

1 [Opposing California State Senate Bill No. 50 (Wiener) - Housing Development: Incentives -
2 Unless Amended]

3 **Resolution opposing California State Senate Bill No. 50, authored by Senator Scott**
4 **Wiener, which would undermine community participation in planning for the well-being**
5 **of the environment and the public good, prevent the public from recapturing an**
6 **equitable portion of the economic benefits conferred to private interests, and**
7 **significantly restrict San Francisco’s ability to protect vulnerable communities from**
8 **displacement and gentrification, unless further amended.**

9
10 WHEREAS, The California State Legislature is currently considering passage of State
11 Senate Bill No. 50 (SB 50), which would entitle real estate developers to increase residential
12 and mixed-use development with significantly less public review, and in excess of many
13 existing local community plans, which are often developed after extensive public participation,
14 in concert with our regional governing agencies and consistent with state planning mandates;
15 and

16 WHEREAS, SB 50 incentivizes private market-rate housing development unaffordable
17 to most San Franciscans without guaranteeing increased affordable housing development,
18 even though the San Francisco Planning Department’s Housing Development Pipeline report
19 shows San Francisco has met 100 percent of its Regional Housing Needs Assessment goal
20 for above-moderate housing through the year 2022 but less than 30 percent of moderate and
21 low-income housing goals; and has 72,565 units in the pipeline with only 20% affordable units,
22 despite the fact that 57% of the need is for affordable housing; and

23 WHEREAS, The City and County of San Francisco along with many other communities
24 is striving to address the social and environmental impacts of regional growth of private
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1 industry, which include displacement of low-income seniors, working families, and
2 communities of color, and strained public transit and infrastructure; and

3 WHEREAS, The City has been most successful managing this growth through the
4 adoption of local community plans, which included significant upzoning and subsequent
5 housing production, and SB 50 restricts the City's ability to adopt local community plans to
6 assure equitable and affordable development in all its neighborhoods; and

7 WHEREAS, SB 50 undermines sound public policy to capture some of the value
8 created through upzoning policy to be used for affordable housing, and instead confers
9 significant value to private properties through upzoning policy without increasing affordability
10 requirements for San Francisco, without recognizing or conforming to the standards of the
11 City's established "HomeSF" program which increases specific affordable housing
12 requirements in exchange for projects receiving height and density increases; and

13 WHEREAS, SB 50 formulaically defines "sensitive communities" and only establishes
14 an optional and temporary deferral for "sensitive communities", which is insufficient to meet its
15 apparent purpose to control displacement while expanding growth; and

16 WHEREAS, SB 50 fails to encompass many areas threatened by development-driven
17 displacement and gentrification, including parts of the Mission, Chinatown, SoMa, Portola, the
18 Bayview, Castro, Inner Richmond and others; and denies the City the ability to adjust or
19 expand the boundaries of "sensitive communities" based upon research and community
20 testimony; and

21 WHEREAS, SB 50, by incentivizing market-rate development, will exacerbate
22 displacement pressures in neighborhoods not in a "sensitive community", which experience
23 gentrification in hot-markets cities like San Francisco, including displacement of working-
24 class, cash-poor homeowners; and will exacerbate barriers to develop non-speculative,
25 permanently-affordable housing in these neighborhoods, which already have significant

1 barriers to affordable housing production, especially in neighborhoods without a local
2 community plan to facilitate and guide increased development; and

3 WHEREAS, SB 50 alone appears to preserve local demolition controls and other local
4 planning processes, but when combined with other state laws such as SB 330, undermines
5 the ability of local governments to protect existing tenants, housing, and small businesses,
6 and to raise affordability requirements, and otherwise advance the public good through
7 demolition controls and local community plans, now, therefore, be it

8 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
9 continues to oppose SB 50 unless amended to cure these concerns; and, be it

10 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
11 Francisco is committed to working with its State Legislative Delegation to craft the necessary
12 amendments to SB 50 to protect San Francisco’s sovereign charter authority, guarantee
13 housing affordability, and adequately protect vulnerable communities; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
15 Francisco requests that SB 50 be amended to:

