

Senate Bill 330: What it means for California Cities and Counties

June 15, 2019

SB-330 is a complex bill that has implications for every city in California. However, certain cities meeting a threshold test defined in the bill are classified as 'affected cities'. For these 270+ cities, a more stringent set of requirements is imposed. The most important outcomes for "affected cities" would be the loss of an electorate's right to repeal any aspect of the bill, the loss of protection for renters, expanded loopholes to avoid the actual building of affordable housing units, and an increased necessity or incentive for city staff to rubber stamp development projects to avoid litigation.

SB-330 Implications

The Bill, retroactive to January 1, 2018:

For all cities, not just "affected" cities:

- Implements a new default in the development approval process such that if a city does not deem a development suitable it must provide written documentation in 30 days (for projects under 150 housing units in size) and for all other projects in 60 days, else the project is automatically deemed approved¹. The expedited process and the attendant responsibilities for city planners expose cities to the possibility of litigation.
- Creates a seven-year reprieve for landlords for violations of the California Building Standards Code, unless correction of the violation is deemed necessary to protect health and safety². Although, later in the bill it claims that "any exception to the requirements, including an exception for the health and safety of occupants of a housing development project, shall be construed narrowly"³.
- Relaxes residential zoning to include mixed-use. The definition of a 'housing development' under SB-330 states that a minimum of two-thirds of the square footage must be residential. The remaining one-third may be retail, office, light manufacturing, or any other non-residential use.⁴
- Strips cities of control over local zoning. If a housing development project is consistent with the general plan, even if the site for the development is



inconsistent with the city's general plan, the project must be approved without rezoning⁵. For example, it would allow for mixed-use in single-family zoning.

- Prohibits cities from creating new parks/open space. This, despite the fact that increased density and the associated population growth will drive a need for more park amenities⁶.

In addition for affected cities, SB-330:

- Prohibits the electorates from challenging any aspect of the bill (should it become law) by exercising their power via local initiative or referendum⁷.
- Institutes city-wide parking maximums of 0.5 parking spots per housing unit⁸ (and for a sub-group of cities, [show in blue below](#), an additional requirement of zero parking within ¼ mile of a “rail stop that is a major transit stop” (where a major transit stop is defined as a rail stop, a ferry terminal or the intersection of two or more bus routes with a 15 minute or less frequency of service during morning and afternoon commutes)⁹).
- Allows in-lieu fees to be charged in place of building the actual affordable housing units¹⁰. In addition, a developer's relocation assistance to tenants must be considered as counting towards the affordable requirement of the development.¹¹
- Disallows the enactment of a moratorium on ‘housing development’ and mixed-use development. Since ‘housing development’ is defined such that it may include office space, this also effectively disallows a moratorium on office space¹². Thus, it prevents a city from capping office space, even if that city currently has a job-housing imbalance it wishes to correct.
- Requires that the demolition of a residential property only be allowed if the proposed housing development increases density¹³. Density is presumed to be a measure of housing units per parcel (although no definition appears in SB-330 or elsewhere in Government Code). This would mean that a single family home could not be demolished unless it was replaced by, at least, a duplex. It could not be demolished and replaced with another single-family residence.



The Qualifying Test for “Affected Cities”

SB-330 states that an ‘affected’ city is one for which the average of both of the following amounts is greater than zero:

- The percentage by which the city’s average* rate of rent **differed from** 130 percent of the national median rent (NMR) ¹⁴.
- The percentage by which the vacancy rate for residential rental units **differed from** the national vacancy rate (NVR) ¹⁴ (6.1%).

(Note: SB-330 excludes cities with populations of 5,000 or less *if* that city is not located within an urban core¹⁵).

The Qualifying Test for “Affected Counties”

As written SB-330 has two competing definitions for ‘affected county’ that are at odds with each other

- In the first, ‘affected county’ is described as the unincorporated portion of a county that meets the test above for ‘affected city’. By this definition there are more than 600 unincorporated areas across 58 counties¹⁶.
- In the second, ‘affected county’ is a county in which at least 50 percent of the cities in the county are ‘affected’¹⁷.

By this second definition, the following counties are ‘affected’: *Alameda, Contra Costa, Los Angeles, Marin, Monterey, Napa, Orange, Placer, San Benito, San Diego, San Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, and Ventura.*



The List of “Affected Cities”

Using the language in SB-330 Bill and data supplied in the American Community Survey 5-year estimates (2013- 2017), “Affected Cities” are listed below.

