

File No. 190398

Committee Item No. 2

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: Dec. 5, 2019

Board of Supervisors Meeting:

Date: \_\_\_\_\_

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution                                   |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
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#### OTHER

- |                                     |                          |   |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>SB50 Legislative Text – June 4, 2018</u>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>CA Senate Committee on App. Bill Analysis – May 13, 2019</u>                         |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>CA Senate Committee on Gov. and Finance Bill Analysis</u><br><u>- April 24, 2019</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>CA Senate Housing Committee Bill Analysis - April 2, 2019</u>                        |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>CA State Senate District 11 Senator Letter - March 25, 2019</u>                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>District 4 Supervisor Letter - April 2, 2019</u>                                     |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Department Presentation – March 14, 2019</u>                                |

Prepared by: John Carroll

Date: Nov. 26, 2019

Prepared by: John Carroll

Date: \_\_\_\_\_

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 both  
12 residential and mixed use development with significantly less public review and in excess of  
13 many existing local plans developed often after extensive public participation and in concert  
14 with our regional governing agencies and consistent with state planning mandates; and

15 WHEREAS, SB 50 would incentivize market rate housing development unaffordable to  
16 most San Franciscans without guaranteeing increased affordable housing development, while  
17 94 percent of the City's market-rate-housing goals through the year 2022 have already been  
18 met and less than 30 percent of moderate and low income housing goals have been met,  
19 according to the Planning Department's development pipeline report; and

20 WHEREAS, The City and County of San Francisco along with many other communities  
21 is striving to address the social and environmental impacts of regional growth of private  
22 industry, which include displacement of low income seniors, working families, and  
23 communities of color, and strained public transit and infrastructure; and the City has been  
24 most successful managing this growth through the adoption of community-driven local plans;  
25 and

1           WHEREAS, SB 50 establishes an optional and only temporary exception from its  
2 mandated development incentives for formulaically defined 'Sensitive Communities' with the  
3 apparent purpose of controlling displacement while expanding growth; and

4           WHEREAS, SB 50 restricts the ability of the city to adopt long term zoning and land  
5 use policies to assure equitable and affordable development in all its neighborhoods; denies  
6 the city the ability to adjust or expand the boundaries of those protected neighborhoods based  
7 upon community testimony and additional research; and SB 50's temporary 'Sensitive  
8 Communities' exemption fails to encompass many of the areas threatened by development  
9 driven displacement and gentrification, including parts of the Mission, Chinatown, Western  
10 South of Market, Portola, the Bayview, Castro, Inner Richmond and others; and

11           WHEREAS, Neighborhoods outside "Sensitive Communities" targeted by SB50 in hot  
12 market cities like San Francisco can also experience hidden gentrification and displacement  
13 pressures, including on cash poor homeowners, and experience significant barriers for  
14 affordable housing production, such that raising land values through upzoning without the  
15 certainty of affordable units getting built in these neighborhoods will exacerbate pressures and  
16 barriers to develop non-speculative, permanently affordable housing, especially where there is  
17 no local community plan to facilitate and guide increased development; and

18           WHEREAS, The upzoning proposed by SB 50 confers significant value to properties  
19 for increased development opportunity and yet is not tied to any increased affordability  
20 requirements for San Francisco above and beyond the baseline Inclusionary standard already  
21 required of development projects, which undermines sound public policy that requires any  
22 substantial value created by density increases or other upzoning be used, at least in part, to  
23 provide a meaningful net increase in affordable housing; and

24           WHEREAS, While SB 50's provisions standing alone may appear to preserve local  
25 demolition controls and other local planning processes, without further clarifying amendments,

1 the combination of SB 50's development incentives with other state laws undermine the ability  
2 of local governments to protect existing housing and small businesses and otherwise advance  
3 the public good, specifically through community-driven local plans; now, therefore, be it

4 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
5 joins with other local jurisdictions and a growing statewide coalition of housing advocates in  
6 opposing SB 50 unless amended to cure these concerns; and, be it

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

11 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San  
12 Francisco requests that SB 50 be amended to address significant concerns regarding:

- 13 1) Use of SB 50 as the base zoning for purposes of calculating the State  
14 Density Bonus;
- 15 2) Additional incentives or concessions;
- 16 3) The authority of local jurisdictions to deny demolition permits to  
17 code-complying SB 50 projects which involve demolition of existing  
18 residential units;
- 19 4) Local authority to increase inclusionary requirements on SB 50 projects;
- 20 5) Use of SB 50 incentives for construction of 'monster homes;'
- 21 6) Treatment of extant and future local Area Plans that increased zoned  
22 capacity to levels akin to SB 50;
- 23 7) Amend application of Costa Hawkins and the Ellis Act to allow for greater  
24 tenant protection in sensitive communities; and  
25

1                   8) A meaningful process for community feedback on the proposed boundaries  
2                   of sensitive communities; and, be it

3                   FURTHER RESOLVED, That the Board of Supervisors of the City and County of San  
4 Francisco directs the Clerk of the Board to transmit copies of this resolution to the State  
5 Legislature and the City Lobbyist upon passage.  
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AMENDED IN SENATE JUNE 4, 2019  
AMENDED IN SENATE MAY 1, 2019  
AMENDED IN SENATE MARCH 11, 2019

**SENATE BILL**

**No. 50**

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**Introduced by Senator Wiener**  
**(Coauthors: Senators Caballero, Hueso, McGuire, Moorlach,**  
**Skinner, and Stone)**  
(Coauthors: Assembly Members Burke, Chu, Diep, Fong, Kalra, Kiley,  
Low, McCarty, Robert Rivas, Ting, and Wicks)

December 3, 2018

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An act to amend Section 65589.5 of, to add Sections 65913.5 and 65913.6 to, and to add Chapter 4.35 (commencing with Section 65918.50) to Division 1 of Title 7 of, the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 50, as amended, Wiener. Planning and zoning: housing development: *streamlined approval*: incentives.

(1) Existing law authorizes a development proponent to submit an application for a multifamily housing development that satisfies specified planning objective standards to be subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit.

This bill would authorize a development proponent of a neighborhood multifamily project located on an eligible parcel to submit an application for a streamlined, ministerial approval process that is not subject to a conditional use permit. The bill would define a "neighborhood multifamily project" to mean a project to construct a multifamily

structure on vacant land, or to convert an existing structure that does not require substantial exterior alteration into a multifamily structure, consisting of up to 4 residential dwelling units and that meets local height, setback, and lot coverage zoning requirements as they existed on July 1, 2019. The bill would also define “eligible parcel” to mean a parcel that meets specified requirements, including requirements relating to the location of the parcel and restricting the demolition of certain housing development that may already exist on the site.

This bill would require a local agency to notify the development proponent in writing if the local agency determines that the development conflicts with any of the requirements provided for streamlined ministerial approval; otherwise, approval within 60 days of the submission of the development to the local agency. If the local agency does not notify the development proponent within this time period, the development is *would be* deemed to comply with those requirements. The bill would limit the authority of a local agency to impose parking standards or requirements on a streamlined development approved pursuant to these provisions, as provided. The bill would provide that the approval of a project under these provisions expires automatically after 3 years, unless that project qualifies for a one-time, one-year extension of that approval. The bill would provide that approval pursuant to its provisions would remain valid for 3 years and remain valid thereafter, so long as vertical construction of the development has begun and is in progress, and would authorize a discretionary one-year extension, as provided. The bill would prohibit a local agency from adopting any requirement that applies to a project solely or partially on the basis that the project receives ministerial or streamlined approval pursuant to these provisions.

This bill would allow a local agency to exempt a project from the streamlined ministerial approval process described above by finding that the project will cause a specific adverse impact to public health and safety, and there is no feasible method to satisfactorily mitigate or avoid the adverse impact.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a

significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill would establish a streamlined ministerial approval process for neighborhood multifamily ~~and transit-oriented~~ projects, thereby exempting these projects from the CEQA approval process.

(2) Existing law, known as the density bonus law, requires, when an applicant proposes a housing development within the jurisdiction of a local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

This bill would require a city, county, or city and county to grant upon request an equitable communities incentive when a development proponent seeks and agrees to construct a residential development, as defined, that satisfies specified criteria, including, among other things, that the residential development is either a job-rich housing project or a transit-rich housing project, as those terms are defined; the site does not contain, or has not contained, housing occupied by tenants or accommodations withdrawn from rent or lease in accordance with specified law within specified time periods; and the residential development complies with specified additional requirements under existing law. The bill would impose additional requirements on a residential development located within a county with a population equal to or less than 600,000. The bill would require that a residential development within a county with a population greater than 600,000 that is eligible for an equitable communities incentive receive, upon request, waivers from maximum controls on ~~density and density;~~ minimum automobile parking requirements greater than 0.5 parking spots per ~~unit~~. The bill would require that a residential development ~~also receive unit;~~ and specified additional waivers if the residential development is located within a 1/2-mile or 1/4-mile radius of a major transit stop, as defined. For a residential development within a county with a population equal to or less than 600,000, the bill would instead require that the incentive provide waivers from maximum controls on density, subject to certain limitations; maximum height limitations less

than or equal to one story, or 15 feet, above the highest allowable height for mixed use or residential use; ~~maximum floor area ratio requirements less than 0.6 times the number of stories in the proposed project;~~ *certain requirements governing the size of the parcel and the area that the building may occupy*; and minimum automobile parking requirements, as provided. The bill would require a local government to grant an equitable communities incentive unless it makes a specified finding regarding the effects of the incentive on any real property or historic district that is listed on a federal or state register of historical resources. The bill would authorize a local government to modify or expand the terms of an equitable communities incentive, provided that the equitable communities incentive is consistent with these provisions.

The bill would include findings that the changes proposed by these provisions address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. The bill would also delay implementation of these provisions in potentially sensitive communities, as defined, until July 1, 2020. The bill would further delay implementation of these provisions in sensitive communities, determined as provided, until January 1, 2026, unless the city or county in which the area is located votes to make these provisions applicable after a specified petition and public hearing process. On and after January 1, 2026, the bill would apply these provisions to a sensitive community unless the city or county adopts a community plan for the area that meets certain requirements.

The Housing Accountability Act prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project that complies with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time the application for the project is deemed complete unless the local agency makes specified written findings based on a preponderance of the evidence in the record. That law provides that the receipt of a density bonus is not a valid basis on which to find a proposed housing development is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision of that act.

This bill would additionally provide that the receipt of an equitable communities incentive is not a valid basis on which to find a proposed housing development is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision of that act.

(3) By adding to the duties of local planning officials, this bill would impose a state-mandated local program.

~~The~~

(4) *The* California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65589.5 of the Government Code is  
2 amended to read:

3 65589.5. (a) (1) The Legislature finds and declares all of the  
4 following:

5 (A) The lack of housing, including emergency shelters, is a  
6 critical problem that threatens the economic, environmental, and  
7 social quality of life in California.

8 (B) California housing has become the most expensive in the  
9 nation. The excessive cost of the state's housing supply is partially  
10 caused by activities and policies of many local governments that  
11 limit the approval of housing, increase the cost of land for housing,  
12 and require that high fees and exactions be paid by producers of  
13 housing.

14 (C) Among the consequences of those actions are discrimination  
15 against low-income and minority households, lack of housing to  
16 support employment growth, imbalance in jobs and housing,  
17 reduced mobility, urban sprawl, excessive commuting, and air  
18 quality deterioration.

19 (D) Many local governments do not give adequate attention to  
20 the economic, environmental, and social costs of decisions that  
21 result in disapproval of housing development projects, reduction  
22 in density of housing projects, and excessive standards for housing  
23 development projects.

24 (2) In enacting the amendments made to this section by the act  
25 adding this paragraph, the Legislature further finds and declares  
26 the following:

1 (A) California has a housing supply and affordability crisis of  
2 historic proportions. The consequences of failing to effectively  
3 and aggressively confront this crisis are hurting millions of  
4 Californians, robbing future generations of the chance to call  
5 California home, stifling economic opportunities for workers and  
6 businesses, worsening poverty and homelessness, and undermining  
7 the state's environmental and climate objectives.

8 (B) While the causes of this crisis are multiple and complex,  
9 the absence of meaningful and effective policy reforms to  
10 significantly enhance the approval and supply of housing affordable  
11 to Californians of all income levels is a key factor.

12 (C) The crisis has grown so acute in California that supply,  
13 demand, and affordability fundamentals are characterized in the  
14 negative: underserved demands, constrained supply, and protracted  
15 unaffordability.

16 (D) According to reports and data, California has accumulated  
17 an unmet housing backlog of nearly 2,000,000 units and must  
18 provide for at least 180,000 new units annually to keep pace with  
19 growth through 2025.

20 (E) California's overall homeownership rate is at its lowest level  
21 since the 1940s. The state ranks 49th out of the 50 states in  
22 homeownership rates as well as in the supply of housing per capita.  
23 Only one-half of California's households are able to afford the  
24 cost of housing in their local regions.

25 (F) Lack of supply and rising costs are compounding inequality  
26 and limiting advancement opportunities for many Californians.

27 (G) The majority of California renters, more than 3,000,000  
28 households, pay more than 30 percent of their income toward rent  
29 and nearly one-third, more than 1,500,000 households, pay more  
30 than 50 percent of their income toward rent.

31 (H) When Californians have access to safe and affordable  
32 housing, they have more money for food and health care; they are  
33 less likely to become homeless and in need of  
34 government-subsidized services; their children do better in school;  
35 and businesses have an easier time recruiting and retaining  
36 employees.

37 (I) An additional consequence of the state's cumulative housing  
38 shortage is a significant increase in greenhouse gas emissions  
39 caused by the displacement and redirection of populations to states  
40 with greater housing opportunities, particularly working- and

1 middle-class households. California's cumulative housing shortfall  
2 therefore has not only national but international environmental  
3 consequences.

4 (J) California's housing picture has reached a crisis of historic  
5 proportions despite the fact that, for decades, the Legislature has  
6 enacted numerous statutes intended to significantly increase the  
7 approval, development, and affordability of housing for all income  
8 levels, including this section.

9 (K) The Legislature's intent in enacting this section in 1982 and  
10 in expanding its provisions since then was to significantly increase  
11 the approval and construction of new housing for all economic  
12 segments of California's communities by meaningfully and  
13 effectively curbing the capability of local governments to deny,  
14 reduce the density for, or render infeasible housing development  
15 projects and emergency shelters. That intent has not been fulfilled.

16 (L) It is the policy of the state that this section should be  
17 interpreted and implemented in a manner to afford the fullest  
18 possible weight to the interest of, and the approval and provision  
19 of, housing.

20 (3) It is the intent of the Legislature that the conditions that  
21 would have a specific, adverse impact upon the public health and  
22 safety, as described in paragraph (2) of subdivision (d) and  
23 paragraph (1) of subdivision (j), arise infrequently.

24 (b) It is the policy of the state that a local government not reject  
25 or make infeasible housing development projects, including  
26 emergency shelters, that contribute to meeting the need determined  
27 pursuant to this article without a thorough analysis of the economic,  
28 social, and environmental effects of the action and without  
29 complying with subdivision (d).

30 (c) The Legislature also recognizes that premature and  
31 unnecessary development of agricultural lands for urban uses  
32 continues to have adverse effects on the availability of those lands  
33 for food and fiber production and on the economy of the state.  
34 Furthermore, it is the policy of the state that development should  
35 be guided away from prime agricultural lands; therefore, in  
36 implementing this section, local jurisdictions should encourage,  
37 to the maximum extent practicable, in filling existing urban areas.

38 (d) A local agency shall not disapprove a housing development  
39 project, including farmworker housing as defined in subdivision  
40 (h) of Section 50199.7 of the Health and Safety Code, for very

1 low, low-, or moderate-income households, or an emergency  
2 shelter, or condition approval in a manner that renders the housing  
3 development project infeasible for development for the use of very  
4 low, low-, or moderate-income households, or an emergency  
5 shelter, including through the use of design review standards,  
6 unless it makes written findings, based upon a preponderance of  
7 the evidence in the record, as to one of the following:

8 (1) The jurisdiction has adopted a housing element pursuant to  
9 this article that has been revised in accordance with Section 65588,  
10 is in substantial compliance with this article, and the jurisdiction  
11 has met or exceeded its share of the regional housing need  
12 allocation pursuant to Section 65584 for the planning period for  
13 the income category proposed for the housing development project,  
14 provided that any disapproval or conditional approval shall not be  
15 based on any of the reasons prohibited by Section 65008. If the  
16 housing development project includes a mix of income categories,  
17 and the jurisdiction has not met or exceeded its share of the regional  
18 housing need for one or more of those categories, then this  
19 paragraph shall not be used to disapprove or conditionally approve  
20 the housing development project. The share of the regional housing  
21 need met by the jurisdiction shall be calculated consistently with  
22 the forms and definitions that may be adopted by the Department  
23 of Housing and Community Development pursuant to Section  
24 65400. In the case of an emergency shelter, the jurisdiction shall  
25 have met or exceeded the need for emergency shelter, as identified  
26 pursuant to paragraph (7) of subdivision (a) of Section 65583. Any  
27 disapproval or conditional approval pursuant to this paragraph  
28 shall be in accordance with applicable law, rule, or standards.

29 (2) The housing development project or emergency shelter as  
30 proposed would have a specific, adverse impact upon the public  
31 health or safety, and there is no feasible method to satisfactorily  
32 mitigate or avoid the specific, adverse impact without rendering  
33 the development unaffordable to low- and moderate-income  
34 households or rendering the development of the emergency shelter  
35 financially infeasible. As used in this paragraph, a “specific,  
36 adverse impact” means a significant, quantifiable, direct, and  
37 unavoidable impact, based on objective, identified written public  
38 health or safety standards, policies, or conditions as they existed  
39 on the date the application was deemed complete. Inconsistency  
40 with the zoning ordinance or general plan land use designation

1 shall not constitute a specific, adverse impact upon the public  
2 health or safety.

3 (3) The denial of the housing development project or imposition  
4 of conditions is required in order to comply with specific state or  
5 federal law, and there is no feasible method to comply without  
6 rendering the development unaffordable to low- and  
7 moderate-income households or rendering the development of the  
8 emergency shelter financially infeasible.

9 (4) The housing development project or emergency shelter is  
10 proposed on land zoned for agriculture or resource preservation  
11 that is surrounded on at least two sides by land being used for  
12 agricultural or resource preservation purposes, or which does not  
13 have adequate water or wastewater facilities to serve the project.

14 (5) The housing development project or emergency shelter is  
15 inconsistent with both the jurisdiction's zoning ordinance and  
16 general plan land use designation as specified in any element of  
17 the general plan as it existed on the date the application was  
18 deemed complete, and the jurisdiction has adopted a revised  
19 housing element in accordance with Section 65588 that is in  
20 substantial compliance with this article. For purposes of this  
21 section, a change to the zoning ordinance or general plan land use  
22 designation subsequent to the date the application was deemed  
23 complete shall not constitute a valid basis to disapprove or  
24 condition approval of the housing development project or  
25 emergency shelter.

26 (A) This paragraph cannot be utilized to disapprove or  
27 conditionally approve a housing development project if the housing  
28 development project is proposed on a site that is identified as  
29 suitable or available for very low, low-, or moderate-income  
30 households in the jurisdiction's housing element, and consistent  
31 with the density specified in the housing element, even though it  
32 is inconsistent with both the jurisdiction's zoning ordinance and  
33 general plan land use designation.

34 (B) If the local agency has failed to identify in the inventory of  
35 land in its housing element sites that can be developed for housing  
36 within the planning period and are sufficient to provide for the  
37 jurisdiction's share of the regional housing need for all income  
38 levels pursuant to Section 65584, then this paragraph shall not be  
39 utilized to disapprove or conditionally approve a housing  
40 development project proposed for a site designated in any element

1 of the general plan for residential uses or designated in any element  
2 of the general plan for commercial uses if residential uses are  
3 permitted or conditionally permitted within commercial  
4 designations. In any action in court, the burden of proof shall be  
5 on the local agency to show that its housing element does identify  
6 adequate sites with appropriate zoning and development standards  
7 and with services and facilities to accommodate the local agency's  
8 share of the regional housing need for the very low, low-, and  
9 moderate-income categories.

10 (C) If the local agency has failed to identify a zone or zones  
11 where emergency shelters are allowed as a permitted use without  
12 a conditional use or other discretionary permit, has failed to  
13 demonstrate that the identified zone or zones include sufficient  
14 capacity to accommodate the need for emergency shelter identified  
15 in paragraph (7) of subdivision (a) of Section 65583, or has failed  
16 to demonstrate that the identified zone or zones can accommodate  
17 at least one emergency shelter, as required by paragraph (4) of  
18 subdivision (a) of Section 65583, then this paragraph shall not be  
19 utilized to disapprove or conditionally approve an emergency  
20 shelter proposed for a site designated in any element of the general  
21 plan for industrial, commercial, or multifamily residential uses. In  
22 any action in court, the burden of proof shall be on the local agency  
23 to show that its housing element does satisfy the requirements of  
24 paragraph (4) of subdivision (a) of Section 65583.

25 (e) Nothing in this section shall be construed to relieve the local  
26 agency from complying with the congestion management program  
27 required by Chapter 2.6 (commencing with Section 65088) of  
28 Division 1 of Title 7 or the California Coastal Act of 1976  
29 (Division 20 (commencing with Section 30000) of the Public  
30 Resources Code). Nothing in this section shall be construed to  
31 relieve the local agency from making one or more of the findings  
32 required pursuant to Section 21081 of the Public Resources Code  
33 or otherwise complying with the California Environmental Quality  
34 Act (Division 13 (commencing with Section 21000) of the Public  
35 Resources Code).

36 (f) (1) Nothing in this section shall be construed to prohibit a  
37 local agency from requiring the housing development project to  
38 comply with objective, quantifiable, written development standards,  
39 conditions, and policies appropriate to, and consistent with, meeting  
40 the jurisdiction's share of the regional housing need pursuant to

1 Section 65584. However, the development standards, conditions,  
2 and policies shall be applied to facilitate and accommodate  
3 development at the density permitted on the site and proposed by  
4 the development.

5 (2) Nothing in this section shall be construed to prohibit a local  
6 agency from requiring an emergency shelter project to comply  
7 with objective, quantifiable, written development standards,  
8 conditions, and policies that are consistent with paragraph (4) of  
9 subdivision (a) of Section 65583 and appropriate to, and consistent  
10 with, meeting the jurisdiction's need for emergency shelter, as  
11 identified pursuant to paragraph (7) of subdivision (a) of Section  
12 65583. However, the development standards, conditions, and  
13 policies shall be applied by the local agency to facilitate and  
14 accommodate the development of the emergency shelter project.

15 (3) This section does not prohibit a local agency from imposing  
16 fees and other exactions otherwise authorized by law that are  
17 essential to provide necessary public services and facilities to the  
18 housing development project or emergency shelter.

19 (4) For purposes of this section, a housing development project  
20 or emergency shelter shall be deemed consistent, compliant, and  
21 in conformity with an applicable plan, program, policy, ordinance,  
22 standard, requirement, or other similar provision if there is  
23 substantial evidence that would allow a reasonable person to  
24 conclude that the housing development project or emergency  
25 shelter is consistent, compliant, or in conformity.

26 (g) This section shall be applicable to charter cities because the  
27 Legislature finds that the lack of housing, including emergency  
28 shelter, is a critical statewide problem.

29 (h) The following definitions apply for the purposes of this  
30 section:

31 (1) "Feasible" means capable of being accomplished in a  
32 successful manner within a reasonable period of time, taking into  
33 account economic, environmental, social, and technological factors.

34 (2) "Housing development project" means a use consisting of  
35 any of the following:

36 (A) Residential units only.

37 (B) Mixed-use developments consisting of residential and  
38 nonresidential uses with at least two-thirds of the square footage  
39 designated for residential use.

40 (C) Transitional housing or supportive housing.

1 (3) "Housing for very low, low-, or moderate-income  
2 households" means that either (A) at least 20 percent of the total  
3 units shall be sold or rented to lower income households, as defined  
4 in Section 50079.5 of the Health and Safety Code, or (B) 100  
5 percent of the units shall be sold or rented to persons and families  
6 of moderate income as defined in Section 50093 of the Health and  
7 Safety Code, or persons and families of middle income, as defined  
8 in Section 65008 of this code. Housing units targeted for lower  
9 income households shall be made available at a monthly housing  
10 cost that does not exceed 30 percent of 60 percent of area median  
11 income with adjustments for household size made in accordance  
12 with the adjustment factors on which the lower income eligibility  
13 limits are based. Housing units targeted for persons and families  
14 of moderate income shall be made available at a monthly housing  
15 cost that does not exceed 30 percent of 100 percent of area median  
16 income with adjustments for household size made in accordance  
17 with the adjustment factors on which the moderate-income  
18 eligibility limits are based.

19 (4) "Area median income" means area median income as  
20 periodically established by the Department of Housing and  
21 Community Development pursuant to Section 50093 of the Health  
22 and Safety Code. The developer shall provide sufficient legal  
23 commitments to ensure continued availability of units for very low  
24 or low-income households in accordance with the provisions of  
25 this subdivision for 30 years.

26 (5) "Disapprove the housing development project" includes any  
27 instance in which a local agency does either of the following:

28 (A) Votes on a proposed housing development project  
29 application and the application is disapproved, including any  
30 required land use approvals or entitlements necessary for the  
31 issuance of a building permit.

32 (B) Fails to comply with the time periods specified in  
33 subdivision (a) of Section 65950. An extension of time pursuant  
34 to Article 5 (commencing with Section 65950) shall be deemed to  
35 be an extension of time pursuant to this paragraph.

36 (i) If any city, county, or city and county denies approval or  
37 imposes conditions, including design changes, lower density, or  
38 a reduction of the percentage of a lot that may be occupied by a  
39 building or structure under the applicable planning and zoning in  
40 force at the time the application is deemed complete pursuant to

1 Section 65943, that have a substantial adverse effect on the viability  
2 or affordability of a housing development for very low, low-, or  
3 moderate-income households, and the denial of the development  
4 or the imposition of conditions on the development is the subject  
5 of a court action which challenges the denial or the imposition of  
6 conditions, then the burden of proof shall be on the local legislative  
7 body to show that its decision is consistent with the findings as  
8 described in subdivision (d) and that the findings are supported by  
9 a preponderance of the evidence in the record. For purposes of this  
10 section, “lower density” includes any conditions that have the same  
11 effect or impact on the ability of the project to provide housing.

12 (j) (1) When a proposed housing development project complies  
13 with applicable, objective general plan, zoning, and subdivision  
14 standards and criteria, including design review standards, in effect  
15 at the time that the housing development project’s application is  
16 determined to be complete, but the local agency proposes to  
17 disapprove the project or to impose a condition that the project be  
18 developed at a lower density, the local agency shall base its  
19 decision regarding the proposed housing development project upon  
20 written findings supported by a preponderance of the evidence on  
21 the record that both of the following conditions exist:

22 (A) The housing development project would have a specific,  
23 adverse impact upon the public health or safety unless the project  
24 is disapproved or approved upon the condition that the project be  
25 developed at a lower density. As used in this paragraph, a “specific,  
26 adverse impact” means a significant, quantifiable, direct, and  
27 unavoidable impact, based on objective, identified written public  
28 health or safety standards, policies, or conditions as they existed  
29 on the date the application was deemed complete.

30 (B) There is no feasible method to satisfactorily mitigate or  
31 avoid the adverse impact identified pursuant to paragraph (1), other  
32 than the disapproval of the housing development project or the  
33 approval of the project upon the condition that it be developed at  
34 a lower density.

35 (2) (A) If the local agency considers a proposed housing  
36 development project to be inconsistent, not in compliance, or not  
37 in conformity with an applicable plan, program, policy, ordinance,  
38 standard, requirement, or other similar provision as specified in  
39 this subdivision, it shall provide the applicant with written  
40 documentation identifying the provision or provisions, and an

1 explanation of the reason or reasons it considers the housing  
2 development to be inconsistent, not in compliance, or not in  
3 conformity as follows:

4 (i) Within 30 days of the date that the application for the housing  
5 development project is determined to be complete, if the housing  
6 development project contains 150 or fewer housing units.

7 (ii) Within 60 days of the date that the application for the  
8 housing development project is determined to be complete, if the  
9 housing development project contains more than 150 units.

10 (B) If the local agency fails to provide the required  
11 documentation pursuant to subparagraph (A), the housing  
12 development project shall be deemed consistent, compliant, and  
13 in conformity with the applicable plan, program, policy, ordinance,  
14 standard, requirement, or other similar provision.

15 (3) For purposes of this section, the receipt of a density bonus  
16 pursuant to Section 65915 or an equitable communities incentive  
17 pursuant to Section 65918.51 shall not constitute a valid basis on  
18 which to find a proposed housing development project is  
19 inconsistent, not in compliance, or not in conformity with an  
20 applicable plan, program, policy, ordinance, standard, requirement,  
21 or other similar provision specified in this subdivision.

22 (4) For purposes of this section, a proposed housing development  
23 project is not inconsistent with the applicable zoning standards  
24 and criteria, and shall not require a rezoning, if the housing  
25 development project is consistent with the objective general plan  
26 standards and criteria but the zoning for the project site is  
27 inconsistent with the general plan. If the local agency has complied  
28 with paragraph (2), the local agency may require the proposed  
29 housing development project to comply with the objective  
30 standards and criteria of the zoning which is consistent with the  
31 general plan, however, the standards and criteria shall be applied  
32 to facilitate and accommodate development at the density allowed  
33 on the site by the general plan and proposed by the proposed  
34 housing development project.

35 (5) For purposes of this section, “lower density” includes any  
36 conditions that have the same effect or impact on the ability of the  
37 project to provide housing.

38 (k) (1) (A) The applicant, a person who would be eligible to  
39 apply for residency in the development or emergency shelter, or  
40 a housing organization may bring an action to enforce this section.

1 If, in any action brought to enforce this section, a court finds that  
2 either (i) the local agency, in violation of subdivision (d),  
3 disapproved a housing development project or conditioned its  
4 approval in a manner rendering it infeasible for the development  
5 of an emergency shelter, or housing for very low, low-, or  
6 moderate-income households, including farmworker housing,  
7 without making the findings required by this section or without  
8 making findings supported by a preponderance of the evidence,  
9 or (ii) the local agency, in violation of subdivision (j), disapproved  
10 a housing development project complying with applicable,  
11 objective general plan and zoning standards and criteria, or imposed  
12 a condition that the project be developed at a lower density, without  
13 making the findings required by this section or without making  
14 findings supported by a preponderance of the evidence, the court  
15 shall issue an order or judgment compelling compliance with this  
16 section within 60 days, including, but not limited to, an order that  
17 the local agency take action on the housing development project  
18 or emergency shelter. The court may issue an order or judgment  
19 directing the local agency to approve the housing development  
20 project or emergency shelter if the court finds that the local agency  
21 acted in bad faith when it disapproved or conditionally approved  
22 the housing development or emergency shelter in violation of this  
23 section. The court shall retain jurisdiction to ensure that its order  
24 or judgment is carried out and shall award reasonable attorney's  
25 fees and costs of suit to the plaintiff or petitioner, except under  
26 extraordinary circumstances in which the court finds that awarding  
27 fees would not further the purposes of this section. For purposes  
28 of this section, "lower density" includes conditions that have the  
29 same effect or impact on the ability of the project to provide  
30 housing.

31 (B) (i) Upon a determination that the local agency has failed  
32 to comply with the order or judgment compelling compliance with  
33 this section within 60 days issued pursuant to subparagraph (A),  
34 the court shall impose fines on a local agency that has violated this  
35 section and require the local agency to deposit any fine levied  
36 pursuant to this subdivision into a local housing trust fund. The  
37 local agency may elect to instead deposit the fine into the Building  
38 Homes and Jobs Trust Fund, if Senate Bill 2 of the 2017-18  
39 Regular Session is enacted, or otherwise in the Housing  
40 Rehabilitation Loan Fund. The fine shall be in a minimum amount

1 of ten thousand dollars (\$10,000) per housing unit in the housing  
2 development project on the date the application was deemed  
3 complete pursuant to Section 65943. In determining the amount  
4 of fine to impose, the court shall consider the local agency's  
5 progress in attaining its target allocation of the regional housing  
6 need pursuant to Section 65584 and any prior violations of this  
7 section. Fines shall not be paid out of funds already dedicated to  
8 affordable housing, including, but not limited to, Low and  
9 Moderate Income Housing Asset Funds, funds dedicated to housing  
10 for very low, low-, and moderate-income households, and federal  
11 HOME Investment Partnerships Program and Community  
12 Development Block Grant Program funds. The local agency shall  
13 commit and expend the money in the local housing trust fund  
14 within five years for the sole purpose of financing newly  
15 constructed housing units affordable to extremely low, very low,  
16 or low-income households. After five years, if the funds have not  
17 been expended, the money shall revert to the state and be deposited  
18 in the Building Homes and Jobs Trust Fund, if Senate Bill 2 of the  
19 2017–18 Regular Session is enacted, or otherwise in the Housing  
20 Rehabilitation Loan Fund, for the sole purpose of financing newly  
21 constructed housing units affordable to extremely low, very low,  
22 or low-income households.

23 (ii) If any money derived from a fine imposed pursuant to this  
24 subparagraph is deposited in the Housing Rehabilitation Loan  
25 Fund, then, notwithstanding Section 50661 of the Health and Safety  
26 Code, that money shall be available only upon appropriation by  
27 the Legislature.

28 (C) If the court determines that its order or judgment has not  
29 been carried out within 60 days, the court may issue further orders  
30 as provided by law to ensure that the purposes and policies of this  
31 section are fulfilled, including, but not limited to, an order to vacate  
32 the decision of the local agency and to approve the housing  
33 development project, in which case the application for the housing  
34 development project, as proposed by the applicant at the time the  
35 local agency took the initial action determined to be in violation  
36 of this section, along with any standard conditions determined by  
37 the court to be generally imposed by the local agency on similar  
38 projects, shall be deemed to be approved unless the applicant  
39 consents to a different decision or action by the local agency.

1 (2) For purposes of this subdivision, “housing organization”  
2 means a trade or industry group whose local members are primarily  
3 engaged in the construction or management of housing units or a  
4 nonprofit organization whose mission includes providing or  
5 advocating for increased access to housing for low-income  
6 households and have filed written or oral comments with the local  
7 agency prior to action on the housing development project. A  
8 housing organization may only file an action pursuant to this  
9 section to challenge the disapproval of a housing development by  
10 a local agency. A housing organization shall be entitled to  
11 reasonable attorney’s fees and costs if it is the prevailing party in  
12 an action to enforce this section.

13 (l) If the court finds that the local agency (1) acted in bad faith  
14 when it disapproved or conditionally approved the housing  
15 development or emergency shelter in violation of this section and  
16 (2) failed to carry out the court’s order or judgment within 60 days  
17 as described in subdivision (k), the court, in addition to any other  
18 remedies provided by this section, shall multiply the fine  
19 determined pursuant to subparagraph (B) of paragraph (1) of  
20 subdivision (k) by a factor of five. For purposes of this section,  
21 “bad faith” includes, but is not limited to, an action that is frivolous  
22 or otherwise entirely without merit.

23 (m) Any action brought to enforce the provisions of this section  
24 shall be brought pursuant to Section 1094.5 of the Code of Civil  
25 Procedure, and the local agency shall prepare and certify the record  
26 of proceedings in accordance with subdivision (c) of Section 1094.6  
27 of the Code of Civil Procedure no later than 30 days after the  
28 petition is served, provided that the cost of preparation of the record  
29 shall be borne by the local agency, unless the petitioner elects to  
30 prepare the record as provided in subdivision (n) of this section.  
31 A petition to enforce the provisions of this section shall be filed  
32 and served no later than 90 days from the later of (1) the effective  
33 date of a decision of the local agency imposing conditions on,  
34 disapproving, or any other final action on a housing development  
35 project or (2) the expiration of the time periods specified in  
36 subparagraph (B) of paragraph (5) of subdivision (h). Upon entry  
37 of the trial court’s order, a party may, in order to obtain appellate  
38 review of the order, file a petition within 20 days after service  
39 upon it of a written notice of the entry of the order, or within such  
40 further time not exceeding an additional 20 days as the trial court

1 may for good cause allow, or may appeal the judgment or order  
2 of the trial court under Section 904.1 of the Code of Civil  
3 Procedure. If the local agency appeals the judgment of the trial  
4 court, the local agency shall post a bond, in an amount to be  
5 determined by the court, to the benefit of the plaintiff if the plaintiff  
6 is the project applicant.

7 (n) In any action, the record of the proceedings before the local  
8 agency shall be filed as expeditiously as possible and,  
9 notwithstanding Section 1094.6 of the Code of Civil Procedure or  
10 subdivision (m) of this section, all or part of the record may be  
11 prepared (1) by the petitioner with the petition or petitioner's points  
12 and authorities, (2) by the respondent with respondent's points and  
13 authorities, (3) after payment of costs by the petitioner, or (4) as  
14 otherwise directed by the court. If the expense of preparing the  
15 record has been borne by the petitioner and the petitioner is the  
16 prevailing party, the expense shall be taxable as costs.

17 (o) This section shall be known, and may be cited, as the  
18 Housing Accountability Act.

19 SEC. 2. Section 65913.5 is added to the Government Code, to  
20 read:

21 65913.5. For purposes of this section and Section 65913.6, the  
22 following definitions shall apply:

23 (a) "Development proponent" means the developer who submits  
24 an application for streamlined approval pursuant to Section  
25 65913.6.

26 (b) "Eligible parcel" means a parcel that meets all of the  
27 following requirements:

28 (1) The parcel satisfies the requirements specified in ~~paragraphs~~  
29 ~~(2) and (6)~~ paragraph (2) of subdivision (a) of Section 65913.4.

30 (2) *The parcel is not located on a site that is any of the*  
31 *following:*

32 (A) *A coastal zone, as defined in Division 20 (commencing with*  
33 *Section 30000) of the Public Resources Code, unless the local*  
34 *agency has a population of 50,000 or more, based on the most*  
35 *recent United States Census Bureau data.*

36 (B) *Either prime farmland or farmland of statewide importance,*  
37 *as defined pursuant to United States Department of Agriculture*  
38 *land inventory and monitoring criteria, as modified for California,*  
39 *and designated on the maps prepared by the Farmland Mapping*  
40 *and Monitoring Program of the Department of Conservation, or*

1 land zoned or designated for agricultural protection or  
2 preservation by a local ballot measure that was approved by the  
3 voters of that jurisdiction.

4 (C) Wetlands, as defined in the United States Fish and Wildlife  
5 Service Manual, Part 660 FW 2 (June 21, 1993).

6 (D) Within a very high fire hazard severity zone, as determined  
7 by the Department of Forestry and Fire Protection pursuant to  
8 Section 51178, or within a high or very high fire hazard severity  
9 zone as indicated on maps adopted by the Department of Forestry  
10 and Fire Protection pursuant to Section 4202 of the Public  
11 Resources Code. A parcel is not ineligible within the meaning of  
12 this subparagraph if it is either:

13 (i) A site excluded from the specified hazard zones by a local  
14 agency, pursuant to subdivision (b) of Section 51179.

15 (ii) A site that has adopted fire hazard mitigation measures  
16 pursuant to existing building standards or state fire mitigation  
17 measures applicable to the development.

18 (E) A hazardous waste site that is listed pursuant to Section  
19 65962.5 or a hazardous waste site designated by the Department  
20 of Toxic Substances Control pursuant to Section 25356 of the  
21 Health and Safety Code, unless the Department of Toxic Substances  
22 Control has cleared the site for residential use or residential mixed  
23 uses.

24 (F) Within a delineated earthquake fault zone as determined by  
25 the State Geologist in any official maps published by the State  
26 Geologist, unless the development complies with applicable seismic  
27 protection building code standards adopted by the California  
28 Building Standards Commission under the California Building  
29 Standards Law (Part 2.5 (commencing with Section 18901) of  
30 Division 13 of the Health and Safety Code), and by any local  
31 building department under Chapter 12.2 (commencing with Section  
32 8875) of Division 1 of Title 2.

33 (G) Within a special flood hazard area subject to inundation  
34 by the 1 percent annual chance flood (100-year flood) as  
35 determined by the Federal Emergency Management Agency in any  
36 official maps published by the Federal Emergency Management  
37 Agency. If a development proponent is able to satisfy all applicable  
38 federal qualifying criteria in order to provide that the site satisfies  
39 this subparagraph and is otherwise eligible for streamlined  
40 approval under this section, a local government shall not deny the

1 application on the basis that the development proponent did not  
2 comply with any additional permit requirement, standard, or action  
3 adopted by that local government that is applicable to that site. A  
4 development may be located on a site described in this  
5 subparagraph if either of the following are met:

6 (i) The site has been subject to a Letter of Map Revision  
7 prepared by the Federal Emergency Management Agency and  
8 issued to the local jurisdiction.

9 (ii) The site meets Federal Emergency Management Agency  
10 requirements necessary to meet minimum flood plain management  
11 criteria of the National Flood Insurance Program pursuant to Part  
12 59 (commencing with Section 59.1) and Part 60 (commencing with  
13 Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code  
14 of Federal Regulations.

15 (H) Within a regulatory floodway as determined by the Federal  
16 Emergency Management Agency in any official maps published  
17 by the Federal Emergency Management Agency, unless the  
18 development has received a no-rise certification in accordance  
19 with Section 60.3(d)(3) of Title 44 of the Code of Federal  
20 Regulations. If a development proponent is able to satisfy all  
21 applicable federal qualifying criteria in order to provide that the  
22 site satisfies this subparagraph and is otherwise eligible for  
23 streamlined approval under this section, a local government shall  
24 not deny the application on the basis that the development  
25 proponent did not comply with any additional permit requirement,  
26 standard, or action adopted by that local government that is  
27 applicable to that site.

28 (I) Lands identified for conservation in any of the following:

29 (i) An adopted natural community conservation plan pursuant  
30 to the Natural Community Conservation Planning Act (Chapter  
31 10 (commencing with Section 2800) of Division 3 of the Fish and  
32 Game Code).

33 (ii) A habitat conservation plan pursuant to the federal  
34 Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.).

35 (iii) Any other adopted natural resource protection plan.

36 (J) Habitat for protected species identified as candidate,  
37 sensitive, or species of special status by state or federal agencies,  
38 fully protected species, or species protected by any of the following:

39 (i) The federal Endangered Species Act of 1973 (16 U.S.C. Sec.  
40 1531 et seq.).

1 (ii) *The California Endangered Species Act (Chapter 1.5*  
2 *(commencing with Section 2050) of Division 3 of the Fish and*  
3 *Game Code).*

4 (iii) *The Native Plant Protection Act (Chapter 10 (commencing*  
5 *with Section 1900) of Division 2 of the Fish and Game Code).*

6 (K) *Lands under conservation easement.*

7 ~~(2)~~

8 (3) The development of the project on the proposed parcel would  
9 not require the demolition or alteration of any of the following  
10 types of housing:

11 (A) Housing that is subject to a recorded covenant, ordinance,  
12 or law that restricts rents to levels affordable to persons and  
13 families of moderate, low, or very low income.

14 (B) Housing that is subject to any form of rent or price control  
15 through a public entity's valid exercise of its police power.

16 (C) Housing that has been occupied by tenants within the past  
17 10 years.

18 ~~(3) The site was not previously used for housing that was~~  
19 ~~occupied by tenants that was demolished within 10 years before~~  
20 ~~the development proponent submits an application under this~~  
21 ~~section.~~

22 (C) *Housing occupied by tenants, as that term is defined in*  
23 *subdivision (l) of Section 65918.50, within the seven years*  
24 *preceding the date of the application, including housing that has*  
25 *been demolished or that tenants have vacated before the*  
26 *application for a development permit.*

27 (D) *A parcel or parcels on which an owner of residential real*  
28 *property has exercised their rights under Chapter 12.75*  
29 *(commencing with Section 7060) of Division 7 of Title 1 to*  
30 *withdraw accommodations from rent or lease within 15 years*  
31 *before the date that the development proponent submits an*  
32 *application pursuant to Section 65913.6.*

33 (4) The development of the project on the proposed parcel would  
34 not require the demolition of a historic structure that was placed  
35 on a national, state, or local historic register.

36 ~~(5) The proposed parcel does not contain housing units that are~~  
37 ~~occupied by tenants, and units at the property are, or were,~~  
38 ~~subsequently offered for sale to the general public by the subdivider~~  
39 ~~or subsequent owner of the property.~~

1 (c) “Local agency” means a city, including a charter city, a  
2 county, including a charter county, or a city and county, including  
3 a charter city and county.

4 (d) “Neighborhood multifamily project” means a project to  
5 construct a multifamily structure of up to four residential dwelling  
6 units that meets all of the following requirements:

7 (1) The project meets one of the following conditions:

8 (A) The parcel or parcels on which the neighborhood  
9 multifamily project would be located is vacant land, as defined in  
10 subdivision (e).

11 (B) ~~The~~ *If the* project is a conversion of an existing ~~structure~~  
12 ~~that does structure, the conversion shall~~ not require substantial  
13 exterior alteration. For the purposes of this subparagraph, a project  
14 requires “substantial exterior alteration” if the project would require  
15 either of the following:

16 (i) The demolition of 25 percent or more of the existing exterior  
17 vertical walls, measured by linear feet.

18 (ii) Any building addition that would increase total interior  
19 square footage by more than 15 percent.

20 (2) (A) The neighborhood multifamily project ~~meets~~ *shall meet*  
21 all objective zoning standards and objective design review  
22 standards that do not conflict with this section or Section 65913.6.  
23 If, on or after July 1, 2019, a local agency adopts an ordinance that  
24 eliminates residential zoning designations *permissive to residential*  
25 *use* or decreases residential zoning development capacity within  
26 an existing zoning district in which the development is located  
27 than what was authorized on July 1, 2019, then that development  
28 shall be deemed to be consistent with any applicable requirement  
29 of this section and Section 65913.6 if it complies with zoning  
30 designations not in conflict with this section and Section 65913.6  
31 that were authorized as of July 1, 2019.

32 (B) For purposes of this paragraph, “objective zoning standards”  
33 and “objective design review standards” means standards that  
34 involve no personal or subjective judgment by a public official  
35 and are uniformly verifiable by reference to an external and  
36 uniform benchmark or criterion available and knowable by both  
37 the development proponent and the public official before the  
38 development proponent submits an application pursuant to this  
39 section. These standards include, but are not limited to, height,  
40 setbacks, floor area ratio, and lot coverage. *For purposes of this*

1 *section and Section 65913.6, “objective zoning standard” does*  
2 *not include any limits related to residential density that would*  
3 *limit a development to fewer than four residential units per parcel.*

4 ~~(3) The project provides—~~ *A local agency may require the*  
5 *neighborhood multifamily project to provide at least 0.5 parking*  
6 *spaces per unit.*

7 (e) “Vacant land” means either of the following:

8 (1) A property that contains no existing structures.

9 (2) A property that contains at least one existing structure, but  
10 the structure or structures have been unoccupied for at least five  
11 years and are considered substandard as defined by Section 17920.3  
12 of the Health and Safety Code.

13 SEC. 3. Section 65913.6 is added to the Government Code, to  
14 read:

15 65913.6. (a) For purposes of this section, the definitions  
16 provided in Section 65913.5 shall apply.

17 (b) Except as provided in subdivision (g), a development  
18 proponent of a neighborhood multifamily project on an eligible  
19 parcel may submit an application for a development to be subject  
20 to a streamlined, ministerial approval process provided by this  
21 section and not be subject to a conditional use permit if the  
22 development meets the requirements of this section and Section  
23 65913.5.

24 (c) (1) If a local agency determines that a development  
25 submitted pursuant to this section is in conflict with any of the  
26 requirements specified in this section or Section 65913.5, it shall  
27 provide the development proponent written documentation of  
28 which requirement or requirements the development conflicts with,  
29 and an explanation for the reason or reasons the development  
30 conflicts with that requirement or requirements, ~~as follows:~~ *within*  
31 *60 days of submission of the development to the local agency*  
32 *pursuant to this section.*

33 ~~(A) Within 60 days of submission of the development to the~~  
34 ~~local agency pursuant to this section if the development contains~~  
35 ~~150 or fewer housing units.~~

36 ~~(B) Within 90 days of submission of the development to the~~  
37 ~~local agency pursuant to this section if the development contains~~  
38 ~~more than 150 housing units.~~

39 (2) If the local agency fails to provide the required  
40 documentation pursuant to paragraph (1), the development shall

1 be deemed to satisfy the requirements of this section and Section  
2 65913.5.

3 (d) Any design review or public oversight of the development  
4 may be conducted by the local agency's planning commission or  
5 any equivalent board or commission responsible for review and  
6 approval of development projects, or the city council or board of  
7 supervisors, as appropriate. That design review or public oversight  
8 shall be objective and be strictly focused on assessing compliance  
9 with criteria required for streamlined projects, as well as any  
10 reasonable objective design standards published and adopted by  
11 ordinance or resolution by a local agency before submission of a  
12 development application, and shall be broadly applicable to  
13 development within the local agency. That design review or public  
14 oversight shall be completed ~~as follows~~ *within 90 days of*  
15 *submission of the development to the local agency pursuant to this*  
16 *section* and shall not in any way inhibit, chill, or preclude the  
17 ministerial approval provided by this section or its effect, as  
18 ~~applicable:~~ *applicable.*

19 ~~(1) Within 90 days of submission of the development to the~~  
20 ~~local agency pursuant to this section if the development contains~~  
21 ~~150 or fewer housing units.~~

22 ~~(2) Within 180 days of submission of the development to the~~  
23 ~~local agency pursuant to this section if the development contains~~  
24 ~~more than 150 housing units.~~

25 (e) Notwithstanding any other law, a local agency, whether or  
26 not it has adopted an ordinance governing automobile parking  
27 requirements in multifamily developments, shall not impose  
28 automobile parking standards for a streamlined development that  
29 was approved pursuant to this ~~section~~ *section, including those*  
30 *related to orientation or structure of off-street automobile parking,*  
31 beyond those provided in the minimum requirements of Section  
32 65913.5.

33 (f) (1) If a local agency approves a development pursuant to  
34 this section, that approval shall automatically expire after three  
35 years except that a project may receive a one-time, one-year  
36 extension if the project proponent provides documentation that  
37 there has been significant progress toward getting the development  
38 construction ready. For purposes of this paragraph, "significant  
39 progress" includes filing a building permit application.

1 (2) If a local agency approves a development pursuant to this  
2 section, that approval shall remain valid for three years from the  
3 date of the final action establishing that approval and shall remain  
4 valid thereafter for a project so long as vertical construction of the  
5 development has begun and is in progress. Additionally, the  
6 development proponent may request, and the local agency shall  
7 have discretion to grant, an additional one-year extension to the  
8 original three-year period. The local agency's action and discretion  
9 in determining whether to grant the foregoing extension shall be  
10 limited to considerations and process set forth in this section.

11 (g) This section shall not apply if the local agency finds that the  
12 development project as proposed would have a specific, adverse  
13 impact upon the public health or safety, including, but not limited  
14 to, fire safety, and there is no feasible method to satisfactorily  
15 mitigate or avoid the specific adverse impact without rendering  
16 the development unaffordable to low- and moderate-income  
17 households. As used in this paragraph, a "specific, adverse impact"  
18 means a significant, quantifiable, direct, and unavoidable impact,  
19 based on objective, identified written public health or safety  
20 standards, policies, or conditions as they existed on the date the  
21 application was deemed complete. Inconsistency with the zoning  
22 ordinance or general plan land use designation shall not constitute  
23 a specific, adverse impact upon the public health or safety.

24 (h) A local agency shall not adopt any requirement, including,  
25 but not limited to, increased fees or inclusionary housing  
26 requirements, that applies to a project solely or partially on the  
27 basis that the project is eligible to receive ministerial or streamlined  
28 approval pursuant to this section.

29 (i) This section shall not affect a development proponent's  
30 ability to use any alternative streamlined by right permit processing  
31 adopted by a local agency, including the provisions of subdivision  
32 (i) of Section 65583.2 or 65913.4.

33 SEC. 4. Chapter 4.35 (commencing with Section 65918.50) is  
34 added to Division 1 of Title 7 of the Government Code, to read:

35

36 CHAPTER 4.35. EQUITABLE COMMUNITIES INCENTIVES

37

38 65918.50. For purposes of this chapter:

1 (a) “Development proponent” means an applicant who submits  
2 an application for an equitable communities incentive pursuant to  
3 this chapter.

4 (b) “Eligible applicant” means a development proponent who  
5 receives an equitable communities incentive.

6 (c) “FAR” means floor area ratio.

7 (d) “High-quality bus corridor” means a corridor with fixed  
8 route bus service that meets all of the following criteria:

9 (1) It has average service intervals for each line and in each  
10 direction of no more than 10 minutes during the three peak hours  
11 between 6 a.m. to 10 a.m., inclusive, and the three peak hours  
12 between 3 p.m. to 7 p.m., inclusive, on Monday through Friday.

13 (2) It has average service intervals for each line and in each  
14 direction of no more than 20 minutes during the hours of 6 a.m.  
15 to 10 p.m., inclusive, on Monday through Friday.

16 (3) It has average service intervals for each line and in each  
17 direction of no more than 30 minutes during the hours of 8 a.m.  
18 to 10 p.m., inclusive, on Saturday and Sunday.

19 (4) *It has met the criteria specified in paragraphs (1) to (3),  
20 inclusive, for the five years preceding the date that a development  
21 proponent submits an application for approval of a residential  
22 development.*

23 (e) (1) “Jobs-rich area” means an area identified by the  
24 Department of Housing and Community Development in  
25 consultation with the Office of Planning and Research that is high  
26 opportunity and *either is jobs-rich, rich or would enable shorter  
27 commute distances* based on whether, in a regional analysis, the  
28 tract meets both of the following:

29 (A) The tract is high opportunity, meaning its characteristics  
30 are associated with positive educational and economic outcomes  
31 for households of all income levels residing in the tract.

32 (B) The tract meets either of the following criteria:

33 (i) New housing sited in the tract would enable residents to live  
34 near more jobs than is typical for tracts in the region.

35 (ii) New housing sited in the tract would enable shorter commute  
36 distances for residents, relative to existing commute patterns ~~for  
37 people of all income levels. and jobs-housing fit.~~

38 (2) The Department of Housing and Community Development  
39 shall, commencing on January 1, 2020, publish and update, every

1 five years thereafter, a map of the state showing the areas identified  
2 by the department as “jobs-rich areas.”

