STAFF REPORT

COMMUNITY DEVELOPMENT

DATE: January 27, 2026

TO: Justin Hess, City Manager

FROM: Patrick Prescott, Community Development Director
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SUBJECT: Discussion of Senate Bill 79 (SB 79) and its Potential Impacts on the City of Burbank

RECOMMENDATION

1. Direct staff to pursue clean-up language for SB 79 via the legislative process and coordination with applicable State representatives.
2. Direct staff to continue to pursue discussions with the Southern California Association of Governments (SCAG) regarding the official SB 79 eligibility maps and with Metro regarding potential impacts to the North Hollywood to Pasadena Bus Rapid Transit Corridor Project (BRT).
3. Direct the Community Development Department (CDD) staff to revise/update the housing development process to ensure timely and efficient processing of housing development applications, consistent with SB 79.

EXECUTIVE SUMMARY

Senate Bill 79 (SB 79) is a recently enacted state law (Attachment 1) that was signed by the Governor on October 10, 2025 and takes effect on July 1, 2026. SB 79 is intended to facilitate transit-oriented housing development by establishing new development standards near qualifying transit facilities and is expected to have broad implications for local land use planning. Staff anticipates that SB 79 may present significant challenges

related to development intensity, utilities, infrastructure, capacity and environmental review, and may introduce additional complexity to ongoing planning efforts. These newly imposed impacts will result in significant environmental concerns that need to be analyzed and considered under the California Environmental Quality Act (CEQA) wherever it applies. SB 79, as with any newly introduced state-imposed mandates to local planning efforts, introduces a potential new layer of complexity to the Specific Plans currently in development.

This report provides an overview of SB 79, its current and potential future applicability in Burbank, possible implications on City planning efforts, and staff's recommended next steps. As the law has generated significant discussion and has a likely potential for future amendment, the analysis in this report is speculative and based on assumptions which may later be proven false or change. Staff will return to the Council with additional analysis as the law's meaning is clarified but recommends at this time that the City Council direct staff to continue to pursue legislative clarification and engage with SCAG and Metro about SB 79's application.

BACKGROUND

Broadly, SB 79 facilitates transit-oriented development by allowing a housing development within a specified radius of an existing or proposed major transit-oriented development (TOD) stop, on a qualifying site zoned for residential, mixed, or commercial development. In addition, SB 79 also creates two "Tiers" of transit stops, depending on the level of and type of transit service, and prescribes minimum densities and heights to each.

Transit Oriented Development Stop Definition

SB 79 defines two tiers of TOD stops:

- Tier 1: Within an urban transit county (meaning a county with more than 15 passenger rail stations) served by heavy rail transit or very high frequency commuter rail.
- Tier 2: (excluding Tier 1) Within an urban transit county served by light rail transit, high-frequency commuter rail, or by Bus Rapid Transit (as defined in Public Resources Code Section 21060.2).

Possible TOD Exclusions

SB 79 includes limited disqualifying criteria that are only applicable in certain circumstances including within Very High Fire Hazard Severity Zones (VHFHSZ). The map in Attachment 2 identifies relevant excluded areas in Burbank.

Other Relevant Qualifying Criteria

To qualify for SB 79, a project must:

- Be in a county with at least 16 passenger rail stations;
- Be sited on a property where residential, mixed, or commercial uses are allowed;
- Be within one-half mile of a TOD Stop;
- Include at least five residential units to meet the Housing Accountability Act (HAA) definition of a "housing development project" (Gov. Code Section 65589.5) including other relevant qualifying square footage or affordability requirements;
- Meet a minimum density of 30 dwelling units per acre (du/ac) or comply with the minimum density set by applicable local zoning, whichever is greater;
- Limit the average total floor space for units to 1,750 net habitable square feet;
- Comply with state law regarding the demolition of protected housing units; and
- Comply with local demolition/anti-displacement ordinances and inclusionary zoning, provided such requirements do not preclude SB 79's standards.

SB 79 Limitations

SB 79 also establishes several limitations:

- May not include any hotel or similar uses.
- SB 79 projects cannot require the demolition of rent-controlled or price-controlled housing if there are (or were) more than two units on the project site and the units (i) have been occupied within the past seven years or (ii) were demolished within seven years before a development application is submitted.
- Projects must comply with anti-displacement requirements under the Housing Crisis Act of 2019 (Gov. Code § 66300.6), and any and all local implementation program, and anti-displacement standards.
- Projects near airports must meet additional requirements regarding height, noise, and safety standards.
- Projects exceeding 85 feet in height must meet prevailing wage requirements, and additional "skilled and trained workforce" requirements may apply.
- Ministerial vs. Discretionary – SB 79 allows applicants to submit housing development applications through the City's local (typically discretionary) entitlement process, or through the SB 35/SB 423 State-streamlined ministerial approval process (requires all workforce requirements of SB 35/SB 423 regardless of height).

Other Relevant Provisions of SB 79

SB 79 mandates that eligible housing developments be permitted up to the maximum height, density and floor area ratios prescribed by the bill. Housing projects are eligible for increased density, height and floor area if they are within one-half mile of a qualifying transit stop, with additional benefits for projects within one-quarter mile. Additional

benefits arise with the quality and frequency of service. Base height and density allowances are summarized in the table below:

TOD Stop	Proximity Zone	Max Height	Max Density
Tier 1 TOD Stop	Adjacent	95 feet	160 du/ac
	Within ¼ Mile	75 feet	120 du/ac
	Between ¼ and ½ Mile (in cities with population >35,000)	65 feet	100 du/ac
Tier 2 TOD Stop	Adjacent	85 feet	140 du/ac
	Within ¼ Mile	65 feet	100 du/ac
	Between ¼ and ½ Mile (in cities with population >35,000)	55 feet	80 du/ac

"Adjacent" means within 200 feet of any pedestrian access point to a TOD stop.

- Projects that qualify for SB 79's increased density may use the "base density" to receive a density bonus, waiver or concession under State Density Bonus Law (SDBL). SB 79 projects that qualify for one or more additional incentives and concessions under SDBL, depending on the income level of affordable housing provided. However, unlike regular SDBL projects, local governments are not required to grant SDBL waivers or concessions to exceed SB 79's height limits.

- A project meeting the requirements of SB 79, as well as applicable local standards that do not alone or in concert prevent achieving SB 79's standards, is deemed consistent with local standards, policies, plans and ordinances applicable to the project for purposes of the HAA, notwithstanding any contrary local standards. Beginning Jan. 1, 2027, a local government that denies a SB 79 project located in defined "high-resource"[1] areas would be presumed in violation of the HAA and liable for penalties pursuant to the HAA.

- Although SB 79 does not itself create a specific CEQA-exempt ministerial approval process, such projects may qualify for streamlining under SB 35 with lower affordability obligations. Where SB 79 projects do not qualify for SB 35's CEQA-exempt process, other CEQA exemptions may apply.

[1] A "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 of Housing and Community Development.

SB 79 Application Processing

Developers electing to utilize SB 79 for a housing development project at a qualifying location have the option to use a local entitlement process or choose the streamlined ministerial review process established in SB 35/SB 423. In Burbank, the local entitlement process would include, at a minimum, Development Review (DR), and depending on the overall scope of the project, may also require an Administrative Use Permit (AUP). DR is administrative level discretionary review, by CDD Director (Director) and includes public notification and a community meeting. Through DR, a project is reviewed for consistency with all applicable objective development standards, and conditions of approval may be imposed to ensure compliance with said standards.

An AUP is a discretionary review, with the Director serving as the review authority. The process includes public notification, and if appealed, a public hearing before the Planning Commission. Through the AUP process, a project is reviewed for consistency with all applicable objective development standards and for its ability to satisfy established "findings", necessary for approval. Conditions of approval may be imposed to ensure compliance with applicable objective development standards or all that required findings can be made.

The SB 35/SB 423 process provides a state-mandated streamlined ministerial review of housing projects, which meet specified eligibility criteria, including, but not limited to, environmental screening, affordability requirements, and workforce programs that include, among other things, the requirement to pay prevailing wage to construction workers. The SB 35/SB 423 process includes an initial step of submitting a Notice of Intent to submit an application, and consultations with California Native American Tribes. Like the DR process, the Director serves as the approving authority. There is less public oversight, and projects must be approved if consistent with applicable objective development standards. A developer chooses which application to submit based upon many factors.

SB 79 vs Other State Mandated Streamlined Ministerial Reviews

While SB 79 shares some common features, with other existing State land use laws intended to facilitate the development of housing, such as SB 35/SB 423 and AB 2011, there are some significant differences. A comparison is included in Attachment 3.

