President Dufty has called a Special Meeting of the Board of Directors on Thursday, March 14, 2019, at 9:00 a.m. This meeting shall consist of a simultaneous teleconference all at the following locations.

<table>
<thead>
<tr>
<th>BART Board Room</th>
<th>Akonadi Foundation</th>
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</thead>
<tbody>
<tr>
<td>Kaiser Center 20th Street Mall – Third Floor</td>
<td>436 14th Street, Suite 1417</td>
</tr>
<tr>
<td>2040 Webster Street</td>
<td>Oakland, CA 94612</td>
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</tbody>
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The purpose of the Special Board Meeting is to consider and take such action as the Board may desire in connection with:

1. CALL TO ORDER
   A. Roll Call.
   B. Pledge of Allegiance.

2. Public Comment on Item 3 Only.

3. (CONTINUED from February 28, 2019, Board Meeting)
   State Legislation for Consideration: Senate Bill 50 (Wiener) - Planning and zoning: housing development: equitable communities incentive.* Board requested to support.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to this meeting, as there may be people in attendance susceptible to environmental illnesses.

BART provides services/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board matters. A request must be made within one and five days in advance of a Board meeting, depending on the service requested. Please contact the District Secretary’s Office at (510) 464-6083 for information.

Revised 4:00 p.m., March 12, 2019
SB 50 (Wiener) Analysis and Recommendation

TITLE: SB 50 – Planning and zoning: housing development: incentives

AUTHOR(S): Senate: Wiener (D-San Francisco), Caballero (D-Salinas), Hueso (D-San Diego), Moorlach (R-Costa Mesa), Skinner (D-Berkeley), Stone (D-Scotts Valley)

Assembly: Burke (D-Marina Del Rey), Diep (R-Huntington Beach), Fong (R-Bakersfield), Kalra (D-San Jose), Kiley (R-Rocklin), Low (D-Campbell), Rivas (D-Hollister), Ting (D-San Francisco), Wicks (D-Oakland)

SPONSOR(S): California YIMBY, Non-Profit Housing Association of Northern California

BACKGROUND:
Local governments play a lead role in determining the location and amount of housing in their jurisdictions, including which developments will be located near high-quality transit corridors. Legislative leaders, who believe the state needs to do more to address the housing crisis, have successfully passed measures related to planning and zoning, density bonuses, and parking requirements. These measures include SB 35 (Wiener, 2017), which created a streamlined, ministerial approval process for eligible housing projects in localities that fail to meet their Regional Housing Needs Assessment target. Attempting to build on these efforts, Senator Wiener introduced SB 827 in 2018, that would have established state minimum zoning near high quality transit. The bill died in the Senate Transportation and Housing Committee.

PURPOSE:
SB 50, modeled after SB 827, establishes a new “equitable communities incentive” option that a local jurisdiction would be required to offer a developer proposing a project in either a “transit-rich area,” as defined within the bill or a “job-rich area,” as identified by the Department of Housing and Community Development. SB 50 would exempt a transit-rich or job-rich housing project from various local development requirements including controls on density, parking minimums, and maximum height restrictions for projects within a one-half mile radius of a major transit stop. Eligible housing projects would also receive up to three additional concessions or incentives outlined in current Density Bonus Law.

Recent amendments to SB 50 specify the percentage of affordable units required for extremely low, very low, or low-income households and the project size threshold. In jurisdictions with inclusionary ordinances that require greater on-site provision of affordable units, a project would have to comply with that ordinance. SB 50 also allows a developer to make a comparable affordability contribution towards low-income housing offsite and within the local jurisdiction.

To be eligible for an “equitable communities incentive” a project must comply with all generally applicable approval requirements, including local conditional use or other discretionary approvals, CEQA, or a streamlined approval process that includes labor protections. Projects must also comply with all other relevant standards, requirements, and prohibitions imposed by the local government regarding architectural design, restrictions on or oversight of demolition, impact fees, and community benefits agreements.
As amended, SB 50 does contain new language to address concerns regarding displacement and gentrification. Such provisions include a prohibition on demolishing buildings currently or recently occupied by renters and delayed implementation in “sensitive communities,” as identified by the Metropolitan Transportation Commission (MTC) for Bay Area counties or as a percentage of households living below the poverty line and indicators of racial segregation within census tracts outside of the Bay Area. Local governments with “sensitive communities” would be allowed a five-year exemption to implement SB 50, if they pursue a community-led planning process at the neighborhood level to develop zoning and policies that encourage multi-family housing development at a range of incomes levels.

**BART IMPACT:**

SB 50 is complimentary to many aspects of BART’s Transit Oriented Development (TOD) Policy because it incentivizes the building of housing near transit. BART stations by nature are major transit stops and could see an increase in the number of housing units built within a half-mile radius. Denser housing near BART could increase ridership as data shows that residents within a half-mile of BART are twice as likely to walk, bike or take transit for their commute trip, and own fewer cars. In addition, housing next to high-quality transit offers a sustainable way to ensure ongoing ridership, which helps reduce freeway congestion and greenhouse gas emissions related to vehicle trips.

