

11. Senate Bill (SB) 79 Transit-oriented Development. - OPPOSE  
Recommended Action: Authorize the Mayor to send a letter of opposition to Senate Bill 79 (Weiner) which would streamline approvals of high-density development in transit-oriented locations.  
Staff Contact: Interim City Manager Rojas, 456-2489, ext. 300



# Council Agenda Report

To: Mayor Riggins and the Honorable Members of the City Council

Prepared by: Richard Rojas, Interim Deputy City Manager

Approved by: Joseph D. Toney, Acting City Manager

Date prepared: May 13, 2025 Meeting date: May 27, 2025

Subject: Senate Bill (SB) 79 Transit-oriented Development. - OPPOSE

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**RECOMMENDED ACTION:** Authorize the Mayor to send a letter of opposition to Senate Bill 79 (Weiner) which would streamline approvals of high-density development in transit-oriented locations.

**FISCAL IMPACT:** There is no fiscal impact associated with the recommended action.

**STRATEGIC PRIORITY:** This item is part of the day-to-day operations identified in the Adopted FY 2024-25 Strategic Priority Project List.

**DISCUSSION:** The City of Malibu opposes Assembly Bill (AB) 470, which would require cities to ministerially approve higher-density residential projects near public transit stops (including Ferry and Train), regardless of zoning codes. SB 79 limits the use of local development standards and allows transit agencies full land-use authority over residential and commercial development on property they own or lease, without any requirement that developers build housing, let alone affordable housing.

SB 79 overrides the state's own mandated local housing elements by forcing cities 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. SB 79 provides transit agencies:

- Unlimited land use authority on property they own or have a permanent easement, regardless of the distance from a transit stop.
- Power to determine all aspects of residential and commercial development including height, density, and design, without any regard to local zoning or planning.
- Ability to develop 100% commercial projects, even at transit stops, and not provide a single new home.

ATTACHMENTS:

1. Draft Letter of Opposition
2. SB 79 Bill Summary

May XX, 2025

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

RE: City of Malibu Opposition for SB 79 (Wiener) Transit-oriented Development

Dear Senator Wiener,

The City of Malibu writes to express our opposition to your SB 79 (Wiener), which would disregard state-certified housing elements and bestow land use authority to transit agencies without any requirement that developers build housing, let alone affordable housing.

SB 79 doubles down on the recent trend of the state overriding its own mandated local housing elements. This latest overreaching effort forces cities 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.

SB 79 significantly extends housing streamlining in a manner that is harmful to the public — both current residents and future residents — by forcing cities 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.

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, regardless of the distance from a transit stop. Transit agencies would have the power to determine all aspects of the development including height, density, and design, without any regard to local zoning or planning.

Additionally, the bill requires no analysis and mitigation for significant construction and operational air quality, noise, public health, utility, public services and other adverse impacts to local communities. Projects approved pursuant to SB 79 would not be subject to local standards addressing air pollution, energy efficiency and public health, which are often unaddressed by other laws.

This broad new authority applies to both residential and commercial development. Transit agencies could develop 100% commercial projects — even at transit stops — and not provide a single new home, while simultaneously making the argument that more housing must be constructed around transit stops.

City of Malibu appreciates and respects your desire to pursue a housing production proposal. However, as currently drafted, SB 79 will not spur much-needed housing construction in a manner that supports local flexibility, decision-making, and community input. State-driven

ministerial or by-right housing approval processes fail to recognize the extensive public engagement associated with developing and adopting zoning ordinances and housing elements.

California will never produce the number of homes needed with an increasingly state-driven 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 Malibu respectfully opposes SB 79.