Penalties for Non-Compliance

Beginning January 1, 2027, a local government that denies a qualifying SB 79 housing development project located in a "high-resource area" shall be presumed to be in violation of the HAA and immediately liable for penalties pursuant to subparagraph (B) of paragraph (1) of subdivision (k) of Section 65589.5 of the Government Code, 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.

A City that fails to approve housing development projects, or process applications timely, in accordance with the state housing laws, are also subject to the following penalties:

- De-certification of the 2021-2029 Housing Element
- Builders remedy
- City-wide development restrictions
- Legal challenges

Related Ongoing Legislative Actions – SB 677

In January 2025, Senator Wiener introduced SB 677 as a "clean-up" bill for SB 79. Proposed amendments do not appear to significantly modify the impacts of SB 79 on the City. However, staff is collaborating with Emanuels Jones and Associates to craft specific feedback to the state legislators regarding additional amendments, such as clarification on site eligibility, differentiation between residential and non-residential FAR, and additional definitions specifically related to the BRT

DISCUSSION

In discussions with the neighboring jurisdictions of Glendale and Pasadena on the impacts of SB 79, staff believe the current version of the law could result in significant impacts to the City's land use planning, infrastructure, and the Metro BRT project as detailed below.

Location of TOD Stops in Burbank

Staff has evaluated transit facilities within the City using the law's definitions, service thresholds, and operational criteria for qualifying Tier 1 and Tier 2 TOD stops and determined that there are no Tier 1 stops in Burbank and that there are currently present or have the potential to be present within the City three transit stops that do or would qualify as SB 79 Tier 2 TOD stops (Attachment 4):

1. The Downtown Burbank Metrolink Station[2], which meets the statutory threshold for high-frequency commuter rail service (a rail link operating at least 48 trains per day in both directions; and
2. The future BRT stops[3] at Glenoaks Boulevard and Alameda Avenue, which are planned to operate with dedicated transit lanes and peak-period service frequencies consistent with Tier 2 requirements.

Two additional future BRT stops – at the Hollywood Way / Olive Avenue intersection and the San Fernando Blvd / Olive Avenue intersection – may qualify as SB 79 Tier 2 TOD

[2] Increased train frequency serving the Station could upgrade this Tier 2 stop to a Tier 1 TOD stop, subject to timing, funding, and implementation.

[3] Note that all BRT stops were planned and evaluated in the absence of SB 79, which presents new information and a substantial change to the BRT project along with potential significant and unavoidable impact on infrastructure anticipated with its invitation to housing development growth.

stops but remain contingent on future action (designation of full time bus lanes) as well as interpretation of current SB 79 language, for BRT service, and likely require additional environmental review to consider SB 79's impacts.

All other existing City Metrolink stations, bus stops and proposed BRT stops likely do not meet the required service thresholds or operate in conditions that satisfy the statute's TOD stop definitions. However, SB 79 provides that transit facilities may qualify as TOD stops if they are in existence by July 1, 2026, or are identified in an applicable Regional Transportation Improvement Program (RTIP). In this context, Metrolink's SCORE Program plans to increase service on the Antelope Valley and Ventura County lines to 30-minute headways by 2028. If these increased service goals are met, two additional Tier 2 TOD stops could be established around the Burbank Airport South and North Metrolink Stations.

SB 79 requires SCAG, as the region's designated Metropolitan Planning Organization (MPO), to prepare and publish the official regional map identifying all qualifying TOD stops and their respective tier classifications. The City's analysis and identification of qualifying TOD stops presented above reflects staff's current interpretation of SB 79 based on available statutory definitions, service data, and planned transit improvements, and is subject to refinement upon publication of SCAG's official mapping. City staff will need to coordinate with SCAG staff to ensure a consistent understanding of SB 79's TOD definitions, service criteria, and applicability within the City, particularly in relation to the BRT project, which requires a detailed understanding of the project's design to determine whether a BRT stop qualifies. A draft map depicting land use and zoning conditions within half- and quarter-mile around the TOD stops are included as Attachment 5.

Potential Impacts and Implications of SB 79 in TOD Areas

Qualifying TOD stops establish a half-mile radius within which eligible residential, commercial, and mixed-use sites could allow development projects subject to the statute's zoning standards and development incentives. Within a half mile of Burbank's qualifying Tier 2 TOD stops, specifically the Downtown Burbank Metrolink Station and the Glenoaks Boulevard/Alameda Avenue BRT stops, there are just under 3,000 parcels. Of these, 1,304 parcels are within a quarter mile of a Tier 2 TOD stop, and 124 parcels are directly adjacent to pedestrian access points serving a Tier 2 TOD stop. Of the residentially zoned parcels within these TOD areas, fewer than 300 parcels are zoned exclusively for single-family residential use, with an average parcel size of approximately 7,000 square feet. Many of the remaining parcels are zoned Industrial. Most Industrially zoned sites do not allow housing by-right; therefore, any housing project in these zones would require a state-mandated approval process under SB 35/SB 423, which requires prevailing wage and other workforce standards that significantly increase cost. In addition, the existing General Plan allowable density in some industrially zoned areas near TOD stops is already higher (87 units/acre) than the half mile required density under SB 79 (80

units/acre). Under SB 79, only a few parcels east of the 5 would see a marginal increase in density under SB 79.

If the two additional BRT stops at Hollywood Way / Olive Avenue and San Fernando Boulevard / Olive Avenue were to qualify as TOD stops, the number of affected parcels would increase primarily in the Media District, within a half mile of the westbound stop at Hollywood Way / Olive Avenue, and in the Hillside area, within a half-mile of the BRT stop at San Fernando Boulevard/Olive Avenue.

BRT Project and SB 79

As discussed, several potential SB 79 Tier 2 sites rely on the design and construction of the BRT project, Metro's planned east–west transit corridor extending approximately 18 miles between the North Hollywood B Line / G Line Metro Station and the A Line in Pasadena, passing through the cities of Los Angeles, Burbank, Glendale, and Pasadena. BRT is high-capacity bus transit that offers fewer stops and speed improvements over a traditional route. Unlike many regional transit projects operating in dedicated right of way, the project uses local street right of way for operations and stations.

Metro's proposed project alignment generally runs along Olive Avenue between the Burbank Media District and Downtown Burbank before continuing east to Glendale and Pasadena via Glenoaks Blvd. The BRT plan includes six stations in Burbank. To achieve higher speeds and capacities, BRT can operate in dedicated bus lanes as well as mixed-flow with regular traffic; in Burbank, Metro's proposed route is to operate in both configurations. BRT is currently in the design phase, with construction activities estimated to begin sometime in 2026, with the entire BRT set to be operational in late 2027.

In the context of SB 79, BRT is a bus service within an urban transit county, that operates in full-time dedicated bus lanes or within a separate right-of-way dedicated to public transportation and provides peak-period service at intervals of 15 minutes or less during the morning and afternoon commute periods. As such, staff's understanding is that some of the BRT stops planned for Burbank ***could*** qualify as SB 79 TOD Tier 2 stops, and depending on whether the stops are served by dedicated bus lanes or mixed flow operations. One stop at Glenoaks Boulevard / Alameda Avenue intersection ***would*** qualify as a TOD stop because it is served by dedicated bus lanes. However, two other stops – at the intersections of Hollywood Way / Olive Avenue and San Fernando Boulevard / Olive Avenue – ***may*** qualify as TOD stops because bus lanes terminate at or near the stations but don't provide full bus lane service. Three additional stops in Burbank would not qualify as TOD stops because the bus would operate in mixed-flow lanes. The final determination of whether a transit stop in Los Angeles County is considered a TOD stop is made by SCAG.

Given that the planned BRT project may introduce previously unconsidered qualifying TOD stops within the City of Burbank based primarily on whether bus lanes are constructed or not, and because, unlike a rail transit stop, bus lanes are easily designated and removed based on the ongoing operation of a street, the City should actively engage with SCAG, Metro, and its state legislative delegation to seek further clarity on how BRT will be applied in Burbank based on the fact that bus lanes are planned to be implemented sporadically in Burbank and not across the entire BRT project. The City may even wish to consider lobbying for legislation to clarify and potentially remove BRT's that operate on city streets in painted bus lanes from consideration as qualifying SB 79 transit corridors altogether, since the purpose of the legislation is to increase housing density along dedicated transit corridors that are presumed to remain fixed in place, rather than on corridors whose operational characteristics and transit advantages could be compromised through simple striping changes to city roadways in the future.

