

## LEGISLATIVE DIGEST

[Planning Code - Transit Oriented Residential Development]

**Ordinance 1) temporarily excluding certain sites from the provisions of California Senate Bill No. 79 (SB 79) that require local jurisdictions to allow residential uses at various densities, heights, and floor area ratios on sites within one-half mile of a transit-oriented development stop; 2) permanently excluding from those provisions of SB 79 sites located in industrial employment hubs, including certain sites zoned M (Industrial), SALI (Service/Arts/Light Industrial), PDR (Production, Distribution, Repair), WMUG (WSoMa Mixed Use-General), and P (Public), and sites with a walking path of more than one mile to the closest transit development stop; 3) amending the Planning Code to permit additional density and height for residential projects on certain parcels within one-half mile of a transit-oriented development stop; 4) adopting an Alternative Plan to SB 79, including making findings that the Alternative Plan provides equivalent development capacity; 5) making findings that these exemptions and the City's residential capacity meet the requirements of SB 79; and 6) directing the Clerk of the Board of Supervisors to transmit a copy of this Ordinance to the California Department of Housing and Community Development; and affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making public necessity, convenience, and welfare findings under Planning Code, Section 302.**

### Existing Law

Senate Bill No. 79 ("SB79"), effective July 1, 2026, requires local jurisdictions to allow residential uses at various densities, heights, and floor area ratios on sites within one-half mile of a "transit oriented development stop." Generally, transit oriented development ("TOD") stops are existing rail or bus rapid transit stations, ferry terminals, and intersections of major bus lines. The required minimum height, density, and FAR of a parcel within a TOD zone is based on the distance from the stop and the type of stop (bus stop, light rail, heavy rail), but ranges from 55 feet and 80 dwelling units per acre, to 95 feet and 160 dwelling units per acre. The minimum floor area ratio ranges from 2.5 to 4.5. Please see the table below in "Background Information."

Local jurisdictions may exempt parcels within a TOD zone if the parcels are located in areas zoned for industrial uses, or if the walking distance from the parcel to the closest entrance to the stop or station is greater than one mile.

Local jurisdictions may also temporarily (until one year after the jurisdiction adopts its next housing element) exempt additional parcels if the parcels allow at least 50% of the density allowed under SB 79, are designated on a local historic register as of January 1, 2025, or are located in low resource areas in jurisdictions that cumulatively allow at least 50% of total

capacity in all TOD zones. San Francisco's total cumulative capacity across all TOD zones is greater than 50% of SB 79's required capacity. San Francisco's next housing element is due January 31, 2031.

SB 79 also allows local jurisdictions to exempt the jurisdiction from the requirements of SB 79 altogether if the overall residential capacity of the jurisdiction meets or exceeds the residential capacity allowed under SB 79, and if each parcel within a TOD zone (i.e. within one-half mile of the TOD stop) allows at least 50% of the capacity as otherwise allowed on the parcel by SB 79. To qualify for this exemption, the jurisdiction must adopt by ordinance an "Alternative Plan," which must be approved by the State Department of Housing and Community Development.

The San Francisco Planning Code governs the heights and densities of parcels within San Francisco. Most, but not all, parcels within one-half mile of a TOD stop allow a minimum of at least 50% of the capacity required by SB 79.

#### Amendments to Current Law

This ordinance would permanently exclude certain sites within one-half mile of a TOD stop from the requirements of SB 79, including sites zoned M, SALI, PDR, WMUG, and P, as well as one site with a walking path of more than one mile from the closest transit development stop.

The ordinance would also temporarily exclude certain sites from the requirements of SB 79 until one year after the City adopts its next housing element. Temporarily excluded sites include sites within low resource areas (generally, sites within the Priority Equity Geography Special Use District).

This ordinance would amend the Planning Code to allow a density exception to increase the allowed minimum residential capacity on parcels within one-half mile of a TOD stop that do not otherwise meet at least 50% of the minimum capacity under SB 79. The density exception would allow up to 50% of the capacity required under SB 79. The density exception would not be available to projects on parcels subject to R-4 height and bulk zoning (adopted in the Family Zoning Plan in Ordinance No. 245-25), projects using the state density bonus, or projects on parcels with a historic resource designated prior to January 1, 2025. Projects on parcels with a height limit of less than 40 feet would be allowed at least 40 feet in height.

Finally, the ordinance would adopt an Alternative Plan, which, if approved by HCD would exempt the City from the requirements of SB 79 until the City adopts the next housing element.

#### Background Information

SB 79 (Weiner, 2025) requires local jurisdictions to allow minimum heights, densities and floor area ratios of housing development projects on parcels within one-half mile of TOD stops. The minimum heights, densities, and FAR required by SB 79 varies based on the type of transit and distance to the stop, as set forth in the table below.

| <b>Location</b>   | <b>Permitted Development within ½ mile of <b>BART or Caltrain</b> (Tier 1 Stop)</b> | <b>Permitted development within ½ mile of <b>Muni Metro, ferry, Muni BRT</b> (Tier 2 Stop)</b> |
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| Adjacent to TOD stop (within 200 feet of a pedestrian access point) | Height: 95 feet<br>Density: 160 du/ac<br>FAR 4.5                                    | Height: 85 feet<br>Density: 140 du/ac<br>FAR 4.0   |
| Within ¼ mile of TOD stop   | Height: 75 feet<br>Density: 120 du/ac<br>FAR 3.5                                    | Height: 65 feet<br>Density: 100 du/ac<br>FAR 3.0   |
| Between ¼ and ½ mile of TOD stop                                    | Height: 65 feet<br>Density: 100 du/ac<br>FAR 3.0                                    | Height: 55 feet<br>Density: 80 du/ac<br>FAR 2.5  |