In relation to AB 2923 (Chiu and Grayson) passed last session, SB 50 has the potential to impact future residential developments pursued on BART-owned land. SB 50 does not interfere with BART’s process for setting TOD standards for stations, but in some cases may provide additional incentives to a developer. For example, SB 50 grants eligible projects a waiver from maximum automobile parking requirements. BART’s TOD Guidelines currently have a maximum parking requirement of 0.375 - 1 spot per unit depending on the station place type. SB 50 also grants residential developments located within a one-quarter mile radius of major transit a waiver from maximum height requirements less than 55 feet. This is potentially equal or greater than heights in the TOD Guidelines for stations designated as Neighborhood/Town Center (five stories).

As SB 50 progresses through the legislative process, staff may wish to continue to work with the author’s office to understand the interplay between SB 50 and BART’s authority through AB 2923.

**KNOWN SUPPORT/OPPOSITION:**

Support:
Abundant Housing Los Angeles; American Association of Retired Persons; Bay Area Council; Bay Area Housing Advocacy Coalition, California Apartment Association, California Asian Pacific Islander Chamber of Commerce, California Association of Realtors, California League of Conversation Voters; California Renters Legal Advocacy and Education Fund (CaRLA); California YIMBY (Sponsor); Council of Infill Builders; Councilmember Adrian Fine, City of Palo Alto; Councilmember Herb Perez, City of Foster City; Grow The Richmond; Los Angeles Chamber of Commerce; Mayor Gabe Quinto, City of El Cerrito; Mayor John Bauters, City of Emeryville; Mayor London Breed, City and County of San Francisco; Mayor Libby Schaaf, City of Oakland; Mayor Darrell Steinberg, City of Sacramento; Mayor Deborah Penrose, City of Half Moon Bay; Mission YIMBY; People for Housing - Orange County Yimby; Progress Noe Valley; San Francisco Housing Action Coalition; San Francisco Planning and Urban Research (SPUR); Silicon Valley Community Foundation; Silicon Valley Leadership Group; State Building and Construction Trades Council, AFL-CIO; Supervisor David Canepa of San Mateo County; Up For Growth, California; Valley Industry Commerce Association; Vice Mayor David Hagele, City of Sonoma; Supervisor Jim Spering, Solano County; YIMBY Action

Opposition: City of Beverly Hills; City of Laguna Niguel, South Bay Cities Council of Governments
OTHER COMMENTS:
In 2017, BART supported Wiener’s SB 827. The bill would have exempted a transit-rich housing project within a half-mile of a major transit stop or quarter-mile of a stop on a “high quality transit corridor” from various local requirements including maximum controls on density and minimum parking.

The Committee to House the Bay Area (CASA), as convened by MTC and the Association of Bay Area Governments, has included in their CASA Compact a call for minimum zoning near transit to address the Bay Area’s affordable housing needs.

STATUS:
Introduced on 12/13/18; referred to Senate Committee on Housing and Senate Committee on Governance and Finance on 1/24/19; amended 3/11/19 and re-referred to Senate Committee on Housing.

RECOMMENDATION:
☑ Support □ Watch □ Oppose

Analysis completed on 3/12/19.
Introducing by Senator Wiener
(Coauthors: Senators Caballero, Hueso, Moorlach, and Skinner)
(Skinner, and Stone)
(Coauthors: Assembly Members Burke, Diep, Fong, Kalra, Kiley, Low,
Robert Rivas, Ting, and Wicks)

December 3, 2018

An act to amend Section 65389.5 of, and to add Chapter 4.35 (commencing with Section 65918.50) to Division 1 of Title 7 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST


Existing law, known as the Density Bonus 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 require a city, county, or city and county to grant upon request an equitable communities incentive when a development proponent seeks and agrees to construct a residential development, as defined, that satisfies specified criteria, including, among other things, that the residential development is either a job-rich housing project or a transit-rich housing project, as those terms are defined; the site does

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not contain, or has not contained, housing occupied by tenants or accommodations withdrawn from rent or lease in accordance with specified law within specified time periods; and the residential development complies with specified additional requirements under existing law. The bill would require that a residential development eligible for an equitable communities incentive receive waivers from maximum controls on density and minimum controls on automobile parking requirements greater than 0.5 parking spots per unit, up to 3 additional incentives or concessions under the Density Bonus Law, and specified additional waivers if the residential development is located within a ¼-mile or ½-mile radius of a major transit stop, as defined. The bill would authorize a local government to modify or expand the terms of an equitable communities incentive, provided that the equitable communities incentive is consistent with these provisions.

The bill would include findings that the changes proposed by this bill these provisions address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. The bill would also declare the intent of the Legislature to delay implementation of this bill these provisions in sensitive communities, as defined, until July 1, 2020, as provided.

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

The Housing Accountability Act prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record. That law provides that the receipt of a density bonus is not a valid basis on which to find a proposed housing development is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision of that act.

This bill would additionally provide that the receipt of an equitable communities incentive is not a valid basis on which to find a proposed housing development is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision of that act.

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.


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

SECTION 1. Section 65589.5 of the Government Code is amended to read:
65589.5. (a) (1) The Legislature finds and declares all of the following:
(A) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.
(B) California housing has become the most expensive in the nation. The excessive cost of the state’s housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.
(C) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.
(D) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.
(2) In enacting the amendments made to this section by the act adding this paragraph, the Legislature further finds and declares the following:
(A) California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives.
(B) While the causes of this crisis are multiple and complex, the absence of meaningful and effective policy reforms to significantly enhance the approval and supply of housing affordable to Californians of all income levels is a key factor.

