

May 30, 2025

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

**RE: SB 79 (Wiener) Local government land: public transit use: housing development:  
transit-oriented development  
City of Palo Alto – Notice of Opposition**

Dear Senator Wiener:

On behalf of the City of Palo Alto, I write to respectfully oppose Senate Bill 79 even with the discussed amendments on May 13, 2025. While the City shares the State's commitment to increasing housing supply—especially near high-quality transit—the current language of SB 79 would override core land use and housing planning tools that our community has adopted in good faith and in alignment with state law.

Palo Alto has taken numerous steps to promote housing production. In addition to adopting a state-certified Housing Element, we have proactively rezoned to significantly increase height and density and reduce required parking, and made significant local investment in both affordable and supportive housing. SB 79, however, imposes a rigid, one-size-fits-all framework that disregards these actions already adopted by our City Council. By mandating statewide development standards based solely on proximity to transit, the bill would override carefully developed zoning, general plans, and environmental considerations—ignoring local context, infrastructure capacity, and community-driven planning.

The bill's tiered TOD system introduces prescriptive height, density, and FAR requirements on parcels near designated transit stops, with upzoning ranging from 45 to 75 feet in height and densities of up to 120 units per acre. While intended to promote infill housing, the bill does not require deeper affordability than what is already required under existing law (e.g., density bonus or local inclusionary ordinances). In fact, projects not seeking ministerial streamlining under SB 35 or SB 423 could use SB 79 to pursue substantial entitlements with only minimal or no affordability obligations—particularly in high-opportunity areas like Palo Alto where land values incentivize market-rate development.

Additionally, SB 79 grants new land use authority to transit agencies, allowing them to adopt objective standards for housing and commercial projects on agency-owned land or easements—potentially in conflict with local zoning and general plans. While some oversight mechanisms are proposed, this shift in authority raises concerns about coordination, transparency, and the public accountability of land use decisions that significantly affect local communities.

Of further concern is the treatment of cities that have enacted or are working toward comprehensive TOD strategies. Although the May amendments allow jurisdictions to propose a “local TOD alternative plan” to satisfy the bill's requirements, the standard to qualify is administratively burdensome and requires demonstrating at least equivalent “feasible zoned capacity” across all transit zones. Cities already working in good faith to plan for growth risk being penalized or forced to comply with redundant processes that could delay or discourage housing delivery.

# City of Palo Alto

*Office of the Mayor and City Council*

Lastly, the CEQA exemption included in SB 79 applies to a broad range of transit-adjacent developments on agency-owned land, weakening existing environmental review processes without clear public benefit or affordability guarantees. For cities like Palo Alto that regularly coordinate with regional transit providers and prioritize equitable development, this exemption may undermine collaborative planning efforts.

For these reasons, the City of Palo Alto opposes SB 79. We urge the Legislature to pursue targeted solutions that support both housing production and local implementation success, rather than override planning frameworks that are already delivering results.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Lauing', is positioned to the left of a vertical line.

Ed Lauing  
Mayor  
City of Palo Alto

cc: Senator Josh Becker  
Assemblymember Marc Berman