3 (f) “Job-rich housing project” means a residential development  
4 within a jobs-rich area. A residential development shall be deemed  
5 to be within a jobs-rich area if both of the following apply:

6 (1) All parcels within the project have no more than 25 percent  
7 of their area outside of the jobs-rich area.

8 (2) No more than 10 percent of residential units or 100 units,  
9 whichever is less, of the development are outside of the jobs-rich  
10 area.

11 (g) “Local government” means a city, including a charter city,  
12 a county, or a city and county.

13 (h) “Major transit stop” means a rail transit station or a ferry  
14 terminal that is a major transit stop pursuant to subdivision (b) of  
15 Section 21155 of the Public Resources Code.

16 (i) “Potentially sensitive community” means any of the  
17 following:

18 (1) An area that is designated as “high segregation and poverty”  
19 or “low resource” on the 2019 Opportunity Maps developed by  
20 the California Tax Credit Allocation Committee.

21 (2) A census tract that is in the top 25 percent scoring census  
22 tracts from the internet-based CalEnviroScreen 3.0 tool.

23 (3) A qualified census tract identified by the United States  
24 Department of Housing and Urban Development for 2019.

25 (4) It is the intent of the Legislature to consider all of the  
26 following:

27 (A) Identifying additional communities as potentially sensitive  
28 communities in inland areas, areas experiencing rapid change in  
29 housing cost, and other areas based on objective measures of  
30 community sensitivity.

31 (B) Application of the process for determining sensitive  
32 communities established in subdivision (d) of Section 65918.55  
33 to the San Francisco Bay area.

34 (j) “Residential development” means a project with at least  
35 two-thirds of the square footage of the development designated  
36 for residential use.

37 (k) “Sensitive community” means either of the following:

38 (1) Except as provided in paragraph (2), an area identified  
39 pursuant to subdivision (d) of Section 65918.55.

1 (2) In the Counties of Alameda, Contra Costa, Marin, Napa,  
2 Santa Clara, San Francisco, San Mateo, Solano, and Sonoma, areas  
3 designated by the Metropolitan Transportation Commission on  
4 December 19, 2018, as the intersection of disadvantaged and  
5 vulnerable communities as defined by the Metropolitan  
6 Transportation Commission and the San Francisco Bay  
7 Conservation and Development Commission, which identification  
8 of a sensitive community shall be updated at least every five years  
9 by the Department of Housing and Community Development.

10 (l) "Tenant" means a person who does not own the property  
11 where they reside, including residential situations that are any of  
12 the following:

13 (1) Residential real property rented by the person under a  
14 long-term lease.

15 (2) A single-room occupancy unit.

16 (3) An accessory dwelling unit that is not subject to, or does  
17 not have a valid permit in accordance with, an ordinance adopted  
18 by a local agency pursuant to Section ~~65852.22~~: 65852.2.

19 (4) A residential motel.

20 (5) A mobilehome park, as governed under the Mobilehome  
21 Residency Law (Chapter 2.5 (commencing with Section 798) of  
22 Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational  
23 Vehicle Park Occupancy Law (Chapter 2.6 (commencing with  
24 Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code),  
25 the Mobilehome Parks Act (Part 2.1 (commencing with Section  
26 18200) of Division 13 of the Health and Safety Code), or the  
27 Special Occupancy Parks Act (Part 2.3 (commencing with Section  
28 18860) of Division 13 of the Health and Safety Code).

29 (6) Any other type of residential property that is not owned by  
30 the person or a member of the person's household, for which the  
31 person or a member of the person's household provides payments  
32 on a regular schedule in exchange for the right to occupy the  
33 residential property.

34 (m) "Transit-rich housing project" means a residential  
35 development, the parcels of which are all within a one-half mile  
36 radius of a major transit stop or a one-quarter mile radius of a stop  
37 on a high-quality bus corridor. A project shall be deemed to be  
38 within the radius if both of the following apply:

39 (1) All parcels within the project have no more than 25 percent  
40 of their area outside of a one-half mile radius of a major transit

1 stop or a one-quarter mile radius of a stop on a high-quality bus  
2 corridor.

3 (2) No more than 10 percent of the residential units or 100 units,  
4 whichever is less, of the project are outside of a one-half mile  
5 radius of a major transit stop or a one-quarter mile radius of a stop  
6 on a high-quality bus corridor.

7 65918.51. A local government shall, upon request of a  
8 development proponent, grant an equitable communities incentive,  
9 as specified in Section 65918.53, when the development proponent  
10 seeks and agrees to construct a residential development that  
11 satisfies the requirements specified in Section 65918.52.

12 65918.52. In order to be eligible for an equitable communities  
13 incentive pursuant to this chapter, a residential development shall  
14 meet all of the following criteria:

15 (a) The residential development is either a job-rich housing  
16 project or transit-rich housing project.

17 (b) The residential development is located on a site that meets  
18 the following requirements:

19 (1) At the time of application, the site is zoned to allow housing  
20 as an underlying use in the zone, including, but not limited to, a  
21 residential, mixed-use, or commercial zone, as defined and allowed  
22 by the local government.

23 (2) If the residential development is located within a coastal  
24 zone, as defined in Division 20 (commencing with Section 30000)  
25 of the Public Resources Code, the site satisfies the requirements  
26 specified in paragraph (2) of subdivision (a) of Section 65913.4.

27 (3) The site is not located within any of the following:

28 (A) A coastal zone, as defined in Division 20 (commencing  
29 with Section 30000) of the Public Resources Code, ~~within~~ *if the*  
30 *site is also located in a city with that has a population of less than*  
31 ~~50,000~~ *50,000, based on the most recent United States Census*  
32 *Bureau data.*

33 (B) A very high fire hazard severity zone, as determined by the  
34 Department of Forestry and Fire Protection pursuant to Section  
35 51178, or within a very high fire hazard severity zone as indicated  
36 on maps adopted by the Department of Forestry and Fire Protection  
37 pursuant to Section 4202 of the Public Resources Code. A parcel  
38 is not ineligible within the meaning of this paragraph if it is either  
39 of the following:

1 (i) A site excluded from the specified hazard zones by a local  
2 agency, pursuant to subdivision (b) of Section 51179.

3 (ii) A site that has adopted fire hazard mitigation measures  
4 pursuant to existing building standards or state fire mitigation  
5 measures applicable to the development.

6 (C) A parcel ~~that for which either of the following apply:~~

7 (i) *The parcel is a contributing parcel within a historic district*  
8 *established by an ordinance of the local government that was in*  
9 *effect as of December 31, 2010.*

10 (ii) *The parcel includes a structure that was listed on a state or*  
11 *federal register of historic resources before the date that the*  
12 *development proponent first submits an application for an equitable*  
13 *communities incentive pursuant to this chapter.*

14 (c) If the residential development is located within a county that  
15 has a population equal to or less than 600,000, *based on the most*  
16 *recent United States Census Bureau data*, the residential  
17 development satisfies all of the following additional requirements:

18 (1) The site satisfies the requirements specified in paragraph  
19 (2) of subdivision (a) of Section 65913.4.

20 (2) The site is not located within either of the following:

21 (A) An architecturally or historically significant historic district,  
22 as defined in subdivision (h) of Section 5020.1 of the Public  
23 Resources Code.

24 ~~(B) A flood plain as determined by maps promulgated by the~~  
25 ~~Federal Emergency Management Agency, unless the development~~  
26 ~~has been issued a flood plain development permit pursuant to Part~~  
27 ~~59 (commencing with Section 59.1) and Part 60 (commencing~~  
28 ~~with Section 60.1) of Subchapter B of Chapter I of Title 44 of the~~  
29 ~~Code of Federal Regulations.~~

30 (B) *A special flood hazard area subject to inundation by the 1*  
31 *percent annual chance flood (100-year flood) as determined by*  
32 *the Federal Emergency Management Agency in any official maps*  
33 *published by the Federal Emergency Management Agency. If a*  
34 *development proponent is able to satisfy all applicable federal*  
35 *qualifying criteria in order to provide that the site satisfies this*  
36 *subparagraph and is otherwise eligible for streamlined approval*  
37 *under this section, a local government shall not deny the*  
38 *application on the basis that the development proponent did not*  
39 *comply with any additional permit requirement, standard, or action*  
40 *adopted by that local government that is applicable to that site. A*

1 *development may be located on a site described in this*  
2 *subparagraph if either of the following are met:*

3 *(i) The site has been subject to a Letter of Map Revision*  
4 *prepared by the Federal Emergency Management Agency and*  
5 *issued to the local jurisdiction.*

6 *(ii) The site meets Federal Emergency Management Agency*  
7 *requirements necessary to meet minimum flood plain management*  
8 *criteria of the National Flood Insurance Program pursuant to Part*  
9 *59 (commencing with Section 59.1) and Part 60 (commencing with*  
10 *Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code*  
11 *of Federal Regulations.*

12 (3) The residential development has a minimum density of 30  
13 dwelling units per acre in jurisdictions considered metropolitan,  
14 as defined in subdivision (f) of Section 65583.2, or a minimum  
15 density of 20 dwelling units per acre in jurisdictions considered  
16 suburban, as defined in subdivision (e) of Section 65583.2.

17 (4) The residential development is located within a one-half  
18 mile radius of a major transit stop and within a city with a  
19 population greater than 50,000.

20 (d) (1) If the local government has adopted an inclusionary  
21 housing ordinance requiring that the development include a certain  
22 number of units affordable to households with incomes that do not  
23 exceed the limits for moderate income, lower income, very low  
24 income, or extremely low income specified in Sections 50079.5,  
25 50093, 50105, and 50106 of the Health and Safety Code, and that  
26 ordinance requires that a new development include levels of  
27 affordable housing in excess of the requirements specified in  
28 paragraph (2), the residential development complies with that  
29 ordinance. The ordinance may provide alternative means of  
30 compliance that may include, but are not limited to, in-lieu fees,  
31 land dedication, offsite construction, or acquisition and  
32 rehabilitation of existing units.

33 (2) (A) If the local government has not adopted an inclusionary  
34 housing ordinance, as described in paragraph (1), the residential  
35 development includes an affordable housing contribution for  
36 households with incomes that do not exceed the limits for  
37 extremely low income, very low income, and low income specified  
38 in Sections 50093, 50105, and 50106 of the Health and Safety  
39 Code.

1 (B) For purposes of this paragraph, the residential development  
2 is subject to one of the following, as applicable:

3 (i) If the project has 10 or fewer units, no affordability  
4 contribution is imposed.

5 (ii) If the project has 11 to 20 residential units, the development  
6 proponent may pay an in-lieu fee to the local government for  
7 affordable housing, where feasible, pursuant to subparagraph (C).

8 (iii) If the project has more than 20 residential units, the  
9 development proponent shall do either of the following:

10 (I) Make a comparable affordability contribution toward housing  
11 offsite that is affordable to lower income households, pursuant to  
12 subparagraph (C).

13 (II) Include units on the site of the project that are affordable  
14 to extremely low income, very low income, or lower income  
15 households, as defined in Sections 50079.5, 50105, and 50106 of  
16 the Health and Safety Code, as follows:

17		
18	Project Size	Inclusionary Requirement
19	21– 200 units	15% lower income; or
20		8% very low income; or
21		6% extremely low income
22	201–350 units	17% lower income; or
23		10% very low income; or
24		8% extremely low income
25	351 or more units	25% lower income; or
26		15% very low income; or
27		11% extremely low income
28		

29 (C) (i) The development proponent of a project that qualifies  
30 pursuant to clause (ii) or subclause (I) of clause (iii) of  
31 subparagraph (B) may make a comparable affordability  
32 contribution toward housing offsite that is affordable to lower  
33 income households, pursuant to this subparagraph.

34 (ii) For the purposes of this subparagraph, “comparable  
35 affordability contribution” means either a dedication of land or  
36 direct in-lieu fee payment to a housing provider that proposes to  
37 build a residential development in which 100 percent of the units,  
38 excluding manager’s units, are sold or rented at affordable housing  
39 cost, as defined in Section 50052.5 of the Health and Safety Code,

1 or affordable rent, as defined in Section 50053 of the Health and  
2 Safety Code, subject to all of the following conditions:

3 (I) The site, and if applicable, the dedicated land, is located  
4 within a one-half mile of the qualifying project.

5 (II) The site, and if applicable, the dedicated land, is eligible  
6 for an equitable communities incentive.

7 (III) The residential development that receives a dedication of  
8 land or in-lieu fee payment pursuant to this paragraph provides  
9 the same number of affordable units at the same income category,  
10 which would have been required onsite for the qualifying project  
11 pursuant to subclause (II) of clause (iii) of subparagraph (B) of  
12 paragraph (2).

13 (IV) The value of the dedicated land or in-lieu fee payment must  
14 be at least equal to the capitalized value of the forgone revenue  
15 that the development proponent would have incurred if the  
16 qualifying project had provided the required number and type of  
17 affordable units onsite.

18 (V) ~~The~~ *If the qualifying project includes 21 or more units of*  
19 *housing, the comparable affordability contribution is subject to a*  
20 *recorded covenant with the local jurisdiction. A copy of the*  
21 *covenant shall be provided to the Department of Housing and*  
22 *Community Development.*

23 (iii) For the purposes of this subparagraph, “qualifying project”  
24 means a project that receives an equitable communities incentive  
25 by providing a comparable affordability contribution.

26 (iv) The qualifying development shall not be issued a certificate  
27 of occupancy before the residential development receiving a  
28 dedication of land or direct in-lieu fee payment pursuant to this  
29 subparagraph receives a building permit.

30 (D) Affordability of units pursuant to this paragraph shall be  
31 restricted by deed for a period of 55 years for rental units or 45  
32 years for units offered for sale.

33 (e) The site does not contain, or has not contained, either of the  
34 following:

35 (1) Housing occupied by tenants within the seven years  
36 preceding the date of the application, including housing that has  
37 been demolished or that tenants have vacated prior to the  
38 application for a development permit.

39 (2) A parcel or parcels on which an owner of residential real  
40 property has exercised their rights under Chapter 12.75

1 (commencing with Section 7060) of Division 7 of Title 1 to  
2 withdraw accommodations from rent or lease within 15 years prior  
3 to the date that the development proponent submits an application  
4 pursuant to this chapter.

5 (f) The residential development complies with all applicable  
6 labor, construction employment, and wage standards otherwise  
7 required by law and any other generally applicable requirement  
8 regarding the approval of a development project, including, but  
9 not limited to, the local government's conditional use or other  
10 discretionary permit approval process, the California  
11 Environmental Quality Act (Division 13 (commencing with Section  
12 21000) of the Public Resources Code), or a streamlined approval  
13 process that includes labor protections.

14 (g) The residential development complies with all other relevant  
15 standards, requirements, and prohibitions imposed by the local  
16 government regarding architectural design, restrictions on or  
17 oversight of demolition, impact fees, and community benefits  
18 agreements.

19 (h) The equitable communities incentive shall not be used to  
20 undermine the economic feasibility of delivering low-income  
21 housing under the state density bonus program or a local  
22 implementation of the state density bonus program, or any locally  
23 adopted program that puts conditions on new development  
24 applications on the basis of receiving a zone change or general  
25 plan amendment in exchange for benefits such as increased  
26 affordable housing, local hire, or payment of prevailing wages.

27 65918.53. (a) (1) Any transit-rich or job-rich housing project  
28 within a county that has a population greater than ~~600,000~~ 600,000,  
29 *based on the most recent United States Census Bureau data*, that  
30 meets the criteria specified in Section 65918.52 shall receive, upon  
31 request, an equitable communities incentive as follows:

32 (A) A waiver from maximum controls on density.

33 (B) A waiver from minimum automobile parking requirements  
34 greater than 0.5 automobile parking spots per unit.

35 (2) An eligible applicant proposing a residential development  
36 within a county that has a population greater than ~~600,000~~ 600,000,  
37 *based on the most recent United States Census Bureau data*, that  
38 is located within a one-half mile radius, but outside a one-quarter  
39 mile radius, of a major transit stop shall receive, in addition to the

1 incentives specified in paragraph (1), waivers from all of the  
2 following:

3 (A) Maximum height requirements less than 45 feet.

4 ~~(B) Maximum FAR requirements less than 2.5.~~

5 *(B) Any requirement governing the relationship between the*  
6 *size of the parcel and the area that the building may occupy that*  
7 *would restrict the structure to a FAR of less than 2.5.*

8 (C) Notwithstanding subparagraph (B) of paragraph (1), any  
9 minimum automobile parking requirement.

10 (3) An eligible applicant proposing a residential development  
11 within a county that has a population greater than ~~600,000~~ 600,000,  
12 *based on the most recent United States Census Bureau data*, that  
13 is located within a one-quarter mile radius of a major transit stop  
14 shall receive, in addition to the incentives specified in paragraph  
15 (1), waivers from all of the following:

16 (A) Maximum height requirements less than 55 feet.

17 ~~(B) Maximum FAR requirements less than 3.25.~~

18 *(B) Any requirement governing the relationship between the*  
19 *size of the parcel and the area that the building may occupy that*  
20 *would restrict the structure to a FAR of less than 3.25.*

21 (C) Notwithstanding paragraph (2) of subdivision (a), any  
22 minimum automobile parking requirement.

23 (b) A residential development within a county that has a  
24 population less than or equal to ~~600,000~~ 600,000, *based on the*  
25 *most recent United States Census Bureau data*, that meets the  
26 criteria specified in Section 65918.52 shall receive, upon request,  
27 an equitable communities incentive as follows:

28 (1) A waiver from maximum controls on density, subject to  
29 paragraph (3) of subdivision (c) of Section 65918.52.

30 (2) A waiver from maximum height limitations less than or  
31 equal to one story, or 15 feet, above the highest allowable height  
32 for mixed use or residential use. For purposes of this paragraph,  
33 “highest allowable height” means the tallest height, including  
34 heights that require conditional approval, allowable pursuant to  
35 zoning and any specific or area plan that covers the parcel.

36 ~~(3) Maximum FAR requirements less than 0.6 times the number~~  
37 ~~of stories proposed for the project.~~

38 *(3) Any requirement governing the relationship between the*  
39 *size of the parcel and the area that the building may occupy that*

1 *would restrict the structure to a FAR of less than 0.6 times the*  
2 *number of stories proposed for the project.*

3 (4) A waiver from minimum automobile parking requirements,  
4 as follows:

5 (A) If the residential development is located within a one-quarter  
6 mile radius of a rail transit station in a city with a population of  
7 greater than 100,000, *based on the most recent United States*  
8 *Census Bureau data*, the residential development project shall  
9 receive a waiver from any minimum automobile parking  
10 requirement.

11 (B) If the residential development does not meet the criteria  
12 specified in clause (i), the residential development project shall  
13 receive a waiver from minimum automobile parking requirements  
14 of ~~less~~ *more* than 0.5 parking spaces per unit.

15 (c) Notwithstanding any other law, a project that qualifies for  
16 an equitable communities incentive may also apply for a density  
17 bonus, incentives or concessions, and parking ratios in accordance  
18 with subdivision (b) of Section 65915. To calculate a density bonus  
19 for a project that receives an equitable communities incentive, the  
20 “otherwise maximum allowable gross residential density” as  
21 described in subdivision (f) of Section 65915 shall be equal to the  
22 proposed number of units in, or the proposed square footage of,  
23 the residential development after applying the equitable  
24 communities incentive received pursuant to this chapter. In no  
25 case may a city, county, or city and county apply any development  
26 standard that will have the effect of physically precluding the  
27 construction of a development meeting the criteria of this chapter  
28 and subdivision (b) of Section 65915 at the unit count or square  
29 footage or with the concessions or incentives permitted by this  
30 chapter and as may be increased under Section 65915 in accordance  
31 with this subdivision, but no additional waivers or reductions of  
32 development standards, as described in subdivision (e) of Section  
33 65915 shall be permitted.

34 (d) The local government shall grant an incentive requested by  
35 an eligible applicant pursuant to this chapter unless the local  
36 government makes a written finding, based on substantial evidence,  
37 that the incentive would have a specific, adverse impact on any  
38 real property or historic district that is listed on a federal or state  
39 register of historical resources and for which there is no feasible

1 method to satisfactorily mitigate or avoid the specific, adverse  
2 impact without rendering the development unaffordable.

3 (e) An eligible applicant proposing a project that meets all of  
4 the requirements under Section 65913.4 may submit an application  
5 for streamlined, ministerial approval in accordance with that  
6 section.

7 (f) The local government may modify or expand the terms of  
8 an equitable communities incentive provided pursuant to this  
9 chapter, provided that the equitable communities incentive is  
10 consistent with, and meets the minimum standards specified in,  
11 this chapter.

12 65918.54. The Legislature finds and declares that this chapter  
13 addresses a matter of statewide concern rather than a municipal  
14 affair as that term is used in Section 5 of Article XI of the  
15 California Constitution. Therefore, this chapter applies to all cities,  
16 including charter cities.

17 65918.55. (a) On or before July 1, 2020, Sections 65918.51  
18 to 65918.54, inclusive, shall not apply to a potentially sensitive  
19 community. After July 1, 2020, Sections 65918.51 to 65918.54,  
20 inclusive, shall apply in any potentially sensitive community that  
21 is not identified as a sensitive community pursuant to subdivision  
22 (b).

23 (b) On or before July 1, 2020, sensitive communities in each  
24 county shall be identified and mapped in accordance with the  
25 following:

26 (1) The council of governments, or the county board of  
27 supervisors in a county without a council of governments, shall  
28 establish a working group comprised of residents of potentially  
29 sensitive communities within the county, ensuring equitable  
30 representation of vulnerable populations, including, but not limited  
31 to, renters, low-income people, and members of classes protected  
32 under the California Fair Employment and Housing Act (Part 2.8  
33 (commencing with Section 12900) of Division 3 of Title 2).

34 (2) The working group shall develop a map of sensitive  
35 communities within the county, which shall include some or all  
36 of the areas identified as potentially sensitive communities pursuant  
37 to subdivision (i) of Section 65918.50. The working group shall  
38 prioritize the input of residents from each potentially sensitive  
39 community in making a determination about that community.

1 (3) Each board of supervisors or council of governments shall  
2 adopt the sensitive communities map for the county, along with  
3 an explanation of the composition and function of the working  
4 group and the community process and methodology used to create  
5 the maps, at a public hearing held on or before July 1, 2020.

6 (c) Sections 65918.51 to 65918.54, inclusive, shall apply in a  
7 sensitive community on and after January 1, 2026, unless the city  
8 or county in which the sensitive community is located has adopted  
9 a community plan for an area that includes the sensitive community  
10 that is aimed toward increasing residential density and multifamily  
11 housing choices near transit stops and meets all of the following:

12 (1) The community plan is not in conflict with the goals of this  
13 chapter.

14 (2) The community plan permits increased density and  
15 multifamily development near transit, with all upzoning linked to  
16 onsite affordable housing requirements that meet or exceed the  
17 affordable housing requirements in Sections 65918.51 to 65918.54,  
18 inclusive. Community plans shall, at a minimum, be consistent  
19 with the overall residential development capacity and the minimum  
20 affordability standards set forth in Sections 65918.51 to 65918.54,  
21 inclusive, within the boundaries of the community plan.

22 (3) The community plan includes provisions to protect  
23 vulnerable residents from displacement.

24 (4) The community plan promotes economic justice for workers  
25 and residents.

26 (5) The community plan was developed in partnership with at  
27 least one of the following:

28 (A) A nonprofit or community organization that focuses on  
29 organizing low-income residents in the sensitive community.

30 (B) A nonprofit or community organization that focuses on  
31 organizing low-income residents in the jurisdiction.

32 (C) If there are no nonprofit or community organizations  
33 working within the sensitive community or the jurisdiction, a  
34 nonprofit with demonstrated experience conducting outreach to  
35 low-income communities.

36 (6) Residents of the sensitive community are engaged throughout  
37 the planning process, including through at least three community  
38 meetings that are held at times and locations accessible to  
39 low-income residents.

1 (7) All public documents and meetings related to the planning  
2 process are translated into all languages spoken by at least 25  
3 percent of residents of the sensitive community.

4 (8) The community plan is adopted before July 1, 2025.

5 (d) Each city and each county shall make reasonable efforts to  
6 develop a community plan for any sensitive communities within  
7 its jurisdiction. A community plan may address other locally  
8 identified priorities, provided they are not in conflict with the intent  
9 of this chapter or any other law. A city or county may designate a  
10 community plan adopted before July 1, 2020, as the plan that meets  
11 the requirements of this paragraph, provided that the plan meets  
12 all criteria in this section.

13 (e) Notwithstanding any other provision of this section, Sections  
14 65918.51 to 65918.54, inclusive, shall apply in any sensitive  
15 community if all of the following apply:

16 (1) At least 20 percent of adult residents of the sensitive  
17 community sign a petition attesting that the community desires to  
18 make the provisions of Sections 65918.51 to 65918.54, inclusive,  
19 applicable in the area. The petition shall describe in plain language  
20 the planning standards set forth in Sections 65918.51 to 65918.54,  
21 inclusive; be translated into all languages spoken by at least 25  
22 percent of residents in the affected area; and collect contact  
23 information from signatories to the petition, including first, middle,  
24 and last name, mailing address, and phone number and email  
25 address if available.

26 (2) The local government has verified the petition to ensure  
27 compliance with paragraph (1).

28 (3) Following signature verification, the local government  
29 provides public notice and opportunity to comment to residents of  
30 the affected area and holds a minimum of three public hearings in  
31 the affected area at a time and in a place and manner accessible to  
32 low-income residents and other vulnerable populations.

33 (4) The governing body for the city or county in which the  
34 sensitive community is located determines, by majority vote, to  
35 apply this chapter in the affected area.

36 (f) It is the intent of the Legislature to consider all of the  
37 following:

38 (1) Tasking local government entities with greater community  
39 connection with convening and administering the process for  
40 identifying sensitive communities.

1 (2) Requiring review by the Department of Housing and  
2 Community Development of the designation of sensitive  
3 communities.

4 SEC. 5. No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution because  
6 a local agency or school district has the authority to levy service  
7 charges, fees, or assessments sufficient to pay for the program or  
8 level of service mandated by this act, within the meaning of Section  
9 17556 of the Government Code.

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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair  
2019 - 2020 Regular Session

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### SB 50 (Wiener) - Planning and zoning: housing development: incentives

**Version:** May 1, 2019

**Policy Vote:** HOUSING 9 - 1, GOV. & F. 6  
- 1

**Urgency:** No

**Mandate:** Yes

**Hearing Date:** May 13, 2019

**Consultant:** Mark McKenzie

**Bill Summary:** SB 50 would require local governments to provide a specified “equitable communities incentive” to developers that construct residential developments in “jobs-rich” and “transit-rich” areas, which may include certain exceptions to specified requirements for zoning, density, parking, height restrictions, and floor area ratios.

#### **Fiscal Impact:**

- The Department of Housing and Community Development (HCD) estimates first year costs of approximately \$325,000, including one-time contracting costs of \$100,000 for a mapping consultant, and ongoing costs of approximately \$207,000 for 1.2 PY of staff time to identify “jobs-rich areas” and “sensitive communities” and update those designations every five years. (General Fund)
- Unknown, but likely minor costs for the Governor’s Office of Planning and Research (OPR) to coordinate with HCD to identify “jobs rich areas” in the state. (General Fund)
- Unknown local mandated costs. While the bill could impose new costs on local agencies to revise planning requirements for certain developments, these costs are not state-reimbursable because affected local agencies have the authority to charge various permit, planning, and developer fees to offset any increased costs associated with the higher level of service imposed by the bill.

**Background:** Existing law requires a city or county to adopt an ordinance that specifies how it will implement state Density Bonus Law, which requires the grant of a specified density bonus when an applicant for a housing development of 5 or more units agrees to construct a project with at least any of the following: (1) 10% of housing units dedicated for lower income households; (2) 5% of units for very low-income households; (3) a senior citizen development or mobilehome park; or (4) 10% of units in a common interest development for moderate income households. The applicant must ensure the units remain affordable for at least 55 years. A density bonus generally allows the developer to increase density of by up to 20% over the otherwise maximum allowable residential density under the applicable zoning ordinance.

In addition to the density bonus, a local agency must also provide concessions and incentives based on the number of below market-rate units included in the project, as specified. Concessions may include a reduction in site development standards, modification of zoning or design requirements that exceed minimum building standards, approval of mixed-use zoning if such uses are compatible, or other regulatory incentives

or concessions proposed by the developer or the city or county that result in identifiable cost reductions.

Some local ordinances provide “ministerial” processes for approving projects that are permitted “by right”—the zoning ordinance clearly states that a particular use is allowable, and local government does not have any discretion regarding approval of the permit if the application is complete. Local governments have two options for providing landowners with relief from zoning ordinances that might otherwise prohibit or restrict a particular land use: variances and conditional use permits. A variance may be granted to alleviate a unique hardship on a property owner because of the way a generally-applicable zoning ordinance affects a particular parcel, and a conditional use permit allows a land use that is not authorized by right in a zoning ordinance, but may be authorized if the property owner takes certain steps, such as to mitigate the potential impacts of the land use. Both of these processes require hearings by the local zoning board and public notice.

Some housing projects can be permitted by city or county planning staff ministerially or without further approval from elected officials. Projects reviewed ministerially require only an administrative review designed to ensure they are consistent with existing general plan and zoning rules, as well as meet standards for building quality, health, and safety. Most large housing projects are not allowed ministerial review. Instead, these projects are vetted through both public hearings and administrative review, including design review and appeals processes. Most housing projects that require discretionary review and approval are subject to California Environmental Quality Act (CEQA) review, while projects permitted ministerially are not.

Existing law, as enacted by SB 35 (Weiner, 2017), provides for a streamlined, ministerial process for approving certain housing developments that are in compliance with the applicable objective local planning standards, including the general plan, zoning ordinances, and objective design review standards, as long as a certain percentage of units in the development are affordable to lower-income households. Existing law, as enacted by AB 2923 (Chiu, 2018), requires ministerial approval of housing developments on BART-owned land if the project is no more than one story above the highest allowable zoning in the surrounding area and has a floor area ratio of no more 0.6 times the number of stories. AB 2923 explicitly authorized the addition of density bonus on top of these parameters.

**Proposed Law:** SB 50 would require local governments to provide an “equitable communities incentive” for certain residential developments that meet specified conditions.

#### Project requirements.

SB 50 requires a project to be either a “jobs-rich housing project” or a “transit-rich housing project” for residential development on a site zoned for housing in order to qualify for an equitable communities incentive. A jobs-rich housing project must be a residential development located in a jobs rich area. SB 50 requires HCD, in consultation with OPR, to designate and produce maps of jobs-rich areas based on a specified methodology by January 1, 2020, and to update the maps every five years thereafter. That designation must include tracts that are both high opportunity and jobs rich, based on specified factors that ensure that residents are proximate to their jobs

and reduce commute times. SB 50 defines a transit-rich housing project to be a residential development located within a one-half mile radius of a rail station or a ferry terminal that is a major transit stop, as defined in existing law, or a one-quarter mile radius of a stop on a high-quality bus corridor that has fixed routes and specified service intervals in each direction.

An equitable communities incentive cannot be granted for a development located in a city within the coastal zone that has a population of less than 50,000, in a very high fire hazard severity zone (unless excluded by a local agency or has applicable fire hazard mitigation measures), or on a parcel within a historic district established by a local ordinance, as specified.

In order to qualify for the incentive, a residential development in a county with a population of 600,000 or less must also be on a parcel in an urban area zoned for residential use or residential mixed-use development, must have a specified minimum density, must be located within a one-half mile radius of a major transit stop in a city with a population of over 50,000, and must not be located in an architecturally or historically significant district or a flood plain, as specified.

SB 50 requires a project receiving an incentive to contain specified percentages of affordable housing units in the development, depending on the size of the project and at the choice of the developer, as specified. The developer may also be authorized to make a comparable affordability contribution (either through a dedication of land or in-lieu fee payment) toward lower-income housing offsite, instead of including affordable units within the development. If the local government has adopted an inclusionary housing ordinance and that ordinance requires that a new development include levels of affordability in excess of what is required in this bill, the requirements in that ordinance apply. Affordable housing units under the bill must remain affordable under a deed restriction for 55 and 45 years for rental units and units offered for sale, respectively. The bill also places other specified requirements and restrictions on projects as a condition of eligibility.

#### Equitable communities incentive benefits.

SB 50 requires local governments to grant transit-rich and jobs-rich housing projects certain benefits and waivers of local development regulations based on their location.

In a county with a population that is greater than 600,000, the following incentives apply:

- Any transit-rich or jobs-rich housing project that meets the eligibility criteria above shall receive waivers from maximum controls on density and minimum automobile parking requirements greater than 0.5 parking spots per unit.
- An eligible applicant proposing a residential development that is located within one-half mile radius, but outside one-quarter mile radius, of a major transit stop shall also receive waivers from maximum height requirements less than 45 feet, maximum FAR requirements less than 2.5, and any minimum automobile parking requirements.
- An eligible applicant proposing a residential development that is located within one-quarter mile radius of a major transit stop shall also receive waivers from maximum

height requirements less than 55 feet, maximum FAR requirements less than 3.25, and any minimum automobile parking requirements.

A residential development within a county with a population that is 600,000 or less that meets the specified eligibility requirements shall receive the following incentives:

- A waiver from maximum controls on density, subject to specified requirements.
- A waiver from maximum height limitations less than or equal to one story, or 15 feet, above the highest allowable height for mixed use or residential use, as specified.
- Maximum FAR requirements less than 0.6 times the number of stories proposed for the project.
- A waiver from all minimum parking requirements if the development is located within a one-quarter mile radius of a rail transit station in a city of over 100,000 people, or from parking requirements of less than 0.5 parking spaces per unit for all other developments, as specified.

SB 50 authorizes a project receiving an equitable communities incentive to also apply for a density bonus, incentives or concessions, and parking ratios in accordance with other specified provisions. The bill authorizes a local agency to deny an incentive requested by an eligible applicant if it makes a written finding that the incentive would have an adverse impact on any property or historic district listed on a federal or state registry of historical resources and for which there is no feasible way to mitigate the adverse impacts without rendering the project infeasible.

#### Sensitive communities.

SB 50 requires the council of governments (COGs), or board of supervisors in a county without a COG, to establish a working group comprised of residents of potentially sensitive areas within the county to develop a map of sensitive communities within the county, as specified. The bill includes disadvantaged communities within the definition of "potentially sensitive community" as well as those in areas designated as high segregation and poverty, or low resource, as specified. For specified Bay Area counties, a sensitive community is one at the intersection of disadvantaged and vulnerable communities, which must be updated at least every five years by HCD, as specified.

SB 50 delays the requirement for local governments to grant equitable communities incentives in potentially sensitive communities until July 1, 2020. If a potentially sensitive community is designated as a sensitive community through the process noted above, the requirements are delayed until January 1, 2026. At that time a local government would be required to grant incentives unless the city or county in which the sensitive community is located has adopted a specified community plan for an area that includes the sensitive community that is aimed toward increasing residential density and multifamily housing choices near transit stops.

Notwithstanding these special considerations for sensitive communities, a local government must grant equitable communities incentives if all of the following apply:

- At least 20% of adult residents in the sensitive community sign a petition attesting that the community desires the local government to grant the incentives, as specified.

- The local government has verified the petition to ensure compliance with specified requirements.
- The local government provides a public notice and comment period, and holds a minimum of three public hearings, as specified.
- The governing body for the city or county in which the sensitive community is located determines by a majority vote to apply the bill's provisions to the affected area.

#### Neighborhood Multifamily Projects.

SB 50 would also provide for a specified streamlined ministerial approval process of specified "neighborhood multifamily projects" that would either construct a multifamily structure on vacant land, or to convert an existing structure that does not require substantial exterior alteration into a multifamily structure. A neighborhood multifamily project must consist of up to 4 residential dwelling units and that meets local height, setback, and lot coverage zoning requirements as they existed on July 1, 2019.

**Staff Comments:** Regarding state fiscal impacts, this bill would require HCD to coordinate with the Governor's Office of Planning and Research (OPR) to identify "jobs rich areas," publish a map of those areas by January 1, 2020, and update the map every five years. The bill would also require HCD to review local designations of "sensitive communities" that are identified by councils of government or counties, as specified. HCD indicates that it would need 1.2 PY of staff related to the additional workload at a cost of approximately \$207,000 annually, and contract with a mapping consultant at an additional estimated cost of \$100,000.

The bill's mandated local costs would not be subject to state reimbursement because local agencies have the general authority to charge and adjust planning and permitting fees as necessary to cover administrative costs.

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# SENATE COMMITTEE ON GOVERNANCE AND FINANCE

Senator Mike McGuire, Chair  
2019 - 2020 Regular

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**Bill No:** SB 50  
**Author:** Wiener  
**Version:** 3/11/19  
**Consultant:** Favorini-Csorba

**Hearing Date:** 4/24/19  
**Tax Levy:** No  
**Fiscal:** Yes

## ***PLANNING AND ZONING: HOUSING DEVELOPMENT: INCENTIVES***

*Requires local governments to grant an equitable communities incentive to eligible residential developments.*

### **Background**

Planning and approving new housing is mainly a local responsibility. The California Constitution allows cities and counties to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public—including land use authority.

**Planning and Zoning Law.** State law provides additional powers and duties for cities and counties regarding land use. The Planning and Zoning Law requires every county and city to adopt a general plan that sets out planned uses for all of the area covered by the plan. A general plan must include specified mandatory “elements,” including a housing element that establishes the locations and densities of housing, among other requirements. Cities’ and counties’ major land use decisions—including most zoning ordinances and other aspects of development permitting—must be consistent with their general plans. The Planning and Zoning Law also establishes a planning agency in each city and county, which may be a separate planning commission, administrative body, or the legislative body of the city or county itself. Cities and counties must provide a path to appeal a decision to the planning commission and/or the city council or county board of supervisors.

**Zoning and approval processes.** Local governments use their police power to enact zoning ordinances that shape development, such as setting maximum heights and densities for housing units, minimum numbers of required parking spaces, setbacks to preserve privacy, lot coverage ratios to increase open space, and others. These ordinances can also include conditions on development to address aesthetics, community impacts, or other particular site-specific considerations.

Local governments have broad authority to define the specific approval processes needed to satisfy these considerations. Some housing projects can be permitted by city or county planning staff “ministerially” or without further approval from elected officials, but most large housing projects require “discretionary” approvals from local governments, such as a conditional use permit or a change in zoning laws. This process requires hearings by the local planning commission and public notice and may require additional approvals.

**Density bonus law.** State law, known as density bonus law, grants certain benefits to developers who build affordable units in order to encourage greater affordable housing production. Density bonus law requires cities and counties to grant a density bonus when an applicant for a housing development of five or more units seeks and agrees to construct a project that will contain at least one of the following:

- 10% of the total units of a housing development for lower income households;
- 5% of the total units of a housing development for very low-income households;
- A senior citizen housing development or mobile home park;
- 10% of the units in a common interest development (CID) for moderate-income households; or
- 10% of the total units for transitional foster youth, disabled veterans, or homeless persons.

If a project meets these conditions, the city or county must allow an increase in density on a sliding scale from 20% to 35% over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan, depending on the percentage of units affordable to low-income, very low-income, or senior households.

Density bonus law also grants certain reductions in minimum parking requirements and grants “incentives or concessions” that can be used to waive development policies that add costs or reduce the number of units that a developer can build on a site. The number of incentives or concessions that a project may be eligible for is based on the percentage of affordable units contained in the project, up to a maximum of three. Incentives and concessions can vary widely based on the individual projects, but examples can include reduced fees, waivers of zoning codes, or reduced parking requirements.

Local governments must grant the density increases under density bonus law and can only deny incentives or concessions if it makes written findings, based on substantial evidence, that granting an incentive or concession:

- Is not necessary to ensure that the affordable units get built;
- Would have specific, adverse effects to public health and safety, the physical environment, or historical resources, and there is no way to mitigate for those impacts without rendering the development unaffordable to low- and moderate-income households; or
- Is contrary to state or federal law.

**California’s housing challenges.** California faces a severe housing shortage. In its most recent statewide housing assessment, HCD estimated that California needs to build an additional 100,000 units per year over recent averages of 80,000 units per year to meet the projected need for housing in the state. A variety of causes have contributed to the lack of housing production. Recent reports by the Legislative Analyst’s Office (LAO) and others point to local approval processes as a major factor. They argue that local governments control most of the decisions about where, when, and how to build new housing, and those governments are quick to respond to vocal community members who may not want new neighbors. The building industry also points to CEQA review, and housing advocates note a lack of a dedicated source of funds for affordable housing.

In addition, California's high—and rising—land costs necessitate dense housing construction for a project to be financially viable and for the housing to ultimately be affordable to lower-income households. Yet, recent trends in California show that new housing has not commensurately increased in density. In a 2016 analysis, the Legislative Analyst's Office (LAO) found that the housing density of a typical neighborhood in California's coastal metropolitan areas increased by only 4 percent during the 2000s. The LAO also compared California's coastal areas to similar metropolitan areas across the country and found that new housing constructed during the 2000s in California's coastal cities was nearly 30% less dense on average than new housing in other comparable cities—10 units/acre in California compared to 14 units/acre in the other metropolitan areas.

Zoning ordinances add additional constraints that can reduce the number of units that can be built: setbacks, floor-area ratios, lot coverage ratios, design requirements, dedications of land for parks or other public purposes, and other regulations can reduce the space on a lot that a building can occupy in ways that lower the number of units that is feasible to construct on a lot.

**Housing-related hearings.** The Senate Governance and Finance Committee, the Senate Transportation and Housing Committee, and the Senate Housing Committee held a series of three hearings on housing development, affordable housing finance, and zoning and other land use policies in October and November 2018 and March 2019. At those hearings, the Committees heard a wide range of perspectives, including the voices of market-rate and affordable housing developers, local governments, community activists, and academics. One consistent message was that increased density is needed to support additional housing—where panelists tended to differ was on how to achieve that density. (For additional information, please see the background materials and video recordings of the hearings on the Committee's website.)

Advocates for new housing want to increase the allowable density around transit and in other areas throughout the state.

### **Proposed Law**

Senate Bill 50 requires a local government to grant an equitable communities incentive (ECI) to developments that meet specified conditions.

**Project requirements.** SB 50 requires a project to be either a "jobs-rich housing project" or a "transit-rich housing project." A jobs-rich housing project must be a residential development located in a jobs rich area. SB 50 requires the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to designate and produce maps of jobs-rich areas based on a specified methodology by January 1, 2020, and to update the maps every five years thereafter. That designation must be based on indicators such as proximity to jobs, high area median income relative to the relevant region, and high-quality public schools, as an area of high opportunity close to jobs, and it must include tracts that are both high opportunity and jobs rich, based on specified factors that ensure that residents are proximate to their jobs and reduce commute times.

SB 50 defines a transit-rich housing project to be a residential development located within a one-half mile radius of a rail station or a ferry terminal that is a major transit stop, as defined in existing law, or a one-quarter mile radius of a stop on a high-quality bus corridor. To qualify as a high-quality bus corridor, the bus corridor must have average service intervals of no less frequent than:

- 15 minutes between 6am to 10am and 3pm to 7pm, and 20 minutes from 6am to 10pm, on weekdays.
- 30 minutes between 8am and 10pm on weekends.

SB 50 deems a residential development to be within an area designated as job-rich or transit-rich if at least specified percentages of the parcels and units in the development are located within the jobs-rich area or are located within a one-half mile radius of a major transit stop or a one-quarter mile radius of a stop on a high-quality bus corridor.

To be eligible for an ECI, SB 50 also requires a residential development to be located on a site that is zoned to allow housing as an underlying use and that does not and has not contained housing occupied by tenants, as defined, within the seven years before applying for the ECI, and was not the subject of an Ellis Act eviction within the past fifteen years. The residential development must also comply with:

- All applicable labor, construction, employment, and wage standards otherwise required by law;
- All relevant standards, requirements, and prohibitions imposed by the local government regarding architectural design, restrictions on or oversight of demolition, impact fees, and community benefit agreements; and
- Any other generally applicable requirement regarding the approval of a development project, including the California Environmental Quality Act (CEQA) and local discretionary approval processes.

SB 50 requires a project that receives an ECI to contain specified percentages of affordable housing units in the development, depending on the size of the project and at the choice of the developer, as specified in the chart below.

<b>Project Size</b>	<b>Inclusionary Housing Requirement</b>
1-10 units	No affordability requirement.
11-20 units	Developer may pay an in lieu fee, where feasible, toward housing offsite affordable to lower income households.
21-200 units	<ul style="list-style-type: none"> <li>• 15% low-income OR</li> <li>• 8% very low-income OR</li> <li>• 6% extremely low-income</li> </ul>
201 – 350 units	<ul style="list-style-type: none"> <li>• 17% low-income OR</li> <li>• 10% very low-income OR</li> <li>• 8% extremely low-income</li> </ul>
351 units or more	<ul style="list-style-type: none"> <li>• 25% low-income OR</li> <li>• 15% very low-income OR</li> <li>• 11% extremely low-income</li> </ul>

If the local government has adopted an inclusionary housing ordinance and that ordinance requires that a new development include levels of affordability in excess of what is required in this bill, the requirements in that ordinance apply. Affordable housing units under the bill must remain affordable under a deed restriction for 55 and 45 years for rental units and units offered for sale, respectively.

SB 50 allows a developer to make a comparable affordability contribution—an in-lieu payment—toward affordable housing offsite, instead of including affordable units within the development. The bill requires the local government collecting the in-lieu payment to make every effort to ensure that future affordable housing will be sited within ½ mile of the original project location within the boundaries of the local government by designating the existing housing opportunity site within a ½ mile radius of the project site for affordable housing. To the extent practical, local housing funds must be prioritized at the first opportunity to build affordable housing on that site. If no housing sites are available, the local government shall designate a site for affordable housing within its jurisdictional boundaries and make findings that the site affirmatively furthers fair housing, as specified.

**Equitable communities incentive benefits.** SB 50 grants transit-rich and jobs-rich housing projects certain benefits and waivers of local development regulations based on their location, as follows.

All projects, including jobs-rich projects and transit-rich projects within ¼ mile of a bus stop on a high quality bus corridor, receive a waiver from maximum controls on density and minimum automobile parking requirements greater than 0.5 spaces per unit, and up to three incentives and concessions under density bonus law.

Projects within ½ mile radius of a rail station or ferry terminal also receive waivers from any minimum parking requirement and waivers from:

- Maximum height requirements less than 55 feet and maximum floor area ratio requirements less than 3.25 if the project is within ¼ mile of a rail station or ferry terminal; or
- Maximum height requirements less than 45 feet and maximum floor area ratio requirements less than 2.5 if the project is within ¼ to ½ mile radius of a rail station or ferry terminal.

SB 50 provides that when calculating incentives or concessions granted under density bonus, the number of units in the development that is allowed with the ECI must be used as the base density for the project.

**Sensitive communities.** SB 50 delays implementation of the bill in sensitive communities until July 1, 2020 and as provided below. SB 50 defines a sensitive community to mean either:

- Within the nine-county Bay Area, those areas designated as the intersection of disadvantaged and vulnerable communities by the Metropolitan Transportation Commission and the San Francisco Bay Conservation and Development Commission on December 19, 2018; or
- Outside of the Bay Area, those census tracts identified by HCD as having both (1) 30 percent or more of the population living below the poverty line, as long as college students make up less than 25 percent of the population; and (2) a location quotient of residential racial segregation of at least 1.25.

The Department of Housing and Community Development (HCD) must update these sensitive communities every five years.

SB 50 allows a local government to opt-in to using a community-led planning process in sensitive communities to increase density consistent with the residential development capacity and affordability standards in the bill, instead of having SB 50's ECI provisions apply to those sensitive communities. A local government seeking to opt in must do so between January 1, 2020, and an unspecified final date, and must adopt a plan by January 1, 2025. If the local government does not adopt a plan for sensitive communities by that date, SB 50's ECI provisions apply.

**Other provisions.** SB 50 allows a local government to grant modified or expanded ECIs, as long as it meets the minimum standards in the bill. The bill also allows a recipient of an ECI to apply for ministerial, streamlined approval if they meet the requirements under existing law to qualify for that approval process. SB 50 says that receipt of an ECI cannot be used as a basis for finding a project inconsistent, not in compliance, or not in conformity with local development policies under the Housing Accountability Act or for denial of density bonus. The bill defines its terms and makes findings and declarations to support its purposes.

### **State Revenue Impact**

No estimate.

### **Comments**

1. Purpose of the bill. According to the author, “California’s statewide housing deficit is quickly approaching four million homes -- equal to the total deficit of the other forty-nine states combined. This housing shortage threatens our state’s environment, economy, diversity, and quality of life for current and future generations. In addition to tenant protections and increased funding for affordable housing, we need an enormous amount of new housing at all income levels in order to keep people stable in their homes. Policy interventions focused on relieving our housing shortage must be focused both on the number of new homes built and also the location of those homes: as we create space for more families in our communities, they must be near public transportation and jobs. The status quo patterns of development in California are covering up farmland and wild open space while inducing crushing commutes. Absent state intervention, communities will continue to effectively prohibit people from living near transit and jobs by making it illegal to build small apartment buildings around transit and jobs, while fueling sprawl and inhumane supercommutes.

“Small and medium-sized apartment buildings (i.e., not single-family homes and not high rises) near public transportation and high-opportunity job centers are an equitable, sustainable, and low-cost source of new housing. SB 50 promotes this kind of housing by allowing small apartment buildings that most California neighborhoods ban, regardless of local restrictions on density, within a half mile of rail stations and ferry terminals, quarter mile of a bus stop on a frequent bus line, or census tract close to job and educational opportunities. Around rail stations and ferry terminals, the bill also relaxes maximum height limits up to 45 or 55 feet—that is, a maximum of four and five stories—depending on the distance from transit. Job-rich areas and those serviced only by buses do not trigger height increases, but these areas will benefit from relaxed density and off-street parking requirements that encourage low-rise multifamily buildings like duplexes and fourplexes. SB 50 grants significant local control to individual jurisdictions over design review, labor and local hire requirements, conditional use permits, CEQA, local affordable housing and density bonus programs, and height limits outside of areas immediately adjacent to rail and ferry. This bill also requires an affordable housing component

for all projects over ten units, and contains the strongest anti-displacement rules in state law, including an automatic ineligibility for any property currently or recently occupied by renters.”

2. One size fits all? California is a geographically and demographically diverse state, and that is reflected in its 482 cities and 58 counties. Local elected officials for each of those municipalities are charged by the California Constitution with protecting their citizens’ welfare. One chief way local governments do this is by exercising control over what gets built in their community. Local officials weigh the need for additional housing against the concerns and desires of their constituents. Where appropriate, those officials enact ordinances to shape their communities based on local conditions and desires. Moreover, these planning actions and decisions take place within the confines of state laws that require local governments to plan and zone for new housing, subject to approval by HCD, and under threat of fines for improper denial as a result of recent legislation. SB 50 disregards these efforts and the unique features of California’s communities by imposing the same zoning standards statewide. It uniformly imposes minimums for height, bulk, and density of buildings around rail stations and ferry terminals, regardless of the specific characteristics of the community, even though one rail station might be at the heart of a bustling metropolis while another might be located in a relatively isolated rural town—even if the jurisdictions themselves have similar populations. To account for some of the differences among communities, the Committee may wish to consider amending SB 50 to provide different levels of upzoning or increased density based on the characteristics of each community, such as population or other metrics.

3. Sure, but will it work? Local governments have shown that they are nothing if not creative when it comes to stopping projects that their residents don’t want. State housing law has for decades followed the cycle of attempting to encourage local governments to build more, only to see those efforts thwarted by enterprising officials who find a legal loophole, which the Legislature then closes. While SB 50 grants waivers from some development standards, it doesn’t make any changes to local approval processes for projects that benefit from an ECI. Instead, it relies on several of the latest legislative efforts to clamp down on gamesmanship by local governments. These include SB 35 (Wiener, 2017), which established a streamlined approval process for developments that are consistent with objective development standards and meet other stringent requirements, and recent changes to strengthen the Housing Accountability Act, which prohibits local governments from denying housing projects that are consistent with local development policies. These policies are relatively untested, and SB 50 explicitly provides that local approval processes still apply. If history is any guide, local officials may find other ways around them to avoid approving denser projects, even with the changes to local zoning that SB 50 provides.

4. Windfall profits. Valuation of real estate is complicated, but a fundamental principle is that property is as valuable as its highest and best use allows. Land that can only accommodate construction of a few new units of housing is less valuable than land that can accommodate more, all else being equal, and same goes for larger developments versus smaller ones. When zoning rules change to allow more building, property values go up—an effect that was demonstrated in a recent study of upzoning in Chicago. SB 50 allows more units to be built and reduces costs associated with developments by granting additional waivers and concessions of development policies and letting developers off the hook for building expensive parking spots. SB 50 also allows developers to choose the density at which they build, potentially allowing them to maximize profits by building larger luxury units instead of smaller, lower priced ones. In exchange, developers must build or fund some affordable housing. However, California’s existing density bonus program already provides increasing benefits to developers for increasing

levels of affordability, and SB 50 grants additional benefits without requiring much beyond density bonus in the way of additional affordable housing. This upends the balance struck in density bonus law to capture for the public a fair and reasonable portion of the value created by upzoning. Proposition 13 (1978) further restricts the ability of the public to capture that value by placing constitutional restrictions on property tax rates—meaning local governments see less of a gain from increased property values than they otherwise would. The Committee may wish to consider whether SB 50’s inclusionary requirements and other provisions results in a fair distribution of the benefits provided by the density increases that it allows.

5. Location, location, location. Because SB 50 changes local zoning in communities statewide, it impacts some areas of the state that Californians have traditionally considered to be worthy of special treatment. In particular, California voters adopted the Coastal Act of 1976, which regulates development in the coastal zone to protect coastal resources and ensure coastal access. By many measures, the Coastal Act has been a success: towns along the coast have been able to maintain their character and continue to be a draw for tourists who wish to experience and enjoy views of the coastline. SB 50 also applies to historic districts—areas of California that the state, federal, or local governments have cultural significance, and whose character may be impaired by new development. To ensure that these parts of the state are protected, the Committee may wish to consider amending SB 50 to limit the applicability of the bill to these areas or allow local governments to make findings if a project that benefits from an ECI would impair coastal or historic resources.

