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

UPDATED AUGUST 8, 2019

Senate Bill 330 “The Housing Crisis Act of 2019” is a statewide bill intended to reduce the time it takes to approve housing developments in California. Under state law, “housing developments” include residential units, mixed-use with a large residential component, and transitional or supportive housing.

The bill is complex and is bound to other laws including the Housing Density Bonus Law. SB 330 would take away significant authority from cities and counties, reducing their review and approval powers over developments that shape their communities. This shift is reinforced in three ways:

1) Freezes the ability of local governments to downzone, adopt new development standards, or change land-use in residential and mixed-use areas if the change results in less-intensive uses;

2) Allows developers to request approval of housing developments that exceed density and design controls of the underlying zoning, if the existing zoning is in conflict with the General Plan or a Specific Plan;

3) Expedites the permitting process for all housing development and limits the list of application materials that cities can review.

SB 330 Implications and Questions

SB 330 would affect all cities in California and place extra restrictions on “affected cities and counties” defined below. It may expose some municipalities to a barrage of appeals and lawsuits, yet it contains no apparent effort to address the housing affordability crisis. For all cities, SB 330:

- **Retroactively limits a city’s or county’s ability to adopt zoning that reduces residential density, or to impose design standards that limit the housing units allowed.** Any such zoning changes made by a city after January 2018, in residential or mixed-use areas, would be preempted. This could create legal challenges and disrupt existing development agreements.

- **Pre-empts local zoning if it conflicts with a General Plan or the land-use element of a Specific Plan, allowing proposed housing developments to override local zoning.** This could expose cities to housing development proposals that do not comply with adopted zoning standards such as density, size and design criteria. This could create confusion and expose cities to legal challenges over which
standards to apply, bogging down the review process and achieving the opposite of what the bill intends.

- **Limits public hearings to five, reduces the criteria against which a municipality can review in a development application, and restricts the timeline during which a denial can be issued.** To comply with this limitation, some cities could change which public bodies hear development cases, reserving hearings to primary approval bodies such as city councils and planning commissions, and limiting community-based hearings held by entities such as historic preservation boards or neighborhood review committees. This could minimize the voices of the least powerful as community-based hearings designed to build consensus or support are disincentivized.

- **Property owners, as well as potential future residents and “housing organizations” can appeal or bring a lawsuit if a municipality doesn’t follow the state mandated process.** Giving legal standing to parties with no established property interest (and who may have competing interests), could expose local governments to lawsuits and appeals by multiple parties, creating further delays rather than streamlining the process.

- **Limits cities’ and counties’ ability to charge application and impact fees:** Local governments may still charge for application review and fees to offset increased road usage, public safety needs or other services — but only annual increases following automatic adjustments based on a cost index.

**AFFECTED CITIES AND COUNTIES**

In addition, nearly 450 cities and unincorporated parts of counties would be classified as “affected” (see list below), and face further restrictions on their review authority over proposed housing developments:

- **SB 330 prohibits moratoriums on residential and mixed-use projects.** For example, a developer could present a mixed-use office project, and the “affected” city would have to process it — even if the city limited new office or commercial development in certain locations.

- **Freezes a municipality's ability to change zoning and design standards that downzone or limit housing development.** In order to downzone a property, affected cities and counties must demonstrate how the “net amount” of housing units will not decrease city- or county-wide. However, tracking the number of "net" housing units is open to interpretation, fueling possible disputes.
Development Process Changes Under SB 330

In some cities and counties, the changes proposed may have little impact. In others, the impact of the changes may be more extensive. A simplified comparison of the development review process currently and under SB 330 is shown below, which illustrates some of the implications if SB 330 is approved. This graphic shows how the statewide standards in SB 330 affect a typical, simplified development process from proposal to approval.
Recommendations
If the goal of SB 330 is to streamline the development of housing in California, the bill should target local practices that limit housing development (especially affordable housing), instead of taking a one-size-fits-all approach to application requirements and procedures. Although standardized, and in some cases simplified, application processes could help some cities, these recommendations should be implemented as statewide best practices, not as mandatory process requirements. A few changes that could help SB 330 meet its stated goals include:

- Redefine “housing development” more narrowly to include only multifamily housing developments and mixed-use developments with residential as the primary use (e.g. limiting commercial elements to ground-floor neighborhood commercial uses).

- Remove language allowing informal rezoning, or the application of General Plan land use designations that supersede zoning requirements. General Plan land-use policies should not supersede local land-use code when the two are in conflict.

- Remove the January 2018 retroactive freezes on downzoning and code changes, making the freezes effective the date of SB 330's passage.

