
SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator María Elena Durazo, Chair
2025 - 2026 Regular

Bill No: SB 677
Author: Wiener
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Fiscal: Yes
Consultant: Peterson

HOUSING DEVELOPMENT: TRANSIT-ORIENTED DEVELOPMENT

Changes definitions of “high-frequency commuter rail” and “commuter rail” for purposes of implementing Senate Bill 79 (Wiener, 2025).

Background

Land use. The California Constitution allows cities and counties to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public—including land use authority.

Cities and counties use their police power to enact zoning ordinances that shape development, such as setting maximum heights and densities for housing units, minimum numbers of required parking spaces, setbacks to preserve privacy, lot coverage ratios to increase open space, and others. These ordinances can also include conditions on development to address aesthetics, community impacts, or other particular site-specific consideration. Zoning ordinances and other development decisions must be consistent with the city or county’s general plan.

California’s housing crisis. California has the largest concentration of severely unaffordable housing markets in the nation, with the average home value in California at \$773,363. To keep up with demand, the Department of Housing and Community Development (HCD) estimates that California must plan for the development of more than 2.5 million homes over the next eight years. Many economists point to zoning constraints as a cost driver. Last year, the Legislature passed SB 79 (Wiener, 2025) to remove some of these zoning constraints on projects near transit stops. Building housing near transit is also a strategy to combat climate change, since it can reduce reliance on automobile travel.

Senate Bill 79 (Wiener, 2025). SB 79 (1) made transit-oriented development (TOD) an allowable use on any site zoned for residential, commercial, or mixed use; and (2) allowed a transit agency to adopt objective standards for both residential and mixed-use development projects.

TOD development upzoning. SB 79 entitles a housing development within a specified distance of a transit stop in a residential, mixed-use, or commercial zone to specified development standards described in the table below.

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

TOD housing development projects must also meet the following requirements:

- The average total area of floor space for the proposed units in the transit oriented housing development project cannot exceed 1,750 net habitable square feet; and
- The housing development project must include at least five dwelling units and meet the greater of the following:
 - A minimum density of at least 30 dwelling units per acre; or
 - The minimum density required under the local zoning, if applicable.

SB 79 projects from being located on specified sites subject to rent control within the last seven years. SB 79 projects must also meet specified affordability and labor standards.

SB 79 requires metropolitan planning organizations (MPOs) to create a map of TOD stops and zones. Based on those maps, a local government to enact an ordinance to make its zoning consistent with SB 79, subject to HCD review. Additionally, they can adopt a local TOD alternative plan that allows them to adopt their own standards provide they maintain the same amount of housing as the general SB 79 provisions.

SB 79 implementation. As cities, counties, transit agencies, and MPOs move to implement SB 79, numerous questions have arisen around what stops qualify for SB 79 upzoning. For example, SB 79 defines high-frequency commuter rail to mean a commuter rail service operating a total of 48 trains per day across both directions. At certain stations, multiple commuter rail services use the same station. Local agencies do not know whether to stack the number of trains for each service that uses the station or count the number of trains for each service separately.

To mitigate some concerns over SB 79 implementation, the author wants to clarify provisions of the measure.

Proposed Law

Senate Bill 677 redefines, for purposes of SB 79, “high-frequency commuter rail” to mean public commuter or intercity rail stations with a total of at least 48 passenger trains on an average weekday across all directions. SB 677 also makes a technical change to the definition of “commuter rail.”

Comments

1. Purpose of the bill. According to the author, “SB 677 makes targeted technical clarifications to SB 79. SB 79 enhances transit-oriented development to support public transit systems and address our acute housing shortage. These clarifications will provide additional clarity for local and regional governments, transit agencies, and the public as SB 79 is implemented - fostering transit-oriented development across high-quality transit.”