Further, SB 79–driven development potential associated with the BRT alignment is a substantial change to the circumstances under which the BRT is being undertaken, and new information which was not known and could not have been known at the time the Final Environmental Impact Report was certified as complete. As such, this new development potential was not evaluated by Metro as part of its Environmental Impact Report for the project, cumulative impacts related to increased residential development, particularly with respect to transportation operations, utilities, public services, and other City infrastructure, were not previously analyzed and may create significant adverse impacts on City systems. As a Responsible Agency under CEQA, the City is required to predicate further project approvals in City rights of way on additional environmental review to incorporate the land use changes presented by SB 79 should it apply.

Metro is aware of the potential impacts that the application of SB 79 will would create on the BRT project, including the need for a subsequent environmental review pursuant to CEQA, discussed below. Staff will continue to engage Metro on this issue.

Impact on Current Land Use Planning Projects

In addition to potential BRT impacts, SB 79 may affect current and future City land use planning efforts, including the ongoing Specific Plans.

Media District Specific Plan (MDSP) Update

The MDSP is nearing completion and includes a set of objective development standards that promote contextual design, streamline the development of housing and encourage transit-oriented development. The MDSP land use strategy focuses most residential and non-residential development away from lower scaled neighborhood and in areas where there is, or may be, transit opportunities. This general strategy is consistent with the purpose and intent of SB 79, albeit with lower maximum density and intensity. In addition to establishing objective development standards and facilitating the development of

housing and a robust economy, the MDSP will allow the City to respond to new transit opportunities, like the BRT, however it is not reliant or contingent on it, and is intended to facilitate opportunities for development that are consistent with the community's vision for the area. SB 79 does not change the community's vision, nor undermine the work done to date. An important feature of the MDSP is the inclusion of policies and implementation actions that would incentivize the use of the local regulations and process, over the use of a state option, such as a streamlined ministerial review or SB 79, which may have conditions associated with them that make projects financially or practically infeasible from a developer's perspective.

Downtown TOD Specific Plan (DTODSP) Project

The DTODSP Project is currently in process and will provide a framework for introducing new housing at all levels of affordability, outline strategies for improving the bicycle and pedestrian networks, and develop objective standards for future development in Downtown Burbank. The DTODSP land use strategy focuses new residential and non-residential development in the downtown core, to the east of the Burbank Downtown Metrolink Station, either maintaining the existing 87 du/acre residential development potential or proposing a 110 du/acre residential development potential on key sites, such as within the Burbank Town Center or along the First Street corridor. This general strategy is consistent with the purpose and intent of SB 79. In addition to establishing objective development standards and facilitating the development of housing and a robust economy, the DTODSP will allow the City to respond to new transit opportunities, like the BRT, however it is not reliant or contingent on it, and is intended to facilitate opportunities for development that are consistent with the community's vision for the area. With respect to the potential for developers to utilize SB 79, an important feature of the DTODSP Update is the inclusion of policies and implementation actions that would incentivize the use of the local regulations and process, over the use of a state option, such as a streamlined ministerial review or SB 79, which may have conditions associated with them that make projects financially or practically infeasible from a developers perspective.

Golden State Specific Plan (GSSP)

The Golden State Specific Plan (GSSP) is currently in progress and is intended to provide a comprehensive policy and regulatory framework for future development and mobility improvements in one of the City's employment and transit-oriented areas. Consistent with the *Burbank2035* General Plan, the GSSP focuses growth in proximity to major transit assets, including two Metrolink stations, the Hollywood-Burbank Airport, and a potential High-Speed Rail station, while limiting changes to established residential neighborhoods and accounting for airport-related land use constraints. The GSSP includes a proposed land use strategy and objective development standards that facilitate housing at a range of affordability levels, support a balanced mix of residential, commercial, and industrial uses, and promote connectivity for vehicles, pedestrians, and bicyclists. This overall approach is consistent with the purpose and intent of SB 79, though calibrated to reflect

local conditions, infrastructure capacity, and community vision. Like other City specific plans, the GSSP is anticipated to include policies and implementation actions that incentivize development under the City's local regulatory framework, rather than reliance on state-level options such as SB 79, which may impose conditions that could limit project feasibility or constrain the City's ability to ensure development aligns with community objectives and long-term planning goals.

CEQA Considerations

The environmental review undertaken for the BRT project did not consider any changes to local zoning or land uses such as may be applied to certain stops under SB 79. If aspects of the BRT lane configuration and station placements trigger dramatic increases in residential densities and building heights, worsening potentially significant adverse impacts to utility systems, infrastructure, and services, subsequent environmental review will be necessary. SB 79's relevance to the BRT would be a substantial change to the circumstances under which it is undertaken.

Environmental reports for the BRT were circulated in 2020 and approved in 2022 but were limited to analyzing the operation of a bus rapid transit service and stations within existing City roadways. No environmental impacts were assessed related to SB 79 eligible development containing supercharged residential densities within one-half mile of a TOD stop that could be developed starting July 2026. As such, the enactment and potential application of SB 79 to the BRT is a substantial change to the circumstances under which the BRT is being undertaken, and new information, which was not known and could not have been known at the time the environmental impact report was certified as complete.

Aside from the BRT, CDD and CAO staff are also evaluating but have not determined whether the application of SB 79 in specific plan areas needs further CEQA analysis.

Possible Land Use Planning Alternatives

Based upon the current understanding of the law and its local application, staff believes the following options are available in response to SB 79:

Maintain Status Quo and Continue to Pursue Legislative Clarification

This option does not require an ordinance to rezone affected areas, though properties zoned for residential, mixed, or commercial use falling within half- and quarter-mile of a Tier 1 or Tier 2 TOD stop will automatically be eligible to use SB 79's state-mandated height and density. The City will not be able to exempt any properties beyond the limitations set by SB 79 criteria (see "SB 79 Limitations" above). Staff can anticipate which properties may be SB 79 eligible, and SB 79 could result in the addition of a significant number of potential units within the affected areas.

This option maintains ongoing land use planning efforts and enables the City to effectively respond to housing development projects submitted under SB 79 by utilizing existing City regulations and objective development standards. This will allow the City to immediately respond to housing development project applications submitted on day one (July 1, 2026) using current staffing and tools. SB 79 adds to the myriad state housing law review timelines, and this option will help the City avoid the significant associated consequences of failing to meet those deadlines. This option would be enhanced by more direct coordination between staff reviewing housing development projects. Under this option, staff will continue to pursue legislative responses to local concerns. Staff has a list of comprehensive amendments or clarifications necessary to address local concerns and is currently working with California Public Policy Group to communicate these concerns to the appropriate representatives. This option is the least disruptive to the City's current ongoing efforts to complete Specific Plans in a timely fashion.

Adopt an "Alternative Plan"

SB 79 specifies that local governments may implement an alternative plan adopted through the Housing Element (HE), a program to implement the HE, a Specific Plan, Zoning Overlay or Ordinance to address its provisions. Requirements for such alternative plans are listed in Attachment 6.

The Alternative Plan option allows for an extended exemption (until the following housing element cycle which would begin in 2029) of certain properties from SB 79 eligibility; however, the criteria for exemption are quite narrow. Single-Family zoning would still need to be upzoned to at least 50% of the SB 79 density, unless located in the VHFSZ. An advantage of this option is that it can temporarily minimize the added SB 79 density in low-density and single-family neighborhoods; however, that density must redistributed to other parts of the SB 79 coverage area, which may require difficult Council decisions. Furthermore, this option requires permanent rezoning of the properties in question, which may present challenges if the state law on this matter changes again. Lastly, this option requires the City to restart the analysis of the proposed densities in the Specific Plan areas, an effort that will delay the expected adoption of the Specific Plans by at least six-months, if not longer, at an unknown cost.

Adopt a "Simple" Local Ordinance

A simple local ordinance with fewer exemptions than the Alternative Plan is an option if a community does not have existing objective standards for residential and mixed-use development in nonresidential zones, and extensive pedestrian infrastructure, including near transit stops. As such, this option is not beneficial to Burbank at this time, as the City has these features.

Adopt a "Delayed Effectuation" Local Ordinance

Local governments may choose to adopt a delayed effectuation ordinance, which must be adopted prior to the effective day (July 1, 2026) separate from, but can be parallel to, a "simple" local ordinance. This option allows delaying effectuation of SB 79 for certain areas (areas with existing high density, low resource communities, and specific sites within sensitive areas – VHFHSZ) until 2030 (one year after 7th revision to HE). This option requires up-front analysis to see if currently Burbank's allowable density in areas can qualify for delayed effectuation (R-1 zones in high-resource areas will be difficult to exempt). This option limits how much density can be shifted around and requires modeling to analyze local development potential versus SB 79 with very narrow criteria to make sites ineligible for SB 79. An Alternative Plan would then need to be adopted to make these exemptions permanent. To utilize this option, a city must submit a draft ordinance to HCD 14 days prior to adoption and again within 60 days of enactment, for a 90-day review, and subsequently amend the ordinance pursuant to HCD's findings.