- Narrow the focus of streamlining efforts to affordable housing developments, as defined in other statutes. The bill, as written, could incentivize market-rate housing development, while affordable housing is the primary housing need. A better provision would help facilitate and streamline rezoning requests for affordable housing developments.
The List of “Affected “Cities and Counties

SB-330 states that an ‘affected city’ is one with a population over 5,000 or one that is located in an urban core 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).
- The percentage by which the vacancy rate for residential rental units differed from the national vacancy rate (NVR) (6.1%).

Unincorporated portions of a county 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).
- The percentage by which the vacancy rate for residential rental units differed from the national vacancy rate (NVR) (6.1%).
Using the language in SB 330 and data supplied in the American Community Survey 5-year estimates (2013-2017), “affected” cities and unincorporated portions of counties are listed below.

### Counties where more than 75% of the population is “affected”

<table>
<thead>
<tr>
<th><strong>Alameda County</strong></th>
<th><strong>Contra Costa County</strong></th>
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<td>Berkeley</td>
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<td>Discovery Bay</td>
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### Butte County

- Durham

### Calaveras County

- Rancho Calaveras

- Pinole
**Contra Costa (contd)**
Orinda
El Cerrito
Hercules
Lafayette
Pleasant Hill
Martinez
Oakley
Danville
Brentwood
Walnut Creek
Pittsburg
San Ramon
Richmond
Antioch
Concord

**Los Angeles County**
Rose Hills
Agua Dulce
North El Monte
East Pasadena
South Monrovia Island
Ladera Heights
Acton
Topanga
South San Gabriel
Charter Oak
Marina del Rey
East Whittier
Del Aire
View Park-Windsor Hills
Citrus
Sun Village
East San Gabriel
Avocado Heights
Vincent
Castaic
La Crescenta-Montrose
Stevenson Ranch
South San Jose Hills
West Carson
West Puente Valley
Valinda
West Whittier-Los Nietos
Altadena
Rowland Heights
Hacienda Heights
South Whittier

**El Dorado County**
El Dorado Hills

**Humboldt County**
Myrtletown

**Kern County**
Greenacres

**Kings County**
Lemoore Station

**Lake County**
Hidden Valley Lake
### Los Angeles (contd)
- 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
- Calabasas
- San Fernando
- South Pasadena
- Walnut
- La Verne
- Lawndale
- San Dimas
- Beverly Hills
- Manhattan Beach
- Claremont
- West Hollywood

### Los Angeles (contd)
- Temple City
- Monrovia
- Culver City
- San Gabriel
- Rancho Palos Verdes
- Covina
- Azusa
- La Mirada
- Cerritos
- Glendora
- Rosemead
- Paramount
- Diamond Bar
- Arcadia
- Monterey Park
- Pico Rivera
- Redondo Beach
- Baldwin Park
- Lakewood
- Alhambra
- Whittier
- Santa Monica
- Carson
- Burbank
- Norwalk
- West Covina
- Downey
- Pasadena
- Torrance
- Pomona
- Glendale
- Santa Clarita
- Los Angeles
### Madera County
- Madera Acres
- Yosemite Lakes
- Bonadelle Ranchos-Madera Ranchos

### Monterey County
- Prunedale
- Salinas
- Marina
- Soledad
- Pacific Grove
- Seaside
- Monterey

### Marin County
- San Geronimo
- Alto
- Black Point-Green Point
- Woodacre
- Lagunitas-Forest Knolls
- Sleepy Hollow
- Marin City
- Santa Venetia
- Strawberry
- Kentfield
- Lucas Valley-Marinwood
- Tamalpais-Homestead Valley
- Belvedere
- Ross
- Sausalito
- Fairfax
- Tiburon
- Corte Madera
- Larkspur
- San Anselmo
- Mill Valley
- Novato
- San Rafael

### Napa County
- St. Helena
- Napa
- American Canyon

### Nevada County
- Truckee

### Orange County
- Midway City
- Las Flores
- North Tustin
- Ladera Ranch
- Rossmoor
- Coto de Caza
- Stanton
- La Habra
- Westminster
- Santa Ana
- Garden Grove
- Anaheim
- Fullerton
- Buena Park

### Merced County
- Delhi
### Orange County (contd)

- Laguna Woods
- Orange
- La Palma
- Tustin
- Placentia
- Los Alamitos
- Brea
- Costa Mesa
- Cypress
- Huntington Beach
- Seal Beach
- San Clemente
- Rancho Santa Margarita
- Lake Forest
- Laguna Hills
- Fountain Valley
- Yorba Linda
- San Juan Capistrano
- Dana Point
- Laguna Niguel
- Newport Beach
- Aliso Viejo
- Irvine
- Mission Viejo
- Laguna Beach
- Villa Park

