



# SENATE BILL 330 HOUSING CRISIS ACT OF 2019

INFORMATIONAL PRESENTATION

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**San Francisco**  
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# SB 330 “HOUSING CRISIS ACT” BACKGROUND



- Introduced in February 2019 by Sen. Nancy Skinner (D-Berkeley)
- Passed the Senate in May
- Assembly Housing and Community Development Committee amended and passed June 19
- Amended by author June 25
- Pending at Assembly Local Government Committee July 10

# WHEN AND WHERE WOULD SB 300 APPLY?



- In effect until January 1, 2025
- Some provisions for “affected” cities and counties:
  - Localities with rents *higher* than, and average vacancy rates *lower* than the national average (TBD)
- Other provisions apply to all localities statewide

# WHAT'S *NOT* IN THE BILL?

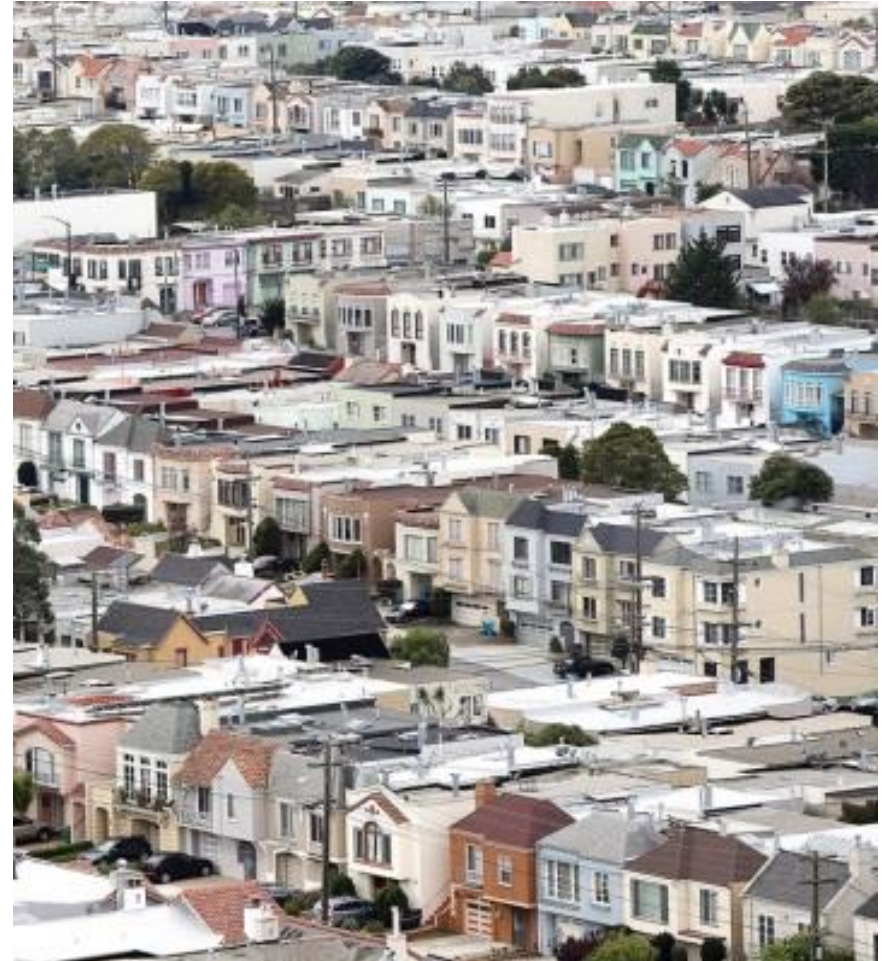


- No mandated up-zonings
- No new “ministerial” approvals
- CEQA, California Coastal Act still apply
- Short-term rental controls OK
- Fire hazard zones exempted
- Exceptions for public health and safety



# SB 330 “HOUSING CRISIS ACT” SUMMARY

- Limits on **down-zoning actions** for housing, and new parking and design standards
- Requires **approval within permitted residential densities**, based on time of application
- Project **review time limits**, and limited number of **public hearings**
- **Replacement and relocation assistance** requirements for existing residential units



