



Planning and Development Department

Land Use Planning Division

TO: Members of the Planning Commission

FROM: Joshua Muller, Associate Planner
Branka Tatarevic, Associate Planner

SUBJECT: Housing Development Bills Senate Bill 79 and Assembly Bill 893

RECOMMENDATION

Staff recommend that the Planning Commission review the staff report, receive the staff presentation, consider public comments, and provide feedback on policy issues regarding Senate Bill 79 (SB 79) and Assembly Bill 893 (AB 893) and potential implementation pathways.

SUMMARY

Senate Bill (SB) 79 (Abundant and Affordable Homes Near Transit Act) was signed by Governor Newsom on October 10, 2025, and will go into effect on July 1, 2026. As of that date, areas within ½ mile of each transit stop would be designated as transit-oriented development (TOD) zones and parcels within them would be subject to special development standards. Staff studied designated TOD zones located in the vicinity of the three BART stations within the city limits and where the ½ mile radius of Rockridge station overlaps within the city limits.

Assembly Bill (AB) 893 (an amendment to the Affordable Housing and High Road Jobs Act; AB 2011), was also signed by Governor Newsom on October 10, 2025, and went into effect on January 1, 2026. The law establishes a new eligibility category for AB 2011 called a campus development zone, defined as areas within ½ mile of a main campus of a University of California, a California State University or a California Community College. Projects within the designated zone that meet specific eligibility criteria and affordability requirements are eligible for special development standards and streamlined ministerial review pursuant to AB 2011.

Summaries of both bills are included in the table below.

<u>Law</u>	<u>Effective Date</u>	<u>Locations in Berkeley</u>	<u>Applicability</u>
SB 79	July 1, 2026	Applies to areas within ½ mile of BART stations.	These areas would be designated as transit-oriented development (TOD) zones and parcels within them would be subject to special development standards.
AB 893	January 1, 2026	Applies to areas within ½ mile of the main campuses of the University of California, Berkeley and Berkeley City College	These areas would be eligible for special development standards and streamlined ministerial review pursuant to AB 2011.*
<p>* AB 2011 is a CEQA exempt ministerial approval process for multifamily housing developments on sites in zones where office, retail or parking are a principally permitted use. The law provided two types of qualifying criteria depending on whether a project is 100-percent affordable or mixed-income within a “commercial corridor”.</p>			

SB 79 BACKGROUND

TOD Zones: SB 79 designates parcels zoned for residential, mixed-use, or commercial development within ½ mile of a transit-oriented development stop to be Transit Oriented Development (TOD) zones. SB 79 identifies two tiers of transit stops.

- Tier 1 stops are served by heavy rail transit or very high frequency commuter rail (including BART).
- Tier 2 transit-oriented development stops are served by light rail transit, high-frequency commuter rail, or Bus Rapid Transit (BRT) service.

Berkeley has three Tier 1 stops (Ashby, Downtown and North Berkeley BART stations), and no Tier 2 stops. Additionally, a few parcels in the vicinity of Alcatraz and College Avenues fall within a ½ mile of the Rockridge BART station, a Tier 1 stop.

TOD Projects: Qualifying projects within TOD zones are designated as TOD projects and are subject to special development standards. To qualify as a TOD project under SB 79, a proposed project must include at least five dwelling units and meet either a minimum density of 30 dwelling units per acre or the maximum density required under local zoning, whichever is greater. The average total area of floor space for the proposed units must not exceed 1,750 net habitable square feet. TOD projects cannot propose the demolition of more than two rent or price-controlled units that were

occupied by tenants or demolished within the past seven years.¹ TOD projects are also subject to State and local demolition controls.

SB 79 Development Standards

SB 79 sets development standards, specifically height, density, and floor area ratio (FAR), for TOD projects. The specific standards that apply to a TOD project depend on the Tier classification of the transit stop. Parcels within 200 feet of any pedestrian access point are considered adjacent to the TOD stop and are allowed an adjacency intensifier. The SB 79 development standards for Tier 1 TOD zones are shown in the following table.

Tier 1 SB 79 Development Standards			
Range	Height Limit*	Max Density (du/ac)	FAR
Adjacent (200')	95 feet	160	4.5
¼ Mile	75 feet	120	3.5
½ Mile	65 feet	100	3

**Projects may be up to the height permitted by SB 79, or up to the local height limit, whichever is greater*

SB 79 Affordability Requirements

TOD projects proposing more than 10 units are required to provide one of the following minimum amounts of affordable housing on-site:

- At least 7 percent of the total units dedicated to Extremely Low-Income households;
- At least 10 percent of the total units dedicated to Very Low-Income households; or
- At least 13 percent of the total units dedicated to Low Income households.

These units must be provided on-site and an applicant cannot use an in-lieu fee. If the City’s local inclusionary housing requirements are greater than the above minimums, then the local requirements shall apply to the project. Berkeley Municipal Code Section 23.328.030(A) requires at least 20 percent of proposed residential units are affordable units². As Berkeley’s Inclusionary Housing requirements exceed SB 79’s minimum affordability requirements, the local ordinance would supersede the requirements within SB 79. Similar to how the City’s Inclusionary Housing Ordinance³ intersects with State Density Bonus law, an applicant could use affordable units required per SB 79 to satisfy the local requirements, and if more units are required locally, they could use an in-lieu fee to satisfy the rest.

¹ The Rent Board determines the presence of rent controlled units on properties in Berkeley. If an applicant proposes to preserve the existing units on a lot and proposes new units, the project can qualify as a TOD project.

² “Affordable Unit” is defined in the Inclusionary Housing ordinance as a Residential Unit that is in perpetuity affordable to Very Low-Income or Lower-Income Households, as defined in California Health and Safety Code sections 50052.5 and 50052

³ <https://berkeley.municipal.codes/BMC/23.328>

SB 79 and State Density Bonus

TOD projects may utilize the State Density Bonus, pursuant to Government Code Section 65915, using the SB 79 standards to calculate the base project. In addition, TOD projects that meet the SB 79 density standard for the site's location are eligible for additional concessions:

- Housing for extremely low-income households: three additional concessions.
- Housing for very low-income households: two additional concessions.
- Housing for low-income households: one additional concession.

SB 79's requirement that the average total area of floor space for all units in the project must not exceed 1,750 net habitable square feet would apply to the density bonus project.

Unlike regular State Density Bonus projects, local governments are not required to grant waivers or concessions of height limits for SB 79 projects seeking to exceed SB 79's statutory height limits. SB 79 projects can also be paired with other streamlining laws, including SB 330 and the Housing Accountability Act (HAA).

SB 79 Labor Requirements

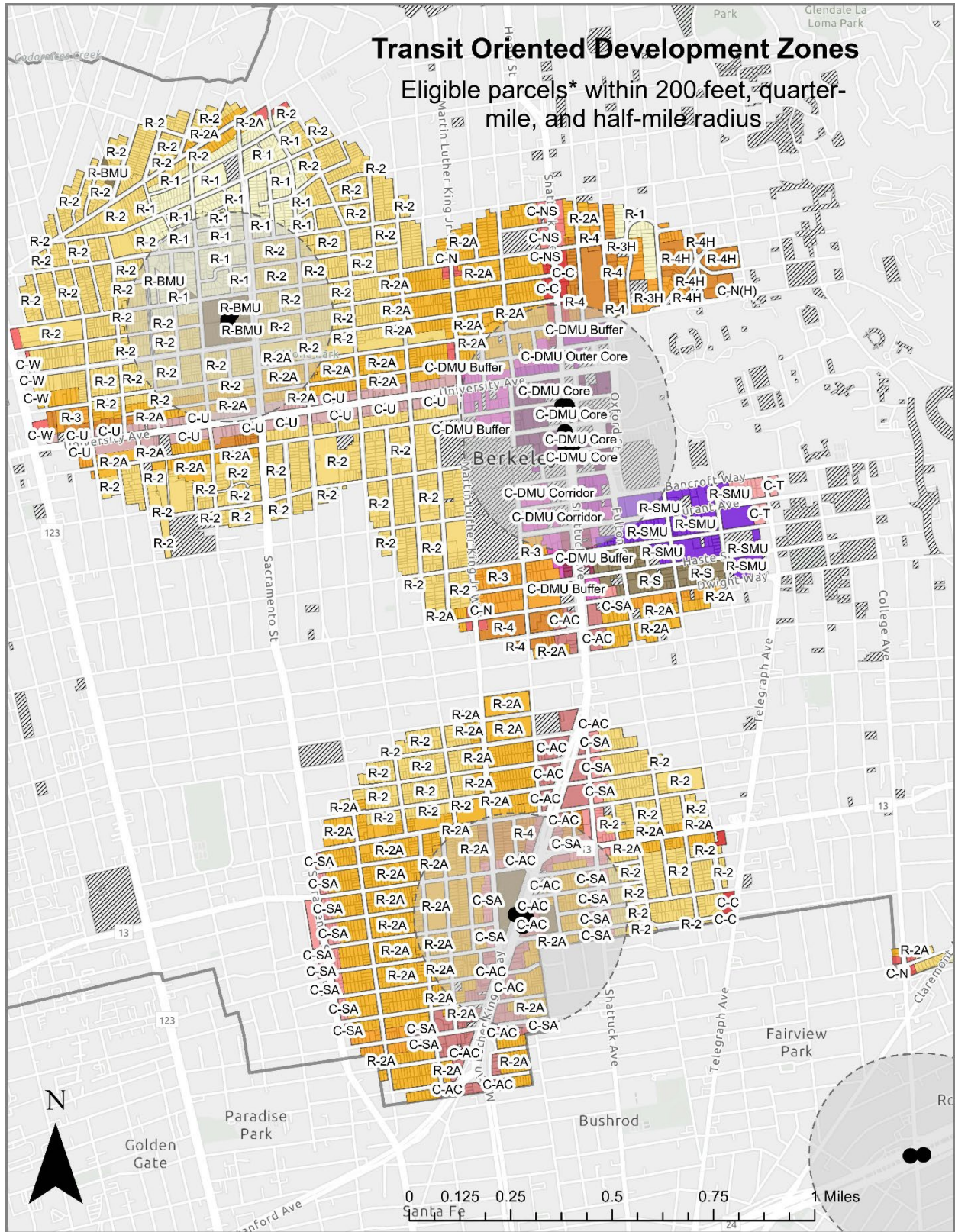
TOD projects more than 85 feet in height must meet specified prevailing wage and skilled and trained workforce requirements.