This option has limited benefit to Burbank. Under staff's current interpretation of SB 79, those parcels within the City within a VHFHSZ or in a Flood Risk Area are currently already ineligible for SB 79 as they fall outside TOD stop radius. Other parts of the City typically considered sensitive to development, such as R-1 zones, cannot be exempted and may only be downzoned to 50% of the allowable capacity under SB 79. Finally, the administrative effort to conduct the density analysis before the effective date of July 1, 2026, would be considerable and staff resources would be diverted from other critical ongoing planning efforts.

COMMUNITY OUTREACH

Throughout 2025, the Council heard from several members of the public about SB 79 who consistently emphasized concerns about the City being forced to facilitate incompatible density and developments in close proximity to lower scaled residential neighborhoods. The City monitored SB 79 throughout the legislative process and issued numerous opposition letters (Attachment 7).

If the Council directs staff to proceed with any of the options listed above that involve the development of an ordinance, such efforts will include community outreach consistent with the City's past practices. The extent of the outreach would depend on Council's requested timelines for directed actions.

ENVIRONMENTAL REVIEW

This staff report provides information about the local implications of SB 79 and has no potential for resulting in a direct or indirect physical change to the environment and falls outside the definition of a "project" under the CEQA and is therefore not subject to CEQA pursuant to Section 15378 of Title 14 of the California Code of Regulations.

FISCAL IMPACT

The total fiscal impact of future implementation of SB 79 to the City's General Fund is currently unknown. SB 79 projects can be reviewed through the DR and/or AUP process or via a streamlined ministerial review under the provisions of SB 35, which will not impact the General Fund as the City has already established application fees for DR, AUPs and streamlined ministerial applications.

However, there will be some impact to the General Fund if Council directs staff to pursue the development of an Alternative Plan, a local ordinance, or pursue other further actions. The approximate costs associated with these options are unknown but likely to exceed $750,000 based on recent costs associated with similar recent expedited land use planning or legal costs.

Indirect costs associated with pursuing the above options include re-prioritization staff, delays to ongoing planning efforts, and impacts to core planning services due to the shifting of staff to SB 79 related services. Delays in completion of the Specific Plans could result in the loss of associated grant funding.

CONCLUSION

SB 79 becomes effective on July 1, 2026. Although the law contains many uncertainties, the City must be prepared to implement in a way that benefits the community. Staff recommends that Council direct staff to pursue policy clarifications to SB 79, lobby the legislature for a clean-up bill to clarify SB 79's applicability to BRT, and if necessary, solicit further environmental review as outlined above, and have CDD staff facilitate the review of housing development projects to ensure the City is able to respond to future housing development applications submitted pursuant to SB 79 or other streamlined ministerial reviews within State-mandated deadlines.

ATTACHMENTS

Attachment 1 – Complete Text of SB 79
Attachment 2 – SB 79 Exclusion Areas (Fire Severity Zone Map)
Attachment 3 – Comparison between SB 79 and Streamlined Ministerial Reviews
Attachment 4 – TOD Stop Land Use Analysis
Attachment 5 – TOD Stop Zoning Analysis
Attachment 6 – Requirements for an "Alternative Plan"
Attachment 7 – City of Burbank Opposition Letters

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.

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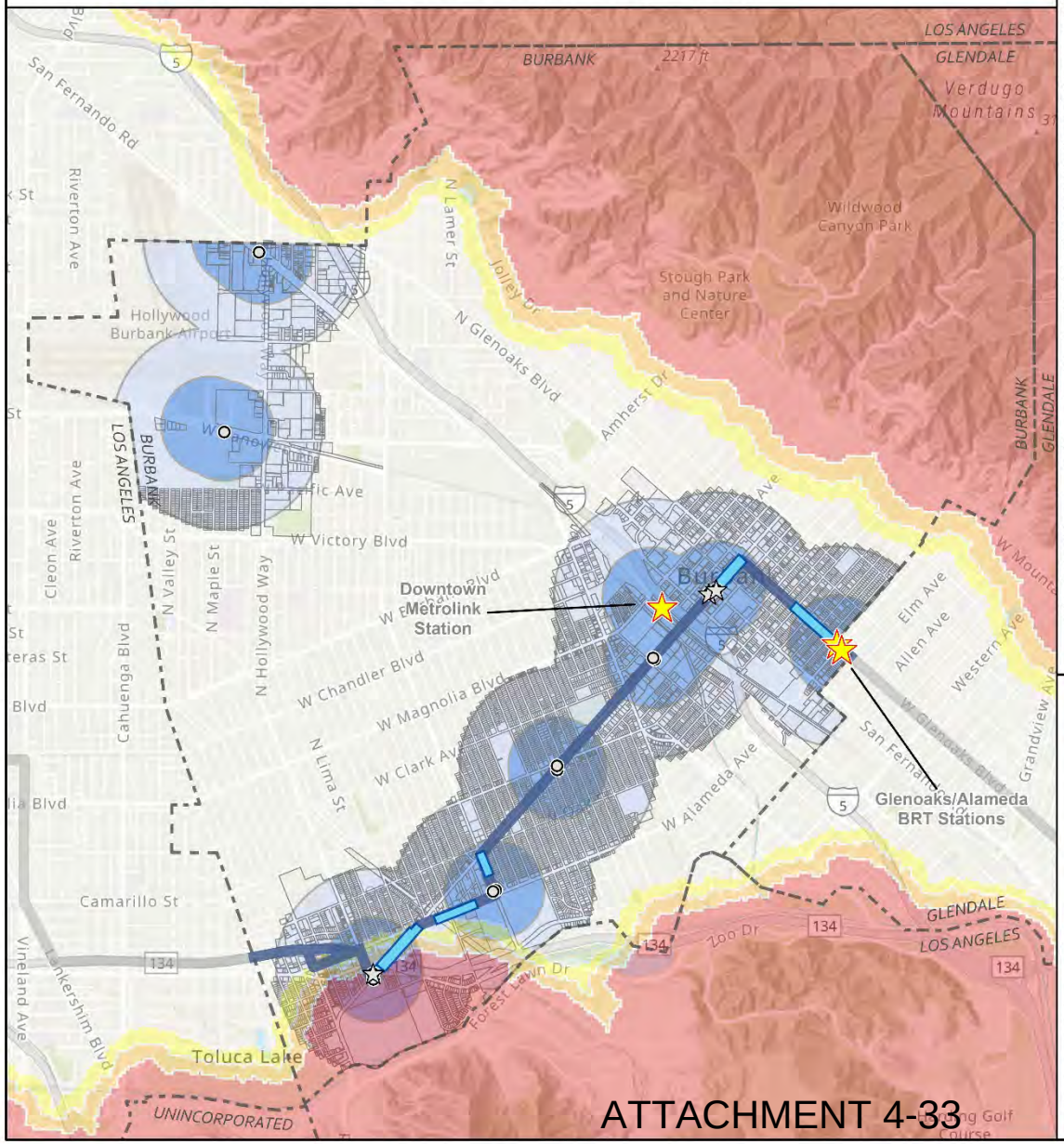
Fire Hazard Severity Zones and Parcels within 1/2-Mile of BRT Stops and Metrolink Stations (Draft)



This map illustrates the most recent Fire Hazard Severity Zones in and around the City of Burbank, as established by Cal Fire and adopted into ordinance by the Burbank City Council in 2025. It also shows parcels that fall within 1/4- and 1/2-mile buffer distances around transit facilities in the City analyzed for conformance with Senate Bill 79's (SB 79) statutory definition for (TOD) stops.

In the City of Burbank, only certain parcels in the Media District overlap both Fire Hazard Zones and 1/2-mile distance from a transit facility. However, there are no parcels that overlap Very High Fire Hazard Severity Zones and fall within 1/2 mile of a qualifying TOD stop. The only stops that meet SB 79's criteria fall under the categories of high-frequency commuter rail stops and Tier 2 stops. High-frequency commuter rail stops are defined as stations served by rail lines that operate at least 48 trains per day in both directions or bus rapid transit (BRT) stops 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.

