



# SENATE BILL 330 HOUSING CRISIS ACT OF 2019

INFORMATIONAL PRESENTATION

San Francisco Planning Commission  
January 9, 2020



**San Francisco**  
**Planning**

# SB 330 “HOUSING CRISIS ACT” OVERVIEW

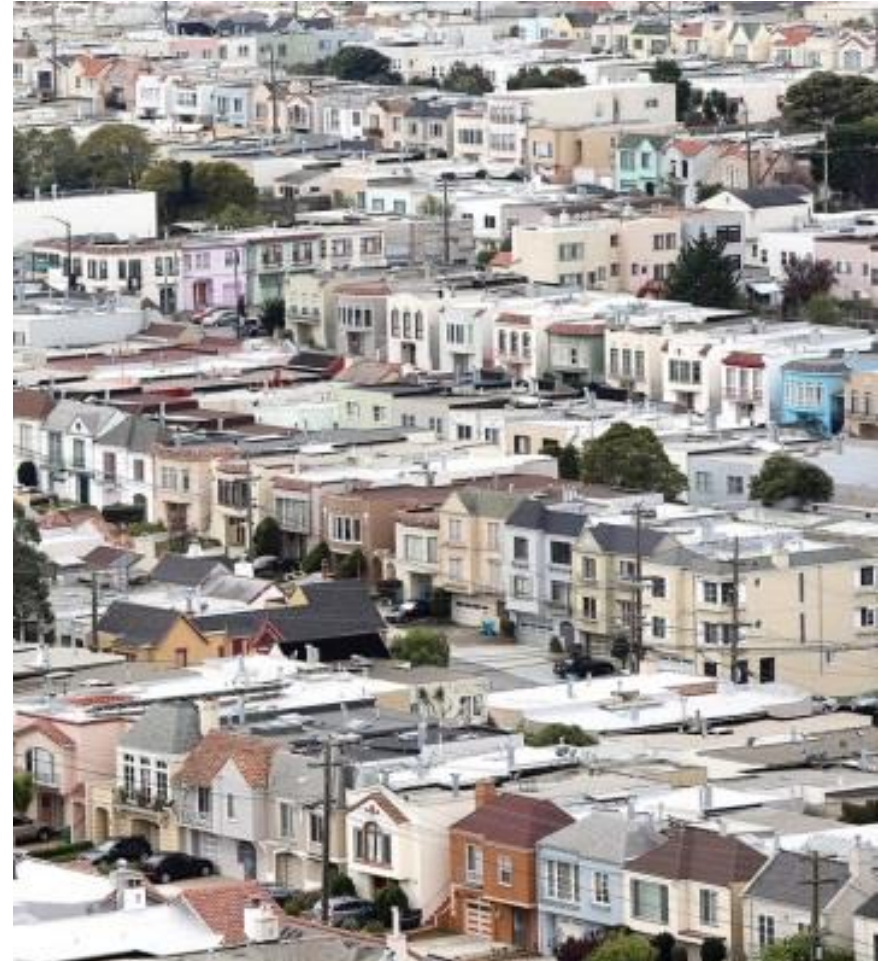


- Introduced by Sen. Nancy Skinner (D-Berkeley) and signed into law October 2019
- Effective January 1, 2020 until January 1, 2025
- Some provisions apply only to “urbanized areas” per US Census, others apply to all localities
- All provisions apply in San Francisco



