
THIRD READING

Bill No: SB 79
Author: Wiener (D)
Amended: 5/28/25
Vote: 21

SENATE HOUSING COMMITTEE: 6-2, 4/22/25
AYES: Arreguín, Cabaldon, Caballero, Gonzalez, Ochoa Bogh, Padilla
NOES: Wahab, Seyarto
NO VOTE RECORDED: Cortese, Durazo, Grayson

SENATE LOCAL GOVERNMENT COMMITTEE: 4-3, 4/30/25
AYES: Arreguín, Cabaldon, Laird, Wiener
NOES: Durazo, Choi, Seyarto

SENATE APPROPRIATIONS COMMITTEE: 4-2, 5/23/25
AYES: Caballero, Cabaldon, Grayson, Richardson
NOES: Seyarto, Wahab
NO VOTE RECORDED: Dahle

SUBJECT: Housing development: transit-oriented development: California
Environmental Quality Act: public transit agency land

SOURCE: Bay Area Council
California Yimby
Greenbelt Alliance
Spur
Streets for All

DIGEST: This bill: (1) authorizes a residential development within a $\frac{1}{4}$ or $\frac{1}{2}$ distance of transit stops in a residential, mixed-use, or commercial zone to be developed with maximum height, minimum density and residential floor area ratio (FAR), and additional development benefits, as specified, and (2) allows a transit agency to adopt objective standards for both residential and commercial

developments proposed to be constructed on land owned by the transit agency or on which the transit agency has a permanent easement, if the objective standards allow for the same or greater development intensity that is allowed by local standards or applicable state law, and (3) provides that the California Environmental Quality Act (CEQA) does not apply to a public or private residential, commercial, or mixed-use project that is located entirely on land owned by a public transit agency, as specified.

ANALYSIS:

Existing law:

- 1) Requires, pursuant to State Density Bonus Law (DBL), each city and county to adopt an ordinance that specifies how it will implement DBL. Requires cities and counties to grant a density bonus when an applicant for a housing development of five or more units seeks and agrees to construct a project that will contain at least one of the following:
 - a) 10% of the total units of a housing development for lower-income (LI) households;
 - b) 5% of the total units of a housing development for very low-income (VLI) households;
 - c) A senior citizen housing development or mobile home park;
 - d) 10% of the units in a common interest development (CID) for moderate-income households;
 - e) 10% of the total units for transitional foster youth, veterans, or people experiencing homelessness; or
 - f) 20% of the total units for lower-income students in a student housing development.
 - g) 100% of the units of a housing development for lower-income households, except that 20% of units may be for moderate-income households.
- 2) Requires a city or county to allow an increase in density on a sliding scale from 20% to 50%, depending on the percentage of units affordable to LI and VLI households, over the otherwise maximum allowable residential density under

the applicable zoning ordinance and land use element of the general plan. Requires the increase in density on a sliding scale for moderate-income for-sale developments from 5% to 50% over the otherwise allowable residential density.

- 3) Provides that the applicant shall receive the following number of incentives or concessions:
 - a) One incentive or concession for projects that include at least 10% of the total units for moderate-income households, 10% of the total units for lower-income households, or at least 5% for VLI households.
 - b) Two incentives or concessions for projects that include at least 20% of the total units for moderate-income households, 17% of the total units for lower income households, or least 10% for VLI households.
 - c) Three incentives or concessions for projects that include at least 30% of the total units for moderate-income households 24% of the total units for lower-income households, or at least 15% for VLI households.
 - d) Four incentives or concessions for projects that include at least 45% for persons and families of moderate-income in a development in which the units are for sale, or 16% of the units are for VLI households.
 - e) Five incentives or concessions for a project in which 100% of the households are affordable to lower income households, except that up to 20% of the units may be affordable to moderate-income households. If the project is located within ½ mile of a major transit stop or located in a love vehicle travel area, the applicant shall also receive a height increase of three additional stories or 33 feet.
- 4) Defines “major transit stop” to means a site containing an existing rail or bus rapid transit station, ferry terminal served by either bus or rail transit, or the intersection of two or more major bus routes with a frequency of service of 20 minutes or less during the morning and afternoon peak commute periods.
- 5) Defines “extremely low income” (ELI) as those earning below 30% of the AMI.
- 6) Defines “very low-income” as those earning below 50% of the AMI.

