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CITY OF BURBANK

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

CITY OF BURBANK, a municipal entity Petitioner and Plaintiff, v. SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS, a California joint powers agency; and DOES 1 to 10,, inclusive Respondents and Defendants	Case No. 26STCP03189 **CITY OF BURBANK'S VERIFIED PETITION FOR WRIT OF MANDATE TO COMPEL MANDATORY DUTY UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) *AND* COMPLAINT FOR DECLARATORY RELIEF**

Petitioner/Plaintiff CITY OF BURBANK (Burbank) files its Verified Petition for Peremptory Writ of Mandate and Complaint for Declaratory Relief (Petition), and alleges as follows:

INTRODUCTION

1. The City of Burbank brings this Petition to enforce the California Environmental Quality Act (CEQA)(Public Resources Code § 21000, *et. seq.)* and compel Respondent/Defendant SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG), as the lead agency, to conduct a CEQA-compliant environmental review and prepare an environmental impact report (EIR), or other document as applicable, in relation to a project pursuant to Senate Bill 79 (SB 79) requiring SCAG to prepare and maintain a map identifying qualifying transit stops, transit-oriented development (TOD) zones, and tier housing development classifications based on transit service characteristics in Los Angeles County (SB 79 Map Project).

2. SB 79, which became operative on July 1, 2026, was adopted to promote transit-oriented housing production by overriding local zoning rules on density, height, and other development standards to allow mid-rise and high-density multifamily housing near major public transit stops (TOD Stops). Specifically, SB 79 mandates that multifamily housing be an allowed use on any site within a ¼-mile to ½-mile of all TOD stops that are zoned for residential, mixed, or commercial development and establishes statewide standards for increased density, building heights, and floor area ratios within that radius. The statute also requires SB 79-qualifying housing projects be approved through a ministerial approval process, thereby bypassing any subsequent environmental review under CEQA.

3. SB 79 further requires, under Government Code section 65912.160(f), that each metropolitan planning organization (MPO) create a regional map of TOD stops and tiers, which would carry a rebuttable presumption of validity for housing project applicants and local governments.

4. Relative to the instant Petition, Government Code section 65912.156(p) defines "TOD Stop" as "a major transit stop, as defined by Section 21064.5 of the Public Resources Code, and also including stops on a route for which a preferred alternative has been selected ***or*** which are identified in a regional transportation improvement program, that is served by…***bus service*** within an urban transit county ***meeting the standards of paragraph (1) of subdivision (a) of Section 21060.2 of the Public Resources Code***." (Emphasis added.) Such TOD Stops are also known as SB

79 TOD Stops.

5. For Burbank and much of Southern California, SCAG is the MPO required to create SB 79 mapping notating SB 79 TOD stops around existing rail and certain planned bus lanes, including along Los Angeles County Metropolitan Transportation Authority's (Metro) as yet-to-be-built North Hollywood to Pasadena Bus Rapid Transit project (BRT Project).

6. SCAG undertook the SB 79 Map Project, including, among others, stops along the BRT Project. Government Code section 65912.156(p) provides SCAG with two different means of identifying qualifying SB 79 TOD Stops. However, SCAG did not map SB 79 TOD Stops in Burbank based on either of the required criteria listed in the statute. Rather than use information and data established in SCAG's existing Regional Transportation Program/Sustainable Communities Strategy (RTP), SCAG exercised its discretion and used BRT Project "diagrams" provided by Metro, which mapped SB 79 TOD Stops onto five of six BRT bus stations in the City of Burbank.

7. Per Public Resources Code Section 21080, *et seq.,* an initial study and environmental review under CEQA is required for all public agency discretionary projects proposed to be carried out or approved, unless a specific exemption applies to a project. A "project" is any activity which "may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (Pub. Res. Code § 21065.)

8. Additionally, according to the CEQA Guidelines, a "discretionary project" means "a project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, regulations, or other fixed standards. The key question is whether the public agency can use its subjective judgment to decide whether and how to carry out or approve a project." (14 CCR (CEQA Guidelines) § 15357.)

9. Furthermore, recent case law in *Save Our Access v. City of San Diego*, (2025) 115 Cal.App.5th 388, makes it clear that CEQA requires an agency to analyze the "physical conditions" that will foreseeably result from a project's approval, particularly at a programmatic – rather than a project-specific – level, when a change in development standards creates a reasonable likelihood of

denser or taller structures. (*Id.* at 414-15 ["A meaningful analysis of the potential environmental impacts of removing the height limit for an entire area, which is a significant change at the program level, is particularly important if recent legislation may now exempt certain site-specific projects … from further CEQA review or subject those projects to a streamlined process."])

10. SCAG claims the SB 79 Map Project is ministerial in nature and does not require any environmental review under CEQA. Its SB 79 Map Project was finalized and approved on July 2, 2026, without an initial study or any environmental analysis or review under CEQA.

11. Yet, prior to final approval, SCAG called for input and comments from affected public agencies, potential stakeholders, and interested parties on its proposed SB 79 Map Project and the methodology behind it, clearly indicating that the creation and approval of the SB 79 Map Project is a discretionary project subject to CEQA review. SCAG further exercised its discretion for the SB 79 Map Project when it chose to use Metro's BRT Project diagram rather than use its own data and information contained in the RTP for the BRT bus stations and commuter rail station frequency, as authorized under Government Code section 65912.156(p).

12. SCAG's SB 79 Map Project results in greatly increased housing density, height limits, and floor area ratios within a ½ mile radius of Burbank's five BRT stations, now considered SB 79 TOD Stops. Largely single family residential (R-1) zoned neighborhoods surrounding the five BRT stations, with relatively low height limits, densities and floor area ratios now immediately qualify for much higher densities, height standards and floor area ratios, all with ministerial approval processes for such SB 79 housing projects. The environmental impact of such greatly increased densities, height limits, and floor area ratios has never been studied in the City of Burbank.

13. Thus, SCAG has a mandatory duty to conduct environmental review of the SB Map 79 Project under CEQA and failed to act in accordance with applicable law when it adopted its Project.

14. The City requests an expedited merits hearing on its first cause of action for writ of mandate as SCAG adopted its SB 79 Map Project by action of its Regional Council on July 2, 2026.

PARTIES

15. Petitioner/Plaintiff CITY OF BURBANK (Burbank) is, and at all relevant times herein mentioned has been, a municipal corporation located in Los Angeles County, California, and is a charter city organized and existing under the laws of the State of California and its City Charter.

16. Respondent/Defendant SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) is, and at all relevant times herein mentioned has been, a joint powers authority organized and existing pursuant to the Joint Exercise of Powers Act (Chapter 5 of Division 7 of Title 1 (commencing with Section 6500) of the California Government Code), which authorizes two or more public agencies to exercise any power common to them pursuant to a joint powers agreement. SCAG serves as a planning organization on behalf of its members, which include six counties and 191 cities, including Burbank.

17. Burbank does not know the true names and capacities of the Respondents/Defendants listed in the caption as DOES 1 through 10. Burbank is informed and believes, and alleges based on such information and belief, that each DOE Respondent/Defendant is in some way responsible for, participated in, or contributed to the wrongs of which Burbank complains and has legal responsibility to comply with CEQA with respect to the SB 79 Map Project. Upon learning the names of any of these respondents/defendants, Burbank will file an amendment to the Petition identifying such respondent/defendant by name.

JURISDICTION AND VENUE

18. Burbank files this Petition pursuant to Code of Civil Procedure Section 1085 and Public Resources Code 21167 *et seq*. The Petition is deemed verified under Code of Civil Procedure Section 446 because Burbank is a public entity.

19. This Court has jurisdiction under Code of Civil Procedure Section 426.10, Section 1060, and Section 1085, and Public Resources Code Section 21168.5 and Section 21168.9.

20. Venue is proper in this Court pursuant to (i) Code of Civil Procedure Section 394(a) in that SCAG resides in the County of Los Angeles with its principal office located at 900 Wilshire Boulevard, Suite 1700, Los Angeles, 90017, and (ii) Code of Civil Procedure Section 393(b) because the causes of action alleged in this Petition arose in Los Angeles County, where the SB 79

Map Project is located and would be carried out.

21. This is a CEQA action, which requires mandatory filing in the Central District (Stanley Mosk) Courthouse.

22. Burbank has complied with the requirements of Public Resources Code Section 21167.5 by serving a written notice of Petitioner's intent to commence this action by mail to Respondents on June 22, 2026 (A true and correct copy thereof is attached hereto as Exhibit A).

23. Burbank has performed all conditions precedent to filing this action and has exhausted all available administrative remedies to the extent possible as required by law.

24. Burbank has no plain, speedy, or adequate remedy in the course of ordinary law unless this Court grants the requested writ of mandate to require Respondents/Defendants to set aside their approval of the SB 79 Map Project and enjoins any activities in furtherance of the SB 79 Map Project, until Respondents/Defendants comply with CEQA. In the absence of such remedies, Respondents'/Defendants' actions will remain in effect in violation of state law, and Burbank, the environment, and residents in the communities near the Project will be irreparably harmed. No money damages or legal remedy could adequately compensate for that harm.

FACTUAL ALLEGATIONS

A. SB 79

25. On October 10, 2025, Governor Newsom signed SB 79, a statute that drastically increases the densities, height limits, and allowable floor area ratios of housing developments on properties located within a ½-mile radius of a TOD Stop. Specifically, SB 79 introduces a tiered system for development intensity by categorizing TOD Stops into Tier 1 (heavy rail and very high-frequency commuter rail) and Tier 2 (light rail, lower-frequency commuter rail, and qualifying bus rapid transit stations). A qualifying housing development project within a specified distance of a TOD Stop would be an allowed use in residential, mixed-use, or commercial zones, subject to a ministerial approval process. (A true and correct copy of the text of SB 79 is attached hereto as **Exhibit B**.)

26. Under SB 79, a proposed housing development must: (i) have a minimum density of at least 30 dwelling units per acre, (ii) meet minimum density required under local zoning (if

applicable), and (iii) have an average total floor area of 1,750 net habitable square feet per housing unit. (Gov. Code § 65912.157(a).) Additionally, when a housing project is directly adjacent to or within 200 feet of a Tier 2 TOD Stop, the maximum density increases by an additional 40 dwelling units per acre, the height limit increases by an additional 20 feet, and the floor area ratio increases by a ratio of 1. (Gov. Code § 65912.157(e).)

27. SB 79 housing projects that have more than 10 units must include at least some below-market-rate units. In addition, no portion of the housing project can be designated for use as a hotel, motel, bed and breakfast or other transient lodging. Development must also meet the requirements of an applicable airport land use compatibility plan.

28. Not all bus rapid transit stops are considered Tier 2 TOD Stops under SB 79. For bus rapid transit stops to qualify as SB 79 TOD Stops, the bus service must have a full-time dedicated bus lane or operate in a separate right-of-way with service intervals of 15 minutes or less during peak hours. (Gov. Code § 65912.156(o); Public Res. Code § 21060.2(a)(1).)

29. Notwithstanding any local requirements, properties within a ½-mile radius of a Tier 2 TOD Stop are subject to the following Statewide development standards, where "du/ac" means dwelling units per acre, and "FAR" means "floor area ratio":

Feature	**Radius**	**Standard**
Maximum Density	less than 200 ft ("adjacent")	at least 140 du/ac
	between 200 ft and ¼ mile	at least 100 du/ac
	between ¼ and ½ mile	at least 80 du/ac
Maximum Height	less than 200 ft ("adjacent")	at least 85 ft.
	less than ¼ mile	at least 65 ft
	between ¼ and ½ mile	at least 55 ft
Maximum FAR	less than 200 ft ("adjacent")	at least 4.0 FAR
	less than ¼ mile	at least 3.0 FAR
	between ¼ and ½ mile	at least 2.5 FAR

30. Under SB 79, housing developments of 140 dwelling units per acre and at least 85 feet in height would be ***per se*** permitted within commercial, mixed use, and residential (including single family) zones located adjacent to or within 200 feet of SB 79 TOD Stops. Housing developments of 100 dwelling units per acre and at least 65 feet in height would be deemed ***per se***

permitted within commercial, mixed use, and residential (including single family) zones located within ¼-mile of SB 79 TOD Stops. Housing developments of 80 dwelling units per acre and at least 55 feet in height would be deemed ***per se*** permitted within commercial, mixed use, and residential (including single family) zones located within ½-mile of SB 79 TOD Stops. No environmental review under CEQA would be required, as such housing projects would be ministerially approved, despite having significant environmental impacts.

B. The BRT Project and the SB 79 Map Project

31. Metro's BRT Project is a 19-mile rapid transit bus line connecting North Hollywood to Pasadena, running through the City of Burbank (among others). In Burbank, Metro designed the BRT Project with six stops which operate partially within full-time dedicated bus lanes on various streets in the City. However, at no time before or during the BRT Project approval or design process did the City Council of Burbank agree to full-time dedicated bus lanes. Burbank continues to assert this position against Metro.

32. Metro's Final EIR for the BRT was adopted in April 2022, well before the passage of SB 79 in October 2025. The BRT Project has not yet commenced construction within the City.

33. Prior to the implementation of SB 79, on March 3, 2026, Burbank advised SCAG of its concerns about the potential significant environmental impacts of SB 79 and applying SB 79 TOD Stop criteria to unbuilt BRT Project stops, which had not been finalized and agreed-to by Burbank. Burbank requested that SCAG "conduct comprehensive CEQA review that evaluates the environmental impacts associated with the increased residential densities required by SB 79 TOD stop designation prior to map adoption..." (A true and copy of the March 3, 2026 letter is attached hereto as **Exhibit C**.)

34. Again, prior to the implementation of SB 79, on May 22, 2026, Burbank sent another letter to SCAG commenting on the proposed SB 79 Map Project, as well as the deficiencies in both Metro's Final EIR concerning the BRT Project and SCAG's RTP. Burbank asserted that the increased densities, heights, and floor area ratios surrounding SB 79 TOD Stops were not previously analyzed under the BRT Project's Final EIR or SCAG's RTP, and that such increased development standards constitute a distinct and substantial physical change in the environment, as well as changed

circumstances, such that subsequent environmental review is required under CEQA. The creation of the SB 79 Map Project itself is a project under CEQA and requires environmental review and analysis. (A true and copy of the May 22, 2026 letter is attached hereto as **Exhibit D**.)

35. On June 1, 2026, SCAG published its draft SB 79 Map Project, which contained SB 79 TOD Stops as outlined in the unbuilt BRT Project. SCAG did not map SB 79 TOD Stops in Burbank based on either of the required criteria listed in Government Code Section 65912.156(p). Rather than use information and data established in SCAG's RTP, SCAG exercised its discretion and used BRT Project "diagrams" provided by Metro, which mapped SB 79 TOD Stops onto five of six BRT bus stations in the City of Burbank and a commuter rail station. While SB 79 describes commuter rail frequency based on a ***single*** commuter line serving a station, SCAG decided, based on guidelines from the State Department of Housing and Community Development (HCD), that it would use frequency based on ***multiple*** commuter lines serving a station. (A true and copy of the relevant portion of SCAG's SB 79 Map Project and methodology is attached hereto as **Exhibit E**.)

36. The five of six locations of the BRT Project within the City of Burbank designated as SB 79 TOD Stops on the SB 79 Map Project include the following stations/intersections: (i) Olive/Riverside, (ii) Olive/Verdugo, (iii) Olive/Lake, (iv) Olive/San Fernando, and (v) Glenoaks/Alameda. (A true and correct copy of the locations of the BRT bus stations is attached hereto as **Exhibit F.)**

37. The SB 79 Map Project imposes increased densities, heights, and floor area ratios around each of these five SB 79 BRT stops in the City. This means that all properties within ½ mile of these five SB 79 BRT stops will be subject to SB 79's greatly increased development standards of density, height, and floor area ratio upon mapping, and without any environmental review or future opportunity for such review.

38. The current increases to densities, heights, and floor area ratios within the relevant ½-mile radii of the five SB 79 BRT stops in the City of Burbank range from 0 to 87 dwelling units in density standards, 25 to 70 maximum feet in height standards, and 0.4 to 2.5 in floor area ratio standards. With the increased development standards applicable under SB 79, SB 79 housing projects within the ½-mile radii will cause significant environmental impacts with respect to traffic,

noise, air quality, and water quality, to name a few. Such increases in development standards have never been analyzed for their environmental impacts.

C. Environmental Review under CEQA

39. As HCD describes the SB 79 requirements, they have immediate and real impact on Burbank's approved Housing Element by requiring a revised inventory of high-density development sites. Government Code section 65583(a)(3) requires local governments to prepare an inventory of land suitable for residential development, including vacant sites and sites with redevelopment potential, and to analyze the relationship between zoning, public facilities, and services. Government Code section 65912.155 further allows capacity generated under SB 79 to be counted as part of a jurisdiction's housing element sites inventory.

40. After SCAG published its draft SB 79 Map Project on June 1, 2026, Burbank sent SCAG another letter on June 12, 2026, informing SCAG that: (i) SCAG's Designation of SB 79 TOD Stops is a project subject to CEQA Review, (ii) SCAG should set an annual date for map updates, and (iii) SCAG will need to maintain precise and accurate data and respond to map challenges. Burbank's June 12, 2026, letter incorporated and attached its prior May 22, 2026, letter to SCAG. In addition, Burbank informed SCAG of its duty under CEQA to perform EIRs with respect to SCAG's adoption of the SB 79 Map Project, which impose unstudied land use impacts around the BRT Project stations: SCAG's mandate to create SB 79 maps for TOD stops for development purposes is an action that necessitates environmental review under CEQA before adoption of those maps, because SB 79 does not exempt agencies from conducting such additional environmental review in light of the additional changes in the physical environment, growth-inducing impacts, and cumulative impacts that SB 79 developments will have. (A true and correct copy of the June 12, 2026, letter is attached hereto as **Exhibit G**.)

41. On July 2, 2026, SCAG's Regional Council approved the SB 79 Map Project and its methodology. As part of the SB 79 Map Project approval, SCAG did not consider the environmental impacts and did no review or analysis under CEQA. (A true and correct copy of SCAG's review and approval of the SB 79 Map Project is attached hereto as **Exhibit H**.)

42. CEQA requires SCAG to conduct environmental review because its SCAG RTP and

SCAG SB 79 Map Project have omitted material information necessary for the public and decision-makers to understand the Project's true environmental impacts, which undermines CEQA's legislative objectives of fostering informed agency decisions and meaningful public participation. SCAG failed to proceed in a manner required by law in both following the SB 79 statute and conducting environmental review under CEQA.

FIRST CAUSE OF ACTION

(Writ of Mandate – Code Civ. Proc. § 1085; Pub. Res. Code § 21100 et. seq. – Violation of CEQA, Public Resources Code § 21000 *et seq* – Against SCAG and Does 1-10)

43. Burbank incorporates herein by reference the allegations of paragraphs 1 through42 above, as if set forth in full.

44. CEQA, Public Resource Code Section 21000 *et seq.*, prohibits state and local agencies from approving projects that may have adverse environmental effects without first undergoing environmental review and avoiding or reducing the significant environmental effects of those projects whenever feasible to do so.

45. CEQA applies to "discretionary projects proposed to be carried out or approved by public agencies." (Pub. Res. Code § 21080(a).) A "project" under CEQA is an activity that will result in a direct or reasonably foreseeable indirect change to the physical environment. (Pub. Res. Code § 21065.) The term "project" applies to "the whole of the action," which may result in a "direct" or "reasonably foreseeable indirect physical change in the environment…" CEQA Guidelines § 15378(a).) A project is discretionary if it requires judgment or deliberation by the public agency or body in approving or disapproving it. (CEQA Guidelines § 15357.) CEQA requires public agencies to determine whether a project will have a significant effect on the environment. (Pub. Res. Code § 21167(a).)

46. SCAG is the "lead agency" for the SB 79 Map Project under CEQA. (Pub. Res. Code, § 21067; CEQA Guidelines, § 15367.) As lead agency, SCAG has principal responsibility for conducting environmental review of the SB 79 Map Project, including preparation and certification of an EIR or other environmental documentation. (Pub. Resources Code, § 21002.1, subd. (d); CEQA Guidelines, §§ 15050–15051.)

47. The City is a "responsible party" for the Project as defined in CEQA regulations.

48. To trigger the statute of limitations, the lead agency must approve the project by committing to take a definite course of action before filing CEQA's notice of exemption. (*Coalition for Clean Air v. City of Visalia* (2012) 209 Cal.App.4th 408, 423-425; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 965.) A notice of exemption may only be filed after the agency decides to approve the project. (Pub. Res. Code §§ 21108(a)-(b), 21152(a)-(b); 14 Cal. Code Reg. § 15062.) If no notice of exemption is filed, the applicable statute of limitations is 180 days from project approval.

49. Where no CEQA exemption applies, the public agency is required to prepare and complete an initial study within 30 days after the project application is complete to ascertain whether the project may have a significant effect on the environment. (CEQA Guidelines § 15063.)