### Riverside County

- Beaumont
- Nuevo
- Lake Elsinore
- Perris
- La Quinta
- Moreno Valley
- Home Gardens
- Menifee
- Corona
- El Cerrito
- Wildomar
- Woodcrest
- Murrieta
- March ARB
- Temecula
- Desert Palms
- Canyon Lake
- Norco
- French Valley
- El Sobrante
- Temescal Valley
- Eastvale

### Placer County

- Granite Bay
- Loomis
- Lincoln
- Rocklin
- Roseville

### Sacramento County

- Rio Linda
- Orangevale
- Antelope
- Elvera
- Folsom
- Gold River
- Vineyard
- Elk Grove
- Rancho Murieta
### San Benito County
- Hollister
- San Juan Bautista

### San Bernardino County
- Montclair
- Grand Terrace
- Upland
- Ontario
- Oak Hills
- San Antonio Heights
- Silver Lakes
- Chino
- Spring Valley Lake
- Rancho Cucamonga
- Chino Hills

### San Diego County
- Imperial Beach
- La Presa
- Casa de Oro-Mount Helix
- Winter Gardens
- Escondido
- Bostonia
- La Mesa
- Spring Valley
- Chula Vista
- San Marcos
- Bonsall
- Alpine
- Vista
- Poway
- San Diego
- Oceanside
- Santee
- Harbison Canyon
- Valley Center

### San Diego County (contd)
- Eucalyptus Hills
- Rancho San Diego
- Hidden Meadows
- Bonita
- Encinitas
- Lake San Marcos
- Camp Pendleton North
- Carlsbad
- Solana Beach
- San Diego Country Estates
- Del Mar
- Camp Pendleton South
- Coronado
- Granite Hills

### San Francisco County
- San Francisco

### San Joaquin County
- Manteca
- Ripon
- Escalon
- Tracy
- Lathrop
- Mountain House

### San Luis Obispo County
- Cambria
- Los Osos
- Nipomo
- Grover Beach
- Atascadero
- San Luis Obispo
- Morro Bay
- Pismo Beach
### San Mateo County
- North Fair Oaks
- Broadmoor
- El Granada
- West Menlo Park
- East Palo Alto
- South San Francisco
- Colma
- Belmont
- Daly City
- Burlingame
- Redwood City
- Brisbane
- Woodside
- San Bruno
- San Carlos
- Half Moon Bay
- San Mateo
- Menlo Park
- Millbrae
- Pacifica
- Portola Valley
- Foster City
- Hillsborough
- Atherton

### Santa Barbara County (contd)
- Santa Barbara
- Carpinteria
- Vandenberg AFB
- Goleta
- Montecito

### Santa Clara County
- Burbank
- San Martin
- Stanford
- Alum Rock
- Cambrian Park
- East Foothills
- Loyola
- Gilroy
- Morgan Hill
- Monte Sereno
- San Jose
- Campbell
- Los Altos Hills
- Los Gatos
- Mountain View
- Santa Clara
- Milpitas
- Sunnyvale
- Palo Alto
- Saratoga
- Cupertino
- Los Altos

### Santa Barbara County
- Santa Maria
- Isla Vista
- Buellton
- Orcutt
- Solvang
### Santa Cruz County
- Felton
- Boulder Creek
- Twin Lakes
- Aptos
- Pleasure Point
- Interlaken
- Ben Lomond
- Rio del Mar
- Soquel
- Live Oak
- Capitola
- Scotts Valley
- Watsonville
- Santa Cruz

### Stanislaus County
- Patterson
- Hughson

### Ventura County
- Mira Monte
- El Rio
- Ojai
- Oak Park
- Port Hueneme
- Moorpark
- Camarillo
- San Buenaventura (Ventura)
- Simi Valley
- Thousand Oaks
- Oxnard

### Solano County
- Rio Vista
- Benicia
- Suisun City
- Vacaville
- Fairfield
- Vallejo

### Yuba County
- Plumas Lake

### Sonoma County
- Roseland
- Boyes Hot Springs
- Larkfield-Wikiup
- Cloverdale
- Cotati
- Sebastopol
- Santa Rosa
- Healdsburg
- Rohnert Park
- Sonoma
- Petaluma
- Windsor

### Yolo County
- Winters
- University of California-Davis
- Davis
Footnotes
SB-330 refers to the average rent but American Community Survey 5-year estimates only reference median rents.