# 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



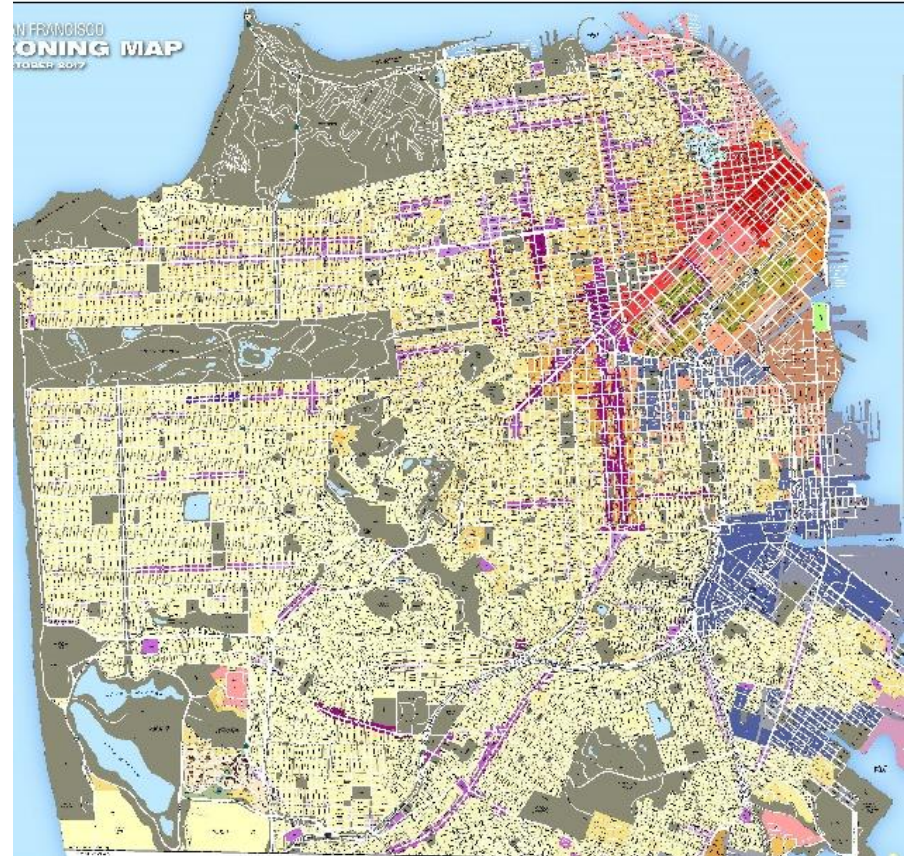


# SB 330 “HOUSING CRISIS ACT” ZONING ACTIONS

## 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



# SB 330 “HOUSING CRISIS ACT” DESIGN STANDARDS

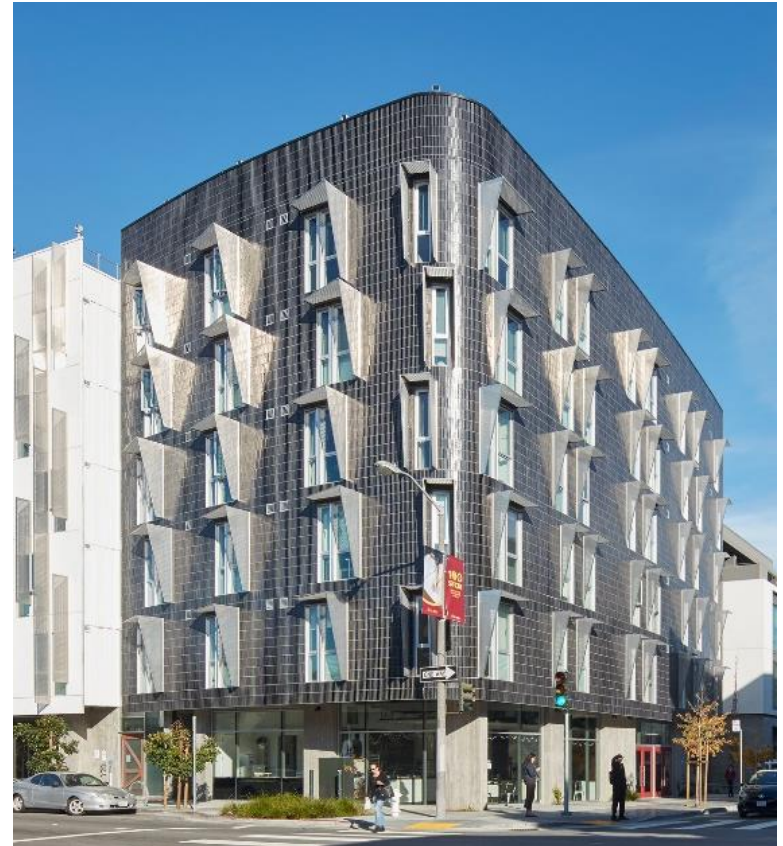
2. Design standards must be objective after January 1, 2020