SB 79 and CEQA

SB 79 does not include specific provisions related to the California Environmental Quality Act (CEQA) and does not identify any new specific pathway exemption for TOD projects. TOD projects could utilize existing applicable statutory or categorical CEQA exemptions, or ministerial review processes pursuant to AB 2011 or SB 35. Ministerial projects are statutorily exempt from CEQA pursuant to Section 15268 of the CEQA Guidelines. If a TOD project is ineligible for streamlined approval it would be reviewed under the City's standard application and environmental review processes and the Housing Accountability Act (HAA).

Applicability of SB 79 Standards to Berkeley

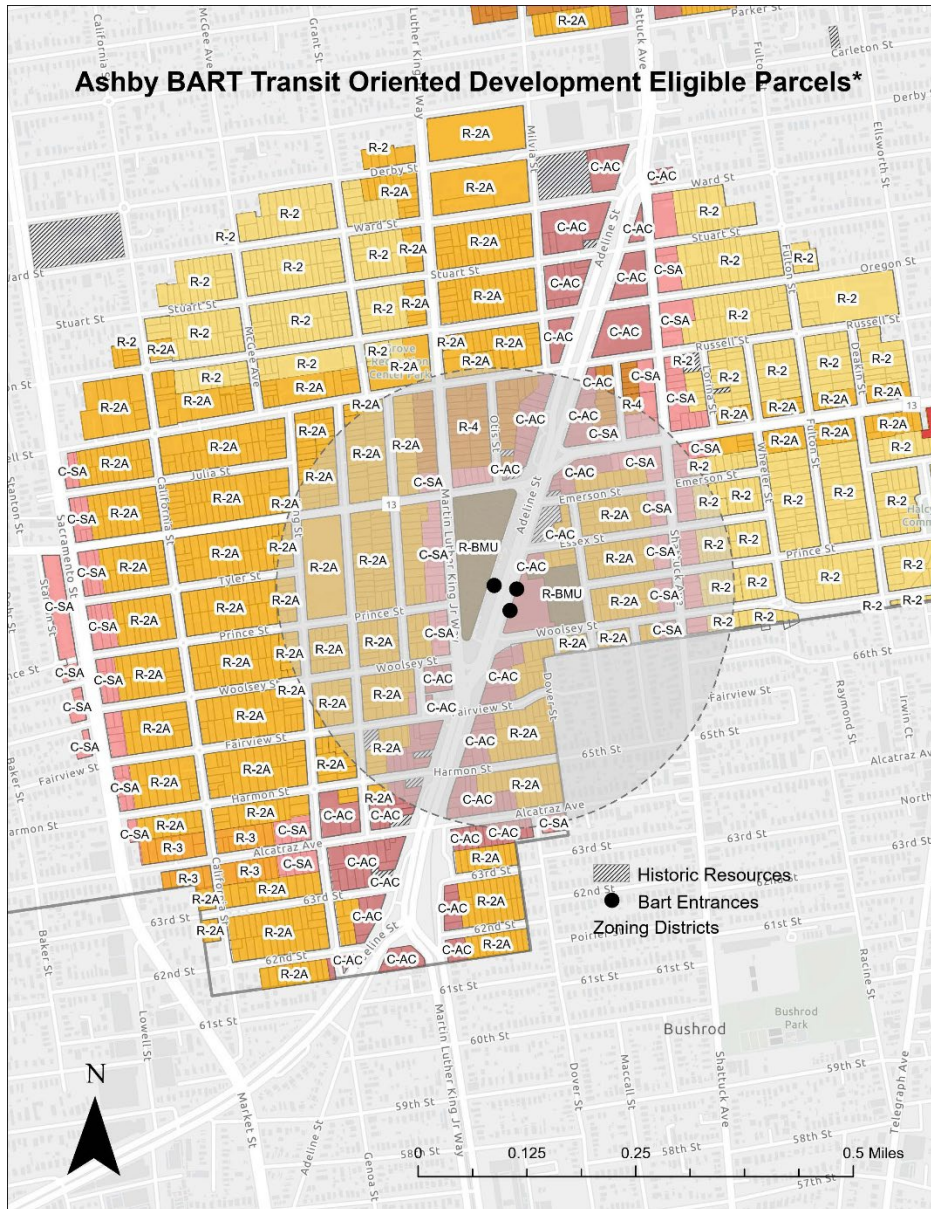
The following map provides a citywide view of the applicability of SB 79 to parcels in Berkeley. More detailed maps for each BART station are found below and in the Attachments.



The following sections compare existing local development standards for parcels within the TOD zones for each Berkeley BART station (and Rockridge station) to what SB 79 allows.

Ashby BART Station

The map below shows the parcels that are adjacent to the Ashby BART station, per SB 79's definition, those parcels that are a ¼ mile from the station entrance, and those that are ½ mile from the station entrance.



The following tables compare the existing maximum development standards for parcels indicated in the map above, and how they would be increased with the implementation of SB 79.

Height Standards

Ashby BART Area				
Zoning District	Existing Maximum Height	SB 79 Standards		
		Adjacent	¼ Mile	½ Mile
R-BMU	80'	95'	75'	65'
C-AC	35'			
R-2				
R-2A				
R-4	48'			
C-SA	35'	[REDACTED]	[REDACTED]	[REDACTED]
R-3				
C-C				

Density Standards

Ashby BART Area				
Zoning District	Existing Maximum Du/ac	SB 79 Standards		
		Adjacent	¼ Mile	½ Mile
R-BMU	No max	160 du/acre	120 du/acre	100 du/acre
C-AC	123-300 du/acre			
R-2	70 du/acre			
R-2A				
R-4	No max	[REDACTED]	[REDACTED]	[REDACTED]
C-SA				
R-3				
C-C				

FAR Standards

Ashby BART Area				
Zoning District	Existing Maximum FAR	SB 79 Standards		
		Adjacent	¼ Mile	½ Mile
R-BMU	4.2	4.5	3.5	3.0
C-AC	2.5			
R-2	No max			
R-2A				
R-4				
C-SA Mixed-Use Projects	4.0			
C-SA All Other Projects	No max			
R-3 Outside Southside Plan Area				
R-3 Within Southside Plan Area	3.0			
C-C				

The following tables compare the existing maximum development standards for parcels indicated in the map above, and how they would be increased with the implementation of SB 79.

Height Standards

Downtown Berkeley BART Area				
Zoning District	Existing Maximum Height Limit	SB 79 Standards		
		Adjacent	¼ Mile	½ Mile
C-DMU Core, Outer Core, Corridor	75'	95'	75'	65'
C-DMU Buffer	60'			
R-2A	35'			
R-3				
R-4				
R-5H	65'			
R-SMU	85'			
C-C	40'			
R-1	35'			
R-1H				
R-3H				
R-4H				
R-S	55'			
C-NS	35'			
C-T	85'			
C-N(H)	35'			

Density Standards

Downtown Berkeley BART Area				
Zoning District	Existing Maximum Density	SB 79 Standards		
		Adjacent	¼ Mile	½ Mile
C-DMU Core, Outer Core, Corridor	No max	160 du/acre	120 du/acre	100 du/acre
C-DMU Buffer				
R-2A	70 du/acre			
R-3	No max			
R-4				
R-5H				
R-SMU				
C-C				
R-1	70 du/acre			
R-1H	No max			
R-3H				
R-4H				
R-S				
C-NS				
C-T				
C-N(H)				

FAR Standards

Downtown Berkeley BART Area				
Zoning District	Existing Maximum FAR	SB 79 Standards		
		Adjacent	¼ Mile	½ Mile
C-DMU Core, Outer Core, Corridor	No max	4.5	3.5	3
C-DMU Buffer				
R-2A				
R-3				
R-4				
R-5H				
R-SMU				
C-C				
R-1				
R-1H				
R-3H				
R-4H				
R-S				
C-NS				
C-T				
C-N(H)				

The following tables compare the existing maximum development standards for parcels indicated in the map above, and how they would be increased with the implementation of SB 79.