# LOCAL ZONING ACTIONS



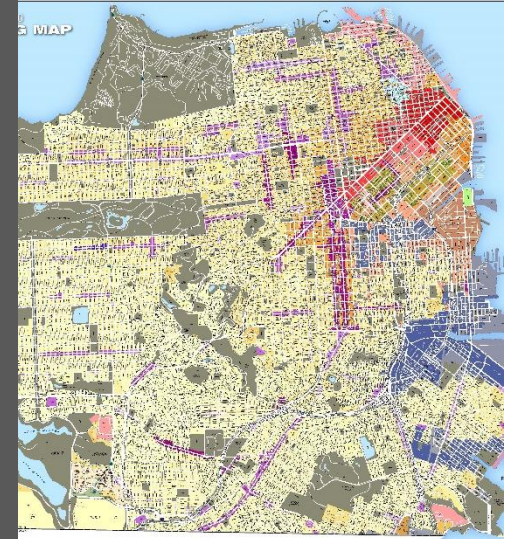
# Local Zoning Actions in **Affected Jurisdictions**

## Downzoning prohibited

where housing is an allowable use as of January 1, 2018

- Reductions of height, density, FAR
- New or increased open space, lot size, or setback requirements
- Minimum frontage or maximum lot coverage requirements

*Except* if balanced by concurrent upzonings elsewhere



## Limits on new standards

as compared with January 1, 2018:

- No **moratoriums** or **caps** on housing approvals
- No new minimum **parking requirements** above 0.5 spaces per unit
- No new **design standards** that are not “objective standards”



# PROJECT REVIEW AND APPROVALS





# Project Review and Approvals in **Affected Jurisdictions**

## **Maximum allowable density to be granted**

per zoning and General Plan as of January 1, 2018

- Projects proposing **up to the maximum density** must be approved, unless overriding evidence
- No reductions in density via **conditions of approval**
- Lower legal threshold for enforcing **Housing Accountability Act**

# Project Review and Approvals in **All Jurisdictions**



## **Projects subject to zoning “law of the day”**

at the time of a complete preliminary application

*Except if:*

- Construction has not commenced within **3 years from approval**
- The project **increases by more than 20 percent** in size
- New requirements for **health and safety or CEQA mitigations**

Applies only to *preconstruction* development standards

## **Historic Resource Determinations**

- Must be made at the time of a **complete development application**
- Determination remains in effect for **duration of project review**
- *Except if archeological, paleontological, or tribal cultural resources are discovered*



# Project Review and Approvals in **All Jurisdictions**



## Permit Streamlining Act

requires timelines for entitlement action, based on level of environmental review

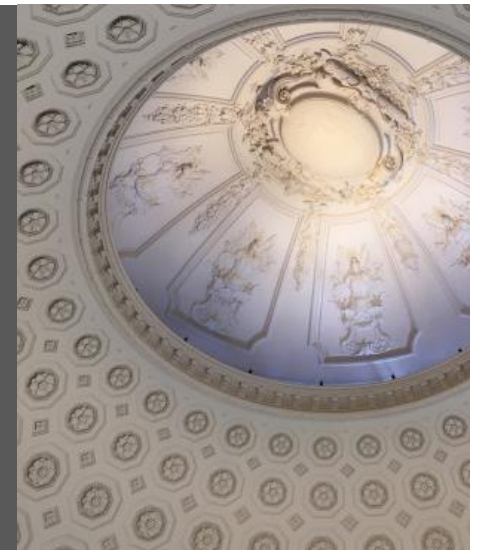
*Timelines would be amended:*

- action within 90 days after EIR certifications (from 180 days)
- action within 60 days for MNDs, NDs, and Exemptions (no change)

## Limit of 5 public hearings for approval

for projects that comply with all objective standards

- Would *not* apply to projects seeking exceptions from **objective standards**
- **Continuances** would count toward the limit
- **Appeal hearings** would count toward the limit





# UNIT REPLACEMENT AND RELOCATION ASSISTANCE



# Unit Replacement and Relocation in **Affected Jurisdictions**

## Existing dwelling units

could only be demolished if the replacement project includes at least as many units

### “Protected Units” including:

- **Section 8** voucher households, **below-market rate** units, **rent-controlled** units, units vacated by **Ellis Act** eviction in the past 10 years, or any unit occupied by **low-income households** in the past 5 years

could only be approved for demolition if:

