



CITY OF NEWPORT BEACH

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July 10, 2025

Mayor

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

RE: SB 79 (Wiener) Planning and zoning: housing development: transit-oriented development

Notice of Opposition- City of Newport Beach

Dear Senator Wiener,

On behalf of the City of Newport Beach, I write to respectfully express our opposition to SB 79 (Wiener), which proposes significant changes to local land use authority by establishing statewide development standards for transit-adjacent housing projects.

SB 79 overrides local general plans by granting transit agencies broad land use authority over properties they own or control through a permanent easement, as of January 1, 2026, if located within a half mile of a transit stop. These agencies would be permitted to establish objective development standards, including height, density and design, without being subject to local zoning, general plans, or traditional public planning processes. This represents a significant shift in land use authority away from cities and counties, raising concerns about transparency, public accountability and long-term alignment with community-led planning efforts.

While the recent amendments reintroduce a pathway for local jurisdictions to adopt a transit-oriented development (TOD) alternative plan, the process remains highly prescriptive and subject to state oversight. To qualify, a local plan must match the full zoning capacity of SB 79 across all TOD zones and is subject to review by the Department of Housing and Community Development (HCD), with the possibility of referral to the Attorney General for noncompliance. For local governments, especially those with constrained staffing or technical resources, this framework offers little practical flexibility and may deter jurisdictions from pursuing locally tailored solutions. The combination of rigid capacity benchmarks, state enforcement authority, and administrative burden continues to undermine local land use control.

SB 79 also allows residential developments located within one-quarter to one-half mile of major transit stops to access streamlined entitlements, overriding existing local zoning standards. Notably, for projects within one-quarter mile of Tier 1 transit stations, the bill prohibits jurisdictions from imposing height limits below 75 feet, density limits below 120 dwelling units per acre, or development standards that would obstruct a residential floor area ratio (FAR) of 3.5. We are concerned that these

imposed standards disregard local planning efforts and remove our ability to set development parameters that reflect community needs, infrastructure capacity, and long-term planning goals.

While we recognize the state's interest in increasing housing near transit, we remain concerned that this measure advances significant development entitlements without requiring any corresponding affordability. Although SB 79 allows projects that meet the minimum affordability requirements under Section 65915 to qualify for up to three additional concessions, these incentives are optional and do not apply to the bill's core entitlements, such as increased height, density, and floor area ratio. As a result, high-density, market-rate housing could be built by-right in areas adjacent to transit, without delivering the affordable units our communities urgently need.

The City of Newport Beach remains committed to meeting its housing obligations and supporting a diverse range of housing options across income levels. However, we are concerned that SB 79 may lead to the overconcentration of market-rate development along transit corridors without safeguards to ensure equitable outcomes. In the absence of meaningful affordability requirements, jurisdictions may be forced to revise their Housing Elements through time-consuming, site-by-site rezonings to address gaps in lower-income housing production—diverting limited local resources and further straining planning capacity.

For these reasons, the City of Newport Beach respectfully opposes SB 79 (Wiener).

Sincerely,



Joe Stapleton
Mayor

Cc: Newport Beach City Council
Assemblymember Diane Dixon
Senator Tony Strickland