Height Standards

North Berkeley BART Area				
Zoning District	Existing Maximum Height	SB 79 Standards		
		Adjacent	Within ¼ Mile	Within ½ Mile
R-BMU	80'	95'	75'	65'
R-1	35'			
R-2				
R-2A				
C-U	48'			
R-3	35'			
R-4				
C-N				
C-W	50'			

Density Standards

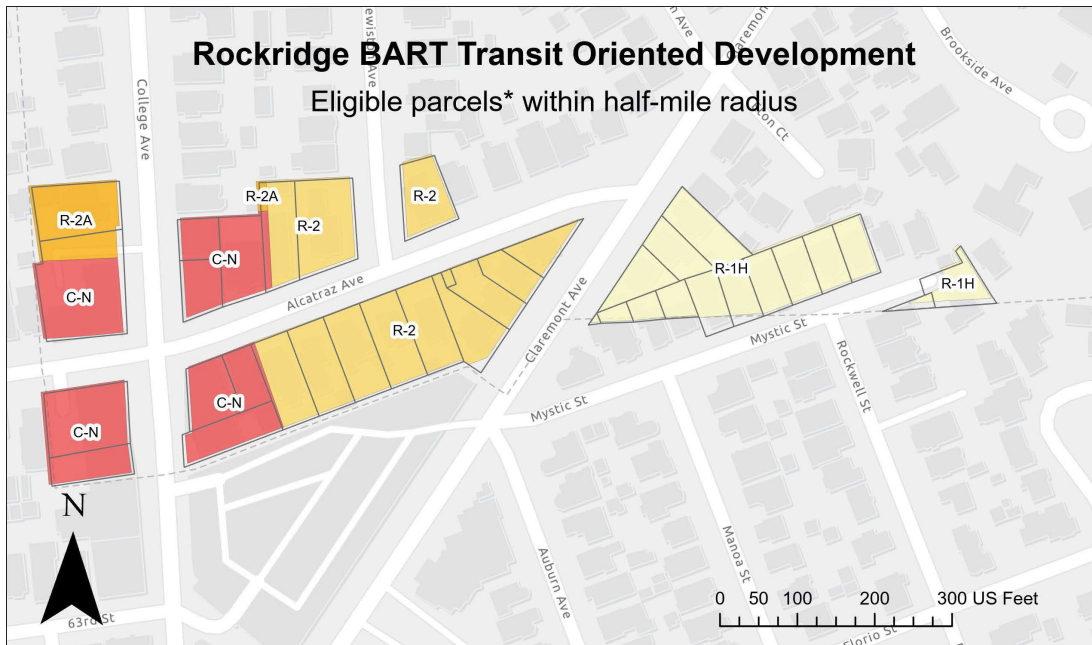
North Berkeley BART Area				
Zoning District	Existing Maximum du/ac	SB 79 Standards		
		Adjacent	Within ¼ Mile	Within ½ Mile
R-BMU	No max	160	120	100
R-1	70			
R-2				
R-2A				
C-U	No max			
R-3				
R-4				
C-N				
C-W				

FAR Standards

North Berkeley BART Area				
Zoning District	Existing Maximum FAR	SB 79 Standards		
		Adjacent	Within ¼ Mile	Within ½ Mile
R-BMU	4.2	4.5	3.5	3.0
R-1	No max	[Redacted]		
R-2				
R-2A				
C-U Mixed-Use Projects	2.2			
C-U All Other Projects	No max	[Redacted]	3.0	
R-3 Within Southside Plan Area	3.0			
R-3 Outside Southside Plan Area	No max			
R-4	No max			
C-N	3.0	[Redacted]	3.0	
C-W				

Rockridge BART Station

The map below shows the parcels that are adjacent to the Rockridge BART station. Although the station is located in Oakland per SB 79’s definition, those parcels that are ½ mile from the station entrance are considered within a TOD zone regardless of local jurisdictional boundaries.



The following tables compare the existing maximum development standards for parcels indicated in the map above, and how they would be increased with the implementation of SB 79.

Height Standards

Rockridge BART Area		
Zoning District	Existing Maximum Height Limit	SB 79 Standards
		½ mile
R-1H	35'	65'
R-2		
R-2A		
C-N		

Density Standards

Rockridge BART Area		
Zoning District	Existing Maximum Du/ac	SB 79 Standards
		½ mile
R-1H	No max	100 du/acre
R-2	70 du/acre	
R-2A		
C-N	No max	

FAR Standards

Rockridge BART Area		
Zoning District	Existing Maximum FAR	SB 79 Standards
		½ mile
R-1H	No max	3.0
R-2		
R-2A		
C-N Mixed-Use Projects	3.0	
C-N All Other Projects	No max	

Interim Exclusions from SB 79

SB 79 includes provisions allowing cities to exclude parcels from the SB 79 requirements through a Local TOD Alternative Plan, discussed below. While local governments are preparing a Local TOD Alternative Plan, parcels can be temporarily excluded from SB 79 standards through adoption of an exclusion ordinance. If identified within a valid ordinance, sites can only be exempt from SB 79 development standards until prior to one year following the adoption of the 7th revision of the City’s housing element, which in Berkeley’s case is 2032. The following eligibility categories for exemptions apply to the City’s TOD zones:

- A site identified which permits density and residential FAR at no less than 50% of the SB 79 standards.
- Sites with a historic resource designated prior to January 2, 2025, on a local register.

Local governments adopting an ordinance to implement or modify SB 79 standards must submit a draft to HCD. If HCD finds noncompliance, the local government must consider HCD's findings and either amend the ordinance or, if it chooses to adopt the ordinance without changes, include findings in its adopting resolution explaining why it believes the ordinance complies with SB 79.

Local TOD Alternative Plan

SB 79 also includes provisions allowing cities to exclude some of parcels from the SB 79 requirements through a Local TOD Alternative Plan. An interim exclusion ordinance would suspend implementation of the new standards in qualifying areas and allow the substitution of existing Berkeley zoning until approximately 2032. In the absence of adopted exclusions, SB 79, once effective, would override local zoning wherever it does not comply with new state requirements in TOD areas.

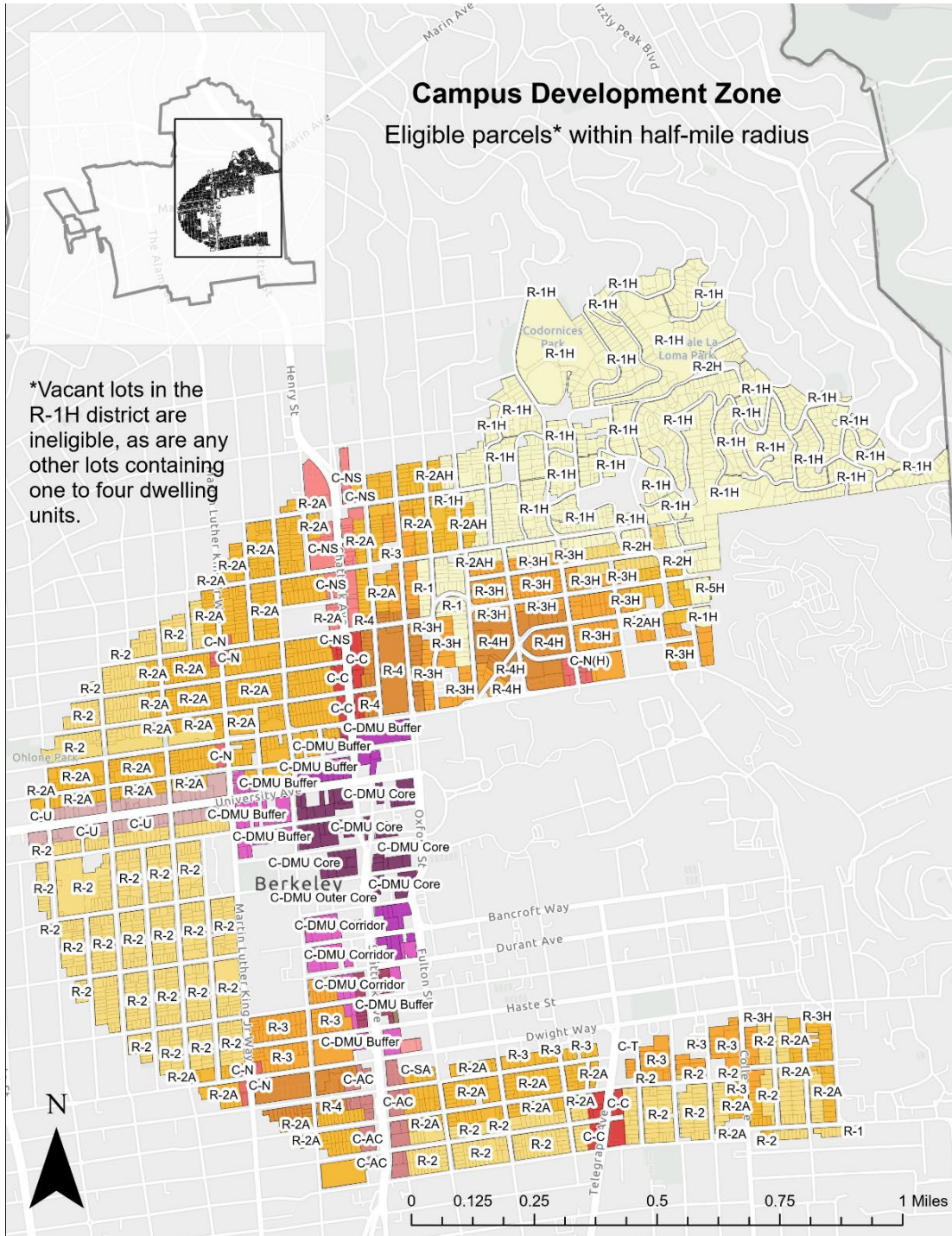
A local government may satisfy SB 79 by adopting a Local TOD Alternative Plan instead of applying the state standards directly. The plan must generally maintain equivalent total housing capacity across all TOD zones within the jurisdiction and receive HCD approval. The capacity of any site cannot be reduced more than 50%, with the exception of sites within a Very High Hazard Severity Zone, sites vulnerable to one foot of sea level rise, and sites with a historic resource on a local register. The overall capacity of any one TOD zone cannot be reduced more than 50%. The capacity of any individual site cannot be increased by more than 200% from the maximum densities in SB 79.