6. Sensitive areas. Many communities in California are already undergoing dramatic change that is disproportionately affecting low-income communities and communities of color. These communities are particularly vulnerable because developers seek cheaper land on which to build new housing. To mitigate this effect, local governments have adopted community plans to manage gentrification and preserve these communities as much as possible. By increasing the development potential of parcels across the state, SB 50 may exacerbate these trends. The bill includes a delay of five years before the bill affects certain designated communities, and it provides that local policies and standards other than those that the bill waives still apply. But at the end of that five-year delay, communities must either have upzoned on their own to what the bill requires or be subject to the bill’s provisions. This may not provide adequate protection for communities at risk of gentrification. In addition, many local governments have taken important steps to increase zoning and allow for more housing to be built in their communities. For example, the City of Los Angeles has adopted transit-oriented development plans for targeted infill development after extensive community discussions, and this program is seeing marked success. SB 50 overrides those local processes and fails to recognize the efforts that some jurisdictions have made to balance the need for new housing and protection of existing communities.

7. Where’s my flying car? Transportation and land use are intimately connected—land use patterns influence the distance traveled and mode of transportation used. These factors in turn affect whether the state will achieve its greenhouse gas emissions targets or other environmental goals. SB 50 attempts to shift land use patterns to encourage greater use of transit, including both buses and passenger rail, by building more densely in those areas and by reducing parking minimums. However, tying density to bus stops poses some practical challenges. Because most bus routes have little fixed infrastructure relative to rail, building near bus stops that currently exist doesn’t ensure that transit will be available in the long term. Some local jurisdictions are eliminating bus stops as new modes of transportation, such as ride-sharing, become more prevalent and bus routes become less viable. In addition, the residents of new market-rate

development are likely to be higher income who would rather drive their cars instead of riding buses. Accordingly, new developments enabled by SB 50 may not drive enough of an increase in bus ridership to ensure the viability of those routes. The Committee may wish to consider amending SB 50 to more precisely identify bus routes that are likely to be relatively permanent.

8. Let's be clear. The Committee may wish to consider the following clarifying amendments to SB 50 to ensure that the author's intent is accurately carried out:

- SB 50 specifies certain service intervals for a bus line to be considered a high quality bus corridor, but it is unclear whether those intervals could be met by buses going in opposite directions. The Committee may wish to consider amending SB 50 to clarify that high quality bus corridors must meet the frequency requirements of the bill for each line going in each direction.
- SB 50 grants up to three waivers and concessions pursuant to density bonus law, but it is unclear whether those are additive to those already granted under density bonus law, or whether this is restating existing law. In addition, the bill provides that the base density for purposes of calculating the density bonus that a project is eligible is the density of the project after the bill's incentives are applied. However, because the bill removes density limits, it is unclear how this would work. The Committee may wish to consider amending SB 50 to clarify its interaction with density bonus law.

9. Charter city. The California Constitution allows cities that adopt charters to control their own "municipal affairs." In all other matters, charter cities must follow the general, statewide laws. Because the Constitution doesn't define "municipal affairs," the courts determine whether a topic is a municipal affair or whether it's an issue of statewide concern. SB 50 says that its statutory provisions apply to charter cities. To support this assertion, the bill includes a legislative finding that it addresses a matter of statewide concern.

10. Mandate. The California Constitution requires the state to reimburse local governments for the costs of new or expanded state mandated local programs. Because SB 50 adds to the duties of local planning officials, Legislative Counsel says that the bill imposes a new state mandate. SB 50 disclaims the state's responsibility for providing reimbursement by citing local governments' authority to charge for the costs of implementing the bill's provisions.

11. Incoming! The Senate Housing Committee approved SB 50 at its April 2<sup>nd</sup> meeting on a vote of 9-1. The Senate Governance and Finance Committee is hearing it as the committee of second reference.

12. Related legislation. Last year, the Legislature considered SB 827 (Wiener), which would have increased heights and density near major transit stops to as high as 85 feet in some versions of the bill. SB 827 failed passage in the Senate Transportation and Housing Committee.

This year, the Legislature will consider SB 50 along with other bills that modify local zoning. SB 330 (Skinner), which the Committee approved at its April 10<sup>th</sup> meeting on a vote of 6-0, enacts the "Housing Crisis Act of 2019," which, until January 1, 2030 makes changes to local approval processes and imposes restrictions on certain types of development standards.

SB 4 (McGuire), which the Committee will also hear at its April 24<sup>th</sup> meeting, grants by-right approval to projects that exceed local height, floor area ratio, and density restrictions if those

projects meet specified conditions. SB 4 and SB 50 share some similarities, but also present differences. This bill only applies in jurisdictions that have produced fewer homes in the last 10 years than jobs and have unmet housing needs, whereas SB 50 does not have threshold requirements. Also, the zoning benefits in SB 50 extend to projects in proximity to high-quality bus corridors, while SB 4’s transit proposal only applies to rail stations and ferry terminals. While both bills only apply to parcels in residential zones, SB 4 only applies to infill sites and does not apply in specified areas. SB 50 does not limit density, however it is limited to areas designated as “jobs-rich” by HCD and the Office of Planning and Research. Lastly, SB 4 also provides a streamlined approval process, where SB 50 relies on existing processes to ensure developments get approved.

The following chart identifies significant differences between the transit-based provisions of the two bills:

	<b>SB 4 TOD</b>	<b>SB 50 Transit-Rich</b>
<b>Location</b>	½ mile of rail or ferries that are located in urban communities	½ mile of rail or ferries or ¼ mile of stops on high quality bus corridors
<b>Density</b>	Metro areas: min. 30 units/acre Suburban: min. 20 units per acre	No minimum or maximum
<b>Parking</b>	Projects in cities with under 100,000 population or those located within ¼ to ½ mile from rail or ferry stops: consistent with density bonus law  Projects in cities with 100,000+ population or those located within 0 to ¼ mile of rail or ferry stops: no parking minimum	No parking minimum
<b>Height</b>	One story over allowable height	No less than 45' or 55' (depending on proximity to rail or ferry)  Meet existing zoning around bus stops, but developer may use waivers, concessions, or incentives to modify
<b>FAR</b>	0.6 times the number of stories	No less than 2.5 or 3.25 (depending on proximity to rail or ferry)  Meet existing zoning around bus stops, but developer may use waivers, concessions, or incentives to modify

Both bills also increase density in areas not tied to transit, as summarized in the chart below:

	<b>SB 4 Neighborhood Multifamily</b>	<b>SB 50 Jobs-Rich</b>
<b>Density</b>	Urban communities: fourplexes Non-urban communities: duplexes	No limit
<b>Parking</b>	0.5 spaces per unit	0.5 spaces per unit
<b>Height</b>	Meet existing zoning requirements	Meet existing zoning, but developer may use waivers, concessions, or incentives to modify
<b>FAR</b>	Meet existing zoning requirements	Meet existing zoning, but developer may use waivers, concessions, or incentives to modify

**Support and Opposition (4/19/19)**

**Support:** 3,025 Individuals; 6beds, Inc.; AARP; Bay Area Council; Bridge Housing Corporation; Building Industry Association of The Bay Area; Burbank Housing Development Corporation; Calasian Chamber of Commerce; California Apartment Association; California Chamber of Commerce; California Community Builders; California National Party; California Yimby; Dana Point Chamber Of Commerce; Emeryville; City of; Facebook, Inc.; Fieldstead and Company, Inc.; Fossil Free California; Greater Washington; Hamilton Families; Local Government Commission; Los Angeles Area Chamber of Commerce; Ms.; Murrieta Chamber of Commerce; Natural Resources Defense Council; North Orange County Chamber of Commerce; Oakland Metropolitan Chamber of Commerce; Office of The Mayor, San Francisco; Orange County Business Council; Oxnard Chamber of Commerce; Related California; Santa Cruz County Chamber of Commerce; Santa Maria Valley Chamber of Commerce; Schott & Lites Advocates Llc; Silicon Valley At Home (Sv@Home); Silicon Valley Leadership Group; South Bay Jewish Federation; South Bay Yimby; Spur; State Council on Developmental Disabilities; Stripe; Technet-Technology Network; The Silicon Valley Organization; Tmg Partners; Valley Industry And Commerce Association; Yimby Action

**Opposition:** 1,850 Individuals; Aids Healthcare Foundation; Alliance of Californians for Community Empowerment (Acce) Action; American Planning Association, California Chapter; Asian Pacific Environmental Network; Barbary Coast Neighborhood Association; Bay Area Transportation Working Group; Berkeley Tenants Union; Brentwood Community Council - West Los Angeles; Causa Justa :: Just Cause; Central Valley Empowerment Alliance; Century Glen Hoa; City of Brentwood; City of Chino Hills; City of Cupertino; City of Downey; City of Glendale; City of Lafayette; City of Lakewood; City of La Mirada; City of Palo Alto; City of Rancho Cucamonga; City of Rancho Palos Verdes; City of Pinole; City of Redondo Beach; City of San Mateo; City of Santa Clarita; City of Solana Beach ;City of Sunnyvale; City of Vista; Coalition for San Francisco Neighborhoods; Preserve LA; Concerned Citizens of Los Feliz; Cow Hollow Association; Dolores Heights Improvement Club; Dolores Street Community Services; East Mission Improvement Association; East Yard Communities for Environmental Justice; City of Glendora; Grayburn Avenue Block Club; Homeowners of Encino; Housing for All Burlingame; Housing Rights Committee of San Francisco; Jobs with Justice San Francisco; Jordan Park Improvement Association; Legal Services for Prisoners with Children; League of California Cities; Los Angeles Tenants Union - Hollywood Local Case Worker; Los Angeles

Tenants Union -- Networking Team; Miraloma Park Improvement Club; Mission Economic Development Agency; New Livable California DbA Livable California; Noe Neighborhood Council; Northeast Business Economic Development DbA Northeast Business Association; City of Pasadena; Planning Association for the Richmond; Poder; Redstone Labor Temple Association; Regional-Video; Sacred Heart Community Service; San Francisco Senior And Disability Action; San Francisco Rising Alliance; San Francisco Tenants Union; Save Capp Street; Senior and Disability Action; SF Ocean Edge; Sherman Oaks Homeowners Association; South Bay Cities Council Of Governments; South Brentwood Residents Association; South of Market Community Action Network; Stand Up For San Francisco; Sunset-Parkside Education And Action Committee (Speak); Sutro Avenue Block Club/Leimert Park; Telegraph Hill Dwellers; Tenant Sanctuary; Tenants Together; The San Francisco Marina Community Association; Toluca Lake Homeowners Association; United to Save the Mission; Urban Habitat; West Mar Vista Residents Association; Yah! (Yes to Affordable Housing)

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**SENATE COMMITTEE ON HOUSING**  
**Senator Scott Wiener, Chair**  
**2019 - 2020 Regular**

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**Bill No:** SB 50 **Hearing Date:** 4/2/2019  
**Author:** Wiener  
**Version:** 3/11/2019 Amended  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Alison Hughes

**SUBJECT:** Planning and zoning: housing development: incentives

**DIGEST:** This bill requires a local government to grant an equitable communities incentive, which reduces specified local zoning standards in “jobs-rich” and “transit rich areas,” as defined, when a development proponent meets specified requirements.

**ANALYSIS:**

*Existing law:*

- 1) Provides, under the Housing Accountability Act, that when a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards in effect at the time the housing development project’s application is determined to be complete, but the local agency proposes to disapprove the project or impose a condition that the project be approved at a lower density, the local agency shall base its decision upon written findings, as specified.
- 2) Requires all cities and counties to adopt an ordinance that specifies how they will implement state density bonus law. Requires cities and counties to grant a density bonus when an applicant for a housing development of five or more units seeks and agrees to construct a project that will contain at least one of the following:
  - a) 10% of the total units of a housing development for lower income households
  - b) 5% of the total units of a housing development for very low-income households
  - c) A senior citizen housing development or mobile home park
  - d) 10% of the units in a common interest development (CID) for moderate-income households

- e) 10% of the total units for transitional foster youth, disabled veterans, or homeless persons.
- 3) Requires the city or county to allow an increase in density on a sliding scale from 20% to 35% over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan, depending on the percentage of units affordable low-income, very low-income, or senior households.
  - 4) Provides that upon the request of a developer, a city, county, or city and county shall not require a vehicular parking ratio, inclusive of disabled and guest parking, that meets the following ratios:
    - a) Zero to one bedroom — one onsite parking space
    - b) Two to three bedrooms — two onsite parking spaces
    - c) Four and more bedrooms — two and one-half parking spaces
  - 5) Provides that if a project contains 100% affordable units and is within ½ mile of a major transit stop, the local government shall not impose a parking ratio higher than .5 spaces per unit.
  - 6) The applicant shall receive the following number of incentives or concessions:
    - a) One incentive or concession for projects that include at least 10% of the total units for lower income households or at least 5% for very low income households.
    - b) Two incentives or concessions for projects that include at least 20% of the total units for lower income households or at least 10% for very low income households.
    - c) Three incentives or concessions for projects that include at least 30% of the total units for lower income households or at least 15% for very low income households.
  - 7) Provides that supportive housing, in which 100% of units are dedicated to low-income households (up to 80% AMI) and are receiving public funding to ensure affordability, shall be a use by right in all zones where multifamily and mixed uses are allowed, as specified.
  - 8) Provides that infill developments in localities that have failed to meet their regional housing needs assessment (RHNA) numbers shall not be subject to a streamlined, ministerial approval process, as specified.

**This bill:**

- 1) Defines “high quality bus corridor” as a corridor with fixed bus route service that meets specified average service intervals.
- 2) Defines “jobs-rich area” as an area identified by the Department of Housing and Community Development (HCD), in consultation with the Office of Planning and Research (OPR), that both meets “high opportunity” and “jobs-rich,” based on whether, in a regional analysis, the tract meets (a) and (b) below. HCD shall, beginning January 1, 2020 publish and update a map of the state showing areas identified as “jobs-rich areas” every five years.
  - a) The tract is “higher opportunity” and its characteristics are associated with positive educational and economic outcomes of all income levels residing in the tract.
  - b) The tract meets either of the following:
    - i. New housing sited in the tract would enable residents to live in or near the jobs-rich area, as measured by employment density and job totals.
    - ii. New housing sited in the tract would enable shorter commute distances for residents compared to existing commute levels.
- 3) “Jobs-rich housing project” means a residential development within an area identified as a “jobs-rich area” by HCD and OPR, based on indicators such as proximity to jobs, high median income relative to the relevant region, and high-quality public schools, as an area of high opportunity close to jobs.
- 4) Defines “major transit stop” as a rail transit station or a ferry terminal as defined.
- 5) Defines “residential development” as a project with at least two-thirds of the square footage of the development designated for residential use.
- 6) Defines “sensitive communities” as either:
  - a) An area identified by HCD every five years, in consultation with local community-based organizations in each metropolitan planning region, as an area where both of the following apply:
    - i. 30% or more of the census tract lives below the poverty line, provided that college students do not compose at least 25% of the population.
    - ii. The “location quotient” of residential racial segregation in the census tract is at least 1.25 as defined by HCD.

- b) In the counties of Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, San Mateo, Solano, and Sonoma, areas designated by the Metropolitan Transportation Commission (MTC) on December 19, 2018 as the intersection of disadvantaged and vulnerable communities as defined by the MTC and the San Francisco Bay Conservation and Development Commission.
- 7) Defines “tenant” as a person who does not own the property where they reside, including specified residential situations.
- 8) Defines “transit-rich housing project” as a residential development in which the parcels are all within ½ mile radius of a major transit stop or ¼ mile radius of a stop on a high-quality bus corridor.
- 9) Requires a local government to grant an equitable communities incentive when a development proponent seeks and agrees to construct a residential development that meets the following requirements:
- a) The residential development is either a jobs-rich housing project or transit-rich housing project.
  - b) The residential development is located on a site that, at the time of application, is zoned to allow “housing as an underlying use” in the zone.
  - c) Prohibits the site from containing either of the following:
    - i. Housing occupied by tenants within the seven years preceding the date of the application.
    - ii. A parcel or parcels on which an owner of residential real property has exercised their rights to withdraw accommodations from rent or lease within 15 years prior to the date that the development proponent submits an application under this bill.
  - d) The residential development complies with all applicable labor, construction, employment, and wage standards otherwise required by law, and any other generally applicable requirement regarding the approval of a development project.
  - e) The residential development complies with all relevant standards, requirements, and prohibitions imposed by the local government regarding architectural design, restrictions on or oversight of demolition, impact fees, and community benefit agreements.
  - f) Affordable housing requirements, required to remain affordable for 55 years for rental units and 45 years for units offered for sale, as specified:
    - i. If the local government has adopted an inclusionary housing ordinance and that ordinance requires that a new development include levels of

affordability in excess of what is required in this bill, the requirements in that ordinance shall apply.

ii. If (i) does not apply, the following shall apply:

Project Size	Inclusionary Housing Requirement
1-10 units	No affordability requirement.
11-20 units	Development proponent may pay an in lieu fee, where feasible, toward housing offsite affordable to lower income households.
21-200 units	<ul style="list-style-type: none"> <li>• 15% low income OR</li> <li>• 8% very low income OR</li> <li>• 6% extremely low income OR</li> <li>• Comparable affordability contribution toward housing offsite affordable to lower income households.</li> </ul>
201 – 350 units	<ul style="list-style-type: none"> <li>• 17% low income OR</li> <li>• 10% very low income OR</li> <li>• 8% extremely low income OR</li> <li>• Comparable affordability contribution toward housing offsite affordable to lower income households</li> </ul>
351 units or more	<ul style="list-style-type: none"> <li>• 25% low income OR</li> <li>• 15% very low income OR</li> <li>• 11% extremely low income OR</li> <li>• Comparable affordability contribution toward housing offsite affordable to lower income households</li> </ul>

iii. If a development proponent makes a comparable affordability contribution toward housing offsite, the local government collecting the in-lieu payment shall make every effort to ensure that future affordable housing will be sited within ½ mile of the original project location within the boundaries of the local government by designating the existing housing opportunity site within a ½ mile radius of the project site for affordable housing. To the extent practical, local housing funding shall be prioritized at the first opportunity to build affordable housing on that site.

iv. If no housing sites are available, the local government shall designate a site for affordable housing within the boundaries its jurisdiction and make findings that the site affirmatively furthers fair housing, as specified.

10) Prohibits the equitable communities incentive from being used to undermine the economic feasibility of delivering low-income housing under specified state

and local housing programs, including the state or a local implementation of the state density bonus program.

- 11) Requires a transit-rich or jobs-rich housing project to receive an equitable communities incentive, as follows:
  - a) A waiver from maximum controls on density.
  - b) A waiver from minimum parking requirements greater than .5 parking spaces per unit.
  - c) Up to three incentives and concessions under density bonus law.
- 12) Requires projects up to  $\frac{1}{4}$  mile radius of a major transit stop, in addition to the benefits identified in (11), to receive waivers from all of the following:
  - a) Maximum height requirements less than 55 feet.
  - b) Maximum floor area ratio requirements less than 3.25.
  - c) Any minimum parking requirement.
- 13) Requires projects between  $\frac{1}{4}$  and  $\frac{1}{2}$  mile of a major transit stop, in addition to the benefits identified in (11), to receive waivers from all of the following:
  - a) Maximum height requirements less than 45 feet.
  - b) Maximum floor area ratio requirements less than 2.5.
  - c) Any maximum parking requirement.
- 14) Requires, for purposes of calculating any additional incentives and concessions under density bonus law, to use the number of units after applying the increased density permitted under this bill as the base density.
- 15) Permits a development receiving an equitable communities incentive to also be eligible for streamlined, ministerial approval under existing law.
- 16) Requires the implementation of this bill to be delayed in sensitive communities until July 1, 2020. Between January 1, 2020 and an unspecified date, a local government, in lieu of the requirements in this bill, may opt for a community-led planning process in sensitive communities aimed toward increasing residential density and multifamily housing choices near transit stops, as follows:
  - a) Sensitive communities that pursue a community-led planning process at the neighborhood level shall, on or before January 1, 2025, produce a community plan that may include zoning and any other policies that encourage

- multifamily housing development at a range of income levels to meet unmet needs, protect vulnerable residents from displacement, and address other locally identified priorities.
- b) Community plans shall, at a minimum, be consistent with the overall residential development capacity and the minimum affordability standards set forth in this chapter within the boundaries of the community plan.
  - c) The provisions of this bill shall apply on January 1, 2025, to sensitive communities that have not adopted community plans that meet the minimum standards described in paragraph (16)(b).
- 17) States that the receipt of an equitable communities incentive shall not constitute a valid basis to find a proposed housing development project inconsistent, not in compliance, or in conformity with an applicable plan, program, policy, ordinance, standard, requirement or other similar provision under the Housing Accountability Act.

## COMMENTS

- 1) *Purpose of the bill.* According to the author, “California’s statewide housing deficit is quickly approaching four million homes -- equal to the total deficit of the other forty-nine states combined. This housing shortage threatens our state’s environment, economy, diversity, and quality of life for current and future generations. In addition to tenant protections and increased funding for affordable housing, we need an enormous amount of new housing at all income levels in order to keep people stable in their homes. Policy interventions focused on relieving our housing shortage must be focused both on the number of new homes built and also the location of those homes: as we create space for more families in our communities, they must be near public transportation and jobs. The status quo patterns of development in California are covering up farmland and wild open space while inducing crushing commutes. Absent state intervention, communities will continue to effectively prohibit people from living near transit and jobs by making it illegal to build small apartment buildings around transit and jobs, while fueling sprawl and inhumane supercommutes.

“Small and medium-sized apartment buildings (i.e., not single-family homes and not high rises) near public transportation and high-opportunity job centers are an equitable, sustainable, and low-cost source of new housing. SB 50 promotes this kind of housing by allowing small apartment buildings that most California neighborhoods ban, regardless of local restrictions on density, within a half mile of rail stations and ferry terminals, quarter mile of a bus stop on a frequent bus line, or census tract close to job and educational opportunities. Around rail stations and ferry terminals, the bill also relaxes maximum height limits up to 45

or 55 feet—that is, a maximum of four and five stories—depending on the distance from transit. Job-rich areas and those serviced only by buses do not trigger height increases, but these areas will benefit from relaxed density and off-street parking requirements that encourage low-rise multifamily buildings like duplexes and fourplexes. SB 50 grants significant local control to individual jurisdictions over design review, labor and local hire requirements, conditional use permits, CEQA, local affordable housing and density bonus programs, and height limits outside of areas immediately adjacent to rail and ferry. This bill also requires an affordable housing component for all projects over ten units, and contains the strongest anti-displacement rules in state law, including an automatic ineligibility for any property currently or recently occupied by renters.”

- 2) *Housing near Transit.* Research has shown that encouraging more dense housing near transit serves not only as a means of increasing ridership of public transportation to reduce greenhouse gases (GHGs), but also a solution to our state’s housing crisis. As part of California’s overall strategy to combat climate change, the Legislature began the process of encouraging more transit oriented development with the passage of SB 375 (Steinberg, Chapter 728, Statutes of 2008). SB 375 is aimed at reducing the amount that people drive and associated GHGs by requiring the coordination of transportation, housing, and land use planning. The Legislature subsequently allocated 20% of the ongoing Cap and Trade Program funds to the Affordable Housing and Sustainable Communities Program, which funds land use, housing, transportation, and land preservation projects to support infill and compact development that reduce GHGs. At least half of the funds must support affordable housing projects.

The McKinsey Report found that increasing housing demand around high-frequency public transit stations could build 1.2 – 3 million units within a half-mile radius of transit. The report notes that this new development would have to be sensitive to the character of a place, and recommends that local communities proactively rezone station areas for higher residential density to pave the way for private investments, accelerate land-use approvals, and use bonds to finance station area infrastructure.

Research has also demonstrated a positive relationship between income and vehicle miles traveled (VMT). A study by the Center for Neighborhood Technology, entitled *Income, Location Efficiency, and VMT: Affordable housing as a Climate Strategy*, created a model to isolate the relationship of income on VMT. This model found that lower-income families living near transit were likely to drive less than their wealthier neighbors. More specifically, in metro regions, home to two-thirds of California’s population, identically composed and located low-income households were predicted to drive 10% less than the

median, very low-income households 25% less, and extremely low-income households 33% less. By contrast, middle income households were predicted to drive 5% more and above moderate-income households 14% more. The patterns are similar for the other two Regional Contexts, although the differences are slightly reduced in Rural Areas. This research demonstrates the value of encouraging lower-income people to live near transit who are more likely to increase transit ridership.

This bill incentivizes denser housing near transit by reducing zoning controls such as density, parking, height, and floor area ratios, as specified.

- 3) *Denser Housing in Single-Family Zoning.* California's high—and rising—land costs necessitate dense housing construction for a project to be financially viable and for the housing to ultimately be affordable to lower-income households. Yet, recent trends in California show that new housing has not commensurately increased in density. In a 2016 analysis, the Legislative Analyst's Office (LAO) found that the housing density of a typical neighborhood in California's coastal metropolitan areas increased only by four percent during the 2000s. In addition, the pattern of development in California has changed in ways that limit new housing opportunities. A 2016 analysis by BuildZoom found that new development has shifted from moderate but widespread density to pockets of high-density housing near downtown cores surrounded by vast swaths of low-density single-family housing. Specifically, construction of moderately-dense housing (2 to 49 units) in California peaked in the 1960s and 1970s and has slowed in recent decades.

Stricter land use controls are also associated with greater displacement and segregation along both income and racial lines. Past practices such as redlining, which led to the racial and economic segregation of communities in the 1930s, have shown the negative effects that these practices can have on communities. The federal National Housing Act of 1934 was enacted to make housing and mortgages more affordable and to stop bank foreclosures during the Great Depression. These loans were distributed in a manner to purposefully exclude "high risk" neighborhoods composed of minority groups. This practice led to underdevelopment and lack of progress in these segregated communities while neighborhoods surrounding them flourished due to increased development and investment. People living in these redlined communities had unequal access to quality, crucial resources such as health and schools. These redlined communities experience higher minority and poverty rates today and are experiencing gentrification and displacement at a higher rate than other neighborhoods. Today, exclusionary zoning can lead to "unintended" segregation of low-income and minority groups, which creates unequal

opportunities for Californians of color. Both the LAO and an analysis by the Institute of Governmental Studies (IGS) at the University of California, Berkeley indicate that building new housing would reduce the likelihood that residents would be displaced in future decades.

The UC Berkeley Turner Center conducted a residential land use survey in California from August 2017 to October 2018. The survey found that most jurisdictions devote the majority of their land to single family zoning and in two-thirds of jurisdictions, multifamily housing is allowed on less than 25% of land. Some jurisdictions in the US have taken steps to increase density in single-family zones. For example, Minneapolis will become the first major U.S. city to end single-family home zoning; in December, the City Council passed a comprehensive plan to permit three-family homes in the city's residential neighborhoods, abolish parking minimums for all new construction, and allow high-density buildings along transit corridors. According to the 2016 McKinsey Report, California has the capacity to build between 341,000 and 793,000 new units by adding units to existing single-family homes.

In an effort to encourage denser housing everywhere, and in particular, in traditionally exclusionary jurisdictions, this bill seeks to incentivize denser housing development in “jobs-rich areas” by reducing density and parking, and granting developments up to three concessions and incentives consistent with density bonus law. This is similar mapping exercise to a process that the California Tax Credit Allocation Committee (TCAC) in the State Treasurer's Office underwent to encourage low-income housing developments in high opportunity areas, with the goal of encouraging more inclusive communities in California. TCAC and HCD convened a group of independent organizations and researchers called the California Fair Housing Taskforce (Taskforce). The Taskforce released a detailed opportunity mapping methodology document that identifies specific policy goals and purposes, as well as detailed indicators to identify areas that further the policy goals and purposes. This bill specifies that HCD, in consultation with OPR, is responsible for creating maps that identify which tracts meet the requirements in this bill. As written, the definition of “jobs-rich area” is not entirely clear. Moving forward, the author may wish to modify the requirements for a “jobs-rich area” to provide more clarity to HCD and OPR.

- 4) *Density bonus law (DBL)*. Given California's high land and construction costs for housing, it is extremely difficult for the private market to provide housing units that are affordable to low- and even moderate-income households. Public subsidy is often required to fill the financial gap on affordable units. DBL allows public entities to reduce or even eliminate subsidies for a particular project by

allowing a developer to include more total units in a project than would otherwise be allowed by the local zoning ordinance in exchange for affordable units.

Allowing more total units permits the developer to spread the cost of the affordable units more broadly over the market-rate units. The idea of DBL is to cover at least some of the financing gap of affordable housing with regulatory incentives, rather than additional subsidy.

Under existing law, if a developer proposes to construct a housing development with a specified percentage of affordable units, the city or county must provide all of the following benefits: a density bonus; incentives or concessions (hereafter referred to as incentives); waiver of any development standards that prevent the developer from utilizing the density bonus or incentives; and reduced parking standards.

To qualify for benefits under density bonus law, a proposed housing development must contain a minimum percentage of affordable housing (*see* the “Existing Law” section). If one of these five options is met, a developer is entitled to a base increase in density for the project as a whole (referred to as a density bonus) and one regulatory incentive. Under density bonus law, a market rate developer gets density increases on a sliding scale based on the percentage of affordable housing included in the project. At the low end, a developer receives 20% additional density for 5% very low-income units and 20% density for 10% low-income units. The maximum additional density permitted is 35% (in exchange for 11% very low-income units and 20% low-income units). The developer also negotiates additional incentives and concessions, reduced parking, and design standard waivers with the local government. This helps developers reduce costs while enabling a local government to determine what changes make the most sense for that site and community.

This bill provides similar zoning reductions as density bonus law. Unlike density bonus law, which grants more zoning reductions and waivers with increased percentages of affordable housing, this bill encourages the construction of more housing across the state, generally. This bill provides that in areas that are “jobs-rich” – the goal of which is to increase housing in traditionally “high opportunity areas” – a specified project is not subject to density controls, parking, and may receive up to three concessions and incentives under DBL. Housing projects near transit, as specified, receive additional benefits of having minimum height requirements and minimum floor area ratios. Under the requirements of this bill, affordable housing requirements depend on the size of the project and increase with the number of units in a housing project.

A development proponent, particularly near transit, will likely enjoy greater benefits under the provisions of this bill than those received under DBL. For example, the greatest density a housing project enjoys under DBL is 35%; this bill removes density requirements, so while increased density will vary for each individual site, it is not limited. Under DBL, only projects containing 100% affordable units enjoy parking minimums less than 1 space per bedroom, while pursuant to this bill, no projects are required to have more than .5 spaces per unit. Additionally, under both DBL and this bill, a developer may receive three concessions and incentives only if at least 30% of the units are affordable to lower income households. Under this bill, projects near transit enjoy minimum height requirements and floor area ratios, while under DBL, a developer would need to use its concessions and incentives or waivers to negotiate reductions of those types of requirements.

The author's stated goal is to enable a developer to access the benefits of DBL as well as those provided under this bill. In fact, this bill states that the incentive granted under this bill shall not be used to "undermine the economic feasibility of delivering low-income housing under the state density bonus program...". Moving forward, the author is evaluating how the two programs may work more closely in concert with one another.

- 5) *Sensitive Communities*. According to the author, many communities, particularly communities of color and those with high concentrations of poverty, have been disempowered from the community planning process. In order to provide more flexibility to disenfranchised communities, the bill contains a delay for sensitive communities, as defined, until July 1, 2020, as well as a process for these communities to identify their own plans to encourage multifamily housing development at a range of income levels to meet unmet needs, protect vulnerable residents from displacement, and address other locally identified priorities. Moving forward, the author may wish to provide more clarity as to what factors will guide HCD in determining what qualifies as a sensitive community.
- 6) *SB 827 (Wiener, 2018)*. This bill is similar to SB 827, which created an incentive for housing developers to build denser housing near transit by exempting developments from certain low-density requirements, including maximum controls on residential density, maximum controls on FAR, as specified, minimum parking requirements, and maximum building height limits, as specified. A developer could choose to use the benefits provided in that bill if it met certain requirements.

This bill is different from SB 827 in several ways. First, unlike SB 827, this bill is not limited in application to proximity near transit; this bill provides reduced

zoning requirements for specified projects in “jobs-rich areas” that are traditionally “high-opportunity” and will result in more housing across the state. With regards to the inclusion of units affordable to lower income households, SB 827 contained an inclusionary housing scheme that only applied to additional units granted by that bill, not the number of units in the base zoning. This bill provides that projects with 11-19 units may pay an in-lieu fee for affordable housing, if feasible, and requires projects with 21 or more units to contain units affordable to lower-income households or pay an in lieu fee. This bill also increases demolition protections for sites that have previously housed tenants and removes complex “Right to Return” provisions that could have proved difficult to enforce. Specifically, this bill prohibits an eligible site from containing housing occupied by tenants within the seven years preceding the date of the application and parcels on which an owner of has taken their rentals properties off the market for rent or lease within 15 years prior to the date the development proponent submits an application. This bill also creates a delayed implementation for sensitive communities, as defined, and permits them to come up with a community plan that may include zoning and other policies to encourage multifamily development at varying income levels and protect vulnerable residents from displacement.

7) *SB 4 (McGuire) vs. SB 50 (Wiener)*. This bill is similar in nature to SB 4 (McGuire), which will also be heard today. Both bills encourage denser housing near transit by relaxing density, height, parking, and FAR requirements, but also differ in several ways. SB 4 only applies in jurisdictions that have built fewer homes in the last 10 years than jobs and have unmet housing needs, whereas this bill does not have threshold requirements. Also, the zoning benefits in this bill also extend to projects in proximity to high quality bus corridors. While both bills only apply to parcels in residential zones, SB 4 only applies to infill sites and is not permitted in specified areas. Both bills also relate to areas not tied to transit; SB 4 allows for duplexes on vacant parcels that allow a residential use in cities less than 50,000 and fourplexes in cities greater than 50,000. This bill does not limit density, however it is limited to areas designated as “jobs-rich” by HCD and OPR. Lastly, SB 4 also provides a streamlined approval process.

Here is a comparison of the SB 4 and SB 50 benefits for projects near transit:

	SB 4 TOD	SB 50 Transit-Rich
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<b>Density</b>	- Metro areas: min. 30 units/acre - Suburban: min. 20 units per acre	No limit
<b>Parking</b>	- Cities <100,000 and 1/4-1/2 mile from transit: DBL (spaces/BR or .5 spaces/unit if 100% affordable) - Cities >100,000 and 0-1/4 mile from transit: no parking	No parking
<b>Concessions and Incentives</b>	No	- 1 C/I: Projects with 10% LI or 5% VLI - 2 C/I: Projects with 20% LI or 10% VLI - 3 C/I: Projects with 30% LI or 15% VLI
<b>Waivers or Reductions of Dev't Standards</b>	Existing design review applies	Must comply with all relevant standards, including architectural design
<b>Height</b>	One story over allowable height	No less than 45' or 55' (depending on proximity to transportation)
<b>FAR</b>	.6 times the number of stories	No less than 2.5 or 3.25 (depending on proximity to transit)
<b>Streamlining</b>	Ministerial Review	No new streamlined approvals, but may qualify under existing law (SB 35)
<b>Reduced Fees</b>	No	No

Here is a comparison of the SB 4 and SB 50 benefits for a “jobs-rich” and “neighborhood multifamily project” incentive:

	SB 4 Duplexes & Fourplexes	SB 50 Jobs-Rich
<b>Density</b>	- Urban Cities (<50,000): 2 units - Non-Urban (>50,000): 4 units	No limit
<b>Parking</b>	.5 spaces per unit	.5 spaces per unit
<b>Concessions and Incentives</b>	No	- 1 C/I: Projects with 10% LI or 5% VLI - 2 C/I: Projects with 20% LI or 10% VLI - 3 C/I: Projects with 30% LI or 15% VLI
<b>Waivers or Reductions of Dev't Standards</b>	Existing design review applies	Must comply with all relevant standards, including architectural design
<b>Height</b>	Meet existing zoning requirements	None ( <i>can use one of the C/I or W/R of design standards</i> )
<b>FAR</b>	Meet existing zoning requirements	None ( <i>can use one of the C/I or W/R of design standards</i> )
<b>Streamlining</b>	Ministerial Review	No new streamlined approvals, but may qualify under existing law (SB 35)
<b>Reduced Fees</b>	- Not a new residential use, except connection for service fees - No more than \$3,000 in school fees	No

- 9) *Support.* Those supporting this bill state that it will help build hundreds of thousands of new homes and ensure that a significant percentage will be affordable to lower-income households. The sponsors state that this bill will correct for decades of under-producing housing and perpetuating exclusionary housing policies, and will ensure housing is built in high-opportunity areas. Sponsors also state that this bill preserves the voices of long-time residents by

allowing sensitive communities to engage in their own planning process and includes strong anti-displacement protections.

- 10) *Letters Expressing Concern But Not Opposition.* Some organizations have expressed concern, but not opposition, relating to affordable housing, protections for sensitive communities, and the preservation of local affordable housing policies and plans. These concerns are raised by the following: Alliance for Community Trust – Los Angeles, California Environmental Justice Alliance, California Rural Legal Assistance Foundation, Chinatown Community Development, Central Coast Alliance United for a Sustainable Economy, East Bay Housing Organizations, East LA Community Corporation, Housing California, Koreatown Immigrant Workers Alliance, Leadership Counsel for Justice and Accountability, Legal Services for Prisoners with Children, Little Tokyo Service Center, Los Angeles Black Worker Center, LA Forward, Move LA, Orange County Communities Organized for Responsible Development, Organize Sacramento, People for Mobility Justice, Physicians for Social Responsibility – Los Angeles, Policy Link, Public Advocates, Public Counsel, Public Interest Law Project, Rural Community Assistance Corporation, Strategic Actions for a Just Economy, Social Justice Learning Institute, Southern California Association of Non-Profit Housing, Southeast Asian Community Alliance, St. John’s Well Child & Family Center, Thai Community Development Center, T.R.U.S.T. South LA, Venice Community Housing, and Western Center on Law and Poverty. These organizations are engaging in ongoing conversations with the author’s office to address their concerns as the bill moves through the legislative process.
- 11) *Opposition.* Cities, neighborhood associations, and homeowners groups are opposed to this bill for overriding local planning and decision-making and enacting a “one-size-fits-all” approach to solving the housing crisis. Some state that increased state involvement in local decisions could lead to increased opposition to housing. Others raise questions about how areas subject to the equitable communities incentives will be identified and are concerned about the negative impacts of denser housing to surrounding areas. The AIDS Healthcare Foundation asserts that this bill will give a free pass to developers in specified areas and does not require enough affordable housing in return. Instead, the state and developers should be focused on collaborating with local governments.
- 12) *Double-referral.* This bill is double-referred to the Governance and Finance Committee.

#### **RELATED LEGISLATION:**

**SB 4 (McGuire, 2019)**— creates a streamlined approval process for eligible projects within ½ mile of fixed rail or ferry terminals in cities of 50,000 residents or more in smaller counties and in all urban areas in counties with over a million residents. It also allows creates a streamlined approval process for duplexes and fourplexes, as specified, in residential areas on vacant, infill parcels. *This bill will also be heard today by this committee.*

**SB 827 (Wiener, 2018)**— would have created an incentive for housing developers to build near transit by exempting developments from certain low-density requirements, including maximum controls on residential density, maximum controls on FAR, as specified, minimum parking requirements, , and maximum building height limits, as specified. A developer could choose to use the benefits provided in that bill if it meets certain requirements. *This bill failed passage in the Senate Transportation and Housing Committee.*

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: Yes

**POSITIONS: (Communicated to the committee before noon on Wednesday, March 27, 2019.)**

## **SUPPORT**

California Association Of Realtors (Co-Sponsor)

California YIMBY (Co-Sponsor)

Non-Profit Housing Association Of Northern California (Co-Sponsor)

6Beds, Inc.

American Association Of Retired Persons

Associated Students Of The University Of California

Associated Students Of University Of California, Irvine

Bay Area Council

Black American Political Association of California

Bridge Housing Corporation

Building Industry Association Of The Bay Area

Burbank Housing Development Corporation

CalAsian Chamber Of Commerce

California Apartment Association

California Building Industry Association

California Chamber Of Commerce

California Community Builders

California Downtown Association

California Foundation For Independent Living Centers

California Housing Alliance

California Labor Federation, AFL-CIO  
California League Of Conservation Voters  
California Renters Legal Advocacy And Education Fund  
California Public Interest Research Group  
Circulate San Diego  
Council Of Infill Builders  
Eah Housing  
East Bay For Every One  
Environment California  
Facebook, Inc.  
Fair Housing Advocates Of Northern California  
Fieldstead And Company, Inc.  
First Community Housing  
Fossil Free California  
Habitat For Humanity California  
Homeless Services Center  
House Sacramento  
Housing Leadership Council Of San Mateo County  
Indivisible Sacramento  
Los Angeles Business Council  
Monterey Peninsula YIMBY  
Natural Resources Defense Council  
New Way Homes  
Nextgen Marin  
North Bay Leadership Council  
Orange County Business Council  
People For Housing - Orange County  
Related California  
San Francisco Bay Area Rapid Transit District  
San Jose Associated Students  
Santa Cruz County Business Council  
Santa Cruz YIMBY  
Silicon Valley At Home  
Silicon Valley Community Foundation  
Silicon Valley Leadership Group  
Silicon Valley Young Democrats  
Spur  
State Building & Construction Trades Council Of California  
State Council On Developmental Disabilities  
Technology Network  
TMG Partners  
University Of California Student Association

Up For Growth National Coalition  
Valley Industry And Commerce Association  
YIMBY Democrats Of San Diego County  
1198 Individuals

**OPPOSITION**

AIDS Healthcare Foundation  
American Planning Association, California Chapter  
Beverly Hills; City Of  
Chino Hills; City Of  
Coalition For San Francisco Neighborhoods  
Coalition To Preserve La  
Cow Hollow Association  
Dolores Heights Improvement Club  
Glendora; City Of  
Homeowners Of Encino  
Lakewood; City Of  
League Of California Cities  
Livable California  
Miraloma Park Improvement Club  
Mission Economic Development Agency  
Pasadena; City Of  
Rancho Palos Verdes; City Of  
Redondo Beach; City Of  
Santa Clarita; City Of  
Sherman Oaks Homeowners Association  
South Bay Cities Council Of Governments  
Sunnyvale; City Of  
Sutro Avenue Block Club/Leimert Park  
Telegraph Hill Dwellers  
Toluca Lake Homeowners Association  
West Mar Vista Residents Association  
5 Individuals

**-- END --**

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SENATOR.WIENER@SENATE.CA.GOV

# California State Senate

SENATOR  
SCOTT WIENER

威善高

ELEVENTH SENATE DISTRICT

COMMITTEES  
HOUSING  
CHAIR  
ENERGY, UTILITIES  
& COMMUNICATIONS  
GOVERNANCE AND FINANCE  
GOVERNMENTAL ORGANIZATION  
HUMAN SERVICES  
PUBLIC SAFETY  
JOINT LEGISLATIVE  
AUDIT COMMITTEE  
JOINT RULES COMMITTEE

March 25, 2019



The Honorable Gordon Mar  
Member, Board of Supervisors  
San Francisco City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

## Re: Your Proposed Resolution Opposing Senate Bill 50

Dear Supervisor Mar:

I hope this letter finds you well. I write regarding a resolution you introduced on March 18 to oppose a bill I am authoring, Senate Bill 50. A recent poll of San Francisco voters showed 74% support for SB 50, with the highest level of support coming from your district. SB 50 will expand all forms of housing in San Francisco, including affordable housing. It will legalize affordable housing in your district. (Affordable housing is currently illegal in a large majority of your district due to widespread single-family home zoning.) It will reduce sprawl and carbon emissions. And, it will ensure that *\*all\** cities, including wealthy cities, help solve our housing crisis.

If the Board of Supervisors were to adopt your resolution and oppose SB 50, San Francisco would be aligning itself with some of the wealthiest and most housing-resistant communities in California. For example, some of the most vocal critics of the bill are the anti-growth Mayors of Palo Alto, Beverly Hills, and Los Altos, as well as anti-growth advocates in Cupertino and Marin County.

In addition, while I respect anyone's right to have whatever opinion they want about my bills, I do ask that people not mischaracterize those bills. Unfortunately, your resolution contains significant factual inaccuracies about SB 50, as described later in this letter.

### Why SB 50 and What the Bill Does

The purpose of SB 50 is to address one of the root causes of California's housing crisis: hyper-low-density zoning near jobs and transit, in other words, cities banning apartment buildings and affordable housing near jobs and transit. This restrictive and exclusionary zoning was originally created one hundred years ago to keep people of color and low income people out of white neighborhoods, and it is currently exacerbating racial and income segregation.

Bans on apartment buildings and affordable housing in huge swaths of California — i.e., zoning that bans all housing other than single-family homes — have fueled our state's housing affordability crisis, helped generate California's 3.5 million home deficit (a deficit equal to the combined deficits of the other 49



states), made a large part of California and San Francisco off-limits to affordable housing, and directly led to sprawl development since it is illegal to build enough housing near jobs and transit.

Hyper-low-density zoning in places like San Francisco also worsens climate change. It leads to sprawl development that covers up farmland and open space, pushes people into multi-hour commutes, clogs our freeways, and increases carbon emissions. By advocating against a bill like SB 50, your resolution is advocating for sprawl, for increased carbon emissions, and against equitable placement of affordable housing (for example, in your own district, which is extremely low density and thus has very little affordable housing). Your resolution advocates for the housing status quo, which has resulted in so many working class families being pushed out of San Francisco.

SB 50 gets to the heart of this zoning problem by allowing increased density near quality public transportation and in job centers. SB 50 will allow more people to live near transit and close to where they work. It will help alleviate California's housing crisis by creating more housing and legalizing affordable housing where it is currently illegal.

Over the past year and a half, we have engaged in intensive stakeholder outreach with cities (including San Francisco), tenant advocates, environmentalists, neighborhoods groups, and others, in an effort to fine-tune the bill and respond to constructive feedback. For example, we changed the bill so that, overwhelmingly, it respects local height limits and setbacks. And where the bill does require 45- and 55-foot heights (near rail and ferry stops), it will barely affect San Francisco building heights, since in the overwhelming majority of our residential neighborhoods, the height limit is already 40 feet. In other words, in San Francisco, SB 50 will result in either no height increase or a one-story increase.

SB 50 also defers to local inclusionary housing requirements, unless those requirements fall below a minimum standard, in which case the bill imposes a baseline inclusionary percentage. The bill thus extends inclusionary housing requirements to many cities that do not currently have them. SB 50 respects local demolition restrictions, with the exception that it creates a statewide blanket demolition ban on buildings where a tenant has lived in the past 7 years or where an Ellis Act eviction has occurred in the past 15 years. These are the strongest such tenant protections ever created under California law. It also defers to local design standards and local setback rules. Of significance, SB 50 does not change the local approval process. If a conditional use, CEQA review, discretionary review, or other process is currently required under San Francisco law, SB 50 will not change that process.

Because of SB 50's benefits for housing affordability and the environment, a broad coalition of labor, environmental, affordable housing, senior, and student organizations are supporting the bill, including the California Building and Construction Trades Council, the Nonprofit Housing Association of Northern California, the California League of Conservation Voters, Habitat for Humanity, AARP, the University of California Student Association, and various local elected officials, including Mayors London Breed, Michael Tubbs, Libby Schaaf, Sam Liccardo, and Darrell Steinberg.

### **Benefits of SB 50 for San Francisco**

What SB \*will\* change in San Francisco is (1) ending the inequitable development patterns we currently see in our city, (2) legalizing affordable housing throughout the city, not just in a few neighborhoods, and (3) dramatically increasing the number of below market rate homes produced.

Because approximately 70% of San Francisco is zoned single-family or two-unit — in other words, all forms of housing other than single family and two units are banned — it is illegal to build even a small

apartment building or affordable housing project in the large majority of San Francisco, including in the lion's share of your own district. Dense housing is thus concentrated in just a few areas — Districts 3, 6, 9, and 10 — with only a few exceptions. Your opposition to SB 50 perpetuates this geographic inequity in San Francisco.

San Francisco will see a significant increase in affordable homes under SB 50. With more multi-unit zoning, parcels currently ineligible for 100% affordable projects (e.g., single-family-zoned parcels) will now be candidates for such projects, including in your district. In addition, legalizing more multi-unit buildings, as SB 50 does, will mean that many more projects will trigger San Francisco's inclusionary housing requirements and dramatically increase the number of below-market-rate units produced. Indeed, as noted by the San Francisco Planning Department in its analysis of SB 50: "SB 50 is likely to result in significantly greater housing production across all density-controlled districts, and thus would produce \*more\* affordable housing through the on-site inclusionary requirement."

### **Inaccuracies in Your Resolution**

Your resolution contains a number of highly inaccurate statements about SB 50. If you are committed to bringing this resolution to a vote — despite all the benefits SB 50 can bring to San Francisco and California — I request that you at least correct these inaccuracies:

*1. Your resolution falsely states that SB 50 will "undermine community participation in planning" and "result in significantly less public review."*

As noted above, SB 50 does not in any way change the approval process for individual projects. Nor does it change the city's ability to adopt anti-displacement protections, demolition controls, inclusionary housing requirements, design standards, and so forth. The community is in no way removed from the planning process.

*2. Your resolution falsely states that SB 50 will undermine the "well-being of the environment."*

SB 50 has been described as an incredibly powerful tool against climate change, as it will allow more people to live near jobs and transit and avoid being "super-commuters." That is why various environmental groups are supporting it. What undermines the environment and our fight against climate change is low-density zoning in job/transit centers like San Francisco — low density zoning for which you appear to be advocating.

*3. Your resolution falsely states that SB 50 will "prevent the public from recapturing an equitable portion of the economic benefits conferred to private interests."*

As noted above, SB 50 does not override local inclusionary housing requirements. Nor does it override local impact fees, such as transportation, park, sewer, and other development fees. San Francisco will continue to have full latitude to recapture value from development. Indeed, San Francisco will collect significantly more impact fees, since these fees are usually based on the size of the building and SB 50 will allow larger buildings in terms of density.

*4. Your resolution falsely states that SB 50 restricts the city's ability to adopt policies to ensure "equitable and affordable development" in sensitive communities.*

Supervisor Gordon Mar  
March 25, 2019  
Page 4

SB 50 contains a 5-year delayed implementation for "sensitive communities," which are defined as communities with significant low income populations and risk of displacement. We are working with tenant advocates to continue to flesh out the details of this provision. This 5-year delay will give communities the opportunity to engage in local anti-displacement planning.

You point to several San Francisco neighborhoods that are not entirely classified as sensitive communities, for example, the Mission, Chinatown, and SOMA. Please note that Chinatown, SOMA, the Tenderloin, and much of the Mission will be minimally impacted, if at all, by SB 50, because they are already zoned as densely or more densely than SB 50 requires. Indeed, this is exactly why SB 50 will increase equity. Historically, low income communities have disproportionately been zoned for density, while wealthier communities have not. Why should density be concentrated in low income communities? SB 50 seeks to break this inequitable status quo, which is why the bill is being aggressively attacked by the Mayors of Palo Alto, Beverly Hills, and Los Altos, and by anti-growth advocates in Cupertino and Marin County. Your resolution, by contrast, perpetuates that inequitable status quo.

*5. Your resolution falsely states that SB 50 does not allow San Francisco to ensure "a meaningful net increase in affordable housing."*

As described above, the exact opposite is true: As confirmed by the San Francisco Planning Department, SB 50 will result in a significant increase in affordable housing, because far more parcels will be zoned for density and thus candidates for affordable housing (only densely zoned parcels can have affordable housing) and because more multi-unit projects mean more below market rate units under San Francisco's inclusionary housing ordinance. Currently, affordable housing is illegal in 70% of San Francisco due to low density zoning. SB 50 changes that status quo, whereas your resolution perpetuates the status quo.

*6. Your resolution falsely states that SB 50 does not protect against demolitions and does not allow San Francisco to protect against demolitions.*

SB 50 maintains local demolition protections and increases those protections for buildings in which tenants have resided in the past 7 years or where an Ellis Act eviction has occurred in the past 15 years. Your resolution is simply wrong about this subject.

I hope you will reconsider your effort to oppose SB 50 or, at a minimum, correct the significant factual inaccuracies in your resolution. As always, I am available to discuss this or any other issue.

Sincerely,



Scott Wiener  
Senator

cc: All Members of the Board of Supervisors  
Clerk, Board of Supervisors  
Mayor London Breed  
San Francisco Planning Department

**Carroll, John (BOS)**

---

**From:** Wright, Edward (BOS)  
**Sent:** Tuesday, April 02, 2019 11:01 AM  
**To:** BOS-Legislative Aides  
**Cc:** Calvillo, Angela (BOS); Carroll, John (BOS); Starr, Aaron (CPC); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS); Mar, Gordon (BOS)  
**Subject:** Letter from Supervisor Mar re: SB 50  
**Attachments:** Supervisor Mar Letter re SB 50.pdf  
**Categories:** 190319, 2019.04.04 - GAO

Colleagues,

Attached is a letter from Supervisor Gordon Mar in regards to SB 50 and our resolution opposed to it, File No. 190319, written in response to State Senator Wiener's letter from Monday, March 25th.

Feel free to let me know if you have any questions.

Thank you,

Edward Wright  
Legislative Aide to Supervisor Gordon Mar  
(415) 554-7464

Member, Board of Supervisors  
District 4



City and County of San Francisco

**GORDON MAR**  
馬兆明

April 2, 2019

The Honorable Scott Wiener  
Senator, Eleventh District  
State Capitol, Room 5100  
Sacramento, CA 95814

**Re: Response to Your Letter Regarding Board Resolution on SB 50**

Dear Senator Wiener:

I write in response to your March 25th letter, charging that our resolution regarding SB50 is based upon "factual inaccuracies," and that if adopted, "San Francisco would be aligning itself with some of the wealthiest and most housing-resistant communities in California." While we may disagree on values and approaches, disagreement does not render our positions inaccurate, and I urge you to review our rebuttals at the end of the letter.

I object to the false choice you present that if the Board of Supervisors does not support SB 50's version of growth, then we must be "anti-growth" or "housing-resistant." I support increasing housing density near public transit and increasing equity and opportunity through thoughtful development. I support building more affordable housing throughout the city, along with a majority of the Board of Supervisors. I support reducing sprawl through opportunities for all types of workers to live closer to their jobs. I support higher and denser housing development -- and I believe more than 74% of San Franciscans agree with both of us on this subject. The disagreement is how we reach that goal.