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





# SB 330 “HOUSING CRISIS ACT” PRELIMINARY HOUSING APPLICATIONS

## 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



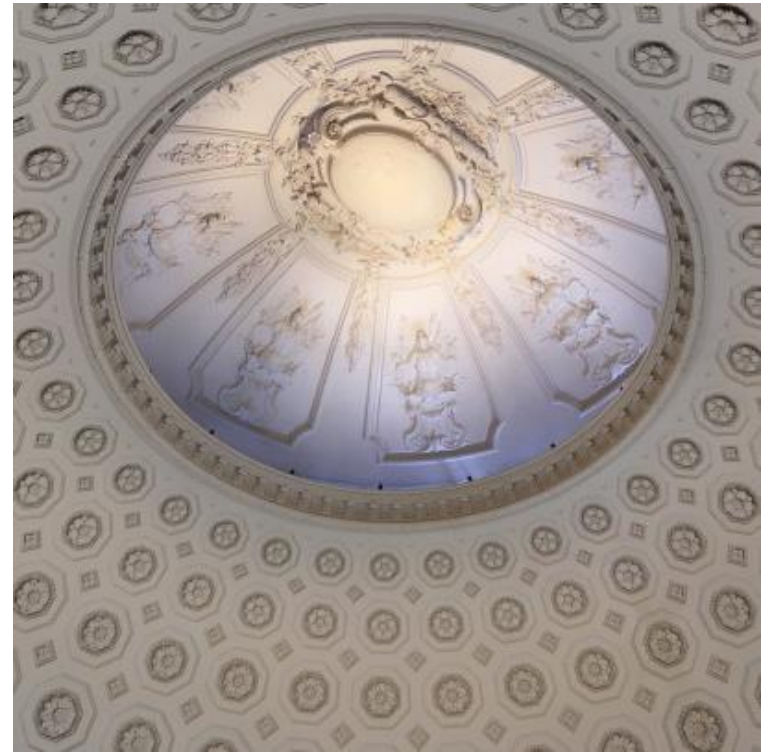
# SB 330 “HOUSING CRISIS ACT” HISTORIC LANDMARK DESIGNATIONS

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



# SB 330 “HOUSING CRISIS ACT” LIMITED PUBLIC HEARINGS

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 yearsmust be replaced at comparable size and affordability
3. Existing tenants shall receive:
  - Right of first refusal to return
  - Relocation payments
  - Right to remain until 6 months before construction