In the 7th Cycle, a Local TOD Alternative Plan may be included in the Housing Element itself or adopted separately by ordinance. To become effective, a Local TOD Alternative Plan must be reviewed and approved by HCD, as discussed in the Review and Enforcement section below. Once approved, the Local TOD Alternative Plan replaces SB 79's development standards within the area included in the alternative plan.

AB 893 BACKGROUND

Parcel Eligibility

AB 893 adds "campus development zone" as an eligible category for ministerial review pursuant to AB 2011. AB 893 defines this zone parcels within ½ mile of the main campus of the University of California (UC), California State University (CSU) or California Community Colleges (CCC). For Berkeley, this applies to parcels within ½ mile of UC Berkeley's and Berkeley City College's main campuses. The following map shows the parcels that are within campus development zones in Berkeley. Although a portion of the R-1H district is within the zone, vacant lots and lots containing one to four dwelling units do not meet the other eligibility criteria in the law.



AB 893 Development Standards

To qualify for streamlined ministerial review in a campus development zone, a development project must be located within a zone where office, retail or parking are principally permitted uses. A principally permitted use is defined as a use, as of January

1, 2023 or thereafter, occupying more than one-third of the square footage of a site and does not require a conditional use permit. The definition also specifies that parking uses are considered principally permitted whether or not they require a conditional use permit. Berkeley’s allowed uses table for residential districts allows a parking lot or structure with a Use Permit, so therefore residential parcels within campus development zones that meet this standard are eligible for AB 893.

AB 893 cannot be utilized on a parcel that contains 4 or fewer dwelling units, or an historical structure placed on a national, state or local historic register. A proposed project cannot require the demolition of any rent or price-controlled housing or housing that has been occupied by tenants within the past ten years and cannot be located on a site where any permanent housing was demolished within the past ten years.

Projects within a campus development zone are allowed a residential density of 80 dwelling units per acre and a maximum height of 65 feet. For the purposes of State Density Bonus, these development standards would define the base project. If there is a local requirement that is higher than either of those it would supersede the statutory requirements. The following tables compare the existing maximum development standards for parcels indicated in the map above.

Height Standards

Campus Development Zone		
Zoning District	Existing Maximum Height	AB 893 Standard
C-AC	75'	65'
C-C	60'	
C-DMU Core, Outer Core, Corridor	35'	
C-DMU Buffer	35'	
C-N	35'	
C-N(H)	65'	
C-NS	85'	
C-SA	40'	
C-U	35'	
R-1		
R-1H		
R-2		
R-2H		
R-2A		
R-2AH		
R-3		
R-3H		
R-4		
R-4H		
R-S		

Density Standards

Campus Development Zone		
Zoning District	Existing Maximum	AB 893 Standard
C-AC	123-300	80 du/acre
C-C	No max	
C-DMU Core, Outer Core, Corridor		
C-DMU Buffer		
C-N		
C-N(H)		
C-NS		
C-SA		
C-U		
R-1		
R-1H	No max	
R-2	70 du/acre	
R-2H	No max	
R-2A	70 du/acre	
R-2AH	No max	
R-3		
R-3H		
R-4		
R-4H		
R-S		

Additionally, AB 893 enacts specific affordability requirements for projects based on the occupancy type (rental vs. ownership). Each type has multiple compliance pathways based on affordability levels relative to the number of base units the project proposes:

Rental-Occupied Housing*			
	Extremely Low-Income	Very Low-Income	Low Income
Percentage of Base Units	5%	8%	15%

**55-year affordability commitment*

Owner-Occupied Housing*		
	Low Income	Moderate Income
Percentage of Base Units	30%	15%

**45-year affordability commitment*

AB 893 uniquely includes students, faculty and staff as eligible for affordable housing for Extremely Low, Very Low, and Low-Income units, as well as students experiencing homelessness specifically for Extremely Low-Income rental units.

These units must be provided on-site and cannot use an in-lieu fee. If the City's local inclusionary housing requirements are greater than the above minimums, then the local requirements shall apply to the project. Similar to how the City's inclusionary ordinance intersects with State Density Bonus law, an applicant could use affordable units required per AB 893 to satisfy the local requirements, and if more units are required locally, they could use an in-lieu fee to satisfy the rest.

Exemptions to AB 893

The process to exempt parcels from AB 893 is the same as exempting parcels from AB 2011. To do this, the City would need to adopt an ordinance to exempt specific parcels. To exempt a parcel, the jurisdiction must identify a replacement parcel(s) that is/are otherwise not subject to AB 2011 or can be developed beyond the development standards included in AB 2011, and find that the substitution of the replacement parcels would result in no net loss of total residential capacity, no net loss of total affordable housing capacity, and that the substitution affirmatively furthers fair housing.⁴

Areas Where AB 893 and SB 79 Intersect

As shown in the maps, there are areas subject to both AB 893 and SB 79. Projects on parcels with overlapping zones could utilize SB 79 development standards while utilizing a streamlined ministerial review process, such as SB 35 or AB 2011. Due to the specific requirements concerning affordability for low-income college students, faculty or staff members, Land Use Division staff anticipate the City will see a larger number of projects utilizing SB 79 than the additional eligible pathway pursuant to AB 893.

Policy Questions

- Should the City adopt an ordinance exempting specific parcels from SB 79 standards?
- Should the City explore the development of a Local TOD Alternative Plan per SB 79?
- Should the City adopt an ordinance exempting specific parcels from AB 893 standards/ministerial processing?

Environmental Review

There are no identifiable environmental effects or opportunities associated with this informational report.

⁴ See Dept of Housing and Community Development, *Assembly Bill 2011 Parcel Exemptions—Letter of Technical Assistance* to City of Santa Ana, December 10, 2024.
<https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/santa-ana-hau-244-121024.pdf>

Next Steps

If the Planning Commission were to recommend the preparation of either an ordinance exempting parcels or the development of a Local TOD Alternative Plan, staff would return to the Planning Commission to hold a public hearing and request a recommendation to City Council.