50. When a project may have significant environmental impacts, the public agency must prepare an EIR. (Pub. Res. Code § 21151.) CEQA also mandates that the lead agency adopt feasible and enforceable mitigation measures that would reduce or avoid any of a project's significant environmental impacts. Separately, identifying and analyzing mitigation measures ensures that environmental impacts are reduced to the greatest extent possible as a result of informed decision-making. (*Lotus v. Dept. of Transportation* (2014) 223 Cal.App.4th 645, 658.)

51. Where a project will *not* have a significant impact on the environment an environmental statement that is less intense than an EIR may be appropriate. A "negative declaration" is a written statement by the lead agency briefly describing the reasons why a proposed project, that is not exempt from CEQA, will not have a significant effect on the environment and, therefore, does not require the preparation of an EIR. (14 Cal. Code of Regs. § 15371.) A "mitigated negative declaration" is a form of negative declaration prepared for projects presenting potentially significant effects on the environment, but (i) revisions in the project plans or proposals would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur. (14 Cal. Code Regs. §§ 15369.5 and 15071.) Even these mechanisms are subject to an initial environmental study and released for public review.

52. Here, the SB 79 Map Project is a discretionary project. Prior to final approval on July

2, 2026, SCAG called for input and comments from affected public agencies, potential stakeholders, and interested parties on its proposed SB 79 Map Project and the methodology behind it, clearly indicating that the creation and approval of the SB 79 Map Project is a discretionary project subject to CEQA review. SCAG further exercised its discretion for the SB 79 Map Project when it chose to use Metro's BRT Project diagram rather than use its own data and information contained in the RTP for the BRT bus stations, as authorized under Government Code section 65912.156(p). SCAG's use of commuter rail frequency based on ***multiple*** commuter lines rather than a single line serving a station (per SB 79's definition) to map the light rail TOD Stops in its SB 79 Map Project is further indication of SCAG's discretionary exercise.

53. Because no exemption applies to the SB 79 Map Project, SCAG was required to prepare an initial study. (CEQA Guidelines § 15063.) Based on the initial study, and the great increases in development standards of density, height, and floor area ratios within the ½-mile radii of the SB 79 TOD Stops in Burbank, as compared to the City of Burbank's existing development standards, it is probable that there would be significant environmental impacts, requiring SCAG to prepare an EIR in accordance with CEQA, or some other appropriate environmental documentation.

54. Additionally, even if an exemption applied at one time, the reasonably foreseeable indirect changes to the physical environment brought about by SB 79 triggers SCAG's responsibility as the lead agency to conduct further environmental review of the SB 79 Map Project under CEQA, which it failed to do.

55. If the CEQA decision tree compels preparation of an EIR, it must discuss the ways in which a project could directly or indirectly foster economic or population growth or the construction of new housing in the surrounding environment. (CEQA Guidelines § 15126.2(e)). Here, SB 79 mandates streamlined/ministerial approval for housing developments of five or more units within ½ mile of any SB 79 TOD Stop requiring minimum densities of 30 dwelling units per acre, maximum densities of at least 80-140 dwelling units per acre, and heights up to 55-85 feet. In contrast, current densities in such areas in Burbank range from 0-43 dwelling units per acre in residential zones, and between 20-87 dwelling units per acre in commercial zones. Thus, the SB 79 Map Project effectively transforms BRT transit stops into triggers for by-right, high-density

development that need not be consistent with Burbank's general plan or zoning, thus dramatically altering the regulatory framework as it relates to Burbank's obligation to analyze cumulative environmental impacts of foreseeable development and growth-inducing impacts.

56. The high-density, by-right residential projects newly allowed by SB 79 will impact Burbank's water, sewage, and power system, as well as have other unanticipated, environmental impacts. Additional development-related impacts cannot be offset in full by City of Burbank permit requirements. In fact, Burbank has meticulously planned for expected development in its already-adopted General Plan and its Sixth Housing Element. The unplanned increase in density covering more than 2,580 acres throughout the City under SB 79 would make Burbank's current and anticipated infrastructure and provision of services to support housing inadequate to address the unplanned units, and in some cases, may cause complete failure of such infrastructure.

57. Under CEQA, when infrastructure serves as "a catalyst for further development," agencies must comprehensively analyze all reasonably foreseeable growth-inducing impacts. Further, projects providing capacity beyond immediate needs trigger heightened scrutiny.

58. CEQA requires an agency to analyze the "physical conditions" that will foreseeably result from a project's approval, particularly when a change in development standards creates a reasonable likelihood of denser or taller structures. When a lead agency knows development restrictions will be lifted, it ***must*** analyze the resulting physical impacts ***immediately*** rather than deferring to future project-level review. (*Save Our Access*, *supra*, 115 Cal. App. 5th at pp. 414–415.)

59. Here, the enactment of SB 79 and its by-right approval process and imposition of increased statewide height and density limits essentially constitutes a lifting or elimination of Burbank's local standards, which will result in dramatic changes and physical environmental impacts. Thus, CEQA requires an immediate analysis of those reasonably foreseeable environmental impacts and does not permit deferral to hypothetical future project-level review.

60. The SB 79 Map Project and the addition of the SB 79 TOD Stops in the City of Burbank is the direct catalyst for development that would not otherwise occur. SB 79 accelerates and guarantees development that was previously subject to local control and environmental review; therefore, any prior growth projections anticipated by the City or SCAG have been rendered obsolete

by SB 79. The statute's approval pathway means individual housing projects will bypass project-level CEQA review entirely if they meet SB 79's criteria. This precludes future opportunities to analyze or mitigate ***any*** cumulative environmental impacts of transit-induced development, the consequences of which will be permanent and far-reaching in the City of Burbank.

61. Noncompliance with the requirements outlined above constitutes a prejudicial abuse of discretion. Abuse of discretion is established if the agency has not proceeded in a manner required by law or if the agency's determination or decision is not supported by substantial evidence. (Pub. Res. Code §§ 21168, 21168.5.)

62. A writ of mandate under Code of Civil Procedure 1085 is available when the petitioner has no plain, speedy, and adequate remedy at law; the respondent has a clear, present, and usually ministerial duty to perform, and the petitioner has a clear, present, and beneficial right to performance. (Code Civ. Pro., § 1086.) Here, Burbank has no adequate remedy at law with regard to SCAG's Map, SCAG has a ministerial obligation to submit the discretionary Map Project to the CEQA process, and Burbank has a clear and beneficial right to SCAG's performance because the Map Project expressly impacts Burbank.

63. SCAG's errors were prejudicial in that they precluded informed decision-making and informed public participation, deprived both the public and decisionmakers of substantial relevant information about the SB 79 Map Project's environmental effects, and precluded informed consideration of other feasible mitigation measures and alternatives that might have reduced or avoided those effects.

64. In view of the foregoing violations of CEQA, SCAG's actions, in determining that the SB 79 Map Project is otherwise exempt from CEQA, constitutes a prejudicial abuse of discretion in that SCAG failed to proceed in the manner required by law, and the decisions in connection therewith are not supported by substantial evidence taken from the record as a whole. SCAG's prejudicial abuse of discretion should require it to suspend all activities with respect to the SB 79 Map Project and stay all actions to implement the Project until full CEQA compliance is achieved.

65. Burbank is entitled to seek a writ of mandate to compel SCAG to comply with their obligations under CEQA and has performed all conditions precedent to filing this petition.

SECOND CAUSE OF ACTION

(Declaratory Relief Code Civ. Proc. § 1060 – Against SCAG)

66. Burbank incorporates herein by reference the allegations of paragraphs 1 through 65 above, as if set forth in full.

67. Burbank brings this cause of action under Code of Civil Procedure section 1060 to obtain judicial declarations resolving actual controversies between the parties concerning SCAG's duties and obligations under CEQA.

68. An actual and present controversy exists concerning SCAG's duties and obligations under CEQA. Burbank contends that SCAG exercised discretionary authority in publishing and adopting the SB 79 Map Project, which could have significant potential environmental impacts due to reasonably foreseeable changes in the physical environment and impacts; therefore, the SB 79 Map Project is subject to environmental review under CEQA. SCAG contends that the SB 79 Map Project is ministerial in nature and its approval is not subject to CEQA review.

69. This controversy is concrete and ripe, as detailed above. In summary, Burbank has informed SCAG of its obligations to conduct environmental review under CEQA on the SB 79 Map Project. SCAG refused and adopted the SB 79 Map Project July 2, 2026, without any CEQA review.

70. A judicial declaration is necessary and proper currently to resolve the parties' rights and obligations.

71. The City seeks judicial declarations resolving these controversies, including the declarations set forth in the Prayer for Relief.

PRAYER FOR RELIEF

WHEREFORE, Petitioner/Plaintiff Burbank respectfully prays that this Court:

On the Petition for Writ of Mandate:

1. Issue a writ of mandate directing Defendants/Respondents to comply fully with CEQA and conduct environmental review of the SB 79 Map Project, which imposes new densities, height limits, and floor area ratios that will otherwise go unstudied in the City of Burbank;

2. In the alternative, issue an order to Respondents/Defendants to show cause why the court should not issue such a writ and thereafter issue a peremptory writ compelling

Respondents/Defendants to perform their public duty as set forth above;

3. Enter a preliminary and permanent injunction to prohibit Respondents/Defendants from proceeding with the SB 79 Map Project until they perform their mandatory public duty as set forth above;

4. Enter judgment on Petitioner/Plaintiff's favor for nominal damages and costs of suit; and

5. Order such additional relief as the Court may deem just and proper.

On the Complaint for Declaratory Relief Causes of Action:

1. Enter a preliminary and permanent injunction to prohibit Respondents/Defendants from proceeding with the Project until they perform their public duty as set forth above;

2. A judgment declaring that SCAG is required to conduct environmental review of the SB 79 Map Project pursuant to CEQA.

3. Attorneys' fees to the extent authorized by statute or other applicable authority and costs of suit;

4. For such other and further relief as the Court deems just and proper.

DATED: August 20, 2026 ALESHIRE & WYNDER, LLP

By: _____

PAM K. LEE
Attorneys for Petitioner/Plaintiff
CITY OF BURBANK

EXHIBIT A

Aleshire & Wynder

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June 22, 2026

VIA E-MAIL AND CERTIFIED U.S. MAIL

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Re: Notice of Intent to File CEQA Petition

To Whom it May Concern:

PLEASE TAKE NOTICE, under Public Resources Code § 21167.5, that petitioner, City of Burbank, intends to file a Petition under the provisions of the California Environmental Quality Act against respondent, Southern California Association of Governments ("SCAG"). The Petition challenges the legal sufficiency of SCAG's lack of proper environmental analysis with regards to its 2020-2045 Regional Transportation Plan ("SCAG RTP") and its Draft Senate Bill 79 Transit-Oriented Development ("TOD") Map and Approach and Methodology ("SCAG MAP"). Senate Bill 79, enacted in October 2025, and effective on July 1, 2026, dramatically changes the environmental picture regarding transit stops and requires a mandatory increase in the City's density in and around such transit stops. Indeed, with an

effective date of July 1, 2026, SB 79 could not have been foreseen when SCAG issued the RTP in 2020. SB 79's effect on the SCAG RTP also requires an EIR with respect to the SCAG Map. Indeed, on March 3, 2026, the City advised SCAG about the impacts of SB 79 on the prior EIR.

The Petition will seek the following relief:

1. For alternative and peremptory writs of mandate, commanding SCAG:

   (A) To comply fully with CEQA and conduct further environmental review that takes SB 79 into account;

2. For a judgment declaring that SCAG is required to conduct further EIR(s) pursuant to CEQA;

3. For costs of the suit;

4. For attorneys' fees pursuant to Code of Civil Procedure Section 1021.5; and

5. For such other and further relief as the Court deems just and proper.

Thank you,

ALESHIRE & WYNDER, LLP

Shukan Patel

Shukan A. Patel
Attorney for Petitioner,
City of Burbank

cc: Pam K. Lee, Special Counsel, City of Burbank

EXHIBIT B

Senate Bill No. 79

CHAPTER 512

An act to add Chapter 4.1.5 (commencing with Section 65912.155) to Division 1 of Title 7 of the Government Code, relating to land use.

[Approved by Governor October 10, 2025. Filed with Secretary of State October 10, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

SB 79, Wiener. Housing development: transit-oriented development.

(1) Existing law, the Planning and Zoning Law, requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and specified land outside its boundaries, that contains certain mandatory elements, including a housing element. Existing law requires that the housing element consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing, as specified. Existing law requires that the housing element include, among other things, an assessment of housing needs and an inventory of resources and constraints that are relevant to the meeting of these needs, including an inventory of land suitable for residential development, as provided. Existing law, for the 4th and subsequent revisions of the housing element, requires the Department of Housing and Community Development to determine the existing and projected need for housing for each region, as specified, and requires the appropriate council of local governments, or the department for cities and counties without a council of governments, to adopt a final regional housing need plan that allocates a share of the regional housing need to each locality in the region. Existing law requires the inventory of land to be used to identify sites throughout the community that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need. Existing law requires each local government to revise its housing element in accordance with a specified schedule.

Existing law, the Housing Accountability Act, among other things, requires a local agency that proposes to disapprove a housing development project, as defined, or to impose a condition that the project be developed at a lower density to base its decision on written findings supported by a preponderance of the evidence that specified conditions exist if that project complies with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time that the application was deemed complete. The act authorizes the applicant, a person who would be eligible to apply for residency in the housing development project or emergency

shelter, or a housing organization to bring an action to enforce the act's provisions, as provided, and provides for penalties if the court finds that the local agency is in violation of specified provisions of the act.

This bill would require that a housing development project, as defined, within a specified distance of a transit-oriented development (TOD) stop, as defined, be an allowed use as a transit-oriented housing development on any site zoned for residential, mixed, or commercial development, if the development complies with applicable requirements, as specified. Among these requirements, the bill would require a project to include at least 5 dwelling units and establish requirements concerning height limits, density, and residential floor area ratio in accordance with a development's proximity to specified tiers of TOD stops, as provided. The bill would require that, for the purposes of the Housing Accountability Act, a proposed development consistent with the applicable standards of these provisions as well as applicable local objective general plan and zoning standards be deemed consistent, compliant, and in conformity with prescribed requirements, as specified. The bill would provide that a local government that denies a project meeting the requirements of these provisions located in a high-resource area, as defined, would be presumed in violation of the Housing Accountability Act, as specified, and immediately liable for penalties, beginning on January 1, 2027, as provided. These provisions would not apply to a local agency until July 1, 2026, except as specified, or within unincorporated areas of counties until the 7th regional housing needs allocation cycle. The bill would specify that a development proposed pursuant to these provisions is eligible for streamlined, ministerial approval pursuant to specified law, except that the bill would exempt a project under these provisions from specified requirements, and would specify that the project is required to comply with certain affordability requirements, under that law.

This bill would require a proposed development to comply with specified demolition and antidisplacement standards; to not be located on sites where the development would require demolition of housing, or that was previously used for housing, that is subject to rent or price controls; to include housing for lower income households, as specified; be consistent with specified height, noise, safety, and fire standards; and meet specified labor standards, as provided. The bill would also authorize a transit agency's board of directors to adopt agency TOD zoning standards for district-owned real property located in a TOD zone, which establish minimum zoning requirements for an agency TOD project, as specified.

Prior to one year following the adoption of the 7th revision of the housing element, this bill would not apply the provisions relating to a housing development project to specified sites for which a local government has adopted an ordinance indicating the site's exclusion, as specified, including a site that is covered by a local TOD alternative plan, as defined, adopted by a local government. For the 7th and subsequent revisions of the housing element, the bill would authorize a local government to include a local TOD alternative plan in its housing element or adopt an alternative plan by

ordinance, as specified. The bill would exempt a jurisdiction that has adopted a compliant local TOD alternative plan from the provisions relating to a housing development, as specified.

This bill would require the Department of Housing and Community Development to oversee compliance with the bill's provisions and would require the department to promulgate standards on how to allow for capacity pursuant to these provisions to be counted in the inventory of land included within a county's or city's housing element, as specified. The bill would authorize each metropolitan planning organization to create a map of designated TOD stops and zones within its region by tier in accordance with these standards, which would have a rebuttable presumption of validity. The bill would authorize a local government to enact an ordinance to make its zoning code consistent with these provisions, as provided. The bill would require the local government to submit a draft of this ordinance to the department for review, at least 14 days prior to adoption of the ordinance. The bill would require the local government to submit a copy of this ordinance to the department within 60 days of enactment and would require the department to review the ordinance for compliance, as specified. If at any time the department finds an ordinance is out of compliance, and the local government does not take specified steps to address compliance, the bill would require the department to notify the local government in writing and authorize the department to notify the Attorney General, as provided.

This bill would define various terms for its purposes and make related findings and declarations.

This bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By increasing the duties of local officials, and by expanding the crime of perjury by requiring the certification of certain information related to labor standards, this bill would impose a state-mandated local program.

(2) This bill would provide that its provisions are severable.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

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

SECTION 1. Chapter 4.1.5 (commencing with Section 65912.155) is added to Division 1 of Title 7 of the Government Code, to read:

CHAPTER 4.1.5. TRANSIT-ORIENTED DEVELOPMENT

65912.155. The Legislature finds and declares all of the following:

(a) California faces a housing shortage both acute and chronic, particularly in areas with access to robust public transit infrastructure.

(b) Creating ownership opportunities can be an effective long-term strategy for building wealth and can create a path to financial security.

(c) Building more homes near transit access reduces housing and transportation costs for California families, and promotes environmental sustainability, economic growth, and reduced traffic congestion.

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

65912.156. For purposes of this chapter, the following definitions apply:

(a) "Adjacent" means within 200 feet of any pedestrian access point to a transit-oriented development stop.

(b) "Commuter rail" means a public rail transit service not meeting the standards for heavy rail or light rail, excluding California High-Speed Rail and Amtrak Long Distance Service.

(c) "Department" means the Department of Housing and Community Development.

(d) "Heavy rail transit" means a public electric railway line 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, separate rights-of-way from which all other vehicular and foot traffic are excluded, and high platform loading. "Heavy rail transit" does not include California High-Speed Rail.

(e) "High-frequency commuter rail" means a commuter rail service operating a total of at least 48 trains per day across both directions, not including temporary service changes of less than one month or unplanned disruptions, and not meeting the standard for very high frequency commuter rail, at any point in the past three years.

(f) "High-resource area" means an area designated as highest resource or high resource on the most recently adopted version of the opportunity area maps published by the California Tax Credit Allocation Committee and the department.

(g) "Housing development project" has the same meaning as defined in Section 65589.5, but does not include a project of which any portion is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging. For the purposes of this subdivision, the term "other transient lodging" does not include either of the following:

(1) A residential hotel, as defined in Section 50519 of the Health and Safety Code.

(2) After the issuance of a certificate of occupancy, a resident's use or marketing of a unit as short-term lodging, as defined in Section 17568.8 of the Business and Professions Code, in a manner consistent with local law.

(h) "Light rail transit" includes streetcar, trolley, and tramway service. "Light rail transit" does not include airport people movers.

(i) "Net habitable square footage" means the finished and heated floor area fully enclosed by the inside surface of walls, windows, doors, and partitions, and having a headroom of at least six and one-half feet, including working, living, eating, cooking, sleeping, stair, hall, service, and storage areas, but excluding garages, carports, parking spaces, cellars, half-stories, and unfinished attics and basements.

(j) "Low-resource area" means an area designated as low resource on the most recently adopted version of the opportunity area maps published by the California Tax Credit Allocation Committee and the department.

(k) "Rail transit" has the same meaning as defined in Section 99602 of the Public Utilities Code.

(*l*) "Residential floor area ratio" means the ratio of net habitable square footage dedicated to residential use to the area of the lot.

(m) "Transit-oriented development zone" means the area within one-half mile of a transit-oriented development stop.

(n) "Tier 1 transit-oriented development stop" means a transit-oriented development stop within an urban transit county served by heavy rail transit or very high frequency commuter rail.

(o) "Tier 2 transit-oriented development stop" means a transit-oriented development stop within an urban transit county, excluding a Tier 1 transit-oriented development stop, served by light rail transit, by high-frequency commuter rail, or by bus service meeting the standards of paragraph (1) of subdivision (a) of Section 21060.2 of the Public Resources Code.

(p) "Transit-oriented development stop" means a major transit stop, as defined by Section 21064.3 of the Public Resources Code, and also including stops on a route for which a preferred alternative has been selected or which are identified in a regional transportation improvement program, that is served by heavy rail transit, very high frequency commuter rail, high frequency commuter rail, light rail transit, or bus service within an urban transit county meeting the standards of paragraph (1) of subdivision (a) of Section 21060.2 of the Public Resources Code. When a new transit route or extension is planned that was not identified in the applicable regional transportation plan on or before January 1, 2026, those stops shall not be eligible as transit-oriented development stops unless they would be eligible as Tier 1 transit-oriented development 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.

