



SPECIAL TOWN COUNCIL MEETING STAFF REPORT

MEETING DATE	April 18, 2025
PREPARED FOR	Mayor and Town Council
PREPARED BY	Christine Foster, Assistant to the Town Manager
SUBJECT	Consideration of a Letter Opposing SB 79 (Wiener) Transit Oriented Development

RECOMMENDATION

Authorize the Mayor to send letter of opposition to SB 79 (WIENER) Transit-Oriented Development to the appropriate legislators.

BACKGROUND

On January 15, 2025, SB 79 was introduced to the California State Senate. If adopted, SB 79 would override state-certified local housing elements and transfer land-use authority to transit agencies without ensuring housing development, including affordable housing. SB 79 mandates ministerial approval of high-density residential projects up to seven stories near public transit stops, including ferry and train stations, regardless of local zoning codes. The bill significantly limits the role of local development standards and allows transit agencies to make independent land-use decisions on property they own or lease, without consideration for local planning, community needs, or environmental impacts.

DISCUSSION

SB 79 continues the trend of overriding local land-use authority, requiring cities to approve high-density housing near transit stops without regard for infrastructure capacity, environmental concerns, or public input. This broad, state-driven approach disregards the extensive local planning efforts that shape responsible growth.

The bill grants transit agencies full authority to develop land they own or lease, even beyond transit adjacent areas. These agencies would have the power to determine building height, density, and design without input from local governments or communities.

FISCAL IMPACT

No immediate fiscal impact.

ATTACHMENTS

Draft Letter



TOWN OF FAIRFAX

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April 19, 2025

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

**RE: SB 79 (Wiener) Transit-oriented Development
Notice of Opposition**

Dear Senator Wiener,

The Town of Fairfax writes to express our strong 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.

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.

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.

Town of Fairfax 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, 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 Town of Fairfax strongly opposes SB 79.

Sincerely,

Lisel Blash
Mayor
Town of Fairfax

cc. Senator Mike McGuire
Assembly Member Damon Connolly
Senate Transportation and Housing Committee, FAX: (916) 445-2209
Senate Governance and Finance Committee, FAX: (916) 322-0298
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