- 7) Defines “lower-income” (LI) as those earning between 50% and 80% of the AMI.
- 8) Defines “moderate-income” as those earning between 80% and 120% of the AMI.
- 9) Defines above moderate-income as those earning more than 120% of the AMI.
- 10) Provides, pursuant to Housing Element Law, that infill developments in localities that have failed to meet their regional housing needs assessment (RHNA) numbers shall be subject to a streamlined, ministerial approval process, as specified.
- 11) Provides that specified infill housing developments shall be subject to a streamlined ministerial approval process and not subject to a conditional use permit if the project has two or more units. Projects containing more than 10 units are required to provide 10% of the total number of units affordable to households making below 50% AMI or 50% of the units making below 80% AMI, as specified. For developments in the San Francisco Bay Area, 20% of the units are affordable to families making 100% AMI with the average making at or below 80% AMI, as specified.

This bill:

- 1) Authorizes a transit agency to develop standards for both residential and commercial developments on transit agency land or on which the transit agency has a permanent operating easement, if the land is within ½ mile of a transit-oriented development stop and the objective standards allow for the same or greater intensity as allowed by local standards and state law and provides that CEQA does not apply to a public or private residential, commercial, or mixed-use project that is located entirely on land owned by a public transit agency, as specified.
- 2) Creates the following definitions:
 - a) “Adjacent” means sharing a property line with a transit stop, including any parcels that serve a parking or circulation purpose related to the stop. A parcel that meets any of the eligibility criteria under this bill and is adjacent to a Tier 1, Tier 2, or Tier 3 transit-oriented development 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 by 1.

- b) “Bus service” means “bus rapid transit” or public mass transit service provided by a public agency or by a public-private partnership that includes all of the following features: i) Full-time dedicated bus lanes or operation in a separate right-of-way dedicated for public transportation with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods; ii) Transit signal priority; iii) All-door boarding; iv) Fare collection system that promotes efficiency; and v) Defined stations.
- c) “Frequent commuter rail” means a commuter rail service with a total of at least 24 trains per weekday across both directions and not meeting the standard for very high or high frequency commuter rail at any point in the last three years.
- d) “Heavy rail transit” means an electric railway with the capacity for a heavy volume of traffic using high-speed railway with the capacity for a heavy volume of traffic using high-speed and rapid acceleration passenger rail cars operating singly or in multicar trains on fixed rails, separately rights-of-way from which all other vehicular and foot traffic are excluded, and high platform loading.
- e) “High-frequency transit” means a commuter rail service operating a total of at least 48 trains across both directions at any point in the past three years.
- f) “Residential floor area ratio” (FAR) means the ratio of net habitable square footage dedicated to residential use to the area of the lot. For the FAR provisions under this bill, a local government may not impose any other local development standard or combination of standards that would prevent the FAR established.
- g) “Light rail transit” includes streetcar, trolley, and tramway service.
- h) “Tier 1 transit oriented development (TOD) stop” means a transit-oriented development stop with an urban transit county, served by heavy rail transit or very high frequency commuter rail.

- i) “Tier 2 TOD stop” excludes a Tier 1 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.
 - j) “Tier 3 TOD stop” excludes Tier 1 and 2 stops, and means a means a transit-oriented development stop with an urban transit county, served by frequent commuter rail service or by ferry service, or by any transit-oriented development stop not within an urban transit county, or any major transit stop otherwise so designated by the applicable authority.
 - k) “Transit Oriented Development stop” means a major transit stop excluding any stops served heavy rail transit, very high frequency commuter rail, high frequency commuter rail, light rail transit, specified bus service or ferry service, or otherwise designated by the applicable authority.
 - l) “Urban transit county” means a county with more than 15 rail stations.
 - m) “Very high frequency commuter rail” means a commuter rail service with a total of at least 72 trains per day across both directions at any point in the past three years.
- 3) Provides that a housing development within a specified distance of a transit stop in a residential, mixed-use, or commercial zone, is entitled to the following development standards:

