

Introduced by Senator Wiener
(Principal coauthor: Senator Skinner)
(Principal coauthor: Assembly Member Ting)

January 3, 2018

An act to add Section 65917.7 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 827, as introduced, Wiener. Planning and zoning: transit-rich housing bonus.

The Planning and Zoning Law requires, when an applicant proposes a housing development within the jurisdiction of a local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

This bill would authorize a transit-rich housing project to receive a transit-rich housing bonus. The bill would define a transit-rich housing project as a residential development project the parcels of which are all within a $\frac{1}{2}$ mile radius of a major transit stop or a $\frac{1}{4}$ mile radius of a high-quality transit corridor, as those terms are further defined. The bill would exempt a project awarded a housing opportunity bonus from various requirements, including maximum controls on residential density or floor area ratio, minimum automobile parking requirements, design standards that restrict the applicant's ability to construct the maximum number of units consistent with any applicable building code, and maximum height limitations, as provided.

The bill would declare that its provisions address a matter of statewide concern and apply equally to all cities and counties in this state, including a charter city.

By adding to the duties of local planning officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that this act
2 addresses a matter of statewide concern and shall apply equally to
3 all cities and counties in this state, including charter cities.

4 SEC. 2. Section 65917.7 is added to the Government Code, to
5 read:

6 65917.7. (a) As used in this section, the following definitions
7 shall apply:

8 (1) “Block” has the same meaning as defined in subdivision (a)
9 of Section 5870 of the Streets and Highways Code.

10 (2) “High-quality transit corridor” means a corridor with fixed
11 route bus service that has service intervals of no more than 15
12 minutes during peak commute hours.

13 (3) “Transit-rich housing project” means a residential
14 development project the parcels of which are all within a one-half
15 mile radius of a major transit stop or a one-quarter mile radius of
16 a high-quality transit corridor. A project shall be deemed to be
17 within a one-half mile radius of a major transit stop or a one-quarter
18 mile radius of a high-quality transit corridor if both of the following
19 apply:

20 (A) All parcels within the project have no more than 25 percent
21 of their area outside of a one-half mile radius of a major transit
22 stop or a one-quarter mile radius of a high-quality transit corridor.

23 (B) No more than 10 percent of the residential units or 100 units,
24 whichever is less, of the project are outside of a one-half mile

1 radius of a major transit stop or a one-quarter mile radius of a
2 high-quality transit corridor.

3 (4) “Major transit stop” has the same meaning as defined in
4 Section 21064.3 of the Public Resources Code.

5 (b) Notwithstanding any local ordinance, general plan element,
6 specific plan, charter, or other local law, policy, resolution, or
7 regulation, a transit-rich housing project shall receive a transit-rich
8 housing bonus which shall exempt the project from all of the
9 following:

10 (1) Maximum controls on residential density or floor area ratio.

11 (2) Minimum automobile parking requirements.

12 (3) Any design standard that restricts the applicant’s ability to
13 construct the maximum number of units consistent with any
14 applicable building code.

15 (4) (A) If the transit-rich housing project is within either a
16 one-quarter mile radius of a high-quality transit corridor or within
17 one block of a major transit stop, any maximum height limitation
18 that is less than 85 feet, except in cases where a parcel facing a
19 street that is less than 45 feet wide from curb to curb, in which
20 case the maximum height shall not be less than 55 feet. If the
21 project is exempted from the local maximum height limitation, the
22 governing height limitation for a transit-rich housing project shall
23 be 85 feet or 55 feet, as provided in this subparagraph.

24 (B) If the transit-rich housing project is within one-half mile of
25 a major transit stop, but does not meet the criteria specified in
26 subparagraph (A), any maximum height limitation that is less than
27 55 feet, except in cases where a parcel facing a street that is less
28 than 45 feet wide from curb to curb, in which case the maximum
29 height shall not be less than 45 feet. If the project is exempted
30 from the local maximum height limitation, the governing height
31 limitation for a transit-rich housing project shall be 55 feet or 45
32 feet, as provided in this subparagraph.

33 (C) For purposes of this paragraph, if a parcel has street frontage
34 on two or more different streets, the height maximum pursuant to
35 this paragraph shall be based on the widest street.

36 SEC. 3. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 a local agency or school district has the authority to levy service
39 charges, fees, or assessments sufficient to pay for the program or

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

O



Senator Scott Wiener, 11th Senate District

Senate Bill 827 – More Homes Near High-Quality Transit

SUMMARY OF FEBRUARY 2018 AMENDMENTS

1. **Locally adopted mandatory inclusionary housing requirements shall apply to SB 827 projects.** Additionally, voluntary programs that grant zoning bonuses and waivers for different levels of affordable housing based on proximity to bus and rail transit, such as the Transit Oriented Communities Guidelines in Los Angeles, shall dictate affordability requirements based on the final design of the building.
2. **Ban on demolishing rent-controlled housing units.** Rent-controlled housing may not be considered for demolition permits unless a local government certifies by resolution, after the passage of SB 827, that the city will consider demolition permits for rent-controlled housing based on criteria and processes set forth in the resolution, and affirm that every displaced tenant will have a Right to Remain Guarantee (#4). After the resolution passes, the city retains full discretion to deny, restrict, or limit issuance of these permits in accordance with its policy.
3. **All local processes for evaluating demolition permits shall apply to SB 827 projects.** These local processes may include reviews through a Planning Commission or City Council, or even be categorical bans on certain types of demolition. Additionally, a demolition permit may not be issued for an SB 827 project until an adequate Right to Remain Guarantee for all displaced tenants – regardless of whether the housing was rent-controlled or not – has been approved by the local government.
4. **An adequate Right to Remain Guarantee – at minimum – must include a developer providing to all displaced tenants:**
 - a. Moving expenses for moving into, and out of, an interim unit in the area.
 - b. Up to 42 months of rental assistance for the price of an available, comparable unit in the area.
 - c. A right of first refusal for a comparable housing unit in the new building, and offered with a new lease at the rent previously enjoyed by the tenant in their demolished unit.
5. **Local setback and yard requirements will remain enforceable as long as the SB 827 building is permitted to occupy a reasonable amount of the lot area.** This will be measured in minimum floor area ratio requirements established in SB 827 for the different height tiers, and be comparable to 50-60% of the lot area.
6. **Projects seeking a Transit-Rich Housing Bonus through SB 827 may also, concurrently, seek a State Density Bonus.** The waivers and concessions for the State Density bonus shall be calculated using SB 827 criteria as base development standards.
7. **Transit-rich projects will qualify within ¼ mile of a high-quality transit stop on a corridor – not the corridor itself.** A parcel must be within ¼ mile of a stop on a high-frequency bus line **or** ½ mile of a major transit stop in order to qualify for SB 827.
8. **Street width is measured from property line to property line (“right of way”) instead of curb-to-curb.** A street shall be considered subject to higher height tiers if there is a >70ft right of way.
9. **Parcels in zoning districts permissive to residential development may use SB 827.** In most communities, this includes residential and residential mixed-use zoning districts. A site adjacent to transit that is currently zoned exclusively for industrial use would not be able to use SB 827.
10. **SB 827 projects will be protected by the Housing Accountability Act and may be eligible for SB 35 streamlining.** For the purpose determining eligibility for these laws, SB 827 projects shall be considered “compliant with local zoning.”