The only transit facilities that meet all of these statutory definitions qualifying for SB 79 in the City at this time are:

1. Downtown Burbank Metrolink station

2. The future North Hollywood to Pasadena Bus Rapid Transit (BRT) System stops at Glenoaks Boulevard and Alameda Avenue

Two additional future BRT stops– at the Hollywood Way / Olive Avenue intersection and the San Fernando Blvd / Olive Avenue intersection – may qualify as SB 79 TOD stops but remain contingent on future action (full-time designation of bus lanes) as well as interpretation of current SB 79 language for BRT service and likely require additional environmental review to consider SB 79's density impact before construction.

Legend

- Qualifying TOD Stop (Tier 2)
- Potentially-qualifying BRT Stop
- Non-qualifying BRT/ Metrolink Stop
- Dedicated Bus Lane
- BRT Alignment

Distance Around Transit Stop Pedestrian Access

- 1/4 Mile
- 1/2 Mile
- Parcels within 0.5 Miles of a BRT or Metrolink Station

Fire Hazard Severity Zones

- High
- Moderate
- Very High
- City Boundary

SB 79 Current Bill Version: 10/10/2025

Disclaimer: SB 79 requires that the Southern California Association of Governments (SCAG) create a map of the City's transit-oriented development (TOD) stops and zones by tier, as designated by SB 79, and in accordance with any guidance prepared by the Department of Housing and Community Development. The Burbank Community Development Department has developed this map based on the 'Department's initial analysis of the language contained in Senate Bill 79. The map is in draft format and is intended for exploratory purposes only. Updated SB 79 maps will be released as new information becomes available and if any changes to potential TOD stops are identified.

January 2026

ATTACHMENT 4-33

	SB35 / SB 423 (GC 65913.4)	AB 2011 / AB 2243 (GC 65912.100 65912.106)	SB 79 (GC 65912.55 65912.162)
Eligible Properties	All sites within Burbank that have a General Plan prescribed residential density. Additional eligibility criteria based on environmental factors, affordability, and labor standards are project specific. Must be in urban infill parcel, cannot be in protected resource areas such as wetlands, coastal zones, or wildlife habitat. Projects must consist of at least 2 units.	Allowed in zones where retail, office, or parking are principally permitted. Cannot be on a site that is or was most recently used for industrial use. Subject to the same environmental eligibility criteria as SB35. Mixed-Income and 100% affordable projects have different eligible locations: Mixed Income: along commercial corridors. 100% affordable: citywide. Projects must consist of at least 5 units.	Sites zoned for residential, mixed, or commercial development within 1/2 or 1/4 mile of a transit-oriented development stop. Project must include at least 5 units. Projects may not include any hotel or similar use.
Effective	Now until at least January 1, 2036, unless extended.	Now until January 1, 2033, unless extended.	Will go into effect July 1, 2026.
Maximum Density	Density is based on General Plan land use element, ranging between 14 to 87 du / ac. Density can be further increased using state Density Bonus law.	Density for Mixed-Income projects is prescribed based on the width of the commercial corridor facing the project site: 70'-100' feet: 40 du/ac 100' - 150': 60 du/ac w/in 1/2 mile of a	Radius from Tier 2 Transit Oriented Stops: Within 1/4 mile: 100du/ac Within 1/2 mile: 80 du/ac Any project within 200 feet of any ped access to a transit-

	SB35 / SB 423 (GC 65913.4)	AB 2011 / AB 2243 (GC 65912.100 65912.106)	SB 79 (GC 65912.55 65912.162)
		major transit stop - 80 du/ac Site of less than one acre: 30 du/ac Density for 100% affordable units is the higher between what is allowed in the underlying property per the Land Use map or 30 du/acre. No residential density limit shall be imposed for the conversion of existing buildings to residential use, except where the project would include net new square footage exceeding 20% of the overall square footage of the project. Density can be further increased using state Density Bonus law.	oriented development stop gets an additional 40 du / ac on top of the above. Density can be further increased using state Density Bonus law.
Minimum Density	No minimum density; however, projects must consist of at least 2 units to qualify.	No minimum density; however, projects must consist of at least 5 units.	The greater of the following: At least 30 du/ ac OR..... Minimum density allowed under local zoning, if applicable.

	SB35 / SB 423 (GC 65913.4)	AB 2011 / AB 2243 (GC 65912.100 65912.106)	SB 79 (GC 65912.55 65912.162)
Maximum Height	Based on underlying maximum heights in the zoning code. Maximum heights can be modified through concessions and/or waivers using state Density Bonus Law, if applicable.	Height is prescribed based on the width of the commercial corridor facing the project site: 70'-100' feet: 35 ft 100' - 150': 45 ft w/in 1/2 mile of a major transit stop - 65 ft Maximum heights can be modified through concessions and/or waivers using state Density Bonus Law, if applicable.	Radius From Tier 2 Transit Oriented Stops: Within 1/4 mile: 65ft Within 1/2 mile: 55ft Any project within 200 feet of any ped access to a transit oriented development stop gets an additional 20 feet on top of the above (adjacency multiplier) Maximum heights cannot be modified through concessions and/or waivers using state Density Bonus Law.
Parking Requirements	Parking is not required for projects within 1/2 mile of public transit. For projects outside this radius, parking is based on underlying zoning requirements unless the projects is eligible for Density Bonus Law.	100% affordable projects that are not within one-half mile an accessible major transit stop are subject to parking requirements pursuant to the BMC, unless preempted by state law (i.e. AB2097, Density Bonus Law).	Subject to underlying parking. However, most, if not all, will fall within AB2097 radius. If using Density Bonus Law, no parking required if 100% affordable or located in a very low vehicle travel area.
Unique Development Standards	Project must include at least two-thirds of its total square footage for residential use.	Projects within 500 feet of freeway must have specific air filtration and ventilation standards. Local	Average unit size shall not exceed 1,750 square feet.

	SB35 / SB 423 (GC 65913.4)	AB 2011 / AB 2243 (GC 65912.100 65912.106)	SB 79 (GC 65912.55 65912.162)
		agency must require a phase I ESA as a condition of approval for the project. In addition, the law prescribed specific heights and densities listed above and specific setback standards in sections 65912.123(d)(1) to (3). An SB 79 project must be consistent with height, noise, and safety standards of an adopted airport plan, and must be consistent with applicable objective fire standards.	
Affordability Requirements	At least 10% of the units must be affordable to households at or below 80% of area AMI (lower income HH)	At least 15% of the units must be affordable to lower-income households. Some alternatives exist, such as 8% for very low-income and 5% for extremely low-income households, or 30% for moderate-income households in for-sale projects. Projects must comply with the	For projects of 10 or more units: Agree to provide for 55 years 7% Extremely Low Income HH; 10% Very Low Income HH; or 13% Low Income HH. Local inclusionary standards apply. Apply the stricter of the two.

	SB35 / SB 423 (GC 65913.4)	AB 2011 / AB 2243 (GC 65912.100 65912.106)	SB 79 (GC 65912.55 65912.162)
Anti displacement and tenant protection	Cannot demolish occupied residential units, or units that were occupied by tenants within the last 10 years, housing units that were previously subject to rent control or other affordability covenants, or structures designated as historic landmarks.		
Density Bonus Standards	Any incentives, concessions or waivers granted through the Density Bonus provisions of California law shall not render the project inconsistent with objective standards.		

	SB35 / SB 423 (GC 65913.4)	AB 2011 / AB 2243 (GC 65912.100 65912.106)	SB 79 (GC 65912.55 65912.162)
			Density bonus requests cannot include concessions or waivers from height maximums beyond SB79 or code maximums unless the project is 100% affordable and located within 1/2 mile of a major transit stop or a very low vehicle travel area.
Labor Requirements		Prevailing wage for all projects. Projects of over 50 units require apprenticeship and provision of healthcare.	If not using SB35 process, projects over 85 feet in height still quire labor requirements including Prevailing Wage and S&T Workforce. Projects Using SB35 process require all labor standards included in Section 65913.4(a)(8) of the Government Code. When using SB35 process, trigger for Prevailing wage is 10 units; S&T Workforce is 85 feet unless 100% affordable, and projects of more than 50 units require