Staff Contacts

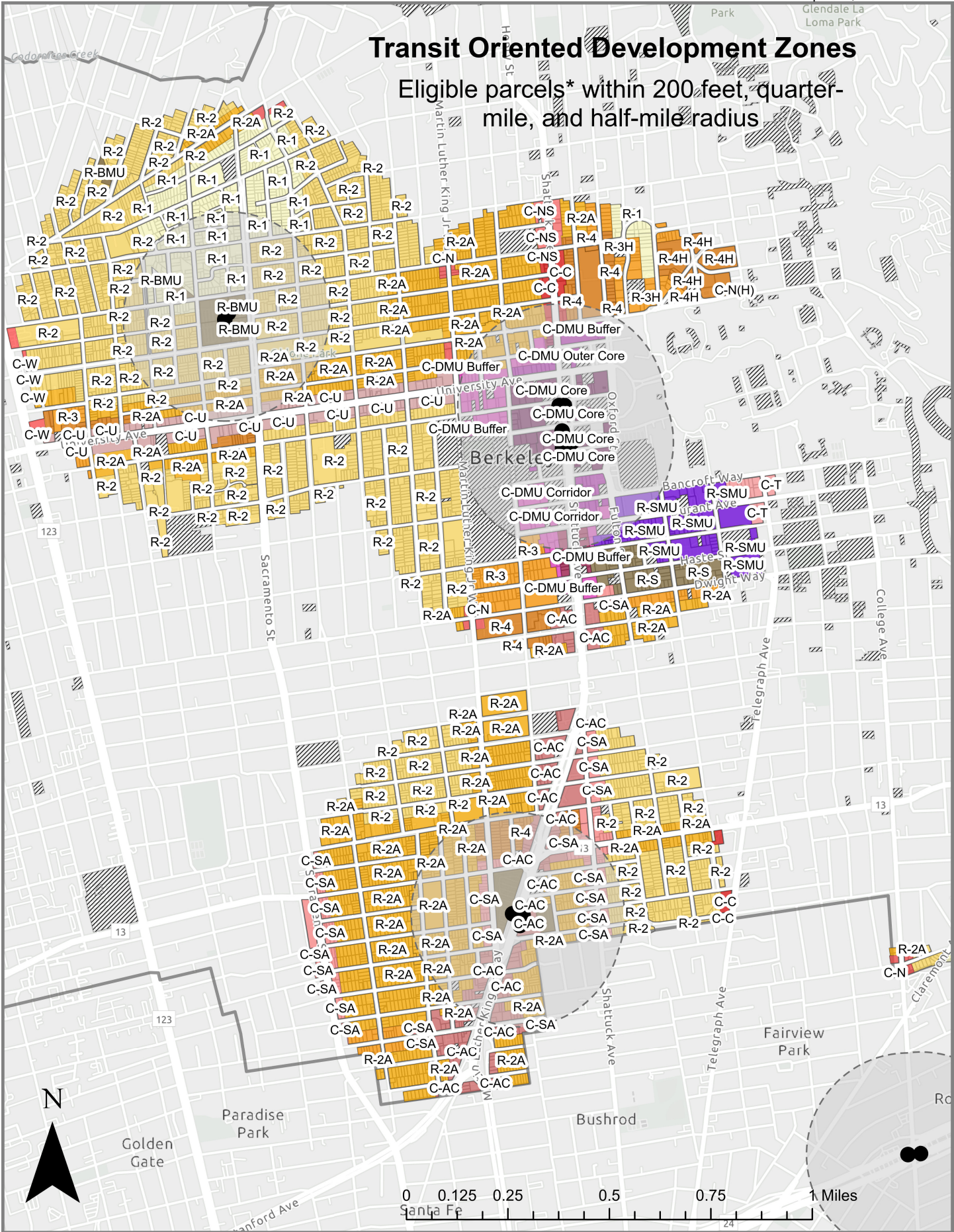
Joshua Muller, Planning and Development Department, 510-981-7488
Branka Tatarevic, Planning and Development Department, 510-981-7472

Attachments

1. SB 79 TOD Zone maps
 - a. City Overview Map
 - b. Adjacent Parcels Maps
 - c. Ashby BART Station Maps
 - d. Downtown Berkeley BART Station Maps
 - e. North Berkeley BART Station Maps
 - f. Rockridge BART Station Map
2. AB 893 Campus Development Zone Map.

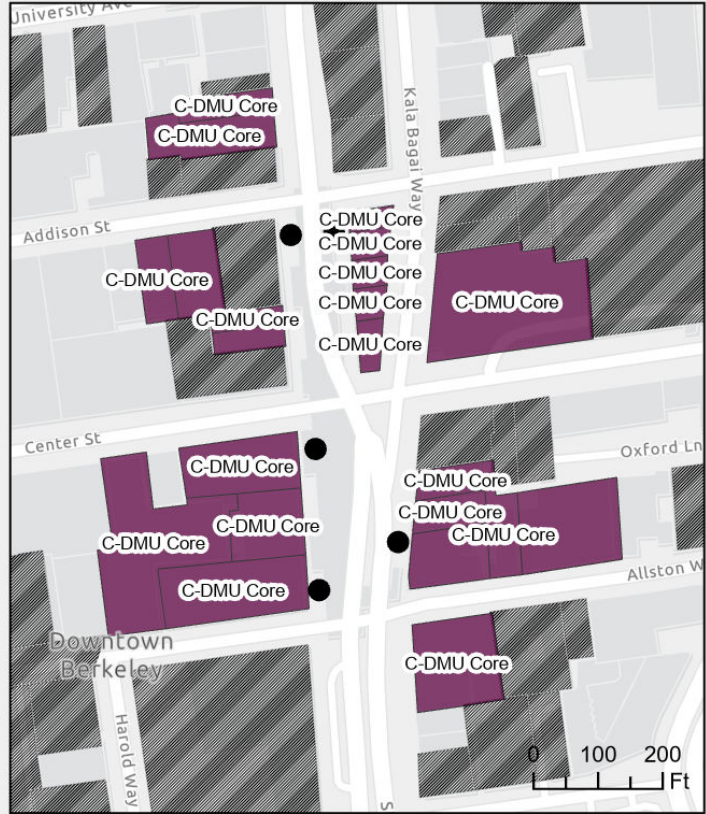
Transit Oriented Development Zones



Eligible parcels* within 200-foot, quarter-mile, and half-mile radius



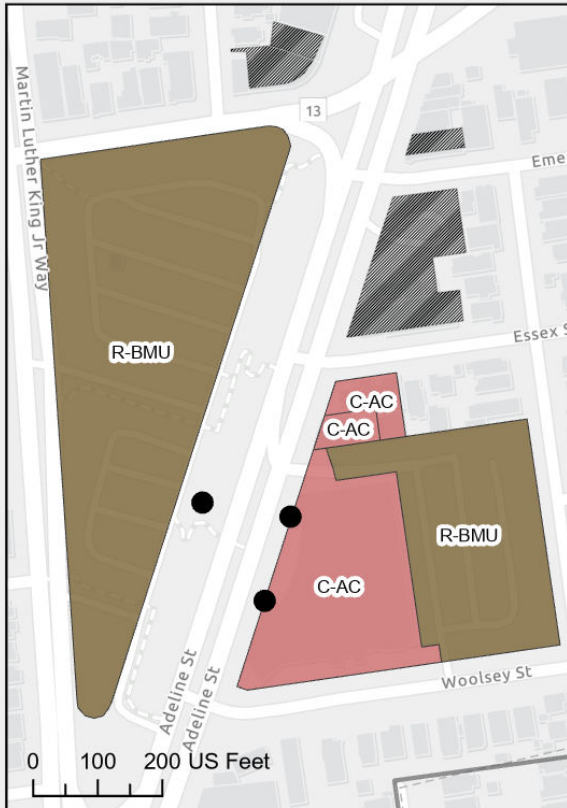
Eligible Parcels Adjacent to BART Stations

