

With a few concessions, housing bill clears hurdle

Changes to SB 50 reflect difficult task of tackling local zoning issues with statewide legislation.



STATE SENS. Mike McGuire, left, and Scott Wiener confer in a Wednesday committee hearing. After the two reached an agreement on limiting the effect of Wiener's Senate Bill 50 on smaller counties, McGuire dropped his competing bill. (Rich Pedroncelli Associated Press)

BY LIAM DILLON

SACRAMENTO — High-profile housing legislation to allow mid-rise apartment construction near mass transit across California advanced in a state Senate committee

Wednesday after two lawmakers reached an agreement that would limit its effect on smaller counties and along the coast, but eliminate zoning that allows for only single-family homes in much of the state.

Under changes to Senate Bill 50, communities in Los Angeles, San Francisco and 13 other counties with populations larger than 600,000 people would have to allow four- to five-story apartment buildings near rail lines, and smaller apartments and townhomes in wealthy neighborhoods near job centers.

But in smaller counties, including Marin, Santa Cruz and Santa Barbara, cities would be required to permit height increases near rail one story taller than existing zoning as well as fourplexes in many single-family-only areas. Neighborhoods along the California coastline also would not have to permit buildings as tall or construction as dense as required further inland.

The deal is a concession to Sen. Mike McGuire (D-Healdsburg), the chairman of the Senate Governance and Finance Committee, who represents smaller coastal counties, including wealthy communities in Marin County that have [a history of pushing back against low-income and higher-density development](#).

McGuire had been critical of SB 50 for not taking into account differences between large and small cities, and he authored less aggressive legislation to increase height limits and densities. As part of the agreement, McGuire withdrew his bill and supported SB 50.

“A one-size-fits-all approach doesn’t work for every community in California, and the strategy of ‘no’ no longer works,” McGuire said. “No matter if you are a large city, a small city, an urban county, a rural county, everyone has to do their part to be able to combat this crisis of lack of affordable housing.”

Sen. Scott Wiener (D-San Francisco), the author of SB 50, said the changes made Wednesday would broaden the bill’s support in the Legislature. He emphasized that the new language would make it easier to build fourplexes on parcels zoned for single-family homes across the state.

“I think we have a very, very strong agreement on SB 50 that will help address the deep housing crisis that California faces,” Wiener said.

Negotiations over SB 50, which continued through the hearing Wednesday, revealed the difficulties in trying to craft statewide legislation that tackles zoning issues, which are largely the concern of cities and counties, and also don’t neatly fall along partisan lines.

Two Republican state senators, John Moorlach of Costa Mesa and Jim Nielsen of Gerber, support the bill, praising its promise to increase home building. Democratic Sen. Bob Hertzberg of Van Nuys spoke in opposition, saying the legislation was too complicated to move forward without a deeper study of its effects on neighborhoods.

Under the previous version of the bill, [more than 40%](#) of the developable land in the city of Los Angeles would have faced increases to density of some kind, according to a city study. In addition, [wealthy suburbs such as Palo Alto](#) and others in Silicon Valley along

with affluent Marin County enclaves would have had to allow apartment construction in many single-family-only neighborhoods.

Though Wednesday's revisions don't appear to make dramatic changes to those rules in Los Angeles and Silicon Valley, the amended bill would make less of an impact in Marin County.

Lawmakers have faced substantial criticism for excluding Marin from some of the state's strictest housing mandates. Two years ago, [legislators allowed the county to place additional restrictions on development](#) beyond those permitted in other regions. The legislation authorizing that change was inserted into a bill tied to the state budget and not required to go through the regular committee process.

McGuire, who represents Marin and Sonoma counties among other Northern California communities, said suburban and rural counties should be treated differently in housing policy.

"What works for downtown L.A. will not work for downtown Santa Rosa," McGuire said. "More housing, more affordable housing, will be built under this bill respecting the population at hand."

Despite the deal, opposition to the bill remains strong, predominantly from local governments that would lose some power to shape their communities and [advocates concerned about gentrification and displacement](#).

David Reyes, planning director for the city of Pasadena, testified at the hearing that cities often spend significant time trying to engage residents before allowing large-scale changes to zoning, a process that wouldn't happen under SB 50.

"What cities will do in response to a bill like this is sue the state," Reyes said. "What cities will do is have chaos with respect to the democratic process."

Wiener's bill would delay implementation in neighborhoods at risk of gentrification for five years to allow those communities to develop their own plans to increase density. All new construction for projects larger than 10 units would have to set aside a portion for low-income residents. And developers who hope to take advantage of SB 50 would be prohibited from demolishing homes on properties where tenants have lived for at least seven years.

Still, Shanti Singh, a spokeswoman for Tenants Together, said the onus for enforcing those anti-demolition provisions would probably fall on renter advocates who don't have the resources to ensure that they're followed.

"We believe that the solutions to the housing crisis must be led by those who are victimized," Singh said.

SB 50 continues to face a long road to passage and may not succeed if other housing bills don't garner support.

Sen. Jim Beall (D-San Jose) voted for the legislation Wednesday but said he would only do so in the future if bills to increase spending on low-income housing and protecting tenants also advance.

“If we don’t have a package of this bill and the other bills, I don’t think this is a successful effort this year,” Beall said.

SB 50 has to clear the Senate by the end of May and the Legislature by mid-September. Gov. Gavin Newsom has yet to take a position on the bill.