(C) The crisis has grown so acute in California that supply, demand, and affordability fundamentals are characterized in the negative: underserved demands, constrained supply, and protracted unaffordability.

(D) According to reports and data, California has accumulated an unmet housing backlog of nearly 2,000,000 units and must provide for at least 180,000 new units annually to keep pace with growth through 2025.

(E) California’s overall homeownership rate is at its lowest level since the 1940s. The state ranks 49th out of the 50 states in homeownership rates as well as in the supply of housing per capita. Only one-half of California’s households are able to afford the cost of housing in their local regions.

(F) Lack of supply and rising costs are compounding inequality and limiting advancement opportunities for many Californians.

(G) The majority of California renters, more than 3,000,000 households, pay more than 30 percent of their income toward rent and nearly one-third, more than 1,500,000 households, pay more than 50 percent of their income toward rent.

(H) When Californians have access to safe and affordable housing, they have more money for food and health care; they are less likely to become homeless and in need of government-subsidized services; their children do better in school; and businesses have an easier time recruiting and retaining employees.

(I) An additional consequence of the state’s cumulative housing shortage is a significant increase in greenhouse gas emissions caused by the displacement and redirection of populations to states with greater housing opportunities, particularly working- and middle-class households. California’s cumulative housing shortfall therefore has not only national but international environmental consequences.

(J) California’s housing picture has reached a crisis of historic proportions despite the fact that, for decades, the Legislature has enacted numerous statutes intended to significantly increase the
approval, development, and affordability of housing for all income
levels, including this section.
(K) The Legislature’s intent in enacting this section in 1982 and
in expanding its provisions since then was to significantly increase
the approval and construction of new housing for all economic
segments of California’s communities by meaningfully and
effectively curbing the capability of local governments to deny,
reduce the density for, or render infeasible housing development
projects and emergency shelters. That intent has not been fulfilled.
(L) It is the policy of the state that this section should be
interpreted and implemented in a manner to afford the fullest
possible weight to the interest of, and the approval and provision
of, housing.
(3) It is the intent of the Legislature that the conditions that
would have a specific, adverse impact upon the public health and
safety, as described in paragraph (2) of subdivision (d) and
paragraph (1) of subdivision (j), arise infrequently.
(b) It is the policy of the state that a local government not reject
or make infeasible housing development projects, including
emergency shelters, that contribute to meeting the need determined
pursuant to this article without a thorough analysis of the economic,
social, and environmental effects of the action and without
complying with subdivision (d).
(c) The Legislature also recognizes that premature and
unnecessary development of agricultural lands for urban uses
continues to have adverse effects on the availability of those lands
for food and fiber production and on the economy of the state.
Furthermore, it is the policy of the state that development should
be guided away from prime agricultural lands; therefore, in
implementing this section, local jurisdictions should encourage,
to the maximum extent practicable, in filling existing urban areas.
(d) A local agency shall not disapprove a housing development
project, including farmworker housing as defined in subdivision
(h) of Section 50199.7 of the Health and Safety Code, for very
low, low-, or moderate-income households, or an emergency
shelter, or condition approval in a manner that renders the housing
development project infeasible for development for the use of very
low, low-, or moderate-income households, or an emergency
shelter, including through the use of design review standards,
unless it makes written findings, based upon a preponderance of
the evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to
this article that has been revised in accordance with Section 65588,
is in substantial compliance with this article, and the jurisdiction
has met or exceeded its share of the regional housing need
allocation pursuant to Section 65584 for the planning period for
the income category proposed for the housing development project,
provided that any disapproval or conditional approval shall not be
based on any of the reasons prohibited by Section 65008. If the
housing development project includes a mix of income categories,
and the jurisdiction has not met or exceeded its share of the regional
housing need for one or more of those categories, then this
paragraph shall not be used to disapprove or conditionally approve
the housing development project. The share of the regional housing
need met by the jurisdiction shall be calculated consistently with
the forms and definitions that may be adopted by the Department
of Housing and Community Development pursuant to Section
65400. In the case of an emergency shelter, the jurisdiction shall
have met or exceeded the need for emergency shelter, as identified
pursuant to paragraph (7) of subdivision (a) of Section 65583. Any
disapproval or conditional approval pursuant to this paragraph
shall be in accordance with applicable law, rule, or standards.

(2) The housing development project or emergency shelter as
proposed would have a specific, adverse impact upon the public
health or safety, and there is no feasible method to satisfactorily
mitigate or avoid the specific adverse impact without rendering
the development unaffordable to low- and moderate-income
households or rendering the development of the emergency shelter
financially infeasible. As used in this paragraph, a “specific,
adverse impact” means a significant, quantifiable, direct, and
unavoidable impact, based on objective, identified written public
health or safety standards, policies, or conditions as they existed
on the date the application was deemed complete. Inconsistency
with the zoning ordinance or general plan land use designation
shall not constitute a specific, adverse impact upon the public
health or safety.

(3) The denial of the housing development project or imposition
of conditions is required in order to comply with specific state or
federal law, and there is no feasible method to comply without
rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article. For purposes of this section, a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.