Downtown BART Transit Oriented Development

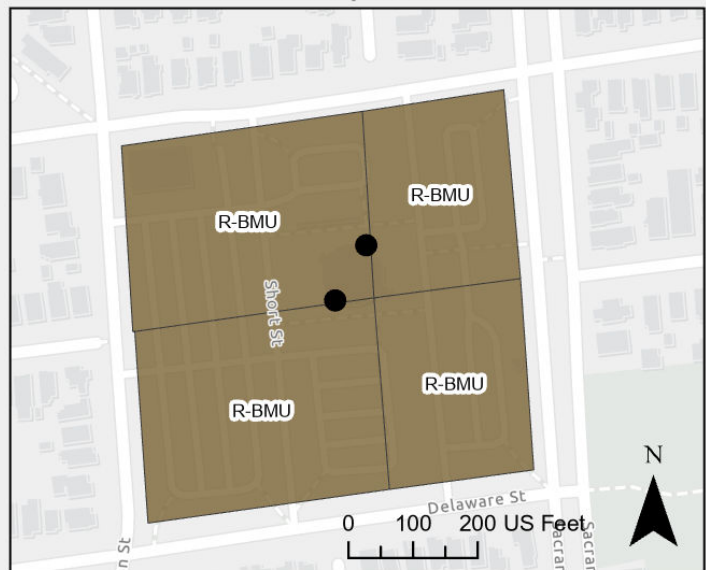


-  Historic Resources
-  Bart Entrances

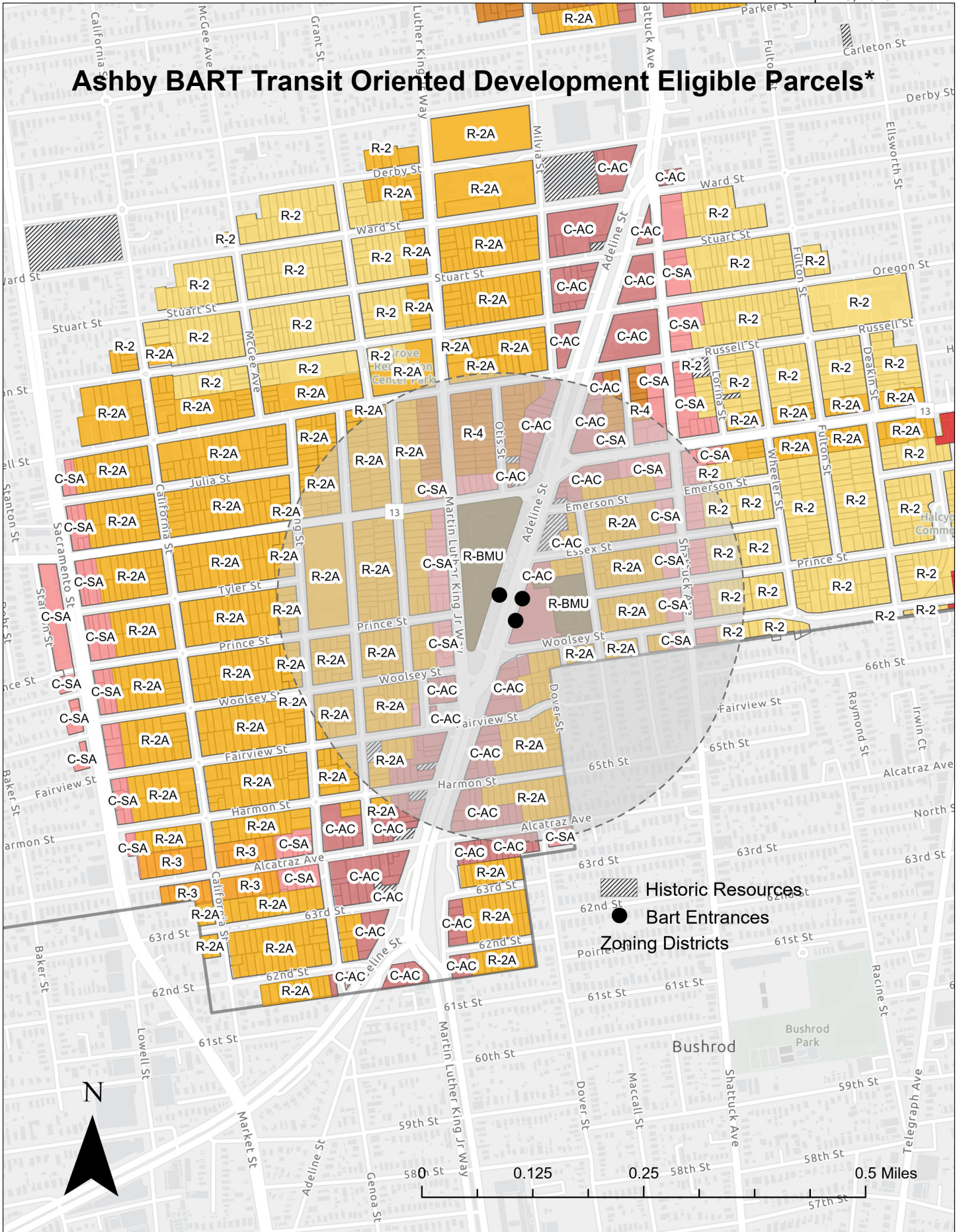
Ashby BART Transit Oriented Development



North Berkeley BART Transit Oriented Development

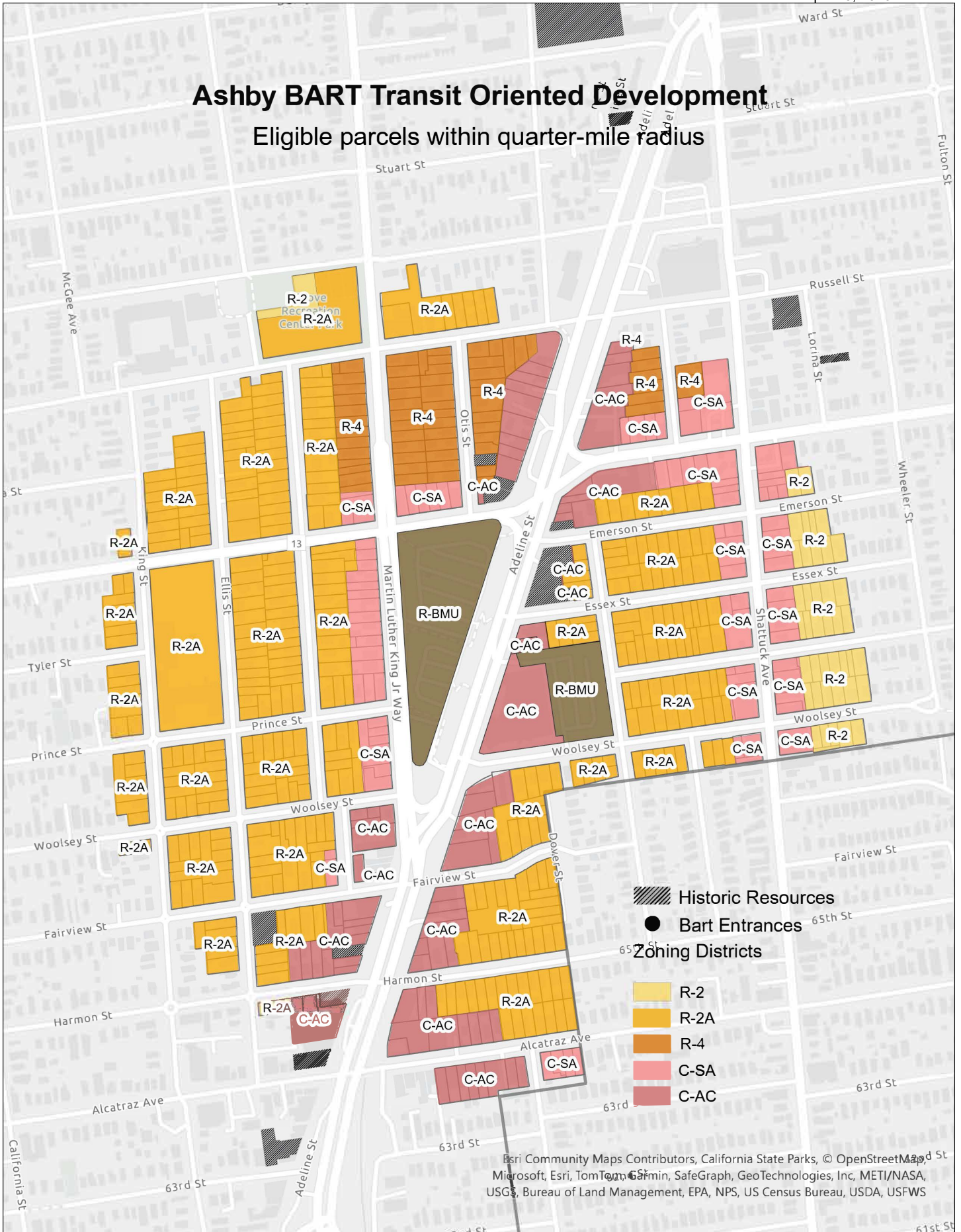


Ashby BART Transit Oriented Development Eligible Parcels*



Ashby BART Transit Oriented Development

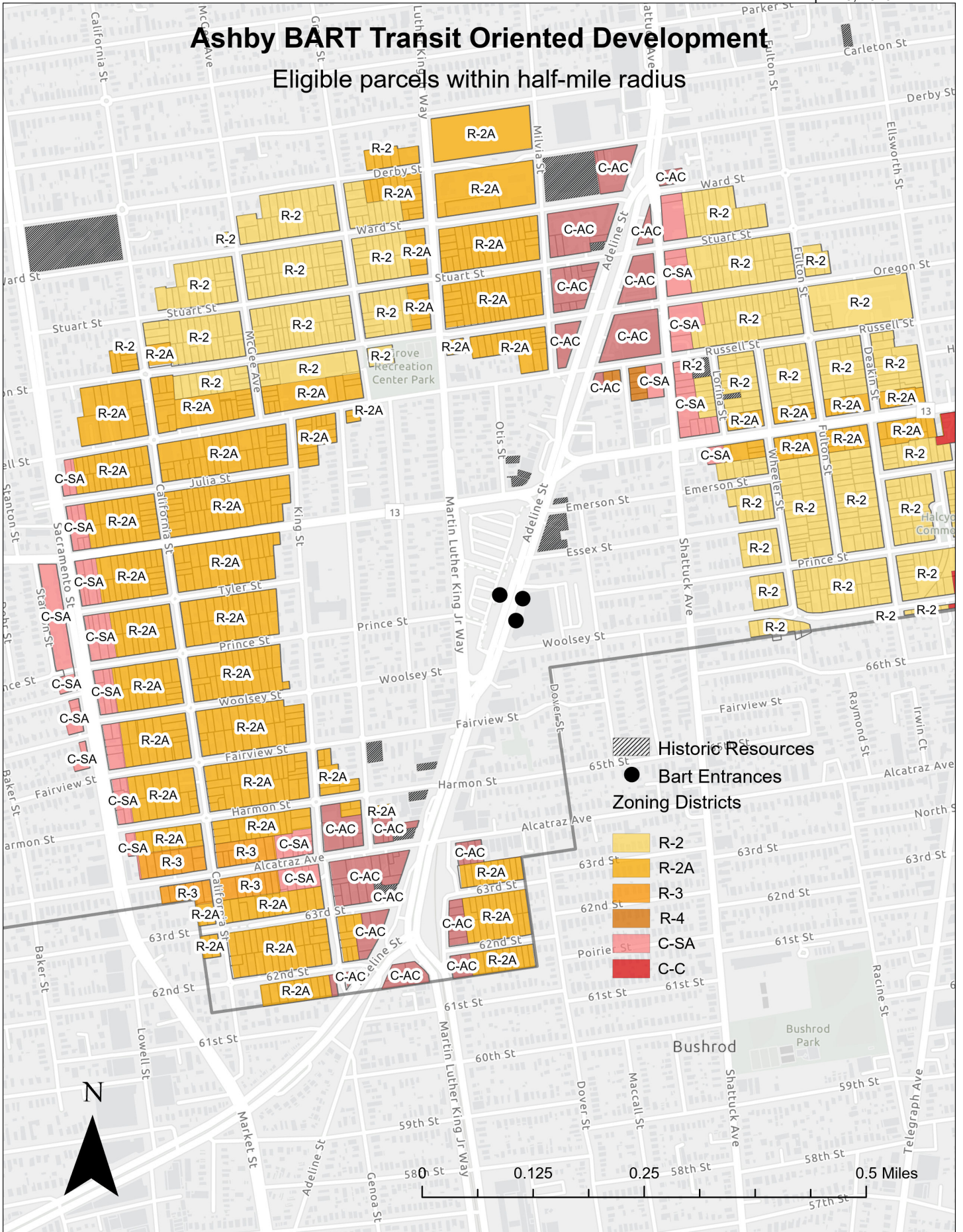
Eligible parcels within quarter-mile radius