(q) "Urban transit county" means a county with more than 15 passenger rail stations.

(r) "Very high frequency commuter rail" means a commuter rail service with a total of at least 72 trains per day across both directions, not including temporary service changes of less than one month or unplanned disruptions, at any point in the past three years.

65912.157. (a) A housing development project shall be an allowed use as a transit-oriented housing development on any site zoned for residential, mixed, or commercial development within one-half or one-quarter mile of a transit-oriented development stop, if the development complies with the applicable of all of the following requirements:

(1) A transit-oriented housing development project allowed under this chapter shall include at least five dwelling units and meet the greater of the following:

(A) A minimum density of at least 30 dwelling units per acre.

(B) The minimum density required under local zoning, if applicable.

(2) 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.

(3) For a transit-oriented housing development project within one-quarter mile of a Tier 1 transit-oriented development stop, all of the following apply:

(A) A local government shall not impose any height limit less than 75 feet.

(B) A local government shall not impose any maximum density of less than 120 dwelling units per acre.

(C) A local government shall not enforce any other local development standard or combination of standards that would physically preclude achieving a residential floor area ratio of up to 3.5.

(D) A development that achieves a minimum density of 90 dwelling units per acre and that otherwise meets the eligibility requirements of Section 65915, including, but not limited to, affordability requirements, shall be eligible for additional concessions pursuant to Section 65915, as specified in subdivision (d).

(4) For a transit-oriented housing development project further than one-quarter mile but within one-half mile of a Tier 1 transit-oriented development stop, and within a city with a population of at least 35,000, all of the following apply:

(A) A local government shall not impose any height limit less than 65 feet.

(B) A local government shall not impose any maximum density standard of less than 100 dwelling units per acre.

(C) A local government shall not enforce any other local development standard or combination of standards that would physically preclude achieving a residential floor area ratio of up to 3.

(D) A development that achieves a minimum density of 75 dwelling units per acre and that otherwise meets the eligibility requirements of Section 65915, including, but not limited to, affordability requirements, shall be eligible for additional concessions pursuant to Section 65915, as specified in subdivision (d).

(5) For a transit-oriented housing development project within one-quarter mile of a Tier 2 transit-oriented development stop, all of the following apply:

(A) A local government shall not impose any height limit less than 65 feet.

(B) A local government shall not impose any maximum density standard of less than 100 dwelling units per acre.

(C) A local government shall not enforce any other local development standard or combination of standards that would physically preclude achieving a residential floor area ratio of up to 3.

(D) A development that achieves a minimum density of 75 dwelling units per acre and that otherwise meets the eligibility requirements of Section 65915, including, but not limited to, affordability requirements, shall be eligible for additional concessions pursuant to Section 65915, as specified in subdivision (d).

(6) For a transit-oriented housing development project further than one-quarter mile but within one-half mile of a Tier 2 transit-oriented development stop, and within a city with a population of at least 35,000, all of the following apply:

(A) A local government shall not impose any height limit less than 55 feet.

(B) A local government shall not impose any maximum density standard of less than 80 dwelling units per acre.

(C) A local government shall not enforce any other local development standard or combination of standards that would physically preclude achieving a residential floor area ratio of up to 2.5.

(D) A development that achieves a minimum density of 60 dwelling units per acre and that otherwise meets the eligibility requirements of Section 65915, including, but not limited to, affordability requirements, shall be eligible for additional concession pursuant to Section 65915, as specified in subdivision (d).

(b) For purposes of this chapter, the distance of a transit-oriented housing development project from a transit-oriented development stop shall be measured in a straight line from the nearest edge of the parcel containing the proposed project to a pedestrian access point for the transit-oriented development stop.

(c) A local government may still enact and enforce standards, including an inclusionary zoning requirement that do not, alone or in concert, prevent achieving the applicable development standards of subdivision (a). A local government shall not adopt any requirement, including, but not limited to, increased fees or inclusionary zoning requirements, that applies to a project solely or partially on the basis that the project is seeking approval as a transit-oriented housing development, except as necessary for the requirements of this chapter.

(d) A transit-oriented housing development project under this section shall be eligible for a density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios pursuant to Section 65915 or a local density bonus program, using the density allowed under this section as the base density. If a development proposes a height under this section in excess of the local height limit, then a local government shall not be required to grant a waiver, incentive, or concession pursuant to Section 65915 for additional height beyond that specified in this section, except as

provided in subparagraph (D) of paragraph (2) of subdivision (d) of Section 65915. A development shall be eligible for the following additional concessions, if it meets the applicable density threshold specified for its location:

(1) For a development providing housing for extremely low income households, three additional concessions.

(2) For a development providing housing for very low income households, two additional concessions.

(3) For a development providing housing for low-income households, one additional concession.

(e) Notwithstanding any other law, a transit-oriented housing development project that meets any of the eligibility criteria under subdivision (a) and is immediately adjacent to a transit-oriented development stop 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 residential floor area ratio by 1 prior to the application of Section 65915.

(f) A development proposed pursuant to this section shall comply with Section 66300.6, including any local requirements or processes implementing the provisions of Section 66300.6. This subdivision shall apply to any city or county.

(g) A development proposed pursuant to this section shall comply with any applicable local demolition and antidisplacement standards established through a local ordinance.

(h) A development proposed pursuant to this section shall not be located on either of the following:

(1) 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 past seven years.

(2) A site that was previously used for more than two units of housing that were demolished within seven years before the development proponent submits an application under this section and any of the units were subject to any form of rent or price control through a public entity's valid exercise of its police power.

(i) A development proposed pursuant to this section shall include housing for lower income households by complying with one of the following requirements:

(1) (A) Any of the following:

(i) At least 7 percent of the total units, as defined in subparagraph (A) of paragraph (9) of subdivision (o) of Section 65915, are dedicated to extremely low income households, as defined in Section 50106 of the Health and Safety Code.

(ii) At least 10 percent of the total units, as defined in subparagraph (A) of paragraph (9) of subdivision (o) of Section 65915, are dedicated to very low income households, as defined in Section 50105 of the Health and Safety Code.

(iii) At least 13 percent of the total units, as defined in subparagraph (A) of paragraph (9) of subdivision (o) of Section 65915, are dedicated to lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) This paragraph shall not apply to any development of 10 units or less.

(C) All units dedicated to extremely low income, very low income, and low-income households pursuant to subparagraph (A) shall meet both of the following:

(i) The units shall have an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, or an affordable rent, as defined in Section 50053 of the Health and Safety Code.

(ii) The development proponent shall agree to, and the local agency shall ensure, the continued affordability of all affordable rental units included pursuant to this section for 55 years and all affordable ownership units included pursuant to this section for a period of 45 years.

(2) If a local inclusionary housing requirement mandates a higher percentage of affordable units or a deeper level of affordability than that described in paragraph (1), then the local inclusionary housing requirement mandate shall apply in place of the requirements in paragraph (1).

(j) A development proposed pursuant to this chapter shall be consistent with the height, noise, and safety standards of an adopted airport land use compatibility plan or Department of Defense Air Installation Compatible Use Zones developed pursuant to Section 21675 of the Public Utilities Code, and of otherwise applicable objective fire safety standards established pursuant to the California Building Code, the California Fire Code, the California, Wildland-Urban Interface Code, the Health and Safety Code, the Public Resources Code, or Chapter 6.8 (commencing with Section 51175) of Part 1 of Division 1 of Title 5 of this code.

(k) Any transit-oriented housing development pursuant to this section shall meet the labor standards of subparagraphs (A), (B), (C), (D), (F), and (G) of paragraph (8) of subdivision (a) of Section 65913.4 for any building over 85 feet in height, which shall be applicable to the building.

(*l*) For purposes of subdivision (j) of Section 65589.5, a proposed housing development project that is consistent with the applicable standards from this chapter, as well as applicable local objective general plan and zoning standards that do not alone or in concert prevent achieving those standards, and as modified by any incentive, concession, or waiver under Section 65915, shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision. This subdivision shall not require a ministerial approval process or modify the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code.

(m) Beginning on January 1, 2027, a local government that denies a housing development project meeting the requirements of this section that is located in a high-resource area shall be presumed to be in violation of the Housing Accountability Act (Section 65589.5) and immediately liable for

penalties pursuant to subparagraph (B) of paragraph (1) of subdivision (k) of Section 65589.5, unless the local government demonstrates, pursuant to the standards in subdivisions (j) and (o) of Section 65589.5, that it has a health, life, or safety reason for denying the project.

(n) This section shall not apply to a local agency until July 1, 2026, unless the local agency adopts an ordinance or local transit-oriented development alternative plan deemed compliant by the department before July 1, 2026. It shall not apply within an unincorporated area of a county until the 7th regional housing needs allocation cycle.

65912.158. (a) For the purposes of this section, "agency transit-oriented development project" means a housing development project or mixed use residential project that meets all of the following requirements:

(1) A minimum of 50 percent of the total square footage of the project is dedicated to residential purposes.

(2) A minimum of 20 percent of the total number of units shall be restricted for the affordable lower income households and shall be subject to a recorded affordability restriction for at least 55 years in the case of rental units and 45 years in the case of owner occupied units, unless a local ordinance or the terms of federal, state, or local tax credit, or other project financing requires a longer period of affordability.

(3) The average total floor area of floor space for the proposed units in the housing development project shall not exceed 1,750 net habitable square feet.

(4) The parcel or parcels on which the project is located is an infill site, as defined in Section 21061.3 of the Public Resources Code.

(5) The transit-oriented development parcels on which the transit-oriented development project would be located was not acquired through eminent domain on or after July 1, 2025.

(6) The parcels on which the transit-oriented development project would be located are owned by the agency and either:

(A) The parcels are adjacent to a transit-oriented development stop for which the agency operates service, or form a contiguous area adjacent to such a transit-oriented development stop.

(B) At least 75 percent of the project area is located within one-half mile of a transit-oriented development stop for which the agency operates service or plans to provide service and was owned by the agency on or before January 1, 2026.

(b) (1) A transit agency's board of directors may adopt by resolution agency transit-oriented development zoning standards for district-owned real property located in a transit-oriented development zone. These standards shall establish minimum local zoning requirements for height, density, residential floor area ratio, and allowed uses, that shall apply to an agency transit-oriented development project, that shall be consistent with Section 65912.157.

(2) Adopted agency transit-oriented development zoning standards shall establish, for each transit station, the lowest permissible maximum standard

for height, density, and residential floor area ratio, and a list of approved residential, retail, and commercial uses.

(3) The agency transit-oriented development zoning standards adopted by the board of directors shall not adopt a lowest permissible maximum standard for density or residential floor area ratio below the level permitted under Section 65912.157, and shall not prohibit residential use.

(4) The agency transit-oriented development zoning standards shall not establish density standards that exceed 200 percent of the maximum density established in Section 65912.157.

(c) The adoption of, and amendments to, the agency transit-oriented development zoning standards shall comply with all of the following:

(1) The transit agency shall hold a public hearing to receive public comment on the proposed agency transit-oriented development zoning standards or proposed changes to the agency transit-oriented development zoning standards. The transit agency shall conduct direct outreach to relevant local governments and to communities of concern around each station. Before or during the scoping meeting, the transit agency shall consult with each local government in which the station is located, as well as any relevant infrastructure agencies. The consultation required pursuant to this section shall include all of the following:

(A) A review of the housing needs of the jurisdiction.

(B) A review of the transit-oriented development approved and built in the past year in the jurisdiction.

(C) A review of any transit-oriented development projects proposed by the transit agency in the jurisdiction for the past year.

(D) A discussion of any obstacles to development of any project proposed by the transit agency.

(2) Not less than 30 days before a public hearing of the board to consider the agency transit-oriented development zoning standards, the transit agency shall provide public notice and make the draft standards available to the public.

(3) The board shall adopt or reject any proposed agency transit-oriented development zoning standards at a publicly noticed meeting of the board not less than 30 days following the original public hearing.

(d) Objective standards adopted pursuant to paragraph (b) shall not preempt or otherwise displace local discretionary standards that apply to hotel, motel, bed and breakfast, or other transient lodging use, including short-term lodging, as defined in Section 17568.8 of the Business and Professions Code. For the purposes of this subdivision, the term “other transient lodging” does not include a residential hotel, as defined in Section 50519 of the Health and Safety Code.

(e) Where local zoning is inconsistent with the agency transit-oriented development zoning standards for a station, the local jurisdiction may adopt a local zoning ordinance that conforms to the transit-oriented development zoning standards.

(f) (1) A local government shall not be required to approve any height limit in excess of the standard for development adjacent to the transit-oriented development stop under Section 65912.157.

(2) The transit agency shall make a finding as to whether the local zoning ordinance conforms to the agency transit-oriented development zoning standards. Local zoning shall remain in place unless the transit agency determines that it does not conform to the agency transit-oriented development zoning standards. If, according to the transit agency's finding, the local zoning ordinance does not conform to the agency transit-oriented development zoning standards after two years of the date that the agency transit-oriented development zoning standards are adopted by the board for that station, the agency transit-oriented development zoning standards shall become the local zoning for any district-owned parcels that are eligible under this section, except for any height limit in excess of the standard for development adjacent to the transit-oriented development stop under Section 65912.157. For each station, a local jurisdiction may update zoning for transit agency-owned land to comply with agency transit-oriented development zoning standards until the time that the transit agency enters into an exclusive negotiating agreement with a developer for an agency transit-oriented development project.

(g) (1) The transit agency's approval of agency transit-oriented development zoning standards shall be subject to review under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). The district shall serve as the lead agency for California Environmental Quality Act review for transit-oriented development zoning standards.

(2) Any subsequent California Environmental Quality Act review of rezoning to conform with agency transit-oriented development zoning standards, and of eligible transit-oriented development projects proposed and on district-owned land, shall incorporate the environmental review document certified for the transit-oriented development zoning standards consistent with Section 21094 of the Public Resources Code. A public agency shall not prepare an environmental impact report or mitigated negative declaration for rezoning pursuant to paragraph (2) of subdivision (f) to implement agency transit-oriented development zoning standards or for a transit-oriented development project subsequent to the transit agency's certification of an environmental review document for approval of agency transit-oriented development zoning standards unless the public agency finds, based on substantial evidence, that the rezoning or transit-oriented development project creates a significant effect on the environment that was not analyzed in the prior environmental review document, and mitigated or avoided.

(h) A local agency may adopt objective, written development standards, conditions, and policies that apply to development on district-owned property, provided that they demonstrate their consistency with the agency transit-oriented development zoning standards. In the event that the agency transit-oriented development zoning standards, objective planning standards,

general plan, or design review standards are mutually inconsistent, the agency transit-oriented development zoning standards shall be the controlling standards. To the extent that the zoning standards do not resolve inconsistencies, the general plan shall be the controlling standard.

(i) Zoning in effect as a result of this section shall be considered the same as locally approved zoning for all purposes, including the Density Bonus Law and the Housing Accountability Act.

(j) Any agency transit-oriented development project shall comply with the antidisplacement requirements of Section 66300.6.

(k) A local government shall not be required to approve any height limit under this section greater than the height limit specified in this chapter for development adjacent to the relevant tier of a transit-oriented development stop. A transit agency shall not set a maximum height, density, or residential floor area ratio below that which would be allowed for the site under this chapter.

(*l*) If nonresidential development is included in an agency transit-oriented development project, at least 25 percent of the total planned units affordable to lower income households shall be made available for lease or sale and permitted for use and occupancy before or at the same time with every 25 percent of nonresidential development made available for lease or sale and permitted for use and occupancy.

(m) The development applicant for an agency transit-oriented development project proposed pursuant to this section shall certify that the labor standards in paragraphs (8) and (9) of subdivision (a) of Section 65913.4 will be met in project construction, and those standards shall apply if the project is approved by the public agency. Notwithstanding the preceding sentence, this subdivision shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement with the transit agency that was entered into before July 1, 2026, that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for the enforcement of that obligation through an arbitration procedure. For the purposes of this subdivision, “project labor agreement,” has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

65912.159. (a) A housing development project proposed pursuant to Section 65912.157 shall be eligible for streamlined ministerial approval pursuant to Section 65913.4 in accordance with all of the following:

(1) The proposed project shall be exempt from subparagraph (A) of paragraph (4) of, and paragraph (5) of, subdivision (a) of Section 65913.4.

(2) The proposed project shall comply with the affordability requirements in subclauses (I) to (III), inclusive, of clause (i) of subparagraph (B) of paragraph (4) of subdivision (a) of Section 65913.4.

(3) The proposed project shall comply with all other requirements of Section 65913.4, including, but not limited to, the prohibition against a site that is within a very high fire hazard severity zone, pursuant to subparagraph (D) of paragraph (6) of subdivision (a) of Section 65913.4.

(b) Any housing development proposed pursuant to Section 65912.157 not seeking streamlined approval under Section 65913.4 shall be reviewed according to the jurisdiction's development review process and Section 65589.5, except that any local zoning standard conflicting with the requirements of this chapter shall not apply.

65912.160. (a) The department shall oversee compliance with this chapter.

(b) The department shall promulgate standards on how to allow for capacity pursuant to this chapter to be counted in a city or county's inventory of land suitable for residential development pursuant to Section 65583.2, no later than July 1, 2026.

(c) (1) A local government may enact an ordinance to make its zoning code consistent with the provisions of this chapter, subject to review by the department pursuant to subdivision (d). This ordinance may include objective development standards, conditions, and policies, applying to transit-oriented housing developments, that are demonstrated by a preponderance of evidence to not physically preclude, alone or in concert, the applicable housing development standards of Section 65912.157.

(2) The ordinance described in paragraph (1) shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(d) If a local government adopts an ordinance to come into compliance with this section, the following provisions shall apply:

(1) (A) At least 14 days prior to adoption of an ordinance pursuant to this section, the local government shall submit a draft ordinance to the department.

(B) The department may review the draft and report its written findings to the planning agency.

(2) A local government shall submit a copy of any ordinance enacted pursuant to this section to the department within 60 days of enactment.

(3) (A) The department shall, within 90 days, review the enacted ordinance, make a finding as to whether the enacted ordinance is in substantial compliance with this section, and report that finding to the local government.

(B) If needed, the department may request an additional 30 days to make a finding as to whether the enacted ordinance is in substantial compliance with this section, and report that finding to the local government.

(C) If the department does not provide written findings to the local government within the review period provided for in this paragraph, the ordinance shall be deemed compliant for the purposes of assessing penalties, including those pursuant to subdivision (m) of Section 65912.157.

(4) If at any time the department determines that the ordinance does not comply with this section, the department shall notify the local government in writing. The department shall provide the local government a reasonable time, not to exceed 60 days, to respond before taking further action as authorized by this section.

(5) The local government shall consider any findings made by the department pursuant to paragraph (4) and shall do one of the following:

(A) Amend the ordinance to comply with this section.

(B) Enact the ordinance without changes. The local government shall include findings in its resolution adopting the ordinance that explain the reasons the local government believes that the ordinance complies with this section despite the findings of the department.

(6) If the local government does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local government and may notify the Attorney General that the local government is in violation of this section.

(e) The ordinance may designate areas within one-half mile of a transit-oriented development stop as exempt from the provisions of this chapter if:

(1) The local government makes findings supported by substantial evidence that there exists no walking path of less than one mile from that location to the transit-oriented development stop.

(2) A local government with at least 15 transit-oriented development stops designates the area as an industrial employment hub. An industrial employment hub shall be a contiguous area of at least 250 acres designated in the jurisdiction's general plan on or before January 1, 2025, as an employment lands area; the parcels within it shall be primarily dedicated to industrial use as defined in paragraph (3) of subdivision (f) of Section 65912.121; and housing shall not be a permitted use on any of the sites so excluded.

(f) Each metropolitan planning organization shall create a map of transit-oriented development stops and zones within its region by tier, as designated under this chapter, in accordance with the department's guidance pursuant to subdivision (b). This map shall have a rebuttable presumption of validity for use by project applicants and local governments.

65912.161. (a) For purposes of this section, "transit-oriented development alternative plan" shall mean a plan adopted by the local agency via the adoption of the housing element, a program to implement the housing element, the adoption of a specific plan, a zoning overlay, or enactment of an ordinance; that brings the local agency into compliance with this chapter and that incorporates all of the following:

(1) A local transit-oriented development alternative plan shall maintain at least the same total net zoned capacity, in terms of both total units and residential floor area, as provided for in this chapter across all transit-oriented development zones within the jurisdiction.

(A) Net zoned capacity in units shall be measured by subtracting the current number of units on the site from the number allowed by the applicable development standards.

(B) Net zoned capacity in floor area shall be measured by subtracting the current developed floor area of the site from the amount allowed by the applicable development standards.