(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the housing development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify
adequate sites with appropriate zoning and development standards
and with services and facilities to accommodate the local agency’s
share of the regional housing need for the very low, low-, and
moderate-income categories.
(C) If the local agency has failed to identify a zone or zones
where emergency shelters are allowed as a permitted use without
a conditional use or other discretionary permit, has failed to
demonstrate that the identified zone or zones include sufficient
capacity to accommodate the need for emergency shelter identified
in paragraph (7) of subdivision (a) of Section 65583, or has failed
to demonstrate that the identified zone or zones can accommodate
at least one emergency shelter, as required by paragraph (4) of
subdivision (a) of Section 65583, then this paragraph shall not be
utilized to disapprove or conditionally approve an emergency
shelter proposed for a site designated in any element of the general
plan for industrial, commercial, or multifamily residential uses. In
any action in court, the burden of proof shall be on the local agency
to show that its housing element does satisfy the requirements of
paragraph (4) of subdivision (a) of Section 65583.
(e) Nothing in this section shall be construed to relieve the local
agency from complying with the congestion management program
required by Chapter 2.6 (commencing with Section 65088) of
Division 1 of Title 7 or the California Coastal Act of 1976
(Division 20 (commencing with Section 30000) of the Public
Resources Code). Neither shall anything in this section be
construed to relieve the local agency from making one or more of
the findings required pursuant to Section 21081 of the Public
Resources Code or otherwise complying with the California
Environmental Quality Act (Division 13 (commencing with Section
21000) of the Public Resources Code).
(f) (1) Nothing in this section shall be construed to prohibit a
local agency from requiring the housing development project to
comply with objective, quantifiable, written development standards,
conditions, and policies appropriate to, and consistent with, meeting
the jurisdiction’s share of the regional housing need pursuant to
Section 65584. However, the development standards, conditions,
and policies shall be applied to facilitate and accommodate
development at the density permitted on the site and proposed by
the development.
(2) Nothing in this section shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction’s need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

(3) This section does not prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the housing development project or emergency shelter.

(4) For purposes of this section, a housing development project or emergency shelter shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) “Housing development project” means a use consisting of any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.

(C) Transitional housing or supportive housing.

(3) “Housing for very low, low-, or moderate-income households” means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100
percent of the units shall be sold or rented to persons and families of moderate income as defined in Section 50093 of the Health and Safety Code, or persons and families of middle income, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

(4) “Area median income” means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(5) “Disapprove the housing development project” includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved, including any required land use approvals or entitlements necessary for the issuance of a building permit.

(B) Fails to comply with the time periods specified in subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.

(i) If any city, county, or city and county denies approval or imposes conditions, including design changes, lower density, or a reduction of the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time the application is deemed complete pursuant to Section 65943, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of conditions on the development is the subject
of a court action which challenges the denial or the imposition of
conditions, then the burden of proof shall be on the local legislative
body to show that its decision is consistent with the findings as
described in subdivision (d) and that the findings are supported by
a preponderance of the evidence in the record. For purposes of this
section, "lower density" includes any conditions that have the same
effect or impact on the ability of the project to provide housing.

(j) (1) When a proposed housing development project complies
with applicable, objective general plan, zoning, and subdivision
standards and criteria, including design review standards, in effect
at the time that the housing development project's application is
determined to be complete, but the local agency proposes to
disapprove the project or to impose a condition that the project be
developed at a lower density, the local agency shall base its
decision regarding the proposed housing development project upon
written findings supported by a preponderance of the evidence on
the record that both of the following conditions exist:

(A) The housing development project would have a specific,
adverse impact upon the public health or safety unless the project
is disapproved or approved upon the condition that the project be
developed at a lower density. As used in this paragraph, a "specific,
adverse impact" means a significant, quantifiable, direct, and
unavoidable impact, based on objective, identified written public
health or safety standards, policies, or conditions as they existed
on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or
avoid the adverse impact identified pursuant to paragraph (1), other
than the disapproval of the housing development project or the
approval of the project upon the condition that it be developed at
a lower density.

(2) (A) If the local agency considers a proposed housing
development project to be inconsistent, not in compliance, or not
in conformity with an applicable plan, program, policy, ordinance,
standard, requirement, or other similar provision as specified in
this subdivision, it shall provide the applicant with written
documentation identifying the provision or provisions, and an
explanation of the reason or reasons it considers the housing
development to be inconsistent, not in compliance, or not in
conformity as follows:
(i) Within 30 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains 150 or fewer housing units.

(ii) Within 60 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains more than 150 units.

(B) If the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

(3) For purposes of this section, the receipt of a density bonus pursuant to Section 65915 or an equitable communities incentive pursuant to Section 65918.51 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.

(4) For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.

(5) For purposes of this section, “lower density” includes any conditions that have the same effect or impact on the ability of the project to provide housing.

(k) (1) (A) The applicant, a person who would be eligible to apply for residency in the development or emergency shelter, or a housing organization may bring an action to enforce this section. If, in any action brought to enforce this section, a court finds that either (i) the local agency, in violation of subdivision (d), disapproved a housing development project or conditioned its
approval in a manner rendering it infeasible for the development
of an emergency shelter, or housing for very low, low-, or
moderate-income households, including farmworker housing,
without making the findings required by this section or without
making findings supported by a preponderance of the evidence,
or (ii) the local agency, in violation of subdivision (j), disapproved
a housing development project complying with applicable,
objective general plan and zoning standards and criteria, or imposed
a condition that the project be developed at a lower density, without
making the findings required by this section or without making
findings supported by a preponderance of the evidence, the court
shall issue an order or judgment compelling compliance with this
section within 60 days, including, but not limited to, an order that
the local agency take action on the housing development project
or emergency shelter. The court may issue an order or judgment
directing the local agency to approve the housing development
project or emergency shelter if the court finds that the local agency
acted in bad faith when it disapproved or conditionally approved
the housing development or emergency shelter in violation of this
section. The court shall retain jurisdiction to ensure that its order
or judgment is carried out and shall award reasonable attorney’s
fees and costs of suit to the plaintiff or petitioner, except under
extraordinary circumstances in which the court finds that awarding
fees would not further the purposes of this section. For purposes
of this section, “lower density” includes conditions that have the
same effect or impact on the ability of the project to provide
housing.