Considering you are quickly advancing the bill while still needing to "flesh out the details," and considering the bill's significant impact on San Francisco, the Board of Supervisors has a responsibility to evaluate the proposal and publicly express our concerns to the state legislature, based on the best data available to us today.

Although you claim SB 50 will end inequitable development patterns, efforts to map SB 50's impacts show that most of the incentives to redevelop our region are concentrated in some of

the most racially diverse and urban cities, including San Francisco. These and other efforts to map the impact of SB 50 further support the need to reconsider the present version of the bill and make additional amendments.

Yet your response seems to assert that SB 50 is the only path to grow more housing and protect the environment. The present resolution proposes instead a more inclusive approach involving state government, local governments and communities: amendments that include a full and community-defined exemption for sensitive communities, a pathway for impacted cities like San Francisco to plan for increasing density that guarantees housing affordability, and reforms to state laws that prevent local communities from adopting stronger rent and demolition controls. I also wrote an Op-Ed for the San Francisco Chronicle, published today, further explaining my concerns with the approach SB 50 takes, and how I think San Francisco can and should better address our housing affordability crisis.

While we may disagree on these approaches, I hope our dialogue can continue in good faith. What were described by your letter as inaccuracies were in fact inaccurate representations of the language of our resolution. As always, I'm happy to work with you and community advocates to ensure the work we're doing and the legislation we're advancing meets the needs of our constituents, and I look forward to continuing a productive and substantive conversation about these issues. I hope we can work with your office on such amendments, many of which are offered in our responses below to your specific objections to the resolution.

Sincerely,

A handwritten signature in black ink that reads "Gordon Mar". The signature is written in a cursive, slightly slanted style.

Supervisor Gordon Mar

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**ADDENDUM:**  
**Responses to claims of inaccuracies**

*1. Your resolution falsely states that SB 50 will “undermine community participation in planning” and “result in significantly less public review.”*

We disagree over what constitutes community participation and public review. Our definition is broader than the “approval process for individual projects,” and includes the planning process itself. San Francisco has a successful history of community-driven area plans for broad zoning changes to add density while capturing more value from private developers. SB 50 undermines communities with area plans and institutes state mandates in communities that have yet to create area plans for increased density.

Our definition is broader than formal rights, such as the right to review project designs, and includes the power conferred by those rights. SB 50 takes away the power of the public and public testimony by giving developers benefits by right of the state. Public review is undermined when people can no longer weigh in at a hearing on a developer’s Conditional Use Application to increase heights over zoning. Public review is undermined when the Planning Commission no longer has leverage to demand community benefits (e.g. retaining neighborhood businesses and deeply affordable housing) in exchange for waivers, and can’t be moved by public testimony.

*2. Your resolution falsely states that SB 50 will undermine the “well being of the environment.”*

The facts support our statement. Research shows gentrification and displacement of working class and lower income communities results in more cars, more vehicle miles traveled, and greater resource consumption. As one report concluded: “Higher Income households drive more than twice as many miles and own more than twice as many vehicles as Extremely Low-Income households living within 1/4 mile of frequent transit.”<sup>1</sup>

Because SB 50 produces many more market rate luxury housing relative to affordable units the bill risks gentrifying even more of San Francisco, shifting the burden of longer commutes on those displaced. In order to fulfill its claims of environmental sustainability, SB 50 must be amended to guarantee more truly affordable housing and prevent the gentrification that is pricing out existing residents who rely on transit for jobs, services, and schools in San Francisco.

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<sup>1</sup> California Housing Partnership Corporation and Transform, “Why Creating and Preserving Affordable Homes Near Transit is a Highly Effective Climate Protection Strategy,” (2014).

3. *Your resolution falsely states that SB 50 will “prevent the public from recapturing an equitable portion of the economic benefits conferred to private interests”.*

SB 50 will confer immense value overnight on thousands of acres of real estate across the state, without an opportunity for cities to recapture the economic benefits ahead of this. The bill makes recapturing the economic benefits even more difficult, because cities can no longer use the Conditional Use process to impose additional requirements on developers, such as requiring family-sized units unit or deeply affordable housing, in exchange for benefits SB 50 would give developers by right.

We agree San Francisco could strengthen inclusionary requirements and fees, but existing state laws create loopholes and limitations on local inclusionary housing requirements. For example, the state density bonus exempts developers from local inclusionary standards on additional market rate housing built by the bonus.

SB 50 needs to be amended to close this loophole and allow local communities an opportunity to recapture the economic benefits for the public benefit, ahead of zoning changes that creates value on the land.

4. *Your resolution falsely states that SB 50 restricts the city’s ability to adopt policies to ensure “equitable and affordable development” in sensitive communities.*

*“SB 50 contains a 5-year delayed implementation for “sensitive communities,” which are defined as communities with significant low income populations and risk of displacement. We are working with tenant advocates to flesh out details of this provision. This 5-year delay will give communities the opportunity to engage in local anti-displacement planning.”*

Mandating a deferment timeline for local planning and imposing a definition of “sensitive communities” restricts our ability to adopt policies not only for equitable and affordable development, but policies to protect vulnerable residents and provide long term stability.

More importantly, SB 50 restricts the ability for communities to define their own needs. For example, 75% of the Mission District experiencing high levels of gentrification as reported by residents (and confirmed by the UC Berkeley Urban Displacement Project) are not defined as “sensitive” in your bill. Communities at risk of displacement also need to be empowered to set standards different than those imposed by SB 50, not receive a deferment.

SB 50 needs to pause on moving forward until adequate anti-displacement policies are put in place, and that begins and ends with listening to communities on the ground.

5. *Your resolution falsely states that SB 50 does not allow San Francisco to ensure “a meaningful net increase in affordable housing.”*

This mischaracterizes the language of the resolution. To clarify, the resolution states: “SB 50...undermines sound public policy that requires any substantial value created by density increases or other upzoning be used, at least in part, to provide a meaningful net increase in affordable housing.”

While we may disagree, a “meaningful net increase in affordable housing” means demanding more for affordable housing whenever we give for-profit developers economic benefits to create more market-rate housing, whether it is from the state or city. SB 50 could be amended to reflect this principle.

6. *Your resolution falsely states that SB 50 does not protect against demolitions and does not allow San Francisco to protect against demolitions.*

This mischaracterizes the language of the resolution. The resolution states: “While SB 50’s provisions standing alone may appear to preserve local demolition controls and other local planning processes, without further clarifying amendments the combination of SB 50’s development incentives with other state laws undermine the ability of local governments to protect existing housing and small businesses.”

To clarify, we don’t think SB 50 itself prevents the city from controlling demolitions, rather, it’s the expanded application of *other* state laws that will override local demolition controls and restrict our ability to strengthen them. For example, the SF Planning Department raised concerns that SB 50 could increase the number of development proposals where the Housing Accountability Act would apply, increasing demolitions of existing buildings to redevelop into higher density properties.<sup>2</sup> Furthermore, SB 50 increases the economic incentives for developers to demolish existing sound housing and small businesses.

SB 50 does not adequately provide demolition protections of all buildings where tenants have lived because the state and cities have inadequate data on tenant occupancy. SB 50 should be amended to ensure that we can actually enforce building demolition controls on buildings with previous tenants or have had an Ellis Act eviction before SB 50 is applied.

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<sup>2</sup> See Planning Department Staff Memorandum on SB 50, pp. 13-14.

Presented in Committee - April 4, 2019

# SENATE BILL 50

INFORMATIONAL PRESENTATION  
SAN FRANCISCO PLANNING COMMISSION  
MARCH 14, 2019

# OVERVIEW OF SB 50

- Introduced by Senator Scott Wiener on December 3, 2018
- Amended in the Senate on March 12
- Schedule for moving forward TBD

# OVERVIEW OF SB 50

- Increase housing development near high quality transit and in ‘jobs rich areas’ statewide
  - Near high-quality bus and in ‘jobs rich’ areas:  
*Removes density limits and alters parking requirements*
  - Near rail and ferry stations  
*Removes density limits and alters parking requirements*  
*Sets minimum enforceable height and FAR limits*
- Minimum inclusionary requirement
- Can be paired with other state laws (Density Bonus, SB35, etc)
- Does not otherwise change local approval process  
*e.g. Conditional Use, demolition controls, inclusionary requirements*

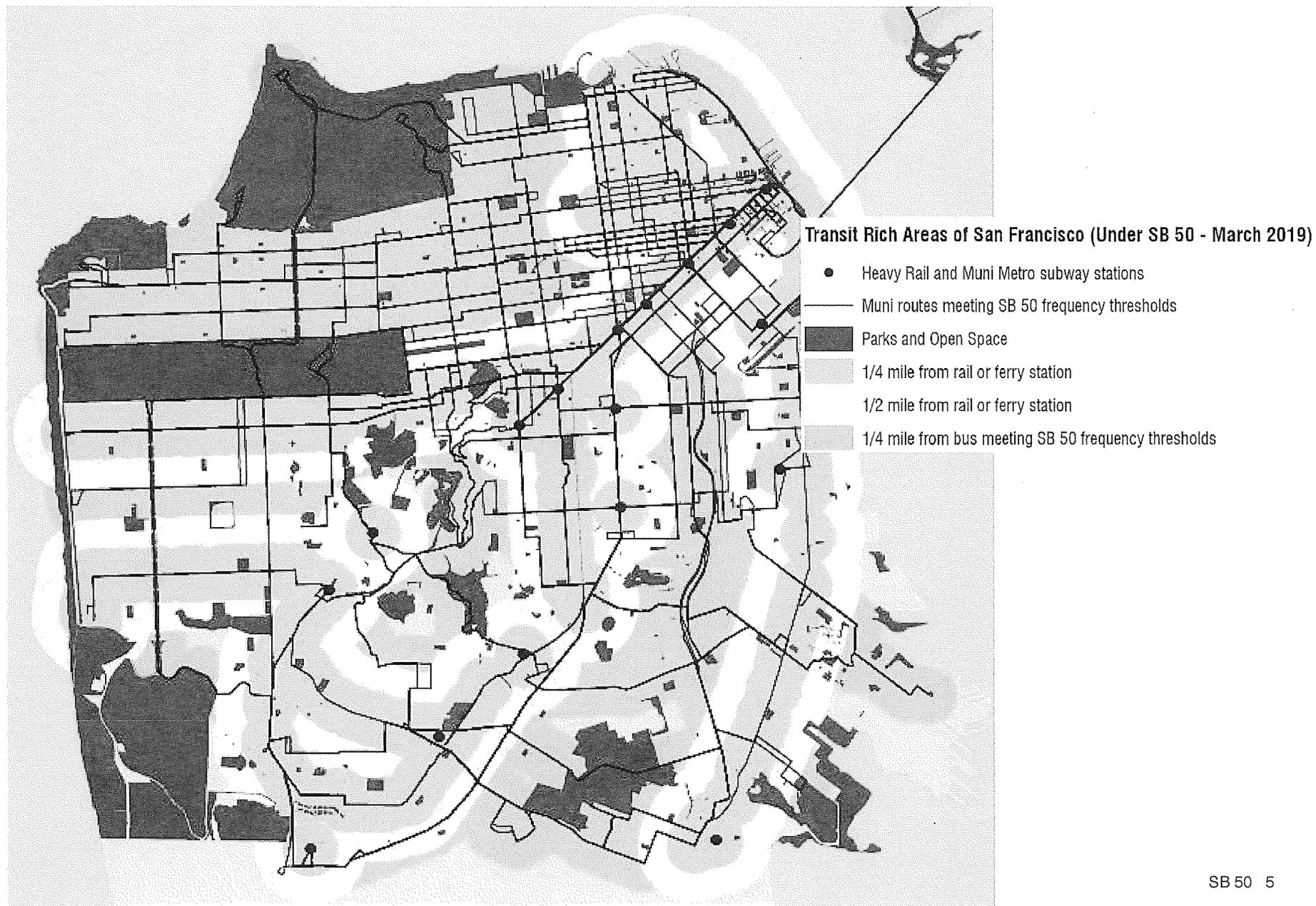
# OVERVIEW OF SB 50

## SB 50 Applicable Geographies and Proposed Zoning Standards

Qualifying Area	Min. Height Limit	Min. FAR Limit	Min. Parking requirements	Density Limits	On-site Inclusionary Units Required
1/4 mile around Rail or Ferry Stop	55 ft	3.25	Waived	Waived	Yes, for projects larger than a certain size
1/2 mile around Rail or Ferry Stop	45 ft	2.5	Waived	Waived	Yes, for projects larger than a certain size
1/4 mile around 'High Quality Bus' stop + In 'jobs-rich' areas	No change	No change	Waived up to 0.5 space/unit	Waived	Yes, for projects larger than a certain size

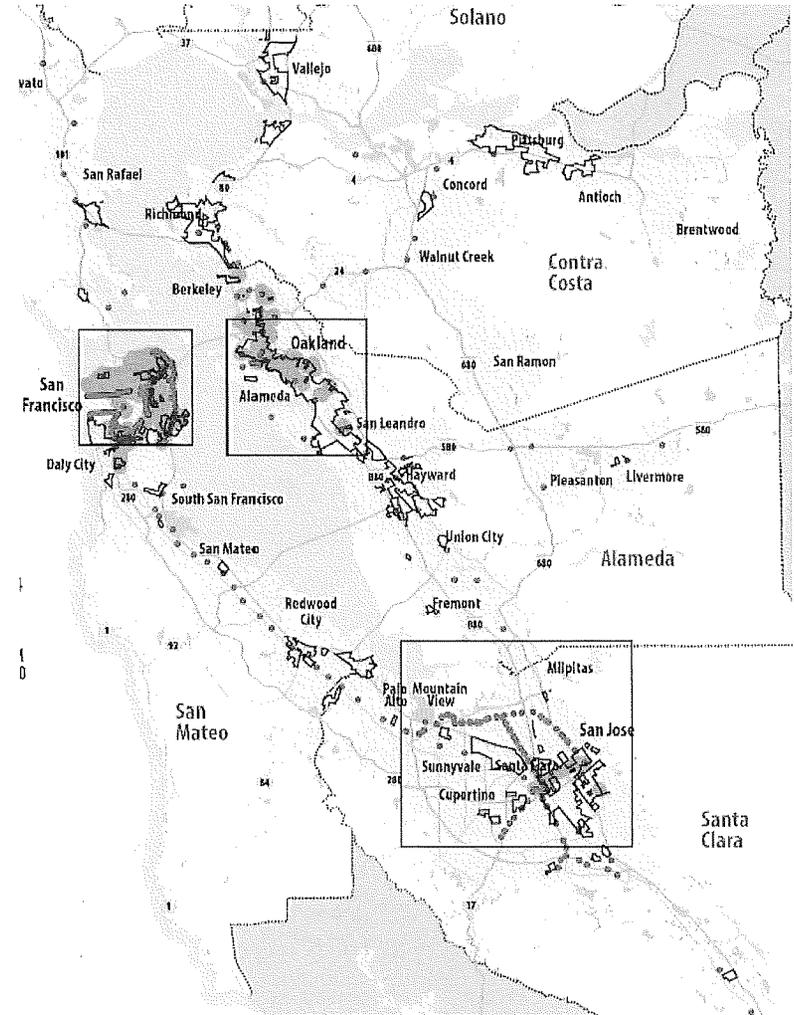
*Qualifying projects would also receive three 'incentives or concessions'*

# SB 50 IN SAN FRANCISCO – TRANSIT-RICH AREAS

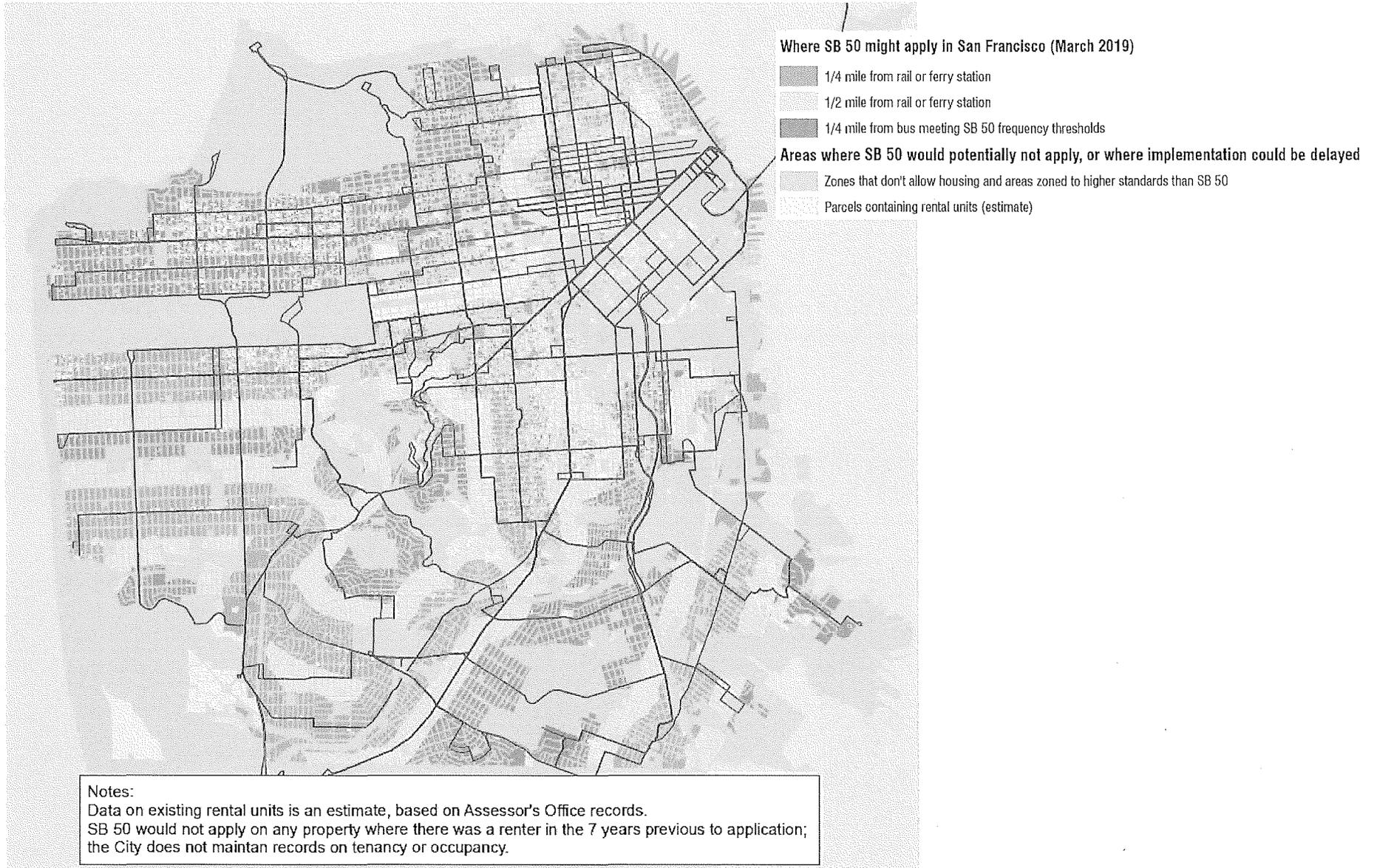


# SB 50 IN SAN FRANCISCO – KEY EXEMPTIONS

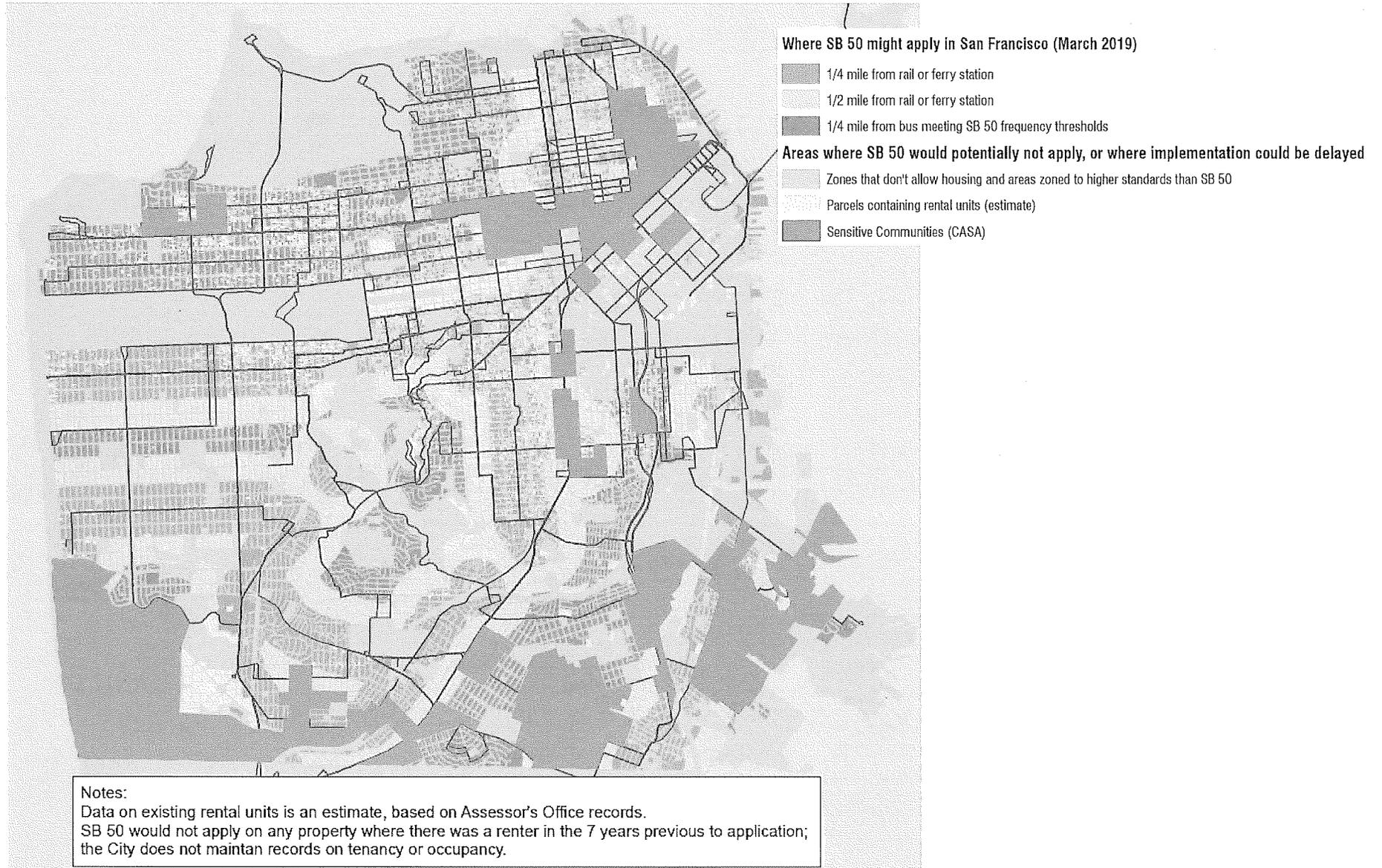
- SB 50 would not apply in the following:
  - Zones that don't allow housing
  - Any property occupied by a tenant in the previous 7 years
  - Any property removed from rental market under Ellis Act in the previous 15 years
- It includes temporary exemption for Sensitive Communities
  - Areas with high poverty and racial segregation
  - In the Bay Area, would be CASA Sensitive Communities



# SB 50 IN SAN FRANCISCO — WHERE IT MIGHT APPLY



# SB 50 IN SAN FRANCISCO – WHERE IT MIGHT APPLY



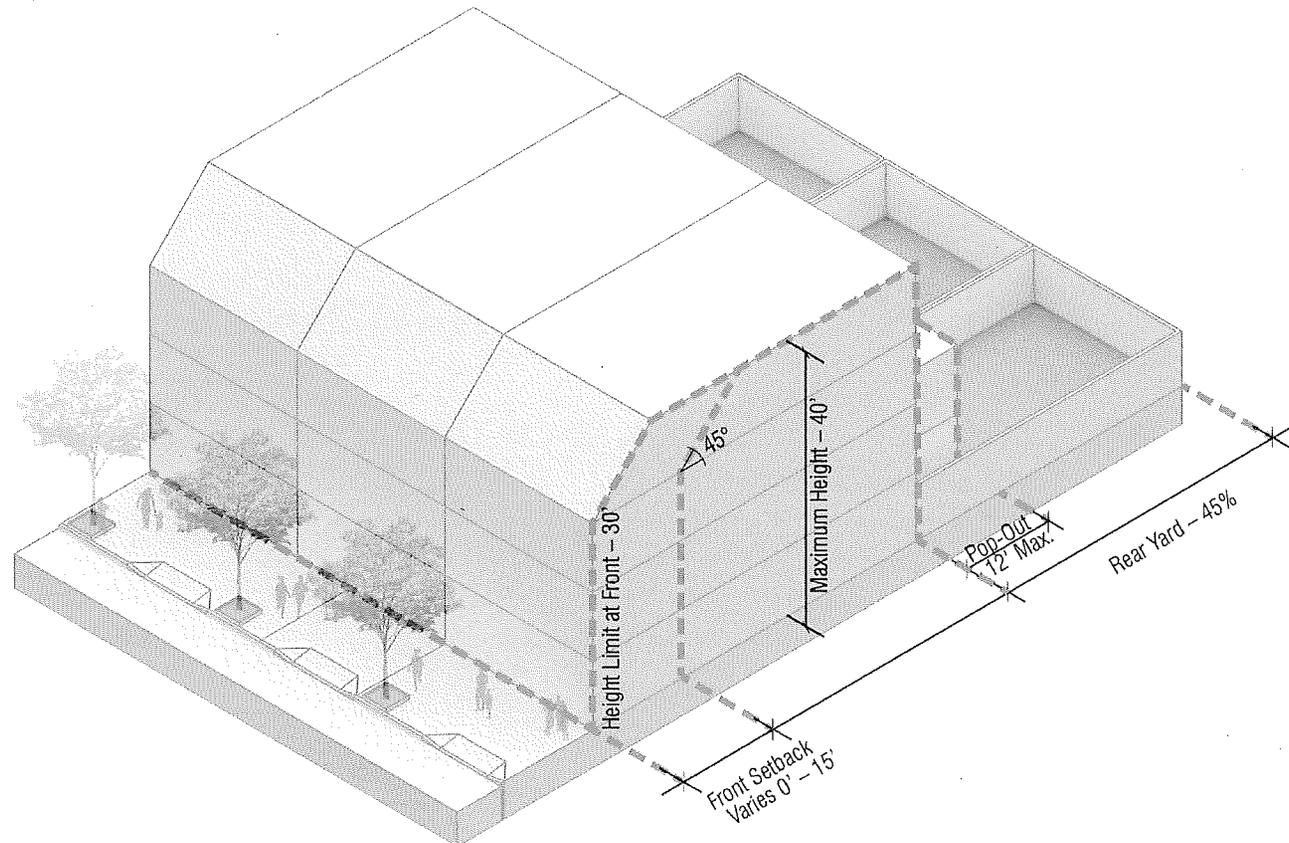
# SB 50 IN SAN FRANCISCO — WHERE IT MIGHT APPLY

- SB 50 not likely to result in changes on:
  - Multi-unit owner-occupied housing
- SB 50 would likely result in changes on:
  - Vacant and non-residential properties
  - Owner-occupied single family homes (possibly smaller multi-unit buildings)

# SB 50 IN SAN FRANCISCO – HOW IT COULD APPLY

Typical Lot (25'x100')

- RH-2
- 2,500 S.F.
- 40-X Height



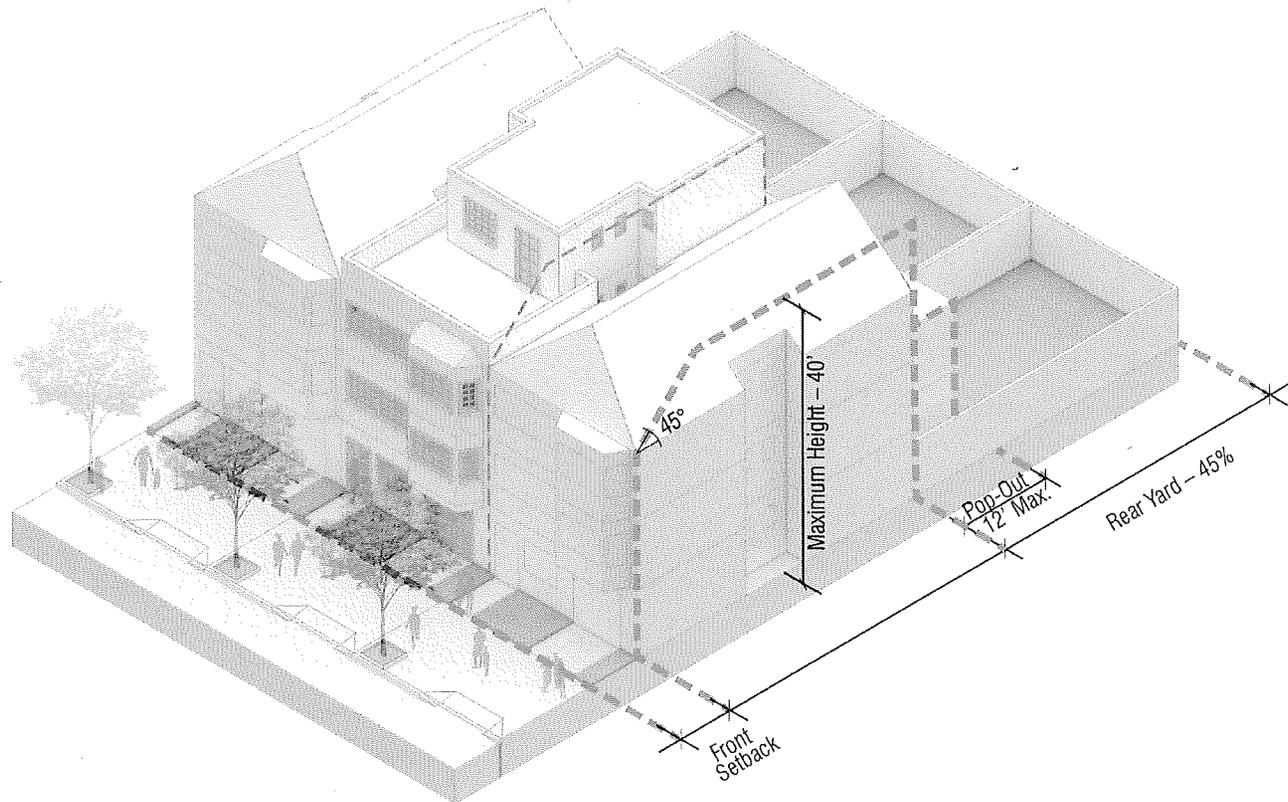
# SB 50 IN SAN FRANCISCO – HOW IT COULD APPLY

RH-2	Current
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Density	2 (3 w/ADU)
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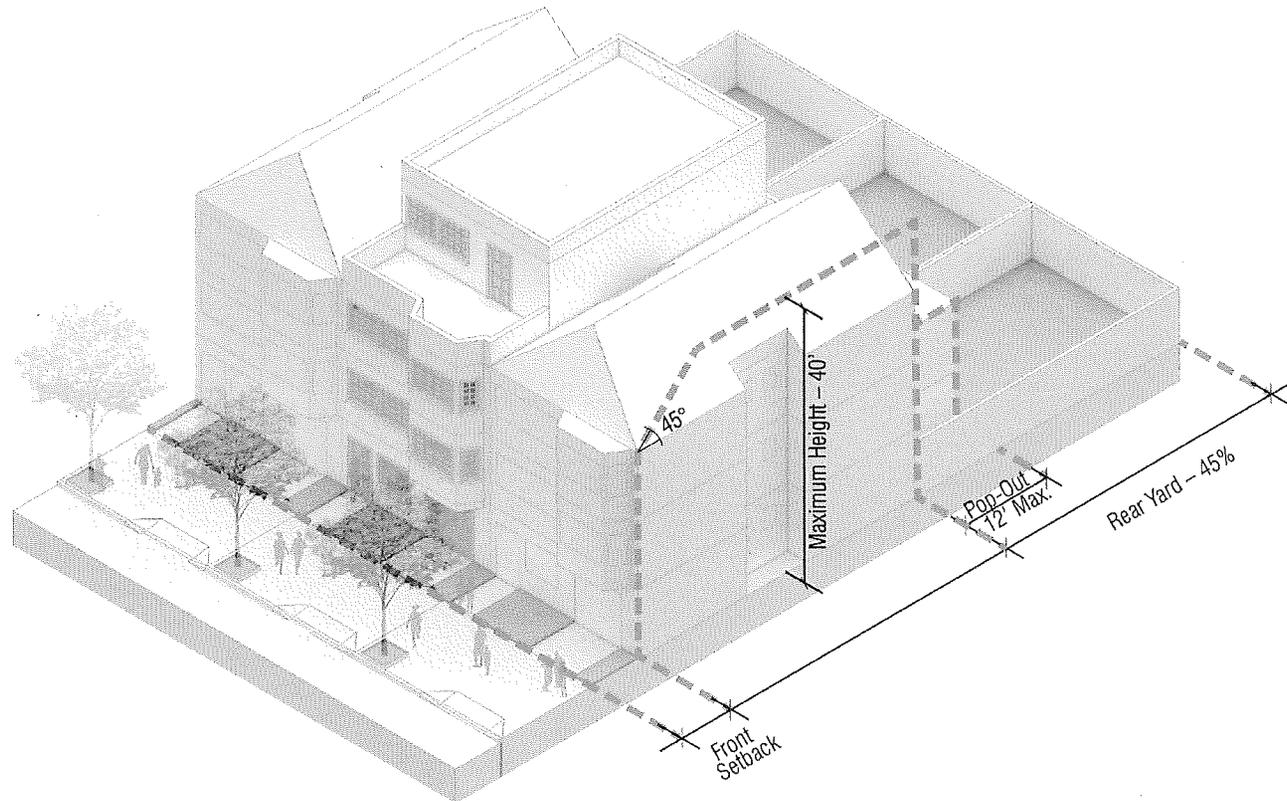
Height	40 ft
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FAR	Varies
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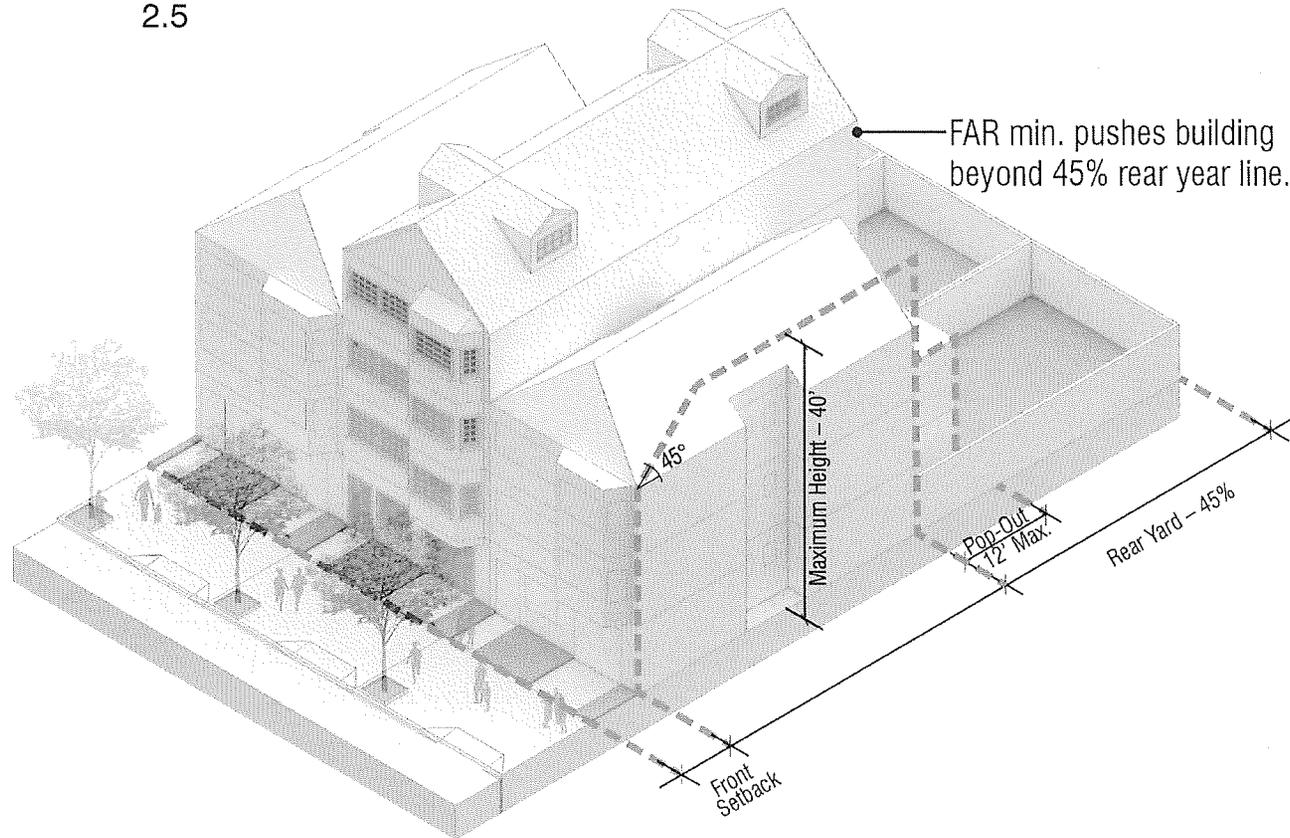
# SB 50 IN SAN FRANCISCO – HOW IT COULD APPLY

RH-2	Current	SB 50
Density	2 (3 w/ADU)	~8 +/-
Height	40 ft	no change
FAR	Varies	no change



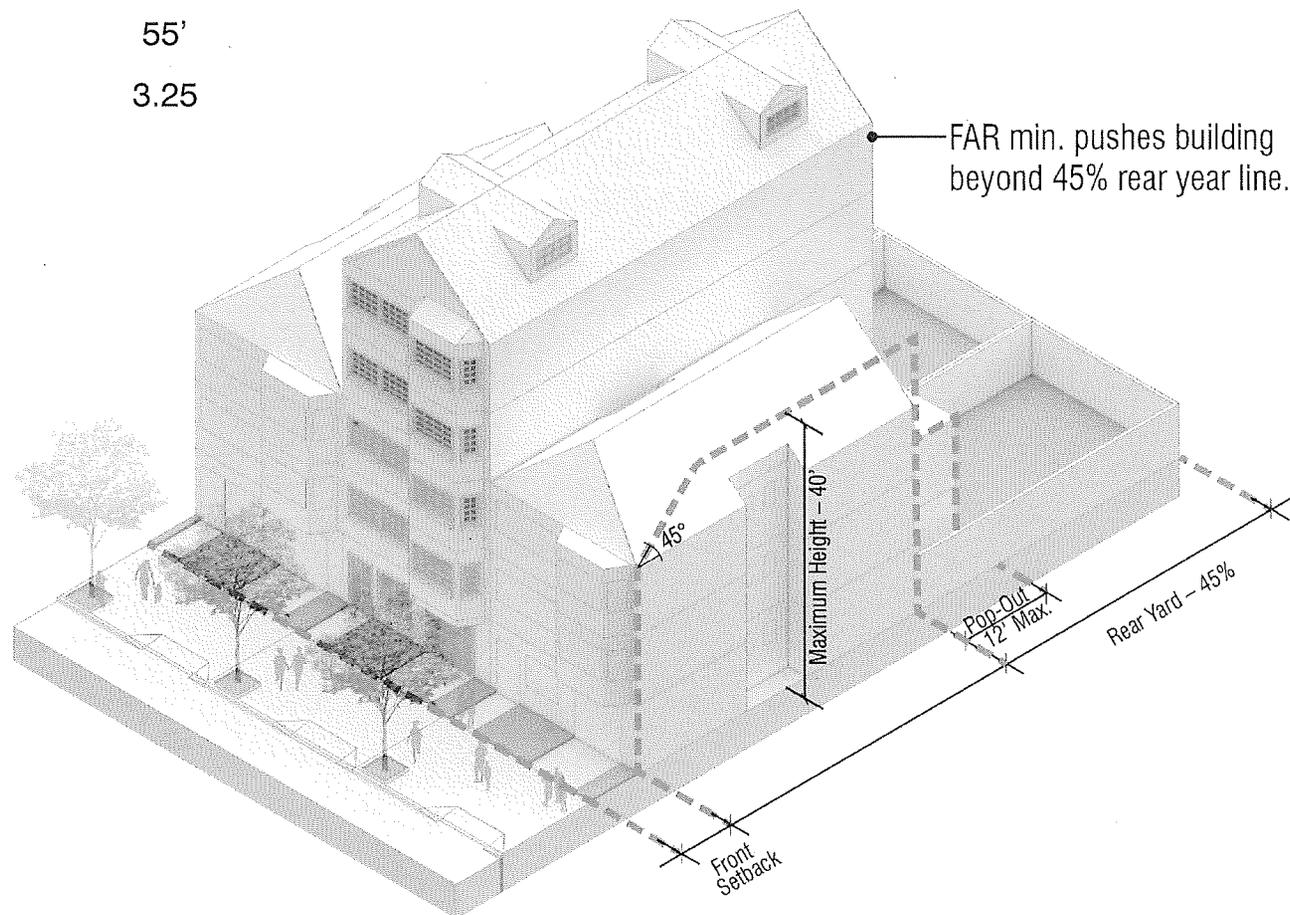
# SB 50 IN SAN FRANCISCO – HOW IT COULD APPLY

RH-2	Current	SB 50
Density	2 (3 w/ADU)	~8-10 +/-
Height	40 ft	45'
FAR	Varies	2.5



# SB 50 IN SAN FRANCISCO – HOW IT COULD APPLY

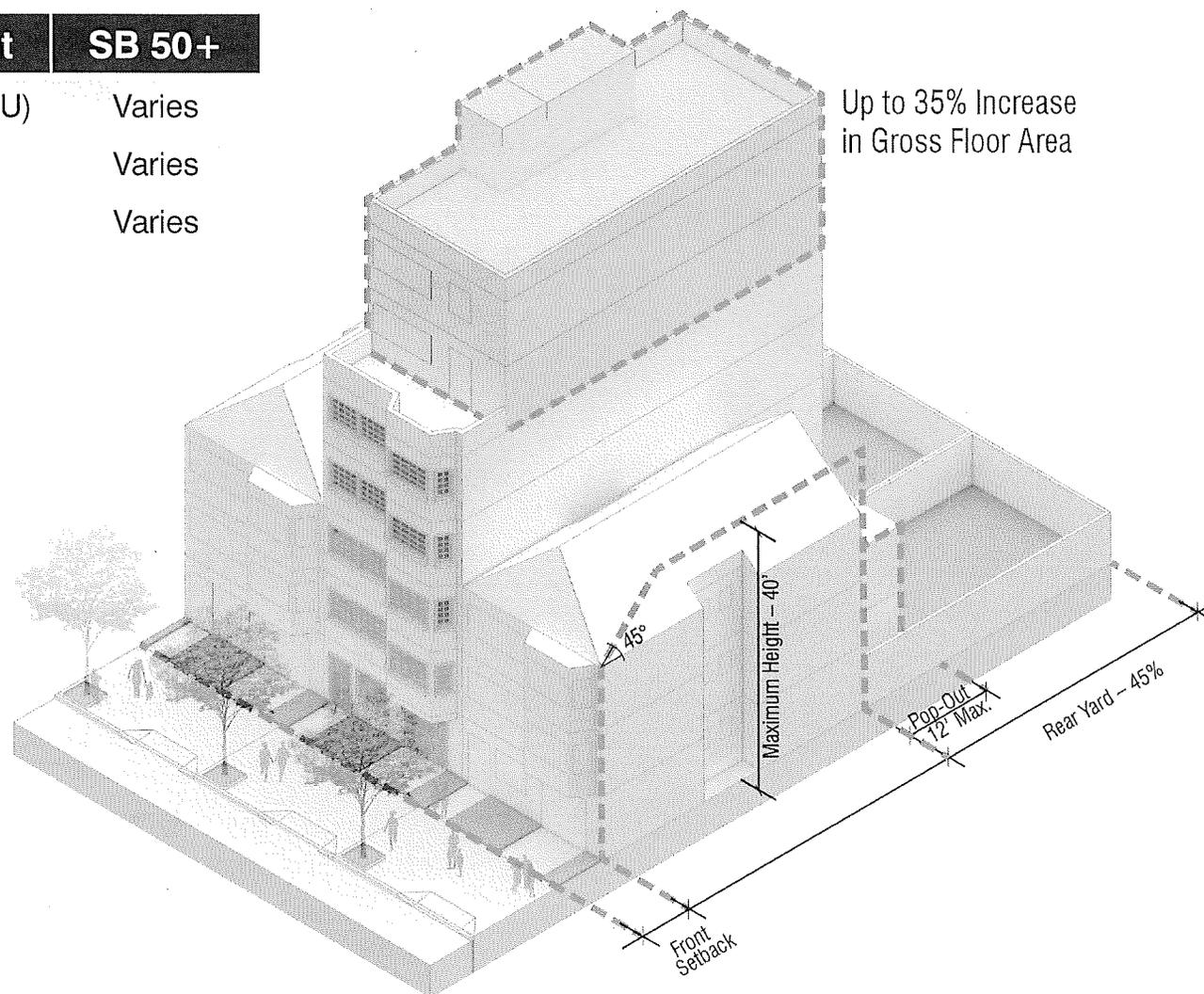
RH-2	Current	SB 50
Density	2 (3 w/ADU)	~10 +/-
Height	40 ft	55'
FAR	Varies	3.25



# SB 50 IN SAN FRANCISCO — HOW IT COULD APPLY

Potential if SB-50 is combined with State Density Bonus

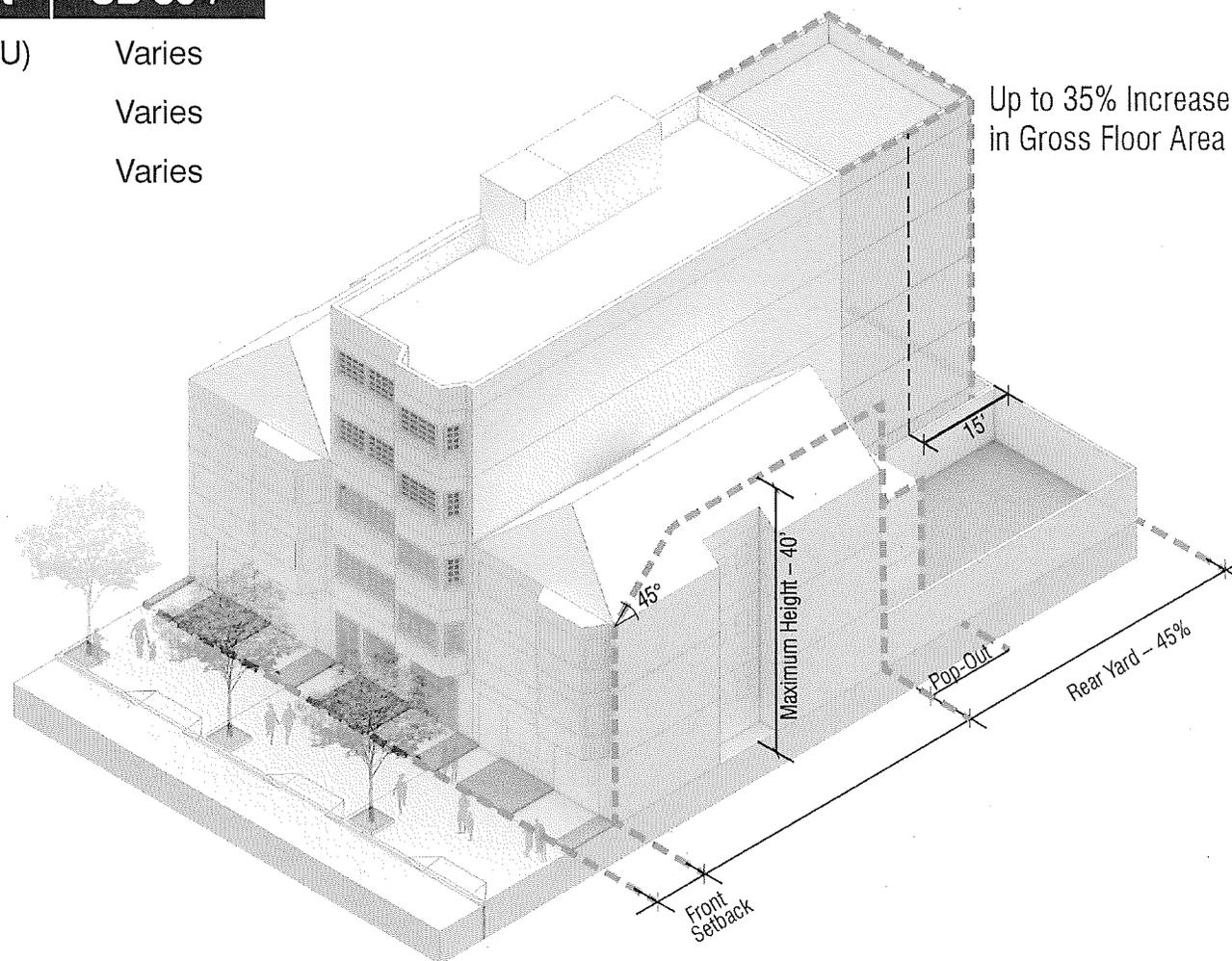
RH-2	Current	SB 50+
Density	2 (3 w/ADU)	Varies
Height	40 ft	Varies
FAR	Varies	Varies



# SB 50 IN SAN FRANCISCO – HOW IT COULD APPLY

Potential if SB-50 is combined with State Density Bonus

RH-2	Current	SB 50+
Density	2 (3 w/ADU)	Varies
Height	40 ft	Varies
FAR	Varies	Varies



# SB 50 IN SAN FRANCISCO – QUESTIONS

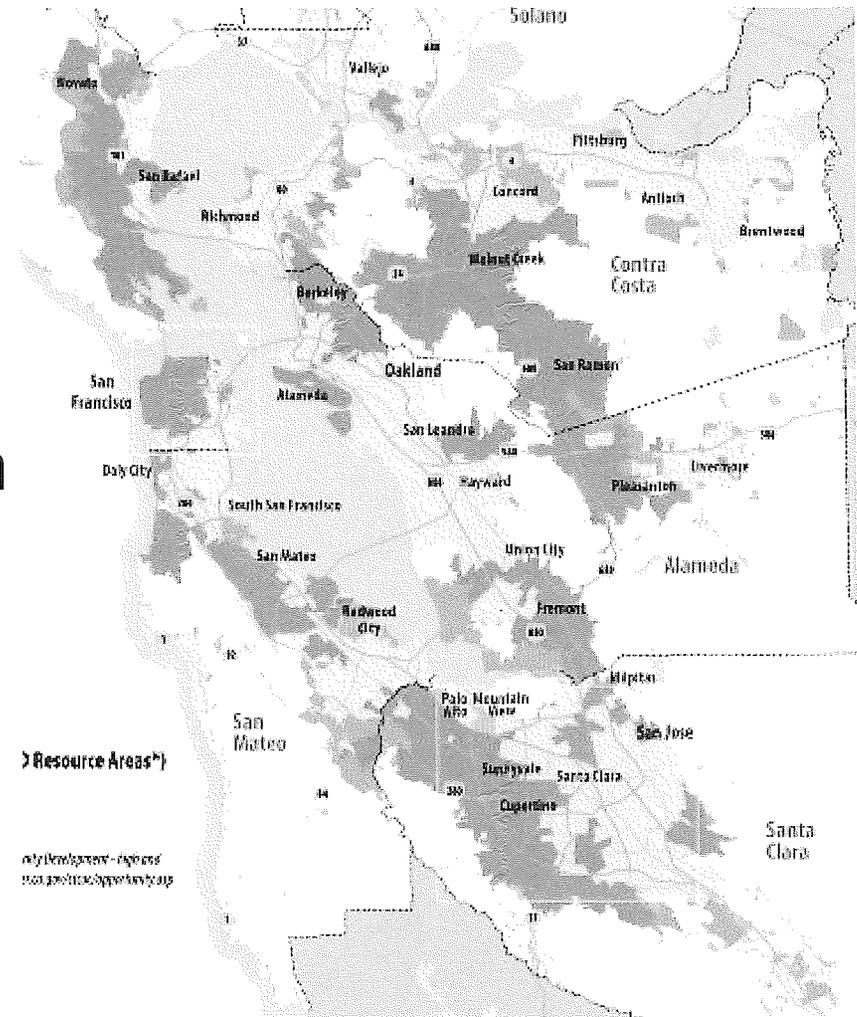
- Housing Accountability Act
- State Density Bonus
- Reduced interest in local affordability programs (e.g. HOME-SF)

# SB 50 – IN SUMMARY – SAN FRANCISCO

- Releases density limits around transit
- Biggest change from existing conditions in lower density districts
- Likely to result in new development on/additions to:
  - Vacant Lots
  - Non-residential properties
  - Owner-occupied single family homes

# SB 50 – IN SUMMARY – BAY AREA + CALIFORNIA

- Intended to address statewide housing shortage
  - Governor proposal: 3.5 million new units by 2025
  - UC Berkeley study: SB 827 would increase feasible housing capacity in Bay Area sixfold; inclusionary capacity sevenfold
- Broad statewide upzoning around transit and high-opportunity
  - ‘Jobs rich’ area



**THANK YOU**

**Paolo Ikezoe**

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**San Francisco  
Planning**



# SAN FRANCISCO PLANNING DEPARTMENT

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## Memo to the Planning Commission

INFORMATIONAL HEARING DATE: MARCH 14, 2019

**RE:** Senate Bill 50 (2019)  
**Staff Contact:** Paolo Ikezoe, Senior Planner, Citywide Division  
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### BACKGROUND

This memo is in response to the Commission's request for an analysis and informational hearing on the proposed State Senate Bill 50 ("SB 50") and its potential effects on San Francisco. SB 50 was introduced in the California State Senate on December 3, 2018. This memo's analysis is based on the version of the bill proposed as of March 7, 2019. The current version of the bill includes several key provisions that have yet to be defined, and amendments, which will likely include clarifications to portions of the bill left undefined, are expected this month. A vote in the Senate Transportation and Housing Committee could occur as early as the end of March.

Previous analysis on SB 827, SB 50's predecessor, was provided to the Commission on February 5th and March 15th of 2018. The Commission did not take any official action on that bill. The Board of Supervisors passed resolution number 84-18 on April 3, 2018 opposing SB 827. On April 17, 2018, SB 827 failed to pass out of the Senate Transportation and Housing Committee.