TOD Stop Type	Dist. from Stop	Standards for Project
Tier 1: Major transit stop, heavy rail transit, or very high frequency commuter rail	1/4 mile from stop	<ul style="list-style-type: none"> • Max Height: 75 ft or 95 ft if adjacent to stop • Min Density: 120 units per acre (u/a) plus any density bonus or 160 u/a if adjacent to stop • FAR: 3.5 or 4.5 if adjacent to stop • + 3 concessions or incentives under DBL
	1/4 - 1/2 mile from stop	<ul style="list-style-type: none"> • Max Height: 65 ft or 85 ft if adjacent to stop • Min Density: 100 u/a plus any density bonus or 140 u/a if adjacent to stop • FAR: 3 or 4 if adjacent to stop • + 2 concessions or incentives under DBL
Tier 2:	1/4	<ul style="list-style-type: none"> • Max Height: 65 ft or 85 ft if adjacent to stop

Not Tier 1 major transit stops served by light rail transit, high-frequency commuter rail, or bus rapid transit	mile from stop	<ul style="list-style-type: none"> • Min Density: 100 u/a plus any density bonus or 140 u/a if adjacent to stop • FAR: 3 or 4 if adjacent to stop • + 2 concessions or incentives under DBL
	1/4 - 1/2 mile from stop	<ul style="list-style-type: none"> • Max Height: 55 ft or 75 ft if adjacent to stop • Min Density: 80 u/a plus any density bonus or 120 u/a if adjacent to stop • FAR: 2.5 or 3.5 if adjacent to stop • + 1 concessions or incentives under DBL
Tier 3: Not Tier 1 or 2 major transit stops in an urban transit county served by frequent commuter rail service or by ferry service.	1/4 mile from stop	<ul style="list-style-type: none"> • Max Height: 55 ft or 75 ft if adjacent to stop • Min Density: 80 u/a plus any density bonus or 120 u/a if adjacent to stop • FAR: 2.5 or 3.5 if adjacent to stop • + 1 concession or incentive under DBL
	1/4 - 1/2 mile from stop	<ul style="list-style-type: none"> • Max Height: 45 ft or 65 ft if adjacent to stop • Min Density: 60 u/a plus any density bonus or 100 u/a if adjacent to stop • FAR: 2 or 3 if adjacent to stop • No additional concessions or incentives

- 4) Provides that a project meeting the requirements of (6) shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirements or other similar provision for purposes of the HAA. This provision does not require the project to be eligible for a ministerial approval process.
- 5) Provides that a local government may still enact and enforce standards, including inclusionary zoning standards, that do not alone or in concert prevent

achieve the development standards provided under (6), or unless the project contains 10 or fewer units.

- 6) Provides that for projects with more than 10 units in a jurisdiction without an inclusionary ordinance, the project shall contain at least one of the following (consistent with existing density bonus law, or (1) under existing law above).
- 7) Authorizes a project constructed by the provisions under (6) above to be eligible for streamlined ministerial approval process, however projects are subject to a 10% VLI, or for projects in the San Francisco Bay Area, 20% of the units are affordable to families making 100% AMI with the average making at or below 80% AMI, as specified.
- 8) Provides that projects that demolish units shall comply with specified provisions of the Housing Crisis Act, including specified relocation assistance and replacement unit requirements for protected units, as defined.
- 9) Requires the Department of Housing and Community Development (HCD) to oversee compliance with the provisions of (3) above. Authorizes a regional government or metropolitan planning organization to create a map of transit-oriented development sites.
- 10) Authorizes a local government to enact a “TOD alternative plan”, an ordinance to make its zoning consistent with the provisions of this chapter, subject to review by HCD, as specified. The creation of this ordinance shall not be subject to CEQA.
- 11) Provides that an TOD alternative plan enacted pursuant to (10) above may be enacted as an amendment to the housing element to land use element of the general plan, subject to review by HCD, and consistent with the following:
 - a) The plan shall provide at least the same total increase in feasible zoned capacity in terms of the residential FAR.
 - b) The plan may select qualified light industrial sites to designate as exempt from the requirements of his chapter so long as uses were not permitted prior to January 1, 2025.
 - c) The plan shall not reduce the allowed density for any individual site allowing residential use by more than 50%.