(B) (i) Upon a determination that the local agency has failed
to comply with the order or judgment compelling compliance with
this section within 60 days issued pursuant to subparagraph (A),
the court shall impose fines on a local agency that has violated this
section and require the local agency to deposit any fine levied
pursuant to this subdivision into a local housing trust fund. The
local agency may elect to instead deposit the fine into the Building
Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular
Session is enacted, or otherwise in the Housing Rehabilitation
Loan Fund. The fine shall be in a minimum amount of ten thousand
dollars ($10,000) per housing unit in the housing development
project on the date the application was deemed complete pursuant
to Section 65943. In determining the amount of fine to impose,
the court shall consider the local agency’s progress in attaining its
target allocation of the regional housing need pursuant to Section
65584 and any prior violations of this section. Fines shall not be
paid out of funds already dedicated to affordable housing,
including, but not limited to, Low and Moderate Income Housing
Asset Funds, funds dedicated to housing for very low, low-, and
moderate-income households, and federal HOME Investment
Partnerships Program and Community Development Block Grant
Program funds. The local agency shall commit and expend the
money in the local housing trust fund within five years for the sole
purpose of financing newly constructed housing units affordable
to extremely low, very low, or low-income households. After five
years, if the funds have not been expended, the money shall revert
to the state and be deposited in the Building Homes and Jobs Fund,
if Senate Bill 2 of the 2017–18 Regular Session is enacted, or
otherwise in the Housing Rehabilitation Loan Fund, for the sole
purpose of financing newly constructed housing units affordable
to extremely low, very low, or low-income households.
(ii) If any money derived from a fine imposed pursuant to this
subparagraph is deposited in the Housing Rehabilitation Loan
Fund, then, notwithstanding Section 50661 of the Health and Safety
Code, that money shall be available only upon appropriation by
the Legislature.
(C) If the court determines that its order or judgment has not
been carried out within 60 days, the court may issue further orders
as provided by law to ensure that the purposes and policies of this
section are fulfilled, including, but not limited to, an order to vacate
the decision of the local agency and to approve the housing
development project, in which case the application for the housing
development project, as proposed by the applicant at the time the
local agency took the initial action determined to be in violation
of this section, along with any standard conditions determined by
the court to be generally imposed by the local agency on similar
projects, shall be deemed to be approved unless the applicant
consents to a different decision or action by the local agency.
(2) For purposes of this subdivision, “housing organization”
means a trade or industry group whose local members are primarily
engaged in the construction or management of housing units or a
nonprofit organization whose mission includes providing or
advocating for increased access to housing for low-income
households and have filed written or oral comments with the local agency prior to action on the housing development project. A housing organization may only file an action pursuant to this section to challenge the disapproval of a housing development by a local agency. A housing organization shall be entitled to reasonable attorney’s fees and costs if it is the prevailing party in an action to enforce this section.

(I) If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court’s order or judgment within 60 days as described in subdivision (k), the court, in addition to any other remedies provided by this section, shall multiply the fine determined pursuant to subparagraph (B) of paragraph (1) of subdivision (k) by a factor of five. For purposes of this section, “bad faith” includes, but is not limited to, an action that is frivolous or otherwise entirely without merit.

(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of preparation of the record shall be borne by the local agency, unless the petitioner elects to prepare the record as provided in subdivision (n) of this section. A petition to enforce the provisions of this section shall be filed and served no later than 90 days from the later of (1) the effective date of a decision of the local agency imposing conditions on, disapproving, or any other final action on a housing development project or (2) the expiration of the time periods specified in subparagraph (B) of paragraph (5) of subdivision (h). Upon entry of the trial court’s order, a party may, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow, or may appeal the judgment or order of the trial court under Section 904.1 of the Code of Civil Procedure. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be
determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.

(n) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure or subdivision (m) of this section, all or part of the record may be prepared (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

(o) This section shall be known, and may be cited, as the Housing Accountability Act.

SECTION 1:

SEC. 2. Chapter 4.35 (commencing with Section 65918.50) is added to Division 1 of Title 7 of the Government Code, to read:

CHAPTER 4.35. EQUITABLE COMMUNITIES INCENTIVES

65918.50. For purposes of this chapter:

(a) "Affordable" means available at affordable rent or affordable housing cost to, and occupied by, persons and families of extremely low, very low, low, or moderate incomes, as specified in context, and subject to a recorded affordability restriction for at least 55 years.

(b) "Development proponent" means an applicant who submits an application for an equitable communities incentive pursuant to this chapter.

(c) "Eligible applicant" means a development proponent who receives an equitable communities incentive.

(d) "FAR" means floor area ratio.