SB 50 is in many respects an update to last year's SB 827. Both bills are intended to take on the underproduction of housing throughout the state of California by increasing zoned capacity for housing and focusing that capacity near transit service. The Urban Displacement Project released a study in October 2018 estimating the impact SB 827 could have had on the Bay Area. That analysis found SB 827 would have increased the financially feasible development potential in the Bay Area sixfold (from 380,000 to 2.3 million units), while increasing the potential for affordable inclusionary units sevenfold.<sup>1</sup> SB 50's inclusion of 'jobs rich' areas would likely increase that estimate of how many new housing units could be produced. The study also found that 60% of the units SB 827 would have unlocked were located in low-income and gentrifying areas. SB 50's addition of a 'jobs rich' geography greatly expands the area where the bill would apply, and should include many high-resourced areas that may not be immediately proximate to transit.

There is widespread agreement at the state level that all of California has underbuilt housing for decades, with disastrous effects for low-, moderate- and middle-income households. In the Bay Area, recent analyses have suggested that the region would have needed to produce 700,000 more units since 2000 than it actually did in order for housing to have remained affordable to median income households.<sup>2</sup> The scale and breadth

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<sup>1</sup> [https://www.urbandisplacement.org/sites/default/files/images/udp\\_mapcraft\\_sb\\_827\\_policy\\_brief.pdf](https://www.urbandisplacement.org/sites/default/files/images/udp_mapcraft_sb_827_policy_brief.pdf)

<sup>2</sup> <https://www.spur.org/news/2019-02-21/how-much-housing-should-bay-area-have-built-avoid-current-housing-crisis>

of the state's affordability crisis since the Great Recession has led to increased interest and involvement from the Governor, legislature, and various State agencies. A recent article counted over 200 housing-related state bills introduced this session, and the Governor has set an ambitious goal of 3.5 million new housing units statewide by 2025.<sup>3</sup> SB 50, as well as many of the other bills currently proposed in the state legislature, are intended to tackle our housing shortage and provide enough homes for our state's growing and diverse population. Mayor London Breed has voiced support for the intent of SB 50, telling a local news station that "San Francisco, along with the entire Bay Area, needs to create more housing if we are going to address the out of control housing costs that are causing displacement and hurting the diversity of our communities." The Mayor has stated she will work with Senator Wiener to create "more housing opportunities near transit, while maintaining strong renter protections and demolition restrictions so we are focusing development on empty lots and underutilized commercial spaces."<sup>4</sup>

## SUMMARY OF LEGISLATION

SB 50 proposes to increase housing development capacity statewide by allowing certain qualifying residential projects, which meet a minimum inclusionary housing requirement, to receive a development bonus. In SB 50, this bonus is called an "equitable communities incentive" and takes the form of relief from certain local development controls for qualifying projects. Residential projects which meet minimum performance standards specified in the bill and located within a quarter to half-mile of high quality transit or in "jobs rich" areas of the state would be potentially eligible for the "equitable communities incentive".

### Where and how SB 50 would apply

For projects that qualify for an "equitable communities incentive", SB 50 would remove residential density limits and alter minimum parking requirements within a quarter to half mile of certain transit stops and lines, as well as in areas described as "jobs rich". Additionally, in areas around rail and ferry stops statewide, the bill would prohibit municipalities from enforcing height limits and floor area ratio controls below a specified minimum on qualifying projects. In order to qualify for an "equitable communities incentive", a project would be required to meet an on-site inclusionary requirement, either a local municipality's existing on-site inclusionary ordinance or a minimum level specified in SB 50 (exact level not yet defined). SB 50 does not appear to include a minimum project size or density.

One key difference between SB 827 and SB 50 is the addition of the "jobs-rich" geography category. Though still undefined in the current version of the bill, a "jobs-rich" area is described as generally an area near jobs, with a high area median income relative to the relevant region, and with high-quality public schools. The state's Department of Housing and Community Development (HCD) and Office of Planning and Research (OPR) would be responsible for designating areas as "jobs-rich". It is estimated that "jobs rich" areas will be similar to HCD Resource Areas (see attached *Exhibit E*). Within "jobs-rich" areas, qualifying residential projects would be able to receive an "equitable communities incentive" identical to areas within ¼ mile of a stop on a high quality bus corridor, whether the "jobs-rich" area has high quality transit service or not. This inclusion of the job-rich geography, while still undefined, is likely to dramatically expand the geography of applicable areas statewide, compared to the areas that would have been affected by SB 827 (which was limited in applicability to only the most transit-rich corridors and station areas).

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<sup>3</sup> <https://www.sfchronicle.com/politics/article/California-lawmakers-target-cities-ability-to-13662697.php>

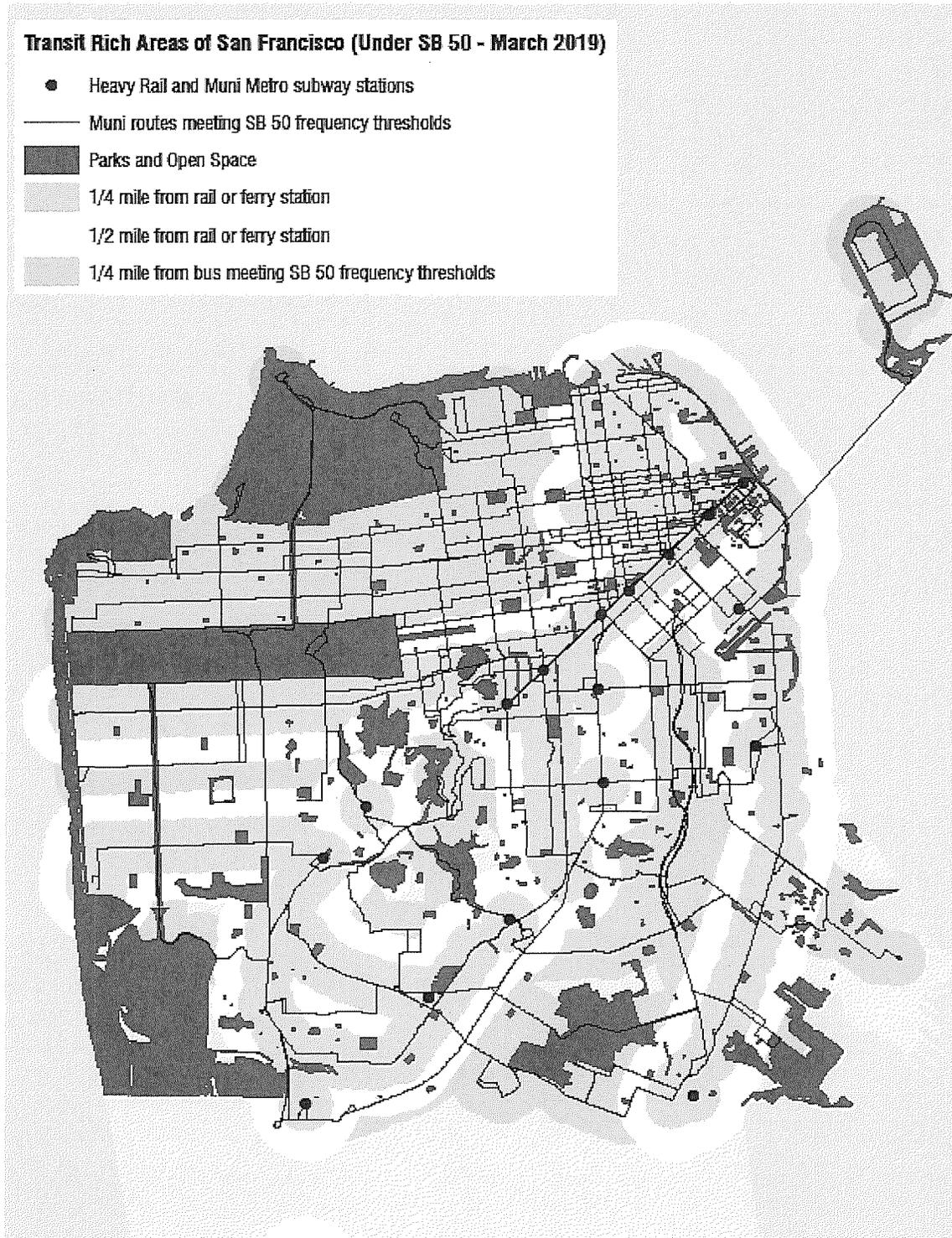
<sup>4</sup> <https://sanfrancisco.cbslocal.com/2018/12/04/sb50-housing-transit-more-homes-act-state-sen-scott-wiener/>

SB 50 Applicable Geographies and Proposed Zoning Standards (see map on following page)

Qualifying Area	Min. Height Limit	Min. FAR *	Min. Parking requirements	Density Limits	On-site Inclusionary Units Required**
¼ mile around Rail or Ferry Stop	55 ft	3.25	Waived	Waived	Yes
½ mile around Rail or Ferry Stop	45 ft	2.5	Waived	Waived	Yes
¼ mile around "High Quality Bus" stop In areas identified as "jobs-rich"	No change	No change	Waived up to 0.5 space/unit	Waived	Yes, for projects larger than a certain size

\*FAR = Floor Area Ratio, a common development control; in San Francisco's Planning Code, FAR is defined as: "The ratio of the Gross Floor Area of all the buildings on a lot to the area of the lot". Most of San Francisco's zoning district do not regulate residential FAR.

\*\* The minimum percentage of affordable units required on-site is not yet defined in the bill.



### **Incentives and Concessions for qualifying projects**

Projects in qualifying areas which meet all of the eligibility criteria below would also be able to request three incentives or concessions, identical to those offered under the State Density Bonus Law. As defined in that law, incentives and concessions must a) result in identifiable and actual cost reductions to the project, b) not have a specific adverse impact on public health and safety, or on any property listed in the California Register of Historical Resources. The broad definition of ‘incentives and concessions’ means they could take many forms, but of the dozens of State Density Bonus projects the Department has received, the most common requests have been for reductions and exceptions to rear yard, exposure, open space, and off-street parking requirements. To date, no project sponsor has requested to fully waive a rear yard requirement (i.e. ask for full lot coverage) as an incentive or concession under the State Density Bonus Law.

As discussed later in the ‘Provisions of SB 50 that are unclear’ section, it appears an SB 50 project would be allowed to request up to three additional incentives and concessions allowed under the State Density Bonus Law, for a total of up to six, if it were to request a State Density Bonus on top of an ‘equitable communities incentive’.

### **Eligibility criteria for projects seeking an ‘Equitable Communities Incentive’**

In order to qualify for an “equitable communities incentive”, a project would need to meet all of the following criteria:

- Be located within one of the geographies noted in the above table
- Be located on a site zoned to allow residential uses
- At least 2/3rds of the project’s square footage would need to be designated for residential use
- Must comply with one of two on-site inclusionary requirements (see following section ‘SB 50 on-site requirement’ for more detail)
- Must comply with all generally applicable approval requirements, including local conditional use or other discretionary approvals, CEQA, or a streamlined approval process that includes labor protections
- Must comply with all other relevant standards, requirements, and prohibitions imposed by the local government regarding architectural design, restrictions on or oversight of demolition, impact fees, and community benefits agreements

### **SB 50 on-site requirement**

SB 50 lays out two options for projects to meet a minimum on-site inclusionary requirement to qualify for an ‘equitable communities incentive’.

- 1) In cities with inclusionary ordinances that require on-site provision of affordable units, a project would have to comply with that ordinance
- 2) In cities without such an ordinance, a project would have to provide a minimum percentage of units on-site affordable to very low, low or moderate-income households, if the project is larger than a certain size. The percentage of affordable units required and the project size threshold for requiring on-site has not yet been specified in the bill, though there is reference to the affordability requirements in the State Density Bonus Law. Should the bill adopt requirements mirroring the percentage of units required to qualify for a full 35% bonus under the State Density Bonus Law, the following minimum on-site requirements might apply on projects above a certain size:
  - a. 11% of units affordable to Very Low Income Households (30 to 50% AMI) OR;
  - b. 20% of units affordable to Low Income Households (50 to 80% AMI)

This option indicates that projects smaller than a certain size - as yet undefined - will not need to provide on-site units to qualify for an 'equitable communities incentive'.

The bill appears to indicate that projects under a certain size in 'job rich' areas and within ¼ mile of a high-quality bus line, but further than ½ mile from a rail or ferry stop, may not need to provide affordable units on-site to qualify for an 'equitable communities incentive'. However, projects within ¼ and ½ mile of rail and ferry stops, would appear to be required to include a minimum percentage of affordable units on-site, regardless of project size, to qualify for the greater 'equitable communities incentive' offered in those areas.

#### **'Sensitive Communities' Exemption**

SB 50 includes a temporary 5-year exemption for so-called "sensitive communities", defined as areas vulnerable to displacement pressures. HCD would be responsible for identifying "sensitive communities" throughout the state, in consultation with local community-based organizations, using indicators such as percentage of tenant households living at, or under, the poverty line relative to the region. For the Bay Area, it is expected "Sensitive Communities" would be based on the Sensitive Communities identified as part of CASA (see map attached as *Exhibit D*). Local governments with "sensitive communities" would be allowed to optionally delay implementation of SB 50 in those areas, and instead pursue a community-led planning process at the neighborhood level to develop zoning and other policies that encourage multi-family housing development at a range of incomes, prevent displacement, and address other locally identified priorities. Plans adopted under this option would be required to meet the same minimum overall residential capacity and affordability standards laid out in SB 50. Municipalities would have until January 1, 2025 to exercise this option, or the standard provisions of SB 50 would come into effect.

#### **Renter Protections**

SB 50 would not apply on any property where there has been a rental tenant in the previous seven years, or where a unit has been taken off the rental market via the Ellis Act for the previous fifteen years. The exemption on properties that have had tenants in the previous seven years would apply even if the previously tenant-occupied units are vacant or have been demolished at the time of application.

#### **Interaction with local approval processes**

As currently drafted, SB 50 does not change or affect a municipality's established process for reviewing and entitling housing projects. Locally adopted mandatory inclusionary housing requirements which are higher than the minimum percentage in SB 50 would continue to apply, and any established local processes for evaluating demolition permits (including any legislated limits to or prohibitions on demolitions) would remain in effect. Locally adopted design standards (such as open space, setback and yard requirements, and bulk limits) would remain enforceable, so long as the cumulative effect of such standards does not reduce a proposed 'equitable communities incentive' project below specified minimum FARs. That said, the higher zoned capacity SB50 would enable could increase the invocation of the Housing Accountability Act (HAA) in lower-density parts of the city. (See later discussion in this memo of the HAA.)

#### **Possible Regional and Statewide Effects**

One of this department's key concerns with SB 827 was that the relatively high standard for qualifying transit service largely excluded parts of the state outside the core regions of large metropolitan areas. Here in the Bay Area, for example, vast areas of the job- and amenity-rich Peninsula and South Bay were excluded, outside of the ½ mile radius around Caltrain stations. While the Department agreed with the bill's intent that all municipalities needed to share in the responsibility to add badly needed housing, in practice that bill appeared to target the cores of large cities with well-established transit systems like San Francisco, Oakland, San Jose, Los Angeles and San Diego while not addressing communities with large job pools that have not built adequate housing.

SB 50's addition of the "jobs rich" category could address that concern, and greatly expand the bill's applicability to communities across the state where future residents would have access to job opportunities and other resources (see attached *Exhibit E*). Many of these communities have used exclusionary, low-density zoning as a tool to block lower income households and communities of color from accessing those resources. Though the "jobs rich" category is yet to be defined, cities like Sunnyvale and Cupertino in the Bay Area and Santa Monica and Beverly Hills in the Los Angeles area would likely qualify as "jobs rich" under SB 50. It is possible that cities like Mill Valley and Piedmont could also qualify, even though they do not contain large areas of employment, by virtue of their proximity and access to employment centers outside of their municipal boundaries as well as their high-performing public school districts. As noted in this memo, local approval processes and demolition controls would still apply, but municipalities would not be able to enforce strict exclusionary low-density zoning as a rationale for denying projects meeting SB 50 qualifications.

## POSSIBLE EFFECTS IN SAN FRANCISCO

Analysis of SB 50's potential effects on San Francisco are organized below by topic area and geography.

### **Almost all of San Francisco meets SB 50's standards for "transit-rich"**

Almost the entire city is within a quarter mile of what the bill defines as a "high-quality bus corridor", or within a quarter or half mile of a rail or ferry stop (see *Exhibit B*).

### **Rental unit exemption**

Roughly 63% of San Francisco's occupied housing units are occupied by renters, according to the 2017 American Community Survey. SB 50 would not apply on parcels containing these properties, removing a significant number of the city's properties from eligibility. Renters occupy buildings of all sizes throughout the city, from single family homes (in which roughly 14% of San Francisco's renters live<sup>5</sup>) to large rent controlled buildings. San Francisco does not currently have an established process for determining whether a property is or has previously been tenant-occupied. Should SB 50 pass, the Department would need to work with the Rent Board and other relevant agencies to determine a process for ensuring no tenant has occupied a property in the previous seven years for projects requesting an 'equitable communities incentive'. This process would be particularly necessary in buildings not subject to rent control (e.g. most single family homes), where records may be less readily available.

### **Sensitive Communities exemption**

Pending the bill's more detailed definition of "Sensitive Community", it is possible that several neighborhoods or parts of neighborhoods would be eligible for temporary delay to enable community planning processes (see map on page 9). In those cases, the City would have the option to undertake those new community planning processes or the provisions of SB50 would apply. In San Francisco, given that past community planning efforts involving rezoning (including CEQA review and approval processes) have taken several years to complete, the City and affected neighborhoods would have to decide the appropriate path to take, given time and resource constraints.

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<sup>5</sup> [San Francisco Housing Needs and Trends Report](#), page 6.

**Many San Francisco Zoning Districts, particularly in recent Area Plans, already de-control density and have higher height limits than SB 50**

In some ways SB 50 is similar to San Francisco's recent rezoning activities in Area Plans, in that it proposes to cluster density around high quality transit and regulate density through building form rather than a strict numerical density limit. The Downtown, Eastern Neighborhoods, Market-Octavia and Central SoMa Area Plans all increased housing capacity and raised height and density limits near high-capacity transit hubs. The majority of areas San Francisco has rezoned in the last 15 years have had density controls removed and now regulate residential density through height and bulk limits rather than as a ratio of units to lot area. These areas also generally have height limits of 55 feet or higher, meaning the majority of parcels in most Area Plans are zoned to higher capacity than SB 50 would allow; SB 50 is therefore not expected to have a large effect on areas that have been rezoned in recent years (see map on page 9).

The impact within Area Plans would primarily be limited to parcels with the lowest height limits (40/45 ft) that are also within ¼ mile of a rail station. These parcels might be allowed one additional story of height. Also within Area Plans, there are parcels that retain RH-1 and RH-2 designations, such as on Potrero Hill and in pockets of the Mission, that would be affected by SB 50.

**Likely to apply on vacant lots, commercial properties and smaller owner-occupied residential buildings**

SB 50 would not apply on properties that have been occupied by a renter at any time in the previous 7 years, or that have been removed from the rental market under the Ellis Act in the previous 15 years. Redevelopment of multi-family owner-occupied buildings, such as condos or TICs, though technically possible, is very uncommon. SB50 would therefore be most likely to lead to development on vacant or nonresidential properties zoned to allow residential development, and could be utilized on owner-occupied single-family homes (and possibly smaller owner-occupied residential buildings if all owners were to coordinate sale of the property) to either add units, subdivide the building or replace the structure.

In neighborhood commercial and medium density mixed-use districts outside of Area Plan areas, SB 50 would remove existing density limits for qualifying projects, but would likely result in new buildings that are generally in the same character as surrounding buildings (maximum 4 or 5 stories, not including any density bonus). Generally speaking, HOME-SF already allows this level of development in these areas. It appears the intent of SB 50 is to not undermine a local density bonus program, but there are some concerns as to whether the City would be able to continue to require projects requesting additional density or height to use HOME-SF rather than SB 50, including complying with HOME-SF's inclusionary rates (see later discussion in this memo titled "Provisions of SB 50 that are unclear").

See map on following page (also provided as a higher-resolution attachment, *Exhibit C*) for a preliminary estimate of parcels on which SB 50 would likely lead to a change in zoned capacity, should it pass. The map below starts with areas of the city likely covered by SB 50 (based on proximity to transit service), and removes parcels zoned to higher capacity (mostly in Area Plan areas) as well as parcels which do not allow residential uses (PDR and P zones). Parcels thought to contain rental units are also removed, although a lack of available data makes this layer incomplete. Sensitive Community Areas, as defined by CASA<sup>6</sup>, are also highlighted as a proxy for areas of San Francisco that might meet SB 50's Sensitive Communities exemption.

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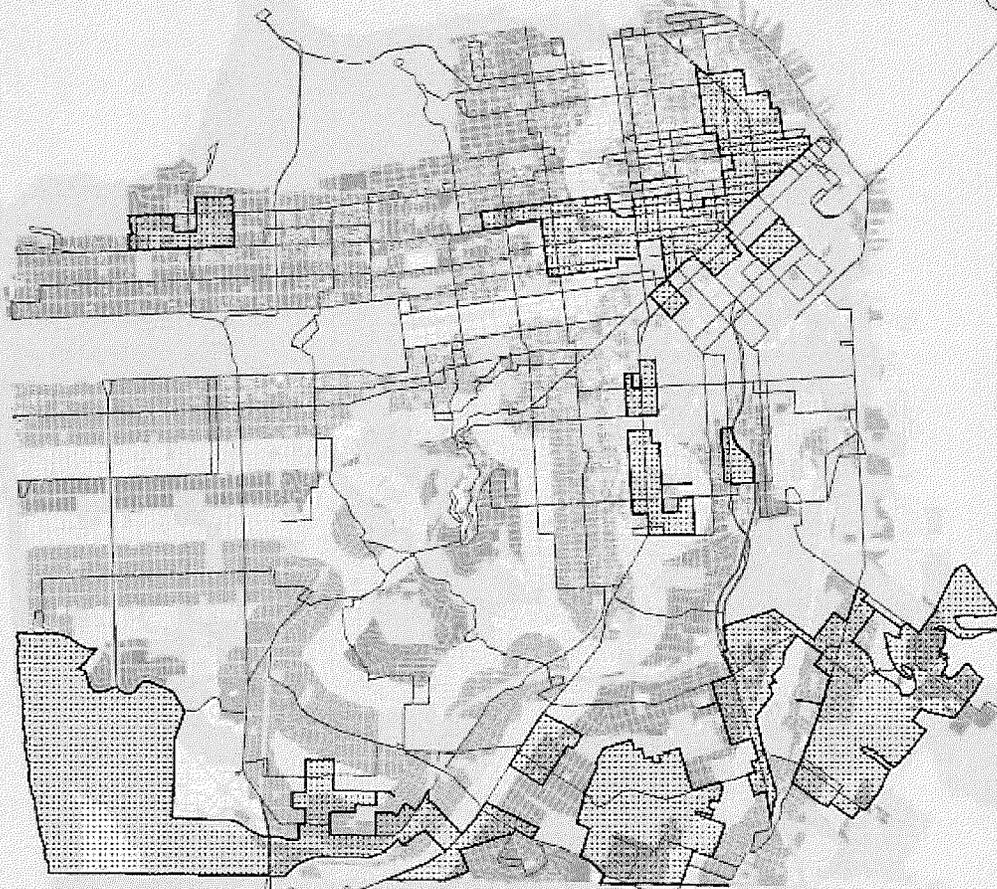
<sup>6</sup> [https://mtc.ca.gov/sites/default/files/Racial\\_Equity\\_Analysis\\_for\\_the\\_CASA\\_Compact.pdf](https://mtc.ca.gov/sites/default/files/Racial_Equity_Analysis_for_the_CASA_Compact.pdf)

**Where SB 50 might apply in San Francisco (March 2019)**

-  1/4 mile from rail or ferry station
-  1/2 mile from rail or ferry station
-  1/4 mile from bus meeting SB 50 frequency thresholds

**Areas where SB 50 would potentially not apply, or where implementation could be delayed**

-  Zones that don't allow housing and areas zoned to higher standards than SB 50
-  Parcels containing rental units (estimate)
-  Sensitive Communities (CASA)



**Notes:**

Data on existing rental units is an estimate, based on Assessor's Office records.  
SB 50 would not apply on any property where there was a renter in the 7 years previous to application;  
the City does not maintain records on tenancy or occupancy.

**Greatest change expected in single-family and two-unit (RH-1 and RH-2) districts**

The greatest changes possible under SB 50 would be in the city’s lowest density single-family and duplex districts. As mentioned above, Area Plans and HOME-SF generally already allow equal or higher zoning capacity than SB 50 would require, and the only residential districts not covered by either of those programs are RH-1 and RH-2. Single-family and duplex buildings are more likely to be owner occupied and are thus less likely to be exempted under SB 50’s exclusion for properties that have had tenants in the previous seven years. The vast majority of these districts have 40-ft height limits (though RH-1 is limited to 35 ft in height), so SB 50 would not typically raise height limits. The exception would be for RH-1 and RH-2 parcels within ¼-mile of rail stations, where SB 50 could potentially enable 1 or 2 additional stories above the existing height limit (i.e. raising the limit from 35 or 40 ft to 55 ft). The biggest change, however, would be in the density allowed on qualifying RH-1 and RH-2 parcels. An RH-1 parcel within ¼-mile of a light rail stop that currently allows one unit in a 35-foot-tall building could potentially, under SB 50, be developed into a multi-unit 55-foot tall building (before any bonus offered by the state density bonus law).

There is little precedent in recent history of this level of upzoning on RH-1 and RH-2 parcels, so it is difficult to predict how many qualifying parcels would be proposed for full redevelopment (i.e. demo/replacement) or proposed to add units to existing structures through additions or subdivisions of existing buildings. In 2016, San Francisco passed legislation allowing ADUs in residential buildings citywide, and as of November 2018, the Department has received applications for just over 1,500 units under the program. In 2017 and 2018, ADUs were added in 201 buildings, meaning the legislation led to changes in less than one tenth of a percent of potentially eligible properties each year. SB 50 would generally allow greater densities than the ADU program would, and with fewer restrictions, and is likely to spur a greater number of additions to existing buildings as well as demo/replacements.

The following is an analysis of the zoning capacity SB 50 might enable on a typical lower density lot. Note that all analysis below is preliminary, and does not take into account any bonus an SB 50 project might request under the State Density Bonus Law (which would allow up to 35% more density).

**Current Zoning:**

Zoning District	Typical Lot Size	Typical Rear Yard Requirement	Typical Height Limit	Maximum Allowable Building Envelope	Maximum Allowable FAR	Maximum Allowable Density
RH-1	2,500	25%	35 ft (3 stories)	5,625 sq ft	2.25	2 units
RH-2 / RH-3	2,500	45%	40 ft (4 stories)	5,500 sq ft	2.2	3 or 4 units

On a typical 2,500 square foot lot, existing rear yard and height requirements theoretically enable buildings of up to 5,625 sq ft (in RH-1 districts) and 5,500 sq ft (in RH-2 or RH-3 districts). In reality, existing buildings are much smaller in scale, and Residential Design Guidelines emphasize compatibility with surrounding context, limiting the size of new buildings or additions. It is important to note also that many existing RH-1 and RH-2 lots are already developed to higher densities than their zoning would allow today. Staff estimates almost a third of San Francisco’s existing residential units are located on properties that are existing non-conforming (i.e. above the allowable density on the parcel).

Under SB 50 - Within ¼ mile of high-quality bus or in a jobs rich area (pink areas on attached map):

Zoning District	Typical Lot Size	Typical Rear Yard Requirement	Typical Height Limit	Maximum Allowable Building Envelope	Maximum Allowable FAR	Estimated Allowable Base Density*
RH-1	2,500	25%	35 ft (3 stories)	5,625 sq ft	2.25	6 units
RH-2 / RH-3	2,500	45%	40 ft (4 stories)	5,500 sq ft	2.2	6 units

Under SB 50, within a quarter mile of a high-quality bus line or in a jobs rich area, density controls would be released, but existing height and setback requirements would remain enforceable. Simply releasing the density controls would potentially enable 6 unit buildings (assuming 900-1,000 gross square foot units) on a typical 2,500 sq ft RH-1, RH-2 or RH-3 parcel.

Under SB 50 – Within ½ mile of rail or ferry station (yellow areas on attached map):

Zoning District	Typical Lot Size	Typical Rear Yard Requirement	SB 50 Height Limit	Maximum Allowable Building Envelope	Allowable FAR (with SB 50 requirements)	Estimated Allowable Base Density
RH-1	2,500	25%	45 ft (4 stories)	7,500 sq ft	3	8 units
RH-2 / RH-3	2,500	45%	45 ft (4 stories)	6,250 sq ft	2.5	6 units

Within ½ mile of a rail or ferry station, SB 50 would release density limits AND set height and FAR minimums. In RH-1 districts (currently mostly limited to 35 feet in height), the height limit would be raised one story, potentially allowing up to an 8 unit building on a typical lot. In RH-2 and RH-3 districts with 40 ft existing height limits, the height limit would be raised by 5 feet, but generally would stay the same at four stories. However, the RH-2/RH-3 districts' high 45% rear-yard requirement would likely become unenforceable, as it would reduce the maximum allowable FAR below 2.5. In order to meet SB 50's minimum requirements, the City would only be able to enforce a lesser rear yard requirement, or allow the project to expand in other ways to meet the minimum 2.5 FAR. In reality, many RH-2 and RH-3 parcels are built with rear yards smaller than 45% of the depth of the lot, and in practice new buildings and building expansions in those districts are allowed a rear yard based on the average of the two neighboring buildings.

Under SB 50 – Within ¼ mile of rail or ferry station (orange areas on attached map):

Zoning District	Typical Lot Size	Typical Rear Yard Requirement	SB 50 Height Limit	Maximum Allowable Building Envelope	Allowable FAR (with SB 50 requirements)	Estimated Allowable Base Density
RH-1	2,500	25%	55 ft (5 stories)	9,375 sq ft	3.75	9 units
RH-2 / RH-3	2,500	45%	55 ft (5 stories)	8,125 sq ft	3.25	8 units

Within ¼ mile of a rail or ferry station, SB 50 would release density limits AND set height and FAR minimums. In RH-1 districts (currently mostly limited to 35 feet in height), the height limit would be raised two stories, potentially allowing up to a 9 unit building on a typical lot. In RH-2 and RH-3 districts with 40 ft existing height limits, the height limit would be raised by one story. Again the RH-2/RH-3 districts' 45% rear-yard requirement would likely become unenforceable, as it would reduce the maximum allowable FAR below 3.25. In order to meet SB 50's minimum requirements, the City would only be able to enforce a lesser rear yard requirement or allow the project to expand in other ways to meet the minimum 3.25 FAR. In reality, many RH-2 and RH-3 parcels are built with rear yards smaller than 45% of the depth of the lot, and in practice new buildings and building expansions in those districts are allowed a rear yard based on the average of the two neighboring buildings.

### **SB 50 likely to increase housing production, including on-site affordable units**

San Francisco's inclusionary housing ordinance is only triggered on projects containing 10 or more units. On-site affordable units are rarely produced in the city's lower density zoning districts - such as RH-1, RH-2, and RH-3 - because existing density controls do not allow projects meeting the size threshold to trigger inclusionary requirements. Should it pass, SB 50 would likely have the effect of creating more affordable housing in these districts by allowing for denser development, increasing the number of potential sites that could accommodate projects with more than 9 units.

Even in higher density districts which are still density-controlled (e.g. NC, RM, RC districts), SB 50 would generally offer greater development capacity than current zoning, as well as three incentives and concessions. By setting a new, higher base density in qualifying areas (and allowing a State Density Bonus on top of the 'equitable communities incentive'), SB 50 is likely to result in significantly greater housing production across all density controlled districts, and thus would also produce more affordable housing through the on-site inclusionary requirement.

### **Interaction with the Housing Accountability Act (HAA)**

The Housing Accountability Act (HAA) is a state law that has been in effect since 1982. The general purpose of the law is to require cities to approve code complying housing projects, and generally prevent them from rejecting such projects for arbitrary reasons. Recent concerns have been raised that the HAA would prohibit localities from rejecting a code-compliant project that would involve demolition of an existing residential unit. A recent court case (SFBARF vs. City of Berkeley 2017) involved a situation where a developer proposed demolishing an existing single family home and constructing three code-complying units on the parcel. Berkeley's Zoning Adjustments Board initially approved the project, but on appeal the Berkeley City Council reversed that decision. SFBARF sued the city, arguing the denial was a violation of the HAA, and a court agreed and required the City Council to reconsider the project. The City Council then voted to approve the project, but deny the demolition permit on the existing single family home, arguing that the HAA did not require them to approve the demolition. SFBARF sued the city again, arguing the HAA did require the city to approve any discretionary permits necessary to enable the code complying project to move forward. Additionally, the appellants argued that Berkeley did not apply objective standards when disapproving the demolition permit, and instead made the decision based on subjective criteria. A court agreed again, and the Berkeley City Council eventually approved the demolition and new construction permits on the code complying project in September 2017.<sup>7</sup>

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<sup>7</sup> <https://www.berkeleyside.com/2017/09/08/long-legal-dispute-berkeley-approves-application-build-3-homes-haskell-street>

After this case, the HAA itself was amended to clarify that “disapprove a housing development project” includes any instance in which a local agency votes on an application and the application is disapproved, including any required land use approvals or entitlements necessary for the issuance of a building permit. Additionally, one of the deciding factors in the court case appears to have been that Berkeley did not have clear, objective standards for approving or denying a demolition permit, and acted in a subjective manner when denying the demolition permit.

SB 50 would not, on its own, broaden the HAA, but it could increase the number of cases where HAA may become applicable to a proposed development project. Presently, demolitions or alterations on lower density properties in lower density zoning districts do not typically propose new buildings at higher densities, because of strict density limits imposed by current zoning. Denying demolitions or alterations in cases like these do not conflict with the HAA because they are not denying a development project that would increase density to code-complying levels. By increasing zoning capacity on parcels that previously only allowed 1 or 2 units, SB 50 is likely to result in a rise in applications to make additions to existing owner occupied properties to add units, or to demolish the existing building entirely and redevelop the property at higher density. In cases like this, the HAA could limit the Commission’s ability to reject the alteration or demolition of the existing building, unless it did so by applying clear, objective standards.

**Interaction with proposed Board File 181216 (Peskin)**

As noted above, SB 50 makes no changes to local approval processes, and in fact requires qualifying projects to comply with local approval processes, including any controls on demolition of buildings. Supervisor Peskin has proposed an ordinance (Board File 181216) which would introduce additional controls on demolition, merger or conversion of existing residential units by adding findings to the required Sec. 317 Conditional Use Authorization criteria as follows (with expected interaction with SB 50 in right-hand column):

BF 181216 Proposed CU Criteria	SB 50 Application
Whether any units in the building have been occupied by a tenant in the previous <u>five</u> years	SB 50 does not apply on any property containing a unit that has been occupied by a tenant in the previous <u>seven</u> years
Whether the replacement structure “conforms to the architectural character of the neighborhood in height, scale, form, materials and details.”	SB 50 would likely enable replacement structures that are larger in height and scale than surrounding buildings. Within ½ mile of rail transit, SB 50 would likely prohibit the City from enforcing these criteria if they would result in a project that is below the minimum FAR standards laid out in the bill.
Whether the replacement structure exceeds the average FAR of other buildings within 300 feet of the building site within the same zoning district	
Whether the replacement structure maximizes allowable density on the lot	In lower density districts, SB 50 would set a new, higher maximum density on many parcels, in many cases higher than surrounding existing buildings. In such cases, this criterion would seem to encourage a replacement project to maximize density, at the same time that other proposed

	criteria prioritize restricting a replacement project's size and density.
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Though the proposed Conditional Use Authorization criteria in BF 181216 would add greater scrutiny to demolitions of existing residential units, they do not appear to qualify as objective standards. Planning Code Section 303, which lays out procedures and criteria for Conditional Use Authorizations, is inherently subjective in that it requires Planning Commission to use its discretion to determine whether a project is "necessary or desirable and compatible with" the neighborhood... If both Board File 181216 and SB 50 were to pass in their current forms, it is unlikely that BF 181216's proposed CU criteria - defined in Section 317 - would strengthen the Planning Commission's ability to use their discretion to deny demolition permits to code complying SB 50 projects which involve demolition of an existing residential unit(s).

## PROVISIONS OF SB 50 THAT ARE UNCLEAR

### Interaction with San Francisco's Inclusionary Housing Ordinance

As mentioned earlier in this case report, it appears the intent of SB 50 is for projects above a certain size threshold to include on-site affordable units in order to qualify. SB 50 would require projects to meet one of two on-site inclusionary requirements in order to qualify for an 'equitable communities incentive'.

- 1) In cities with inclusionary ordinances that require on-site provision of affordable units, a project would have to comply with that ordinance
- 2) In cities without such an ordinance, a project would have to provide a minimum percentage of units on-site affordable to very low, low or moderate-income households, if the project is larger than a certain size. The percentage of affordable units required and the project size threshold for requiring on-site has not yet been specified in the bill, though there is reference to the affordability requirements in the State Density Bonus Law. Should the bill adopt requirements mirroring the percentage of units required to qualify for a full 35% bonus under the State Density Bonus Law, the following minimum on-site requirements might apply on projects above a certain size:
  - a. 11% of units affordable to Very Low Income Households (30 to 50% AMI) OR;
  - b. 20% of units affordable to Low Income Households (50 to 80% AMI)

San Francisco's inclusionary ordinance does not require on-site provision of units, instead requiring payment of a fee, and giving project sponsors the option to satisfy this requirement by providing affordable units on-site. It is unclear whether San Francisco's ordinance would qualify under option #1 above. Regardless of which SB 50 inclusionary requirement San Francisco ends up falling under, SB 50 projects of 9 units or more in the city would still be subject to our inclusionary ordinance, and would be required to meet our local affordability requirements as well as any affordability requirements of SB 50.

### Interaction with State Density Bonus Law

SB 50 specifies that project sponsors would be allowed to request the State Density Bonus Law on top of any 'equitable communities incentive' offered under SB 50. This would mean any density and height above existing local zoning offered by SB 50 would be considered the new "base" project, on which a project sponsor would be able to request up to 35% additional density. On its own, SB 50 would offer qualifying projects three incentives and/or concessions. It appears that projects requesting both an 'equitable communities incentive' and a State Density Bonus would be able to request incentives and/or concessions under both programs (for a total of up to six incentives or concessions). The State Density Bonus Law also offers qualifying projects an unlimited number of waivers from development standards, in order to allow a project to accommodate the increased density awarded under the law. Incentives, concessions and waivers are very loosely defined in the State Density Bonus Law, and could take many different forms. Allowing a project sponsor to request a State Density Bonus on top of an 'equitable communities incentive' introduces a great deal of uncertainty as to the scale and form of buildings which might be proposed under the two laws.

### Interaction with HOME-SF

As mentioned above, most Area Plans allow higher heights and density than SB 50 allows, so the bill would mostly represent no change from the current situation in Area Plan areas. Outside of Area Plans, in neighborhood commercial (NC), residential mixed (RM) and other zoning districts with density controls, HOME-SF – adopted by the Board of Supervisors in 2017 - offers a local density bonus option for developers who include 20-30% of units on-site as affordable units. The bonus offered by HOME-SF is very similar to SB 50. Like SB 50, HOME-SF offers relief from density controls as well as extra height. Though the minimum percentage of on-site inclusionary SB 50 would require is not yet defined, it is likely HOME-SF would require a higher percentage of affordable units on-site than SB 50. Further, HOME-SF includes stricter eligibility criteria and is less flexible than SB 50.

Staff's previous case report on SB 827 raised the concern that that bill might undermine HOME-SF or other local density bonus programs by offering the same or similar incentives at a lower inclusionary percentage. The following paragraph of SB 50 could potentially be interpreted as guarding against that: *"the equitable communities incentive shall not be used to undermine the economic feasibility of delivering low-income housing under the state density bonus program or a local implementation of the state density bonus program, or any locally adopted program that puts conditions on new development applications on the basis of receiving a zone change or general plan amendment in exchange for benefits such as increased affordable housing"*. However, as currently drafted the section is not clear enough to definitively determine whether San Francisco would still be able to enforce HOME-SF's inclusionary requirements on parcels where both HOME-SF and SB 50 apply.

Whether SB 50 is determined to supersede HOME-SF or not, however, HOME-SF does not allow demolition of any existing units regardless of tenancy and requires projects to consist entirely of new construction (no additions to existing buildings), while SB 50 does not prohibit demolition of owner-occupied units or additions to existing buildings. On these properties, SB 50 could potentially be the only bonus available, and would thus apply.

### Interaction between changes in transit service, zoning standards, and CEQA review

SB 50 would tie zoning standards to transit service and infrastructure, so changes to transit would necessarily lead in many cases to significant upzoning. As currently drafted, the bill seems to suggest that changes to transit service that bring a line or station up to SB 50's frequency standards would immediately trigger eligibility for the 'equitable communities incentive' within the qualifying radius of the line. This could mean that zoning could fluctuate substantially over time as service levels increase or decrease due to transit budgets, ridership, travel patterns, or agency service strategy. It could also create an additional

reason for jurisdictions or neighborhoods to suspend already planned transit service enhancements or avoid planning for increased transit service altogether, if they oppose the increased density that would come with the transit service.

SB 50 does not contain any CEQA exemptions, so it is possible that transit projects, or even modest changes in transit service, could be forced to conduct CEQA analysis of the land use effects triggered by the service change or infrastructure investment. This could therefore possibly require environmental analyses for transit projects that otherwise involve no direct land use or zoning proposals (and therefore would not otherwise be typically required to study land use effects).

**REQUIRED COMMISSION ACTION**

No official Commission action is required, as this is an informational item. Staff will continue to monitor SB 50 and other relevant state bills as they move through the legislative process, and will provide analysis and recommendations as necessary.

**Attachments:**

Exhibit A: Senate Bill 50

Exhibit B: Map of Transit Rich Areas in San Francisco (Under SB 50 - March 2019)

Exhibit C: Map of How SB 50 might apply in San Francisco (March 2019)

Exhibit D: Map of Regional Transit Access Areas (including Sensitive Community Areas)

Exhibit E: Map of Regional Resource Areas

Exhibit F: Public Comment Received

Exhibit A: Senate Bill 50



**SB-50 Planning and zoning: housing development: equitable communities incentive.** (2019-2020)

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Date Published: 12/03/2018 09:00 PM

CALIFORNIA LEGISLATURE— 2019-2020 REGULAR SESSION

**SENATE BILL**

**No. 50**

**Introduced by Senator Wiener**  
**(Coauthors: Senators Caballero, Hueso, Moorlach, and Skinner)**  
**(Coauthors: Assembly Members Burke, Kalra, Kiley, Low, Robert Rivas, Ting, and Wicks)**

**December 03, 2018**

An act to add Chapter 4.35 (commencing with Section 65918.50) to Division 1 of Title 7 of the Government Code, relating to housing.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 50, as introduced, Wiener. Planning and zoning: housing development: equitable communities incentive.

Existing law, known as the Density Bonus Law, requires, when an applicant proposes a housing development within the jurisdiction of a local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

This bill would require a city, county, or city and county to grant upon request an equitable communities incentive when a development proponent seeks and agrees to construct a residential development, as defined, that satisfies specified criteria, including, among other things, that the residential development is either a job-rich housing project or a transit-rich housing project, as those terms are defined; the site does not contain, or has not contained, housing occupied by tenants or accommodations withdrawn from rent or lease in accordance with specified law within specified time periods; and the residential development complies with specified additional requirements under existing law. The bill would require that a residential development eligible for an equitable communities incentive receive waivers from maximum controls on density and automobile parking requirements greater than 0.5 parking spots per unit, up to 3 additional incentives or concessions under the Density Bonus Law, and specified additional waivers if the residential development is located within a 1/2-mile or 1/4-mile radius of a major transit stop, as defined. The bill would authorize a local government to modify or

expand the terms of an equitable communities incentive, provided that the equitable communities incentive is consistent with these provisions.

The bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. The bill would also declare the intent of the Legislature to delay implementation of this bill in sensitive communities, as defined, until July 1, 2020, as provided.

By adding to the duties of local planning officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Chapter 4.35 (commencing with Section 65918.50) is added to Division 1 of Title 7 of the Government Code, to read:

### **CHAPTER 4.35. Equitable Communities Incentives**

**65918.50.** For purposes of this chapter:

(a) "Affordable" means available at affordable rent or affordable housing cost to, and occupied by, persons and families of extremely low, very low, low, or moderate incomes, as specified in context, and subject to a recorded affordability restriction for at least 55 years.

(b) "Development proponent" means an applicant who submits an application for an equitable communities incentive pursuant to this chapter.

(c) "Eligible applicant" means a development proponent who receives an equitable communities incentive.

(d) "FAR" means floor area ratio.

(e) "High-quality bus corridor" means a corridor with fixed route bus service that meets all of the following criteria:

(1) It has average service intervals of no more than 15 minutes during the three peak hours between 6 a.m. to 10 a.m., inclusive, and the three peak hours between 3 p.m. and 7 p.m., inclusive, on Monday through Friday.

(2) It has average service intervals of no more than 20 minutes during the hours of 6 a.m. to 10 a.m., inclusive, on Monday through Friday.

(3) It has average intervals of no more than 30 minutes during the hours of 8 a.m. to 10 p.m., inclusive, on Saturday and Sunday.

(f) "Job-rich housing project" means a residential development within an area identified by the Department of Housing and Community Development and the Office of Planning and Research, based on indicators such as proximity to jobs, high area median income relative to the relevant region, and high-quality public schools, as an area of high opportunity close to jobs. A residential development shall be deemed to be within an area designated as job-rich if both of the following apply:

(1) All parcels within the project have no more than 25 percent of their area outside of the job-rich area.

(2) No more than 10 percent of residential units or 100 units, whichever is less, of the development are outside of the job-rich area.

(g) "Local government" means a city, including a charter city, a county, or a city and county.

(h) "Major transit stop" means a site containing an existing rail transit station or a ferry terminal served by either bus or rail transit service.

(i) "Residential development" means a project with at least two-thirds of the square footage of the development designated for residential use.

(j) "Sensitive community" means an area identified by the Department of Housing and Community Development, in consultation with local community-based organizations in each region, as an area vulnerable to displacement pressures, based on indicators such as percentage of tenant households living at, or under, the poverty line relative to the region.

(k) "Tenant" means a person residing in any of the following:

(1) Residential real property rented by the person under a long-term lease.

(2) A single-room occupancy unit.

(3) An accessory dwelling unit that is not subject to, or does not have a valid permit in accordance with, an ordinance adopted by a local agency pursuant to Section 65852.22.

(4) A residential motel.

(5) Any other type of residential property that is not owned by the person or a member of the person's household, for which the person or a member of the person's household provides payments on a regular schedule in exchange for the right to occupy the residential property.

(l) "Transit-rich housing project" means a residential development the parcels of which are all within a one-half mile radius of a major transit stop or a one-quarter mile radius of a stop on a high-quality bus corridor. A project shall be deemed to be within a one-half mile radius of a major transit stop or a one-quarter mile radius of a stop on a high-quality bus corridor if both of the following apply:

(1) All parcels within the project have no more than 25 percent of their area outside of a one-half mile radius of a major transit stop or a one-quarter mile radius of a stop on a high-quality bus corridor.

(2) No more than 10 percent of the residential units or 100 units, whichever is less, of the project are outside of a one-half mile radius of a major transit stop or a one-quarter mile radius of a stop on a high-quality bus corridor.

**65918.51.** (a) A local government shall, upon request of a development proponent, grant an equitable communities incentive, as specified in Section 65918.53, when the development proponent seeks and agrees to construct a residential development that satisfies the requirements specified in Section 65918.52.

(b) It is the intent of the Legislature that, absent exceptional circumstances, actions taken by a local legislative body that increase residential density not undermine the equitable communities incentive program established by this chapter.

**65918.52.** In order to be eligible for an equitable communities incentive pursuant to this chapter, a residential development shall meet all of the following criteria:

(a) The residential development is either a job-rich housing project or transit-rich housing project.

(b) The residential development is located on a site that, at the time of application, is zoned to allow housing as an underlying use in the zone, including, but not limited to, a residential, mixed-use, or commercial zone, as defined and allowed by the local government.

(c) (1) If the local government has adopted an inclusionary housing ordinance requiring that the development include a certain number of units affordable to households with incomes that do not exceed the limits for moderate-income, lower income, very low income, or extremely low income specified in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code, and that ordinance requires that a new development include levels of affordable housing in excess of the requirements specified in paragraph (2), the residential development complies with that ordinance.

(2) If the local government has not adopted an inclusionary housing ordinance, as described in paragraph (1), and the residential development includes \_\_\_\_ or more residential units, the residential development includes onsite affordable housing for households with incomes that do not exceed the limits for extremely low income, very low income, and low income specified in Sections 50093, 50105, and 50106 of the Health and Safety Code. It is the intent of the Legislature to require that any development of \_\_\_\_ or more residential units receiving an equitable communities incentive pursuant to this chapter include housing affordable to low, very low or extremely low income households, which, for projects with low or very low income units, are no less than the number of onsite units affordable to low or very low income households that would be required pursuant to subdivision (f) of Section 65915 for a development receiving a density bonus of 35 percent.

(d) The site does not contain, or has not contained, either of the following:

(1) Housing occupied by tenants within the seven years preceding the date of the application, including housing that has been demolished or that tenants have vacated prior to the application for a development permit.

(2) A parcel or parcels on which an owner of residential real property has exercised his or her rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years prior to the date that the development proponent submits an application pursuant to this chapter.

(e) The residential development complies with all applicable labor, construction employment, and wage standards otherwise required by law and any other generally applicable requirement regarding the approval of a development project, including, but not limited to, the local government's conditional use or other discretionary permit approval process, the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), or a streamlined approval process that includes labor protections.

(f) The residential development complies with all other relevant standards, requirements, and prohibitions imposed by the local government regarding architectural design, restrictions on or oversight of demolition, impact fees, and community benefits agreements.

(g) The equitable communities incentive shall not be used to undermine the economic feasibility of delivering low-income housing under the state density bonus program or a local implementation of the state density bonus program, or any locally adopted program that puts conditions on new development applications on the basis of receiving a zone change or general plan amendment in exchange for benefits such as increased affordable housing, local hire, or payment of prevailing wages.

**65918.53.** (a) A residential development that meets the criteria specified in Section 65918.52 shall receive, upon request, an equitable communities incentive as follows:

(1) Any eligible applicant shall receive the following:

(A) A waiver from maximum controls on density.

(B) A waiver from maximum automobile parking requirements greater than 0.5 automobile parking spots per unit.

(C) Up to three incentives and concessions pursuant to subdivision (d) of Section 65915.

(2) An eligible applicant proposing a residential development that is located within a one-half mile radius, but outside a one-quarter mile radius, of a major transit stop and includes no less than \_\_\_\_ percent affordable housing units shall receive, in addition to the incentives specified in paragraph (1), waivers from all of the following:

(A) Maximum height requirements less than 45 feet.

(B) Maximum FAR requirements less than 2.5.

(C) Notwithstanding subparagraph (B) of paragraph (1), any maximum automobile parking requirement.

(3) An eligible applicant proposing a residential development that is located within a one-quarter mile radius of a major transit and includes no less than \_\_\_\_ percent affordable housing units shall receive, in addition to the

incentives specified in paragraph (1), waivers from all of the following:

(A) Maximum height requirements less than 55 feet.

(B) Maximum FAR requirements less than 3.25.

(C) Notwithstanding subparagraph (B) of paragraph (1), any maximum automobile parking requirement.

(4) Notwithstanding any other law, for purposes of calculating any additional incentive or concession in accordance with Section 65915, the number of units in the residential development after applying the equitable communities incentive received pursuant to this chapter shall be used as the base density for calculating the incentive or concession under that section.

(5) An eligible applicant proposing a project that meets all of the requirements under Section 65913.4 may submit an application for streamlined, ministerial approval in accordance with that section.

(b) The local government may modify or expand the terms of an equitable communities incentive provided pursuant to this chapter, provided that the equitable communities incentive is consistent with, and meets the minimum standards specified in, this chapter.

**65918.54.** The Legislature finds and declares that this chapter addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities.

**65918.55.** (a) It is the intent of the Legislature that implementation of this chapter be delayed in sensitive communities until July 1, 2020.

(b) It is further the intent of the Legislature to enact legislation that does all of the following:

(1) Between January 1, 2020, and \_\_\_\_\_, allows a local government, in lieu of the requirements of this chapter, to opt for a community-led planning process aimed toward increasing residential density and multifamily housing choices near transit stops.

(2) Encourages sensitive communities to opt for a community-led planning process at the neighborhood level to develop zoning and other policies that encourage multifamily housing development at a range of income levels to meet unmet needs, protect vulnerable residents from displacement, and address other locally identified priorities.

(3) Sets minimum performance standards for community plans, such as minimum overall residential development capacity and the minimum affordability standards set forth in this chapter.

(4) Automatically applies the provisions of this chapter on January 1, 2025, to sensitive communities that do not have adopted community plans that meet the minimum standards described in paragraph (3), whether those plans were adopted prior to or after enactment of this chapter.