- d) The plan shall not reduce the allowed density for any individual site allowing residential use by more than 50% below what is permitted in this bill.
- e) A site's maximum feasible capacity counted towards the plan shall not be more than 200% of the maximum density permitted in this bill.
"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Comments

Appropriations Amendments. Amendments coming out of Senate Appropriations Committee do the following:

Author Amendments:

- Revise the definition of "urban transit county" to mean a county with more than 15 rail stations, rather than a county with 15 or more rail transit stations.
- Add a severability clause.

Committee Amendments:

- Delete provisions that make changes to the Surplus Land Act, restoring that section to existing law.
- Delete provisions that make a housing development project within one-half mile of a TOD stop an allowable use on a "qualified light industrial site."
- Make corresponding changes by deleting the definition of "qualified light industrial site" and delete provisions that allow a specified ordinance and plan to select qualified light industrial sites to be designated as exempt from this bill's requirements, as specified.

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

According to the Senate Appropriations Committee:

- The Department of Housing and Community Development (HCD) estimates ongoing costs of approximately \$369,000 for new workload to provide technical assistance to local agencies, developers, and other stakeholders, and to process case complaints of potential violations from developers, housing advocates, and legal organizations. Staff estimates that HCD could also incur additional, likely minor to moderate ongoing annual costs to review specified

ordinances and local TOD alternative plans, as specified. (General Fund)

- Unknown court cost pressures for workload to adjudicate additional cases filed as a result of the expansion of projects subject to provisions of the Housing Accountability Act (HAA) to include development projects within a specified distance from a TOD stop. Staff notes that, in addition to cases referred to the Attorney General by HCD to enforce violations of the HAA, eligible litigants include, project applicants, persons who would be eligible to reside in a proposed development, and specified housing organizations. (Trial Court Trust Fund, General Fund).
- Unknown local mandated costs. While the bill would impose new costs on local agencies to revise planning requirements and considerations for specified development projects within a specified distance of a TOD stop, these costs are not state-reimbursable because local agencies have general authority to charge and adjust planning and permitting fees to cover their administrative expenses associated with new planning mandates. (local funds)

SUPPORT: (Verified 5/27/25)

Bay Area Council (co-source)
California YIMBY (co-source)
Greenbelt Alliance (co-source)
Spur (co-source)
Streets for All (co-source)
21st Century Alliance
AARP
Abundant Housing LA
Active San Gabriel Valley
Alexander Pedersen - Vice Mayor, Capitola
All Voting Members of The North Westwood Neighborhood Council
Bay Area Council
Bike Culver City
Bike East Bay
Bike Long Beach
Bikesd
Brian Barnacle - Councilmember, Petaluma
Business for Good San Diego
Calbike
California Apartment Association
California Community Builders

California Nightlife Association (CALNIGHT)
Car-lite Long Beach
Casey Glaubman, Councilmember of Mount Shasta
Chamber of Progress
Circulate San Diego
City of Berkeley Councilmember Rashi Kesarwani
City of Gilroy Council Member Zach Hilton
City of Mountain View Council Member Lucas Ramirez
City of Santa Monica Council Member Jesse Zwick
City of South San Francisco Council Member James Coleman
Claremont City Councilmember, Jed Leano
Climate Action Campaign
Climate Hawks Vote
Costa Mesa Alliance for Better Streets
Council of Infill Builders
East Bay for Everyone
East Bay Leadership Council
East Bay Yimby
Eastside Housing for All
Emily Ramos - Vice Mayor, Mountain View
Environmental Protection Information Center
Everybody's Long Beach
Families for Safe Streets San Diego
Fieldstead and Company, INC.
Fremont for Everyone
Generation Housing
Glendale Yimby
Grow the Richmond
Hammond Climate Solutions Foundation
House Sacramento
Housing Action Coalition
Housing Leadership Council of San Mateo County
Housing Trust Silicon Valley
Inclusive Lafayette
Indivisible Claremont/inland Valley
Jamboree Housing Corporation
Laura Nakamura - Vice Mayor, Concord
Leadingage California
Lisc San Diego
Lucas Ramirez - Councilmember, Mountain View