(2) The plan shall not reduce the maximum allowed density for any individual site on which the plan allows residential use by more than 50 percent below that permitted under this chapter, except for sites meeting any of the following criteria:

(A) Sites within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within the state responsibility area, as defined in Section 4102 of the Public Resources Code.

(B) Sites that are vulnerable to one foot of sea level rise, as determined by the National Oceanic and Atmospheric Administration, the Ocean Protection Council, the United States Geological Survey, the University of California, or a local government's coastal hazards vulnerability assessment.

(C) Sites with a historic resource designated on a local register, so long as sites excluded from the density requirements of this paragraph on that basis do not cumulatively exceed 10 percent of the eligible area of any transit-oriented development zone.

(D) Sites within one-half mile of a Tier 2 transit-oriented development stop shall not have a density below 30 units per acre with a residential floor area ratio of 1.0, except for sites specified in subparagraphs (A) to (C), and should be considered for attached entry level owner occupied housing development opportunities.

(3) The plan shall not reduce the capacity in any transit-oriented development zone in total units or residential floor area by more than 50 percent.

(4) A site's maximum capacity counted toward the plan shall not exceed 200 percent of the maximum density established under this chapter. Any site excluded from the minimum density requirements of subparagraphs (A) to (C) of paragraph (2) shall not be counted toward the plan's capacity. For purposes of this section, calculations regarding capacity, density, and floor area shall include capacity, density, or floor area available under voluntary local housing incentive programs.

(5) A local transit-oriented development alternative plan may consist of an existing local transit-oriented zoning ordinance, overlay zone, specific plan, or zoning incentive ordinance, provided that it meets the requirements of this subdivision.

(b) (1) Prior to one year following the adoption of the seventh revision of the housing element, Section 65912.157 shall not apply to any of the following for which the local government has adopted an ordinance in accordance with Section 65912.160 indicating the site's exclusion:

(A) A site that has been identified by the local jurisdiction which permits density and residential floor area ratio at no less than 50 percent of the standards specified under subdivision (a) of Section 65912.157.

(B) (i) A site in a transit-oriented development zone in which at least 33 percent of sites in the relevant transit-oriented development zone have

permitted density and residential floor area ratio no less than 50 percent of the standards specified under subdivision (a) of Section 65912.157 and which includes sites with densities that cumulatively allow for at least 75 percent of the aggregate density for the transit-oriented development zone specified under subdivision (a) of Section 65912.157.

(ii) A site in a transit-oriented development zone around a transit-oriented development stop that is primarily comprised of a low-resource area which includes sites with densities that cumulatively allow for at least 40 percent of the aggregate density for the transit-oriented development zone specified under subdivision (a) of Section 65912.157.

(iii) A site in an area designated as low resource on the most recently adopted version of the opportunity area maps published by the California Tax Credit Allocation Committee and the department, and within a jurisdiction that cumulatively allows for at least 50 percent of the total capacity for units and floor area as specified under Section 65912.157 across all transit-oriented development zones.

(C) A site that is covered by a local transit-oriented development alternative plan adopted by a local government.

(D) Sites within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within the state responsibility area, as defined in Section 4102 of the Public Resources Code.

(E) Sites that are vulnerable to one foot of sea level rise, as determined by the National Oceanic and Atmospheric Administration, the Ocean Protection Council, the United States Geological Survey, the University of California, or a local government's coastal hazards vulnerability assessment.

(F) Sites with a historic resource designated as of January 1, 2025, on a local register.

(2) A local government that has adopted an ordinance pursuant to this subdivision shall indicate on its public zoning map which sites or transit-oriented development zones are and are not covered by Section 65912.157.

(c) (1) For the seventh and subsequent revisions of the housing element, a local government may include a local transit-oriented development alternative plan in any of the following ways:

(A) (i) Include a local transit-oriented alternative plan in its housing element. When a local government includes a transit-oriented development alternative plan in its housing element the plan shall include an analysis of how the plan maintains at least an equal feasible developable housing capacity as the baseline established by this chapter.

(ii) If a local government adopts a housing element that the department has determined to be compliant with this section, then any action to enforce or implement a compliant housing element shall be subject to applicable provisions of housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).

(iii) The initial submission of a transit-oriented development alternative plan shall be included in the local government's first draft submittal

referenced in subparagraph (C) of paragraph (1) of subdivision (b) of Section 65585.

(iv) Sites identified in a local transit-oriented development alternative plan may be included in the inventory of land suitable for residential development, pursuant to the additional requirements of Section 65583.

(B) If a local government does not include the local transit-oriented alternative plan in its housing element, the local government may adopt an alternative plan that has been deemed compliant by the department pursuant to Section 65912.160.

(d) Section 65912.157 shall not apply within a jurisdiction that has a local transit-oriented alternative plan that has been approved by the department as satisfying the requirements of this section in effect. The department's approval pursuant to this section shall be valid through the jurisdiction's next amendment to the housing element of its general plan.

(e) A local transit-oriented development alternative plan may consist of an existing local transit-oriented zoning ordinance, overlay zone, specific plan, zoning incentive ordinance or existing program, provided that it meets the requirements of this section.

65912.162. The Legislature finds and declares that the state faces a housing crisis of availability and affordability, in large part due to a severe shortage of housing, and solving the housing crisis therefore requires a multifaceted, statewide approach, including, but not limited to, encouraging an increase in the overall supply of housing, encouraging the development of housing that is affordable to households at all income levels, removing barriers to housing production, expanding homeownership opportunities, and expanding the availability of rental housing, and is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities.

SEC. 2. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

O

EXHIBIT C

COMMUNITY DEVELOPMENT

March 3, 2026

Mr. Kome Ajise, Executive Director
Southern California Association of Governments
900 Wilshire Boulevard, Suite 1700
Los Angeles, CA 90017

Re: SB 79 Transit-Oriented Development Stop Designations and CEQA Obligations

Dear Mr. Ajise:

The City of Burbank is providing input regarding SCAG's responsibilities under Senate Bill 79 (SB 79) to identify Transit-Oriented Development (TOD) stops around which increased residential development capacity must be permitted.

SB 79 vests SCAG with the responsibility to identify qualifying transit stops and to prepare corresponding TOD maps that will trigger mandatory increases in residential development capacity within specified radii. Given the significant land use, infrastructure, and environmental implications of these designations, the City requests SCAG identify TOD stops for the unbuilt Bus Rapid Transit (BRT) projects in a manner that is consistent with both SB 79 and the California Environmental Quality Act, prior to publishing the TOD maps required under SB 79.

Inability for SCAG to Apply SB 79 TOD Stop Criteria to Unbuilt BRT Transit Projects

The application of the criteria identified in SB 79 for designating TOD stops around unconstructed BRT projects is unclear. This is because the level of project detail needed to apply SB 79 TOD stop criteria for BRT projects is not included in the Regional Transportation Plan's project descriptions and is often not even included in the project description adopted by its lead agency.

In the case of the Metro North Hollywood to Pasadena BRT Project, neither the SCAG Connect SoCal 2020, SCAG Connect SoCal 2024, Metro Long Range Transportation Plan, nor Metro Short Range Transportation Improvement Program, provide the granular, project-level characteristics necessary to confirm whether stops along the project alignment are TOD stops under SB 79. Specifically, SB 79 requires detailed description and limits of a BRT project's full-time dedicated lanes, or locations where BRT projects operate in exclusive right-of-way. The law also requires knowledge of peak service frequencies. None of these project characteristics are known at a project's conceptual or design phase. Furthermore, in the case of the Metro North Hollywood to Pasadena BRT Project, as of the date of this letter these important details are still being determined as

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The City of Burbank remains committed to meeting its housing obligations and advancing sustainable, transit-supportive growth. However, implementation of SB 79 must occur in a manner that is legally sound, environmentally responsible, and transparent to local jurisdictions that will bear the primary responsibility for infrastructure, public safety, and community impacts.

We look forward to continued coordination with SCAG staff on this matter and appreciate your attention to these important concerns.

Sincerely,

Patrick Prescott
Community Development Director
City of Burbank

Cc: Justin Hess, City Manager
Joseph McDougall, City Attorney
Burbank City Council

Sara Jepson, Chief Planning Officer, SCAG

part of the design process, and may further change between now and the July 1, 2026 deadline for SCAG to identify TOD stops for the project. The City does not believe that SCAG can identify TOD stops along the Metro North Hollywood to Pasadena BRT Corridor project in accordance with the criteria established in SB 79.

Identifying SB 79 TOD Stops is a Project Subject to CEQA Review

The City of Burbank's adopted Housing Element and associated specific plan environmental reviews already identify and evaluate the impacts of projected housing growth consistent with our Regional Housing Needs Allocation (RHNA). Those analyses disclose significant and unavoidable impacts in certain resource areas, even under locally planned growth scenarios.

If SB 79 TOD designations require additional residential density beyond what was assumed and evaluated in those CEQA documents, the resulting development intensity will exacerbate identified impacts, including but not limited to land use, transportation, infrastructure capacity, public services, and utilities.

Creating SB 79 TOD stop maps would function as a regulatory trigger requiring increased residential development capacity, therefore SCAG's designation of these TOD stops constitutes a discretionary action with reasonably foreseeable environmental consequences. Accordingly, SCAG must conduct appropriate CEQA review of the land use intensification resulting from SB 79 designations prior to adoption of any TOD stop maps. Because the Connect SoCal 2024 Plan includes similar transit maps that have development implications under other state laws, the City recommends that creation of the SB 79 maps be conducted as part of a formal amendment to the Connect SoCal Plan, which would be subject to CEQA review and include opportunities for public comment.

City of Burbank Request

Given the above, the City of Burbank respectfully requests that SCAG:

1. Not designate SB 79 TOD stops for the Metro North Hollywood to Pasadena BRT Corridor Project until the project has been permitted for construction, because project design elements necessary to apply SB 79 criteria are not known until that time.
2. Conduct comprehensive CEQA review that evaluates the environmental impacts associated with the increased residential densities required by SB 79 TOD stop designation prior to map adoption, potentially via an amendment to Connect SoCal 2024 that would be reviewed under CEQA and approved by the SCAG Regional Council.
3. Provide affected jurisdictions an opportunity to review and comment on both the eligibility determinations and the associated environmental analysis.

EXHIBIT D

Aleshire & Wynder

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May 22, 2026

SENT VIA ELECTRONIC MAIL (ajise@scag.ca.gov)

Mr. Kome Ajise, Executive Director
Southern California Association of Governments
900 Wilshire Boulevard, Suite 1700
Los Angeles, CA 90017

Re: Comment Letter Re: Mapping for SB 79 Transit-Oriented Development Stops, Zones, and Tiers

Dear Mr. Ajise:

The City of Burbank (the "City" or "Burbank") respectfully submits this comment letter on proposed SB 79 maps for transit-oriented development stops, zones, and tiers, particularly for any mapping that includes Los Angeles County Metropolitan Transportation Authority's (Metro) North Hollywood to Pasadena bus rapid transit project (BRT Project). Burbank respectfully requests that SCAG wait to finalize any SB 79 map containing the BRT Project until additional environmental review of SB 79's impacts on Burbank communities within a one-half mile radius of major transit stops, zones, and tiers (TOD Stops) for the BRT Project is completed, as required under the California Environmental Quality Act (CEQA).

The environmental analysis in Metro's 2022 Final Environmental Impact Report for the BRT Project (FEIR) is legally deficient because increasing the height limits and densities to at least 80 to 120 dwelling units per acre in neighborhoods surrounding TOD Stops constitute a distinct and substantial physical change to the environment. The substantial environmental impacts will include consideration of additional traffic (both auto and pedestrian), additional sewer and utility impacts, additional water supply impacts and need for more and upgraded facilities, and other concerns. None of these additional impacts was considered at all in the FEIR, nor could they have been considered at that time, some three years before the passage of SB 79.

Additionally, Metro's growth-inducing and cumulative impacts discussion in its FEIR is now legally flawed in light of SB 79. That statute has transformed development standards for properties within one-half mile of TOD Stops. In addition, the California District Court of Appeal decided recently in October 2025, the California Appellate Court, in *Save Our Access v. City of San Diego*, (2025) 115 Cal.App.5th 388, held that CEQA requires an agency to analyze the "physical

conditions" that will foreseeably result from a project's approval, particularly when a change in development standards creates a reasonable likelihood of denser or taller structures.[1]

The enactment of SB 79 eliminates any plausible claim that significant changes in transit-adjacent development patterns are speculative. Qualifying SB 79 projects will now proceed through state-mandated non-discretionary approvals, with no environmental review. There will be no meaningful opportunity for subsequent project-level environmental review and/or requirement that SB 79 TOD developments conform with local zoning regulations. Further environmental review is therefore necessary to analyze the BRT Project's growth-inducing effects and cumulative impacts now, as potentially significant impacts from future ministerially approved development projects will not be environmentally assessed and will have significant unavoidable impacts on City infrastructure.

A. Metro's FEIR's analysis of growth-inducing impacts and cumulative impacts is now legally deficient due to the foreseeable significant environmental impacts of SB 79 transit-oriented development.

1. Requirement to Analyze Growth-Inducing Impacts from Foreseeable Development

An EIR must discuss the ways in which a project could directly or indirectly foster economic or population growth or the construction of new housing in the surrounding environment.[2] SB 79 requires a streamlined, by-right approval process for housing developments of five or more units within a half-mile radius of a TOD Stop, and mandates the following development standards:

Feature	Radius of TOD Stop	Tier 1 TOD Stop[3]	Tier 2 TOD Stop[4]
Maximum Density	adjacent	at least 160 du/ac	at least 140 du/ac
	less than ¼ mile	at least 120 du/ac	at least 100 du/ac
	between ¼–½ mile	at least 100 du/ac	at least 80 du/ac

[1] *Save our Access,* 14 Cal.5th 311,338–39 (the removal of a height limit was held to be a distinct physical change requiring analysis of how taller buildings might alter air dispersion and community character).
[2] 14 Cal. Code Regs. § 15126.2(e).
[3] Tier 1 TOD Stops include heavy rail or very high-frequency commuter rail (≥ 72 trains per day, both directions) as defined by Gov. Code § 65912.156.
[4] Tier 2 TOD Stops include light rail, high-frequency commuter rail or bus rapid transit meeting Pub. Res. Code § 21060.2 criteria.

Maximum Height	adjacent	at least 95 ft limit	at least 85 ft limit
	less than ¼ mile	at least 75 ft limit	at least 65 ft limit
	between ¼–½ mile	at least 65 ft limit	at least 55 ft limit
Maximum Floor Area Ratio (FAR)	Adjacent	at least 4.5 FAR	at least 4.0 FAR
	less than ¼ mile	at least 3.5 FAR	at least 3.0 FAR
	between ¼–½ mile	at least 3.0 FAR	at least 2.5 FAR

SB 79 effectively transforms all TOD Stops, including all BRT Project stops within Burbank, into opportunities for by-right, high-density development that need not be consistent with the City's general plan or zoning. This new law thus dramatically alters the regulatory framework as it relates to the City's obligation to analyze cumulative environmental impacts of foreseeable development and growth-inducing impacts.

When infrastructure serves as "a catalyst for further development," agencies must comprehensively analyze all reasonably foreseeable growth-inducing impacts.[5] Also, projects providing capacity beyond immediate needs trigger heightened scrutiny under CEQA.[6] Metro's FEIR omits any substantial evidence of "reasonably foreseeable" and directly induced development from SB 79. The FEIR's cursory treatment of growth-inducing impacts is legally insufficient.

In *Save our Access* the Court of Appeal held that if a lead agency knows that development restrictions will be lifted and significant environmental impacts will result, CEQA requires present analysis of those reasonably foreseeable impacts and does not permit deferral to hypothetical future project-level review. Metro's assertion that the BRT Project was already approved in 2022 and does not propose a major infrastructure system extension that could serve as a vector for growth fundamentally misapprehends both the legal requirements of CEQA to analyze growth-inducing impacts, and the practical reality that new TOD Stops along the BRT Project route will directly trigger streamlined and by-right approvals of high-density, high-rise development under SB 79, in Burbank.

[5] *City of Antioch v. City Council* (1986) 187 Cal. App. 3d 1325.
[6] *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal. App. 4th 342.

2. Cumulative Impacts Analysis is Flawed

In *Save Our Access*, the Court of Appeal invalidated an environmental review that failed to analyze the foreseeable consequences of removing height limits, holding that when an agency knows development restrictions will be lifted, it ***must*** analyze the resulting physical impacts ***immediately*** rather than deferring to future project-level review.[7] This principle applies to the BRT Project, whose TOD Stops will trigger large-scale development under SB 79.

The prior environmental analysis fails to account for the cumulative impacts of the BRT Project when considered with the high-density development that SB 79 will induce in the surrounding areas. An EIR must include an analysis of future expansion or other action if: "(1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects."[8] "If an EIR... fails to evaluate the cumulative impacts of a project, the agency has not proceeded in a manner required by law."[9]

With SB 79's enactment, developments up to 85 feet in height and 140 units/acre will be permitted within the City's jurisdiction, representing significant increases in adjacent density. The failure to analyze the cumulative impacts of this densification violates CEQA's mandate to evaluate the whole of an action.[10] Furthermore, an agency cannot simply ignore cumulative impacts by claiming future projects are speculative when the regulatory framework makes them probable.[11] Under CEQA Guidelines Section 15130(b), the discussion of cumulative impacts must reflect "the severity of the impacts and their likelihood of occurrence."

Under SB 79, high-density housing projects will be approved proximately to TOD Stops without further CEQA review if they meet the statute's more limited criteria. Without future opportunities for the public and decision-makers to evaluate or mitigate the environmental impacts of these developments, it is critical that additional environmental review fully account for these impacts at the present stage.

[7] *Save Our Access,* supra, 115 Cal. App. 5th at pp. 414–415.
[8] *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396.
[9] *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 720.
[10] CEQA Guidelines § 15378(a).
[11] *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App. 4th 1184, 1216 [holding that cumulative impact analysis requires consideration of "reasonably foreseeable probable future projects."].

B. <u>The enactment of SB 79 constitutes "significant new information" that fundamentally alters the BRT Project's environmental context and growth-inducing potential, requiring further environmental review.</u>

Once an EIR is approved, the lead agency is required to conduct subsequent environmental review when one of three limited conditions exists: (i) substantial changes are proposed in the project that require major revisions to the EIR, (ii) substantial changes occur regarding the project's circumstances that require major revisions to the EIR, or (iii) new information becomes available that was not known and could not have been known at the time the EIR was certified.[12]

A proposed change in the project or its circumstances will require a subsequent EIR only if: (i) the change is substantial, (ii) involving new or more severe significant environmental impacts, (iii) which were not considered in the previously certified EIR, and (iv) will require major revisions to the EIR.[13] If some changes or additions are necessary, but none of the three conditions calling for a subsequent EIR has occurred, then the lead agency must prepare an addendum instead.[14] An addendum does not need to be circulated for public review, but may be included or attached to the final EIR.[15] The recent approval of SB 79 is a substantial change in the BRT project's circumstances, requiring subsequent environmental review.

SB 79 triggers both prongs of this standard. The FEIR's original analysis of possible additional development by individual cities was speculative and expressly subject to discretionary local review. Both of those assumptions are now legally and factually incorrect. SB 79 has stripped local agencies of discretionary control, granting ministerial, "by-right" approval for high-density development within one-half mile of the new stations. The new law thus creates a substantial increase in the severity of the BRT Project's growth-inducing and cumulative impacts that were never analyzed in the DEIR. The public has been deprived of any opportunity to comment on the cumulative burden of the BRT Project's now-guaranteed, unmitigated densification that will otherwise occur immediately adjacent to new TOD Stops without further environmental review.

C. <u>2020-2045 Regional Transportation Plan Sustainable Communities Strategy (RTP/SCS) is also legally Insufficient.</u>

SB 79 will fundamentally transform the development landscape around transit stations. SCAG's 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) forecasted population and housing growth without SB 79's high density housing projects within

[12] Pub. Resources Code § 21166; 14 CCR § 15162(a).
[13] *Citizens Against Airport Pollution v. City of San Jose* (2014) 227 Cal.App.4th 788; *Fund for Envt'l Defense v. Cty. Of Orange* (1988) 204 Cal.App.3d 1538.
[14] *Mani Brothers Real Estate Group v. City of Los Angeles* (2007) 153 Cal.App.4th 1385, 1398; 14 CCR § 15164(a).
[15] 14 CCR § 15164(c).

a one-half mile radius of a TOD Stop. With SB 79's constrained approval process, the addition of new TOD Stops becomes the direct catalyst for high-density housing developments that would not otherwise occur at these locations.

While arguments can be made that growth projections were already "anticipated" in regional planning documents, SB 79 accelerates and practically guarantees much denser development that would have previously been subject to local control and environmental review. The statute's limited approval pathway means individual housing projects will bypass project-level CEQA review entirely if they meet SB 79's criteria precluding future opportunities to analyze or mitigate the cumulative environmental impacts of transit-induced development, placing the entire burden on current EIRs to comprehensively evaluate these impacts along the BRT Project route.

