



CITY OF DEL MAR

September 18, 2025

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

**RE: SB 79 (Wiener) Housing development: transit-oriented development.
Request for Veto**

Dear Governor Newsom,

The City of Del Mar writes to request your **veto** of SB 79 (Wiener), which would disregard state-certified housing elements and bestow land use authority to transit agencies and other private property owners 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 in urban transit counties defined as “a county with more than 15 rail stations” 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 to transit agencies land use authority on property they own or have a permanent easement on or before January 1, 2026, within a half mile of a transit stop. Transit agencies would have the power to determine all aspects of the development including height, density, and design, without any regard for 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.

The City of Del Mar appreciates the author’s desire to include an alternative transit-oriented development plan; however, as currently drafted, local governments have the option to do this through an additional analysis in their housing element or through the adoption of an ordinance with approval from the Department of Housing and Community Development (HCD). SB 79 would add additional requirements for state review,

increasing workloads, and making it more likely that local governments will not get their housing elements or ordinances approved promptly.

Finally, the measure provides highly restricted local flexibility. It has no exemptions for cities that have already adopted plans to promote taller, denser residential development near transit in consultation with the community if those plans fall short of the bill's rigid minimum requirements. The alternative plan would still be required to meet or exceed the required development near transit as determined by HCD across all transit-oriented development zones within the jurisdiction without accounting for infrastructure constraints, environmental hazards, or community design goals unique to each jurisdiction. For example, a community may want to distribute density around the jurisdiction based on infrastructure capacity. However, they must still meet the minimum requirements of the bill, regardless of whether the resulting distribution would make sense for the community or the design of the jurisdiction. In short, the flexibility is about how to meet the state's requirements, not whether those requirements make sense for the community.

The City of Del Mar appreciates and respects the desire to pursue a housing production proposal, but SB 79, as currently drafted, 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. For these reasons, the City of Del Mar respectfully requests your **veto** on SB 79 (Wiener).

Sincerely,



Terry Gaasterland
Mayor

cc. Senator Catherine Blakespear
Assemblymember Tasha Boerner
Catherine Hill, Regional Public Affairs Manager (Chill@calcities.org)
League of California Cities (cityletters@calcities.org)
Del Mar City Council
Ashley Jones, City Manager, City of Del Mar