Mark Dinan - Vice Mayor, East Palo Alto
Matthew Solomon, Councilmember - Emeryville
Mountain View Yimby
Napa-solano for Everyone
National Independent Venue Association of California
New Way Homes
Northern Neighbors
Our Time to ACT
Pathway to Tomorrow
Peninsula for Everyone
People for Housing - Orange County
People for Housing Oc
People for Housing Orange County
Phoebe Shin Venkat - Councilmember, Foster City
Prosperity California
Rebecca Saltzman, El Cerrito Councilmember
Redlands Yimby
Remake Irvine Streets for Everyone (RISE)
Ridesd
San Diego County Bicycle Coalition
San Fernando Valley for All
San Francisco Yimby
San Mateo County Economic Development Association (SAMCEDA)
Santa Cruz Yimby
Santa Rosa Yimby
Sergio Lopez - Mayor, Campbell
Sierra Business Council
Silicon Valley Leadership Group
Sloco Yimby
South Bay Yimby
South Pasadena Residents for Responsible Growth
South San Francisco Councilmember James Coleman
Streets are for Everyone (SAFE)
Streets are for Everyone (SAFE) (ORG)
Strong Towns San Diego
Strong Towns Santa Barbara
Student Homes Coalition
UC San Diego Housing Commission
University of California Student Association
Ventura County Yimby

Walk Bike Berkeley
Walk San Francisco
West Hollywood/hernan Molina, Governmental Affairs Liaison
Westside for Everyone
Wildlands Network
Yimby Action
Yimby Democrats of San Diego County
Yimby LA
Yimby Los Angeles
Yimby Slo

OPPOSITION: (Verified 5/27/25)

City of Lafayette
City of Mission Viejo
City of Simi Valley
Allied Neighborhoods Association (of Santa Barbara)
Beverly Hills; City of
Burton Valley Neighborhoods Group
California Association of Realtors
California Cities for Local Control
California Contract Cities Association
California Policy Center
California Preservation Foundation
California Rural Legal Assistance Foundation
California State Association of Counties
Catalysts for Local Control
Cheviot Hills (los Angeles) Neighborhood Association
Citizens Planning Association of Santa Barbara
Citizens Preserving Venice
City of Agoura Hills
City of Anderson
City of Artesia
City of Artesia, California
City of Azusa
City of Bell
City of Bellflower
City of Belvedere
City of Brentwood
City of Calimesa
City of Camarillo

City of Carlsbad
City of Chino
City of Chino Hills
City of Cloverdale
City of Clovis
City of Colton
City of Commerce
City of Concord
City of Cotati
City of Cudahy
City of Downey
City of Encinitas
City of Exeter
City of Fairfield
City of Folsom
City of Folsom, California
City of Fullerton
City of Garden Grove
City of Glendora
City of Grand Terrace
City of Hermosa Beach
City of Hesperia
City of Highland
City of Huntington Beach
City of La Mirada
City of La Quinta, Riverside County, California
City of LA Verne
City of Lakeport
City of Lakewood
City of Lakewood CA
City of Larkspur
City of Lathrop
City of Lawndale
City of Lomita
City of Los Alamitos
City of Los Banos
City of Manhattan Beach
City of Manteca
City of Marina
City of Merced

City of Milpitas
City of Modesto
City of Moorpark
City of Moreno Valley
City of Murrieta
City of Napa
City of Newport Beach
City of Norwalk
City of Oakley
City of Oceanside
City of Ontario
City of Orange
City of Orinda
City of Palm Desert
City of Palmdale
City of Palos Verdes Estates
City of Paramount
City of Pasadena
City of Perris
City of Pico Rivera
City of Pleasanton
City of Rancho Cordova
City of Rancho Cucamonga
City of Rancho Mirage
City of Rancho Palos Verdes
City of Redding
City of Redlands
City of Ripon
City of Riverbank
City of Rolling Hills Estates
City of Rosemead
City of San Fernando
City of San Juan Capistrano
City of San Luis Obispo
City of San Marcos
City of San Rafael
City of Sausalito
City of Scotts Valley
City of Solana Beach
City of South Gate