**Cities with additional restricted parking requirements:
Zero parking spots for developments within ¼ mile of a rail stop**

County	"Affected Cities"
Alameda County	Piedmont Emeryville Albany Newark Dublin Union City Alameda Pleasanton Livermore San Leandro Berkeley Hayward Fremont Oakland
Contra Costa County	Clayton Moraga Pinole Orinda El Cerrito Hercules Lafayette Pleasant Hill Martinez Oakley Danville Brentwood Walnut Creek Pittsburg



	San Ramon Richmond Antioch Concord
Los Angeles County	Bradbury Irwindale Hidden Hills Rolling Hills Avalon La Habra Heights Rolling Hills Estates Westlake Village Sierra Madre Signal Hill Malibu San Marino Palos Verdes Estates Hawaiian Gardens Artesia El Segundo Santa Fe Springs Hermosa Beach La Cañada Flintridge Lomita Agoura Hills Duarte Cudahy Calabasas San Fernando South Pasadena Maywood Walnut La Verne Lawndale San Dimas Beverly Hills Manhattan Beach Claremont



West Hollywood
Temple City
Monrovia
Culver City
San Gabriel
Rancho Palos Verdes
Bell Gardens
Covina
Azusa
La Mirada
Cerritos
Glendora
Rosemead
Paramount
Diamond Bar
Arcadia
Monterey Park
Pico Rivera
Redondo Beach
Lynwood
Baldwin Park
Lakewood
Alhambra
Whittier
Hawthorne
Santa Monica
Carson
Burbank
Norwalk
West Covina
Downey
Pasadena
Torrance
Pomona
Palmdale
Glendale
Santa Clarita
Los Angeles



Marin County	Sausalito Fairfax Tiburon Corte Madera Larkspur San Anselmo Mill Valley Novato San Rafael
Monterey County	Pacific Grove Marina Soledad Monterey Seaside Salinas
Napa County	St. Helena American Canyon Napa
Nevada County	Truckee
Orange County	Villa Park Los Alamitos La Palma Laguna Woods Laguna Beach Seal Beach Laguna Hills Dana Point San Juan Capistrano Stanton Brea Rancho Santa Margarita Cypress Aliso Viejo Placentia Fountain Valley La Habra San Clemente



	Laguna Niguel Yorba Linda Tustin Lake Forest Buena Park Newport Beach Westminster Mission Viejo Costa Mesa Fullerton Orange Garden Grove Huntington Beach Irvine Santa Ana Anaheim
Placer County	Loomis Lincoln Rocklin Roseville
Riverside County	Canyon Lake Norco Wildomar La Quinta Lake Elsinore Perris Menifee Murrieta Temecula Corona Moreno Valley
San Benito County	Hollister
San Bernardino County	Grand Terrace Montclair Upland Chino Hills Chino Ontario



	<i>Rancho Cucamonga</i>
San Diego County	<i>Del Mar</i> <i>Solana Beach</i> <i>Coronado</i> <i>Imperial Beach</i> <i>Poway</i> <i>Santee</i> <i>La Mesa</i> <i>Encinitas</i> <i>San Marcos</i> <i>Vista</i> <i>Carlsbad</i> <i>Escondido</i> <i>Oceanside</i> <i>Chula Vista</i> <i>San Diego</i>
San Francisco	<i>San Francisco</i>
San Joaquin County	<i>Escalon</i> <i>Ripon</i> <i>Lathrop</i> <i>Manteca</i> <i>Tracy</i>
San Luis Obispo County	<i>Pismo Beach</i> <i>Morro Bay</i> <i>Grover Beach</i> <i>Atascadero</i> <i>San Luis Obispo</i>
San Mateo County	<i>Colma</i> <i>Portola Valley</i> <i>Brisbane</i> <i>Woodside</i> <i>Atherton</i> <i>Hillsborough</i> <i>Half Moon Bay</i> <i>Millbrae</i> <i>Belmont</i> <i>East Palo Alto</i> <i>San Carlos</i>



	Burlingame Foster City Menlo Park Pacifica San Bruno South San Francisco Redwood City San Mateo Daly City
Santa Barbara County	Buellton Solvang Carpinteria Goleta Santa Barbara Santa Maria
Santa Clara County	Monte Sereno Los Altos Hills Los Altos Los Gatos Saratoga Campbell Morgan Hill Gilroy Cupertino Palo Alto Milpitas Mountain View Santa Clara Sunnyvale San Jose
Santa Cruz County	Capitola Scotts Valley Watsonville Santa Cruz
Solano County	Rio Vista Benicia Suisun City Vacaville



	Fairfield Vallejo
Sonoma County	Cotati Sebastopol Cloverdale Sonoma Healdsburg Windsor Rohnert Park Petaluma Santa Rosa
Stanislaus County	Hughson Patterson
Ventura County	Ojai Port Hueneme Moorpark Camarillo San Buenaventura (Ventura) Simi Valley Thousand Oaks Oxnard
Yolo County	Winters Davis

Footnotes for SB-330 Citations

* SB-330 refers to the average rent but ACS 5 year only references median rents.

1. Government Code 65589.5 (j) (2) (A) (i) & (ii)
2. Heal. & Safe. Code 17980.12 (b) (1), (2) & (3)
3. Government Code 65913.3 (g) (2)
4. Government Code 65589.5 (h) (2) (B)
5. Government Code 65913.1 (c)
6. Government Code 66300 (b) (1) (A)
7. Government Code 65913.3 (a) (3)
8. Government Code 65913.3 (b) (1) (B)
9. Government Code 65913.3 (b) (1) (A)
10. Government Code 65913.3 (b) (2)
11. Government Code 65913.3 (e) (3))
12. Government Code 66300 (b) (1) (B) (i)
13. Government Code 65913.3 (e) (1) (B)
14. Government Code 65913.3 (a) (1) (A)
15. Government Code 65913.3 (a) (1) (B)
16. Government Code 65913.3 (a) (2)
17. Government Code 66300 (a) (2)