# SB 330 “HOUSING CRISIS ACT” REPLACEMENT UNITS



## 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



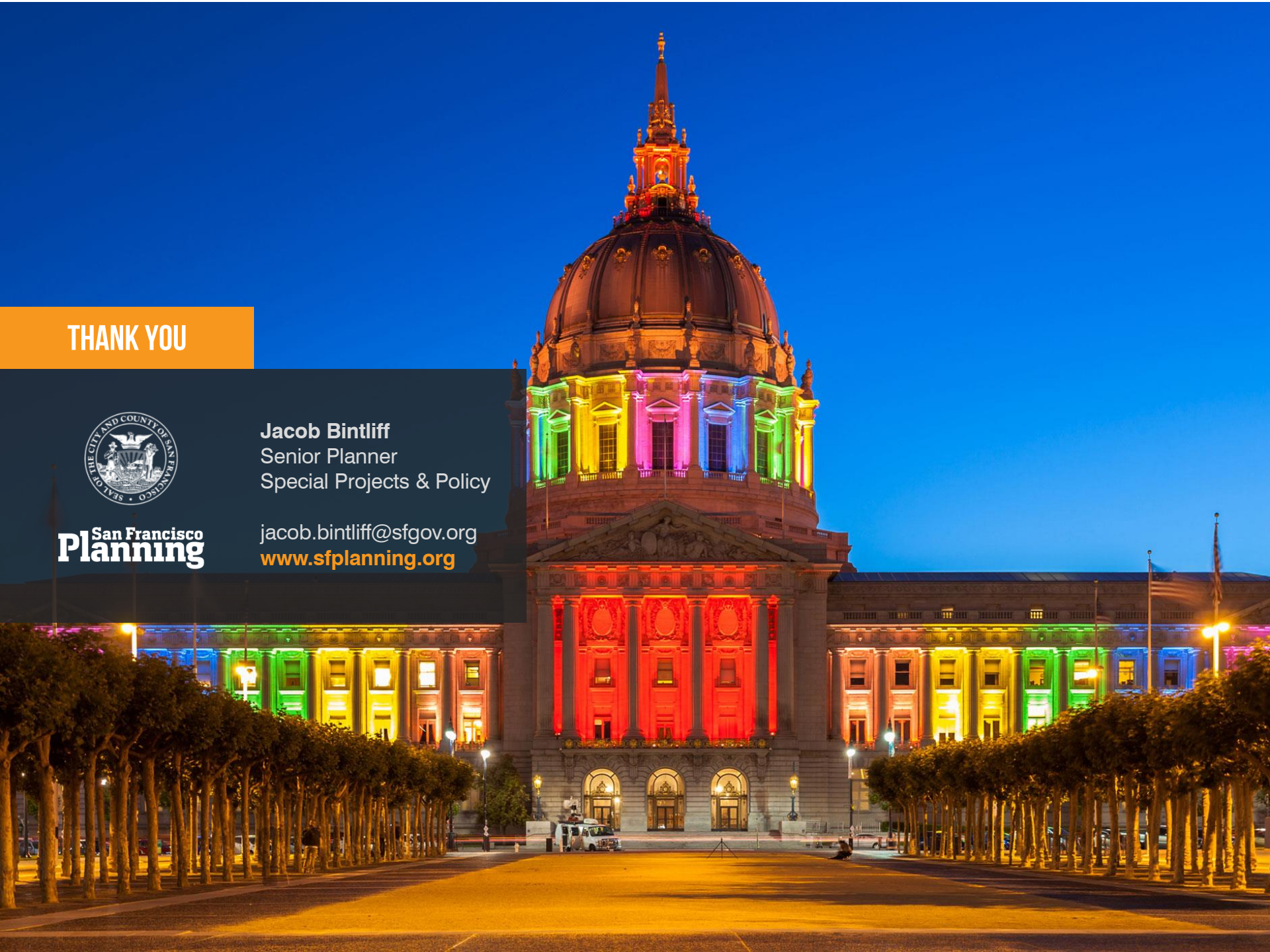
THANK YOU



**San Francisco**  
**Planning**

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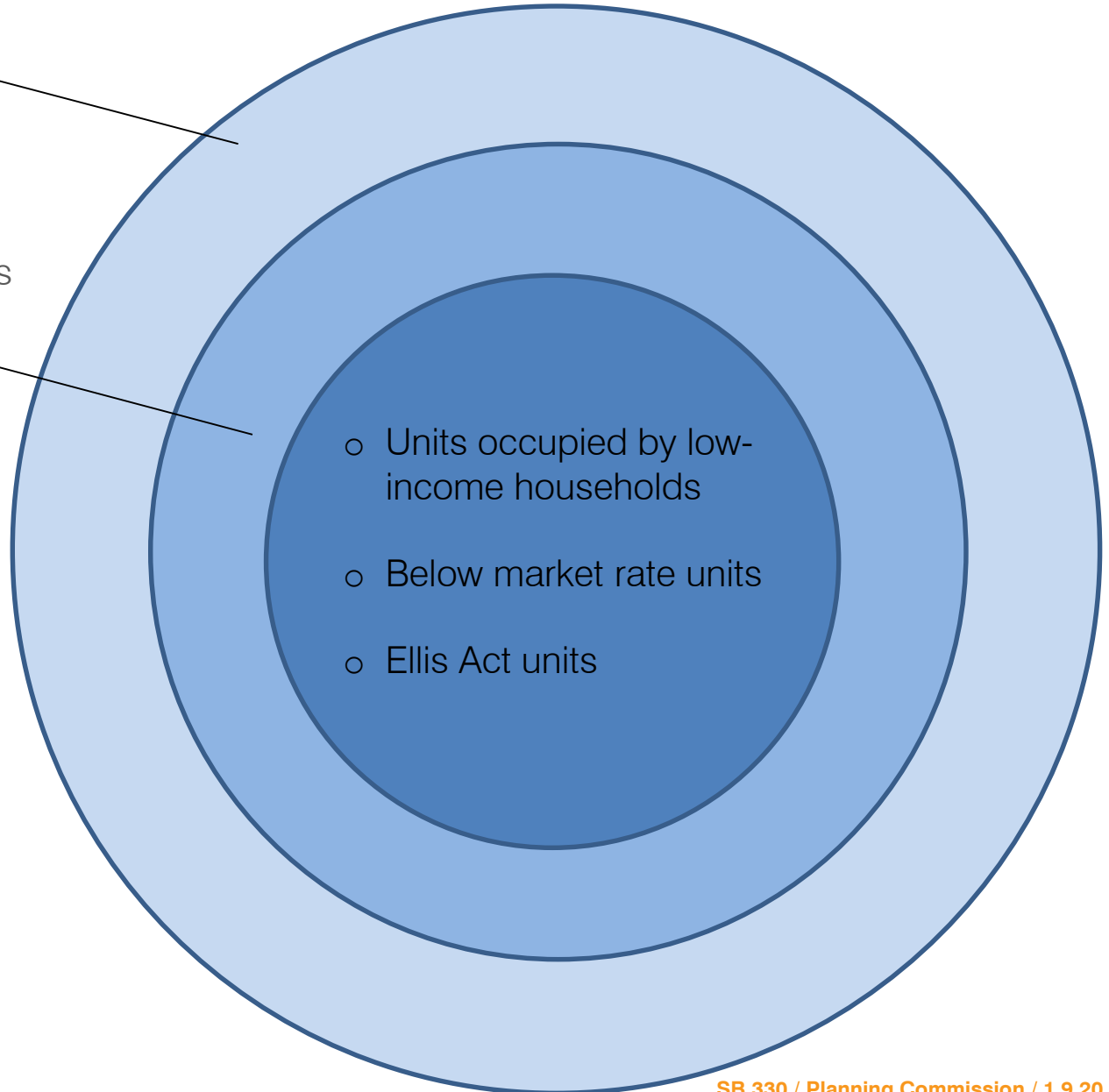
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# SB 330 “HOUSING CRISIS ACT” REPLACEMENT UNITS

