

Date of Hearing: April 22, 2026

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

AB 2576 (Harabedian) – As Amended April 16, 2026

SUBJECT: Transit-oriented development

SUMMARY: Expands the historic sites exclusion in SB 79 (Wiener), Chapter 512, Statutes 2025, (SB 79) to include contributing sites within a historic district and parcels individually listed as a historical resource in the State Historic Resources Inventory designated before January 1, 2025. Specifically, **this bill:**

- 1) Excludes, from SB 79, contributing sites within a historic district included on the State Historic Resources Inventory, as specified, and a parcel individually listed as a historical resource included in the State Historic Resources Inventory, as specified, that were designated before January 1, 2025.
- 2) Makes technical and conforming changes.

EXISTING LAW:

- 1) Creates, pursuant to SB 79, a streamlined, ministerial approvals process for housing development projects meeting certain objective standards within a specified distance of transit-oriented development (TOD) stops as follows:
 - a) Makes housing development projects an allowable use on any site zoned for residential, mixed-use, or commercial development within one-half mile of a TOD stop in cities with a population of 35,000 or more, and within one-quarter mile of a TOD stop in cities with a population of less than 35,000.
 - b) Establishes minimum land use standards, including requirements related to height, density, and floor area ratio, for TOD housing projects based on proximity to the TOD stop and the population of the jurisdiction. [Government Code (GOV) § 65912.157]
- 2) Allows a local government, through an SB 79 implementing ordinance, to fully exempt sites designated as a historic resource on a local register as of January 1, 2025, from the provisions of SB 79 until one year after the adoption of a seventh cycle housing element. (GOV § 65912.161)
- 3) Establishes the State Historical Resources Commission (SHRC), a nine-member state review board, appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. [Public Resources Code (PRC) 5020, PRC § 5020.2]
- 4) Defines a “historic district” as a definable unified geographic entity that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. (PRC § 5020.1)

- 5) Defines a “historic landmark” as any historical resource which is registered as a state historical landmark through a process involving the Commission and the Department of Parks and Recreation. (PRC § 5020.1, PRC § 5021)
- 6) Requires the Commission to evaluate and recommend historical resource designations by reviewing applications for the National Register, California Register, and state historical landmarks, while maintaining comprehensive records and criteria for preservation. (PRC § 5020.4)
- 7) Establishes the California Register of Historical Resources as an authoritative guide for identifying and protecting significant historical resources in the state. (PRC § 5024.1)
- 8) Sets criteria and procedures for listing historical resources based on significance in California’s history, architecture, and archaeology, including alignment with National Register standards. (PRC § 5024.1)

FISCAL EFFECT: None.

COMMENTS:

- 1) **Police Powers and Land Use Authority.** Planning for and approving new development is mainly a local responsibility. The California Constitution allows cities and counties to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power, commonly called the police power, that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public – including land use authority. Cities and counties enforce this land use authority through zoning regulations, as well as through an “entitlement process” for obtaining discretionary as well as ministerial approvals.

The scale of the proposed development, as well as the existing environmental setting determine the degree of local review that occurs. For larger developments, the local entitlement process commonly requires multiple discretionary decisions regarding the subdivision of land, environmental review pursuant to CEQA, and project review by the local agency’s legislative body (city council or county board) or by a planning commission delegated by the legislative body.

- 2) **Historic Preservation.** At the federal level, historic preservation efforts are guided by the National Historic Preservation Act (NHPA) of 1966, which was enacted in response to the widespread destruction of historic and cultural sites during postwar infrastructure expansion and urban renewal projects. The NHPA established the National Register of Historic Places, the nation’s official inventory of historic sites, and created procedural protections requiring federal agencies to assess the impact of federal activities on historic resources. It also established a framework for state and local governments, tribal nations, and preservation organizations to participate in historic preservation efforts.

In California, the Office of Historic Preservation (OHP), under the California State Parks, “administers federally and state mandated historic preservation programs to further the identification, evaluation, registration, and protection of California’s irreplaceable resources.” According to the latest version of California’s Statewide Historic Preservation Plan, historic preservation efforts have evolved over the past two decades beyond merely identifying and

documenting historic resources. Preservation is now integrated into land use planning, economic development, affordable housing policy, disaster preparedness, and environmental quality initiatives.

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

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

Federal historic districts are listed on the National Registry of Historic Places and must meet national criteria for historic significance and integrity. Notably, federal designation does not automatically prevent development in most of the country. In other states, federal designation simply triggers NHPA reviews if federal funding, permits, or projects are involved. However, in California, development on federally designated properties typically involves CEQA review, and properties that are listed on the National Registry of Historic Places are automatically added to California's State Historic Resources Inventory, affording them the same protections as state resources.

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

Historical landmarks are also included on the California Register. Landmarks are individual sites, buildings, or structures recognized for their exceptional historical, architectural, or cultural significance. These landmarks are associated with key historical events, individuals,

or architectural styles and are officially designated by the California Office of Historic Preservation. Once designated, they typically receive regulatory protections under CEQA.