(e) "High-quality bus corridor" means a corridor with fixed route bus service that meets all of the following criteria:

(1) It has average service intervals of no more than 15 minutes during the three peak hours between 6 a.m. to 10 a.m., inclusive,
and the three peak hours between 3 p.m. and 7 p.m., inclusive, on
Monday through Friday.
(2) It has average service intervals of no more than 20 minutes
during the hours of 6 a.m. to 10 a.m., p.m., inclusive, on Monday
through Friday.
(3) It has average intervals of no more than 30 minutes during
the hours of 8 a.m. to 10 p.m., inclusive, on Saturday and Sunday.
(e) (1) "Jobs-rich area" means an area identified by the
Department of Housing and Community Development in
consultation with the Office of Planning and Research that is both
high opportunity and jobs rich, based on whether, in a regional
analysis, the tract meets the following:
(A) The tract is higher opportunity and its characteristics are
associated with positive educational and economic outcomes for
households of all income levels residing in the tract.
(B) The tract meets either of the following criteria:
(i) New housing sited in the tract would enable residents to live
in or near a jobs-rich area, as measured by employment density
and job totals.
(ii) New housing sited in the tract would enable shorter commute
distances for residents, compared to existing commute levels.
(2) The Department of Housing and Community Development
shall, commencing on January 1, 2020, publish and update, every
five years thereafter, a map of the state showing the areas identified
by the department as "jobs-rich areas."
(f) "Job-rich housing project" means a residential development
within an area identified as a jobs-rich area by the Department of
Housing and Community Development and in consultation with
the Office of Planning and Research, based on indicators such as
proximity to jobs, high area median income relative to the relevant
region, and high-quality public schools, as an area of high
opportunity close to jobs. A residential development shall be
deemed to be within an area designated as job-rich if both of the
following apply:
(1) All parcels within the project have no more than 25 percent
of their area outside of the job-rich area.
(2) No more than 10 percent of residential units or 100 units,
whichever is less, of the development are outside of the job-rich
area.
(g) "Local government" means a city, including a charter city, a county, or a city and county.

(h) "Major transit stop" means a site containing an existing rail transit station or a ferry terminal served by either bus or rail transit service that is a major transit stop pursuant to subdivision (b) of Section 21155 of the Public Resources Code.

(i) "Residential development" means a project with at least two-thirds of the square footage of the development designated for residential use.

(j) "Sensitive community" means an either of the following:

1. Except as provided in paragraph (2), an area identified by the Department of Housing and Community Development, which identification shall be updated every five years, in consultation with local community-based organizations in each metropolitan planning region, as an area vulnerable to displacement pressures, based on indicators such as percentage of tenant households living at, or under, the poverty line relative to the region where both of the following apply:

   (A) Thirty percent or more of the census tract lives below the poverty line, provided that college students do not compose at least 25 percent of the population.

   (B) The location quotient of residential racial segregation in the census tract is at least 1.25 as defined by the Department of Housing and Community Development.

2. In the Counties of Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, San Mateo, Solano, and Sonoma, areas designated by the Metropolitan Transportation Commission on December 19, 2018, as the intersection of disadvantaged and vulnerable communities as defined by the Metropolitan Transportation Commission and the San Francisco Bay Conservation and Development Commission, which identification of a sensitive community shall be updated at least every five years by the Department of Housing and Community Development.

(k) "Tenant" means a person residing in who does not own the property where they reside, including residential situations that are any of the following:

1. Residential real property rented by the person under a long-term lease.

2. A single-room occupancy unit.
(3) An accessory dwelling unit that is not subject to, or does not have a valid permit in accordance with, an ordinance adopted by a local agency pursuant to Section 65852.22.

(4) A residential motel.

(5) A mobilehome park, as governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(6) Any other type of residential property that is not owned by the person or a member of the person’s household, for which the person or a member of the person’s household provides payments on a regular schedule in exchange for the right to occupy the residential property.

(i) “Transit-rich housing project” means a residential development 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 stop on a high-quality bus corridor. A project shall be deemed to be within a one-half mile the radius of a major transit stop or a one-quarter mile radius of a stop on a high-quality bus corridor if both of the following apply:

(1) 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 stop on a high-quality bus corridor.

(2) 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 stop on a high-quality bus corridor.

65918.51. (a) A local government shall, upon request of a development proponent, grant an equitable communities incentive, as specified in Section 65918.53, when the development proponent seeks and agrees to construct a residential development that satisfies the requirements specified in Section 65918.52.
(b) It is the intent of the Legislature that, absent exceptional circumstances, actions taken by a local legislative body that increase residential density not undermine the equitable communities incentive program established by this chapter.

65918.52. In order to be eligible for an equitable communities incentive pursuant to this chapter, a residential development shall meet all of the following criteria:
(a) The residential development is either a job-rich housing project or transit-rich housing project.
(b) The residential development is located on a site that, at the time of application, is zoned to allow housing as an underlying use in the zone, including, but not limited to, a residential, mixed-use, or commercial zone, as defined and allowed by the local government.
(c) (1) If the local government has adopted an inclusionary housing ordinance requiring that the development include a certain number of units affordable to households with incomes that do not exceed the limits for moderate-income, lower income, very low income, or extremely low income specified in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code, and that ordinance requires that a new development include levels of affordable housing in excess of the requirements specified in paragraph (2), the residential development complies with that ordinance. The ordinance may provide alternative means of compliance that may include, but are not limited to, in-lieu fees, land dedication, offsite construction, or acquisition and rehabilitation of existing units.
(2) (A) If the local government has not adopted an inclusionary housing ordinance, as described in paragraph (1), and the residential development includes , or more residential units; the residential development includes onsite an affordable housing contribution for households with incomes that do not exceed the limits for extremely low income, very low income, and low income specified in Sections 50093, 50105, and 50106 of the Health and Safety Code. It is the intent of the Legislature to require that any development of , or more residential units receiving an equitable communities incentive pursuant to this chapter include housing affordable to low, very low or extremely low income households, which, for projects with low or very low income units, are no less than the number of onsite units affordable to low or
very low income households that would be required pursuant to subdivision (f) of Section 65915 for a development receiving a density bonus of 35 percent.

