



# CITY OF MERCED

April 25, 2025

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

RE: **SB 79 (Wiener) Transit-oriented Development - Notice of Opposition – (As amended April 9, 2025)**

Dear Senator Wiener,

The City of Merced respectfully opposes SB 79, which would override state-certified housing elements and inappropriately transfer land use authority to transit agencies—entities not designed or equipped to conduct comprehensive local land use planning. This measure ignores local general plans and undermines the community-based processes that cities like Merced undertake to plan for growth in a responsible and inclusive manner.

SB 79 would mandate approval of transit-oriented development projects within a half mile of specified transit stops—allowing for densities of up to 120 units per acre and heights of up to seven stories—regardless of local zoning, environmental considerations, infrastructure capacity, or community input. Merced, which has invested substantial resources into updating its general plan and housing element to meet state mandates, would see these efforts undermined by top-down development approvals that do not reflect our city's planning priorities or infrastructure realities.

Particularly troubling is the provision that allows transit agencies to unilaterally authorize residential or commercial development on property they own or have a permanent easement on, regardless of proximity to a transit stop. In Merced, where the Altamont Corridor Express (ACE) extension is anticipated, SB 79 would give sweeping authority to the rail operator to override city zoning on parcels near downtown and throughout designated rail corridors. This could result in large-scale commercial developments with no housing component, further straining our infrastructure and missing the opportunity to meet our city's actual housing needs—especially affordable housing.

While we share the goal of increasing housing supply, SB 79 strips away vital local discretion and fails to ensure that developments advanced under its provisions contribute meaningfully to the housing crisis. The bill contains no affordability mandates, no requirements for mixed-income projects, and no assurances that such projects would align with the City of Merced's land use priorities, infrastructure planning, or environmental considerations.

For these reasons, the City of Merced must respectfully oppose SB 79. The City of Merced urges the Legislature to pursue strategies that support local planning efforts and provide real funding for affordable



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housing, infrastructure upgrades, and public transportation, rather than shifting land use authority to entities without land use planning experience or accountability to local residents. If you have further question, please contact Sharon Gonsalves at California Public Policy Group.

Sincerely,

Mayor  
City of Merced

cc: Members and Staff of the Senate Committee on Housing  
The Honorable Anna Caballero, 14<sup>th</sup> Senate District