



## City of Encinitas City Council's Office

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April 16, 2025

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

*Bruce Ehlers*  
Mayor

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

Dear Senator Wiener,

*Joy Lyndes*  
Deputy Mayor

The City of Encinitas 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.

*Jim O'Hara*  
Council Member

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.

*Maro San Antonio*  
Council Member

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.

*Luke Shaffer*  
Council Member

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.

*Jennifer Campbell*  
City Manager

Encinitas would be directly affected by this bill because it undermines our state-certified Housing Element and local discretionary approval process, which includes extensive public engagement and objective design standards to reflect community character and needs including infrastructure capacity. Multiple neighborhoods near North County Transit District (NCTD) COASTER and SPRINTER lines could be impacted without any opportunity for public input or City review. This loss of local control also poses public safety and infrastructure concerns, particularly as Encinitas has only one ladder truck to serve the entire city and nearby jurisdictions. Without requirements for affordable housing or CEQA review, this bill would allow for commercial development without housing

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production, while leaving local agencies to manage increased demand on roads, utilities, and emergency services.

The City of Encinitas appreciates and respects your desire to pursue a housing production proposal. However, as currently drafted, there is no guarantee that SB 79 will produce the much-needed affordable housing 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 City of Encinitas strongly opposes SB 79.

Sincerely,



Bruce Ehlers  
Mayor  
City of Encinitas

cc: Senator Catherine Blakespear  
Assemblymember Tasha Boerner  
Catherine Hill, League of California Cities Regional Public Affairs Manager, [chill@calcities.org](mailto:chill@calcities.org)  
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