(B) For purposes of this paragraph, the residential development is subject to one of the following:

(i) If the project has 10 or fewer units, no affordability contribution is imposed.

(ii) If the project has 11 to 20 residential units, the development proponent may pay an in-lieu fee to the local government for affordable housing, where feasible, pursuant to subparagraph (C).

(iii) If the project has more than 20 residential units, the development proponent shall do either of the following:

(I) Make a comparable affordability contribution toward housing offsite that is affordable to lower income households, pursuant to subparagraph (C).

(II) Include units on the site of the project that are affordable to extremely low income, as defined in Section 50105 of the Health and Safety Code, very low income, or low-income households, as defined in Section 50079.5 of the Health and Safety Code, as follows:

<table>
<thead>
<tr>
<th>Project Size</th>
<th>Inclusionary Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>21–200 units</td>
<td>15% low income; or</td>
</tr>
<tr>
<td></td>
<td>8% very low income; or</td>
</tr>
<tr>
<td></td>
<td>6% extremely low income</td>
</tr>
<tr>
<td>201–350 units</td>
<td>17% low income; or</td>
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<tr>
<td></td>
<td>10% very low income; or</td>
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<tr>
<td></td>
<td>8% extremely low income</td>
</tr>
<tr>
<td>351 or more units</td>
<td>25% low income; or</td>
</tr>
<tr>
<td></td>
<td>15% very low income; or</td>
</tr>
<tr>
<td></td>
<td>11% extremely low income</td>
</tr>
</tbody>
</table>

(C) The development proponent of a project that qualifies pursuant to clause (ii) or subclause (I) of clause (iii) of subparagraph (B) may make a comparable affordability contribution toward housing offsite that is affordable to lower income households, as follows:

(i) The local government collecting the in-lieu fee payment shall make every effort to ensure that future affordable housing will be sited within one-half mile of the original project location within
the boundaries of the local government by designating an existing
housing opportunity site within a one-half mile radius of the project
site for affordable housing. To the extent practicable, local housing
funding shall be prioritized at the first opportunity to build
affordable housing on that site.
(ii) If no housing opportunity sites that satisfy clause (i) are
available, the local government shall designate a site for affordable
housing within the boundaries of the local government and make
findings that the site for the affordable housing development
affirmatively furthers fair housing, as defined in Section 8899.50.
(D) Affordability of units pursuant to this paragraph shall be
restricted by deed for a period of 35 years for rental units or 45
years for units offered for sale.
(d) The site does not contain, or has not contained, either of the
following:
(1) Housing occupied by tenants within the seven years
preceding the date of the application, including housing that has
been demolished or that tenants have vacated prior to the
application for a development permit.
(2) A parcel or parcels on which an owner of residential real
property has exercised his or her their rights under Chapter 12.75
(commencing with Section 7060) of Division 7 of Title 1 to
withdraw accommodations from rent or lease within 15 years prior
to the date that the development proponent submits an application
pursuant to this chapter.
(e) The residential development complies with all applicable
labor, construction employment, and wage standards otherwise
required by law and any other generally applicable requirement
regarding the approval of a development project, including, but
not limited to, the local government’s conditional use or other
discretionary permit approval process, the California
Environmental Quality Act (Division 13 (commencing with Section
21000) of the Public Resources Code), or a streamlined approval
process that includes labor protections.
(f) The residential development complies with all other relevant
standards, requirements, and prohibitions imposed by the local
government regarding architectural design, restrictions on or
oversight of demolition, impact fees, and community benefits
agreements.
(g) The equitable communities incentive shall not be used to undermine the economic feasibility of delivering low-income housing under the state density bonus program or a local implementation of the state density bonus program, or any locally adopted program that puts conditions on new development applications on the basis of receiving a zone change or general plan amendment in exchange for benefits such as increased affordable housing, local hire, or payment of prevailing wages.

65918.53. (a) A residential development—Any transit-rich or jobs-rich housing project that meets the criteria specified in Section 65918.52 shall receive, upon request, an equitable communities incentive as follows:

(1) Any eligible applicant shall receive the following:

(A) A waiver from maximum controls on density.

(B) A waiver from maximum minimum automobile parking requirements greater than 0.5 automobile parking spots per unit.

(C) Up to three incentives and concessions pursuant to subdivision (d) of Section 65915.

(b) An eligible applicant proposing a residential development that is located within a one-half mile radius, but outside a one-quarter mile radius, of a major transit stop and includes no less than ____ percent affordable housing units shall receive, in addition to the incentives specified in paragraph (1), subdivision (a), waivers from all of the following:

(A) Maximum height requirements less than 45 feet.