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

Even if a property owner or local government objects, the SHRC can still review a nomination for inclusion on the California Register. While a property owner objection prevents the property from being formally listed in the California Register, it may still be determined “eligible for listing” by the SHRC. A property that is “eligible for listing” is typically treated the same as a property that is officially designated a historic resource for purposes of CEQA when it comes to development proposals. It is not uncommon for nominations for historic districts to go directly to the SHRC rather than first trying to obtain local designation.

- 4) **SB 79 and Historic Resources.** SB 79 applies to jurisdictions within “urban transit counties” that have qualifying high-quality transit stops, and requires that, beginning July 1, 2026, housing development projects be an allowable use on qualifying sites within one-half mile of a TOD stop (or one-quarter mile in smaller cities). SB 79 contains implementation deadlines, including requiring the Department of Housing and Community Development (HCD) to issue guidance by July 1, 2026 on how SB 79 capacity is counted toward a jurisdiction’s housing element sites inventory, and requiring metropolitan planning organizations to prepare maps of TOD stops and zones to guide implementation. Local governments may adopt implementing ordinances or local TOD alternative plans, subject to HCD review, prior to July 1, 2026, to tailor development standards, so long as the plan maintains equivalent overall residential capacity. SB 79 also provides that, beginning January 1, 2027, denial of a qualifying project in a high-resource area is presumed to violate the HAA, subject to specified exceptions.

SB 79 allows local governments to exclude sites with a historic resource designated as of January 1, 2025 on a local register if the local government has adopted an ordinance pursuant to SB 79 indicating the site’s exclusion within one year of adopting the seventh revision of the housing element.

- 5) **Author’s Statement and Bill Summary.** According to the author, “Assembly District 41 is home to irreplaceable landmarks like the Pasadena Civic Center, the Pasadena Playhouse, the Claremont Depot, the Claremont Village, Old Town La Verne, the Monrovia Santa Fe Depot, and the Walker House in San Dimas, and preserving their cultural and architectural significance is essential. AB 2576 will guarantee these places are fully protected by expanding protections to state and nationally listed sites while still building much-needed

housing.”

This bill expands the historic site exclusion within SB 79 to include contributing sites within a historic districts and parcels individually listed as historical resources included in the State Historic Resources Inventory. This bill is author sponsored.

- 6) **Related Legislation.** AB 2415 (Hoover) allows a city to reduce the capacity in one TOD zone by more than 50% if a city has a population of less than 150,000, a majority of the station area is part of a local historic district designated before January 1, 2000, and the city has more than one TOD zone. This bill is in the Assembly Housing and Community Development Committee.

SB 722 (Wahab) prohibits the use of SB 79 on mobile home parks. This bill is at the Assembly Desk.

SB 1361 (Durazo) would provide an exemption from SB 79 for a county, a city, a city and county, a single or multicounty council of governments, a regional transportation agency, a transit agency or district, or a county transportation agency that has adopted a policy by January 1, 2026, to complete at least 10,000 housing units, at least 50% of which will be income restricted, by January 1, 2032, except for certain transit stops. This bill is in the Senate Housing Committee.

- 7) **Previous Legislation.** AB 1061 (Quirk-Silva), Chapter 505, Statutes of 2025, narrowed historic preservation exclusions in SB 9 by eliminating the blanket district-wide prohibition and instead focusing on protections for individually designated resources and contributing structures.

SB 79 (Wiener), Chapter 512, Statutes of 2025, established a streamlined, ministerial approval process for TOD housing development projects.

- 8) **Arguments in Support.** The California Preservation Foundation writes in support, “These changes are important because historic preservation and housing production are not mutually exclusive. By clearly identifying and accommodating historic resources, AB 2576 allows TOD development to proceed while preserving the historic fabric and integrity of neighborhoods. Historic buildings support walkability, contribute to economic vitality, and reduce environmental impacts by conserving embodied carbon.

“AB 2576 does not impede housing near transit. Instead, it ensures that historic resources already recognized through established public processes are consistently accounted for, creating better alignment between TOD policy and preservation practice.”

- 9) **Arguments in Opposition.** California YIMBY, Bay Area Council, SPUR, Streets for All, Greenbelt Alliance, Inner City Law Center, and Abundant Housing LA write in opposition to a previous version of the bill, “AB 2576 expands the definition of “historic resource” to include all sites within a historic district, rather than limiting applicability to designated contributing resources. In practice, this would sweep in large portions of transit-rich neighborhoods, many of which already have limited housing production, and place them off-limits to new homes regardless of whether individual parcels have genuine historic

significance. This risks turning historic preservation into a broad exclusionary tool rather than a targeted protection.”

10) **Double-Referral.** This bill is double-referred to the Assembly Housing and Community Development Committee, where it passed on a 11-1 vote on April 15, 2026.

REGISTERED SUPPORT / OPPOSITION:

Support

California Preservation Foundation
City of Beverly Hills
City of Oceanside
City of Pasadena
City/county Association of Governments of San Mateo County
Glendale; City of
League of California Cities (If amended)
Pasadena; City of
Save Beverly Fairfax

Opposition

Abundant Housing LA
Bay Area Council
California Yimby
Greenbelt Alliance
Inner City Law Center
South Pasadena Residents for Responsible Growth
Spur
Streets for All

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