

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

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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.



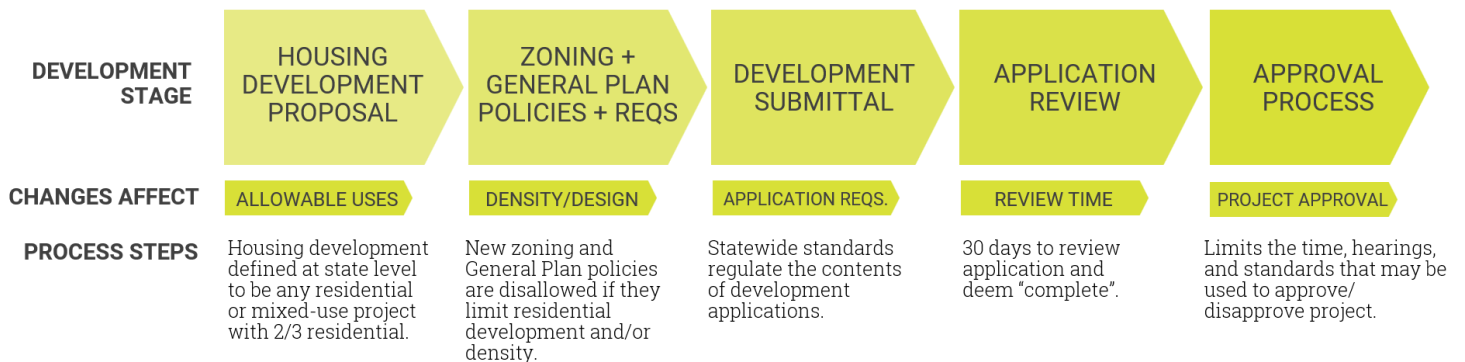
Development Process Changes Under SB 330

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.

STANDARD DEVELOPMENT PROCESS



SB 330 DEVELOPMENT PROCESS CHANGES

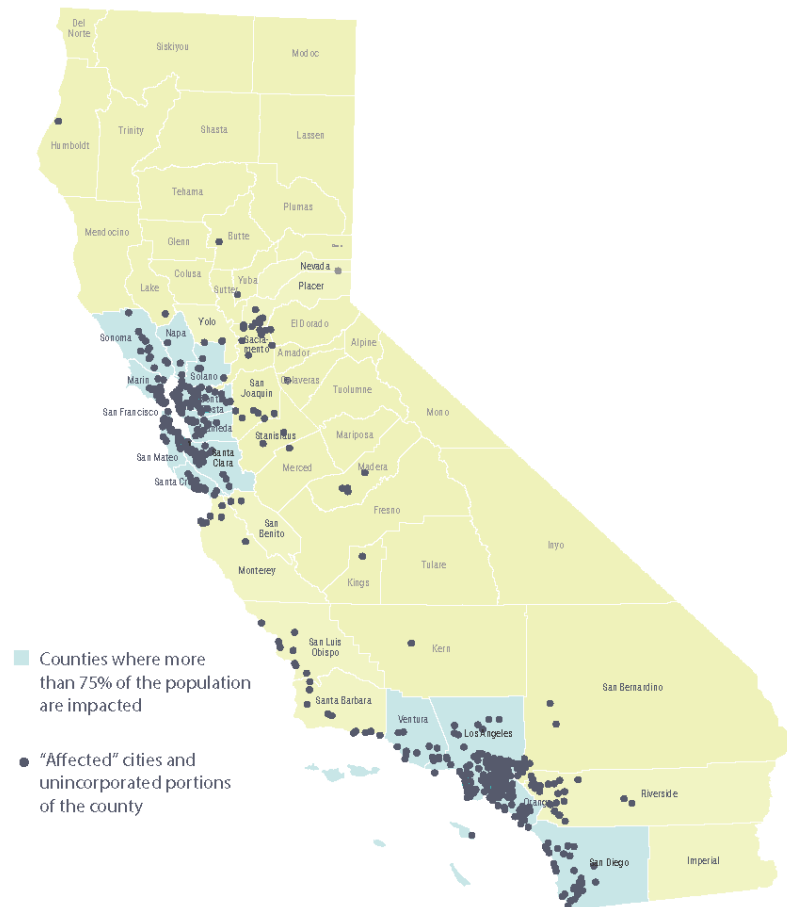


Recommendations

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”

Alameda County

Sunol
Fairview
Cherryland
Ashland
San Lorenzo
Castro Valley
Piedmont
Emeryville
Albany
Newark
Dublin
Union City
Alameda
Pleasanton
Livermore
San Leandro
Berkeley
Hayward
Fremont
Oakland

Butte County

Durham

Calaveras County

Rancho Calaveras

Contra Costa County

Port Costa
Clyde
Byron
Mountain View
Montalvin Manor
San Miguel
Crockett
Rollingwood
East Richmond Heights
Camino Tassajara
North Richmond
Reliez Valley
Vine Hill
Pacheco
Tara Hills
Kensington
Saranap
Contra Costa Centre
Blackhawk
Rodeo
El Sobrante
Alamo
Discovery Bay
Bay Point
Clayton
Moraga
Pinole



Contra Costa (contd)

Orinda
 El Cerrito
 Hercules
 Lafayette
 Pleasant Hill
 Martinez
 Oakley
 Danville
 Brentwood
 Walnut Creek
 Pittsburg
 San Ramon
 Richmond
 Antioch
 Concord

El Dorado County

El Dorado Hills

Humboldt County

Myrtle town

Kern County

Greenacres

Kings County

Lemoore Station

Lake County

Hidden Valley Lake

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



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

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

Merced County

Delhi

Monterey County

Prunedale
 Salinas
 Marina
 Soledad
 Pacific Grove
 Seaside
 Monterey

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



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

Placer County

Granite Bay
 Loomis
 Lincoln
 Rocklin
 Roseville

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

Sacramento County

Rio Linda
 Orangevale
 Antelope
 Elverta
 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

Santa Maria
 Isla Vista
 Buellton
 Orcutt
 Solvang

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 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

Solano County

Rio Vista
 Benicia
 Suisun City
 Vacaville
 Fairfield
 Vallejo

Sonoma County

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

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

Yuba County

Plumas Lake

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.