Therefore, SCAG's adoption of SB 79 maps which impose unstudied land use impacts around the BRT project stations is itself subject to CEQA and requires environmental review, as stated in detail in section B above. Again, while the State Legislature's enactment of SB 79 is not subject to environmental review, SCAG's mandate to create SB 79 maps for TOD Stops for development purposes is an action that necessitates environmental review under CEQA prior to adoption of those maps. As currently written, SB 79 does not exempt agencies from conducting such additional environmental review in light of the additional changes in the physical environment, growth-inducing impacts, and cumulative impacts that SB 79 developments will have.

Courts have established that prejudicial abuse of discretion occurs under CEQA when an agency's failure to include relevant information in an EIR "precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process."[16] This standard recognizes that CEQA's information disclosure requirements are fundamental to its statutory scheme. When an agency omits material information necessary for the public and decision-makers to understand a project's true environmental impacts, the resulting deficiency undermines CEQA's legislative objectives of fostering informed agency decisions and meaningful public participation, regardless of whether a different outcome would have resulted had the information been disclosed.[17]

Based on the foregoing deficiencies, we respectfully urge SCAG to hold off on finalizing any SB 79 map with respect to the BRT Project until further environmental review is completed. Metro's FEIR and the RTP/SCS fail to meet CEQA's fundamental mandate to foster informed decision-making and public participation. By relying on a baseline that ignores the transformative reality

[16] *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 712.
[17] *Fall River Wild Trout Foundation v. County of Shasta* (1999) 70 Cal. App. 4th 482, 492; *Del Mar Terrace Conservancy, Inc. v. City Council* (1992) 10 Cal. App. 4th 712, 730.

of SB 79, Metro's FEIR and RTP/SCS present a materially misleading picture of the BRT Project's cumulative environmental burden on the City of Burbank.

Sincerely,

ALESHIRE & WYNDER, LLP



Pam K. Lee

PKL:PKL

Cc: Justin Hess, Burbank City Manager
Joseph McDougall, Burbank City Attorney
Burbank City Council

Sara Jepson, Chief Planning Officer, SCAG (jepson@scag.ca.gov)

EXHIBIT E

MOBILITY + COMMUNITIES + ENVIRONMENT + ECONOMY

SCAG

SB 79 Mapping Approach and Methodology

July 2, 2026

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Background

On October 10, 2025, Governor Newsom signed Senate Bill 79 (SB 79), the Abundant and Affordable Homes Near Transit Act, into law. Authored by Senator Scott Wiener (D–San Francisco), the bill establishes statewide standards to streamline housing development near transit by defining and mapping Transit Oriented Development (TOD) zones and stops. SB 79 aims to accelerate transit-oriented housing production by making qualifying projects an allowed use on sites zoned for residential, mixed-use, or commercial development if the project meets applicable requirements.

The law becomes operative July 1, 2026, unless a local agency adopts a TOD ordinance or a TOD alternative plan deemed compliant by the Department of Housing and Community Development (HCD) before that date or secures deferred effectuation. For unincorporated areas, the provisions apply beginning with the planning of the 7th Regional Housing Needs Allocation (RHNA) cycle.

The legislation requires that Metropolitan Planning Organizations (MPOs), like SCAG, develop and maintain a map identifying and classifying Tier 1 and Tier 2 TOD zones around major transit stops. The statute provides that the MPO map should be prepared in accordance with the guidance prepared by the California Department of Housing and Community Development (HCD). The statute also states that the map carries a rebuttable presumption of validity for use by project applicants and local governments.

SCAG engaged with other affected MPOs and the HCD regarding interpretation of key statutory terms relevant to the MPO mapping assignment. The HCD provided the SB 79 Advisory Clarifications on Definitions (HCD Clarifications) on March 20, 2026.

Approach

SCAG's approach to map development is focused on providing clear and transparent assumptions and processes that meet SCAG's mapping obligation in the statute and provide affected jurisdictions and other stakeholders with the necessary information to inform local land use decisions. SCAG's mapping approach was informed by:

- SB 79 statute
- HCD Clarifications
- SCAG's technical interpretation of statute where HCD guidance was broad or lacked clarity

The following outlines the key terms that informed map development and how SCAG staff arrived at a recommended approach to produce the map.

SB 79 Mapping Terms

Urban Transit County

The first step in assessing SB 79 eligibility is to identify eligible urban transit counties. The statute defines urban transit counties as counties with more than 15 passenger rail stations. SB 79 does not indicate whether those passenger rail stations are required to be operational or whether planned stations count towards the 15 stations.

THE HCD CLARIFICATIONS STATE THAT:

a passenger rail station includes all forms of public heavy rail, light rail, or commuter rail stations that are in active operation and provide regular service. A passenger rail station does not include planned rail stations that are not yet in service. A passenger rail station occupying one physical location counts as a single station, even if multiple rail services utilize the station.

SCAG Applicability: As of June 2026, Los Angeles County is the only urban transit county in the SCAG region. Orange County is anticipated to qualify as an urban transit county when the OC Streetcar opens for revenue service, subject to confirmation that the county then has more than 15 qualifying passenger rail stations under SB 79 and HCD's Clarifications. Future transit extensions and projects throughout the SCAG region will continue to be evaluated to determine whether additional counties may qualify as urban transit counties in the future.

Once an urban transit county is identified, **major transit stops** need to be evaluated to assess whether they qualify as TOD stops under the SB 79 statute.

TOD Stops (Tier 1 and Tier 2) and TOD Zones

SB 79 applicability is determined by the transit service type and level of frequency within an urban transit county.

TOD stops are major transit stops as defined by Section 21064.3 of the Public Resources Code, and also include stops on a route for which a preferred alternative has been selected or which are identified in a regional transportation improvement program, that is served by heavy rail transit, very high frequency commuter rail, high frequency commuter rail, light rail transit, or bus service within an urban transit county meeting the standards of paragraph (1) of subdivision (a) of Section 21060.2 of the Public Resources Code.

The statute includes two different tiers of TOD stops, each with distinct transit service characteristics and corresponding allowable development intensities.

To qualify as a Tier 1 TOD stop, a major transit stop must be served by heavy rail or by very high-frequency commuter rail (72 daily trains across both directions).

To qualify as a Tier 2 TOD stop, a major transit stop must be served by light rail, high frequency commuter rail (48 daily trains across both directions), or bus service meeting the standards of paragraph (1) of subdivision (a) of Section 21060.2 of the Public Resources Code.

PLANNED TRANSIT PROJECTS

As noted in the TOD stop definition above, the statute encompasses planned projects (meaning transit projects that are not yet constructed or operational). This is inclusive of projects for which a locally preferred alternative has been selected or those identified in a regional transportation improvement program.

On environmental clearance, the HCD Clarifications published on March 22, 2026 note:

- *Selected preferred alternative route stops from an adopted CEQA/NEPA document, an adopted locally preferred alternative (LPA), or other local implementing document as determined by the MPO, regardless of their status in a federally or state mandated TIP*.

For projects with funding in the transportation improvement program, the HCD Clarifications note:

- *An existing or planned transit station or stop identified in a region's federally or state-mandated transportation improvement program (TIP) that is served by any of the following: light rail or heavy rail, high-frequency or very high-frequency commuter rail, or eligible bus service (see also "Bus Service"). Planned TOD stops in a region's TIP may be limited to include only those with any amount of committed construction funding.*

HCD provided additional initial direction to SCAG on June 22, 2026, indicating that, upon further review, the SB 79 map should include projects with a locally preferred alternative and should not be limited to those projects with full environmental clearance. SCAG has revised this methodology to reflect this direction

SCAG Applicability: Based on discussions with HCD and the HCD Clarifications published on March 22, 2026, SCAG's approach to planned projects was to map planned TOD stops where the station or stop location has sufficient certainly for regional mapping purposes. For purposes of the SB 79 map, SCAG's approach was to treat a planned project as having sufficient certainty where the project has completed full environmental clearance under the California Environmental Quality Act (CEQA) and, when required, the National Environmental Policy Act (NEPA). However, based on the additional initial direction received from HCD, SCAG's approach to planned projects will be to map planned TOD stops where a locally preferred alternative has been selected, and will not require full environmental clearance. This adjustment will be implemented on the SB 79 map once official clarification has been received from HCD.

Additionally, SCAG will map projects identified in the Federal Transportation Improvement Program (FTIP) only when they include committed construction funding. This approach ensures that there is a greater degree of certainty that the project will be constructed.

TOD ZONES

Although SB 79 specifies a one-half-mile radius for defining TOD zones, SCAG will enhance this approach by mapping around each qualifying TOD stop three distinct buffer areas as identified in SB 79: a 200-foot buffer, a quarter-mile buffer, and a half-mile buffer. Multiple buffers allow for a more nuanced understanding of the built environment and potential development intensity surrounding each stop. By displaying multiple buffers, SCAG's TOD map will provide planners, jurisdictions, and stakeholders with a clearer spatial framework for assessing housing and land use opportunities consistent with SB 79 objectives. Furthermore, if a zone buffer intersects a parcel, the entire parcel shall be considered within the zone for development under SB 79.

The SB 79 statue includes provisions that radius beyond the ¼ mile does not apply to cities with less than 35,000 people. As such, the SCAG region SB 79 map will only include the 200 foot buffer and the ¼ mile buffer for cities that have a population under 35,000.

COMMUTER RAIL

Under SB 79 and HCD's Clarifications, Metrolink and Amtrak Pacific Surfliner are recognized as commuter rail systems, and stations within their service network will be included in the SB 79 map when they meet the required weekday service frequency threshold for qualifying Tier 1 or Tier 2 transit stops. SCAG understands that SB 79's exemption of long-distance routes applies only to services such as the Amtrak Southwest Chief or Amtrak Sunset Limited, which traverse multiple states.

Commuter Rail Service Frequency

To determine which stations qualify under SB 79, a "day" is defined as a typical weekday service day. Overall frequency of commuter rail service is calculated at the station level, rather than at the line or system-wide level, to more accurately reflect the actual level of service available to each station area.

When defining high frequency or very high frequency commuter rail, the statute defines this as **a commuter rail service** and specifies how many trains must be operated at the station to meet the definition of high or very high commuter rail service.

The HCD Clarifications state, "*In assessing whether a station meets this threshold, frequency is based on the total number of trains serving the station, including trains operated by multiple commuter rail services where applicable. This approach reflects the overall level of transit access and frequency experienced by riders at a given stop.*"

SCAG Applicability: SCAG's evaluation of commuter rail service frequency when calculating whether a station qualifies as a Tier 1 or Tier 2 station is that the statute is focused on counting a commuter rail service at a station, whereas the HCD Clarification expands the analysis to account for every train serving a station. This increases the train frequency that can be counted and increases the number of Tier 1 and Tier 2 stations that qualify under SB 79.

SCAG's interpretation of how to account for frequency is in line with the statute as written and is that frequency is calculated at the station level for a single service or line, not aggregated across multiple services at the station level.

However, given HCD Clarifications that expand this, the SCAG map complies with the HCD Clarifications and identifies stations that are affected by the HCD Clarification and includes a note explaining the difference between the statute and HCD Clarifications. Given that land use decisions are local determinations, impacted jurisdictions in the SCAG region will need to evaluate this distinction and make the final determination as to whether they will account for cumulative service at a station or if they will only account for one line at the station level. This approach is intended to preserve transparency for affected jurisdictions, project applicants, and the HCD while maintaining the map's function as the regional SB 79 mapping resource with a rebuttable presumption of validity.

HEAVY AND LIGHT RAIL TRANSIT

SB 79 defines heavy rail transit as a public electric railway line 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, separate rights-of-way from which all other vehicular and foot traffic are excluded, and high

platform loading. Heavy rail transit does not include California High-Speed Rail. Light rail transit includes streetcar, trolley, and tramway service. Light rail transit does not include airport people movers.

SCAG Applicability: For the purposes of SB 79 implementation, LA Metro's B and D Lines are heavy rail transit, consistent with their grade-separated operation and service characteristics. All other Metro rail lines are light rail transit, including the C Line, which—despite operating primarily within its own right-of-way—does not meet the criteria for heavy rail classification. Additionally, the OC Streetcar will be recognized as a qualifying light rail transit service, given its fixed-guideway operation and alignment with light rail service standards; however, its inclusion is contingent upon the system opening for revenue service.

BUS SERVICE

SB 79 considers two types of bus stops: a Bus Rapid Transit (BRT) station and the intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods (Section 21064.3 of the Public Resources Code). In either case, to be eligible as a TOD stop, SB 79 requires 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 (paragraph (1) of subdivision (a) of Section 21060.2 of the Public Resources Code).

BRT is defined in Section 21060.2 of the Public Resources Code:

a) "Bus rapid transit" means a public mass transit service provided by a public agency or by a public-private partnership that includes all of the following features:
    1. 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.
    2. Transit signal priority.
    3. All-door boarding.
    4. Fare collection system that promotes efficiency.
    5. Defined stations.
b) "Bus rapid transit station" means a clearly defined bus station served by a bus rapid transit.

The HCD Clarifications note that *a qualifying bus service TOD stop is a location where the bus stop is adjacent to a full-time dedicated transit lane and the average bus service intervals across the combined morning and afternoon peak periods is 15 minutes or less*.

SCAG Applicability: For BRT services, such as the Metro G Line, that meet the definition in Section 21060.2 of the Public Resources Code, all associated BRT stops adjacent to a full-time dedicated bus lane are included.

For bus service not meeting the full definition of BRT, full-time dedicated bus lane segments were identified in coordination with transit agencies and local jurisdictions for consideration in this analysis. The dedicated lane segments must be adjacent to the stop but are not required to be continuous between stops. Bus service eligibility and stop inclusion were further evaluated by determining bus frequencies, which were calculated by route and direction to identify major transit stops on these segments. Each major transit stop was checked against the major transit stops identified by Cal-ITP. The major transit stops adjacent to a full-time dedicated bus lane and with service frequencies of 15 minutes or less during the morning and afternoon peak commute periods are included in the SB 79 map, provided they also met

the Major Transit Stop criteria through an intersecting major bus route operating at headways of 20 minutes or less.

When defining the 'adjacency' of a dedicated lane, SCAG includes dedicated lanes that are directly at the bus stop and those located across the intersection. However, in instances where a dedicated lane is not at a bus stop and starts or ends a block or more away, the stop will not be counted as a TOD stop under SB 79. Additionally, dedicated bus lanes that allow bicycles and/or right-turn vehicular lanes are still considered dedicated lanes.

PEDESTRIAN ACCESS POINT

While SB 79 does not define a pedestrian access point, it requires that the distance of a transit-oriented housing development project from a TOD stop shall be measured in a straight line from the nearest edge of the parcel containing the proposed project to a pedestrian access point for the TOD stop.

The HCD Clarifications state that *a pedestrian access point is any applicable station entrance, boarding platform access point, or location of a transit stop as defined and depicted on the applicable MPO SB 79 map. MPOs may rely on General Transit Feed Specification (GTFS) data, if provided by individual transit providers within each region, and may add additional pedestrian access points for TOD stops with multiple entrances.*

SCAG Applicability: For the purposes of SB 79 implementation, a pedestrian access point is the primary location where pedestrians enter a transit station or boarding platform and is used to determine the 200-foot, quarter-mile, and half-mile zones.

In general, the pedestrian access point corresponds to the official stop or station location contained in transit agency-provided geospatial datasets, including GTFS data for existing stops and validated shapefiles for planned stops. Because these datasets are vetted and validated by the transit operators, SCAG utilizes the geocoded points contained in the shapefile or GTFS data to represent the official, agency-approved station locations and access points.

Note the following resources for GTFS data:

- LA Metro GTFS
- LADOT GTFS
- Metrolink GTFS
- Santa Monica Big Blue Bus GTFS

GTFS data points are typically represented by a '0' which represents the station location/the platform and a '2' which represents access points to a station including but not limited to elevators, escalators, and stairs.

When both a '0' (station/platform) and '2' (access points) are available, SCAG will utilize the '2' point and remove the '0' and will not modify and any of the '2' points included in the GTFS data. However, when a '0' is the only point available for planned projects, SCAG will utilize this information except for circumstances when a project is operational or when a planned project has construction drawings with sufficient level of detailed identified by transit operator. In these circumstances, SCAG will work with the transit operator to map the access points and pass the latitude and longitudinal points for future GTFS utilization.

For planned projects that do not have detailed drawings, SCAG will identify a point at the center of the platform or bus stop identified by the transit agency.

Given adjusted direction from HCD on planned projects with an LPA, the pedestrian access points for these projects will be developed in close coordination with transit operator and will include either the center point of platform or the nearest street intersection, based on data availability, with the goal of siting them as close to the future station as possible.

Map Updates

SCAG will update the SB 79 map on an annual basis and when a county becomes an urban transit county. The annual updates will account for updated GTFS data, when an eligible transit project secures an LPA, and when an eligible transit project secures committed construction funding in the FTIP.

Given that SCAG is not the originator of the SB 79 mapping data, annual updates will require collaboration from applicable jurisdictions and transit operators to collect data on transit corridor project status, bus service and commuter rail frequency, and information on dedicated lanes, and similar.

SB 79 provides that when a new transit route or extension is planned that was not identified in the applicable regional transportation plan on or before January 1, 2026, those stops shall not be eligible as TOD stops unless they would be eligible as Tier 1 TOD stops. Further, 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 TOD stop.



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26-417-MMI-0395-SB79.2026.07.06