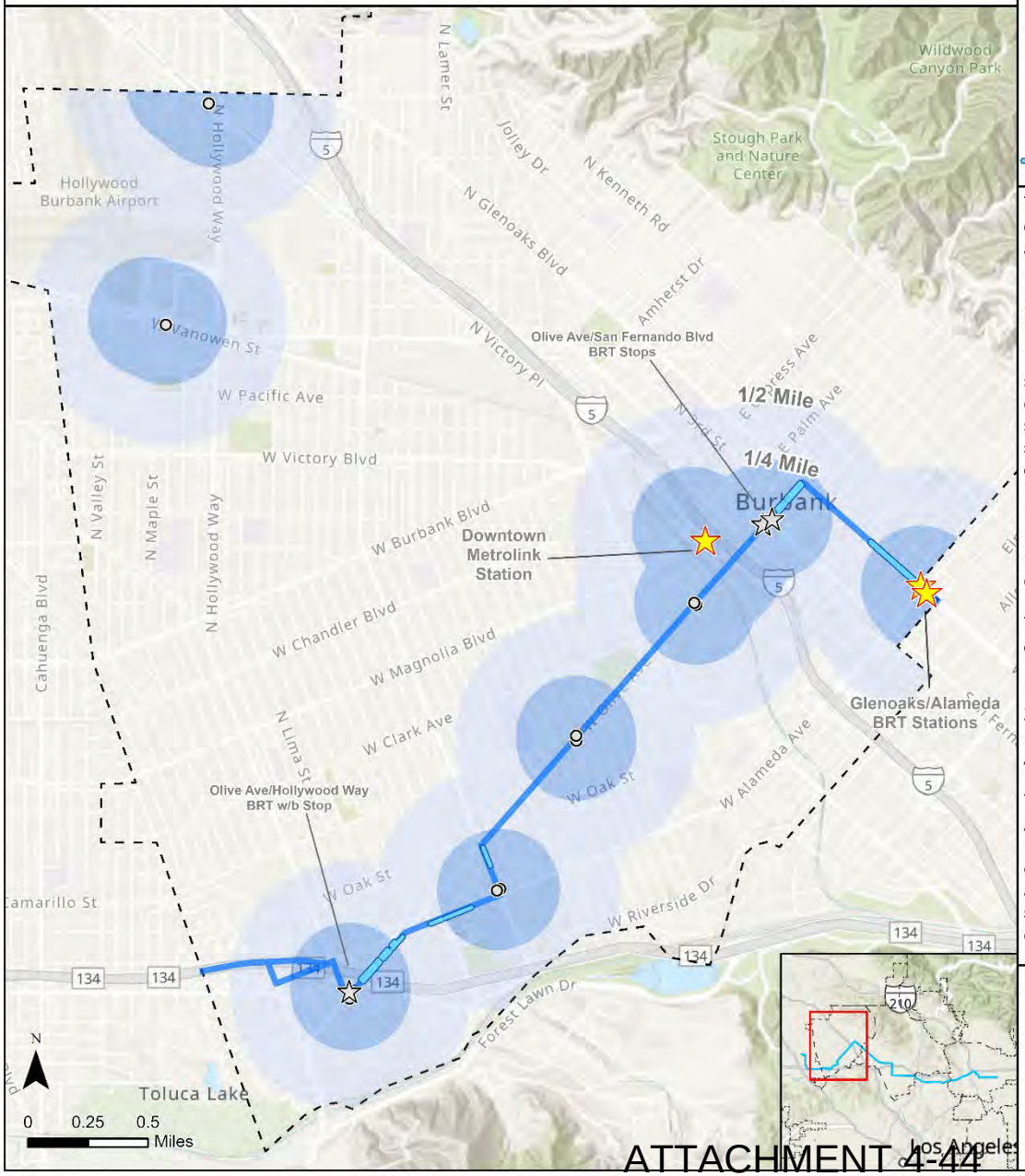
	SB35 / SB 423 (GC 65913.4)	AB 2011 / AB 2243 (GC 65912.100 65912.106)	SB 79 (GC 65912.55 65912.162)
			apprenticeship program and provision of healthcare.
Tribal Requirements			
Process	Ministerial. First step is a Notice of Intent (NOI) to	Ministerial. Same as SB35, but the NOI step is not required.	Eligible for streamlined ministerial review

	SB35 / SB 423 (GC 65913.4)	AB 2011 / AB 2243 (GC 65912.100 65912.106)	SB 79 (GC 65912.55 65912.162)
	Submit an SB35 application. A formal SB35 submittal entitles applicant for administrative approval, bypassing subjective design review and public hearings. Requires that approval or denial be based solely on whether the project complies with the local jurisdiction's objective standards. Administrative review of objective standards by Director, not appealable.	Administrative review of objective standards by Director, not appealable.	(SB35 / SB 423), but can also use the City's local discretionary Development Review (DR) process, and any other required entitlements, such as CUP. If submitting SB35/423, all SB35/423 provisions apply except for affordability requirements, which are unique to SB79.
Processing Timelines	Subject to both HAA and timelines built into SB35. If a local government fails to identify objective inconsistencies in a timely manner (within 60 or 90 days), the project is automatically "deemed consistent"	Same as SB35 after NOI process is completed.	Subject to Permit Streamlining Act (PSA), HAA, and SB35 timelines (if applicable).
Environmental Review	SB35 projects are exempt from CEQA due to the fact that the project approval	AB 2011 projects are exempt from CEQA due to the fact that the project	Can be exempt from CEQA if using SB35 (statutory Ministerial

	SB35 / SB 423 (GC 65913.4)	AB 2011 / AB 2243 (GC 65912.100 65912.106)	SB 79 (GC 65912.55 65912.162)
			exemption); if using local process can exempt from CEQA using a number of eligible exemptions, including but not limited to: Infill Exemption in AB 130 (PRC 21080.66); Class 32 Categorical Exemption (CEQA Guidelines § 15332), Transit Priority Projects (PRC §21155.1), Transit Oriented Housing Exemption (PRC §21155.4), etc.
Health and Safety Considerations			Subject to HAA provisions. HAA limits the local govt's ability to deny projects which comply w/ objective standards unless they can provide specific adverse impact on public health and safety that cannot be mitigated.
Penalties for Wrongful Denial	A civil penalty of $10,000 to $50,000 per month can be	A civil penalty of $10,000 to $50,000 per month can be	Beginning Jan 1, 2027, any local government that

	SB35 / SB 423 (GC 65913.4)	AB 2011 / AB 2243 (GC 65912.100 65912.106)	SB 79 (GC 65912.55 65912.162)
	imposed for each violation, accruing from the date the violation began. A local government that loses a lawsuit over a wrongful denial is responsible for the project applicant's reasonable attorney's fees and litigation costs. These costs can be substantial, often exceeding $100,000. In cases of repeated or serious violations, a court can suspend the local government's authority to approve residential building permits and other land use decisions. The court may even take over the approval process for housing projects itself.	imposed for each violation, accruing from the date the violation began. A local government that loses a lawsuit over a wrongful denial is responsible for the project applicant's reasonable attorney's fees and litigation costs. These costs can be substantial, often exceeding $100,000. In cases of repeated or serious violations, a court can suspend the local government's authority to approve residential building permits and other land use decisions. The court may even take over the approval process for housing projects itself.	denies a project meeting the requirements of this section in a high-resource area shall be presumed to be in violation of the HAA and liable for penalties unless the local agency demonstrate that it has a health, life, or safety reason for denying the project.

Transit Facilities Analyzed for Eligibility Under Senate Bill 79 (Draft)



Legend

- Qualifying TOD Stop (Tier 2)
- Potentially-qualifying BRT Stop
- Non-qualifying BRT/Metrolink Stop
- Dedicated Bus Lane
- BRT Alignment

Distance Around Transit Stop Pedestrian Access

- 1/4 Mile
- 1/2 Mile
- City Boundaries

This map illustrates shaded buffer zones of 1/4- and 1/2-mile distances around transit facilities within the City of Burbank and their status as potential transit-oriented development (TOD) stops per SB 79. It also includes the North Hollywood to Pasadena Bus Rapid Transit System planned route through Burbank and planned stops.

In the City of Burbank, the only stops that meet SB 79's statutory definitions and service criteria fall under the categories of high-frequency commuter rail stops and Tier 2 stops. High-frequency commuter rail stops are defined as stations served by rail lines that operate at least 48 trains per day in both directions or bus rapid transit (BRT) stops 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.