2. What about us? SB 677’s change to the definition of high-frequency commuter rail is intended to ensure that when counting the number of trains that pass through a station for purposes of meeting this definition, the number of trains includes all the services that pass through that station. Some stations only qualify as TOD stops subject to SB 79 upzoning when stacking the different rail services on top of each other. SB 677 proposes to change the definition of high-frequency commuter rail as cities and counties are trying to determine whether they are subject to SB 79 ahead of its July 1, 2026 effective date. For example, the City of Solana Beach, a city of around 13,000 in San Diego County, does not believe it is subject to SB 79’s current definition of high-frequency commuter rail because no individual lines operate with a frequency that meets SB 79’s definition, but would be roped in to SB 79 upzoning with the proposed SB 677 definition. This means that from July 1, 2026, to January 1, 2027, some cities and counties won’t be subject to SB 79 upzoning, but starting on January 1, 2027, when SB 677 goes into effect, they might be. Depending on what tier of TOD stop they qualify for, these cities would have to begin preparing for more density near their transit stops, including financing infrastructure improvements necessary to accommodate these high-density developments.

3. Complicated. The Legislature enacted SB 79 to boost housing production near transit with a minimum of unintended consequences. However, if local agencies cannot easily determine where SB 79 applies, much needed housing projects near transit stops could be delayed if the courts need to evaluate how certain definitions apply. SB 677 tackles a couple of the implementation issues that are necessary to fulfill the Legislature’s intent to boost housing production with SB 79. However, numerous issues remain that may frustrate implementation of the bill, including:

- According to the author, SB 79 is supposed to apply in eight counties (Alameda, Los Angeles, Orange, Sacramento, San Diego, San Francisco, San Mateo and Santa Clara). However, according to the California State Association of Counties (CSAC), “...CSAC and other stakeholders interpret the new law’s current provisions to apply to a maximum of four counties (Alameda, Los Angeles, San Mateo, and Santa Clara).”
- Cities must be ready to implement SB 79 by July 1, 2026, based on maps of TOD stops the MPOs create. However, SB 79 did not give MPOs a deadline to complete maps. There is no guarantee that MPOs will finalize maps in time for cities to determine which TOD stops qualify for SB 79 upzoning. If those maps are not ready when cities start to

receive applications for SB 79 projects, cities may not be able to determine whether a project complies with the requirements of the law.

- SB 79 gives cities and counties the authority to implement a local alternative plan via different methods, including the housing element, a program to implement the housing element, adoption of a specific plan, zoning overlay, or via ordinance. The measure only exempts jurisdictions from SB 79 if HCD has approved the local alternative plan. However, there is no process laid out in SB 79 for how HCD reviews these alternative plans. There is a process for HCD to review ordinances that local jurisdictions enact to implement SB 79, but it is unclear whether this same process applies to local alternative plans, especially if the city or county does not adopt the local alternative plan as an ordinance.

4. Related legislation. SB 722 (Wahab) exempts existing parcels governed by mobilehome and recreational vehicle park occupancy laws from SB 79. The measure is also scheduled for the Committee's January 14th meeting.

5. Incoming! The Senate Rules Committee has ordered a double referral of SB 677: first to the Committee on Housing, which approved the bill at its January 6th hearing on a vote of 10-1, and second to the Committee on Local Government.

6. Gut and amend. As introduced, SB 677 made a series of substantive and technical changes to various housing streamlining approval processes. On January 5, 2026, the author amended the bill to delete the initial contents of SB 677 and insert the current language relating to SB 79.

7. Mandate. The California Constitution requires the state to reimburse local governments for the costs of new or expanded state mandated local programs. Because SB 677 adds to the duties of local officials, Legislative Counsel says the bill imposes a new state mandate. SB 677 disclaims the state's responsibility for providing reimbursement by citing local governments' authority to charge for the costs of implementing the bill's provisions, and because certain provisions create, or change, crimes and penalties.

Support and Opposition (1/9/2026)

Support: California Apartment Association

Opposition: City of Glendale
City of Solana Beach
Equitable Land Use Alliance (ELUA)
Neighbors for a Better San Diego

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