EXHIBIT F

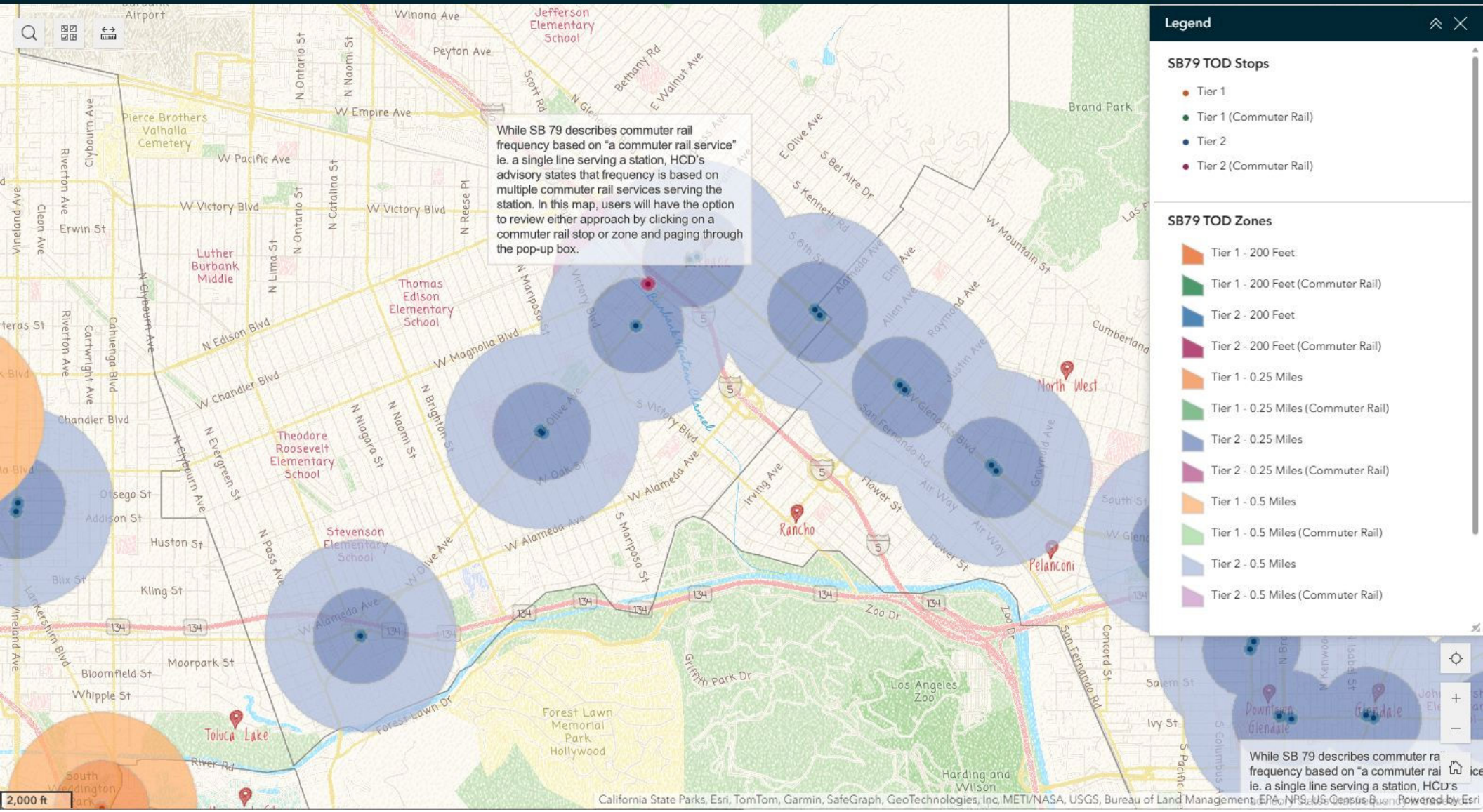

While SB 79 describes commuter rail frequency based on "a commuter rail service" ie. a single line serving a station, HCD's advisory states that frequency is based on multiple commuter rail services serving the station. In this map, users will have the option to review either approach by clicking on a commuter rail stop or zone and paging through the pop-up box.
Legend
SB79 TOD Stops
Tier 1
Tier 1 (Commuter Rail)
Tier 2
Tier 2 (Commuter Rail)
SB79 TOD Zones
Tier 1 - 200 Feet
Tier 1 - 200 Feet (Commuter Rail)
Tier 2 - 200 Feet
Tier 2 - 200 Feet (Commuter Rail)
Tier 1 - 0.25 Miles
Tier 1 - 0.25 Miles (Commuter Rail)
Tier 2 - 0.25 Miles
Tier 2 - 0.25 Miles (Commuter Rail)
Tier 1 - 0.5 Miles
Tier 1 - 0.5 Miles (Commuter Rail)
Tier 2 - 0.5 Miles
Tier 2 - 0.5 Miles (Commuter Rail)
Burbank Airport
Jefferson Elementary School
Pierce Brothers Valhalla Cemetery
Luther Burbank Middle
Thomas Edison Elementary School
Theodore Roosevelt Elementary School
Stevenson Elementary School
Brand Park
North West
Rancho
Pelanconi
Toluca Lake
Forest Lawn Memorial Park Hollywood
Los Angeles Zoo
Harding and Wilson
Downtown Glendale
Glendale
Winona Ave
Peyton Ave
W Empire Ave
W Pacific Ave
W Victory Blvd
Erwin St
N Edison Blvd
W Magnolia Blvd
W Chandler Blvd
Chandler Blvd
Orsego St
Addison St
Huston St
Kling St
Blix St
Moorpark St
Bloomfield St
Whipple St
River Rd
Forest Lawn Dr
W Alameda Ave
W Olive Ave
W Oak St
S Victory Blvd
Burbank Western Channel
Irving Ave
Flower St
Air Way
San Fernando Rd
Zoo Dr
Griffith Park Dr
Concord St
Salem St
Ivy St
W Mountain St
Cumberland
Allen Ave
Raymond Ave
Justin Ave
Elm Ave
Alameda Ave
Grayson Ave
E Olive Ave
S Bel Aire Dr
S Kennett Rd
Bethany Rd
E Walnut Ave
Scott Rd
N Ontario St
N Naomi St
N Catalina St
N Reese Pl
N Lima St
N Mariposa St
N Brighton St
N Niagara St
N Evergreen St
N Pass Ave
N Citrus Ave
S Mariposa St
Riverton Ave
Cleon Ave
Chyboun Ave
Cartwright Ave
Cahuenga Blvd
Vineland Ave
Lankershim Blvd
2,000 ft
While SB 79 describes commuter ra
frequency based on "a commuter rai
ie. a single line serving a station, HCD's
California State Parks, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census B
Powered by Esri

EXHIBIT G

COMMUNITY
DEVELOPMENT

June 12, 2026

Mr. Kome Ajise, Executive Director
Southern California Association of Governments
900 Wilshire Boulevard, Suite 1700
Los Angeles, CA 90017

Re: Comments on SB 79 Transit-Oriented Development Stop Map and Approach and Methodology

Dear Mr. Ajise:

The City of Burbank (City) provides the following input regarding the Southern California Association of Governments (SCAG) Draft Senate Bill 79 (SB 79) Transit-Oriented Development (TOD) Map and Approach and Methodology released on June 1, 2026:

1. **SCAG's Designation of SB 79 TOD Stops is a Project Subject to CEQA Review**

   SCAG's adoption of the SB 79 map, which imposes unstudied land use impacts around TOD stops, is subject to CEQA and requires environmental review. Specifically, SCAG's mandate to create a SB 79 map for TOD stops for development purposes is an action that necessitates environmental review under CEQA prior to adoption of the map by the SCAG Regional Council. As currently written, SB 79 does not exempt agencies from conducting environmental review considering the additional changes in the physical environment, growth-inducing impacts, and cumulative impacts that SB 79 developments will have. The City requests SCAG not approve an SB 79 map that includes TOD stop designations around stops for the Metro North Hollywood to Pasadena BRT Project in Burbank until further environmental review is completed. The City's May 22, 2026 letter to SCAG demonstrating the need for further environmental review is attached to and incorporated into this letter.

2. **Clarification of Map Update Timeline and Process**

   SCAG's Approach and Methodology section titled "Map Updates" states that SCAG will update the SB 79 map on an "annual basis." SCAG should specify a specific annual period for when updates will occur, such as on July 1 of every year, and should commit to a specific process for receiving project updates that may result in changes to SB 79 TOD stop designations. This will allow cities and transit operators to rely on a regular, ongoing process to administer and implement SB 79 and ensure that SCAG's SB 79 map accurately reflects the configuration, implementation, and operation of transit projects that affect TOD stop eligibility.

3. **Need for SCAG to Maintain Precise and Accurate Data and Respond to Potential Map Challenges**

   SB 79 requires SCAG, as the local MPO, to produce and publish maps identifying qualifying TOD stops within its jurisdiction that carry a rebuttable presumption of validity. The SCAG draft map includes a disclaimer stating that the map has a rebuttable presumption of validity for use by project applicants and local governments, but that it does not replace parcel-specific or project-level determinations made by the applicable local land use authority, CEQA lead agency, or other permitting authorities, and does not determine or guarantee eligibility for any specific development project.

   In practice, this disclaimer creates a regulatory gray area by shifting the ultimate administrative and analytical burden onto local jurisdictions whenever the map lacks sufficient detail. Local jurisdictions lack the statutory authority to alter SCAG's maps yet will be forced to interpret eligibility and make project determinations based on potentially flawed or outdated data published by a third-party agency.

   Because the onus to produce mapping with sufficient detail rests solely on the MPO, SCAG must ensure its mapping data can provide authoritative determinations down to the specific parcel level and must establish a public intake process that allows members of the public, not just local governments, to formally challenge mapping inaccuracies. SCAG must review and respond directly to these inquiries, collaborating with and supporting local jurisdictions when necessary, to ensure the maps reflect accurate, real-world conditions.

Thank you for considering the City's comments on the Draft SB 79 Map and Approach and Methodology document. We look forward to continued coordination with SCAG staff on this matter and appreciate your attention to the City's ongoing concerns over implementation of SB 79.

Sincerely,



David Kriske
Assistant Community Development Director, Transportation

Cc: Sara Jepson, Chief Planning Officer, SCAG
Elizabeth Carvajal, Deputy Director, SCAG

Attachment

Aleshire & Wynder

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May 22, 2026

SENT VIA ELECTRONIC MAIL (ajise@scag.ca.gov)

Mr. Kome Ajise, Executive Director
Southern California Association of Governments
900 Wilshire Boulevard, Suite 1700
Los Angeles, CA 90017

Re: Comment Letter Re: Mapping for SB 79 Transit-Oriented Development Stops, Zones, and Tiers

Dear Mr. Ajise:

The City of Burbank (the "City" or "Burbank") respectfully submits this comment letter on proposed SB 79 maps for transit-oriented development stops, zones, and tiers, particularly for any mapping that includes Los Angeles County Metropolitan Transportation Authority's (Metro) North Hollywood to Pasadena bus rapid transit project (BRT Project). Burbank respectfully requests that SCAG wait to finalize any SB 79 map containing the BRT Project until additional environmental review of SB 79's impacts on Burbank communities within a one-half mile radius of major transit stops, zones, and tiers (TOD Stops) for the BRT Project is completed, as required under the California Environmental Quality Act (CEQA).

The environmental analysis in Metro's 2022 Final Environmental Impact Report for the BRT Project (FEIR) is legally deficient because increasing the height limits and densities to at least 80 to 120 dwelling units per acre in neighborhoods surrounding TOD Stops constitute a distinct and substantial physical change to the environment. The substantial environmental impacts will include consideration of additional traffic (both auto and pedestrian), additional sewer and utility impacts, additional water supply impacts and need for more and upgraded facilities, and other concerns. None of these additional impacts was considered at all in the FEIR, nor could they have been considered at that time, some three years before the passage of SB 79.

Additionally, Metro's growth-inducing and cumulative impacts discussion in its FEIR is now legally flawed in light of SB 79. That statute has transformed development standards for properties within one-half mile of TOD Stops. In addition, the California District Court of Appeal decided recently in October 2025, the California Appellate Court, in *Save Our Access v. City of San Diego*, (2025) 115 Cal.App.5th 388, held that CEQA requires an agency to analyze the "physical

conditions" that will foreseeably result from a project's approval, particularly when a change in development standards creates a reasonable likelihood of denser or taller structures.[1]

The enactment of SB 79 eliminates any plausible claim that significant changes in transit-adjacent development patterns are speculative. Qualifying SB 79 projects will now proceed through state-mandated non-discretionary approvals, with no environmental review. There will be no meaningful opportunity for subsequent project-level environmental review and/or requirement that SB 79 TOD developments conform with local zoning regulations. Further environmental review is therefore necessary to analyze the BRT Project's growth-inducing effects and cumulative impacts now, as potentially significant impacts from future ministerially approved development projects will not be environmentally assessed and will have significant unavoidable impacts on City infrastructure.

A. Metro's FEIR's analysis of growth-inducing impacts and cumulative impacts is now legally deficient due to the foreseeable significant environmental impacts of SB 79 transit-oriented development.

1. Requirement to Analyze Growth-Inducing Impacts from Foreseeable Development

An EIR must discuss the ways in which a project could directly or indirectly foster economic or population growth or the construction of new housing in the surrounding environment.[2] SB 79 requires a streamlined, by-right approval process for housing developments of five or more units within a half-mile radius of a TOD Stop, and mandates the following development standards:

Feature	Radius of TOD Stop	Tier 1 TOD Stop[3]	Tier 2 TOD Stop[4]
Maximum Density	adjacent	at least 160 du/ac	at least 140 du/ac
	less than ¼ mile	at least 120 du/ac	at least 100 du/ac
	between ¼–½ mile	at least 100 du/ac	at least 80 du/ac

[1] *Save our Access,* 14 Cal.5th 311,338–39 (the removal of a height limit was held to be a distinct physical change requiring analysis of how taller buildings might alter air dispersion and community character).
[2] 14 Cal. Code Regs. § 15126.2(e).
[3] Tier 1 TOD Stops include heavy rail or very high-frequency commuter rail (≥ 72 trains per day, both directions) as defined by Gov. Code § 65912.156.
[4] Tier 2 TOD Stops include light rail, high-frequency commuter rail or bus rapid transit meeting Pub. Res. Code § 21060.2 criteria.

Maximum Height	adjacent	at least 95 ft limit	at least 85 ft limit
	less than ¼ mile	at least 75 ft limit	at least 65 ft limit
	between ¼–½ mile	at least 65 ft limit	at least 55 ft limit
Maximum Floor Area Ratio (FAR)	Adjacent	at least 4.5 FAR	at least 4.0 FAR
	less than ¼ mile	at least 3.5 FAR	at least 3.0 FAR
	between ¼–½ mile	at least 3.0 FAR	at least 2.5 FAR

SB 79 effectively transforms all TOD Stops, including all BRT Project stops within Burbank, into opportunities for by-right, high-density development that need not be consistent with the City's general plan or zoning. This new law thus dramatically alters the regulatory framework as it relates to the City's obligation to analyze cumulative environmental impacts of foreseeable development and growth-inducing impacts.

When infrastructure serves as "a catalyst for further development," agencies must comprehensively analyze all reasonably foreseeable growth-inducing impacts.[5] Also, projects providing capacity beyond immediate needs trigger heightened scrutiny under CEQA.[6] Metro's FEIR omits any substantial evidence of "reasonably foreseeable" and directly induced development from SB 79. The FEIR's cursory treatment of growth-inducing impacts is legally insufficient.

In *Save our Access* the Court of Appeal held that if a lead agency knows that development restrictions will be lifted and significant environmental impacts will result, CEQA requires present analysis of those reasonably foreseeable impacts and does not permit deferral to hypothetical future project-level review. Metro's assertion that the BRT Project was already approved in 2022 and does not propose a major infrastructure system extension that could serve as a vector for growth fundamentally misapprehends both the legal requirements of CEQA to analyze growth-inducing impacts, and the practical reality that new TOD Stops along the BRT Project route will directly trigger streamlined and by-right approvals of high-density, high-rise development under SB 79, in Burbank.

[5] *City of Antioch v. City Council* (1986) 187 Cal. App. 3d 1325.
[6] *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal. App. 4th 342.

2. Cumulative Impacts Analysis is Flawed

In *Save Our Access*, the Court of Appeal invalidated an environmental review that failed to analyze the foreseeable consequences of removing height limits, holding that when an agency knows development restrictions will be lifted, it ***must*** analyze the resulting physical impacts ***immediately*** rather than deferring to future project-level review.[7] This principle applies to the BRT Project, whose TOD Stops will trigger large-scale development under SB 79.

The prior environmental analysis fails to account for the cumulative impacts of the BRT Project when considered with the high-density development that SB 79 will induce in the surrounding areas. An EIR must include an analysis of future expansion or other action if: "(1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects."[8] "If an EIR... fails to evaluate the cumulative impacts of a project, the agency has not proceeded in a manner required by law."[9]

With SB 79's enactment, developments up to 85 feet in height and 140 units/acre will be permitted within the City's jurisdiction, representing significant increases in adjacent density. The failure to analyze the cumulative impacts of this densification violates CEQA's mandate to evaluate the whole of an action.[10] Furthermore, an agency cannot simply ignore cumulative impacts by claiming future projects are speculative when the regulatory framework makes them probable.[11] Under CEQA Guidelines Section 15130(b), the discussion of cumulative impacts must reflect "the severity of the impacts and their likelihood of occurrence."

Under SB 79, high-density housing projects will be approved proximately to TOD Stops without further CEQA review if they meet the statute's more limited criteria. Without future opportunities for the public and decision-makers to evaluate or mitigate the environmental impacts of these developments, it is critical that additional environmental review fully account for these impacts at the present stage.

[7] *Save Our Access,* supra, 115 Cal. App. 5th at pp. 414–415.
[8] *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396.
[9] *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 720.
[10] CEQA Guidelines § 15378(a).
[11] *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App. 4th 1184, 1216 [holding that cumulative impact analysis requires consideration of "reasonably foreseeable probable future projects."].

B. <u>The enactment of SB 79 constitutes "significant new information" that fundamentally alters the BRT Project's environmental context and growth-inducing potential, requiring further environmental review.</u>

Once an EIR is approved, the lead agency is required to conduct subsequent environmental review when one of three limited conditions exists: (i) substantial changes are proposed in the project that require major revisions to the EIR, (ii) substantial changes occur regarding the project's circumstances that require major revisions to the EIR, or (iii) new information becomes available that was not known and could not have been known at the time the EIR was certified.[12]

A proposed change in the project or its circumstances will require a subsequent EIR only if: (i) the change is substantial, (ii) involving new or more severe significant environmental impacts, (iii) which were not considered in the previously certified EIR, and (iv) will require major revisions to the EIR.[13] If some changes or additions are necessary, but none of the three conditions calling for a subsequent EIR has occurred, then the lead agency must prepare an addendum instead.[14] An addendum does not need to be circulated for public review, but may be included or attached to the final EIR.[15] The recent approval of SB 79 is a substantial change in the BRT project's circumstances, requiring subsequent environmental review.

SB 79 triggers both prongs of this standard. The FEIR's original analysis of possible additional development by individual cities was speculative and expressly subject to discretionary local review. Both of those assumptions are now legally and factually incorrect. SB 79 has stripped local agencies of discretionary control, granting ministerial, "by-right" approval for high-density development within one-half mile of the new stations. The new law thus creates a substantial increase in the severity of the BRT Project's growth-inducing and cumulative impacts that were never analyzed in the DEIR. The public has been deprived of any opportunity to comment on the cumulative burden of the BRT Project's now-guaranteed, unmitigated densification that will otherwise occur immediately adjacent to new TOD Stops without further environmental review.

C. <u>2020-2045 Regional Transportation Plan Sustainable Communities Strategy (RTP/SCS) is also legally Insufficient.</u>

SB 79 will fundamentally transform the development landscape around transit stations. SCAG's 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) forecasted population and housing growth without SB 79's high density housing projects within

[12] Pub. Resources Code § 21166; 14 CCR § 15162(a).
[13] *Citizens Against Airport Pollution v. City of San Jose* (2014) 227 Cal.App.4th 788; *Fund for Envt'l Defense v. Cty. Of Orange* (1988) 204 Cal.App.3d 1538.
[14] *Mani Brothers Real Estate Group v. City of Los Angeles* (2007) 153 Cal.App.4th 1385, 1398; 14 CCR § 15164(a).
[15] 14 CCR § 15164(c).

a one-half mile radius of a TOD Stop. With SB 79's constrained approval process, the addition of new TOD Stops becomes the direct catalyst for high-density housing developments that would not otherwise occur at these locations.

While arguments can be made that growth projections were already "anticipated" in regional planning documents, SB 79 accelerates and practically guarantees much denser development that would have previously been subject to local control and environmental review. The statute's limited approval pathway means individual housing projects will bypass project-level CEQA review entirely if they meet SB 79's criteria precluding future opportunities to analyze or mitigate the cumulative environmental impacts of transit-induced development, placing the entire burden on current EIRs to comprehensively evaluate these impacts along the BRT Project route.

Therefore, SCAG's adoption of SB 79 maps which impose unstudied land use impacts around the BRT project stations is itself subject to CEQA and requires environmental review, as stated in detail in section B above. Again, while the State Legislature's enactment of SB 79 is not subject to environmental review, SCAG's mandate to create SB 79 maps for TOD Stops for development purposes is an action that necessitates environmental review under CEQA prior to adoption of those maps. As currently written, SB 79 does not exempt agencies from conducting such additional environmental review in light of the additional changes in the physical environment, growth-inducing impacts, and cumulative impacts that SB 79 developments will have.

Courts have established that prejudicial abuse of discretion occurs under CEQA when an agency's failure to include relevant information in an EIR "precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process."[16] This standard recognizes that CEQA's information disclosure requirements are fundamental to its statutory scheme. When an agency omits material information necessary for the public and decision-makers to understand a project's true environmental impacts, the resulting deficiency undermines CEQA's legislative objectives of fostering informed agency decisions and meaningful public participation, regardless of whether a different outcome would have resulted had the information been disclosed.[17]

Based on the foregoing deficiencies, we respectfully urge SCAG to hold off on finalizing any SB 79 map with respect to the BRT Project until further environmental review is completed. Metro's FEIR and the RTP/SCS fail to meet CEQA's fundamental mandate to foster informed decision-making and public participation. By relying on a baseline that ignores the transformative reality

[16] *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 712.
[17] *Fall River Wild Trout Foundation v. County of Shasta* (1999) 70 Cal. App. 4th 482, 492; *Del Mar Terrace Conservancy, Inc. v. City Council* (1992) 10 Cal. App. 4th 712, 730.

of SB 79, Metro's FEIR and RTP/SCS present a materially misleading picture of the BRT Project's cumulative environmental burden on the City of Burbank.

Sincerely,

ALESHIRE & WYNDER, LLP



Pam K. Lee

PKL:PKL

Cc: Justin Hess, Burbank City Manager
Joseph McDougall, Burbank City Attorney
Burbank City Council

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EXHIBIT H

AGENDA ITEM 1

REPORT

Southern California Association of Governments
July 2, 2026

To: RC - Regional Council

EXECUTIVE DIRECTOR'S APPROVAL

From: Elizabeth Carvajal, Deputy Director (Land Use)
213-236-1801, carvajal@scag.ca.gov

Subject: SB 79 Approach and Methodology

RECOMMENDED ACTION:
Recommend that the Regional Council approves the Senate Bill 79 Approach and Methodology.

STRATEGIC PRIORITIES:
This item supports the following Strategic Priority 1: Establish and implement a regional vision for a sustainable future.

EXECUTIVE SUMMARY:
Senate Bill 79 (SB 79), the Abundant and Affordable Homes Near Transit Act, was approved in October 2025 and establishes new statutory requirements intended to increase housing production and affordability near high-quality transit. Among its provisions, SB 79 requires each Metropolitan Planning Organization (MPO) in California to develop and maintain a map identifying qualifying transit-oriented development stops and zones around eligible transit stations.