Any existing housing units

Rent-controlled units  
occupied by households  
above 80% AMI



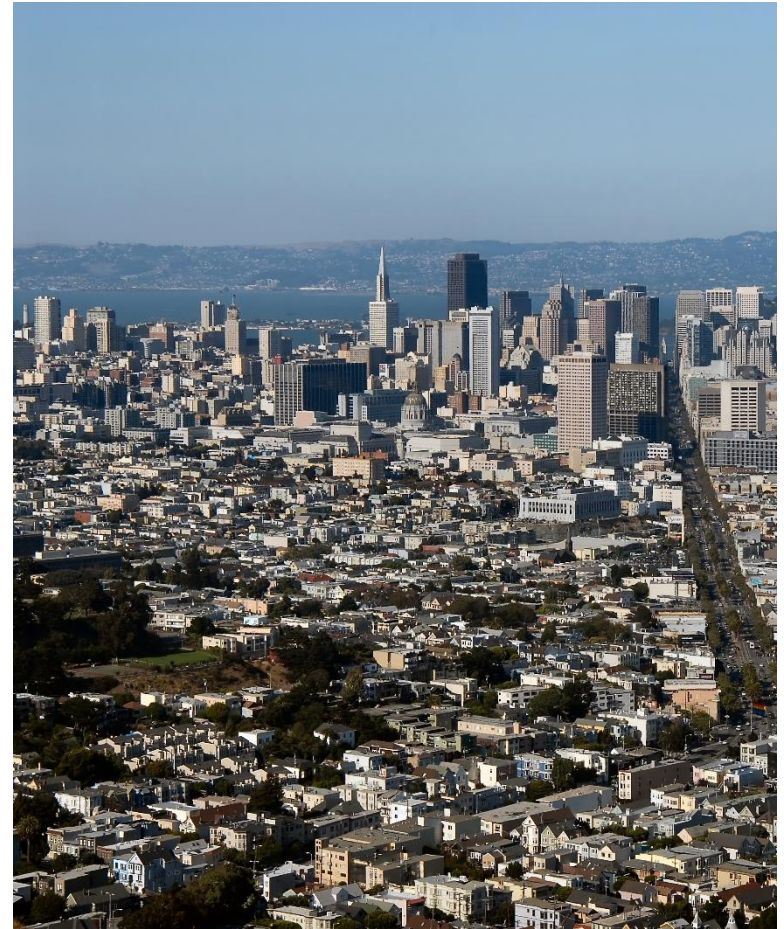
# WHAT IS A "CODE COMPLYING PROJECT" ???

*"...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.*