Sincerely,

**Marianne Riggins, Mayor**  
City of Malibu

cc.     Bruce Silverstien, Mayor Pro Tem  
         Haylynn Conrad, Councilmember  
         Doug Stewart, Councilmember  
         Steve Uhring, Councilmember  
         Ben Allen, Senator, 24th District  
         Jacqui Irwin, Assemblymember, 42nd District  
         League of California Cities

## **SB 79 (Wiener) - Local Government Land: Public Transit Use: Housing Development: Transit-Oriented Development**

Senate Bill 79 includes three major components:

1. Makes transit-oriented development an allowable use on any site zoned residential, mixed, commercial, or light industrial development;
2. Makes changes to the SLA; and
3. Exempts certain projects on land owned by a public transit agency from the California Environmental Quality Act (CEQA).

**Transit oriented development.** SB 79 makes housing development projects (projects) near transit-oriented development stops (TODS) an allowable use on any site zoned residential, mixed, commercial, or light industrial development. Under the measure, a TOD is a major transit stop, excluding any stop served by rail transit with a frequency of fewer than 10 total trains per weekday. Under the measure, there are three tiers of TODS:

- Tier 1: TODS served by heavy rail transit or very high frequency commuter rail;
- Tier 2: TODS, excluding Tier 1, served by light rail transit, high-frequency commuter rail, or by bus rapid transit service; and
- Tier 3: TODS, excluding Tier 1 and Tier 2, served by frequent commuter rail service or by ferry service.

The standards for a project depend on the tier, the distance from TODS, and whether the project is adjacent to TODS, as described in the table below. Development proponents may seek a further increased density in accordance with applicable density bonus law. However, if a project proposes a height in excess of the local height limit, the local government does not have to grant additional height under density bonus law, unless the project is 100% affordable housing.

SB 79 allows a transit agency to adopt objective standards for both residential and commercial developments proposed on land owned the transit agency owns, or on which it has a permanent operating easement, if the objective standards allow for the same or

**SLA changes.** SB 79 expands the definition of “agency’s use,” to include any land leased to support public transit operations, which means these provisions do not go through the SLA process. Also, SB 79 provides that in the case of a public transit operator, “agency use” can include commercial or industrial uses or activities, including nongovernmental retail, entertainment, or office development or be for the sole purpose of investment or generation of revenue if the agency’s governing body takes action in a public meeting declaring that the use of the site will do one of the following:

1. Directly further the express purpose of agency work or operations; or
2. Be expressly authorized by a statute governing the local agency, as specified.

This means transit agencies could decide to lease their land for more market-rate housing, or other commercial or industrial uses, without first offering the parcel to affordable housing developers.

**CEQA exemption.** This bill also provides that CEQA does not apply to any public or private residential, commercial, or mixed-used project that, at the time the development proponent files the project application, is located entirely or principally on land a public transit agency owns, if it

Attachment 2

includes specified transit infrastructure or an agreement to finance transit infrastructure, maintenance, or operations.

### **Concerns**

Several organizations writing in opposition to SB 79 express concerns over creating a new by-right, ministerial approval process without requiring standards for affordable housing, construction workforce protections, and environmental standards that have been included in other by-right, ministerial legislation. According to the State Building and Construction Trades Council, the bill presents no analysis and mitigation for significant construction and operational air quality, noise, public health, utility, public services and other adverse impacts on the community. Further, projects approved pursuant to SB 79 would not be subject to local standards addressing air pollution, energy efficiency and public health, which are often unaddressed by other laws.

According to the League of California Cities and other local governments, this bill “defies cities’ general plans and provides transit agencies unlimited land use authority on property they own or have a permanent easement, regardless of the distance from a transit stop. This broad new authority applies to both residential and commercial development. Transit agencies could develop 100% commercial projects — even at transit stops — and not provide a single new home, while simultaneously making the argument that more housing must be constructed around transit stops.”

A coalition of organizations serving lower-income communities are opposed because this bill “overrides zoning near transit without ensuring affordability, disregards the clear connection between income and transit use, places public health and safety at risk, and silences the voices of low-income communities of color—communities that have long carried the burden of top-down zoning decisions.” They assert that this bill undermine climate, transportation, and housing goals, neuter low-income housing production laws, and disenfranchise communities of color and low-income communities.”