**SEC. 2.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Exhibit B: Map of Transit Rich Areas in San Francisco  
(Under SB 50 - March 2019)

# Transit Rich Areas of San Francisco (Under SB 50 - March 2019)

- Heavy Rail and Muni Metro subway stations
- Muni routes meeting SB 50 frequency thresholds
- Parks and Open Space
- 1/4 mile from rail or ferry station
- 1/2 mile from rail or ferry station
- 1/4 mile from bus meeting SB 50 frequency thresholds

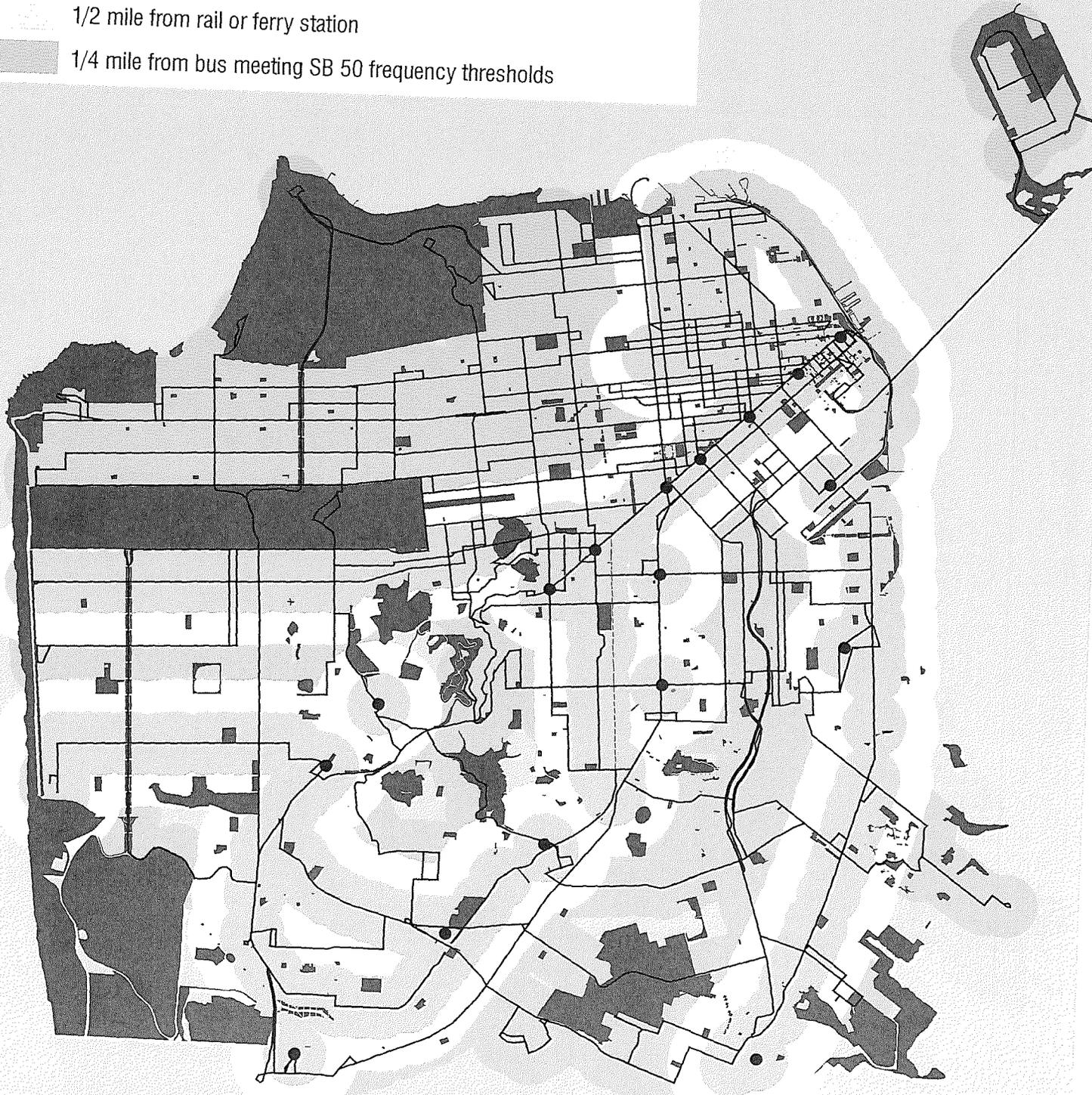


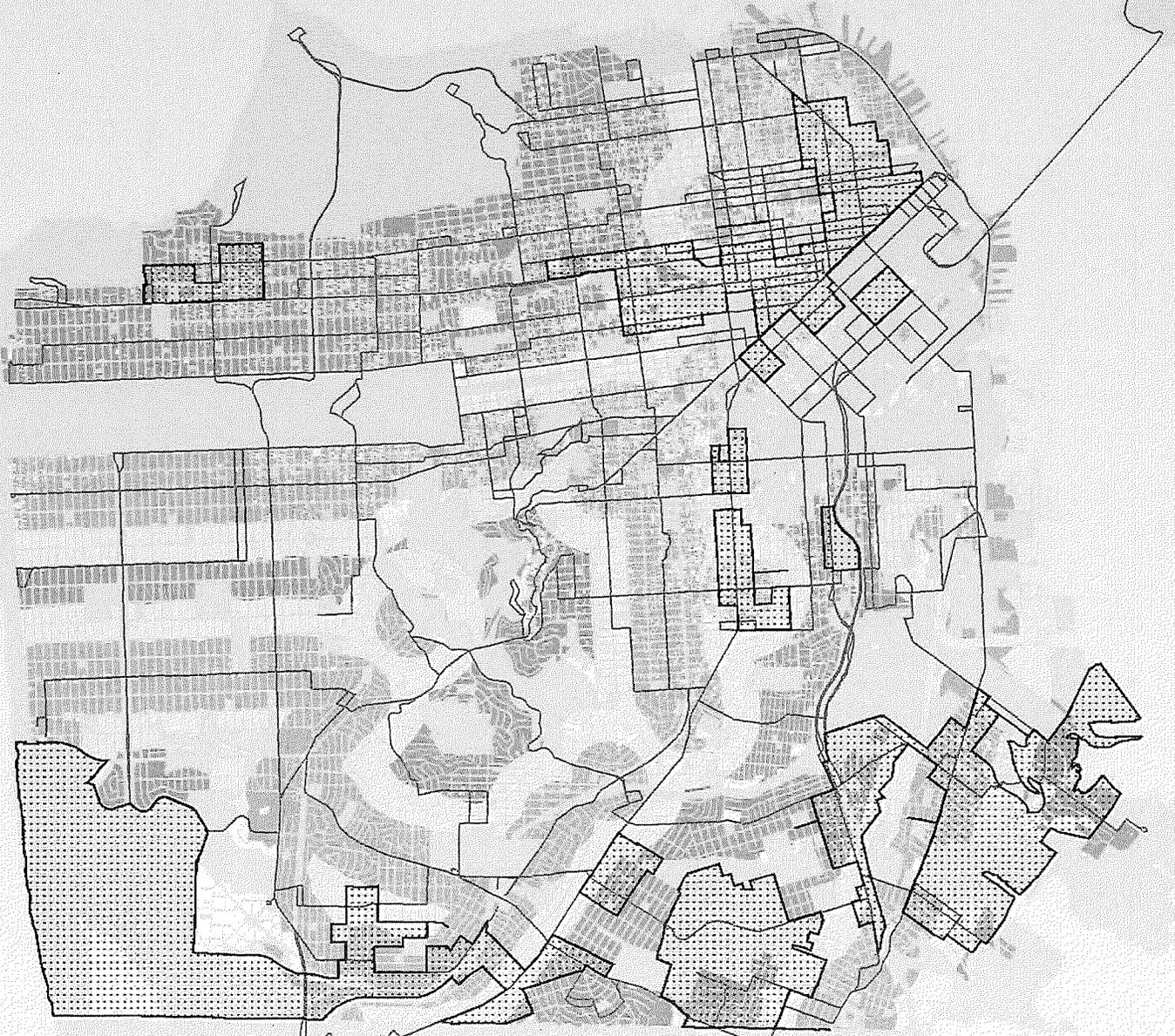
Exhibit C: Map of How SB 50 might apply in San Francisco (March 2019)

## Where SB 50 might apply in San Francisco (March 2019)

- 1/4 mile from rail or ferry station
- 1/2 mile from rail or ferry station
- 1/4 mile from bus meeting SB 50 frequency thresholds

## Areas where SB 50 would potentially not apply, or where implementation could be delayed

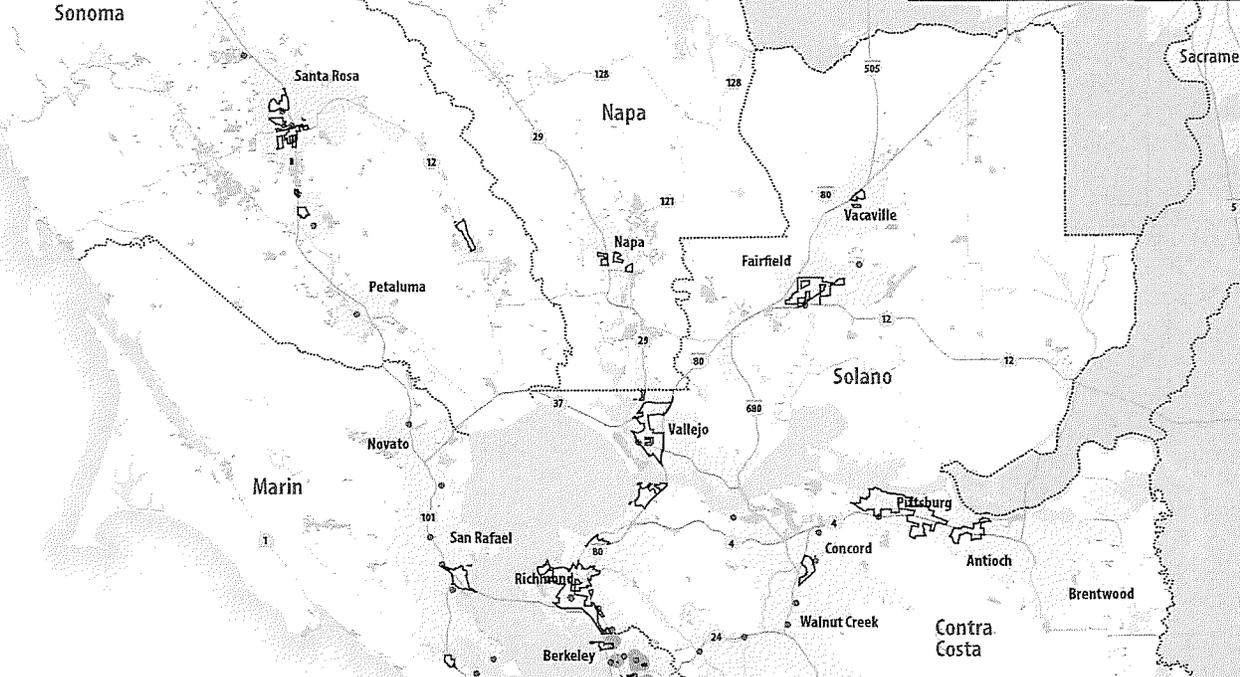
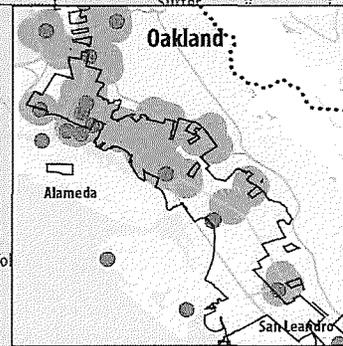
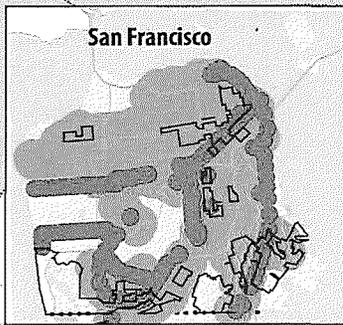
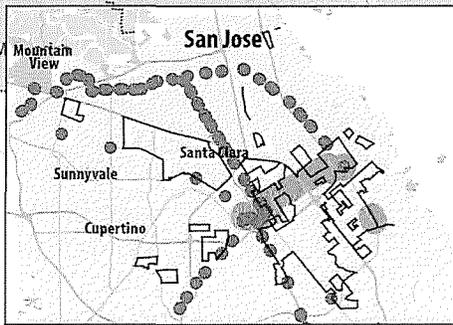
- Zones that don't allow housing and areas zoned to higher standards than SB 50
- Parcels containing rental units (estimate)
- Sensitive Communities (CASA)



### Notes:

Data on existing rental units is an estimate, based on Assessor's Office records.  
SB 50 would not apply on any property where there was a renter in the 7 years previous to application; the City does not maintain records on tenancy or occupancy.

Exhibit D: Map of Regional Transit Access Areas  
(including Sensitive Community Areas)



## Transit Access Areas

Transit Access Areas are currently defined as areas within 1/4 mile of a rail station or ferry terminal served by transit and areas within a 1/2-mile radius of a bus stop served by a bus with headways of 15 minutes or less during both the morning and evening peak periods (6 AM to 10 AM and 3 PM to 7 PM) and average weekend headways of no more than 30 minutes from 8 AM to 10 PM, inclusive, on Saturday and Sunday.

-  Major Transit Stops - Rail and Ferry
-  High-Quality Bus Service Areas
-  Urban - Built Up Area
-  Sensitive Community Areas

	Population
Oakland	Over 350,000
Sunnyvale	50,000 to 350,000
Albany	Below 50,000

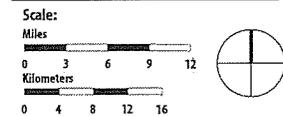
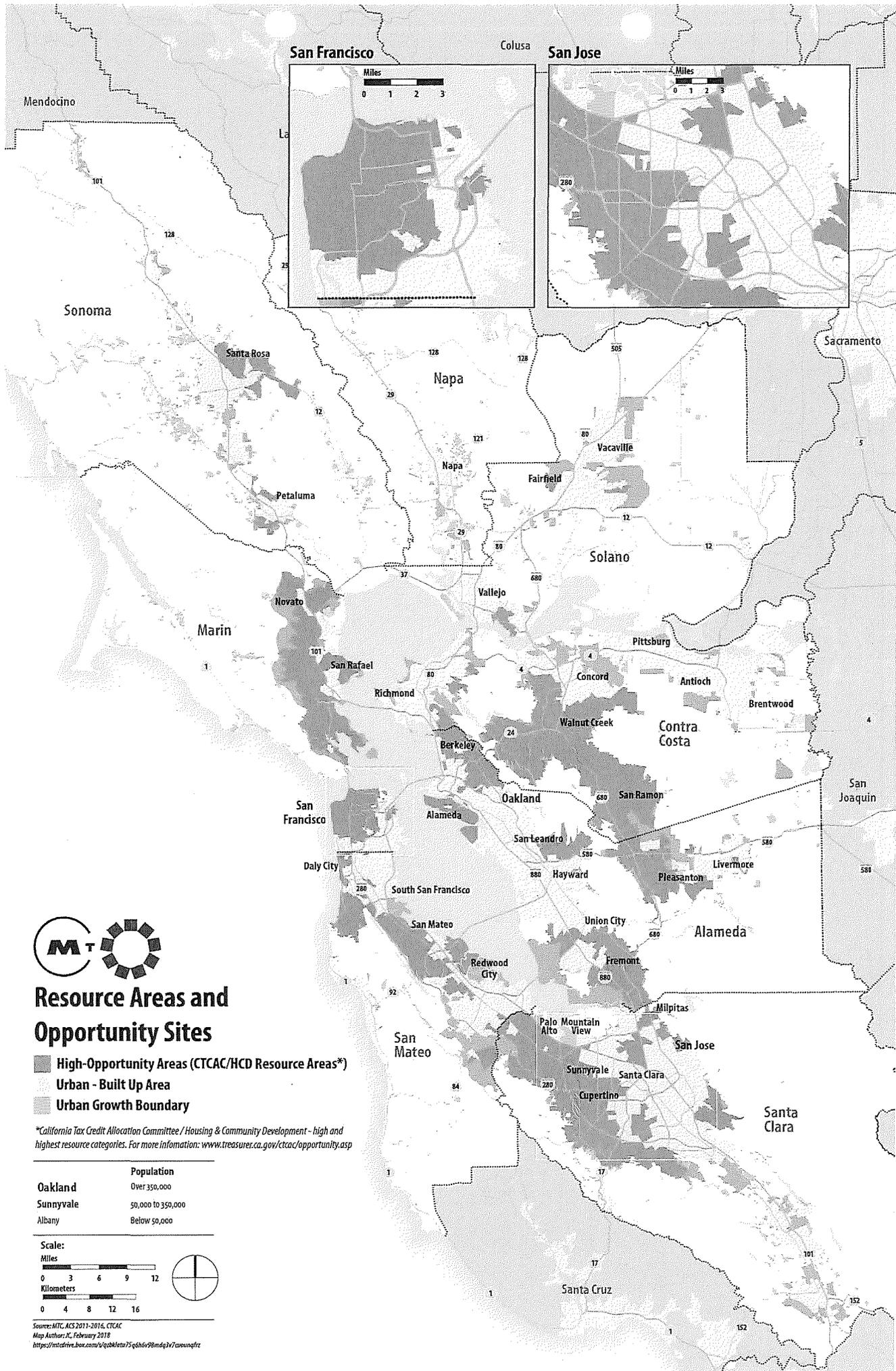


Exhibit E: Map of Regional Resource Areas

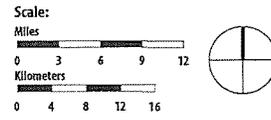


# Resource Areas and Opportunity Sites

- High-Opportunity Areas (CTCAC/HCD Resource Areas\*)
- Urban - Built Up Area
- Urban Growth Boundary

\*California Tax Credit Allocation Committee / Housing & Community Development - high and highest resource categories. For more information: [www.treasurer.ca.gov/ctcac/opportunity.asp](http://www.treasurer.ca.gov/ctcac/opportunity.asp)

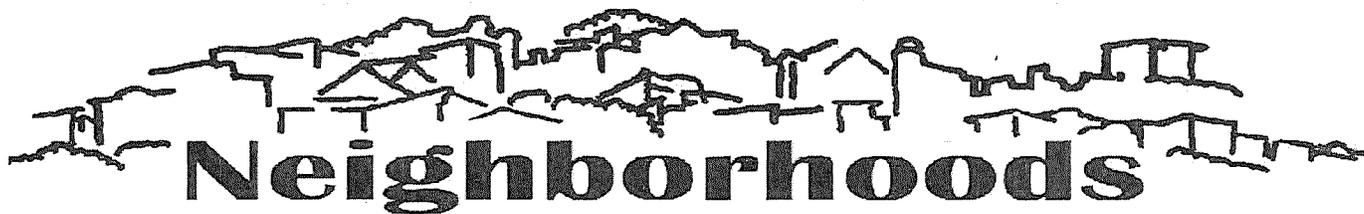
	Population
Oakland	Over 350,000
Sunnyvale	50,000 to 350,000
Albany	Below 50,000



Source: MTC, ACS 2011-2016, CTCAC  
 Map Author: JC, February 2018  
<https://mtcdrive.box.com/s/qz6b6teta75q6h6v98mdq3v/couunqfrc>

## Exhibit F: Public Comment Received

# Coalition for San Francisco



www.csfn.net • PO Box 320098 • San Francisco CA 94132-0098 • 415.262.0440 • Est 1972

February 28, 2019

President Melgar, Vice-President Koppel & Commissioners  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Subject: Senate Bill 50 ("SB-50") <Wiener>  
"Planning & Zoning: Housing Development: Equitable Communities Incentive"

The Coalition for San Francisco Neighborhoods (CSFN) opposes Senate Bill 50 ("SB-50") <Wiener>.

Concerns include the following:

1. SB-50 up-zones all parcels in San Francisco
2. SB-50 will result in the loss of residential areas
3. SB-50 will result in developers making zoning decisions (deregulates local zoning)
4. SB-50 does *\*not\** create affordability:
  - a. No "trickle-down" effect  
(Less housing will be built due costs for labor, land, materials, e.g.)
  - b. No "fee-out" for affordable housing  
(Process creates entitlements to raise property values without certainty of buildings getting built.)

CSFN's understanding is that a public hearing before the Planning Commission would occur on SB-50. Please advise when as SB-50 is on the fast track in Sacramento.

Thank you.

Sincerely,

/s

Rose Hillson  
Chair, Land Use & Transportation Committee  
As authorized by CSFN General Assembly

Cc: Corey Teague, Zoning Administrator; John Rahaim, Director of Planning; Jonas P. Ionin, Director of Commission Affairs; Commission Affairs; Board of Supervisors; Mayor Breed

**BREAKING NEWS** Attorney General Becerra: No charges in police killing of Stephon Clark

Business > Real Estate

## Fight over CASA: Some cities push back against plan to overhaul Bay Area housing market

Massive housing fix riles some city officials



Demolition of a parking structure at the Vallco Shopping Mall began on Thursday, Oct.11, 2018, after an hour-long press conference celebrating the milestone in Cupertino, Calif. (Karl Mondon/Bay Area News Group)

From Cupertino to Pleasanton, small cities around the Bay Area are challenging a massive regional plan to fix the housing crisis, worried they will lose control over what gets built within their borders and be forced to pay for solutions they don't want.

Officials are gearing up for what promises to be a long and contentious battle over the **"CASA Compact"** — a set of 10 emergency housing policies that could **force Bay Area cities to impose rent control**, allow taller buildings, welcome in-law units and pay into a regional pot to fund those changes. The plan was penned by a group of power brokers known as "The Committee to House the Bay Area," which includes elected officials from the region's largest cities, transportation agencies, housing developers, local tech companies and others. The group was pulled together by the Association of Bay Area Governments and the Metropolitan Transportation Commission.

So far, Bay Area legislators have introduced 13 bills to implement the CASA policies. But officials in many smaller Bay Area cities say they weren't invited to the table, and their interests weren't taken into account.

"There are some in some areas that just want to say, 'no, this is off the table. We're not doing this,'" said Campbell City Councilmember and former mayor Paul Resnikoff.

ADVERTISING

As the Bay Area grapples with a housing shortage that has driven the cost of buying and renting to astronomical heights, the looming CASA battle highlights an ongoing power struggle. Local officials are fighting to keep control of development within their borders, while legislators try to force them to do what many of the smaller cities have not: build more homes

---

“The status quo isn’t working,” said Leslye Corsiglia, a CASA co-chair and executive director of affordable housing advocacy organization SV@Home. “We’ve been managing our housing problem on a city-by-city basis, and we’ve got some cities that are doing everything that they can given the resources available, and we’ve got some cities that aren’t.”

The CASA compact proposes a 15-year rent cap throughout the Bay Area, which would prevent landlords from raising prices more than 5 percent a year, on top of increases for inflation. The compact also calls for a Bay Area-wide just cause eviction policy, which would prevent landlords from evicting tenants except for certain approved reasons. And it calls for new zoning policies that would allow for taller buildings near transit stops.

The MTC endorsed the plan in December, and ABAG gave it a thumbs-up in January. The mayors of San Jose, Oakland and San Francisco took part in the CASA discussions and signed off on the final document. But almost as soon as the plan was unveiled, many smaller cities started gearing up for a fight.

Corsiglia acknowledged the CASA committee should have done more to reach out to the smaller Bay Area cities. To bridge that gap, the MTC and ABAG are holding dozens of meetings with city leaders around the Bay Area, and the CASA team has tapped the Non-Profit Housing Association of Northern California to lead a ramped-up communication effort. The association plans to reach out to residents through the media, online and in community meetings.

“We want to have those conversations, and build that momentum and support and dispel the fears people have,” said Non-Profit Housing Association executive director Amie Fishman.

City leaders aren’t the only ones disappointed with the plan. It’s sparked criticism from tenant advocates, who say it doesn’t go far enough to protect renters, and landlords, who say it goes too far.

“The nature of a compromise is that people are going to like certain parts and not like others,” Corsiglia said.

Many of the cities speaking out against the CASA Compact have been criticized in the past for failing to build enough housing.

In Cupertino, which approved 19 new multi-family units last year, Mayor Steven Scharf recently bashed the proposal in his State of the City Speech, calling the group pushing the plan “the committee to destroy the Bay Area.” Its vision is “very scary,” he said. And he doesn’t intend to accept it.

“A lot of smaller cities are banding together regarding CASA,” Scharf said, “trying to at least mitigate the damage that it would do.”

Many Bay Area cities are balking at a CASA proposal that would require them to help fund the new housing initiatives by giving up 20 percent of their future property tax increases. The compact would cost an estimated \$2.5 billion a year, \$1.5 billion of which its authors hope to get from taxes and fees applied to property owners, developers, employers, local governments and taxpayers.

“That attack on our local revenue base would be problematic,” Resnikoff said. He’s working with the Cities Association of Santa Clara County on a formal response.

Pleasanton and its Tri-Valley neighbors — Livermore, Danville, Dublin and San Ramon — also are organizing a joint response.

Pleasanton director of community development Gerry Beaudin worries CASA legislation could wreak havoc on the character of his city’s quaint, historic downtown. The neighborhood’s proximity to an ACE train station could subject it to mandatory higher-density zoning rules, he said.

“There’s a recognized need to address housing,” Beaudin said. “I’m not sure that the way that this happened is the right way to get momentum on this issue. It just created a lot of questions and concerns from a lot of the areas that need to be part of the conversation.”

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 **The Trust Project**

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Tags: [East Bay Editors’ Picks](#), [housing](#), [PM report](#)

**Marisa Kendall** Marisa Kendall covers housing for the Bay Area News Group,



## Carroll, John (BOS)

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, April 23, 2019 12:38 PM  
**To:** BOS-Supervisors; Carroll, John (BOS)  
**Subject:** FW: Please support Supervisor Mar's Resolution Opposing SB 50

**Categories:** 190398

---

**From:** Jean Perata <perason4u@yahoo.com>  
**Sent:** Wednesday, April 3, 2019 2:49 PM  
**To:** Brown, Vallie (BOS) <vallie.brown@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>  
**Cc:** Ronen, Hillary <hillary.ronen@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Please support Supervisor Mar's Resolution Opposing SB 50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors Brown, Mar and Peskin,

Please support Supervisor Mar's resolution opposing SB 50. It's important that land-use management be kept in local hands.

Thanks for your consideration,

Jean Perata  
1 Los Palmos Drive, SF, CA 94127

## Carroll, John (BOS)

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, April 19, 2019 9:31 AM  
**To:** BOS-Supervisors; Carroll, John (BOS)  
**Subject:** FW: please support SB50

**Categories:** 190398

-----Original Message-----

**From:** Dan Toffey <dantoffey@gmail.com>  
**Sent:** Wednesday, April 17, 2019 10:33 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** please support SB50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Board of Supervisors,

I am kindly requesting that you reconsider your opposition to SB50.

As a renter that has lived in SF for 7 years, and one who is beginning to think of starting a family, the prospect of raising kids in SF is terrifying.

What if I want to leave my job? Or if my wife wants to take a less stressful role, or scale back her hours? What if we wanted to have a second kid?

Frankly, even as someone with a good paying job, it's hard to imagine myself here in 20 years, simply because of how dependent my existence here is upon both my wife and I staying in high paying jobs, forever.

Please, please consider supporting SB50. San Francisco's promise as a tolerant refuge for the marginalized will never be realized so long as only people with six figure incomes are able to move here. And the next generation of potential San Franciscans will look elsewhere to raise families, further calcifying the city as a retirement community for the people fortunate enough to have purchased their homes 30 years ago.

Sincerely,

Dan Toffey  
Renter, Alamo Square

## Carroll, John (BOS)

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, April 15, 2019 7:26 PM  
**To:** Carroll, John (BOS)  
**Subject:** FW: Thanks for opposing SB 50

**Categories:** 190398

-----Original Message-----

**From:** Mari Eliza <mari@abazaar.com>  
**Sent:** Monday, April 15, 2019 12:48 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>  
**Subject:** Thanks for opposing SB 50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

April 15, 2019

Supervisors:

We want to thank you on behalf of our neighbors in the Mission District for supporting the resolution to oppose unless amended Senator Wiener's SB 50. We are aware that this is a difficult position for some of you to take and we look forward to some amendments being suggested by those of you who did not vote in favor of the resolution. In the spirit of honest discussion we look forward to seeing your suggestions on how to solve the problem without killing our neighborhoods and our local merchants who are struggling to stay afloat in this most expensive city.

Sincerely,

Mari Elize, President EMIA, and concerned citizen

**Carroll, John (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, April 12, 2019 12:45 PM  
**To:** BOS-Supervisors; Carroll, John (BOS)  
**Subject:** FW: Completely OPPOSE SB-50 and any and all amendments

**Categories:** 190398

---

**From:** Dr. Linda Sonntag, Ph.D. <linda@lsonntag.com>  
**Sent:** Thursday, April 11, 2019 10:51 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Completely OPPOSE SB-50 and any and all amendments

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I thought Senator Weiner was an accomplished and worthy representative of my state. NOT ANY LONGER!!!!

Please COMPLETELY OPPOSE SB-50 and any and all amendments should not be passed.

Sincerely  
Linda Sonntag

=====  
Dr Linda Sonntag, Ph.D  
[linda@lsonntag.com](mailto:linda@lsonntag.com)  
415-264-0900

## Carroll, John (BOS)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, April 12, 2019 12:30 PM  
**To:** BOS-Supervisors; Carroll, John (BOS)  
**Subject:** FW: SB50

**Categories:** 190398

-----Original Message-----

From: Kelly Dyke <thedykestas@msn.com>  
Sent: Wednesday, April 10, 2019 1:42 PM  
To: Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; info@sfmca.org; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
Cc: lorimbroke@gmail.com  
Subject: SB50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I am writing to express my vehement opposition to SB 50!!

My husband and I attended that despicable meeting on Sunday at UCSF. I truly feel as though that was a meeting that you had to have and not one designed to collect information or ideas. There were many well informed and articulate people from the city present who are in adamant disagreement with this bill SB50!! We have made the investment in this city! We pay our taxes and have lived by the rules since 1998!! We have raised our children here and have donated time and man power to make this city a better place. We believe that this SB50 is a disaster! Along with all of its misgivings it is irresponsible and outrageous! If I could get my vote back from Scott Weiner I would! We voted him into office because we thought he would do good things for our state! This is not good for our city or our state! We do not have the infrastructure for these kinds of buildings in consideration of our sewage, mass transit and even parking! I beg you as a board to stop this bill immediately! I don't want an 85' structure falling on my 30' marina "bungalow" in an earthquake!!

Please put a stop to SB50!!!

Sincerely,  
Kelly Dyke  
15 Retiro Way  
SF, CA 94123

Sent from my iPhone

## Carroll, John (BOS)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, April 12, 2019 12:22 PM  
**To:** BOS-Supervisors; Carroll, John (BOS)  
**Subject:** FW: On Bill SB 50

**Categories:** 190398

-----Original Message-----

**From:** bev@beverlymann.com <bev@beverlymann.com>  
**Sent:** Tuesday, April 9, 2019 6:33 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** On Bill SB 50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I am greatly opposed to SB 50 for the following reasons:

Building these huge luxury apartments would be destructive to our city and residents because we are in need of more affordable housing not less. Building of high rises would destroy the charm and ambiance of San Francisco's original architecture, plus add to unfair evictions, add more congestion, and provide less play area for our children. This action must be stopped.

Yours Truly,  
Beverly Mann

Sent from my iPhone

**Carroll, John (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, April 12, 2019 12:22 PM  
**To:** BOS-Supervisors; Carroll, John (BOS)  
**Subject:** FW: I support SB 50

**Categories:** 190398

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**From:** Dima Lazerka <dlazerka@gmail.com>  
**Sent:** Tuesday, April 9, 2019 4:31 PM  
**To:** Yee, Norman (BOS) <norman.yee@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** I support SB 50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Thank you for proposition SB 50, I highly support it. Let's end the housing crisis by removing roadblocks to building new apartments!

Best regards, Dzmitry Lazerka, San Francisco resident, tenant  
1580 5th Ave #203, San Francisco, CA 94122

## Carroll, John (BOS)

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**From:** BOS Legislation, (BOS)  
**Sent:** Tuesday, April 09, 2019 3:20 PM  
**To:** Carroll, John (BOS)  
**Subject:** FW: BOS Agenda Item 29, 4/9/19: SUPPORT Mar's resolution Opposing SB-50 (Wiener)  
**Categories:** 2019.04.09 - BOS, 190319

Post-Pkt Pub Correspondence for the File

--B

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**From:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Sent:** Tuesday, April 9, 2019 2:47 PM  
**To:** BOS-Supervisors <bos-supervisors@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Subject:** FW: BOS Agenda Item 29, 4/9/19: SUPPORT Mar's resolution Opposing SB-50 (Wiener)

---

**From:** Nancy Wuerfel <nancenumber1@aol.com>  
**Sent:** Monday, April 8, 2019 4:04 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** BOS Agenda Item 29, 4/9/19: SUPPORT Mar's resolution Opposing SB-50 (Wiener)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors:

I am delighted to support Supervisor Mar's resolution to oppose Wiener's proposed SB-50. In addition to opposing the extreme land use changes in SB-50, my reason for supporting Mar's resolution is because the bill does *not provide funding for or require the expansion of San Francisco's **Auxiliary Water Supply System*** to protect lives and property citywide from conflagrations following a major earthquake.

The AWSS is an independent system of underground high pressure, high water volume pipelines and hydrants supplied by non-potable water just to fight fires. It was devised and built on the city's eastside after the 1906 earthquake and fire to assist in preventing another catastrophe from happening. *San Francisco is the only city in the United States that has an AWSS*. We need it because of our proximity to four fault lines, AND we can actually suppress fires by accessing the unlimited supply of water on three sides of the city.

Wiener's one-size-fits-all bill ignores the very real jeopardy San Francisco faces from post earthquake fires because the AWSS was never extended to the city's

western and southern neighborhoods as was intended. This bill increases density without requiring and financing the expansion of the essential AWSS infrastructure customized to preserving San Francisco.

Our city's fire challenge *and our fire suppression solution* are unique to us. We should not even consider this dramatic increase in housing to be imposed on us before the entire city is fully protected by the AWSS with access to unlimited seawater.

Sincerely,

Nancy Wuerfel

**Carroll, John (BOS)**

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**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, April 09, 2019 3:02 PM  
**To:** BOS-Supervisors; Carroll, John (BOS)  
**Subject:** FW: April 9 Agenda Item 190319 re: SB50 Letter to all Supervisors

**Categories:** 2019.04.09 - BOS, 190319

---

**From:** lgpetty@juno.com <lgpetty@juno.com>  
**Sent:** Sunday, April 7, 2019 11:25 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** April 9 Agenda Item 190319 re: SB50 Letter to all Supervisors

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

*Dear Supervisor,*

*I urge you to support Supervisor Mar's resolution to oppose SB 50 without additional amendments.*

*SB 50 is an extreme proposal offering only false promises for present and future residents of San Francisco.*

*I have 4 major concerns:*

*SB 50 is largely a **Market Rate Housing Bill** disguised as a creator of affordable housing. It offers too **little affordable housing**—not enough to cover present needs, never mind enough for future needs. It offers massive deregulation for massive profit-taking without sufficient gain to constituents.*

*SB 50 **denies San Franciscans** the democratic right to self-determination guaranteed under the U.S. Constitution. It waves a false banner of "greater efficiency."*

*SB 50, used with other density laws, would allow developers to build mid-rise market rate apartments **far from transit hubs**—and not judiciously, but, in effect **on any block** in any neighborhood. **No community voices allowed.***

*For a transit-oriented bill, **SB 50 offers no money for our already overloaded transit system**, nor any money to provide other infrastructure San Francisco will have to pay on its own for the population growth SB 50 will generate.*

*Whatever good intentions SB 50 has toward tenant protections, they will be blocked by other legislation, including the State Housing Accountability Act which allows developers to legally ignore any factors of tenant or environmental harm. Demolitions full speed ahead.*

*The only way to stop current residents choosing to leave California, or being forced out, is to **build affordable housing, fast**. Let's offer density and height bonuses only for affordable housing. We have overbuilt market rate housing.*

*It is flawed thinking to believe that the answer to a lack of affordable housing is to encourage hundreds of thousands more people into already congested cities.*

*The answer lies in creating better, smarter legislation...planning that enables climate-friendly, walkable places--offering a balance of jobs and housing and transit--in underdeveloped areas. And, offers **money, not punishment**, to smartly infill existing urban or suburban areas.*

*We know population growth is inevitable. So let's plan for it with 21<sup>st</sup> century thinking.*

*A final thought: It's important to realize that SB 50 never was a real collaboration, nor does it now offer serious negotiation possibilities. At this point it's a take-it-or-leave-it proposition. SB 50 must be stopped first in order for true collaboration to begin with fresh approaches for a Smart Bill 50.*

*Please heed the words of Winston Churchill, "You cannot bargain with a tiger when your head is in its mouth."*

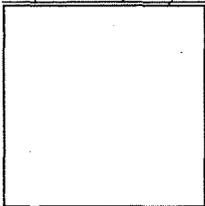
*For your consideration,  
Lorraine Petty,  
Renter, Senior and District 5 affordable housing and tenant advocate  
Member, Senior & Disability Action*

---

**Sad News For Meghan Markle And Prince Harry**

track.volutrck.com

<http://thirdpartyoffers.juno.com/TGL3132/5caae99fd915c699f7840st03duc>



## Carroll, John (BOS)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, April 09, 2019 2:54 PM  
**To:** Carroll, John (BOS)  
**Subject:** FW: Support Resolution to OPPOSE SB-50

**Categories:** 2019.04.09 - BOS, 190319

**From:** Kathy Howard <kathyhoward@earthlink.net>  
**Sent:** Monday, April 8, 2019 7:55 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>  
**Subject:** Support Resolution to OPPOSE SB-50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please continue to support Supervisor Mar's resolution opposing SB-50 but without amendments.

This legislation is toxic to San Francisco. If it passes, even with amendments, then Senator Wiener will return next year with other bills to chip away at whatever local control and affordable housing crumbs we have managed to salvage. This is a matter of democracy and having a say over what happens in our communities. Why should San Francisco - or any community - give this up?

SB-50 basically rezones 96% of San Francisco from single or double family homes to multi-unit buildings that can cover almost all of a lot. While doing this:

- It eliminates the ability of the people to have a say in what their neighborhoods will be like.
- It does not provide for much affordable housing -- and in buildings under 10 units, there is no requirement for affordable housing in San Francisco.
- It has weak renter controls, requiring cities to establish renter databases that will be difficult to maintain.
- It encourages landlords to leave units vacant for years, so that they can flip the building or the site in the future. I have friends who live in buildings that are now almost empty -- the owner is waiting for a big buyout. This legislation would reward the loss of affordable units all over San Francisco.
- It encourages landlords to Ellis Act tenants and leave the units vacant, so that the landlords can flip the building in the future.
- It forces 'sensitive communities' to plan for their own demolition. These are the communities least likely to be able to cope with these requirements.
- It does not capture the increase in property values derived from increasing the density of neighborhoods and decreasing the quality of life.
- It allows for the destruction of yards and setbacks, open space that provides habitat for wildlife and safe places for children to play.

- It does not provide for funding of acquisition or development of open space for parks or habitat areas.
- It punishes communities for having good transit and schools by forcing them to overcrowd those schools and that transit, without providing funding to pay for it.
- It usurps local control over zoning laws.
- It does not protect historic properties unless they are on the California Register of Historic Resources.

The housing 'crisis' is really an affordability and jobs/housing imbalance crisis. This problem is too complicated to be solved with one-size-fits-all legislation. In addition, SB-50 is having an impact on how people view housing and transit all over the state. Some communities are talking about eliminating transit -- and some are talking about not even accepting it in the first place.

SB-50 is such a bad idea, that it must be roundly defeated to discourage further legislation that is so damaging to our communities.

Katherine Howard  
42nd Avenue, SF CA 94122

## **Carroll, John (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, April 09, 2019 2:54 PM  
**To:** Carroll, John (BOS)  
**Subject:** FW: Please OPPOSE SB-50 and support Supervisor Mar's resolution.

**Categories:** 2019.04.09 - BOS, 190319

---

**From:** Gregory Miller <howmiller@earthlink.net>  
**Sent:** Monday, April 8, 2019 7:57 PM  
**To:** Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Please OPPOSE SB-50 and support Supervisor Mar's resolution.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I am writing to express my continued opposition to SB-50. I hope that you will pass the resolution that opposes SB-50. Adding amendments to SB-50 will not make it good legislation.

SB-50 purports to increase affordable housing. I do not believe this will be the case. SB-50 will only increase the amount of market-rate housing being built in San Francisco, leading to further gentrification and displacement of those people least able to deal with the current economics of the City.

Thank you for your consideration.

Greg Miller  
San Francisco, CA

## **Carroll, John (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, April 09, 2019 2:51 PM  
**To:** Carroll, John (BOS)  
**Subject:** FW: BOS Item #29 File No. 190319 -- CSFN Letter Opposing CA SB-50 <Wiener>  
**Attachments:** CSFN-SB50 Oppose BOS Letter 20190409mtg.pdf

**Categories:** 2019.04.09 - BOS, 190319

**From:** :) <gumby5@att.net>  
**Sent:** Monday, April 8, 2019 4:21 PM  
**To:** Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>  
**Cc:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>  
**Subject:** BOS Item #29 File No. 190319 -- CSFN Letter Opposing CA SB-50 <Wiener>

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear President Yee & Honorable Members of the Board of Supervisors:  
Please see attached & below text the Coalition for San Francisco Neighborhoods (CSFN) letter opposing SB-50.

Thank you.

Sincerely,

/s

Rose Hillson  
CSFN LUTC, Chair

-----  
April 8, 2019

President Norman Yee & Honorable Members of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

*via email*

**Subject:** Senate Bill 50 ("SB-50") <Wiener>  
"Planning & Zoning: Housing Development: Equitable Communities Incentive"

The Coalition for San Francisco Neighborhoods (CSFN) opposes Senate Bill 50 ("SB-50") <Wiener>.

Concerns include the following:

1. SB-50 up-zones all parcels in San Francisco
2. SB-50 will result in the loss of residential areas
3. SB-50 will result in developers making zoning decisions (deregulates local zoning)
4. SB-50 does \*not\* create affordability:
  - a. No "trickle-down" effect

- (Less housing will be built due costs for labor, land, materials, e.g.)
- b. No "fee-out" for affordable housing  
(Process creates entitlements to raise property values without certainty of buildings getting built.)

CSFN previously sent this letter to the San Francisco Planning Commission in February and to the state legislators in early March.

Thank you.

Sincerely,

/s

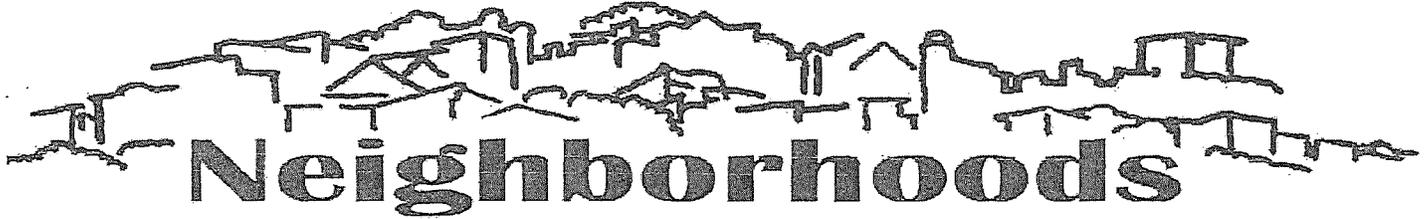
Rose Hillson

Chair, Land Use & Transportation Committee

As authorized by CSFN General Assembly

Cc: Ms. Angela Calvillo, Clerk BOS; Mayor Breed

# Coalition for San Francisco



*www.csfm.net • PO Box 320098 • San Francisco CA 94132-0098 • 415.262.0440 • Est 1972*

April 8, 2019

President Norman Yee & Honorable Members of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

*via email*

Subject: Senate Bill 50 ("SB-50") <Wiener>  
"Planning & Zoning: Housing Development: Equitable Communities Incentive"

The Coalition for San Francisco Neighborhoods (CSFN) opposes Senate Bill 50 ("SB-50") <Wiener>.

Concerns include the following:

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3. SB-50 will result in developers making zoning decisions (deregulates local zoning)
4. SB-50 does *\*not\** create affordability:
  - a. No "trickle-down" effect  
(Less housing will be built due costs for labor, land, materials, e.g.)
  - b. No "fee-out" for affordable housing  
(Process creates entitlements to raise property values without certainty of buildings getting built.)

CSFN previously sent this letter to the San Francisco Planning Commission in February and to the state legislators in early March.

Thank you.

Sincerely,

/s

Rose Hillson  
Chair, Land Use & Transportation Committee  
As authorized by CSFN General Assembly

Cc: Ms. Angela Calvillo, Clerk BOS; Mayor Breed

**Carroll, John (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, April 09, 2019 1:29 PM  
**To:** BOS-Supervisors; BOS-Legislative Aides; Carroll, John (BOS)  
**Subject:** 30 Communications regarding SB50  
**Attachments:** SB50 Items.pdf

**Categories:** 190319

Hello,

Please see the attached 30 letters regarding Senate Bill 50, Item No. 29 on today's agenda.

Thank you,

Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
(415) 554-5184  
(415) 554-5163 fax  
[Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org)

Complete a Board of Supervisors Customer Service Satisfaction form by clicking  
<http://www.sfbos.org/index.aspx?page=104>

**From:** [Christopher Pederson](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Agenda Item 29 - Resolution regarding S.B. 50 (File No. 190319)  
**Date:** Friday, April 5, 2019 6:28:38 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear President Yee and Members of the Board of Supervisors:

I urge the Board to amend the proposed resolution regarding S.B. 50 to acknowledge the necessity for statewide legislation to require local governments to allow multi-family housing near transit and major employment centers.

California faces two intertwined crises that demand urgent action: the climate crisis and the housing crisis. The California Air Resources Board has determined that the state will not reach its climate change goals unless it significantly reduces vehicle miles traveled. To do so, local governments must swiftly allow much more multi-family housing near public transit and major employment centers.

Unfortunately, too few local governments have done this and too many adamantly refuse. To overcome this inaction and deliberate obstructionism, the state must enact legally enforceable legislation. Without state action, too many suburbs will continue to refuse to bear their fare share. Cities such as San Francisco cannot solve these problems on their own.

I do agree that the inclusionary housing provisions of S.B. 50 need to be strengthened, especially regarding smaller size projects, but that's a fixable problem.

Please do not join bad actors such as the Cities of Cupertino and Huntington Beach in outright opposition to S.B. 50. Those cities act with callous disregard for the climate and housing crises. To ally San Francisco with local governments of that ilk would make a mockery of the Board's recently adopted declaration that the climate crisis is an emergency.

Sincerely,

Christopher Pederson

**From:** [aj](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Cc:** [Yee, Norman \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [RonenStaff \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Low, Jen \(BOS\)](#); [Maybaum, Erica \(BOS\)](#)  
**Subject:** Comment on File #190319, Resolution Opposing Senate Bill 50/ Balboa Reservoir  
**Date:** Saturday, April 6, 2019 3:31:37 AM  
**Attachments:** [2018-9-4 AFFORDABLE HOUSING SCAM.docx](#)

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

BOS:

I wish to express support Gordon Mar's Resolution to Oppose SB 50.

Balboa Reservoir is case in point regarding the inequitable transfer of benefits conferred to private interests (privatization of public assets).

Especially for the newly-elected Supervisors, here is an Environmental Review Scoping comment for the Balboa Reservoir Project daated11/5/2018 that had also been sent to the 2018 BOS that relates to this issue:

### **ON OVERRIDING CONSIDERATIONS**

Even if the Subsequent EIR finds significant and unavoidable impacts, the Reservoir Project holds a trump card. That trump card would be a Statement of Overriding Considerations.

Such a Statement of Overriding Consideration would more than likely put forth the idea that the Reservoir Project would make a substantial contribution in alleviating the housing crisis.

However, in making such an argument of overriding consideration, extreme care must be taken to distinguish between slick marketing hype and PR and the reality contained in the Development Parameters and the Exclusive Negotiating Agreement (ENA).

### **OVERVIEW**

The **Balboa Park Station (BPS) Area Plan** adopted by the City & County of SF is used as justification for the Balboa Reservoir Project. However, this justification for housing in the Reservoir was cherry-picked from the BPS Area Plan.

In actuality the BPS Area Plan asked for **consideration of the best use** of Reservoir:

- Housing was one **consideration**. It was not a mandate.
- Open Space was another **consideration**;
- **Education** should logically have been another consideration because of location

and existing use, but was not contained in the BPS Area Plan.

The **Public Lands for Housing Program** has been the main lever for the Balboa Reservoir Project.

According to Administrative Code 23.a.2 (I), the Surplus Public Lands Ordinance can serve only as **recommendation** to enterprise agencies like the PUC.

The Reservoir Project has been made poster child for the Public Lands for Housing Program. But, by law, the City cannot mandate the PUC to do so. Being an enterprise agency, City Ordinance only allows the City to recommend to PUC that the Reservoir be made part of Public Lands for Housing.

#### AFFORDABLE FOR WHOM? THE AFFORDABLE HOUSING SCAM

The initial legislation and legislative intent regarding surplus City property was for using public land to help provide housing:

- for the **homeless and low-income** populations, and
- built solely by **non-profit community developers**.

In a deceptive advertising campaign, 2015 Proposition K was passed which changed the City's Administrative Code Ch.23A to enable public land to be used:

- for newly defined "affordable housing" extended to "**middle-income**" ( **150% Area Median Income**, which is \$124,350 for an individual as of 4/1/2018), even as the State maintains that "moderate-income" and "middle-income" are identical (120% AMI which is \$99,500 for an individual as of April 2018), and
- for sale to, and built by **private developers** instead of just by non-profit developers.

The biggest scam is **privatization of public property by private developers** in the guise of affordable housing.

The Reservoir Project has been skillfully marketed and framed as an affordable housing development. Yet documents reveal otherwise.

The Reservoir Development has been marketed as—from more deceptive to less deceptive-- affordable housing, or 50% affordable housing, or up to 50% affordable housing.

To paint lipstick on a pig, the privatization of the Reservoir has been deceptively marketed as "**affordable housing**" and/or "**50% affordable housing**." Despite the marketing of "50% affordable", the reality is that only 33% affordable housing is guaranteed, while 50% unaffordable housing is guaranteed. The remaining 17% affordable for middle-income of up to 150% AMI (that would bring "affordable" up to 50%) will not be funded by Reservoir Community Partners LLC. The aspirational 17% "additional affordable" would have to be funded by unsourced public funds and is actually a bait- and-switch deception.

The "**affordable**" **definition** scam: "Affordable" has been redefined to include up to 150% Area Median Income (\$124,350 as of 4/1/2018).

The **affordable "in perpetuity"** scam: "In perpetuity" is defined as "throughout the useful lives of the buildings..."

The **Transportation Demand Management (TDM) scam** which wishes and greenwashes away the problem of elimination of 1,000 student parking spaces with a solution of "*reduc[ing] single-occupant vehicle trips by college staff, faculty, students, and neighborhood residents.*"

#### BYPASSING STATE SURPLUS PROPERTY STATUE

The disposition of public land is governed by the **State Surplus Property Statute**:

The State Surplus Land Statute Section 54222 says:

*Any local agency disposing of surplus land shall send, prior to disposing of that property, a written offer to sell or lease the property as follows:*

*(c) A written offer to sell or lease land suitable for school facilities construction or use by a school district for open-space purposes shall be sent to any school district in whose jurisdiction the land is located.*

Yet there has been no transparent public record or open Board of Trustees Action to show that SFCCD has rejected a written offer to acquire the Reservoir **for school facilities or open space**.

Any evaluation of overriding considerations must evaluate the full range of harms and benefits instead of making an *a priori* unsubstantiated assumption that privatizing public land for **at least 50%** to 67% units that would be unaffordable to those of moderate income (120% of AMI which is \$99,500 for an individual) constitutes the best use of the publicly-owned PUC property.

Please refer to the attached "Affordable Housing Scam of Balboa Reservoir Project".

Submitted for the administrative record on Balboa Reservoir by:

Alvin Ja      11/5/2018

## **“AFFORDABLE HOUSING” SCAM OF BALBOA RESERVOIR PROJECT (9/4/2018)**

The Balboa Reservoir Project has been presented to the community essentially as a done-deal. It has been justified by referencing the Balboa Park Station Area Plan and the Public Land for Housing Program.

However, there has been no fact or evidence-based analysis of the assumptions and premises involved in the Reservoir Project’s so-called affordable housing. The Project has been framed as an affordable housing effort; it has also been framed as providing affordable housing “in perpetuity.” Yet when deeper analysis is made, only 33% of the housing on public land will be Affordable Housing for low to moderate-income populations.

And when you read the fine print, “in perpetuity” only means “for the useful life of the buildings.”

Objective 1.4 of the Balboa Park Station Area Plan called for using the Reservoir for the “best benefit of the neighborhood, the city, and the region as a whole.” Yet the Balboa Reservoir Project has failed to assess the relative harms and benefits of the proposed housing development versus the educational needs of the city and the Bay Area. As envisioned, the Reservoir Project will harm City College of San Francisco which serves the broadest public interest and benefit to the entire Bay Area.

During the course of the public engagement process, much input has been provided to the City Team regarding flaws in the Reservoir Project. However, fundamental questions and concerns regarding the validity of the Project have not been addressed.

Here is an updated digest of critiques have remained unaddressed by the City Team.

### **CONCEPTUAL FRAMEWORK: PUBLIC LAND FOR THE PUBLIC GOOD**

1. Public land should be used for the public good.
2. Affordable housing for homeless, low-income and moderate-income people contributes to the public good.
3. The California State Surplus Land Statute and the City’s Surplus City Property/Public Lands Ordinance were set up to help address housing targeted for homeless, low-income and moderate-income people.
4. The intent of both State and City laws were not meant to subsidize high-cost housing.
5. As defined by State law, “Affordable Housing” covers moderate-income housing going up to 120% Area Median Income only.
6. Balboa Reservoir Project only requires that 33% of the BR housing to be State-defined “Affordable Housing.” The remaining 67% of housing falls outside the bounds of the original intent of State and City targets of Affordable Housing--as defined by State law--for low-income, and moderate-income people.
7. The result of this 33% Affordable Housing/67% non-Affordable Housing ratio is that public land will be transferred to private interests/higher income owners in the guise of “Affordable Housing.”
8. The Reservoir Project has been deceptively marketed as “affordable housing” and/or “50% affordable housing.” Despite such marketing, the reality is that only 33% is guaranteed to be

affordable while 50% UNaffordable is guaranteed. The remaining 17% (that would bring "affordable" up to 50%) "additional" affordable to City & County –defined "middle-income" (150% AMI--\$124,350 for an individual)people is but aspirational,....and which would be have to be financed with public funds, not by the private developer.