City of Stanton
City of Thousand Oaks
City of Torrance
City of Tustin
City of Upland
City of Vernon
City of Vista
City of Walnut Creek
City of Whittier
City of Yucaipa
Coalition for San Francisco Neighborhoods
Coastal San Pedro Neighborhood Council
Communities for a Better Environment
Crescenta Highlands Neighborhood Association 2025
Crescenta Valley Community Association 2025
Del Rey Residents Association
Foothill Communities Association
Fullerton Heritage
Grayburn Avenue Block Club
Greater Toluca Lake Neighborhood Council
Hills2000_friends of the Hills
Hollywoodland Homeowners Association, United Neighborhoods
Homies Organizing the Mission to Empower Youth (Homey)
Jelani Killings - Mayor of City of Pittsburg
Kennedy Commission
Lafayette Homeowners Council
Leadership Counsel for Justice and Accountability
League of California Cities
Los Angeles City Attorney
Mission Street Neighbors
Neighborhoods United Sf
Neighbors for a Better San Diego
New Livable California DbA Livable California
Nonprofit Housing Association of Northern California
Our Neighborhood Voices
Pacific Palisades Community Council
People Organizing to Demand Environmental and Economic Rights
Public Advocates
Public Counsel
Public Interest Law Project

Race & Equity in All Planning Coalition (REP-SF)
San Rafael/marin County Council of Mayors & Council Members; City of
Save Lafayette
South Bay Cities Council of Governments
Spaulding Square Historical Preservation Overlay Zone
State Building and Construction Trades Council
Strategic Actions for a Just Economy
Sunnyvale United Neighbors
Town of Apple Valley
Western Center on Law & Poverty
Westwood Hills Property Owners Association
Wilshire Montana Neighborhood Coalition
Young Community Developers

ARGUMENTS IN SUPPORT: According to the author, “SB 79 tackles the root causes of California’s affordability crisis by allowing more homes to be built near major public transportation stops and on land owned by transit agencies – bolstering transit use, slashing climate emissions, and supporting public transportation in the process. SB 79 allows more homes near transit in two major ways. First, SB 79 allows for upzoning land for multi-family homes up to 75 feet within a half mile of specified major train stations and bus rapid transit stops. This will ensure that TODs are feasible and enhance access to transit. Second, SB 79 authorizes local transit agencies to develop at the same or greater density on land they own. All TODs under SB 79 are eligible for the streamlined ministerial approvals process under SB 423 (Wiener, 2023) if they meet the law’s environmental, labor, and affordability standards. California needs to build millions of new homes in sustainable locations to meet housing goals, slash climate emissions, and reduce the cost of living, but overly restrictive zoning codes make building such homes illegal. SB 79 allows building more homes near transit to lower costs for families while bolstering public transit use and supporting cash-strapped transit agencies.”

ARGUMENTS IN OPPOSITION: A coalition of organizations serving lower-income communities are opposed to a prior version of the bill because this bill “overrides zoning near transit without ensuring affordability, disregards the clear connection between income and transit use, places public health and safety at risk, and silences the voices of low-income communities of color—communities that have long carried the burden of top-down zoning decisions.” They assert that this bill undermine climate, transportation, and housing goals, neuter low-income housing production laws, and disenfranchise communities of color and low-income communities.” The State Building and Construction Trades are opposed to a prior

version of the bill because “SB 79 both eliminates requirements in existing streamlining laws and creates new by right and CEQA exempt provisions for housing without requiring standards for affordable housing, construction workforce protections, and other standards. SB 79 overrides local agencies’ ability to implement State-certified housing elements, obstructs affordable housing goals, and authorizes dense development with no review of impacts on the environment, public health or infrastructure capacity.” The League of California Cities and other local governments are opposed to a prior version of this bill because it “defies cities’ general plans and provides transit agencies unlimited land use authority on property they own or have a permanent easement, regardless of the distance from a transit stop. This broad new authority applies to both residential and commercial development. Transit agencies could develop 100% commercial projects — even at transit stops — and not provide a single new home, while simultaneously making the argument that more housing must be constructed around transit stops.”

Prepared by: Alison Hughes / HOUSING / (916) 651-4124
5/28/25 17:34:40

**** **END** ****