



January 18, 2017

Senator Scott Wiener
Capitol Building
Sacramento, CA 95814

RE: SB 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus-- OPPOSE

Dear Senator Wiener:

Sierra Club California opposes SB 827, which seeks to automatically increase zoning densities and building heights around high-quality transit corridors and major transit stops. High-quality transit corridors are defined as fixed-route bus services that have no more than 15-minute intervals during peak commute times, and major transit stops are defined by Public Resources Code section 21064.3 as “a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.”

While infill development near transit is the most desirable option, we believe that your bill is a heavy-handed approach to encourage that development that will ultimately lead to less transit being offered and more pollution generated, among other unintended consequences. For these reasons we oppose SB 827.

Fuels Opposition to Future Transit Development

Many areas in California lack adequate quality transit. However, some influential community members have been resistant to increasing transit in these areas. One example that comes to mind is the proposal to establish light rail development between downtown Sacramento and the airport. This proposal has faced some opposition by residents in areas north of downtown. SB 827 would marry transit development to a loss of local zoning control, and promise to up zone to eight story buildings areas near a transit corridor and major transit stop. This approach would surely increase opposition—and likely stir up additional opposition—to sorely needed transit investments in the Sacramento case. In Los Angeles County, the automatic requirement to up-zone that SB 827 provides could impact efforts to extend the Green Line into certain coastal towns. In San Diego County, the up-zoning requirement could hinder future expansion of coastal commuter rail into already developed communities.

Not All Transit Stops are Equal

Unlike fixed rail routes, bus routes are not set in stone, and may and should change periodically. Bus routes can disappear when ridership or funding declines, as occurred during the last recession. Some transit agencies have found that updating bus routes to reflect land use changes over time is one way to keep transit use high. Appropriately identifying which bus routes and stops are likely to remain high use and which may change over time is a job best left to local community planners.

SB 827 Can Promote Displacement

SB 827 will allow for greater development near transit stops. Some of these areas consist of disadvantaged communities that already face extreme pressure from gentrification. By imposing much

higher density and taking over zoning from local governments, the bill could result in these communities losing protections that prevent economic pressures from driving people out of their homes, replacing single-family homes with luxury units that are not available to people with moderate or low incomes. The increase in the cost of land from new luxury units can increase rents that further displacement.

Displacement can force residents out into areas further from their jobs and city centers, increasing commute times and greenhouse gas emissions. While infill development near transit is necessary, this must be done in ways that protect existing communities and discourage displacement. SB 827 makes no accommodation to protect disadvantaged residents.

Allow Incentive-Based Approaches to Work

The legislature addressed housing and increased densities last year with a few bills that provided funding and other measures designed to increase infill development, allowing local governments to set new zoning plans themselves. This is a more collaborative approach, and should be given time to play out.

SB 827 and SB 35 Interact to Preclude Public Health and Environmental Protections

SB 35 allows for ministerial permitting for projects that are in jurisdictions that have not met their Regional Housing Needs Assessment production requirements. An eligibility requirement for SB 35 is a consistency with objective zoning and design review standards. SB 827 will exempt some areas from those standards. This means that certain projects up to 85 feet in height (about 8 stories) would be eligible for ministerial permitting, and thus avoid environmental review under the California Environmental Quality Act (CEQA), in areas where all design, review, and public comment focus on single-family homes. This would increase the amount of unmitigated pollution in these communities, while stifling public input. We continue to believe that developers should prevent or mitigate their pollution, and this potential avoidance of CEQA is unacceptable.

We support and understand and experience the need for affordable housing in California. We support higher density in urban areas. We support infill development. However, SB 827 is not the right way to create better development. It has too many unintended consequences. It will increase pollution, discourage transit, and potentially displace disadvantaged residents. We oppose this measure, and urge you to remove this bill from consideration.

Sincerely,



Kyle Jones
Policy Advocate

Cc: Senate Transportation and Housing Committee members and staff