The only transit facilities that meet all of these statutory definitions qualifying for SB 79 in the City at this time are:

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SB 79 Current Bill Version: 10/10/2025

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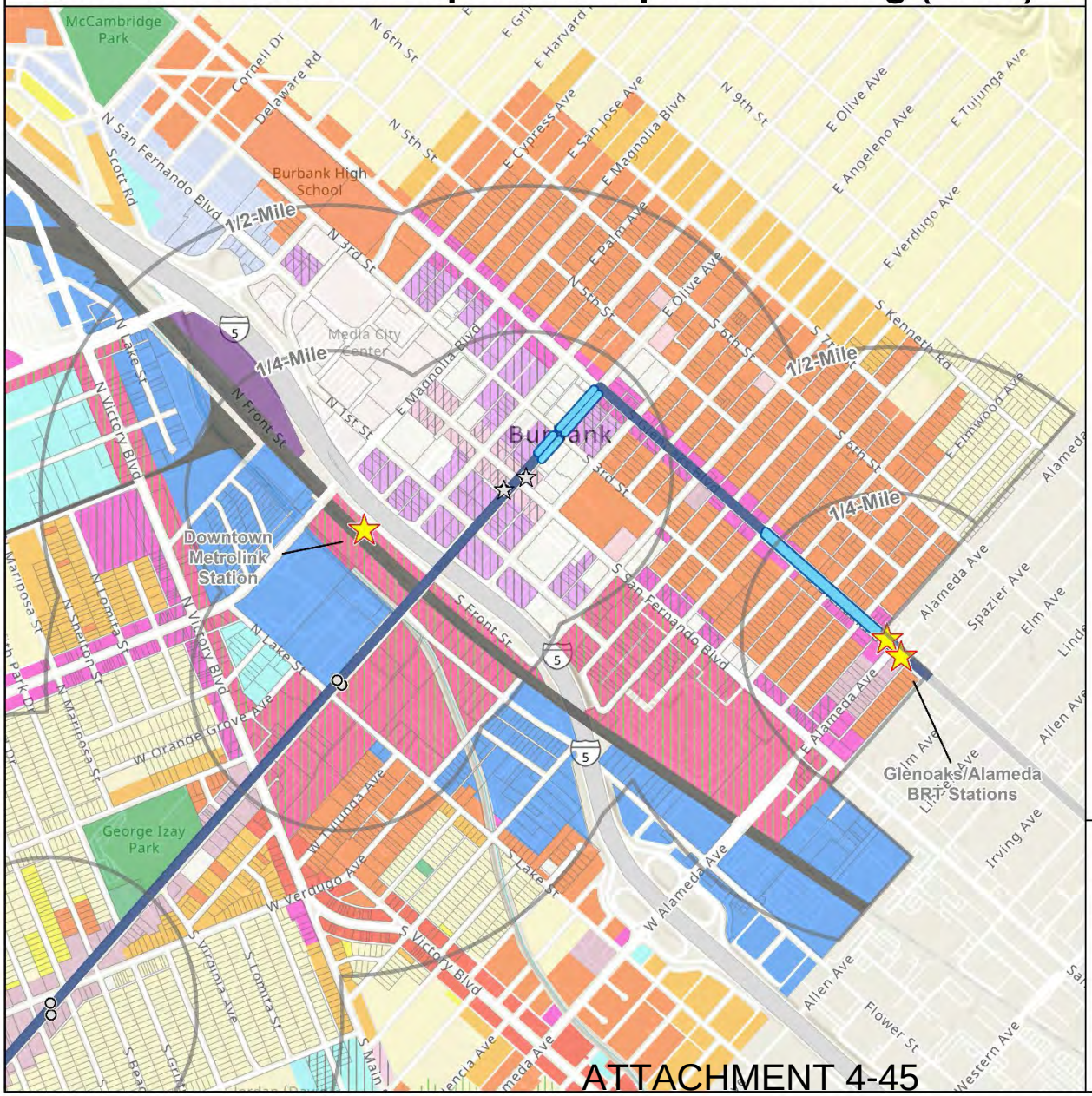
January 2026

Transit Oriented Development Stops and Zoning (Draft)



Legend

- Qualifying TOD Stop (Tier 2)
- Potentially-qualifying BRT Stop
- Non-qualifying BRT Stop
- Dedicated Bus Lane
- BRT Alignment
- Affected Parcels

Zoning

- AD
- AP
- BCC-1
- BCC-2
- BCC-3
- BCCM
- C-2
- C-3
- C-4
- CEM
- CR
- GO
- M-1
- M-2
- MDC-2
- MDC-3
- MDC-4
- MDM-1
- MDR-3
- MDR-4
- MDR-5
- MPC-1
- MPC-2
- MPC-3
- NB
- NSFC
- OS
- PD
- R-1
- R-1-H
- R-2
- R-3
- R-4
- R-5
- RBP
- RC
- RR

SB79 Current Bill Version: 10/10/2025

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January 2026

The following summarizes the requirements to adopt an “Alternative Plan” in lieu-of implementing the base requirements of SB 79:

1. Must be complete by 2030 and requires review and approval by HCD.
2. Any Alternative Plan will require analysis of density and require new analysis of utility capacity to support SB79 density.
3. Maintain same net number of units allowed under SB 79, only allowed to redistribute within the TOD stop area.
4. Cannot reduce density on any parcel to less than 50% allowed by SB79, unless the site is within Very High Fire Hazard Severity Zone (HFHSZ),
5. Cannot increase density more than 200% of max density mandated by SB79.
6. Requires update of City’s Zoning Map, with no net loss across SB79 eligible areas.
7. Analysis is complex and includes existing allowable density, existing buildout of said density, and SB79 density.
8. Needs extensive community outreach and direction from the Council on which areas to be upzoned.
9. Requires adoption as part of the HE, a program of the HE, as specific plan overlay, or by Ordinance.

CITY OF BURBANK

OFFICE OF THE MAYOR

August 25, 2025

The Honorable Buffy Wicks
Chair, Assembly Appropriations Committee
1021 O St., Suite 8220
Sacramento, CA 95814

RE: **Opposition to SB 79 (Wiener) – Transit-Oriented Development Authorization**

Dear Chair Wicks,

On behalf of the Burbank City Council, I am writing to express our **strong** opposition to Senate Bill 79, which would require cities to ministerially approve high-density residential projects of up to seven stories near public transit stops, regardless of existing local zoning codes and community input. While we share the goal of increasing housing production, SB 79 removes critical local oversight, disregards community planning efforts, and undermines state-mandated housing elements.

SB 79 doubles down on the recent trend of the state overriding its own mandated local housing elements. This latest overreaching effort forces cities in urban transit counties defined as "a county with more than 15 rail stations" to approve transit-oriented development projects near specified transit stops — up to seven stories high and a density of 120 homes per acre — without regard to the community's needs, environmental review, or public input. Similarly, cities in non-urban transit counties near specific transit stops would need to approve development projects by right, up to five stories high, with a density of 80 homes per acre.

Most alarmingly, SB 79 defies cities' general plans and provides transit agencies unlimited land use authority on property they own or have a permanent easement on or before January 1, 2026, within a half mile of a transit stop. Transit agencies would have the power to determine nearly all aspects of the development including height, density, and design, without any regard to local zoning or planning.

The City of Burbank appreciates the author's desire to include an alternative transit-oriented development plan; however, as currently drafted, the local government has the option to do this through an additional analysis in the local government's housing element or through the adoption of an ordinance with approval from the Department of Housing and Community Development (HCD). In the AB 650 Senate Appropriations Analysis, HCD has determined that it will cost $11.1 million annually and 52 new staff positions to provide more clarity in the housing element review

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process. SB 79 would add additional requirements for state review, increasing workloads, and making it more likely that local governments will not get their housing elements or ordinances approved promptly.

Finally, the local flexibility provided in the measure is minimal at best. The bill does not provide exemptions for cities that have adopted plans to promote taller, denser residential development near transit in consultation with the community but fall short of the bill's rigid minimum requirements. The alternative plan would still be required to meet or exceed the required development near transit as determined by HCD across all transit-oriented development zones within the jurisdiction without accounting for infrastructure constraints, environmental hazards, or community design goals unique to each jurisdiction. For example, a community may want to distribute density around the jurisdiction due to its infrastructure capacity. However, they must still meet the minimum requirements of the bill, regardless of whether they make sense for the community or the design of the jurisdiction. In short, the flexibility is about how to meet the state's requirements – not whether those requirements make sense for the community.

The City of Burbank has proactively worked to accommodate new housing through our state-certified Housing Element as well as through several Specific Plans currently being developed while balancing responsible growth with community needs. SB 79 undermines this effort by imposing a one-size-fits-all approach that disregards the unique characteristics of local communities.

California will never produce the number of homes needed with an increasingly state-driven, by-right housing approval process. What we really need is a sustainable state investment that matches the scale of this decades-in-the-making crisis. For these reasons, the City of Burbank strongly opposes SB 79.
Thank you for your time and consideration.

Sincerely,

Nikki Perez

Mayor, City of Burbank

cc: Senator Caroline Menjivar
Assemblymember Nick Schultz
Kyra Emanuels Ross, Emanuels Jones & Associates
California League of Cities

CITY OF BURBANK

OFFICE OF THE MAYOR

June 4, 2025

California State Assembly
Committee on Housing and Community Development
1020 N Street, Room 156
Sacramento, CA 95814

RE: **Opposition to SB 79 (Wiener) – Transit-Oriented Development Authorization**

Dear Chair Haney,

On behalf of the Burbank City Council, I am writing to express our strong opposition to Senate Bill 79, which would require cities to ministerially approve high-density residential projects of up to seven stories near public transit stops, regardless of existing local zoning codes and community input. While we share the goal of increasing housing production, SB 79 removes critical local oversight, disregards community planning efforts, and undermines state-mandated housing elements.