9. Using 33% "Affordable Housing" to subsidize the 67% high-cost housing is contrary to the intent of the original legislation.
10. Distorted meaning of "in perpetuity": Affordable units are supposedly going to be deed-restricted "in perpetuity." Yet, contrary to the normal meaning of "in perpetuity", the City/RFQ defines it as follows: "The project's affordable housing units must remain affordable in perpetuity (i.e. throughout the useful lives of the buildings in which those units are located), ..." What this really means is that after 55-75 years, or even sooner--depending on how the developer defines "useful life"-- even the 33% Affordable will no longer be in existence. The entire Reservoir property will be owned free and clear by private interests with no requirements for affordability: It's the pot at the end of the rainbow for private interests that are willing to make a short-term sacrifice in exchange for a long-term bonanza.
11. Best use of PUC Reservoir:

Under Objective 1.4 of the Balboa Park Station Area Plan, Policy 1.3.2 [sic] states "*POLICY 1.3.2 Develop the west basin of the reservoir [for] the greatest benefit of the city as a whole as well as for the surrounding neighborhoods.*"

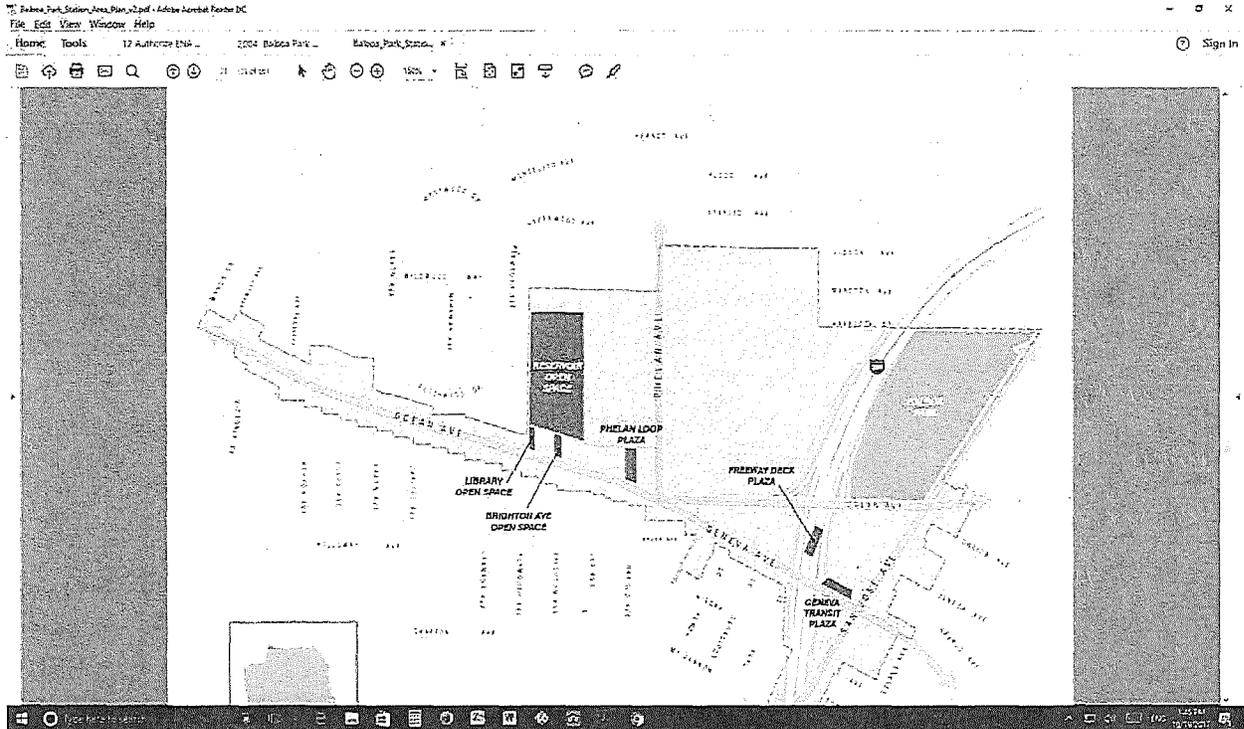
- There has never been any discussion about what constitutes "greatest benefit." The City/Mayor simply declared by fiat that it would be used for housing.
- It can be legitimately argued that **using the west basin for educational purposes would be the "greatest benefit."**

12. Balboa Station Area Plan does not mandate housing at Reservoir

Proponents of the Reservoir Project refer to the Balboa Park Station Area Plan as calling for housing on the Reservoir. This is inaccurate. The BPS Area Plan actually used the term "consider." It called for housing to be considered. It was not a mandate. In addition to housing, there was something else that the BPS Area Plan asked to be considered: OPEN SPACE.

The BPS Area Plan contains several elements, among which are the Housing Element and the Open Space Element.

The Open Space Element of the BPS Area Plan includes discussion of the western Reservoir as open space and includes this map, yet this section of the BPS Are Plan has been ignored.



And then again, on a broader perspective, the BPS Area Plan has asked that the "best use" be considered for the Reservoir. Instead of "best use" or "open space" as presented by the BPS Area Plan, the City jumped directly to housing as the sole consideration.

### STATE SURPLUS PROPERTY STATUTE

The State Surplus Land Statute 54222 says:

*Any local agency disposing of surplus land shall send, prior to disposing of that property, a written offer to sell or lease the property as follows:*

*(c) A written offer to sell or lease land suitable for school facilities construction or use by a school district for open-space purposes shall be sent to any school district in whose jurisdiction the land is located.*

PUC's principle of market rate return is not absolute. SF Administrative Code 23 for Real Property Transactions calls for:

SF Administrative Code 23.20 states

*Transfers of Real Property pursuant to this Article shall be paid for no less than 100% of the appraised value, except where the Board of Supervisors determines by resolution that a lesser sum will further a proper public purpose, and provided that the Public Utilities Commission shall be paid at least the historical cost of such Real Property.*

SF Administrative Code 23.3 for Real Property Transactions calls for:

*"... sales price of at least 100% of the appraised value of such Real Property, except where the Board determines either that (a) a lesser sum will further a proper public purpose, or..."*

The Balboa Park Station Area Plan had called for developing the Reservoir to "best benefit the Neighborhood, City, Region as a whole." Yet any analysis of what constitutes "best benefit" has been bypassed. Instead, by fiat, the City declared that the Reservoir would be used for housing to be developed by private developers. And despite the teacher shortage, consideration for teacher housing by school districts was negated by City Staff.

## CEQA CONSIDERATIONS

1. CEQA requires public agencies to avoid or mitigate significant adverse environmental impacts caused by a project.
2. City College is a critical public service that serves the entire Bay Area. CCSF is the central economic, educational and cultural feature of the Reservoir vicinity. However the Balboa Reservoir Project has failed to acknowledge CCSF's primacy.
3. Housing on Balboa Reservoir is a component of the Balboa Park Station Area Plan, based on an Initial Study conducted in 2006, referenced in the BPS Final EIR.
4. The proposal of 425-500 units in the Reservoir was arbitrary. There was no documentation, evidence, or argumentation presented to support the proposal for 425-500 units in the 2006 BPS Initial Study/BPS Final EIR/BPS Area Plan.
5. The BPS Area Plan, Final EIR/Initial Study determined that, on the BPS Program-Level, that there would be no significant impact to school facilities.
6. The BR Project's 2014 AECOM Study incorrectly extended the Program-Level determination of non-significance to the Balboa Reservoir Project's Plan-Level. This has caused the BR Project to ignore adverse impacts that the Project will have on City College and neighboring schools.
7. The City Team has refused to acknowledge the reality that the use of the Reservoir for student parking is an existing public benefit. It is a benefit that helps provide access to quality education.
8. Instead, the Balboa Park Station Area Plan mischaracterizes the Reservoir as simply being an "unpleasant void in the neighborhood" despite the reality that it serves an important and needed public purpose for students.
9. The Balboa Reservoir Project can be characterized as constituting an **eviction of an important Bay Area-wide public service**--City College. A public good is being eliminated for the benefit of private developer interests.
10. The City Team operates on the unfounded assumption that housing on the Reservoir is of higher importance than the importance of City College to the community.
  - The City Team shifts the burden of mitigation of impending adverse impacts of the Project onto the surrounding neighborhoods and CCSF stakeholders. It addresses the BR Project's adverse impacts by calling for the impactees to bear the burden by practicing TDM ("*reduce single-occupant vehicle trips by college staff, faculty, students, and neighborhood residents*") and requesting Residential Permit Parking.

11. The City Team argues that it is too expensive to build parking. If the Reservoir were to be left as-is to provide student access to education, there would be no need to build new parking. It's cheaper to keep it as-is.
12. Eviction of CCSF from western Reservoir will harm student access to education.
13. The State Surplus Property Statute (Govt Code 54220) targets use of housing for those of "low" or "moderate" income (up to 120% of Area AMI). It was under this concept that San Francisco's Public Lands for Housing Program was originally formulated. The idea was for surplus public property to be used for the public good to create Affordable Housing (120% AMI).
14. The Development Parameters only require 33% to be State-defined Affordable Housing.
15. In reality 67% will be unaffordable housing. Although the City Team presents the Project as market-rate housing subsidizing affordable housing, this is an inversion of reality. In reality, the 33% affordable housing is cover for the reality that this transfer of public property will benefit private interests at the expense of the public. The reality is that the 33% "affordable housing" will be subsidizing private interests.

#### **PUC LAND USE POLICY**

1. The RFQ's section on Applicable Land Use Policies makes no reference to the PUC's own "Framework for Land Use and Management."
2. From the PUC website: By adoption of the Framework, the Commission is seeking to advance the analytical and decision-making process surrounding the administration of real estate assets under the SFPUC's exclusive jurisdiction.
3. PUC's Land Use Framework policy allows sale only if: *"Use of the land sold will not result in creating a nuisance."*
4. Even though the PUC Land Use Framework was formulated to focus on "Land Management Guidance for...Disposition of SFPUC Lands," The City Team has dismissed the importance of this policy document: *"It is not necessary, or feasible, for an RFQ to name all of the City policies and procedures that apply to the project."* [ from Staff Response to "Why doesn't the RFQ discuss the SFPUC Land Use Framework?" ]

Importantly, Staff misstated the essence of the question. **The real question was whether or not the intended disposition of the PUC Reservoir property complies with PUC's policy on "Disposition of SFPUC Lands"; the question was not whether the Land Use Framework policy is "named."**

#### **PARKING vs. TDM**

1. The City Team argues that it is too expensive to build parking. If the Reservoir were to be left as-is to provide student access to education, there would be no need to build new parking. If construction cost is the consideration, then the best option is to leave the western Reservoir as-is.

2. TDM is the third component of the City's Transportation Sustainability Program. TDM requires new developments to provide on-site amenities that prioritize sustainable alternatives to driving.
3. The Balboa Reservoir Project will not exist in isolation from the surrounding neighborhoods. The TDM outcomes within the boundaries of the Project itself will probably be highly successful. However, BR Project's internal TDM success will come at the expense of the surrounding neighborhoods when BR residents park their privately-owned vehicles and drive their privately-owned vehicles outside the Reservoir Project's own boundaries.
4. FROM EARLIER SUBMISSION TO CAC REGARDING TDM:

- Most importantly: TDM Study is not a comprehensive and unbiased assessment of parking and circulation issues in the Reservoir vicinity; and it was never meant to be a comprehensive study. The scope/parameters of Nelson-Nygaard's study were very specific according to SFCTA documentation:
  - *The Planning Department and SFMTA are proposing a Transportation Demand Management (TDM) study in coordination with CCSF Ocean Campus to reduce single-occupant vehicle trips by college staff, faculty, students, and neighborhood residents.*

## ○ PROJECT DESCRIPTION AND BENEFITS

*The Balboa Area Transportation Demand Study will develop clear strategies for reducing single-occupant vehicle trips and outline a coordinated framework for future TDM programs and policies between CCSF, the Balboa Reservoir project, and the City of San Francisco. Potential TDM activities will produce a wide-range of benefits to individuals and the transportation system as a whole, from reducing traffic congestion, vehicle emissions, and fuel consumption to supporting physical activity and enhancing safety. Additionally, TDM activities will make existing transportation investments perform better, extending the life of existing infrastructure and improving the outcomes for new transportation investments.*

- *TDM Program: proposing TDM solutions unique to the area comprising CCSF Ocean campus, Balboa Reservoir and neighborhoods as consistent with emerging TDM policy.*

**Bottom-line: TDM solutions, by definition and intent, exclude parking. Within TDM parameters, the issue of parking is given significance only via the TDM solution of making parking "more difficult and expensive." That's why the elimination of student parking is ignored. That's why the City Team promotes 0.5 parking spaces per residential unit.**

- Fatuous TDM arguments:
  - "Parking Produces Traffic Congestion--Every parking space is a magnet for cars" and "If you build it.....they will come."
  - In earlier submissions I had written:

*As I have pointed out in another e-mail, there are 3 main traffic magnets in our area: schools, freeway entrance/exits, and the BP Station transit hub. If reduction of car traffic in the area is the goal, these magnets need to be removed. Obviously, this is neither an appropriate nor realistic solution.*

*BP Station and freeway entrance/exits are part of transportation infrastructure. However CCSF is different. CCSF is not transportation infrastructure. People are not just passing through on the way to someplace else. CCSF is a destination in and of itself.*

Rather than parking producing congestion, it's the existence of a desired destination that induces traffic. Parking is but a means to accommodate those who want to get to the desired destination.

Case-in-point: When school is not in session, there are very few cars in the Reservoir parking lot and there's very little traffic on Phelan. This demonstrates the falsehood of the "parking produces traffic congestion" premise.

**Bottom line: Parking, in and of itself, does not promote congestion. Rather, congestion is the product of people trying to get to a desired destination. Student access to education, which includes driving and parking, should not be subordinate to the Balboa Reservoir Project.**

- "Spillover [parking] from City College"
- Both Sunnyside Neighborhood Assn and Westwood Park Assn have made clear that the neighborhood supports CCSF and its students. The Nelson-Nygaard Study calls for preventing "spillover from City College" by making parking for them difficult via RPP and enforcement. Rather than making parking difficult for students, the neighbors have called for the Balboa Reservoir Project to provide adequate on-site parking for student needs.

**Bottom line: Instead of shifting the burden of mitigation for the elimination of student parking by the TDM solution of "reducing single-occupant trips by college staff, faculty, students, and neighborhood residents", the Reservoir Project needs to take responsibility for replacing lost student parking.**

--aj

**From:** [Hunter Oatman-Stanford](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** I fully support SB50  
**Date:** Thursday, April 4, 2019 2:26:19 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I wanted to write to voice my support for Senator Wiener's bill SB50, joining with many affordable housing advocates and environmental groups who want to end the inequities associated with single-family zoning.

My district (D6) has seen an explosion of expensive new development, partly because it is one of the few neighborhoods in San Francisco to allow new apartment buildings over 40 feet in height. We must allow more homes to be built near jobs and transit, particularly on the exclusionary West and North sides of San Francisco where wealthy homeowners have fought against apartment buildings for generations.

Please do NOT vote in support of Gordon Mar's grandstanding resolution to maintain the failing status quo—decade of blocking new housing construction is *\*exactly\** why we are in this crisis.

thank you,  
Hunter Oatman-Stanford

855 Folsom St. #502  
SF CA 94107

**From:** [Louise Bea](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** I oppose SB 50  
**Date:** Thursday, April 4, 2019 1:36:04 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Board of Supervisors,  
I oppose SB 50. This bill is ill conceived. Local planning is essential. If this bill is passed, San Francisco will no longer be San Francisco. It will be a low-rise New York. The additional units will strain city services. Traffic will become impossible. Please oppose.  
Thank you.  
Louise Bea  
40 year resident of San Francisco (Telegraph Hill & Cow Hollow)

**From:** [Elle Soulis](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** I oppose SB-50  
**Date:** Friday, April 5, 2019 1:46:24 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,  
I cannot believe that city wants developers to demolish homes to build large luxury apartments. What makes San Francisco special are the lovely and charming homes painted in various colors. We already have hi-tech and their income changing the cultural environment of the city. Now you want to make this magical city like any other generic urban center. Where will the charm of San Francisco be then?  
PLEASE DO NOT PUT PROPOSED BILL SB-50 on the ballot.  
Sincerely,  
Ellen soulis

**From:** [sara@ogilvie.us.com](mailto:sara@ogilvie.us.com)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Cc:** [laura@yimbyaction.org](mailto:laura@yimbyaction.org)  
**Subject:** In Support of SB50  
**Date:** Thursday, April 4, 2019 9:40:57 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Please listen to the voice and heed the will of the People, the majority of whom have been polled to tell you they are ready for MORE HOMES in San Francisco and in California, as soon as possible. Senator Wiener told his Committee on Tuesday, his constituents don't care who is responsible for bringing forth more places to live in California, whether they're local or state agencies, they simply care that it happens, soon. SB50 will work in continual dialogue with stakeholders vested in all kinds of housing so that nobody is left behind as we build anywhere from 1.5 - 2 million new units through this new, urgently welcome measure.

There is no time to keep mulling it, something needs to be done and it needs to begin being done now. I urge you to think of everyone who is hurting because of this housing crisis right now and be a part of the solution instead of letting the problem exacerbate any longer than it should. Please refrain from being racist, elitist people who tell others that if they can't afford single family size units they should just disappear, that you won't give them an opportunity through density, that they're not good enough to live here. Try something new like this and I assure you checks and balances along the way will make things right for all San Franciscans. People will be elated to see homes being raised and opportunities to build their lives here unfold. The economy will roar with lots of people filling all the jobs, from tech to service, that aren't being pursued because no one can afford or find a place to live here and traveling here has become too long and too hard. I believe in your hearts you know this city will continue to struggle needlessly unless we build MORE HOMES through SB50.

Thank you for reconsidering your views which go against over 74% of your constituents who voted for you to institute reform expeditiously. Thank you for allowing California to enact and build MORE HOMES for all their people in order for our society and our prospects to improve. This is a beautiful bill and you should be thrilled to be part of the solution.

Very sincerely yours,

Sara Ogilvie

Outreach, The Homeless Church @ Brannan Street Wharf, San Francisco  
Member, Yimby Action of San Francisco

**From:** [David Eldred](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Oppose SB 50  
**Date:** Monday, April 8, 2019 10:25:15 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I am registering my opposition to SB50 as a San Francisco resident  
I am registering my support for Supervisor Mar resolution in opposing SB50

David Eldred  
1218 5th Ave San Francisco  
Ca. 94122

**From:** Richard Frisbie  
**To:** [Breed, Mayor London \(MYR\)](#); [Board of Supervisors, \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Ronen, Hillary](#); [Haney, Matt \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Walton, Shamann \(BOS\)](#)  
**Subject:** Oppose SB 50  
**Date:** Friday, April 5, 2019 12:12:09 PM  
**Attachments:** [SB 50 COMMENTS.docx](#)  
[SB 50 New Res Units 1999-2018003.pdf](#)  
[SF New Housing Chart 1995-2017.pdf](#)

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

 [SF New Housing Units Drop Year on Year001.pdf](#)

I attended yesterday's Govt. Audit & Oversight Cmtee meeting that addressed SB 50. My thanks to Supervisor Mar for sponsoring the hearing. As we were limited to one minute, understandable but frustrating, I am attaching my prepare comments, most of which were not presented in the one minute time-frame. If you have any questions please contact me.  
Richard Frisbie  
415-666-3550

## SB 50 COMMENTS

FACT: SBB 50 is a power grab, pure and simple!

As members of the Board of Supervisors you are responsible for protecting the Rights of San Franciscans. Also, the Charter approved by voters in November 1995 lays out specific areas of responsibility for the Board of Supervisors which SB 50 will negate so frankly you are not empowered by your constituents to give away these responsibilities.

Before you hand our Rights over to Sacramento you need to seek the approval of the voters of San Francisco.

FACT: during the 2004-2011 Timeframe SF achieved pretty average housing starts.

WHY is this significant? Gavin Newsom was Mayor.

If you assume a three year lag between application and completion Newsom's regime showed 2,197 new residential units 3 years after becoming mayor and 2,330 units 3 years after leaving the mayor's office. Not Nobel Prize winning progress.

In fact his focus was much more on attracting high tech than housing moderate income families; in essence his overall impact on affordable housing was probably neutral at best.

SO, now a probable contributor to what is now a Housing Crisis is in charge of a Housing Solution-how ironic. One might say a "born again" approach.

FACT: Newsom's policy is now calling for 3.5 million Housing units over the next 7 years-500,000 units per year!

WHY is this significant? **See attachment 1.**

California has NEVER produced 250,000 units in a single year and has averaged approx. 125,000 units over the last 20 years. With the stroke of a pen we are now going to more than triple that number.

Ridiculous sound bites beget bad policy.

SB 50 is the tool by which this bad policy is to be implemented.

SF HOUSING Starts: **See attachment 2.**

If SF averages its highest year ever (2016) we will produce 5,100 housing units a year-a challenging scenario at the very least - we aren't even building what's been approved. We have approx. 50,000 units approved but not being built.

So we already have a 10 year backlog at our highest year ever just waiting to be built!

Why is significantly increasing our annual production of housing units unlikely?

In the recent wildfires in Northern California over the past 2 years over 15,000 homes and 4,000 commercial buildings were destroyed. Then there's Southern California wildfires, then there's flooding.

Do you think these communities will also want to rebuild thereby putting additional pressures on our residential construction resources? Have we seen the last wildfire or flood.

SF competes against all the other communities in California for construction labor and materials and NEWSOM has decreed the state triple its rate of construction.

What nonsense.

A vote to oppose SB 50 is a vote to oppose sheer nonsense at the highest levels of our state government.

But wait, California also competes against the rest of the States and the historic and recurring flooding that has occurred; and with global warming is absolutely to re-occur.

For example, Hurricane Harvey destroyed or damaged more than 180,000 homes in the Houston area in 2017, many of which are still not repaired/replaced.

WHY? Because of a shortage of construction labor and materials and this in one of the least expensive parts of the country.

What does this all mean? It means SB 50 is a flawed, deceitful piece of legislation which promises false goals and sets false expectations.

Not only will it not address Housing it will EXACERBATE, by a factor of ten, the AFFORDABILITY Crisis.

There is an cap on how many housing units SF can produce in a year.

Picking an average of 6,000 would be optimistic especially in light of the competition for resources and the construction costs in SF.

So, if Developers can only build 6,000 units in a year, do you really expect Developers will focus on AFFORDABLE housing??

REALLY!

And when challenged they will argue "I can't get enough construction labor and materials to build more to allow for Affordable housing. What a perfect scam. A vote to NOT oppose SB 50 is a vote to propagatate this scam!

SB 50 is a gift, a golden goose, to the Developers.

The Developers didn't support the Wienerville Trio-Wiener, Ting, Chiu- and send them to Sacramento to create legislation aimed at addressing the Affordability crisis.

If their intent was to address AFFORDABILITY the language of SB 50 would be drastically different. Over the past 9 months very specific Affordable housing language could have been crafted at the heart of the legislation. It wasn't as Affordable housing wasn't the purpose of the SB 50. Developer profits was the goal.

FOLKS, just follow the MONEY!

Oppose SB 50:

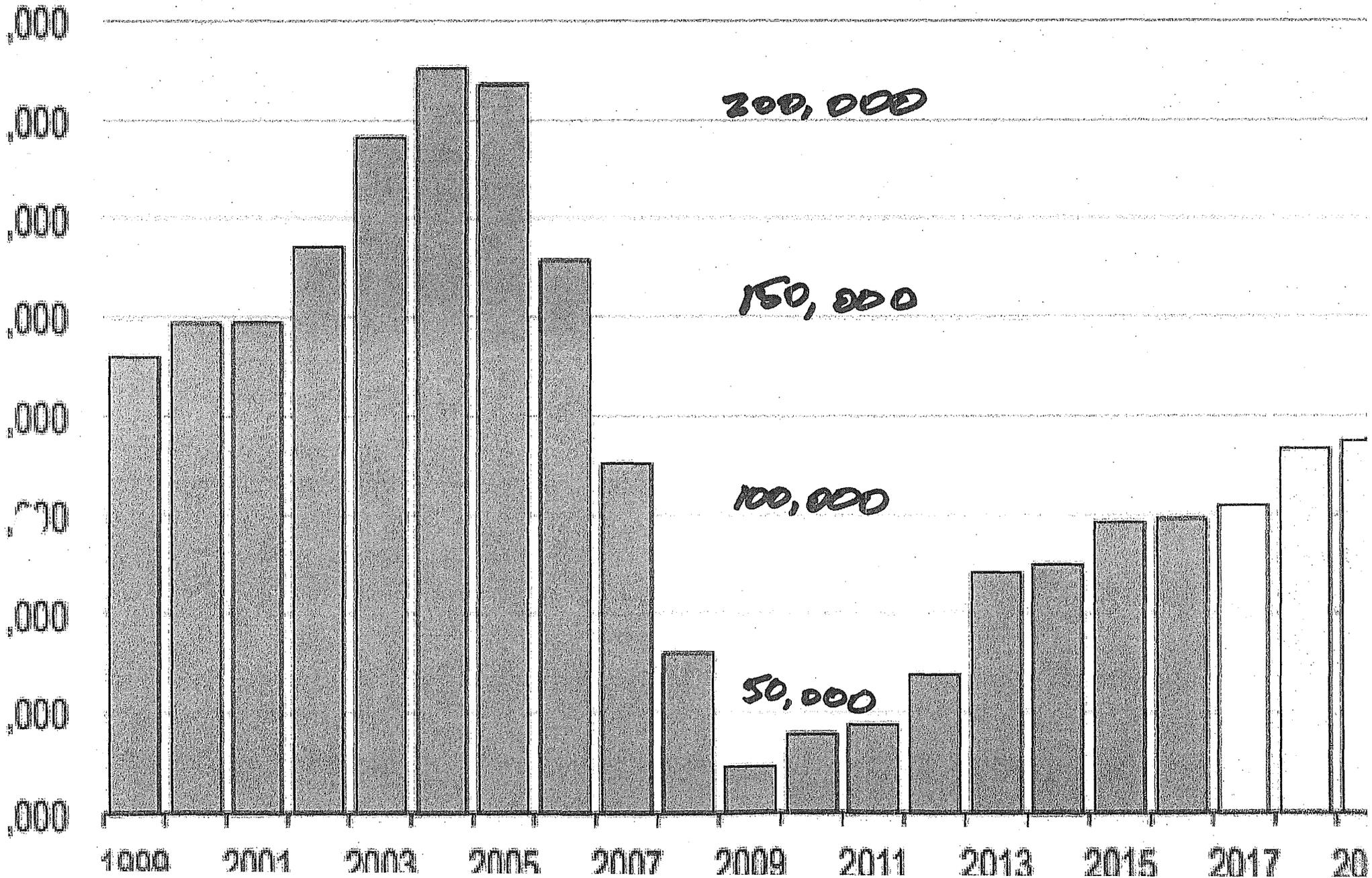
it takes away basic SF Rights;

it worsens the Affordability crisis;

it will NOT produce a significant increase in the rate of housing units much above the present rate-there simply aren't the resources the to do so.

# New Residential Units / California

1999 - 2019



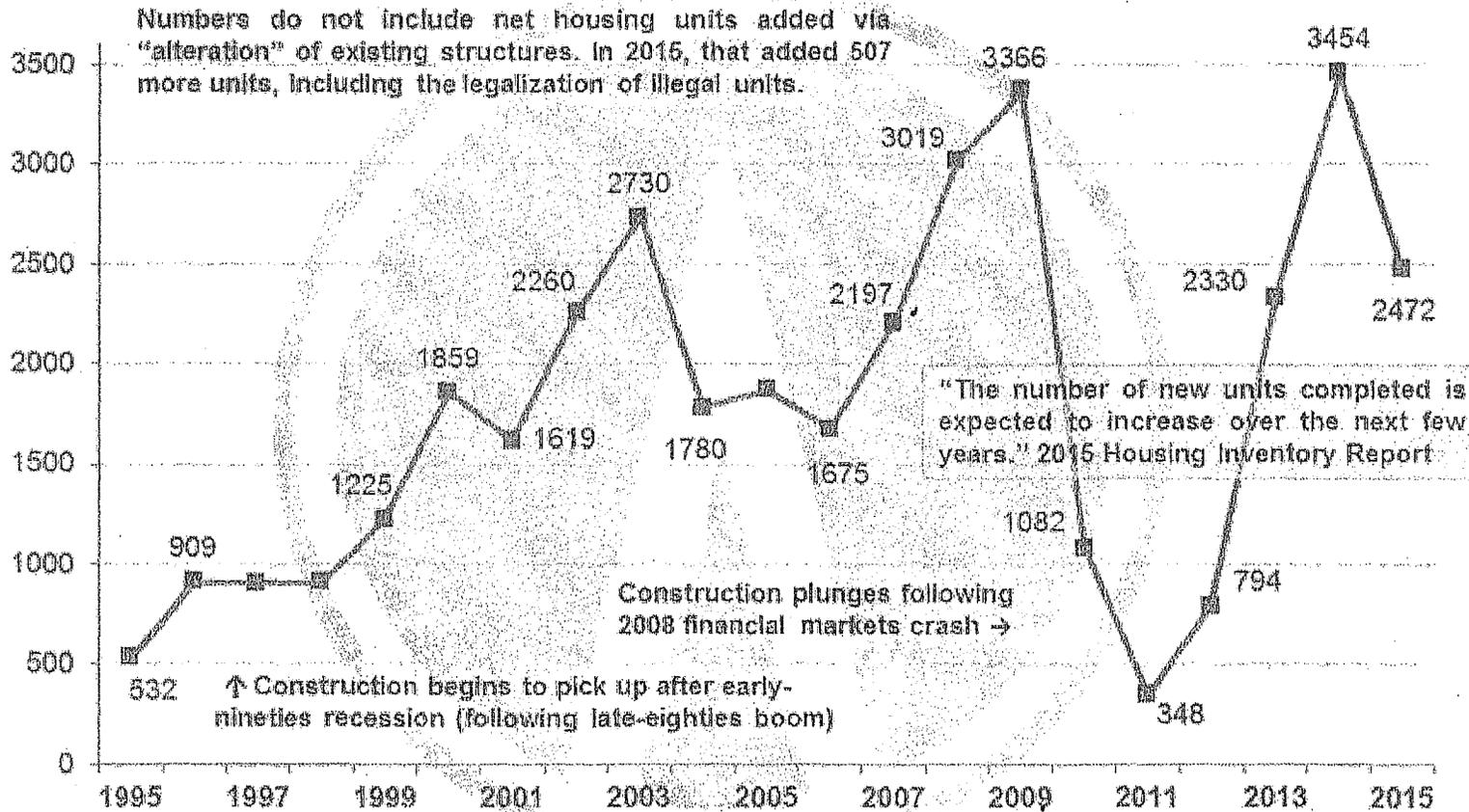
5151  
2016

4441  
2017

# Ebbs & Flows in SF Housing Construction

## New-Construction Housing Units Completed by Year

Per SF Planning Dept  
Housing Inventory Report



2017

Includes condos, houses, rental apartment units, affordable housing and units in social housing projects. Data from sources deemed reliable, but may contain errors and subject to revision.



**PARAGON**  
REAL ESTATE GROUP

Sent from my iPad

**From:** dr jody  
**To:** [Board of Supervisors. \(BOS\)](#)  
**Subject:** Oppose SB 50  
**Date:** Monday, April 8, 2019 12:27:31 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Please do not allow this sweeping reform to take place. I do understand the need to figure out more affordable housing in San Francisco. However, this radical approach will only give developers the opportunity to run amok in our city. There is no guarantee that it will address the larger issues at hand. It feels like a *gross violation of my constitutional rights* as there will be NO recourse to building anywhere in the city if this SB 50 passes. Seriously! Is there nothing better you all could come up with than this.

Jody Kornberg

415-566-1564  
50 Glenbrook Avenue  
SF 94114

**From:** [zrants](#)  
**To:** [Breed, Mayor London \(MYR\)](#)  
**Cc:** [Board of Supervisors, \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Yee, Norman \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#)  
**Subject:** Oppose SB50  
**Date:** Monday, April 8, 2019 12:48:09 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

4/8/19

Mayor London Breed and Board of Supervisors:

re: Opposition to SB50 and support for Supervisors Mar's resolution opposing SB50

I support Supervisors Mar's resolution # 190319 opposing CB50 and will appreciate your support for this important resolution that proves San Francisco cannot be bought yet.

Sincerely,

Mari Eliza, President EMIA

**From:** [Lance Carnes](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Please support Supervisors Mar's resolution opposing SB50  
**Date:** Sunday, April 7, 2019 7:24:10 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

Please support Supervisors Mar's resolution opposing SB50 at the April 9, 2019 meeting.

Thanks,  
Lance Carnes  
North Beach

**From:** Sarah Boudreau  
**To:** Board of Supervisors, (BOS)  
**Subject:** SB50 resolution vote tomorrow and navigation center on seawall lot  
**Date:** Monday, April 8, 2019 10:14:12 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello supervisors,

I am a Cow Hollow (D2) resident and wanted to take a few minutes to share some thoughts on SB50 before tomorrow's vote on the resolution against it, and on the Navigation Center proposed at Seawall Lot 330 as it continues to be discussed.

SB50:

I attended Supervisor Stefani's community meeting yesterday (thank you for hosting!) about SB50 and was both encouraged and disheartened by the questions and comments there. Based on Scott Weiner's summary of the bill, it sounds like a no-brainer (yes) vote to me. The bill is not perfect but it will start the right conversation and result in more housing, both market rate and affordable, across the state. California is in a severe housing shortage, so the only way to fix this is building more housing (a LOT more housing). Most bills are not perfect the first time (the constitution! the affordable care act!) and need to be improved upon once they have a good starting point. I thought the bill was especially well written and discussed because it highlighted how it does **not** severely affect many places like San Francisco that **already** have strong dense zoning laws, protection for tenants, and neighborhood design standards. I was frustrated to hear some of my neighbors' concerns that the bill would not build enough affordable housing and some of my neighbors' concerns that it would not build enough market rate housing - seems to me like shooting down a bill to build more housing because it is not building enough housing is counterproductive, considering all the analyses of the bill indicate it would add housing, which we so desperately need. It was tough to hear that the bill would affect San Francisco disproportionately and not encourage our suburban neighbors and Silicon Valley communities to build more housing, after hearing Senator Weiner specifically mention that encouraging and enforcing development-averse suburban communities to build housing for their own workforces is part of its intent, and that much of San Francisco would not even be re-zoned with regard to height limits, setbacks, or demolition requirements and tenant protection controls under the bill. To me, SB50 is written to help **all** of California reduce its shortage on housing, and help all communities share the burden and privilege of housing the state's booming workforce. San Francisco is a progressive leader for the State and the Country, and I would be disappointed to see the BoS align itself with development-resistant exclusive communities and go against a large majority of San Francisco voters to vote for a resolution against SB50, a bill that would help so much of the state create housing for those who need it, especially considering that much of the bill would not apply to places like San Francisco with many of the bill's provisions already in place here.

Embarcadero Navigation Center:

I was not able to attend the community meeting about the navigation center but was shocked and saddened to read reports and speak with friends in attendance describing an angry and aggressive crowd. I stand behind Mayor Breed and support the Navigation Center on the Embarcadero and I think it is important that City Supervisors do the same. In fact, I agree with Supervisor Haney's support of the center and call that each neighborhood should have at least

one Navigation Center. The majority of voters voted in November to fund homelessness programming, even when it could pull from employers of many of those voters' bottom lines. Residents of San Francisco want to help their neighbors get off the street, and the Navigation Centers are a proven success story of how to do this. As someone who works nearby to the Embarcadero I consider myself a neighborhood and community member and find it important to help people in my community in need, and I am also aware that the concerns of residents nearby to the proposed site are misinformed. The existing navigation centers are successfully helping folks experiencing homelessness - vetted by strict entry requirements - transition into more full-time housing, helping folks get off of the street, and cleaning up the neighborhoods where they are sited. In fact, the center would improve the very things the local residents are concerned about - safety and cleanliness! I would be saddened to see City Supervisors and leadership not support this Navigation Center by being swayed by the outcry of a small group of homeowners (not the majority of voters) who are more worried about property values (which are not actually likely to drop if the neighborhood becomes cleaner and safer!) than facts about the existing and proposed Navigation Centers, or the best way to help their own neighbors.

Finally, I wanted to note on both items that as a progressive millennial voter I find it shocking that these items are even in question. My generation and Generation X above me are extremely focused on the cost of living in the city we call home. We continue to vote to spend our own dollars on creating a safe community for our neighbors where everyone has a chance to be housed - a basic human right. We want to stay here and build our lives and families here just as older generations of (now) homeowners moved here and did decades ago, and we want to continue to bring our knowledge and workforce to the area to continue to grow the local economy, which current homeowners also greatly benefit from. If the BoS is swayed by a few voices of longtime residents who do not represent the majority of the electorate and do not understand the actual facts and studies behind what these bills and proposals are designed to do, it will be hard to continue to be elected. It is the responsibility of elected officials to both listen to constituents and make informed decisions based on their knowledge of the impact of laws and policy. I am proud of the city leaders who are vocally supporting SB50 and the Navigation Center and I look to them to lead the way for the Supervisors to listen to constituents who support change, a fair chance toward housing and dignity for everyone, and evidence-based arguments for local laws and policies.

Thanks for reading and I look forward to continuing this dialogue with you,  
Sarah

--

Sarah Boudreau

[sboudreau@langan.com](mailto:sboudreau@langan.com)

[boudreau.sarah.m@gmail.com](mailto:boudreau.sarah.m@gmail.com)

[www.linkedin.com/in/sarahboudreau](http://www.linkedin.com/in/sarahboudreau)

**From:** [Jeanine](#)  
**To:** [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); [info@sfmtca.org](mailto:info@sfmtca.org); [Board of Supervisors, \(BOS\)](#)  
**Subject:** SB50  
**Date:** Monday, April 8, 2019 8:01:59 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I oppose SB50-I am a homeowner in the Marina. I do not believe in the idea that one law for real estate fits every city in California ie San Francisco and Fresno. I do not believe this SB50 will create enough affordable housing-the developer will expensive housing and give the money for affordable housing to the city for them to build. It is wrong for not allowing for the people of San Francisco to vote on this important issue .We have a beautiful city and is SB50 passes we will be Hong Kong in no time. A few years ago the people of San Francisco voted for a bill that stated if anyone wanted to build a high rise on the waterfront it must be approved by a vote of the people of San Francisco-B50 eliminates this.What about houses on the Historical register are they to be torn down to build high rises? If this SB50 passes we will no longer be a unique and beautiful city with views-Victorians and neighborhood-we will lose are charm and tourism and look like every other city

**From:** [Paul Sack](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** SB-50  
**Date:** Saturday, April 6, 2019 11:41:07 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

As a former developer and owner of rental apartments in San Francisco, I urge you to oppose SB-50. We need to preserve the character of San Francisco and should not turn it into an unattractive forest of mid-rise apartment buildings.

Paul Sack  
[psack@sackproperties.com](mailto:psack@sackproperties.com)

**From:** Janet Pellegrini  
**To:** Stefani, Catherine (BOS); Brown, Vallie (BOS); Fewer, Sandra (BOS); Hanev, Matt (BOS); MandelmanStaff, [BOS]; Mar, Gordon (BOS); Peskin, Aaron (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Walton, Shamann (BOS); Yee, Norman (BOS); Breed, Mayor London (MYR); info@sfmca.org; Board of Supervisors, (BOS)  
**Subject:** SB50  
**Date:** Monday, April 8, 2019 7:34:14 PM

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We do not need more congestion, more people, more problems. I urge you to vote NO on SB50  
Janet Pellegrini

Sent from my iPhone

**From:** Priscilla  
**To:** Stefani, Catherine (BOS); Brown, Vallie (BOS); Fewer, Sandra (BOS); Hanev, Matt (BOS); MandelmanStaff, [BOS]; Mar, Gordon (BOS); Peskin, Aaron (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Walton, Shamann (BOS); Yee, Norman (BOS); Breed, Mayor London (MYR); [info@sfmca.org](mailto:info@sfmca.org); Board of Supervisors, (BOS)  
**Subject:** SB50  
**Date:** Monday, April 8, 2019 6:47:48 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I am against SB50. Supervisor Stefani where do you stand on this bill? Mayor Breed, we understand you're for it. How are you benefiting from this? STOP SB50

Sent from my iPhone

**From:** [Linda Jaeger](#)  
**To:** [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mavor London \(MYR\)](#); [info@sfmca.org](mailto:info@sfmca.org); [Board of Supervisors, \(BOS\)](#)  
**Subject:** SB50  
**Date:** Monday, April 8, 2019 6:42:55 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

We are against SB 50

Sent from my iPhone

**From:** [Mary Smith](#)  
**To:** [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mavor London \(MYR\)](#); [info@sfmca.org](#); [Board of Supervisors, \(BOS\)](#)  
**Subject:** SB50  
**Date:** Monday, April 8, 2019 6:40:15 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

It is unbelievable that my vote does not count nor do the votes of tens of thousands of San Francisco residents count in my city. We have voted many times to limit the height and number of commercial properties (which includes high rise apartment buildings) in our neighborhoods. The infrastructure of the City cannot support the continued increase in population, especially when the increase does not contribute to the quality of life and financial health of the City.

Mary Smith

Sent from my iPhone

**From:** NEIL DELLACAVA  
**To:** Stefani, Catherine (BOS); Brown, Vallie (BOS); Fewer, Sandra (BOS); Haney, Matt (BOS); MandelmanStaff, (BOS); Mar, Gordon (BOS); Peskin, Aaron (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Walton, Shamann (BOS); Yee, Norman (BOS); Breed, Mayor London (MYR); info@sfmca.org; Board of Supervisors, (BOS)  
**Subject:** SB50  
**Date:** Monday, April 8, 2019 6:37:32 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I Vote no on sb 50 .

You will ultimately ruin our neighborhood that we all have worked hard to live in.

Infrastructure is not keeping up with growth and this will add to it. You will add buildings that will be oversized and eyesores

I bet the developers are contributing significantly to your campaigns. The power of money

Lon breed is a wolf in sheep's clothing. What a mistake

Your district two resident of 26 years

Neil dellacava

Neil dellacava  
3524 Broderick street

Sent from my iPad

**From:** Presynct  
**To:** Stefani, Catherine (BOS); Brown, Vallie (BOS); Fewer, Sandra (BOS); Hanev, Matt (BOS); MandelmanStaff, [BOS]; Mar, Gordon (BOS); Peskin, Aaron (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Walton, Shamann (BOS); Yee, Norman (BOS); Breed, Mayor London (MYR); info@sfmca.org; Board of Supervisors, (BOS)  
**Subject:** SB50  
**Date:** Monday, April 8, 2019 6:18:38 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Vote no on sb50

Evelyn graham  
3454 pierce st

Sent on the go!

**From:** CHARNA BALL  
**To:** Stefani, Catherine (BOS); Brown, Vallie (BOS); Fewer, Sandra (BOS); Hanev, Matt (BOS); MandelmanStaff, [BOS]; Mar, Gordon (BOS); Peskin, Aaron (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Walton, Shamann (BOS); Yee, Norman (BOS); Breed, Mayor London (MYR); info@sfmca.org; Board of Supervisors, (BOS)  
**Subject:** SB50  
**Date:** Monday, April 8, 2019 5:13:00 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please vote NO on SB 50.  
We are over building and destroying the characterter of our beloved city.  
Charna Ball  
SFCA 94123

**From:** [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); [info@sfmtca.org](#); [Board of Supervisors, \(BOS\)](#)

**To:**

**Subject:** SB50

**Date:** Monday, April 8, 2019 5:09:09 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Local zoning regulations are there for a reason and to have the state come in and say they don't matter is outrageous.

SB50 could change the face of San Francisco in a very detrimental way.

I believe it is greed run amok! Why our elected officials aren't fighting it is a mystery to me. Maybe we need new elected officials.

Eileen Connolly  
econnolly1@aol.com  
415.215.5043

**From:** [William Atkins](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** SB50  
**Date:** Saturday, April 6, 2019 1:51:49 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I am extremely disappointed that the Board of supervisors has decided to side with NIMBY factions in the Bay Area and reject State Senator Scott Wiener's bill, SB50. You should be supporting the construction of new housing and aid residents of that new housing in using public transportation. There is not enough housing, too many people commuting in automobiles clogging our highways and streets and polluting the air. Senator Wiener is trying to help. Please don't stand in his way.

William Atkins  
3542 23rd St Apt 5  
San Francisco, CA 94110-3065  
[willwayne@aol.com](mailto:willwayne@aol.com)

**From:** Jeanne Barr  
**To:** Board of Supervisors, (BOS)  
**Subject:** SB50  
**Date:** Friday, April 5, 2019 3:42:25 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Thanking those of you who are against SB50.  
I am strongly opposed and appreciate your wisdom.  
It is an ineffective way to gain affordable housing at a great cost to the quality of life in the City.

Thanks  
Jeanne Barr  
1780 Green Street

**From:** Richard Pellegrini  
**To:** Stefani, Catherine (BOS); Brown, Vallie (BOS); Fewer, Sandra (BOS); Haney, Matt (BOS); MandelmanStaff, [BOS]; Mar, Gordon (BOS); Peskin, Aaron (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Walton, Shamann (BOS); Yee, Norman (BOS); Breed, Mayor London (MYR); info@sfmca.org; Board of Supervisors, (BOS)  
**Subject:** SB50  
**Date:** Monday, April 8, 2019 9:14:25 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To: Catherine Stefani and the Board of Supervisors

I am totally opposed to SB 50.

It is the worse legislation possible for our city. It is my opinion that this bill will change San Francisco as we know it and not for the better. Other than greed I can't understand why our city would give up its voice as to what should be built and where. Why don't we start thinking about our lack of infrastructure before we continue to build without any control.

Richard Pellegrini

**From:** [Patricia Reischl Crahan](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** SB-50  
**Date:** Sunday, April 7, 2019 6:40:31 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors:

I urge to to vote NO on SB-50. It is a bad bill for California and very bad for San Francisco. We've had enough new development without the benefit of infrastructure and public transportation upgrades. Traffic is toxic and parking is non-existent. We need a break.

San Francisco has already fulfilled high density living, let other cities follow suit.

Thank you,

Patricia Reischl Crahan  
Mission District homeowner since 1978

## Carroll, John (BOS)

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**From:** Board of Supervisors; (BOS)  
**Sent:** Tuesday, April 09, 2019 10:39 AM  
**To:** BOS-Supervisors; Carroll, John (BOS)  
**Subject:** FW: SB50

**Categories:** 2019.04.09 - BOS, 190319

-----Original Message-----

**From:** lhelenl99 <lhelenl99@gmail.com>  
**Sent:** Tuesday, April 9, 2019 9:42 AM  
**To:** Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; info@sfmca.org; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** SB50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I attended Supervisor Stefani's Sunday forum, and am still opposed to SB 50.  
PLEASE VOTE NO!

San Francisco is small and overcrowded already. Move more tech/jobs to areas where housing can be built to lessen commutes!!!! Between the tourists and more residents and rideshare services we have gridlock. And little infrastructure to handle it. Attempts to make Muni faster are negligible and make our streets and thoroughfares a nightmare.

Thank you

## Carroll, John (BOS)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, April 09, 2019 10:37 AM  
**To:** Carroll, John (BOS)  
**Subject:** FW: SB50

**Categories:** 2019.04.09 - BOS, 190319

Distributed to the Board...

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**From:** Russell Johnson <rjohnson.kplj@gmail.com>

**Sent:** Tuesday, April 9, 2019 4:50 AM

**To:** Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; info@sfmca.org; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>

**Subject:** SB50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Catherine.

While sympathetic to the needs for high density housing, I STRONGLY OPPOSE SB50, because of the loss of local zoning control.

--  
Russell A. Johnson  
707 696 2528  
[rjohnson.kplj@gmail.com](mailto:rjohnson.kplj@gmail.com)

## **Carroll, John (BOS)**

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**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, April 09, 2019 10:36 AM  
**To:** BOS-Supervisors; Carroll, John (BOS)  
**Subject:** FW: SB50

**Importance:** High

**Categories:** 2019.04.09 - BOS, 190319

**From:** Ashley Wessinger <ashleywessinger@mac.com>

**Sent:** Tuesday, April 9, 2019 5:17 AM

**To:** Stefani; Catherine (BOS) <catherine.stefani@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>

**Subject:** SB50

**Importance:** High

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisor,

I oppose SB 50 for the following reasons.

1. An impact study has not been done.
2. The Housing Accountability Act overrides SB 50 and impacts demolition.
3. Sensitive communities are not properly protected. SF is dealing with displacement and this will be further impacted.
4. No rental registry is in place to protect renters.
5. Does not cater for 100% affordable houses.
6. The State Density Bonus Act and SB 50 allow for extra height. However this is a formula that could prohibit areas that could provide higher height and areas where extra height is misplaced.
7. Geographically SF has a small landmass in comparison to other surrounding cities. SB 50 is too generic a bill to achieve what it needs to achieve without making mistakes: impacting communities, losing neighborhoods that time has created and impedes some areas in SF that could be expanded greater.
8. Historic districts are not protected.
9. It restricts our transit system to improve and expand by attaching zoning laws to it. SF has a poor transit system and a \$22 billion funding gap through 2045. This would indicate that problems could occur if zoning impedes improvements.
10. SF infrastructure cannot support a sudden increase in building. The sewerage system needs to be restructured before such building is implemented.
11. We do not have the funds to increase our police force and fire fighters.
12. SF is in an earthquake sensitive zone globally, mass housing that doesn't grow with a ratio to services could have untold 'national emergency' consequences.

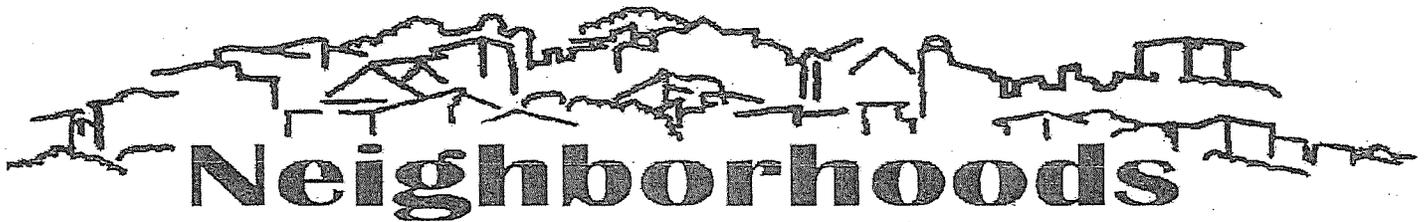
One issue that has been spoken about by the general public is that the impact Private equity firms and speculators that have bought up SF real estate has not been addressed if this bill should pass.

This bill and all the other bills coming out of Sacramento have to be addressed by SF. We need SF and the surrounding suburbs to take the lead to come up with a master urban plan that addresses the concerns and problems that have occurred over the tech boom. SF has had many booms and busts so you need to look back at history to learn from it to expanding the city into the next century and not to solve the problems with a blanket Band-Aid that SB 50 is.

Best Regards,

Ashley Wessinger

# Coalition for San Francisco



*www.csfm.net • PO Box 320098 • San Francisco CA 94132-0098 • 415.262.0440 • Est 1972*

February 28, 2019

President Melgar, Vice-President Koppel & Commissioners  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Subject: Senate Bill 50 ("SB-50") <Wiener>  
"Planning & Zoning: Housing Development: Equitable Communities Incentive"

The Coalition for San Francisco Neighborhoods (CSFN) opposes Senate Bill 50 ("SB-50") <Wiener>.

Concerns include the following:

1. SB-50 up-zones all parcels in San Francisco
2. SB-50 will result in the loss of residential areas
3. SB-50 will result in developers making zoning decisions (deregulates local zoning)
4. SB-50 does *\*not\** create affordability:
  - a. No "trickle-down" effect  
(Less housing will be built due costs for labor, land, materials, e.g.)
  - b. No "fee-out" for affordable housing  
(Process creates entitlements to raise property values without certainty of buildings getting built.)

CSFN's understanding is that a public hearing before the Planning Commission would occur on SB-50. Please advise when as SB-50 is on the fast track in Sacramento.

Thank you.

Sincerely,

/s

Rose Hillson

Chair, Land Use & Transportation Committee

As authorized by CSFN General Assembly

Cc: Corey Teague, Zoning Administrator; John Rahaim, Director of Planning; Jonas P. Ionin, Director of Commission Affairs; Commission Affairs; Board of Supervisors; Mayor Breed

**BREAKING NEWS** Attorney General Becerra: No charges in police killing of Stephon Clark

Business > Real Estate

# Fight over CASA: Some cities push back against plan to overhaul Bay Area housing market

Massive housing fix riles some city officials



Demolition of a parking structure at the Vallco Shopping Mall began on Thursday, Oct. 11, 2018, after an hour-long press conference celebrating the milestone in Cupertino, Calif. (Karl Mondon/Bay Area News Group)

From Cupertino to Pleasanton, small cities around the Bay Area are challenging a massive regional plan to fix the housing crisis, worried they will lose control over what gets built within their borders and be forced to pay for solutions they don't want.

Officials are gearing up for what promises to be a long and contentious battle over the "CASA Compact" — a set of 10 emergency housing policies that could force Bay Area cities to impose rent control, allow taller buildings, welcome in-law units and pay into a regional pot to fund those changes. The plan was penned by a group of power brokers known as "The Committee to House the Bay Area," which includes elected officials from the region's largest cities, transportation agencies, housing developers, local tech companies and others. The group was pulled together by the Association of Bay Area Governments and the Metropolitan Transportation Commission.

So far, Bay Area legislators have introduced 13 bills to implement the CASA policies. But officials in many smaller Bay Area cities say they weren't invited to the table, and their interests weren't taken into account.

"There are some in some areas that just want to say, 'no, this is off the table. We're not doing this,'" said Campbell City Councilmember and former mayor Paul Resnikoff.

ADVERTISING

As the Bay Area grapples with a housing shortage that has driven the cost of buying and renting to astronomical heights, the looming CASA battle highlights an ongoing power struggle. Local officials are fighting to keep control of development within their borders, while legislators try to force them to do what many of the smaller cities have not: build more homes.

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“The status quo isn’t working,” said Leslye Corsiglia, a CASA co-chair and executive director of affordable housing advocacy organization SV@Home. “We’ve been managing our housing problem on a city-by-city basis, and we’ve got some cities that are doing everything that they can given the resources available, and we’ve got some cities that aren’t.”

The CASA compact proposes a 15-year rent cap throughout the Bay Area, which would prevent landlords from raising prices more than 5 percent a year, on top of increases for inflation. The compact also calls for a Bay Area-wide just cause eviction policy, which would prevent landlords from evicting tenants except for certain approved reasons. And it calls for new zoning policies that would allow for taller buildings near transit stops.

