
Spur  
Streets for All

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