

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

January 3, 2018

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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.

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