

Date of Hearing: April 29, 2026

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

AB 2415 (Hoover) – As Amended April 23, 2026

SUBJECT: Transit-oriented housing developments: alternative plans

SUMMARY: Revises SB 79 (Wiener), Chapter 512, Statutes of 2025, to add additional historic preservation protections for a jurisdiction that meet certain characteristics. Specifically, **this bill:**

- 1) Allows a local government, through a transit-oriented development (TOD) local alternative plan, to reduce the site capacity in a TOD zone in total units or residential floor area by more than 50% if the following conditions are met:
 - a) The local jurisdiction adopting the plan is a city.
 - b) The city has a population of less than 150,000.
 - c) A majority of the TOD zone is part of a local historic district that was designated before January 1, 2000.
 - d) The city has more than one TOD zone.

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 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) **Bill Summary.** This bill amends SB 79 by modifying the requirements applicable to local TOD alternative plans. Under existing law, a local TOD alternative plan may not reduce the residential development capacity of any individual TOD zone, measured in total units or residential floor area, by more than 50%. This bill creates a limited exception to that requirement by allowing a local government to reduce the residential capacity in up to one TOD zone by more than 50%, if certain conditions are met. Specifically, the exception applies only if the jurisdiction adopting the plan is a city, the city has a population of less than 150,000, where a majority of the TOD zone is located within a local historic district designated prior to January 1, 2000, and where the jurisdiction contains more than one TOD zone.

This bill is author sponsored.

- 2) **Author’s Statement.** According to the author, “As Californians continue to face a housing crisis, it is the role of the legislature to increase affordability and availability. However, these ambitions cannot come at the expense of our history, culture, and community. Policies, such as those found in SB 79 of 2025, help increase housing development near public transit. Unfortunately, not all transit zones can accommodate such development without sacrificing the existing environment. This is the case for the Folsom Historic District. While many preservation efforts focus on landmark buildings or famous figures, Folsom understood the value of safeguarding an entire everyday small-town environment, the walkable grid, mixed uses, and incremental development patterns. Historic Folsom’s commercial core and residential neighborhoods are thriving—economically, culturally, and civically. AB 2415 helps preserve historic districts, like the one in Folsom, while still advancing the state’s housing goals.”

- 3) **Background.** 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.

- 4) **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.

- 5) **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.

- 6) **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.

- 7) **Related Legislation.** AB 2576 (Harabedian) expands the historic sites exclusion in 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. AB 2576 is on the Assembly Floor.
- 8) **Previous Legislation.** SB 79 (Wiener), Chapter 512, Statutes of 2025, established a streamlined, ministerial approval process for TOD housing development projects.
- 9) **Arguments in Support.** The City of Folsom writes in support, “AB 2415 recognizes that historic districts serve unique public purposes that cannot be replicated once lost. By allowing the transfer of high-density housing obligations from our historic district to other transit-oriented development locations within the city through the development of an alternative plan, the bill provides a flexible, commonsense tool that supports both statewide housing objectives and the preservation of irreplaceable cultural resources.”
- 10) **Arguments in Opposition.** South Pasadena Residents for Responsible Growth writes in opposition, “This bill is written so that the city of Pasadena could exempt one of the most useful train stations from SB 79. The city of Pasadena has not been a good actor in trying to solve the housing crisis. When SB 9 was enacted they tried to claim a significant portion of the city was exempted because of their ‘Landmark Districts.’ Rob Bonta put Pasadena on notice for violating state housing laws for this action.”
- 11) **Double-Referral.** This bill is double-referred to the Committee on Housing and Community Development, where it passed on a 12-0 vote on April 22, 2026.

REGISTERED SUPPORT / OPPOSITION:

Support

California Preservation Foundation
City of Folsom
Folsom Chamber of Commerce
Folsom Historic District Association
Folsom History
Historic Folsom Residents Association
The Heritage Preservation League of Folsom
578 individuals

Opposition

South Pasadena Residents for Responsible Growth

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