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









Ashby BART Transit Oriented Development

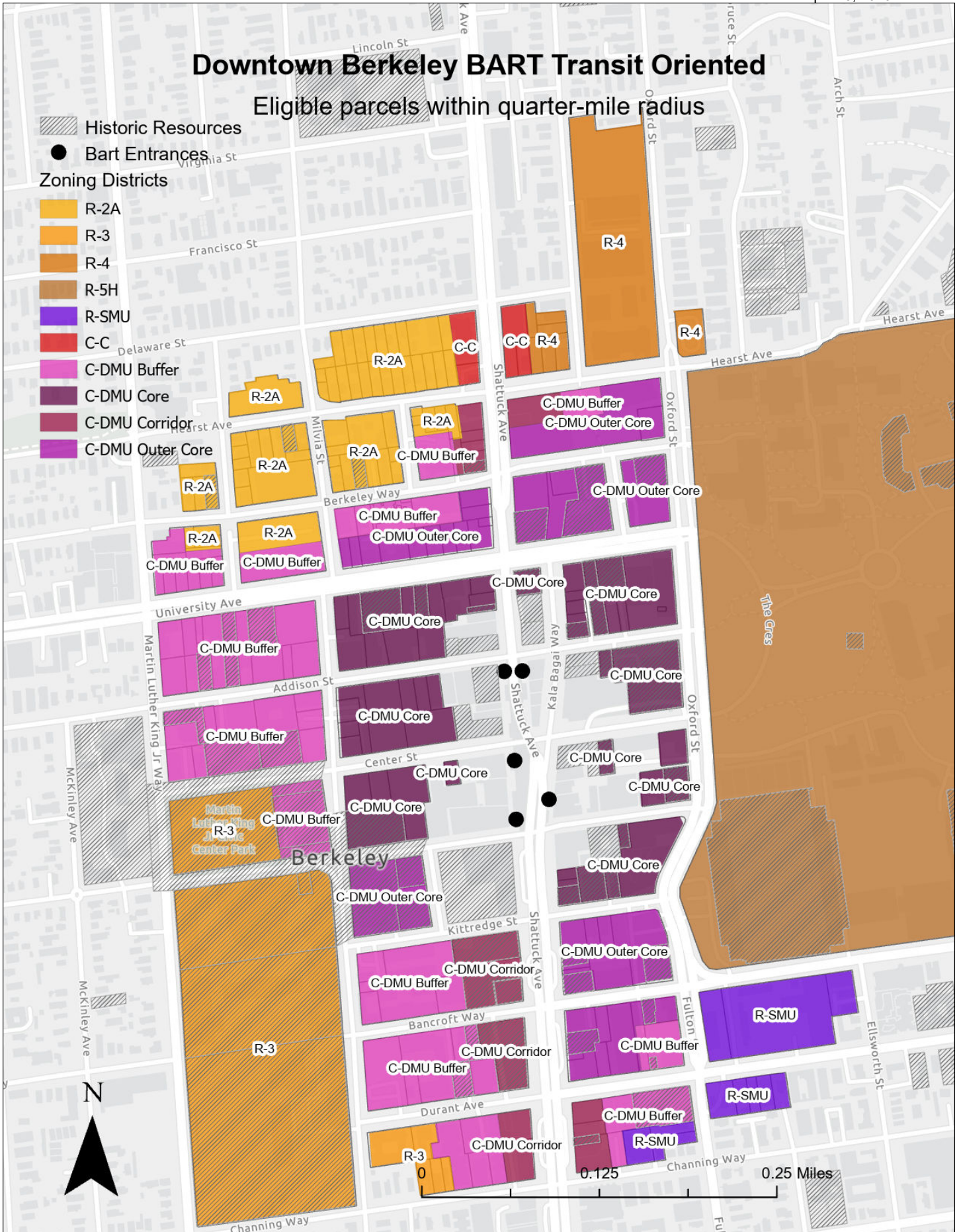
Eligible parcels within half-mile radius



Downtown Berkeley BART Transit Oriented

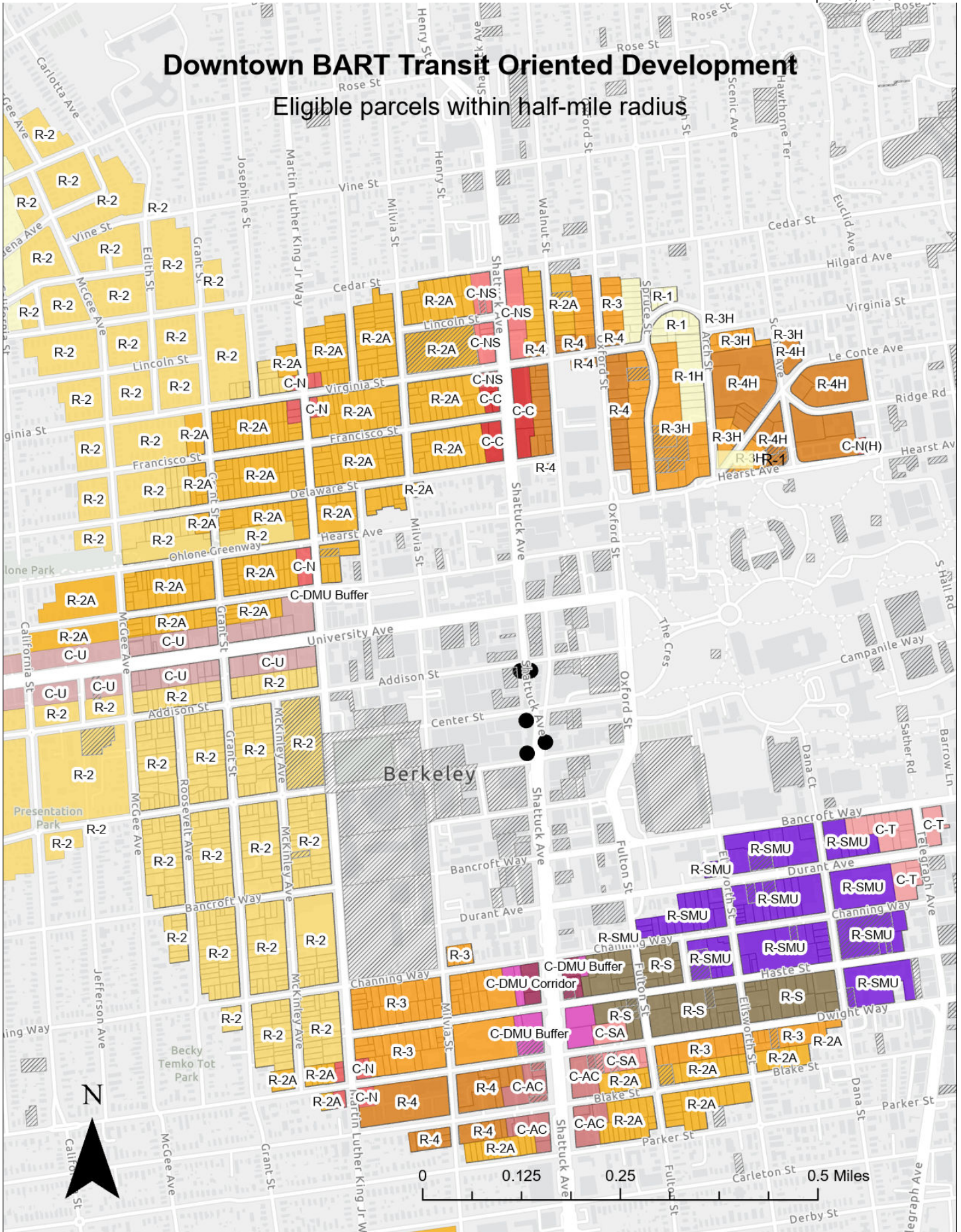
Eligible parcels within quarter-mile radius