SB 79 assigns the California Department of Housing and Community Development (HCD) a central oversight and guidance role in implementation. The legislation directs HCD to consult with MPOs, provide technical guidance, and support consistency in how MPOs interpret statutory definitions, eligibility criteria, and mapping methodologies. HCD released the SB 79 Advisory Clarifications on Definitions (HCD Clarifications) on March 20, 2026 which SCAG utilized, along with the statute, to develop the SB 79 Approach and Methodology (Methodology) and the SCAG region's SB 79 Map.

SCAG released the SB 79 Approach and Methodology on May 22, 2026, and the draft SB 79 map on June 1st and requested that stakeholders provide corrections, with documentation, by June 12th. The SB 79 Approach and Methodology was recommended for approval by the Community, Economic, and Human Development (CEHD) Policy Committee at their June 4th meeting. This report includes a summary of the major feedback themes with a summary of the revisions to Methodology and the map.

BACKGROUND:
On October 10, 2025, Governor Newsom signed Senate Bill 79 (SB 79), the Abundant and Affordable Homes Near Transit Act, into law. Authored by Senator Scott Wiener (D–San Francisco), the bill establishes statewide standards to streamline housing development near transit by defining and mapping Transit Oriented Development (TOD) zones and stops. SB 79 aims to accelerate transit-oriented housing production by making qualifying projects an allowed use on sites zoned for residential, mixed-use, or commercial development if the project meets applicable requirements.

The law becomes operative July 1, 2026, unless a local agency adopts a compliant TOD ordinance, alternative plan approved by the Department of Housing and Community Development (HCD) before that date or secures deferred effectuation. For unincorporated areas, the provisions apply beginning with the planning of the 7th Regional Housing Needs Allocation (RHNA) cycle.

The legislation requires that Metropolitan Planning Organizations (MPOs), like SCAG, develop and maintain a map identifying and classifying Tier 1 and Tier 2 TOD zones around major transit stops. The statute provides that the MPO map should be prepared in accordance with the guidance prepared by the California Department of Housing and Community Development (HCD). The statute also states that the map carries a rebuttable presumption of validity for use by project applicants and local governments.

SCAG engaged with other affected MPOs and the HCD regarding interpretation of key statutory terms relevant to the MPO mapping assignment. The HCD provided the SB 79 Advisory Clarifications on Definitions (HCD Clarifications) on March 20, 2026.

State Agency Coordination
Since passage of SB 79, SCAG has worked collaboratively with HCD and impacted MPOs statewide to interpret legislative requirements, clarify statutory terminology, and establish a consistent statewide implementation framework. The legislation includes several provisions and definitions that require additional clarification, including eligibility thresholds, station classification criteria, and mapping methodology requirements.

Initial interagency coordination efforts began in November 2025, when SCAG engaged the HCD and peer MPOs to support early implementation planning for SB 79. During this period, SCAG submitted formal correspondence to HCD requesting statutory guidance, to inform development of the TOD mapping methodology. Following receipt of SCAG's correspondence, HCD conducted outreach to SCAG and other MPOs requesting submission of implementation related questions and availability for coordination meetings intended to support development of consistent statewide guidance. SCAG subsequently compiled and transmitted a series of technical and policy clarification questions to HCD addressing statutory interpretation, eligibility criteria, and methodological considerations associated with map development.

HCD presented draft advisory clarifications on the legislation's definitions and preliminary implementation concepts for review and MPOs feedback. MPOs, including SCAG, provided detailed input regarding technical feasibility, data availability, and consistency with existing regional planning frameworks and mapping practices. During this phase, SCAG submitted formal written comments addressing HCD's draft advisory clarifications and proposed implementation approach. In March 2026, the HCD issued SB 79 Advisory Clarifications on Definitions to MPOs to support compliance with SB 79. SB 79 Advisory Clarifications on Definitions provided clarification regarding statutory definitions, eligibility criteria, and mapping expectations necessary to support consistent statewide implementation.

Approach and Methodology

SCAG's approach to map development focused on providing clear and transparent assumptions and processes that meet SCAG's mapping obligation in the statute and provide affected jurisdictions with the necessary information to inform local land use decisions. SCAG's mapping approach was informed by:

- SB 79 statute
- HCD Clarifications
- Technical implementation steps necessary to apply the statute and HCD Clarifications

SCAG's SB 79 Approach and Methodology (Methodology) (Attachment 1) outlines the key terms that informed map development and how SCAG staff arrived at a recommended approach to produce the map, which include:

- Urban transit county (Passenger Rail Station)
- TOD stops and TOD zones (including planned transit projects)
- Commuter rail service frequency
- Heavy and light rail transit
- Bus service
- Pedestrian access point

The above terms do not include all the terms included in the statute, but are instead those that required greater clarity to inform map development.

The Methodology outlines each of the terms that required further clarification by starting with the language included in the statute, moving on to the HCD Clarifications, and summarizing SCAG's applicability, meaning the approach that SCAG took in defining the term and informing map development.

As an initial step in implementing SB 79, SCAG conducted a regional assessment to determine which counties within the SCAG region met the statutory definition of an "urban transit county." The legislation establishes minimum eligibility thresholds based on the number of qualifying passenger rail stations located within a county and the HCD clarifications further defined that the stations needed to be operational. By the statutory implementation date of July 1, 2026, Los Angeles County is expected to be the only county within the SCAG region to meet the SB 79 eligibility threshold of at least 15 qualifying passenger rail stations. Based on this determination, SCAG focused initial mapping efforts within Los Angeles County. Orange County is expected to become an urban transit county when the OC Streetcar opens.

As previously noted, the methodology was developed to inform the map development—it is the technical basis for the map and will be applied to all urban transit counties in the SCAG region. Based on the methodology, SCAG staff engaged affected Los Angeles County transit operators to collect data that was critical to map development and responded to inquiries from affected jurisdictions. Following completion of the station validation process, SCAG developed the SB 79 TOD Map for Los Angeles County. Within Los Angeles County, SCAG identified approximately over 200 qualifying transit stations across over 40 jurisdictions that met SB 79 eligibility criteria.

Major Themes and Corrections

SCAG reviewed all comments received during the review period. Not all requested changes resulted in revisions to the Methodology or map; where a requested change was not supported by the statute, HCD Clarifications, or available documentation, SCAG did not incorporate the requested change. Corrections in the SB 79 map and the Methodology include the following:

1) Specific stop corrections (additions/deletions)
SCAG received several corrections with documentation highlighting several stops for inclusion or removal from the draft SB 79 map. Each request was evaluated and when found eligible based on the statute and HCD clarifications, the correction was made in the map. These corrections are listed in Attachment 2.

2) Pedestrian Access Points
Comments on Pedestrian Access Points generally focused on planned projects and a greater level of accuracy in where the Pedestrian Access Point was sited.

As detailed in Attachment 1, SCAG utilized General Transit Feed Specification (GTFS) data, when available, to map the pedestrian access points. For light and heavy rail stations, GTFS data points are typically represented by a '0' which represents the station location/the platform and a '2' which represents access points to a station including but not limited to elevators, escalators, and stairs.

When both a '0' (station/platform) and '2' (access points) are available, SCAG will utilize the '2' point and remove the '0' and will not modify and any of the '2' points included in the GTFS data. However, when a '0' is the only point available for planned projects, SCAG will utilize this information except for circumstances when a project is operational or when a planned project has construction drawings with sufficient level of detailed identified by transit operator. The methodology has been updated to reflect this exception. In these circumstances, SCAG will work with the transit operator to identify and map the pedestrian access points and provide the corresponding latitude and longitudinal coordinates for inclusion in future GTFS publications.

Given adjusted direction from HCD on planned projects with a Locally Preferred Alternative (LPA), see item 5 below, the pedestrian access points for these projects will be developed in close coordination with transit operator and will include either the center point of platform or the nearest street intersection, based on data availability, with the goal of siting them as close to the future station as possible. While an updated map will be posted on July 1, given the complexity and time needed to manually map projects with construction drawings or those with a locally preferred alternative but no available GTFS data, these points will be added in a future map update after July 1.

3) Disclaimer Language

The SB 79 map includes disclaimer language. Comments on the disclaimer language focused on requests that verification of transit service, transit project plans, and current transit service levels not be referred to local agencies and remain a SCAG function. Additionally, comments raised concerns that the disclaimer language shifted responsibility of parcel level to determinations to local jurisdictions.

SCAG has updated the Disclaimer Language to further clarify roles and responsibilities. Given that SCAG is not the originator of the data points and the data is a reflection of what was provided to SCAG at the time of map development/update, questions about transit level of service will need to be referred to transit agencies and land use determinations lie with local jurisdictions.

4) Timing of Map Updates

SCAG has committed to annual updates. Comments requested more clarification on when these updates will occur and information on process and related engagement. Given that SCAG is not the originator of the SB 79 mapping data, annual updates will require collaboration from applicable jurisdictions and transit operators to collect data on transit corridor project status, bus service, commuter rail frequency, and information on dedicated lanes, and similar. SCAG will develop a process for annual updates and share with stakeholders.

5) Projects with Environmental Clearance versus a Locally Preferred Alternative or construction funding in the FTIP

Most of the comments received focused on planned projects and SCAG's proposed approach to only mapping a project once the environmental clearance has been secured or when the project has construction funding in the Federal Transportation Improvement Program (FTIP). Comments were divided between stakeholders noting agreement with greater station certainty that comes with a fully environmentally cleared project and those who raised concerns that SCAG's approach strayed from the statute and HCD Clarifications.

SCAG engaged with HCD and other MPOs during development of the HCD Clarifications and understood the Clarifications to allow MPOs to only map planned projects with full environmental clearance or construction funding in the FTIP. Following additional review, HCD provided further direction to SCAG on June 22, 2026, indicating that SB 79 maps should include planned projects with a locally preferred alternative and should not be limited to projects that have completed environmental clearance.

Accordingly, the methodology has been revised to reflect this additional HCD direction. SCAG will incorporate this adjustment into the SB 79 map after receiving official clarification from HCD.

6) Commuter Rail Frequency

Comments were received requesting that SCAG align mapping with HCD Clarifications which focus on mapping stations based on cumulative service, regardless of commuter rail operator, at a stop. The SCAG SB 79 map does in fact align with the HCD Clarifications and maps stations based on cumulative service. Additional Metrolink stations (Covina and Cal State LA) will be added to the map as corrections.

7) Jurisdictions with population under 35,000

The SB 79 statue includes provisions that radius beyond the ¼ mile does not apply to cities with less than 35,000 people. The draft map uniformly included the 200 foot, ¼ mile and ½ mile radius across the board. The map and methodology have been revised to reflect this correction and for applicable cities will only include the 200 foot buffer and the ¼ mile buffer.

8) CEQA and Environmental Review

SCAG received a comment that preparation or approval of the SB 79 map requires environmental review under the California Environmental Quality Act (CEQA). SCAG does not agree that the SB 79 map requires CEQA review. SCAG's action is limited to carrying out the statutory mapping function required by SB 79 by applying the statutory criteria and HCD guidance to identify TOD stops, zones, and tiers. The map is not a zoning amendment, land use approval, project approval, funding approval, or authorization for construction, and it does not make parcel-specific or project-level eligibility determinations. Therefore, no action was taken in response to the comment.

Outreach
Following development of the draft map, SCAG initiated a stakeholder outreach process to share the methodology, mapping assumptions, and overall map usability and availability. The goal of this engagement was to work with impacted Los Angeles County jurisdictions and transit operators to identify any errors or corrections that need to be addressed in the map. SCAG staff coordinated with transit operators and Los Angeles County jurisdictions on data collection and corrections.

A Los Angeles County information session was held on June 9, 2026 for impacted jurisdictions and transit operators, and targeted one-on-one meetings were available the weeks of June 15th and June 22nd.

SCAG also reviewed written comments submitted by members of the public, advocacy organizations, local jurisdictions, and other stakeholders.

NEXT STEPS:
In accordance with SB 79 requirements, SCAG will update the SB 79 map when a county becomes an urban transit county and on an annual basis.

FISCAL IMPACT:
None.

ATTACHMENT(S):
1. SB 79 Approach and Methodology
2. SB 79 List of Map Corrections

SB 79 MAPPING APPROACH AND METHODOLOGY

BACKGROUND

On October 10, 2025, Governor Newsom signed Senate Bill 79 (SB 79), the Abundant and Affordable Homes Near Transit Act, into law. Authored by Senator Scott Wiener (D–San Francisco), the bill establishes statewide standards to streamline housing development near transit by defining and mapping Transit Oriented Development (TOD) zones and stops. SB 79 aims to accelerate transit-oriented housing production by making qualifying projects an allowed use on sites zoned for residential, mixed-use, or commercial development if the project meets applicable requirements.

The law becomes operative July 1, 2026, unless a local agency adopts a TOD ordinance or a TOD alternative plan deemed compliant by the Department of Housing and Community Development (HCD) before that date or secures deferred effectuation. For unincorporated areas, the provisions apply beginning with the planning of the 7th Regional Housing Needs Allocation (RHNA) cycle.

The legislation requires that Metropolitan Planning Organizations (MPOs), like SCAG, develop and maintain a map identifying and classifying Tier 1 and Tier 2 TOD zones around major transit stops. The statute provides that the MPO map should be prepared in accordance with the guidance prepared by the California Department of Housing and Community Development (HCD). The statute also states that the map carries a rebuttable presumption of validity for use by project applicants and local governments.

SCAG engaged with other affected MPOs and the HCD regarding interpretation of key statutory terms relevant to the MPO mapping assignment. The HCD provided the SB 79 Advisory Clarifications on Definitions (HCD Clarifications) on March 20, 2026.

APPROACH

SCAG's approach to map development is focused on providing clear and transparent assumptions and processes that meet SCAG's mapping obligation in the statute and provide affected jurisdictions and other stakeholders with the necessary information to inform local land use decisions. SCAG's mapping approach was informed by:

- SB 79 statute
- HCD Clarifications
- SCAG's technical interpretation of statute where HCD guidance was broad or lacked clarity

The following outlines the key terms that informed map development and how SCAG staff arrived at a recommended approach to produce the map.

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SB 79 MAPPING TERMS

Urban Transit County

The first step in assessing SB 79 eligibility is to identify eligible urban transit counties. The statute defines urban transit counties as counties with more than 15 passenger rail stations. SB 79 does not indicate whether those passenger rail stations are required to be operational or whether planned stations count towards the 15 stations.

The HCD Clarifications state that:

a passenger rail station includes all forms of public heavy rail, light rail, or commuter rail stations that are in active operation and provide regular service. A passenger rail station does not include planned rail stations that are not yet in service. A passenger rail station occupying one physical location counts as a single station, even if multiple rail services utilize the station.

SCAG applicability: As of June 2026, Los Angeles County is the only urban transit county in the SCAG region. Orange County is anticipated to qualify as an urban transit county when the OC Streetcar opens for revenue service, subject to confirmation that the county then has more than 15 qualifying passenger rail stations under SB 79 and HCD's Clarifications. Future transit extensions and projects throughout the SCAG region will continue to be evaluated to determine whether additional counties may qualify as urban transit counties in the future.

Once an urban transit county is identified, **major transit stops** need to be evaluated to assess whether they qualify as TOD stops under the SB 79 statute.

TOD Stops (Tier 1 and Tier 2) and TOD Zones

SB 79 applicability is determined by the transit service type and level of frequency within an urban transit county.

TOD stops are major transit stops as defined by Section 21064.3 of the Public Resources Code, and also include stops on a route for which a preferred alternative has been selected or which are identified in a regional transportation improvement program, that is served by heavy rail transit, very high frequency commuter rail, high frequency commuter rail, light rail transit, or bus service within an urban transit county meeting the standards of paragraph (1) of subdivision (a) of Section 21060.2 of the Public Resources Code.

The statute includes two different tiers of TOD stops, each with distinct transit service characteristics and corresponding allowable development intensities.

To qualify as a Tier 1 TOD stop, a major transit stop must be served by heavy rail or by very high-frequency commuter rail (72 daily trains across both directions).

To qualify as a Tier 2 TOD stop, a major transit stop must be served by light rail, high frequency commuter rail (48 daily trains across both directions), or bus service meeting

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the standards of paragraph (1) of subdivision (a) of Section 21060.2 of the Public Resources Code.

Planned Transit Projects

As noted in the TOD stop definition above, the statute encompasses planned projects (meaning transit projects that are not yet constructed or operational). This is inclusive of projects for which a locally preferred alternative has been selected or those identified in a regional transportation improvement program.

On environmental clearance, the HCD Clarifications published on March 22, 2026 note:

- *Selected preferred alternative route stops from an adopted CEQA/NEPA document, an adopted locally preferred alternative (LPA), or other local implementing document as determined by the MPO, regardless of their status in a federally or state mandated TIP.*

For projects with funding in the transportation improvement program, the HCD Clarifications note:

- *An existing or planned transit station or stop identified in a region's federally or state-mandated transportation improvement program (TIP) that is served by any of the following: light rail or heavy rail, high-frequency or very high-frequency commuter rail, or eligible bus service (see also "Bus Service"). Planned TOD stops in a region's TIP may be limited to include only those with any amount of committed construction funding.*

HCD provided additional initial direction to SCAG on June 22, 2026, indicating that, upon further review, the SB 79 map should include projects with a locally preferred alternative and should not be limited to those projects with full environmental clearance. SCAG has revised this methodology to reflect this direction.

SCAG applicability: Based on discussions with HCD and the HCD Clarifications published on March 22, 2026, SCAG's approach to planned projects ~~is~~ was to map planned TOD stops where the station or stop location has sufficient certainly for regional mapping purposes. For purposes of the SB 79 map, SCAG's approach was to ~~will~~ treat a planned project as having sufficient certainty where the project has completed full environmental clearance under the California Environmental Quality Act (CEQA) and, when required, the National Environmental Policy Act (NEPA). ~~This approach will result in mapping planned projects that have more certainty in station location siting. This does not eliminate the possibility of a station location moving at a later date, but does create more certainty about where the station might be located.~~ However, based on the additional initial direction received from HCD, SCAG's approach to planned projects will be to map planned TOD stops where a locally preferred alternative has been selected, and will not require full environmental clearance. This adjustment will be implemented on the SB 79 map once official clarification has been received from HCD.

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Additionally, SCAG will map projects identified in the Federal Transportation Improvement Program (FTIP) only when they include committed construction funding. This approach ensures that there is a greater degree of certainty that the project will be constructed.

~~Where a project is multi-phased and one phase has clearance but is not operationally feasible until another phase has clearance, SCAG will not map the phase until the related phase or phases necessary for operational feasibility have also achieved the required level of project certainty.~~

TOD Zones

Although SB 79 specifies a one-half-mile radius for defining TOD zones, SCAG will enhance this approach by mapping around each qualifying TOD stop three distinct buffer areas as identified in SB 79: a 200-foot buffer, a quarter-mile buffer, and a half-mile buffer. Multiple buffers allow for a more nuanced understanding of the built environment and potential development intensity surrounding each stop. By displaying multiple buffers, SCAG's TOD map will provide planners, jurisdictions, and stakeholders with a clearer spatial framework for assessing housing and land use opportunities consistent with SB 79 objectives. Furthermore, if a zone buffer intersects a parcel, the entire parcel shall be considered within the zone for development under SB 79.

The SB 79 statue includes provisions that radius beyond the ¼ mile does not apply to cities with less than 35,000 people. As such, the SCAG region SB 79 map will only include the 200 foot buffer and the ¼ mile buffer for cities that have a population under 35,000.

Commuter Rail

Under SB 79 and HCD's Clarifications, Metrolink and Amtrak Pacific Surfliner are recognized as commuter rail systems, and stations within their service network will be included in the SB 79 map when they meet the required weekday service frequency threshold for qualifying Tier 1 or Tier 2 transit stops. SCAG understands that SB 79's exemption of long-distance routes applies only to services such as the Amtrak Southwest Chief or Amtrak Sunset Limited, which traverse multiple states.

Commuter Rail Service Frequency

To determine which stations qualify under SB 79, a "day" is defined as a typical weekday service day. Overall frequency of commuter rail service is calculated at the station level, rather than at the line or system-wide level, to more accurately reflect the actual level of service available to each station area.

When defining high frequency or very high frequency commuter rail, the statute defines this as **a commuter rail service** and specifies how many trains must be operated at the station to meet the definition of high or very high commuter rail service.

The HCD Clarifications state, "*In assessing whether a station meets this threshold, frequency is based on the total number of trains serving the station, including trains operated by multiple commuter rail services where applicable. This approach reflects the overall level of transit access and frequency experienced by riders at a given stop*."

SCAG applicability: SCAG's evaluation of commuter rail service frequency when calculating whether a station qualifies as a Tier 1 or Tier 2 station is that the statute is focused on counting a commuter rail service at a station, whereas the HCD Clarification expands the analysis to account for every train serving a station. This increases the train frequency that can be counted and increases the number of Tier 1 and Tier 2 stations that qualify under SB 79.