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- 17 1) Ensure SB 50 not apply within areas in San Francisco subject to a local community
18 plan that resulted in increased density and affordable housing benefits from
19 previous zoning. This includes plans a local government has adopted or is in the
20 process of adopting. SB 50 could include a provision for local governments to “opt-
21 in” to SB 50 state land-use interventions for a local community plan area as early as
22 July 1, 2021, pursuant to consultation with community-based organizations in the
23 particular area
- 24
- 25

1 2) Ensure communities in hot-market cities, like San Francisco which is meeting or
2 exceeding its Regional Housing Needs Assessment production goals for above-
3 moderate income housing, are afforded sufficient opportunity to create local
4 community plans and submit draft EIRs by January 2026 in lieu of SB 50 state land
5 use preemptions. This local community plan alternative shall include, at a minimum:

- 6 a. Rezoning to permit multifamily housing development at a range of income
7 levels to meet unmet needs, as informed by the Regional Housing Needs
8 Assessment production goals
- 9 b. Substantial increases to overall housing development capacity, particularly
10 near transit stops, to meet unmet needs, as informed by the Regional
11 Housing Needs Assessment and in the context of existing zoned residential
12 development capacity
- 13 c. Increased and explicit affordable housing benefits that meet or exceed the
14 minimum affordability standards set forth in SB 50, and meet or exceed the
15 existing local baseline Inclusionary standard for development projects
- 16 d. Increased displacement and demolition protections for vulnerable residents
17 that meet or exceed the standards set forth in SB 50

18 SB 50 should exempt San Francisco from SB 330 and other state laws that would
19 render this local community plan alternative with its minimum requirements
20 infeasible.

21
22 3) Ensure Sensitive Communities in San Francisco are properly delineated and
23 exempted from SB 50. The definition shall aim to include all residents at risk of
24 displacement and areas with a history of community gentrification and
25 displacement. The “sensitive community” definition in San Francisco shall be

1 informed by the 11/25/19 “heightened sensitivity” map prepared by the UC Berkeley
2 Urban Displacement Project and conform, at a minimum, to the 12/11/18 map
3 prepared by the Equity Caucus of the Committee to House the Bay Area (CASA)
4 Geography Working Group. SB 50 could include a provision to “opt-in” to SB 50
5 state land use interventions for a “sensitive community” as early as July 1, 2021,
6 pursuant to consultation with community-based organizations in the particular area
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- 8 4) Ensure all SB 50 projects are required to make affordable housing contributions
9 substantially higher than existing local affordable housing standards potentially
10 applicable for the site. In San Francisco, affordable housing requirements should be
11 commensurate to the City’s “HomeSF” program standard for progressive value
12 capture
- 13 5) Ensure clear and strong tenant protection, anti-vacancy, and anti-demolition
14 provisions - with sufficient and robust state funding, programming, and
15 enforcement - to protect all tenants from displacement triggered by SB 50 upzoning
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- 17 6) Ensure areas impacted by SB 50 showing demonstrable efforts to increase housing
18 (e.g. entitlements) receive increased transportation incentives, especially where
19 services and infrastructure are currently inadequate, subject to delays and
20 overcrowding, and/or deficient in their state of repair. Transportation incentives tied
21 to SB 50 could include, but is not limited to:
- 22 a. Direct capital and service investments through a bonus pot of grant funds
23 tied to housing provision, a higher share of formula funds distributed by the
24 state (e.g. LCTOP/Low Carbon Transit Operations Program) for associated
25

1 projects and programs, priority in state-funded competitive grant programs
2 (e.g. TIRCP/Transit Intercity Rail Capital Program and AHSC or Affordable
3 Housing/Sustainable Communities cap and trade funds), and

- 4 b. Allowances for jurisdictions to impose private sector development impact
5 fees, CEQA exemptions for public transportation projects for land use
6 changes triggered by SB 50, and/or funds for local community transportation
7 planning; and, be it

8 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
9 Francisco directs the Clerk of the Board to transmit copies of this resolution to the State
10 Legislature and the City Lobbyist upon passage.