-  Historic Resources
-  Bart Entrances
- Zoning Districts**
-  R-2A
-  R-3
-  R-4
-  R-5H
-  R-SMU
-  C-C
-  C-DMU Buffer
-  C-DMU Core
-  C-DMU Corridor
-  C-DMU Outer Core

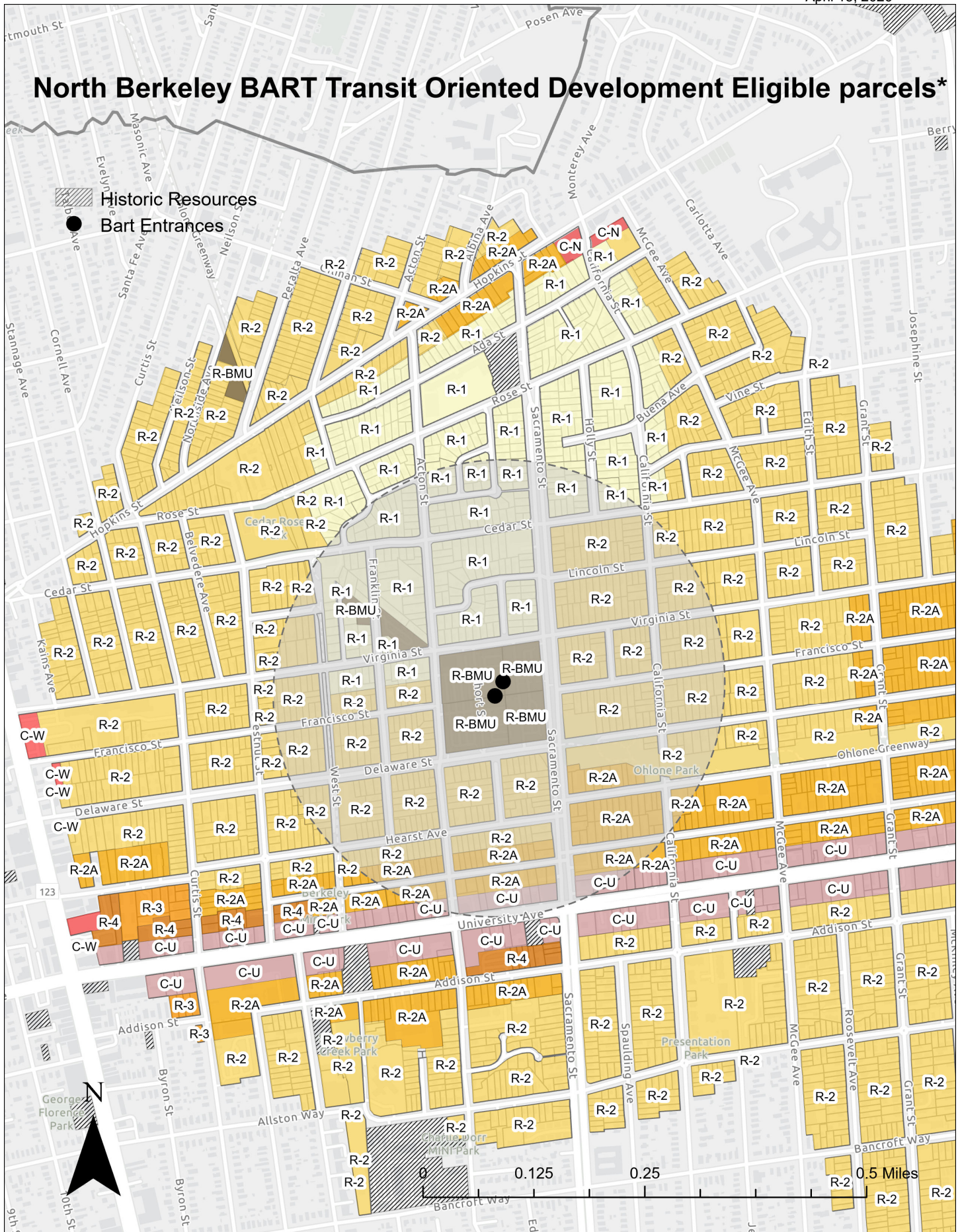


Downtown BART Transit Oriented Development

Eligible parcels within half-mile radius





North Berkeley BART Transit Oriented Development Eligible parcels*



North Berkeley BART Transit Oriented Development

Eligible parcels within quarter-mile radius

 Historic Resources

 Bart Entrances

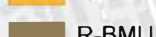
Zoning Districts

 R-1

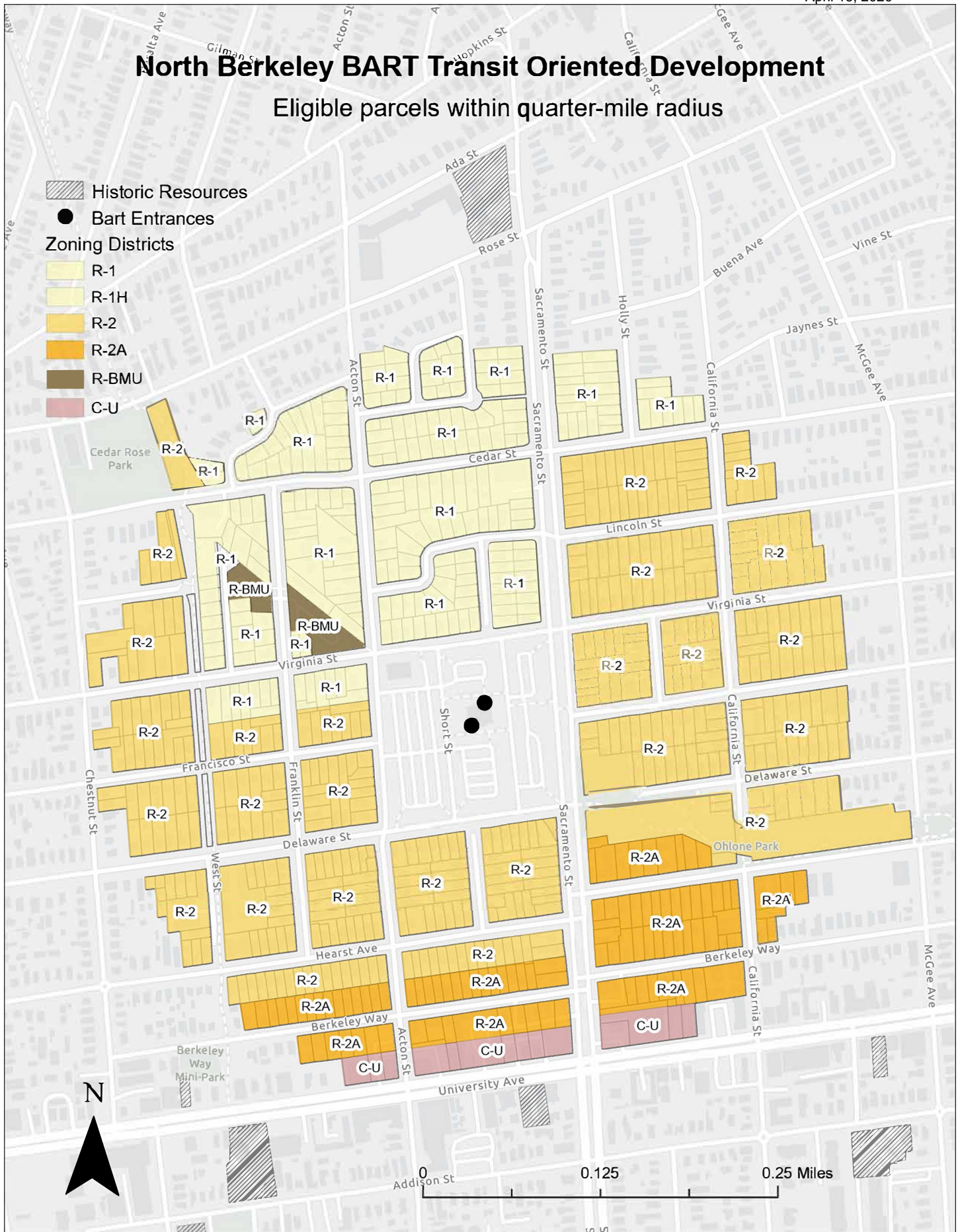
 R-1H

 R-2

 R-2A

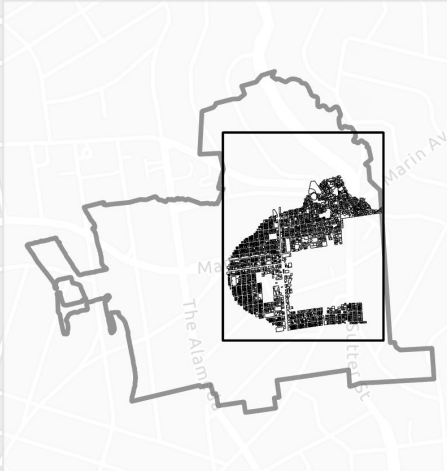
 R-BMU

 C-U



Campus Development Zone

Eligible parcels* within half-mile radius



*Vacant lots in the R-1H district are ineligible, as are any other lots containing one to four dwelling units.

