



Senate Bill 50 (2019)



Senator Wiener

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The Basics

SB50 is an amendment to the State Density Bonus Law that would require local governments to grant an additional “equitable communities” incentive to housing developers if a given project is deemed to be either “jobs rich”, or “transit rich”.

Other important conditions:

- These incentives are ***in addition*** to the other “concessions” offered under State Density Bonus law
- Qualifying housing projects must also not displace existing tenants, and offers a timetable for how when a project is eligible, should tenants have lived on the parcel prior to the proposed project.
- The project must conform to all other local standards beyond those considered within the density bonus (height, density, parking, setbacks, etc.)

Equitable Communities Incentive

A residential development that meets the applicable criteria shall receive, upon request, an equitable communities incentive as follows:

- A waiver from maximum controls on density.
- A waiver from maximum automobile parking requirements greater than 0.5 automobile parking spots per unit.
- Up to three incentives and concessions under existing State Density Bonus Law
- **In addition to above mentioned concessions**, projects between .25-.5 miles away from major transit stop:
 - Waivers on height restrictions 45 feet and below
 - Waivers on FAR restrictions up to 2.5
 - Waiver on any maximum automobile parking requirement
- **Projects within .25 miles of a major transit stop get:**
 - Waivers on height restrictions 55 feet and below
 - Waivers on FAR restrictions up to 3.5
 - Waiver on any maximum automobile parking requirement

Jobs Rich Housing

An eligible project can be considered “jobs rich” if one or more of the following criteria are met:

- It is within an area identified by HCD’s 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.*
- No more than 25 percent of project area can be outside of HCD identified areas
- Only 10 percent or 100 units (whichever is less) can be outside of HCD identified areas

Transit Rich Housing

An eligible project can be considered “transit rich” if one or more of the following criteria are met:

- The project is within a quarter mile of a “High Quality Bus Corridor”
 - Fixed route
 - No more than 15 minute intervals during both morning and evening commute hours (M-F)
 - Average of 20 minute headways during morning/school commute time (6-10am)
 - No more than 30 minute intervals, 8am-10pm on Saturday and Sunday
- The project is within half a mile of a “Major Transit Stop”
 - Existing rail station or ferry terminal currently served by bus
- No more than 25 percent of project area can be outside of “transit rich” zone, only 10 percent or 100 units (whichever is less) can be outside of

Anti-Displacement Language

A project is eligible for an “equitable communities” incentive, but only if the site does 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.

- Housing occupied by tenants within the seven years preceding the date of the application
- A parcel or parcels on which an owner of residential real property has exercised his or her rights under the Ellis Act to withdraw accommodations from rent or lease within 15 years
- The bill would also declare the intent of the Legislature to delay implementation of this bill in sensitive communities, as defined, until July 1, 2020, as provided.

Other considerations

- Labor used for construction must meet prevailing wage requirements
- Can apply for expedited permit process under SB35
- Must take advantage of State Density Bonus, does not address additional local density bonus programs