SCAG's interpretation of how to account for frequency is in line with the statute as written and is that frequency is calculated at the station level for a single service or line, not aggregated across multiple services at the station level.

However, given HCD Clarifications that expand this, the SCAG map complies with the HCD Clarifications and identifies stations that are affected by the HCD Clarification and includes a note explaining the difference between the statute and HCD Clarifications. Given that land use decisions are local determinations, impacted jurisdictions in the SCAG region will need to evaluate this distinction and make the final determination as to whether they will account for cumulative service at a station or if they will only account for one line at the station level. This approach is intended to preserve transparency for affected jurisdictions, project applicants, and the HCD while maintaining the map's function as the regional SB 79 mapping resource with a rebuttable presumption of validity.

Heavy and Light Rail Transit

SB 79 defines heavy rail transit as a public electric railway line 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, separate rights-of-way from which all other vehicular and foot traffic are excluded, and high platform loading. Heavy rail transit does not include California High-Speed Rail. Light rail transit includes streetcar, trolley, and tramway service. Light rail transit does not include airport people movers.

SCAG applicability: For the purposes of SB 79 implementation, LA Metro's B and D Lines are heavy rail transit, consistent with their grade-separated operation and service characteristics. All other Metro rail lines are light rail transit, including the C Line, which—despite operating primarily within its own right-of-way—does not meet the criteria for heavy rail classification. Additionally, the OC Streetcar will be recognized as a qualifying light rail transit service, given its fixed-guideway operation and alignment with light rail service standards; however, its inclusion is contingent upon the system opening for revenue service.

Bus Service

SB79 considers two types of bus stops: a Bus Rapid Transit (BRT) station and the intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods (Section 21064.3 of the Public Resources Code). In either case, to be eligible as a TOD stop, SB 79 requires 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

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the morning and afternoon peak commute periods (paragraph (1) of subdivision (a) of Section 21060.2 of the Public Resources Code).

BRT is defined in Section 21060.2 of the Public Resources Code:

(a) Bus rapid transit" means a public mass transit service provided by a public agency or by a public-private partnership that includes all of the following features:

- **(1)** 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.
- **(2)** Transit signal priority.
- **(3)** All-door boarding.
- **(4)** Fare collection system that promotes efficiency.
- **(5)** Defined stations.

(b) "Bus rapid transit station" means a clearly defined bus station served by a bus rapid transit.

The HCD Clarifications note that *a qualifying bus service TOD stop is a location where the bus stop is adjacent to a full-time dedicated transit lane and the average bus service intervals across the combined morning and afternoon peak periods is 15 minutes or less.*

SCAG applicability: For BRT services, such as the Metro G Line, that meet the definition in Section 21060.2 of the Public Resources Code, all associated BRT stops adjacent to a full-time dedicated bus lane are included.

For bus service not meeting the full definition of BRT, full-time dedicated bus lane segments were identified in coordination with transit agencies and local jurisdictions for consideration in this analysis. The dedicated lane segments must be adjacent to the stop but are not required to be continuous between stops. Bus service eligibility and stop inclusion were further evaluated by determining bus frequencies, which were calculated by route and direction to identify major transit stops on these segments. Each major transit stop was checked against the major transit stops identified by Cal-ITP. The major transit stops adjacent to a full-time dedicated bus lane and with service frequencies of 15 minutes or less during the morning and afternoon peak commute periods are included in the SB 79 map, provided they also met the Major Transit Stop criteria through an intersecting major bus route operating at headways of 20 minutes or less.

When defining the 'adjacency' of a dedicated lane, SCAG includes dedicated lanes that are directly at the bus stop and those located across the intersection. However, in instances where a dedicated lane is not at a bus stop and starts or ends a block or more away, the stop will not be counted as a TOD stop under SB 79. Additionally, dedicated bus lanes that allow bicycles and/or right-turn vehicular lanes are still considered dedicated lanes.

Pedestrian Access Point

While SB 79 does not define a pedestrian access point, it requires that the distance of a transit-oriented housing development project from a TOD stop shall be measured in a

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straight line from the nearest edge of the parcel containing the proposed project to a pedestrian access point for the TOD stop.

The HCD Clarifications state that *a pedestrian access point is any applicable station entrance, boarding platform access point, or location of a transit stop as defined and depicted on the applicable MPO SB 79 map. MPOs may rely on General Transit Feed Specification (GTFS) data, if provided by individual transit providers within each region, and may add additional pedestrian access points for TOD stops with multiple entrances.*

SCAG Applicability: For the purposes of SB 79 implementation, a pedestrian access point is the primary location where pedestrians enter a transit station or boarding platform and is used to determine the 200-foot, quarter-mile, and half-mile zones.

In general, the pedestrian access point corresponds to the official stop or station location contained in transit agency-provided geospatial datasets, including GTFS data for existing stops and validated shapefiles for planned stops. Because these datasets are vetted and validated by the transit operators, SCAG utilizes the geocoded points contained in the shapefile or GTFS data to represent the official, agency-approved station locations and access points.

Note the following resources for GTFS data:

- LA Metro GTFS
- LADOT GTFS
- Metrolink GTFS
- Santa Monica Big Blue Bus GTFS

GTFS data points are typically represented by a '0' which represents the station location/the platform and a '2' which represents access points to a station including but not limited to elevators, escalators, and stairs.

When both a '0' (station/platform) and '2' (access points) are available, SCAG will utilize the '2' point and remove the '0' and will not modify and any of the '2' points included in the GTFS data. However, when a '0' is the only point available for planned projects, SCAG will utilize this information except for circumstances when a project is operational or when a planned project has construction drawings with sufficient level of detailed identified by transit operator. In these circumstances, SCAG will work with the transit operator to map the access points and pass the latitude and longitudinal points for future GTFS utilization.

For planned projects that do not have detailed drawings,~~Where GTFS or shapefile point data are not yet available for a planned project~~, SCAG will identify a point at the center of the platform or bus stop identified by the transit agency.

Given adjusted direction from HCD on planned projects with an LPA, the pedestrian access points for these projects will be developed in close coordination with transit operator and will include either the center point of platform or the nearest street

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intersection, based on data availability, with the goal of siting them as close to the future station as possible.

MAP UPDATES

SCAG will update the SB 79 map on an annual basis and when a county becomes an urban transit county. The annual updates will account for updated GTFS data, when an eligible transit project secures an LPA ~~environmental clearance~~, and when an eligible transit project secures committed construction funding in the FTIP.

Given that SCAG is not the originator of the SB 79 mapping data, annual updates will require collaboration from applicable jurisdictions and transit operators to collect data on transit corridor project status, bus service and commuter rail frequency, and information on dedicated lanes, and similar.

SB 79 provides that when a new transit route or extension is planned that was not identified in the applicable regional transportation plan on or before January 1, 2026, those stops shall not be eligible as TOD stops unless they would be eligible as Tier 1 TOD stops. Further, 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 TOD stop.

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Attachment 2: SCAG Region SB 79 map corrections

#	Location	Correction
1	City of Los Angeles	Add bus stop at Sepulveda Bl/Saticoy St (Stop ID 6160 and 14541)
2	City of Santa Monica	Add bus stop at Santa Monica Blvd / 4th Street (Stop ID 227 & 14360)
3	City of Santa Monica	Remove Lincoln Blvd/Pico Blvd (Lincoln is peak hour only)
4	City of Santa Monica	Add Santa Monica Blvd / 3rd Street - (Stop ID 3104)
5	City of Santa Monica	Add Broadway / Ocean Avenue (Stop ID 14361)
6	County of Los Angeles	Add Cal State LA Metrolink Station
7	City of Covina	Add Covina Metrolink Station
8	City of Artesia	Add Southeast Gateway Line (Artesia Station)
9	City of Long Beach	Add bus stop at 1st & Shelter E S (stop ID 4009)
10	City of Long Beach	Add bus stop at 1st & Shelter F S (Stop ID 4008)
11	City of Long Beach	Add bus stop at 1st & Shelter G S (Stop ID 4011)
12	City of Long Beach	Add bus stop at 1st & Shelter H S (Stop ID 4012)
13	City of Long Beach	Add bus stop at 1st & Shelter C N (Stop ID 4003)
14	City of Los Angeles	Add bus stop at VENICE EB & OVERLAND FS (Stop ID 1541)
15	City of Los Angeles	Remove bus stop at Figueroa & 11th St (Crypto.com Arena) (Stop ID 5278238)
16	City of Los Angeles	Remove bus stop at Figueroa / 12th (Stop ID 4991)
17	City of Los Angeles	Remove bus stop at Figueroa St & 12th St (Stop ID 5765892)
18	City of Los Angeles	Remove bus stop at Sepulveda / G Line (Stop ID 23401)
19	City of Los Angeles	Remove bus stop at Sepulveda / G Line (Stop ID 23402)

Attachment 2: SCAG Region SB 79 map corrections

#	Location	Correction
20	City of Los Angeles	Remove bus stop at Sepulveda / Oxnard (Stop ID 6152)
21	City of Los Angeles	Remove bus stop at Sepulveda / Oxnard (Stop ID 20126)
22	City of Los Angeles	Remove bus stop at Venice / Motor (Stop ID 6935)
23	City of Los Angeles	Remove bus stop at Venice / Motor (Stop ID 15289)
24	City of Los Angeles	Remove bus stop at Aliso / Los Angeles (Stop ID 12415)
25	Multiple	Add K Line Northern Extension (LPA Project)
26	Multiple	Add Sepulveda Transit Corrridor (LPA Project)
27	Multiple	Add Eastside Phase 2A and 2B
28	Multiple	Adjustments to half mile buffer for jurisdictions with population less than 35,000.
29	Multiple	Pedestrian access point adjustments for existing and planned stations

Senate Bill 79 Approach and Methodology

SCAG Regional Council

July 2, 2026

WWW.SCAG.CA.GOV

Regional Council Action Language

Recommend that the Regional Council approves the Senate Bill 79 Approach and Methodology.

SB 79- Presentation Overview

1. SB 79 Overview
2. Roles/Responsibilities
3. Approach and Methodology
4. Corrections
5. Stakeholder Engagement
6. Next Steps

Senate Bill 79 Overview

- Signed by Governor Newsom in October 2025
- Streamlines approval for housing projects at TOD stops and zones
- Establishes:
  - TOD Tiers depending on transit infrastructure
  - Development standards
  - Implementation options
  - Effective dates
  - **MPO mapping requirement**

Roles and Responsibilities

- **California Department of Housing and Community Development (HCD)**
  - Guidance on SB 79 implementation
  - Develop Standards and Guidance
- **Metropolitan Planning Organizations (MPOs)**
  - SB 79 TOD Stops and Zones Map Development
- **Jurisdictions**
  - Implement statute and make applicability determinations at the parcel level

APPROACH AND METHODOLOGY

Approach

SCAG SB 79 mapping approach was informed by:

- SB 79 Statute
- HCD SB 79 Advisory Clarifications on Definitions (HCD Clarifications)
  - 6/25 HCD Technical Assistance Letter
- Technical implementation steps necessary to apply the statute and HCD Clarifications

Terms

- Urban Transit County/Passenger Rail Station
- TOD Stops and TOD Tiers
- Commuter Rail Frequency
- Rail Categories
- Bus Service
- Pedestrian Access Point

Urban Transit County/Passenger Rail Station

- SB 79 only applies in urban transit counties.
  - Urban transit counties include more than 15 passenger rail stations that are in active operation and provide regular service.
- Within the SCAG region this applies to the following counties:
  - **Los Angeles County** is the only urban transit county at this time.
  - **Orange County** will become an urban transit county when the OC Streetcar is in active operation and provides regular service.

TOD Stops

- TOD Stops are Major Transit Stops (Section 21064.3 of the PRC)
  - That are served by heavy rail, very high or high frequency commuter rail, light rail, or bus service with full-time dedicated lanes and peak frequency of 15 minutes or less.
- **Including Planned Projects**—
  - HCD 6/25 letter clarifying mapping requirement of projects with an adopted Locally Preferred Alternative –map will be revised OR
  - Projects with construction funding in the FTIP
- Projects not in RTP after Jan 1, 2026, will not be mapped, unless Tier 1.
- Bus service ineligible as TOD stop for counties that become urban transit counties after July 1, 2026.

TOD Tiers

- Tier 1
  - A major transit stop must be served by **heavy rail or by very high-frequency commuter rail** (at least 72 daily trains across both directions).
- Tier 2
  - A major transit stop must be served by **light rail, high frequency commuter rail (at least 48 daily trains across both directions), or bus service** meeting the standards of paragraph (1) of subdivision (a) of Section 21060.2 of the Public Resources Code.
- SCAG map includes the 200-foot, 1/4-mile, and 1/2-mile buffers associated with qualifying transit stops and stations.
  - *Cities with less then 35,000 people only have 200 foot and ¼ mile buffer*
- Parcel-level eligibility and SB 79 applicability will be determined by local jurisdictions.

Bus Service

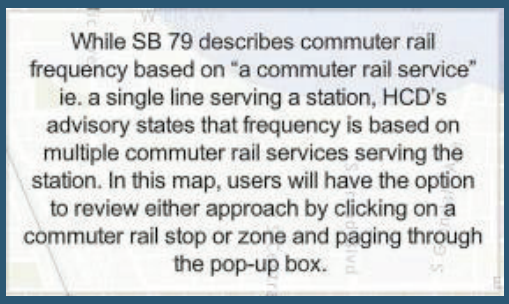
- Eligible bus service under SB 79 must first qualify as a Major Transit Stop.
  - Eligible bus service includes:
    - **Bus Rapid Transit (BRT) OR**
    - **the intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less** during the morning and afternoon peak commute periods
- However, SB 79 establishes more stringent criteria for eligible bus service beyond the baseline Major Transit Stop definition.
  - To qualify under SB 79, the bus service must also:
    - Operate in full-time dedicated lanes or within a separate right-of-way; and
    - Provide service frequencies of 15 minutes or less during the AM and PM peak commute periods.

Bus Service (continued)

- SCAG's approach is that dedicated bus lanes that allow bicycles and/or right-turn vehicular lanes are still considered dedicated lanes
- Adjacent: Directly next to or immediately across the intersection from a qualifying bus stop or station (not a lane located farther away or several blocks from the stop).

Commuter Rail Frequency

- Difference between statute and HCD Clarifications.
- **SCAG's SB 79 map includes stations that align with HCD Clarifications, i.e. cumulative commuter rail service.**
- Frequency is calculated at the station level, and SCAG must consider service within the last three years.
- Land use decisions are local determinations, impacted jurisdictions in the SCAG region will need to evaluate this distinction.



Rail Categories

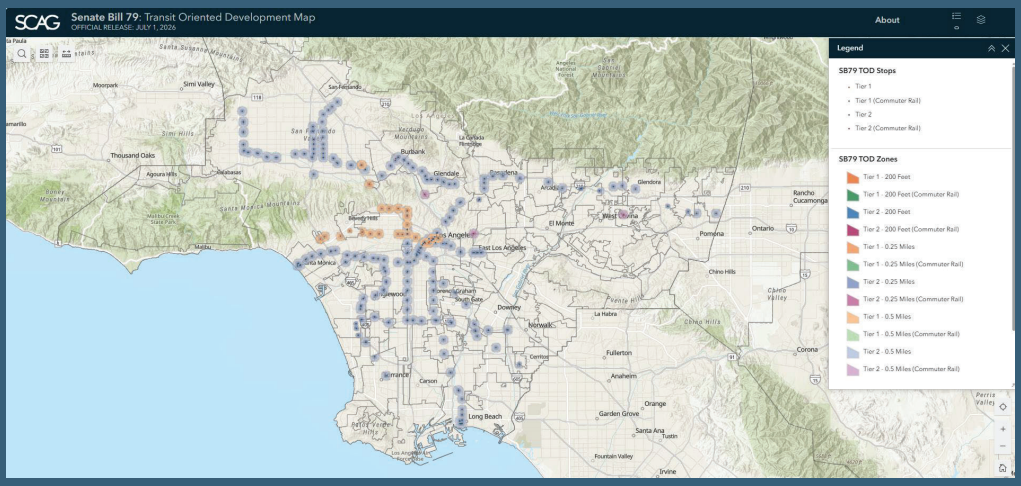
Heavy Rail	Light Rail	Commuter Rail
▪ Bay Area Rapid Transit (BART): All except eBART Pittsburg Center, Antioch stations ▪ Los Angeles (LA) Metro Rail: B, D Lines	▪ LA Metro Rail (A, C, E, K Lines) ▪ Sacramento Regional Transit (SacRT) ▪ San Diego Metropolitan Transit System (MTS) Trolley ▪ San Francisco Municipal Railway (Muni) Metro and Streetcar ▪ Santa Clara Valley Transportation Authority (VTA) Light Rail	▪ Altamont Corridor Express (ACE) ▪ Arrow ▪ BART (eBART Pittsburg Center, Antioch stations only) ▪ Caltrain ▪ Capitol Corridor ▪ Coaster ▪ Metrolink ▪ Pacific Surfliner ▪ San Joaquins (Gold Runner) ▪ Sonoma-Marin Area Rail Transit (SMART) ▪ Sprinter

Applicable to SCAG Region

Pedestrian Access Point

- A pedestrian access point is the primary location where pedestrians enter a transit station or boarding platform and is used to determine the 200-foot, quarter-mile, and half-mile zones.
- SCAG utilizes the geocoded points contained in the shapefile or General Transit Feed Specification (GTFS) data to represent the official, agency-approved station locations and access points.
- When GTFS data is not available, center point of platform was mapped by SCAG based on shapefiles/plans provided by operator. This will be updated when map updates occur and shapefiles/GTFS are updated.

SCAG Region SB 79 TOD Stops & Zones Map



- Map released on June 1st
- **Deadline to receive corrections was June 12th, with documentation**
- Map has been updated as of July 1, the effective date of SB 79
- More updates are forthcoming

CORRECTIONS

1. Specific ‘stop’ corrections

- The SCAG region SB 79 map has been updated to reflect:
  - 15 additions
  - 11 deletions

2. Pedestrian Access Points

1. When General Transit Feed Specification points for platform AND access areas are available, SCAG has removed platform
2. When construction drawings with sufficient detail are available, SCAG will coordinate with transit operator to map ‘access areas’ and share coordinates with operator*
3. For projects with Locally Preferred Alternative, SCAG will work with operator to map either*:
   - Intersection
   - Center point of platform

**These points will be added in a future map update*

3. Disclaimer Language

SCAG has updated the disclaimer language to further clarify roles and responsibilities.

Given that SCAG is not the originator of the data points and the data reflects what was provided to SCAG at the time of map development/update, questions about transit level of service will need to be referred to transit agencies and land use determinations lie with local jurisdictions.

This is a map correction, not in Methodology.

4. Timing of Map Updates

- SCAG proposes map updates when:
  - New Urban Transit County
  - Annual Basis
- SCAG will develop a process and will share with stakeholders.
- SCAG is not the originator of data, will work with partners to collect data critical to map updates.

5. Projects With a Locally Preferred Alternative

- The California Department of Housing and Community Development (HCD) provided additional clarification to SCAG on June 25th indicating that projects with a Locally Preferred Alternative must be mapped.
- SCAG has revised the Methodology.
- The SB 79 map will be updated.

6. Commuter Rail Frequency

- The **SCAG SB 79 map does align with the HCD Clarifications** and maps stations based on cumulative service.
- Additional Metrolink stations (Covina and Cal State LA) have been added to the map as corrections. This is based on service level information from the transit operator.

7. Jurisdictions with population under 35,000

- The SCAG SB 79 TOD Stops and Zones Map includes all eligible Tier 1 and 2 TOD Stops and Zones
- Section **65912.157** (a) (4) of the statute includes provisions for jurisdictions with less than 35,000
  - SB 79 development provisions do not apply beyond ¼ mile radius
- To minimize confusion, the Tier 1 and Tier 2 half-mile radius has been removed from the map for TOD stops in these jurisdictions

8. CEQA and Environmental Review

- SCAG received a comment that preparation or approval of the SB 79 map requires environmental review under the California Environmental Quality Act (CEQA).
- SCAG does not agree that the SB 79 map requires CEQA review.
- SCAG's action is limited to carrying out the statutory mapping function required by SB 79 by applying the statutory criteria and HCD guidance to identify TOD stops, zones, and tiers.

Stakeholder Engagement

- Engaged transit agencies on data collection
- Engaging Los Angels County jurisdictions and transit operators on map corrections
- Will conduct similar engagement with Orange County jurisdictions and transit operators on data collection and map review, pending OC Streetcar operational timeline

Next Steps

- Approach and timeline development to update pedestrian access points for stops that include:
  - Detailed construction drawings
  - Locally Preferred Alternative
- Approach for SB 79 Annual Map Updates
- Engage Orange County Stakeholders to inform SB 79 Map Update

Regional Council Action Language

Recommend that the Regional Council approves the Senate Bill 79 Approach and Methodology.

THANK YOU!