

San Diego Association of Governments (SANDAG)
Attn: Board of Directors and Regional Planning Staff
401 B Street, Suite 800
San Diego, CA 92101

Subject: Support for City of San Diego SB 79 Tier 2 Transit-Oriented Development Stops

Dear Chair, Board Members, and Regional Planning Staff:

The Peninsula Community Planning Board (PCPB) is writing to express support for the City of San Diego Planning Department's recommendations regarding implementation of Senate Bill 79 (SB 79), as presented to the San Diego City Council on May 7, 2026, and the recommendation of limiting Tier 2 Transit-Oriented Development (TOD) stops to only trolley stops and the four identified bus stops that have segregated lanes and service intervals of less than 15 minutes during peak commuting hours (2 on Park Avenue and two on Interstate 15).

PCPB supports the City's phased approach and the Planning Department's recommendation limiting the Tier 2 Transit-Oriented Development (TOD) bus stops to segregated bus lanes that exclude bicycle transit, and exempting areas that do not meet the requirements for transit-oriented development. PCPB urges SANDAG to adopt maps and implement policies consistent with the City's analysis and to reject proposals that would designate an additional 48 bus stops as Tier 2 TOD stops that have shared bus-and-bicycle lanes.

The City's determination is a legally defensible interpretation of SB 79. The Planning Department evaluated the statutory requirements and appropriately concluded that only a limited number of bus stops satisfies the state law criteria for Tier 2 TOD designation.

PCPB urges SANDAG to reject proposals that would designate approximately forty-eight additional bus stops as Tier 2 TOD stops. Expanding housing opportunities near transit is an important state and regional objective, TOD-stop determinations must be based on State statutory eligibility criteria rather than policy preferences. Expanding the list beyond facilities that qualify under SB 79 risks creating significant legal uncertainty for SANDAG, public agencies, property owners, residents, and developers.

PCPB supports the analysis presented by Neighbors for a Better San Diego (NFABSD) in its May 19, 2026 letter regarding the interpretation of qualifying bus stops under SB 79. NFABSD notes that the central issue is whether bus stops adjacent to shared bus-and-bicycle lanes on corridors such as El Cajon Boulevard and University Avenue satisfy the requirement for "full-time dedicated bus lanes or operation in a separate right-of-way dedicated for public transportation."

SB 79 expressly references Public Resources Code Section 21060.2(a)(1), which defines qualifying bus rapid transit service as including:

"Full-time dedicated bus lanes or operation in a separate right-of-way dedicated for public transportation with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods."

This indicates that qualifying facilities must be dedicated to public transportation operations. Shared bus-and-bicycle lanes are materially different from fully dedicated transit lanes or transit-exclusive rights-of-way. The Legislature intentionally established a higher threshold for Tier 2 eligibility than simply providing frequent bus service along urban corridors.

As NFABSD's analysis further explains, attempts to rely on provisions of the California Vehicle Code regarding transit-only lanes do not establish that shared bus-and-bicycle lanes qualify as dedicated transit facilities under SB 79. The Vehicle Code provisions primarily regulate motor vehicle operations and do not alter the specific statutory language incorporated into SB 79 through Public Resources Code Section 21060.2. An interpretation that extends Tier 2 and overly expands the designation to dozens of additional stops along corridors with shared-use lanes would undermine the Legislature's intent to focus development around the highest-performing transit infrastructure.

The City's recommendation appropriately balances housing goals with State's Legislature. By limiting Tier 2 designation to locations that clearly satisfy state law, SANDAG can ensure that implementation remains legally defensible, consistent with HCD guidance, and aligned with the transit-oriented development objectives that SB 79 was enacted to achieve.

Any modifications to the City's recommendation and/or extension of TOD stops beyond the City's recommendation is deserving of full public discussion, transparency, and SANDAG Board approval.

PCPB request that SANDAG:

1. Support the City of San Diego Planning Department's interpretation of SB 79 and its phased framework;
2. Recognize only those Tier 2 stops that clearly satisfy the statutory requirements for dedicated transit facilities and ensure that final TOD maps reflect the Legislature's intent to concentrate development around genuine high-capacity transit infrastructure rather than broadly expanding eligibility to corridors with shared-use facilities;
3. Decline to designate the additional 48 bus stops proposed by the YIMBY Democrats of San Diego County unless they and SANDAG demonstrably meet the requirements of Public Resources Code Section 21060.2 and Government Code Section 65912.160 and SANDAG makes the determination in a full Public Hearing.

Thank you for your consideration and for your efforts to implement SB 79 in a manner that is consistent with state law and defensible.

Sincerely,

Eric Law PCPB Chair