- Units are **replaced at equivalent size and affordability**
- **Relocation benefits** and a **right of first refusal** for a comparable unit in the new project are provided
- Residents are allowed to **remain until 6 months before construction**



# POTENTIAL IMPACTS SAN FRANCISCO





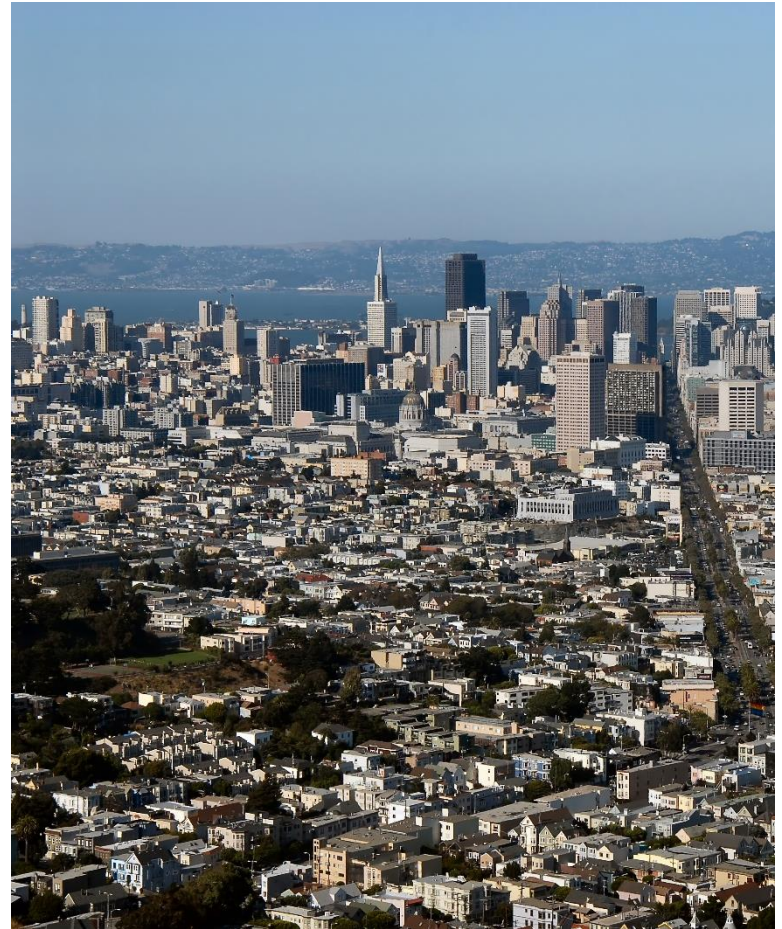
# LOCAL ZONING ACTIONS IN **SAN FRANCISCO**

## “Objective” Design Standards

- Design standards adopted in 2018 or later would have to be “objective” to apply
- Urban Design Guidelines (UDGs), Central SoMa, Hub, and Calle 24 guidelines would be impacted

## Rezoning actions

- Rezonings to non-residential uses (e.g. PDR) would have to be balanced with added residential capacity elsewhere



# PROJECT REVIEW AND APPROVAL IN **SAN FRANCISCO**



## “Law of the day” for new projects

- “Law of the day” for projects at preliminary application would add predictability to the process
- City would still be able to apply new requirements for projects that don’t built, or increase significantly
- New building code standards can still be applied

## Historic Resource Determination

- Determinations to be made based on an HRE application within 30 days, in most cases

# PROJECT REVIEW AND APPROVAL IN **SAN FRANCISCO**

## Limit of 5 public hearings for approval

- Would *not* apply to ENX, DNX, PUD or other entitlements seeking exceptions, or projects that require a rezoning or DA
- Would apply to as-of-right, most Conditional Use projects, and most State Density Bonus projects
- Continued hearings, and appeal hearings would count toward the limit





# REPLACEMENT OF EXISTING UNITS IN **SAN FRANCISCO**



Projects must add at least as many units as are removed

- Builds on local practice with new state requirement

Replacement units, relocation assistance, and right of first refusal

- Would apply to more units than current local programs
- Stronger local requirements would still apply
- Could provide protections in demolition cases when units are approved for removal

THANK YOU



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