



Staff Report

Date: June 8, 2017
To: Mayor Robbins and Council Members
From: Heidi Scoble, Planning Manager
Subject: Town Council authorization of letter opposing SB 827 planning and zoning

Recommendation

Town Council authorize the Mayor to sign the attached letter to the Honorable Scott Wiener opposing SB 827.

Background

On January 3, 2018, San Francisco State Senator Scott Wiener introduced Senate Bill 827, known as the "Transit Rich Housing Bonus" bill. The bill encourages high-density housing development within ¼ mile of a "High-quality transit corridor" or within ½ mile from a transit stop by providing exemptions from discretionary land use actions (e.g., Design Review and Variances) for certain zoning limitations and development standards, such as density, design, building height, and parking. For example, the bill could allow 85-foot tall buildings on streets 45 feet or wider within 1/4 mile of high quality transit corridors or within one block of a major transit stop, to 45 feet tall on narrower streets within 1/2 mile of transit stops. A High-quality transit corridor is defined as having major bus routes with 15-minute intervals or less associated with a particular bus route.

The Town of Ross has four bus stops that would be impacted by the proposed bill. Although the current Golden Gate Transit and Marin Transit bus routes that run through the Town do not have routes that have intervals of 15 minute or less, the bill would require the Town to comply with the legislation if the bus routes were to increase its services and had bus stop intervals of 15 minute or less.

Staff, like many other Marin Municipalities and the League of Cities, are concerned with the loss of land use and discretionary controls the legislation would allow a developer. Therefore, staff recommends the Town Council authorize the Town Mayor to sign the attached letter opposing SB 827.

The full text of SB 827 is attached and can be accessed at the following link:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB827

Fiscal, resource and timeline impacts

Apart from the staff time to prepare the staff report and letter, there are no fiscal impact associated with this agenda item.

Alternative actions

Council could choose to modify the draft letter.

Environmental review (if applicable)

Not applicable.

Attachments

1. Draft Letter to the Honorable Scott Wiener dated February 9, 2018
2. SB 827

ATTACHMENT 1



February 9, 2018

The Honorable Scott Wiener
California State Senate
State Capitol Building, Room 4066
Sacramento, CA 95814
VIA FAX: 916-651-4911

**RE: SB 827 (Wiener) Planning and Zoning.
Notice of Opposition (as introduced 1/3/18)**

Dear Senator Wiener:

The Town of Ross opposes SB 827 (Wiener), which would exempt certain housing projects from locally developed and adopted height limitations, densities, parking requirements, and design review standards.

Specifically, SB 827 would undermine locally adopted General Plans, Housing Elements (which are certified by the Department of Housing and Community Development), and Sustainable Community Strategies (SCS). SB 827 allows private for-profit housing developers and transit agencies to determine housing densities, parking requirements, and design review standards within one-half mile of a "major transit stop," or along a "high-quality transit corridor" which could be miles away from an actual bus stop. Under existing law, cities are already required to zone for densities at levels necessary to meet their entire Regional Housing Needs Allocation (RHNA). Additionally, SB 827 would provide developers a means to generate additional profits without any requirement to build affordable housing.

Beyond the aforementioned concerns, many of the parcels within the Town of Ross that would be impacted by the legislation are located within Federal Emergency Management Agency Flood Insurance Rate Map designated floodplains and/or floodways, thus creating a myriad of potential health and safety risks, including, but not limited to environmental hazards and water displacement. Additionally, the Town does not have the capacity to provide the necessary commercial infrastructure to provide local services. For example, the closest full-service grocery stores are located approximately a mile away from a transit corridor. The proximately of commercial services to service increased densities runs counter to transit-oriented best practices.

A one-size fits all legislation is never a solution as unintended land use consequences which disrupts the fabric of the community could arise. Exempting large-scale developments from

General Plans, Housing Elements, and zoning ordinances goes against the principles of local democracy and public engagement. Public hearings allow members of the community to inform their representative of their support or concerns when planning documents are developed. Public engagement also often leads to better projects. Disregarding such processes will increase public distrust in government and could lead to additional ballot measures dealing with growth management.

For these reasons, the Town of Ross opposes SB 827.

Sincerely,

Elizabeth Robbins, Mayor
Town of Ross

cc: Senator Mike McGuire
Assembly Member Marc Levine
Senate Transportation and Housing Committee, FAX: (916) 445-2209
Senate Governance and Finance Committee, FAX: (916) 322-0298
Nancy Hall Bennett, Regional Public Affairs Manager, nbennett@cacities.org
Meg Desmond, League of California Cities, cityletters@cacities.org

ATTACHMENT 2


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SB-827 Planning and zoning: transit-rich housing bonus. (2017-2018)

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CALIFORNIA LEGISLATURE—2017–2018 REGULAR SESSION

SENATE BILL

No. 827

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

January 03, 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 1/2 mile radius of a major transit stop or a 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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

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

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

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

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

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

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

(B) No more than 10 percent of the residential units or 100 units, whichever is less, of the project are outside of a one-half mile radius of a major transit stop or a one-quarter mile radius of a high-quality transit corridor.

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

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

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

(2) Minimum automobile parking requirements.

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

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

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

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

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.