SENATE BILL 330
HOUSING CRISIS ACT OF 2019
INFORMATIONAL PRESENTATION
SB 330 “HOUSING CRISIS ACT” OVERVIEW

- Introduced by Sen. Nancy Skinner (D-Berkeley) and signed into law October 2019
- Effective January 1, 2020 until January 1, 2025
- Some provisions apply only to “urbanized areas” per US Census, others apply to all localities
- All provisions apply in San Francisco
SB 330 “HOUSING CRISIS ACT” OVERVIEW

1. Limits on downzoning and new design guidelines

2. Application Review Process:
   - City can only apply rules in effect at time of “preliminary application”
   - Local historic landmarks determination fixed at time of Project Application
   - Limit of 5 public hearings for code-complying projects

3. Replacement housing and relocation assistance required for existing residential units
SB 330 “HOUSING CRISIS ACT” WHAT’S NOT IN THE BILL

- No mandated upzonings
- No new “ministerial” approvals
- Does not supersede Coastal Act or CEQA
- Short-term rental controls OK
- New inclusionary and rent control ordinances OK
- Fire hazard zones exempted
- Exceptions for public health and safety
ZONING ACTIONS AND DESIGN STANDARDS
**SB 330 “HOUSING CRISIS ACT” ZONING ACTIONS**

1. **Downzoning** prohibited where housing was allowed as of 2018:
   - Reductions of height, density, FAR
   - New or increases open space, lot size, setback requirements
   - Minimum frontage or maximum lot coverage requirements
   - Moratoriums or caps on housing approvals

   *Except* if balanced by concurrent upzonings elsewhere
2. Design standards must be objective after January 1, 2020

Existing Guidelines remain in effect:

- Urban Design Guidelines
- Residential Design Guidelines
- Calle 24, Japantown Special Area Design Guidelines, etc...
- Retained Elements Design Guidelines

Upcoming efforts:

- Historic Design Guidelines
APPLICATION REVIEW PROCESS
1. Development Standards “frozen” at time of Preliminary Application

- Must submit development application within 6 months (Project Application)
- Must commence construction within 30 months of approval (site permit)
- May not increase by more than 20% (except via State Density Bonus)
- Impact and application fees may be indexed annually

Preliminary Housing Development Application available online:

- may submit with Project Application or PPA application
2. Local landmark designations must be **before** Project Application:

- Article 10 historic landmarks
- Article 11 historic conservation districts

- CEQA historic resource review and mitigations still required
3. Limit of 5 public hearings for code-complying housing projects

- Applies to any project *not* seeking exceptions from the Planning Code (includes State Density Bonus)

- *Does not* apply to Variance, some CUAs, ENX, DNX, PUD, rezonings, or Development Agreements.

- Any public hearing connected to project approval: informational, continuance, or appeals

- *Does not* apply to CEQA hearings

- Joint hearings count as one
REPLACEMENT UNITS AND RELOCATION ASSISTANCE
SB 330 “HOUSING CRISIS ACT” REPLACEMENT UNITS

1. Demolition of any existing units: replacement project must include at least as many units

2. Demolition of “protected units”
   - Below market rate, rent controlled, Section 8, or occupied by low-income tenant (80% AMI) in the past 5 years
   - Ellis Act eviction in the past 10 years
   
must be replaced at comparable size and affordability

3. Existing tenants shall receive:
   - Right or first refusal to return
   - Relocation payments
   - Right to remain until 6 months before construction
Replacement of Protected Units:

- BMR at same affordability as prior tenants (30%, 50%, or 80% of AMI)
- If prior tenant income is *not known* assume same proportion of low-income units in San Francisco
- Rent-controlled units occupied by moderate-income tenants or above may be replaced with either new rent control units or BMRs at 80% AMI
- Any replacement BMR units required are *in addition* to Inclusionary units
Any existing housing units

Rent-controlled units occupied by households above 80% AMI

- Units occupied by low-income households
- Below market rate units
- Ellis Act units
WHAT IS A "CODE COMPLYING PROJECT" ???

“…complies with applicable objective general plan and zoning standards, in effect at the time the application was deemed complete…”

- CUA, DNX, and ENX projects not seeking exceptions
- State Density Bonus projects
- Ministerial and as-of-right projects

Does not include:

- SUDs and map amendments
- Development Agreements
- Variances
- Exceptions via DNX, ENX, PUD, or certain CUAs
66300.
(a) As used in this section:

...

(7) “Objective design standard” means a design standard that involve no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal of an application.