SB 79 grants transit agencies unchecked land-use authority over properties they own or lease, with no requirement that these developments include housing—let alone affordable housing. Instead of facilitating responsible transit-oriented development, this bill:

1. **Eliminates Local Control** – SB 79 overrides city zoning and planning authority, giving transit agencies unilateral power to determine height, density, and design standards without any local government input.
2. **Weakens Community Engagement** – The bill eliminates opportunities for residents to provide feedback on developments that directly impact their neighborhoods.
3. **Ignores Affordable Housing Needs** – SB 79 does not mandate that new developments include affordable housing, failing to address California's critical housing shortage for low- and moderate-income families.
4. **Allows 100% Commercial Projects** – The bill permits transit agencies to develop fully commercial projects, even at key transit locations, without providing a single new home.
5. **Bypasses Environmental Review** – The bill allows significant developments to proceed without appropriate environmental assessments, potentially affecting infrastructure, and community resources.

The City of Burbank has proactively worked to accommodate new housing through our state-certified Housing Element as well as through several Specific Plans currently being developed while balancing responsible growth with community needs. SB 79 undermines this effort by imposing a one-size-fits-all approach that disregards the unique characteristics of local communities.

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For these reasons, the Burbank City Council respectfully opposes SB 79. We appreciate your consideration and welcome the opportunity to discuss alternative solutions that support housing growth while preserving local decision-making and community engagement.

Sincerely,

Nikki Perez
Mayor, City of Burbank

cc: Kyra Emanuels Ross, Emanuels Jones & Associates
Senator Caroline Menjivar
Assemblymember Nick Schultz
California League of Cities

CITY OF BURBANK

OFFICE OF THE MAYOR

June 4, 2025

California State Assembly
Committee on Local Government
1020 N Street, Room 157
Sacramento, CA 95814

RE: **Opposition to SB 79 (Wiener) – Transit-Oriented Development Authorization**

Dear Chair Carrillo,

On behalf of the Burbank City Council, I am writing to express our strong opposition to Senate Bill 79, which would require cities to ministerially approve high-density residential projects of up to seven stories near public transit stops, regardless of existing local zoning codes and community input. While we share the goal of increasing housing production, SB 79 removes critical local oversight, disregards community planning efforts, and undermines state-mandated housing elements.

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Sincerely,

Nikki Perez
Mayor, City of Burbank

cc: Kyra Emanuels Ross, Emanuels Jones & Associates
Senator Caroline Menjivar
Assemblymember Nick Schultz
California League of Cities

CITY OF BURBANK

OFFICE OF THE MAYOR

September 17, 2025

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: **REQUEST TO VETO SB 79 (Wiener): Housing development: Transit-Oriented Development**

Dear Governor Newsom,

On behalf of the Burbank City Council, I am writing to express our **strong** opposition to Senate Bill 79, which would require cities to ministerially approve high-density residential projects of up to seven stories near public transit stops, regardless of existing local zoning codes and community input. While we share the goal of increasing housing production, SB 79 removes critical local oversight, disregards community planning efforts, and undermines state-mandated housing elements.

SB 79 doubles down on the recent trend of the state overriding its own mandated local housing elements. This latest overreaching effort forces cities in urban transit counties defined as "a county with more than 15 rail stations" to approve transit-oriented development projects near specified transit stops — up to seven stories high and a density of 120 homes per acre — without regard to the community's needs, environmental review, or public input. Similarly, cities in non-urban transit counties near specific transit stops would need to approve development projects by right, up to five stories high, with a density of 80 homes per acre.

Most alarmingly, SB 79 defies cities' general plans and provides transit agencies unlimited land use authority on property they own or have a permanent easement on or before January 1, 2026, within a half mile of a transit stop. Transit agencies would have the power to determine nearly all aspects of the development including height, density, and design, without any regard to local zoning or planning.

The City of Burbank appreciates the author's desire to include an alternative transit-oriented development plan; however, as currently drafted, the local government has the option to do this through an additional analysis in the local government's housing element or through the adoption of an ordinance with approval from the Department of Housing and Community Development (HCD). In the AB 650 Senate Appropriations Analysis, HCD has determined that it will cost $11.1 million annually and 52 new staff positions to provide more clarity in the housing element review process. SB 79 would

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add additional requirements for state review, increasing workloads, and making it more likely that local governments will not get their housing elements or ordinances approved promptly.

Finally, the local flexibility provided in the measure is minimal at best. The bill does not provide exemptions for cities that have adopted plans to promote taller, denser residential development near transit in consultation with the community but fall short of the bill's rigid minimum requirements. The alternative plan would still be required to meet or exceed the required development near transit as determined by HCD across all transit-oriented development zones within the jurisdiction without accounting for infrastructure constraints, environmental hazards, or community design goals unique to each jurisdiction. For example, a community may want to distribute density around the jurisdiction due to its infrastructure capacity. However, they must still meet the minimum requirements of the bill, regardless of whether they make sense for the community or the design of the jurisdiction. In short, the flexibility is about how to meet the state's requirements – not whether those requirements make sense for the community.

The City of Burbank has proactively worked to accommodate new housing through our state-certified Housing Element as well as through several Specific Plans currently being developed while balancing responsible growth with community needs. SB 79 undermines this effort by imposing a one-size-fits-all approach that disregards the unique characteristics of local communities.

California will never produce the number of homes needed with an increasingly state-driven, by-right housing approval process. What we really need is a sustainable state investment that matches the scale of this decades-in-the-making crisis. For these reasons, **the City of Burbank strongly opposes SB 79 and urges you to veto the bill.**

Thank you for your time and consideration.

Sincerely,

Nikki Perez

Mayor, City of Burbank

cc: Senator Caroline Menjivar
Assemblymember Nick Schultz
Kyra Emanuels Ross, Emanuels Jones & Associates
California League of Cities

CITY OF BURBANK

OFFICE OF THE MAYOR

April 4, 2025

The Honorable Scott Wiener
California State Senate
1021 O Street, Suite 8620
Sacramento, CA 95814

RE: **Opposition to SB 79 (Wiener) – Transit-Oriented Development Authorization**

Dear Senator Wiener,

On behalf of the Burbank City Council, I am writing to express our strong opposition to Senate Bill 79, which would require cities to ministerially approve high-density residential projects of up to seven stories near public transit stops, regardless of existing local zoning codes and community input. While we share the goal of increasing housing production, SB 79 removes critical local oversight, disregards community planning efforts, and undermines state-mandated housing elements.

SB 79 grants transit agencies unchecked land-use authority over properties they own or lease, with no requirement that these developments include housing—let alone affordable housing. Instead of facilitating responsible transit-oriented development, this bill:

1. **Eliminates Local Control** – SB 79 overrides city zoning and planning authority, giving transit agencies unilateral power to determine height, density, and design standards without any local government input.
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For these reasons, the Burbank City Council respectfully opposes SB 79. We appreciate your consideration and welcome the opportunity to discuss alternative solutions that support housing growth while preserving local decision-making and community engagement.

Sincerely,

Nikki Perez
Mayor, City of Burbank

cc: Kyra Emanuels Ross, Emanuels Jones & Associates
Senator Caroline Menjivar
Assemblymember Nick Schultz
Senate Housing Committee
Senate Local Government Committee
California League of Cities

CITY OF BURBANK

OFFICE OF THE MAYOR

June 11, 2025

Assemblymember Nick Schultz
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0044

RE: **Opposition to SB 79 (Wiener) – Transit-Oriented Development Authorization**

Dear Assemblymember Schultz,

On behalf of the Burbank City Council, I am writing to express our strong opposition to Senate Bill 79, which would require cities to ministerially approve high-density residential projects of up to seven stories near public transit stops, regardless of existing local zoning codes and community input. While we share the goal of increasing housing production, SB 79 removes critical local oversight, disregards community planning efforts, and undermines state-mandated housing elements.

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For these reasons, the Burbank City Council respectfully opposes SB 79. We urge you to carefully consider the potential consequences of SB 79 and to vote against this bill. Thank you for your time and consideration.

Sincerely,

Nikki Perez
Mayor, City of Burbank

cc: Kyra Emanuels Ross, Emanuels Jones & Associates
California League of Cities