(B) Maximum FAR requirements less than 2.5.

(C) Notwithstanding subparagraph (B) of paragraph (1), any maximum automobile parking requirement.

(c) An eligible applicant proposing a residential development that is located within a one-quarter mile radius of a major transit and includes no less than ____ percent affordable housing units
stop shall receive, in addition to the incentives specified in paragraph (1); subdivision (a), waivers from all of the following:

(A)

(1) Maximum height requirements less than 55 feet.

(B)

(2) Maximum FAR requirements less than 3.25.

(C)

(3) Notwithstanding subparagraph (B) of paragraph (1); (1) of subdivision (b), any maximum minimum automobile parking requirement.

(d) Notwithstanding any other law, for purposes of calculating any additional incentive or concession in accordance with Section 65915, the number of units in the residential development after applying the equitable communities incentive received pursuant to this chapter shall be used as the base density for calculating the incentive or concession under that section.

(e) An eligible applicant proposing a project that meets all of the requirements under Section 65913.4 may submit an application for streamlined, ministerial approval in accordance with that section.

(b) The local government may modify or expand the terms of an equitable communities incentive provided pursuant to this chapter, provided that the equitable communities incentive is consistent with, and meets the minimum standards specified in, this chapter.

65918.54. The Legislature finds and declares that this chapter addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities.

65918.55. (a) It is the intent of the Legislature that implementation of this chapter shall be delayed in sensitive communities until July 1, 2020.

(b) It is further the intent of the Legislature to enact legislation that does all of the following:
(b) Between January 1, 2020, and ___, allows a local government, in lieu of the requirements of this chapter, to may opt for a community-led planning process in sensitive communities aimed toward increasing residential density and multifamily housing choices near transit stops, as follows:

(2) Encourages sensitive

(1) Sensitive communities to opt for that pursue a community-led planning process at the neighborhood level to develop shall, on or before January 1, 2025, produce a community plan that may include zoning and any other policies that encourage multifamily housing development at a range of income levels to meet unmet needs, protect vulnerable residents from displacement, and address other locally identified priorities.

(3) Sets minimum performance standards for community plans, such as minimum

(2) Community plans shall, at a minimum, be consistent with the overall residential development capacity and the minimum affordability standards set forth in this chapter: chapter within the boundaries of the community plan.

(4) Automatically applies the

(3) The provisions of this chapter shall apply on January 1, 2025, to sensitive communities that do have not have adopted community plans that meet the minimum standards described in paragraph (3), (2), whether those plans were adopted prior to or after enactment of this chapter.

SEC. 2.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIIIIB 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.
State Legislation for Consideration: Senate Bill 50

March 14, 2019
BART Board of Directors
Senate Bill 50 (Wiener)
Equitable Communities Incentive

- SB 50 seeks to increase housing production by allowing qualifying residential projects located in either a transit-rich or job-rich area to receive a development bonus referred to as “equitable communities incentive.”
- The bonus grants eligible projects a waiver from certain local development controls and up to three additional concessions or incentives under the State Density Bonus Law.
- To qualify for an “equitable communities incentive,” a project must meet inclusionary requirements and comply with applicable approval requirements and local standards as specified.
Transit-Rich Housing Project
A residential development located within a one-half mile radius of a major transit stop (rail or ferry) or a one-quarter mile radius of a stop on a high-quality bus corridor.

Job-rich Housing Project
A residential development in an area, identified by the Department of Housing and Community Development, that is both high opportunity and jobs rich, characterized by:

- Positive educational and economic outcomes
- Employment density
- Proximity to jobs, shorter commutes
### Senate Bill 50 (Wiener) - Applicable Geographies and Proposed Zoning Standards

<table>
<thead>
<tr>
<th>Qualifying Area</th>
<th>Min. Height Limit</th>
<th>Min. FAR* Limit</th>
<th>Min. Parking Requirements</th>
<th>Density Limits</th>
</tr>
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<tbody>
<tr>
<td>¼ mile radius of rail or ferry stop</td>
<td>55 ft</td>
<td>3.25</td>
<td>Waived</td>
<td>Waived</td>
</tr>
<tr>
<td>½ mile radius of rail or ferry stop</td>
<td>45 ft</td>
<td>2.5</td>
<td>Waived</td>
<td>Waived</td>
</tr>
<tr>
<td>¼ mile radius of “high quality bus” stop OR Area identified as “jobs rich”</td>
<td>No change</td>
<td>No change</td>
<td>Waived up to 0.5 space/units</td>
<td>Waived</td>
</tr>
</tbody>
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*Floor Area Ratio (FAR): Ratio of the gross floor area to be built by the acreage on which it is located*
### Senate Bill 50 (Wiener) - Affordable Housing Requirements

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#### Income Limits

**Low**

50% - 80% of AMI

**Very Low**

30% - 50% of AMI

**Extremely Low**

0 – 30% of AMI
Within the Bay Area – identified using the Metropolitan Transportation Commission’s map of disadvantaged and vulnerable communities.

Outside of the Bay Area – identified based on percentage of households living below poverty line and indicators of racial segregation in a census tract.

Local governments with sensitive communities would be allowed a five-year exemption for those areas, if they pursue a community-led planning process at the neighborhood level to develop zoning and policies that encourage multi-family housing development consistent with the requirements in SB 50.

Municipalities must produce a community plan by January 1, 2025, or default to standards within SB 50.