

# Wiener's housing bill loses key vote

By Melody Gutierrez

SACRAMENTO — A San Francisco state senator's bill to limit cities' ability to block large apartment and condominium construction in residential neighborhoods near public transit lost a key legislative vote Tuesday, killing it for this year.

State Sen. Scott Wiener's SB827 became one of the most hotly debat-

ed housing bills in the country, even before its first committee hearing. That hearing was Tuesday, and the Senate Transportation and Housing Committee — of which Wiener is a member — voted 5-4 to prevent the bill from moving forward.

Seven votes were needed on the 13-member panel for the measure to advance. Four senators were present but did not cast votes.

"There will be a path in the fu-

ture," Wiener said when the vote appeared to be going against him. He promised to make changes in the measure and bring it back before the Legislature in 2019.

Wiener spent weeks lobbying to get the bill through its first committee, but conceded last week that it probably needed another year of work to build a coalition to support it.

*Housing continues on A9*

## Crucial vote kills Wiener's housing bill — for this year

*Housing from page A1*

"I have always known there was a real possibility that SB827 — like other difficult and impactful bills that have come before — was going to take more than one year," he said. "Now, my job is to take the conversation started by SB827, and get to work on developing a proposal that meets the ambitious goals of this bill, while incorporating what we have learned since we introduced it."

The bill would have prevented cities from applying density and height limits to block apartments and condo buildings of up to five stories if they were within a half-mile of major transit hubs, such as a BART or Caltrain station. It would also have removed density restrictions on such buildings within a quarter-mile of highly used bus and light-rail stops.

Wiener's measure achieved a kind of ideological symbolism as California struggles with soaring rents and home prices, caused in part by a shortage of available housing. Supporters, who included Democrats and Republicans, said it would counteract NIMBYs who refuse to entertain any development near where they live. Opponents, who also included partisans on both the

left and right, called it a massive overreach by Sacramento that could destroy local neighborhoods.

Among the dozens of people attending the Capitol hearing were representatives of cities and counties across the state, the Sierra Club California and tenants groups, along with several people who identified themselves simply as residents of cities that would be affected by SB827.

"We believe we should have a say in how our communities are built out. This removes that," said Nancy Allen of Pleasanton. She is a member of the city's Planning Commission, but said she attended the hearing as a resident.

Supporters also numbered in the dozens, and included representatives of affordable housing, business and real estate groups and the San Francisco chapter of YIMBY, which lobbies for more housing in cities and suburbs.

"Our companies are struggling to attract and keep employees at all levels because of the cost of housing," said Bless Sheppard, a lobbyist for the Silicon Valley Leadership Group. "We need to construct more homes for all Californians."

Wiener cast his measure as one that would help disadvantaged Californians who

## How they voted

How members of the state Senate Transportation and Housing Committee voted on Sen. Scott Wiener's SB827 on Tuesday. The bill would have made it more difficult for cities to block large apartment and condominium projects near public transit.

**Sen. Jim Beall**, D-San Jose (chair): No

**Sen. Anthony Cannella**, R-Ceres (Stanislaus County) (vice chair): No

**Sen. Benjamin Allen**, D-Santa Monica: No

**Sen. Bill Dodd**, D-Napa: No

**Sen. Ted Gaines**, R-El Dorado Hills: Yes

**Sen. Cathleen Galgiani**, D-Stockton: Not voting

**Sen. Mike McGuire**, D-Healdsburg: No

**Sen. Mike Morrell**, R-Rancho Cucamonga (San Bernardino County): Yes

**Sen. Richard Roth**, D-Riverside: Not voting

**Sen. Nancy Skinner**, D-Berkeley: Yes

**Sen. Andy Vidak**, R-Hanford (Kings County): Not voting

**Sen. Bob Wieckowski**, D-Fremont: Not voting

**Sen. Scott Wiener**, D-San Francisco: Yes

despair of finding housing anywhere near where they work. He took aim at Beverly Hills and Marin County, saying they opposed his bill because it would remove an obstacle that wealthy cities use to keep new housing out of their communities.

"I know this bill is controversial," Wiener said. "It has triggered a long overdue statewide debate precisely because it does something that will impact California positively and because housing matters."

Wiener said his bill would not only help the state with its housing needs, but would put California in a better position for meeting its climate goals. Housing near public transit reduces the need for people to drive long distances to their jobs, cutting traffic congestion and greenhouse gas emissions,

Wiener said.

"If we don't build more housing we will never get the cost of housing down," said state Sen. Nancy Skinner, D-Berkeley, who voted in favor of the bill.

Wiener amended the bill twice since introducing it in January in hopes of getting it through its first committee. He lowered the allowable height of buildings from eight stories, made the implementation date 2021 instead of 2019, and included a minimum number of affordable units that projects would have to include.

Some of the bill's critics said it would encourage development of expensive multiunit housing that would displace longtime low-income residents who happened to live near a train station. Wiener tried to defuse the objection by amend-

ing the bill to let cities with rent control ban demolition of units covered by the price limits.

He also agreed to stipulate that any tenant forced to move because of a project approved under SB827 could return to the property when it was finished, at the same monthly rent. The developer would have had to cover rental assistance during construction for up to 3½ years.

Few opponents were swayed by the changes.

"A policy that fails to adequately preserve existing sources of affordable housing and protect low-income communities from direct and indirect displacement, and ensures that development of new housing is affordable to lower-income households, is not one we can support," said Anya Lawler, a policy advocate for the Western Center on Law and Poverty.

Several senators who voted against the bill nevertheless praised Wiener for proposing SB827, and indicated they might be open to the measure if he makes further changes.

Sen. Mike McGuire, D-Healdsburg, said he is committed to working with Wiener over the next six months on a bill that he could support. McGuire chairs the committee that would have heard SB827 next had it passed on Tuesday.

"We have a housing crisis in this state," McGuire said. "But we have to get this right."

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