The MTC endorsed the plan in December, and ABAG gave it a thumbs-up in January. The mayors of San Jose, Oakland and San Francisco took part in the CASA discussions and signed off on the final document. But almost as soon as the plan was unveiled, many smaller cities started gearing up for a fight.

Corsiglia acknowledged the CASA committee should have done more to reach out to the smaller Bay Area cities. To bridge that gap, the MTC and ABAG are holding dozens of meetings with city leaders around the Bay Area, and the CASA team has tapped the Non-Profit Housing Association of Northern California to lead a ramped-up communication effort. The association plans to reach out to residents through the media, online and in community meetings.

“We want to have those conversations, and build that momentum and support and dispel the fears people have,” said Non-Profit Housing Association executive director Amie Fishman.

City leaders aren’t the only ones disappointed with the plan. It’s sparked criticism from tenant advocates, who say it doesn’t go far enough to protect renters, and landlords, who say it goes too far.

“The nature of a compromise is that people are going to like certain parts and not like others,” Corsiglia said.

Many of the cities speaking out against the CASA Compact have been criticized in the past for failing to build enough housing.

In Cupertino, which approved 19 new multi-family units last year, Mayor Steven Scharf recently bashed the proposal in his State of the City Speech, calling the group pushing the plan “the committee to destroy the Bay Area.” Its vision is “very scary,” he said. And he doesn’t intend to accept it.

“A lot of smaller cities are banding together regarding CASA,” Scharf said, “trying to at least mitigate the damage that it would do.”

Many Bay Area cities are balking at a CASA proposal that would require them to help fund the new housing initiatives by giving up 20 percent of their future property tax increases. The compact would cost an estimated \$2.5 billion a year, \$1.5 billion of which its authors hope to get from taxes and fees applied to property owners, developers, employers, local governments and taxpayers.

“That attack on our local revenue base would be problematic,” Resnikoff said. He’s working with the Cities Association of Santa Clara County on a formal response.

Pleasanton and its Tri-Valley neighbors — Livermore, Danville, Dublin and San Ramon — also are organizing a joint response.

Pleasanton director of community development Gerry Beaudin worries CASA legislation could wreak havoc on the character of his city’s quaint, historic downtown. The neighborhood’s proximity to an ACE train station could subject it to mandatory higher-density zoning rules, he said.

“There’s a recognized need to address housing,” Beaudin said. “I’m not sure that the way that this happened is the right way to get momentum on this issue. It just created a lot of questions and concerns from a lot of the areas that need to be part of the conversation.”

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Tags: **East Bay Editors' Picks, housing, PM report**

**Marisa Kendall** Marisa Kendall covers housing for the Bay Area News Group,

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**Carroll, John (BOS)**

---

**From:** Wright, Edward (BOS)  
**Sent:** Tuesday, April 02, 2019 11:01 AM  
**To:** BOS-Legislative Aides  
**Cc:** Calvillo, Angela (BOS); Carroll, John (BOS); Starr, Aaron (CPC); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS); Mar, Gordon (BOS)  
**Subject:** Letter from Supervisor Mar re: SB 50  
**Attachments:** Supervisor Mar Letter re SB 50.pdf  
**Categories:** 190319, 2019.04.04 - GAO

Colleagues,

Attached is a letter from Supervisor Gordon Mar in regards to SB 50 and our resolution opposed to it, File No. 190319, written in response to State Senator Wiener's letter from Monday, March 25th.

Feel free to let me know if you have any questions.

Thank you,

Edward Wright  
Legislative Aide to Supervisor Gordon Mar  
(415) 554-7464

Member, Board of Supervisors  
District 4



City and County of San Francisco

**GORDON MAR**

馬兆明

April 2, 2019

The Honorable Scott Wiener  
Senator, Eleventh District  
State Capitol, Room 5100  
Sacramento, CA 95814

**Re: Response to Your Letter Regarding Board Resolution on SB 50**

Dear Senator Wiener:

I write in response to your March 25th letter, charging that our resolution regarding SB50 is based upon "factual inaccuracies," and that if adopted, "San Francisco would be aligning itself with some of the wealthiest and most housing-resistant communities in California." While we may disagree on values and approaches, disagreement does not render our positions inaccurate, and I urge you to review our rebuttals at the end of the letter.

I object to the false choice you present that if the Board of Supervisors does not support SB 50's version of growth, then we must be "anti-growth" or "housing-resistant." I support increasing housing density near public transit and increasing equity and opportunity through thoughtful development. I support building more affordable housing throughout the city, along with a majority of the Board of Supervisors. I support reducing sprawl through opportunities for all types of workers to live closer to their jobs. I support higher and denser housing development -- and I believe more than 74% of San Franciscans agree with both of us on this subject. The disagreement is how we reach that goal.

Considering you are quickly advancing the bill while still needing to "flesh out the details," and considering the bill's significant impact on San Francisco, the Board of Supervisors has a responsibility to evaluate the proposal and publicly express our concerns to the state legislature, based on the best data available to us today.

Although you claim SB 50 will end inequitable development patterns, efforts to map SB 50's impacts show that most of the incentives to redevelop our region are concentrated in some of

the most racially diverse and urban cities, including San Francisco. These and other efforts to map the impact of SB 50 further support the need to reconsider the present version of the bill and make additional amendments.

Yet your response seems to assert that SB 50 is the only path to grow more housing and protect the environment. The present resolution proposes instead a more inclusive approach involving state government, local governments and communities: amendments that include a full and community-defined exemption for sensitive communities, a pathway for impacted cities like San Francisco to plan for increasing density that guarantees housing affordability, and reforms to state laws that prevent local communities from adopting stronger rent and demolition controls. I also wrote an Op-Ed for the San Francisco Chronicle, published today, further explaining my concerns with the approach SB 50 takes, and how I think San Francisco can and should better address our housing affordability crisis.

While we may disagree on these approaches, I hope our dialogue can continue in good faith. What were described by your letter as inaccuracies were in fact inaccurate representations of the language of our resolution. As always, I'm happy to work with you and community advocates to ensure the work we're doing and the legislation we're advancing meets the needs of our constituents, and I look forward to continuing a productive and substantive conversation about these issues. I hope we can work with your office on such amendments, many of which are offered in our responses below to your specific objections to the resolution.

Sincerely,

A handwritten signature in black ink that reads "Gordon Mar". The signature is written in a cursive, slightly slanted style.

Supervisor Gordon Mar

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**ADDENDUM:**

Responses to claims of inaccuracies

1. *Your resolution falsely states that SB 50 will “undermine community participation in planning” and “result in significantly less public review.”*

We disagree over what constitutes community participation and public review. Our definition is broader than the “approval process for individual projects,” and includes the planning process itself. San Francisco has a successful history of community-driven area plans for broad zoning changes to add density while capturing more value from private developers. SB 50 undermines communities with area plans and institutes state mandates in communities that have yet to create area plans for increased density.

Our definition is broader than formal rights, such as the right to review project designs, and includes the power conferred by those rights. SB 50 takes away the power of the public and public testimony by giving developers benefits by right of the state. Public review is undermined when people can no longer weigh in at a hearing on a developer’s Conditional Use Application to increase heights over zoning. Public review is undermined when the Planning Commission no longer has leverage to demand community benefits (e.g. retaining neighborhood businesses and deeply affordable housing) in exchange for waivers, and can’t be moved by public testimony.

2. *Your resolution falsely states that SB 50 will undermine the “well being of the environment.”*

The facts support our statement. Research shows gentrification and displacement of working class and lower income communities results in more cars, more vehicle miles traveled, and greater resource consumption. As one report concluded: “Higher Income households drive more than twice as many miles and own more than twice as many vehicles as Extremely Low-Income households living within 1/4 mile of frequent transit.”<sup>1</sup>

Because SB 50 produces many more market rate luxury housing relative to affordable units the bill risks gentrifying even more of San Francisco, shifting the burden of longer commutes on those displaced. In order to fulfill its claims of environmental sustainability, SB 50 must be amended to guarantee more truly affordable housing and prevent the gentrification that is pricing out existing residents who rely on transit for jobs, services, and schools in San Francisco.

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<sup>1</sup> California Housing Partnership Corporation and Transform, “Why Creating and Preserving Affordable Homes Near Transit is a Highly Effective Climate Protection Strategy,” (2014).

3. *Your resolution falsely states that SB 50 will “prevent the public from recapturing an equitable portion of the economic benefits conferred to private interests”.*

SB 50 will confer immense value overnight on thousands of acres of real estate across the state, without an opportunity for cities to recapture the economic benefits ahead of this. The bill makes recapturing the economic benefits even more difficult, because cities can no longer use the Conditional Use process to impose additional requirements on developers, such as requiring family-sized units or deeply affordable housing, in exchange for benefits SB 50 would give developers by right.

We agree San Francisco could strengthen inclusionary requirements and fees, but existing state laws create loopholes and limitations on local inclusionary housing requirements. For example, the state density bonus exempts developers from local inclusionary standards on additional market rate housing built by the bonus.

SB 50 needs to be amended to close this loophole and allow local communities an opportunity to recapture the economic benefits for the public benefit, ahead of zoning changes that creates value on the land.

4. *Your resolution falsely states that SB 50 restricts the city’s ability to adopt policies to ensure “equitable and affordable development” in sensitive communities.*

*“SB 50 contains a 5-year delayed implementation for “sensitive communities,” which are defined as communities with significant low income populations and risk of displacement. We are working with tenant advocates to flesh out details of this provision. This 5-year delay will give communities the opportunity to engage in local anti-displacement planning.”*

Mandating a deferment timeline for local planning and imposing a definition of “sensitive communities” restricts our ability to adopt policies not only for equitable and affordable development, but policies to protect vulnerable residents and provide long term stability.

More importantly, SB 50 restricts the ability for communities to define their own needs. For example, 75% of the Mission District experiencing high levels of gentrification as reported by residents (and confirmed by the UC Berkeley Urban Displacement Project) are not defined as “sensitive” in your bill. Communities at risk of displacement also need to be empowered to set standards different than those imposed by SB 50, not receive a deferment.

SB 50 needs to pause on moving forward until adequate anti-displacement policies are put in place, and that begins and ends with listening to communities on the ground.

5. *Your resolution falsely states that SB 50 does not allow San Francisco to ensure “a meaningful net increase in affordable housing.”*

This mischaracterizes the language of the resolution. To clarify, the resolution states: “SB 50...undermines sound public policy that requires any substantial value created by density increases or other upzoning be used, at least in part, to provide a meaningful net increase in affordable housing.”

While we may disagree, a “meaningful net increase in affordable housing” means demanding more for affordable housing whenever we give for-profit developers economic benefits to create more market-rate housing, whether it is from the state or city. SB 50 could be amended to reflect this principle.

6. *Your resolution falsely states that SB 50 does not protect against demolitions and does not allow San Francisco to protect against demolitions.*

This mischaracterizes the language of the resolution. The resolution states: “While SB 50’s provisions standing alone may appear to preserve local demolition controls and other local planning processes, without further clarifying amendments the combination of SB 50’s development incentives with other state laws undermine the ability of local governments to protect existing housing and small businesses.”

To clarify, we don’t think SB 50 itself prevents the city from controlling demolitions, rather, it’s the expanded application of *other* state laws that will override local demolition controls and restrict our ability to strengthen them. For example, the SF Planning Department raised concerns that SB 50 could increase the number of development proposals where the Housing Accountability Act would apply, increasing demolitions of existing buildings to redevelop into higher density properties.<sup>2</sup> Furthermore, SB 50 increases the economic incentives for developers to demolish existing sound housing and small businesses.

SB 50 does not adequately provide demolition protections of all buildings where tenants have lived because the state and cities have inadequate data on tenant occupancy. SB 50 should be amended to ensure that we can actually enforce building demolition controls on buildings with previous tenants or have had an Ellis Act eviction before SB 50 is applied.

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<sup>2</sup> See Planning Department Staff Memorandum on SB 50, pp. 13-14.

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March 25, 2019



The Honorable Gordon Mar  
Member, Board of Supervisors  
San Francisco City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

## Re: Your Proposed Resolution Opposing Senate Bill 50

Dear Supervisor Mar:

I hope this letter finds you well. I write regarding a resolution you introduced on March 18 to oppose a bill I am authoring, Senate Bill 50. A recent poll of San Francisco voters showed 74% support for SB 50, with the highest level of support coming from your district. SB 50 will expand all forms of housing in San Francisco, including affordable housing. It will legalize affordable housing in your district. (Affordable housing is currently illegal in a large majority of your district due to widespread single-family home zoning.) It will reduce sprawl and carbon emissions. And, it will ensure that *\*all\** cities, including wealthy cities, help solve our housing crisis.

If the Board of Supervisors were to adopt your resolution and oppose SB 50, San Francisco would be aligning itself with some of the wealthiest and most housing-resistant communities in California. For example, some of the most vocal critics of the bill are the anti-growth Mayors of Palo Alto, Beverly Hills, and Los Altos, as well as anti-growth advocates in Cupertino and Marin County.

In addition, while I respect anyone's right to have whatever opinion they want about my bills, I do ask that people not mischaracterize those bills. Unfortunately, your resolution contains significant factual inaccuracies about SB 50, as described later in this letter.

### Why SB 50 and What the Bill Does

The purpose of SB 50 is to address one of the root causes of California's housing crisis: hyper-low-density zoning near jobs and transit, in other words, cities banning apartment buildings and affordable housing near jobs and transit. This restrictive and exclusionary zoning was originally created one hundred years ago to keep people of color and low income people out of white neighborhoods, and it is currently exacerbating racial and income segregation.

Bans on apartment buildings and affordable housing in huge swaths of California — i.e., zoning that bans all housing other than single-family homes — have fueled our state's housing affordability crisis, helped generate California's 3.5 million home deficit (a deficit equal to the combined deficits of the other 49

states), made a large part of California and San Francisco off-limits to affordable housing, and directly led to sprawl development since it is illegal to build enough housing near jobs and transit.

Hyper-low-density zoning in places like San Francisco also worsens climate change. It leads to sprawl development that covers up farmland and open space, pushes people into multi-hour commutes, clogs our freeways, and increases carbon emissions. By advocating against a bill like SB 50, your resolution is advocating for sprawl, for increased carbon emissions, and against equitable placement of affordable housing (for example, in your own district, which is extremely low density and thus has very little affordable housing). Your resolution advocates for the housing status quo, which has resulted in so many working class families being pushed out of San Francisco.

SB 50 gets to the heart of this zoning problem by allowing increased density near quality public transportation and in job centers. SB 50 will allow more people to live near transit and close to where they work. It will help alleviate California's housing crisis by creating more housing and legalizing affordable housing where it is currently illegal.

Over the past year and a half, we have engaged in intensive stakeholder outreach with cities (including San Francisco), tenant advocates, environmentalists, neighborhoods groups, and others, in an effort to fine-tune the bill and respond to constructive feedback. For example, we changed the bill so that, overwhelmingly, it respects local height limits and setbacks. And where the bill does require 45- and 55-foot heights (near rail and ferry stops), it will barely affect San Francisco building heights, since in the overwhelming majority of our residential neighborhoods, the height limit is already 40 feet. In other words, in San Francisco, SB 50 will result in either no height increase or a one-story increase.

SB 50 also defers to local inclusionary housing requirements, unless those requirements fall below a minimum standard, in which case the bill imposes a baseline inclusionary percentage. The bill thus extends inclusionary housing requirements to many cities that do not currently have them. SB 50 respects local demolition restrictions, with the exception that it creates a statewide blanket demolition ban on buildings where a tenant has lived in the past 7 years or where an Ellis Act eviction has occurred in the past 15 years. These are the strongest such tenant protections ever created under California law. It also defers to local design standards and local setback rules. Of significance, SB 50 does not change the local approval process. If a conditional use, CEQA review, discretionary review, or other process is currently required under San Francisco law, SB 50 will not change that process.

Because of SB 50's benefits for housing affordability and the environment, a broad coalition of labor, environmental, affordable housing, senior, and student organizations are supporting the bill, including the California Building and Construction Trades Council, the Nonprofit Housing Association of Northern California, the California League of Conservation Voters, Habitat for Humanity, AARP, the University of California Student Association, and various local elected officials, including Mayors London Breed, Michael Tubbs, Libby Schaaf, Sam Liccardo, and Darrell Steinberg.

### **Benefits of SB 50 for San Francisco**

What SB \*will\* change in San Francisco is (1) ending the inequitable development patterns we currently see in our city, (2) legalizing affordable housing throughout the city, not just in a few neighborhoods, and (3) dramatically increasing the number of below market rate homes produced.

Because approximately 70% of San Francisco is zoned single-family or two-unit — in other words, all forms of housing other than single family and two units are banned — it is illegal to build even a small

apartment building or affordable housing project in the large majority of San Francisco, including in the lion's share of your own district. Dense housing is thus concentrated in just a few areas — Districts 3, 6, 9, and 10 — with only a few exceptions. Your opposition to SB 50 perpetuates this geographic inequity in San Francisco.

San Francisco will see a significant increase in affordable homes under SB 50. With more multi-unit zoning, parcels currently ineligible for 100% affordable projects (e.g., single-family-zoned parcels) will now be candidates for such projects, including in your district. In addition, legalizing more multi-unit buildings, as SB 50 does, will mean that many more projects will trigger San Francisco's inclusionary housing requirements and dramatically increase the number of below-market-rate units produced. Indeed, as noted by the San Francisco Planning Department in its analysis of SB 50: "SB 50 is likely to result in significantly greater housing production across all density-controlled districts, and thus would produce \*more\* affordable housing through the on-site inclusionary requirement."

### **Inaccuracies in Your Resolution**

Your resolution contains a number of highly inaccurate statements about SB 50. If you are committed to bringing this resolution to a vote — despite all the benefits SB 50 can bring to San Francisco and California — I request that you at least correct these inaccuracies:

*1. Your resolution falsely states that SB 50 will "undermine community participation in planning" and "result in significantly less public review."*

As noted above, SB 50 does not in any way change the approval process for individual projects. Nor does it change the city's ability to adopt anti-displacement protections, demolition controls, inclusionary housing requirements, design standards, and so forth. The community is in no way removed from the planning process.

*2. Your resolution falsely states that SB 50 will undermine the "well-being of the environment."*

SB 50 has been described as an incredibly powerful tool against climate change, as it will allow more people to live near jobs and transit and avoid being "super-commuters." That is why various environmental groups are supporting it. What undermines the environment and our fight against climate change is low-density zoning in job/transit centers like San Francisco — low density zoning for which you appear to be advocating.

*3. Your resolution falsely states that SB 50 will "prevent the public from recapturing an equitable portion of the economic benefits conferred to private interests."*

As noted above, SB 50 does not override local inclusionary housing requirements. Nor does it override local impact fees, such as transportation, park, sewer, and other development fees. San Francisco will continue to have full latitude to recapture value from development. Indeed, San Francisco will collect significantly more impact fees, since these fees are usually based on the size of the building and SB 50 will allow larger buildings in terms of density.

*4. Your resolution falsely states that SB 50 restricts the city's ability to adopt policies to ensure "equitable and affordable development" in sensitive communities.*

SB 50 contains a 5-year delayed implementation for "sensitive communities," which are defined as communities with significant low income populations and risk of displacement. We are working with tenant advocates to continue to flesh out the details of this provision. This 5-year delay will give communities the opportunity to engage in local anti-displacement planning.

You point to several San Francisco neighborhoods that are not entirely classified as sensitive communities, for example, the Mission, Chinatown, and SOMA. Please note that Chinatown, SOMA, the Tenderloin, and much of the Mission will be minimally impacted, if at all, by SB 50, because they are already zoned as densely or more densely than SB 50 requires. Indeed, this is exactly why SB 50 will increase equity. Historically, low income communities have disproportionately been zoned for density, while wealthier communities have not. Why should density be concentrated in low income communities? SB 50 seeks to break this inequitable status quo, which is why the bill is being aggressively attacked by the Mayors of Palo Alto, Beverly Hills, and Los Altos, and by anti-growth advocates in Cupertino and Marin County. Your resolution, by contrast, perpetuates that inequitable status quo.

*5. Your resolution falsely states that SB 50 does not allow San Francisco to ensure "a meaningful net increase in affordable housing."*

As described above, the exact opposite is true: As confirmed by the San Francisco Planning Department, SB 50 will result in a significant increase in affordable housing, because far more parcels will be zoned for density and thus candidates for affordable housing (only densely zoned parcels can have affordable housing) and because more multi-unit projects mean more below market rate units under San Francisco's inclusionary housing ordinance. Currently, affordable housing is illegal in 70% of San Francisco due to low density zoning. SB 50 changes that status quo, whereas your resolution perpetuates the status quo.

*6. Your resolution falsely states that SB 50 does not protect against demolitions and does not allow San Francisco to protect against demolitions.*

SB 50 maintains local demolition protections and increases those protections for buildings in which tenants have resided in the past 7 years or where an Ellis Act eviction has occurred in the past 15 years. Your resolution is simply wrong about this subject.

I hope you will reconsider your effort to oppose SB 50 or, at a minimum, correct the significant factual inaccuracies in your resolution. As always, I am available to discuss this or any other issue.

Sincerely,



**Scott Wiener**  
Senator

cc: All Members of the Board of Supervisors  
Clerk, Board of Supervisors  
Mayor London Breed  
San Francisco Planning Department

**Carroll, John (BOS)**

---

**From:** Patricia Heldman <sfshrinkpfh@aol.com>  
**Sent:** Thursday, April 04, 2019 10:39 AM  
**To:** Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Haney, Matt (BOS); Brown, Vallie (BOS); Mar, Gordon (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)  
**Cc:** Carroll, John (BOS)  
**Subject:** SB 50  
**Categories:** 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I live in Noe Valley and I am writing to you in support of Supervisor Mar's resolution opposing SB 50. I am against SB 50 because upzoning further exacerbates speculative behavior that has fueled our affordability crisis. As a native San Franciscan, I am also alarmed because this type of development undermines the sense of community and livability that is so much a part of the San Francisco that I love. I urge you to vote in support of this resolution.

Thank you,

Patricia Heldman  
3928-26th Street SF

## Carroll, John (BOS)

---

**From:** robyn zach <romaeve73@gmail.com>  
**Sent:** Thursday, April 04, 2019 10:34 AM  
**To:** Carroll, John (BOS)  
**Subject:** SB 50

**Categories:** 2019.04.04 - GAO, 190319

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Dear Supervisors,

I am a resident of the Richmond district and I am writing to express my deepest support for Supervisor Mar's resolution opposing SB 50. Upzoning the City will further exacerbate our affordability crisis leading to more tenant displacement and gentrification. Giving more bonuses to developers will increase real estate speculation and further exacerbate our affordability crisis. We don't need more luxury condos for the rich and famous, we need more affordable housing for the real people. I urge you to oppose SB 50 and vote in support of Supervisor Mar's resolution.

Thank you,

Robyn Zach

## Carroll, John (BOS)

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Thursday, April 04, 2019 10:05 AM  
**To:** BOS-Supervisors  
**Cc:** Carroll, John (BOS)  
**Subject:** 34 emails regarding SB 50  
**Attachments:** 34 Letters.pdf

**Categories:** 2019.04.04 - GAO, 190319

Hello,

Please see the attached 34 letters regarding File No. 190319.

Thank you,

Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102  
(415) 554-5184  
(415) 554-5163 fax  
Board.of.Supervisors@sfgov.org

Complete a Board of Supervisors Customer Service Satisfaction form by clicking  
<http://www.sfbos.org/index.aspx?page=104>

-----Original Message-----

**From:** Anne Harvey <annetharvey@hotmail.com>  
**Sent:** Wednesday, April 3, 2019 9:47 PM  
**To:** Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; info@cowhollowassociation.org; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Hartmut Fischer <fischer@usfca.edu>; Eric Fischer <ericfischer.phd@gmail.com>  
**Subject:** Oppose SB 50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mayor Breed and members of the San Francisco Board of Supervisors, I am writing to urge you to adopt a resolution opposing Senate Bill 50, which is being put forward by Senator Scott Weiner. It is beyond belief for me that he has authored this bill, given the fact that he is the elected senator for the city and county of San Francisco, and the bill would be devastating to this city. The entire city would be up zoned. A developer could come in and put high rises

whenever they want to. This was clearly shown by a map which Supervisor Peskin showed last year at a hearing for the predecessor bill, which as I recall was SB 827.

The bill is essentially a giveaway to big money interests and wealthy developers so that they can ride roughshod over the little people, people who care about rational plans, and putting together something that satisfies competing interests. You could forget about have urban planning or a planning department. they would have little to do. The developers could become very aggressive and just jam things down everyone's throat. The way the law would work is very heavy handed, and undemocratic. Rule from the top down. One should keep in mind the disasters that can happen when one has such top down. In San Francisco in recent memory, we have case of what happened to the Fillmore under federal redevelopment. There was wholesale demolition and displacement under the regime of Justin Hermann.

This bill would create a form of authoritarian rule. that is an anathema to a democracy. When the planning process works well in San Francisco, we have neighborhood input and guidelines. In my experience, neighbors are welcoming and when their voices are heard and listened to., the result is far superior.

High-rises are already causing substantial problems in San Francisco. One need look no farther than the Millennium Tower which stands downtown, and is slowly sinking and leaning, and appears to be leading to non-stop legal hassles.

SB 50 punishes San Francisco, and fails to recognize the work of the planning department in having rules and guidelines and then adding points for various public benefits. The flexibility to do such exchanges would be gone.

One thing I think we should recognize is the total area of San Francisco is not very large., and that it is rather unsocial to leave buildable lots empty, awaiting further appreciation in value. At the present time, I have noticed that there are many vacant lots on lombard Street which are essentially meadows, that could be developed as housing under current guidelines. Perhaps the city itself should do something to prod the owners into doing something with their vacant land. What I suggest is a special tax on idle land so that it is put to some use. I think that what is happening is that owner developers are holding off on building because of their expectation that if they delay, some form of Sen Weiner's bill will eventually be adopted, and their profits will increase dramatically. I suspect a cabal.

Sincerely yours, Anne Harvey

**From:** Kristina Gedvila Young  
**To:** Board of Supervisors, (BOS)  
**Subject:** Against SB-50  
**Date:** Monday, April 1, 2019 8:50:55 AM

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Please do not allow SB 50 to pass! Please help keep our wonderful city wonderful and do not jeopardize our skyline with tall towers.

I am absolutely opposed to SB 50.

Regards,  
Kristina Young

**From:** :)  
**To:** [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Brown, Vallie \(BOS\)](#)  
**Cc:** [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Ronen, Hillary](#); [Haney, Matt \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); [Carroll, John \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)  
**Subject:** CSFN Letter - Oppose SB-50  
**Date:** Tuesday, April 2, 2019 11:34:25 AM  
**Attachments:** [CSFN-SB50 Oppose GAO Letter.pdf](#)

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Honorable Supervisors Mar, Brown & Peskin of the Government Audit & Oversight Committee:

Please see attached letter previously sent to Planning Commission & the state legislators.

Thank you.

Sincerely,

/s

Rose Hillson

CSFN, Chair LUTC

As authorized by the CSFN General Assembly

**From:** :)  
**To:** [Carroll, John \(BOS\)](#)  
**Cc:** [Board of Supervisors, \(BOS\); olhart120@gmail.com](#)  
**Subject:** FW: No on SB-50  
**Date:** Tuesday, April 2, 2019 10:16:29 AM  
**Attachments:** [JPIA SB-50 GAO Comm Ltr.pdf](#)

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr. Carroll/Clerk to the Board of Supervisors Angela Calvillo/BOS:  
For your official records is the earlier submitted text on JPIA letterhead.  
Thank you.  
Rose Hillson

**From:** Owen Hart <[olhart120@gmail.com](mailto:olhart120@gmail.com)>  
**Date:** April 1, 2019 at 8:25:00 PM PDT  
**To:** [Catherine.Stefani@sfgov.org](mailto:Catherine.Stefani@sfgov.org), [Vallie.Brown@sfgov.org](mailto:Vallie.Brown@sfgov.org),  
[Sandra.Fewer@sfgov.org](mailto:Sandra.Fewer@sfgov.org), [Matt.Haney@sfgov.org](mailto:Matt.Haney@sfgov.org), [MandelmanStaff@sfgov.org](mailto:MandelmanStaff@sfgov.org),  
[Gordon.Mar@sfgov.org](mailto:Gordon.Mar@sfgov.org), [Aaron.Peskin@sfgov.org](mailto:Aaron.Peskin@sfgov.org), [Hillary.Ronen@sfgov.org](mailto:Hillary.Ronen@sfgov.org),  
[Ahsha.Safai@sfgov.org](mailto:Ahsha.Safai@sfgov.org), [Shamann.Walton@sfgov.org](mailto:Shamann.Walton@sfgov.org), [Norman.Yee@sfgov.org](mailto:Norman.Yee@sfgov.org),  
[MayorLondonBreed@sfgov.org](mailto:MayorLondonBreed@sfgov.org)  
**Subject:** No on SB-50

Jordan Park Improvement Association  
120 Jordan Avenue, San Francisco, CA. 94118

April 1, 2019

Dear Elected Officials,

We are writing to express our strong opposition to State Senator Scott Wiener's proposed bill, SB-50. The proposed bill will: (i) lead to increased evictions because of its weak renter protections, as real estate owners sell their assets to developers seeking to take advantage of bill's proposed increased densities; (ii) Increase demolition of single family homes and low-rise multi-unit residential properties; (iii) Increase building heights (up to 75') in many predominantly residential neighborhoods, irreparably changing the character of neighborhoods; (iv) overburden S.F.'s already congested roads and public transportation systems; and (v) increase the density of the city's neighborhoods while reducing sunlight, parks, vegetation, parking and open space. The bill will likely result, not in the development of affordable housing, but in the development of more luxury condominiums as developers seek to maximize their profits. The bill's provisions will destroy the human scale of the city's neighborhoods, one of the attributes that makes the city a special place to live.

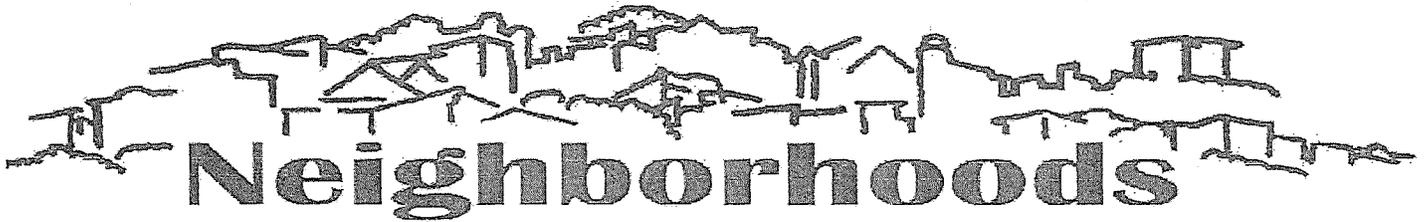
The bill also represents a subrogation of the city's, and its citizen's, rights to those

of the state. The bill indiscriminately robs our communities of the fundamental right of determining how we want our neighborhoods to look and the grow. It prescribes a "one size fit all" for density and building heights fostering the further "Manhattanization" of the city San Francisco. If it is supported by our elected representatives, it also represents an abrogation of their duties to San Francisco's citizens and residents. Residential development to meet the housing needs of San Francisco requires a much more nuanced and subtle approach which respects the current urban fabric of all neighborhoods. SB-50 is a sledge hammer where a tack hammer is required.

Sincerely,

Owen L. Hart  
President, Jordan Park Improvement Association

# Coalition for San Francisco



www.csfn.net • PO Box 320098 • San Francisco CA 94132-0098 • 415.262.0440 • Est 1972

April 2, 2019

Honorable Supervisors Mar, Brown and Peskin  
Board of Supervisors - Government, Audit and Oversight Committee  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

via email

Subject: Senate Bill 50 ("SB-50") <Wiener>  
"Planning & Zoning: Housing Development: Equitable Communities Incentive"

The Coalition for San Francisco Neighborhoods (CSFN) opposes Senate Bill 50 ("SB-50") <Wiener>.

Concerns include the following:

1. SB-50 up-zones all parcels in San Francisco
2. SB-50 will result in the loss of residential areas
3. SB-50 will result in developers making zoning decisions (deregulates local zoning)
4. SB-50 does *\*not\** create affordability:
  - a. No "trickle-down" effect  
(Less housing will be built due costs for labor, land, materials, e.g.)
  - b. No "fee-out" for affordable housing  
(Process creates entitlements to raise property values without certainty of buildings getting built.)

CSFN previously sent this letter to the San Francisco Planning Commission in February and to the state legislators in early March.

Thank you.

Sincerely,  
/s  
Rose Hillson  
Chair, Land Use & Transportation Committee  
As authorized by CSFN General Assembly

Cc: Mr. John Carroll, Clerk GA&O Committee; Board of Supervisors; Mayor Breed; Ms. A. Calvillo,  
Clerk of the Board of Supervisors

# Jordan Park Improvement Association

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120 Jordan Avenue, San Francisco, CA. 94118

April 1, 2019

Dear Elected Officials,

We are writing to express our strong opposition to State Senator Scott Wiener's proposed bill, SB-50. The proposed bill will: (i) lead to increased evictions because of its weak renter protections, as real estate owners sell their assets to developers seeking to take advantage of bill's proposed increased densities; (ii) Increase demolition of single family homes and low-rise multi-unit residential properties; (iii) Increase building heights (up to 75') in many predominantly residential neighborhoods, irreparably changing the character of neighborhoods; (iv) overburden S.F.'s already congested roads and public transportation systems; and (v) increase the density of the city's neighborhoods while reducing sunlight, parks, vegetation, parking and open space. The bill will likely result, not in the development of affordable housing, but in the development of more luxury condominiums as developers seek to maximize their profits. The bill's provisions will destroy the human scale of the city's neighborhoods, one of the attributes that makes the city a special place to live.

The bill also represents a subrogation of the city's, and its citizen's, rights to those of the state. If it is supported by our elected representatives, it also represents an abrogation of their duties to San Francisco's citizens and residents. Residential development to meet the housing needs of San Francisco requires a much more nuanced and subtle approach which respects the current urban fabric of all neighborhoods. SB-50 is a sledge hammer where a tack hammer is required.

Sincerely,

Owen L. Hart

President, Jordan Park Improvement Association

**From:** [Gary Schnitzer](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Fwd: Opposition to sb50  
**Date:** Tuesday, April 2, 2019 8:25:27 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Sent from my iPhone

Begin forwarded message:

**From:** Gary Schnitzer <[g.schnitzer@icloud.com](mailto:g.schnitzer@icloud.com)>  
**Date:** April 2, 2019 at 8:21:16 AM PDT  
**To:** [boardof.Supervisors@sfgov.org](mailto:boardof.Supervisors@sfgov.org)  
**Subject:** **Opposition to sb50**

Dear supervisors, we are opposed to this bill as it undermines the quality of life in Sf with too many new residents, traffic, loss of views and crowding in a city that is already taxed by many problems including filthy streets , homeless, etc. We should solve our existing big issues before we build grand high rise to accommodate more people. The bloom is off the Rose with visitors and tourists complaints about Sf poor security filthy streets and sidewalks and bad traffic. Let's address these important issues instead of trying to be New York City where none of us want to live. Let's be better not bigger.  
Gary and Sandra schnitzer  
50 Normandie terrace

Sent from my iPhone

**From:** Libby  
**To:** Board of Supervisors, (BOS)  
**Subject:** I oppose Senate Bill 50  
**Date:** Wednesday, April 3, 2019 2:59:20 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,  
Please lend my voice to those who oppose this bill which would destroy my neighborhood.  
Thank you.  
E. A. Baxter  
526 Ashbury Street, #3  
San Francisco, CA 94117

**From:** [Howie Newville](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** I support SB 50  
**Date:** Monday, April 1, 2019 9:32:16 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

Over the weekend, I got this postcard on my doorknob telling me that I should write to you all opposing SB 50 from "Stand Up For San Francisco". So, I am writing you to tell you that I support SB 50. This NIMBY group appears to be more concerned about their views of San Francisco Bay than they are about the housing shortage we are experiencing in San Francisco.

I support SB 50, and any other measures designed to produce more affordable, high density housing in San Francisco.

Howard Newville  
2409 Greenwich St, San Francisco, CA 94123

**From:** [Jen Emerson](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Oppose SB 50 to save San Francisco!  
**Date:** Monday, April 1, 2019 10:07:58 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

San Francisco will be destroyed if the SB 50 legislation passes. San Francisco is one of the most beautiful cities on earth, and gets many tourists due to its unique character. If SB 50 passes, it will threaten what makes San Francisco special, it will exacerbate evictions, and income inequality, and destroy this treasure. Future generations will wonder how it was allowed to happen. We owe it to people who live in SF and the future generations to save this special place.

Please vote against this dangerous, damaging legislation which will primarily benefit developers and harm the citizens who live and love this city.

Thank you

Jen Emerson

**From:** [sfpwarfield19@netscape.net](mailto:sfpwarfield19@netscape.net)  
**To:** [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); [info@cowhollowassociation.org](mailto:info@cowhollowassociation.org); [Board of Supervisors, \(BOS\)](#)  
**Subject:** Oppose SB 50  
**Date:** Wednesday, April 3, 2019 8:41:26 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors:

Please oppose SB50, another attempt by Scott Wiener to damage long-time residents and enrich real estate interests, overriding local controls.

HANC and others have provided additional specifics.

Thank you.

Peter Warfield

**From:** Marianne Hesse  
**To:** Stefani, Catherine (BOS); Brown, Vallie (BOS); Fewer, Sandra (BOS); Haney, Matt (BOS); MandelmanStaff, [BOS]; Mar, Gordon (BOS); Peskin, Aaron (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Walton, Shamann (BOS); Yee, Norman (BOS); Breed, Mayor London (MYR); info@cowhollowassociation.org; Board of Supervisors, (BOS)  
**Subject:** Oppose SB 50  
**Date:** Wednesday, April 3, 2019 7:53:42 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To Whom It May Concern:

Please oppose SB 50 in its entirety and do not amend it. It is a horrible, one size fits all approach that, with its increased height recommendations, shows absolutely no regard for all the things that makes San Francisco special and a worldwide destination for tourists. If implemented, it would be a travesty for the entire city, as well as for the individuals who continue to come in droves to appreciate our city's unique charm.

Sincerely,

Marianne Hesse  
District 5

**From:** [eric@elsewhere.onl](mailto:eric@elsewhere.onl)  
**To:** [Breed, Mayor London \(MYR\)](#); [info@cowhollowassociation.org](mailto:info@cowhollowassociation.org); [Board of Supervisors, \(BOS\)](#)  
**Subject:** Oppose SB 50  
**Date:** Wednesday, April 3, 2019 6:09:45 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

As a fellow Sanfransican, please oppose Senator Weiner's bill SB 50, which would up-zone almost the entirety of all the housing lots in San Francisco with particularly significant impacts for housing on the West Side (consisting of the Richmond, the Sunset and Parkmerced). Upzoning and preemptions for local controls would further exacerbate the rampant speculation that has already negatively impacted low-income and moderate-income tenants, immigrants, seniors and families that make up the renters on the West Side of San Francisco.

Thank you,  
Eric

**From:** [Veronica Taisch](#)  
**To:** [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); [Board of Supervisors, \(BOS\)](#)  
**Subject:** Oppose SB 50  
**Date:** Wednesday, April 3, 2019 3:39:52 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To whom this may concern:

I have been a SF resident since 1994 as both a renter and a homeowner. I am strongly opposed to SB 50 for many reasons but particularly because I do not believe this bill will do what it is supposed to do: improve the housing crisis and help our residents. This "one size fit all" approach doesn't work and this bill will give carte blanche to developers who will ruin our neighborhoods and impact our already inadequate transit systems. There are plenty of unoccupied housing and vacant lots in San Francisco that are not being put to good use now. Giving developers the reigns, along with SFMTA who decides traffic patterns takes all control away from the owners and renters.

When those who just want to make money control the neighborhood, bad decisions are made.

I would like our representatives to come up with a plan that utilizes the resources that are already available more efficiently. I think this bill doesn't lay out an effective plan and has no checks and balances. I agree that something needs to be done but SB 50 is not the answer.

Thanks,  
Veronica Taisch  
District 2 voter  
Pierce St  
SF Ca 94123

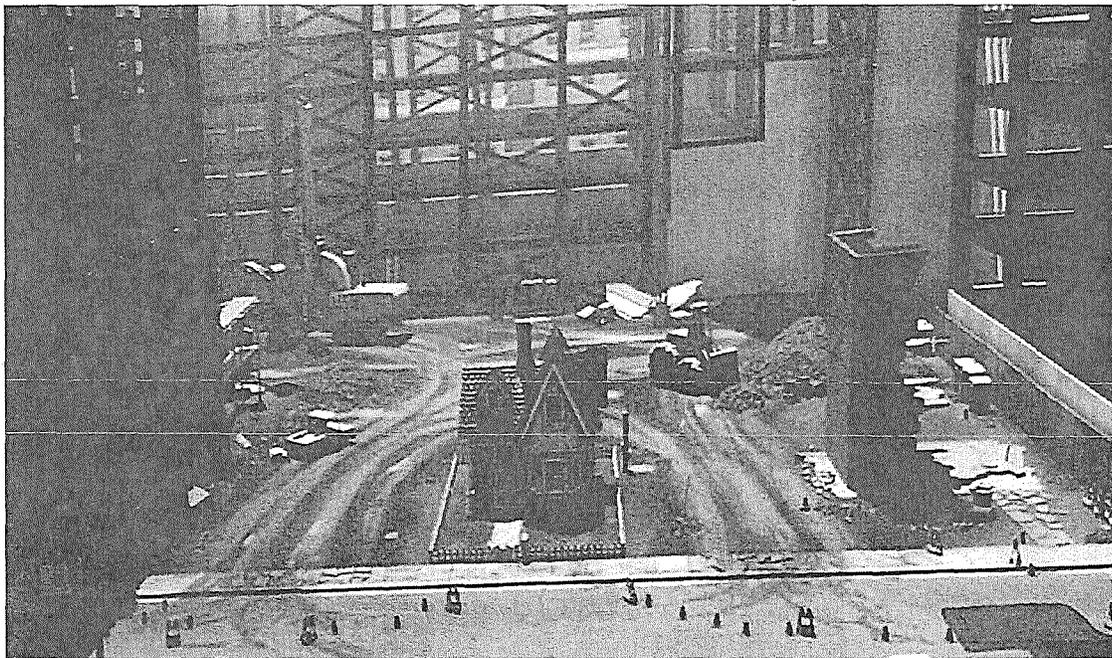
**From:** [Collin Burdick](#)  
**To:** [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Hanev, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); [info@cowhollowassociation.org](mailto:info@cowhollowassociation.org); [Board of Supervisors, \(BOS\)](#)  
**Subject:** Oppose SB 50  
**Date:** Monday, April 1, 2019 7:45:26 PM  
**Attachments:** [image.png](#)

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi all,

As a long-time San Francisco resident and home owner, the idea to upzone the entire city is an atrocious idea. They literally made a movie about this if you need to understand why. I promise you'll cry.



Best,  
Collin Burdick

**From:** [bb2250](#)  
**To:** [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); [info@cowhollowassociation.org](#); [Board of Supervisors, \(BOS\)](#)  
**Cc:** [Bb2250](#)  
**Subject:** Oppose SB 50  
**Date:** Monday, April 1, 2019 7:10:43 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I oppose SB 50.

Bernard Bauer, Ph.D.  
[2443 Greenwich St.](#)  
[San Francisco 94123](#)

**From:** Bernard Bauer  
**To:** Stefani, Catherine (BOS); Brown, Vallie (BOS); Fewer, Sandra (BOS); Hanev, Matt (BOS); MandelmanStaff, [BOS]; Mar, Gordon (BOS); Peskin, Aaron (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Walton, Shamann (BOS); Yee, Norman (BOS); Breed, Mayor London (MYR); info@cowhollowassociation.org; Board of Supervisors, (BOS)  
**Subject:** Oppose SB 50  
**Date:** Monday, April 1, 2019 7:08:39 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I oppose SB 50.

Susanne Stolzenberg, Esq.  
2439 greenwich St.,  
San Francisco 94123

**From:** [Nadia Kilgore](#)  
**Subject:** Oppose SB 50  
**Date:** Monday, April 1, 2019 6:31:12 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I oppose SB 50.

Thank you,

Nadia Kilgore

**From:** [Jan M Hudson](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Oppose SB 50  
**Date:** Monday, April 1, 2019 11:11:17 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please oppose SB50, as it will destroy the character of our city. It is not the way to increase housing and is only a windfall for developers.

Jan Hudson

Sent from my iPhone

**From:** [Anne Harvey](#)  
**To:** [Breed, Mayor London \(MYR\)](#); [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [info@cowhollowassociation.org](mailto:info@cowhollowassociation.org); [Board of Supervisors, \(BOS\)](#)  
**Cc:** [Hartmut Fischer](#); [Eric Fischer](#)  
**Subject:** Oppose SB 50  
**Date:** Wednesday, April 3, 2019 9:47:26 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mayor Breed and members of the San Francisco Board of Supervisors, I am writing to urge you to adopt a resolution opposing Senate Bill 50, which is being put forward by Senator Scott Weiner. It is beyond belief for me that he has authored this bill, given the fact that he is the elected senator for the city and county of San Francisco, and the bill would be devastating to this city. The entire city would be up zoned. A developer could come in and put high rises whenever they want to. This was clearly shown by a map which Supervisor Peskin showed last year at a hearing for the predecessor bill, which as I recall was SB 827.

The bill is essentially a giveaway to big money interests and wealthy developers so that they can ride roughshod over the little people, people who care about rational plans, and putting together something that satisfies competing interests. You could forget about having urban planning or a planning department. They would have little to do. The developers could become very aggressive and just jam things down everyone's throat. The way the law would work is very heavy handed, and undemocratic. Rule from the top down. One should keep in mind the disasters that can happen when one has such top down. In San Francisco in recent memory, we have a case of what happened to the Fillmore under federal redevelopment. There was wholesale demolition and displacement under the regime of Justin Hermann.

This bill would create a form of authoritarian rule, that is an anathema to a democracy. When the planning process works well in San Francisco, we have neighborhood input and guidelines. In my experience, neighbors are welcoming and when their voices are heard and listened to, the result is far superior.

High-rises are already causing substantial problems in San Francisco. One need look no farther than the Millennium Tower which stands downtown, and is slowly sinking and leaning, and appears to be leading to non-stop legal hassles.

SB 50 punishes San Francisco, and fails to recognize the work of the planning department in having rules and guidelines and then adding points for various public benefits. The flexibility to do such exchanges would be gone.

One thing I think we should recognize is the total area of San Francisco is not very large, and that it is rather unsocial to leave buildable lots empty, awaiting further appreciation in value. At the present time, I have noticed that there are many vacant lots on Lombard Street which are essentially meadows, that could be developed as housing under current guidelines. Perhaps the city itself should do something to prod the owners into doing something with their vacant land. What I suggest is a special tax on idle land so that it is put to some use. I think that what is happening is that owner developers are holding off on building because of their expectation that if they delay, some form of Sen Weiner's bill will eventually be adopted, and their profits will increase dramatically. I suspect a cabal.

Sincerely yours, Anne Harvey

**From:** [Mark Staton](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Oppose SB-50 and Scott Wiener  
**Date:** Wednesday, April 3, 2019 7:34:57 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear board of supervisors,

I can not believe Scott Wiener is at it again; he is trying to ruin San Francisco with SB-50. We do not need the state to tell us what height or density we should build in San Francisco. I live in the Outer Parkside, and we do not need 75-foot buildings with the density SB-50 will allow.

Please Stop Scott Wiener and SB-50, and remember, I vote, and so do my neighbors.

Thank you

Mark Staton

415-850-9909

[msstaton@sbcglobal.net](mailto:msstaton@sbcglobal.net)

**From:** [Sebastiano Scarnpi](#)  
**To:** [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); [info@cowhollowassociation.org](mailto:info@cowhollowassociation.org); [Board of Supervisors, \(BOS\)](#)  
**Subject:** OPPOSE SB50!!  
**Date:** Wednesday, April 3, 2019 12:59:40 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**From:** Don Emmons  
**To:** Stefani, Catherine (BOS); Brown, Vallie (BOS); Fewer, Sandra (BOS); Hanev, Matt (BOS); MandelmanStaff, [BOS]; Mar, Gordon (BOS); Peskin, Aaron (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Walton, Shamann (BOS); Yee, Norman (BOS); Breed, Mayor London (MYR); info@cowhollowassociation.org; Board of Supervisors, (BOS)  
**Cc:** Lori Brooke  
**Subject:** Oppose SB50  
**Date:** Monday, April 1, 2019 5:52:16 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Elected Officials,

SB50 makes little sense to me. The problem to be solved is increased and affordable housing for lower income families in California. We need to stop allowing market rate housing growth at the expense of affordable housing. SB50 does not do this. It increases market rate housing (which is very well considered in San Francisco) and does not provide for the families that want to live and work here. Teachers, Police, Fire Fighters, home building and improvement trades, service providers, retired residents all will suffer further if this bill or anything like it becomes law.

I think we should take a close look at where this funds for supporting this bill are coming from. Those are the individuals and companies that will profit from this bill. There are no indications that this bill will create affordable housing in San Francisco. This is like “trickle down tax cuts for the 1% and large corporations”. Building more market rate housing does not solve the affordability problem.

Among my concerns are:

- SB 50 will deregulate residential zoning creating value potentials ripe for real estate speculation
- SB 50 will do nothing to address a deep deficit in affordable housing in San Francisco unless there are significant changes to local inclusionary
- Tenant protections are not enforceable in San Francisco
- State resources should be focused on using public infrastructure to create affordable housing or enforcement to stop real estate speculation

We are in an affordability crises not a housing crises. Let's address AFFORDABLE HOUSING” not rampant real estate speculation!

Best regards,

Don

Don Emmons  
2552 Greenwich St.  
San Francisco, CA 94123  
415-928-8869

**From:** [mike.singer](#)  
**Subject:** Oppose SB50  
**Date:** Tuesday, April 2, 2019 11:16:00 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Stefani et al,

As native San Franciscans my wife and I chose to raise our boys in this city and they are now both in college. Frankly, as much as we love the city we are not sure we would make that decision again as the quality of life seems to continue to decline i.e. the homeless, traffic, crime, and dirty streets. Growing up my wife and I lived in various districts including North Beach, Richmond, Sunset, Lakeside, Cow Hollow, and we currently live in the Marina district. Each of the neighborhoods have distinct and special qualities about them that make them unique. It is outrageous that the state is trying to impose its will on our city through expanded development with seemingly no concern as to how it may adversely affect the special qualities of our neighborhoods and further erode our city's quality of life. We urge you to protect our city from the state's overreach.

Sincerely,

Mike Singer  
3154 Baker St  
SF CA 94123

**From:** Susan Spiwak  
**To:** Board of Supervisors, (BOS)  
**Subject:** Oppose SB-50  
**Date:** Wednesday, April 3, 2019 5:34:05 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear San Francisco Board of Supervisors:

The purpose of this email is to express my opposition to SB-50, Scott Weiner's proposed bill that will allow developers to demolish homes and build huge luxury apartment structures in San Francisco. Please oppose Mr. Weiner's proposed bill and do not accept any amendments.

Sincerely,

Susan Spiwak

**From:** [Bill Gorman](#)  
**To:** [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mavor London \(MYR\)](#); [Board of Supervisors, \(BOS\)](#); [info@cowhollowassociation.org](mailto:info@cowhollowassociation.org)  
**Subject:** Opposed to SB 50  
**Date:** Wednesday, April 3, 2019 6:56:09 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear San Francisco Supervisors,

I'm opposed to the contents of SB 50.

It threatens the character of San Francisco neighborhoods, and our local decision-making authority. San Francisco already does more to promote housing than most area governments.

Regards,

Bill Gorman  
2288 Broadway St.  
San Francisco

**From:** [George K. Merijohn, DDS](#)  
**To:** [Brown, Vallie \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); [Board of Supervisors, \(BOS\)](#); [info@cowhollowassociation.org](mailto:info@cowhollowassociation.org)  
**Cc:** [George K. Merijohn, DDS](#)  
**Subject:** Opposing SB 50 and asking for your representation for our city.  
**Date:** Wednesday, April 3, 2019 7:21:44 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mayor Breed and Supervisors,

If you appreciate the uniqueness of San Francisco it is high time for all tax paying San Franciscans and our elected representatives to wake up and smell the coffee.

Senator Wiener wants to turn SF into some overly developed and hideous generic urban plot.

**Please oppose SB-50 in its entirety. No amendments – just send it back to the vision vacuum that created it.**

On Dec 3<sup>rd</sup> 2018 the misguided and deeply conflicted Senator Scott Wiener introduced [SB-50](#) in an attempt to bring back most of the zoning legislation contained in [SB-827](#), which was defeated last year. This is a one-size-fits all bill for California that without doubt will negatively impact 96% of San Francisco. San Francisco is my home. I have also maintained my businesses and multiunit residential property here for 38 years.

My name is George Merijohn. **I am writing to inform you that I stand in direct opposition to Senator Wiener's bill SB 50. I ask that you read SB 50 for yourself and strongly oppose it in its entirety.**

There is no credible evidence to support the seriously flawed proposal that SB 50 will solve the California housing problem. *Furthermore, it disproportionately hurts San Francisco.* SB 50 rewards unchecked speculation, kills cherished neighborhoods and significantly worsens housing affordability. The Senator's overly simplistic, naïve and sophomoric "one size fits all" approach to California housing will destroy California's renowned community diversity. Apparently, Mr. Wiener feels that 1960's area Soviet style high density urban planning is the solution for California in 2019. He needs to get to work for California instead of trying to jam his political sideshow down California's throat.

The last thing California and especially my home town San Francisco needs is another bonus to the real estate speculators and that's exactly what SB 50 will do.

State Senator Scott Wiener's SB 50 legislation, after last year's defeated SB 827, claims to help solve California's housing crisis and create more "affordable housing," yet this bill will actually do more for

luxury builders than anyone else. Apparently, Senator Weiner thinks people will not read the large print: the primary backers include real estate developers and technology companies. Follow the money – that is what SB 50 is about.

SB 50 prescribes an overwrought, unnecessarily heavy-handed and unprecedented preemption of local zoning, all in a vain attempt to solve an affordable housing shortage.

SB 50's usurping of local control over zoning laws is keyed to a property's proximity to public transit, and in San Francisco, that affects 96% of the parcels.

SB 50 eliminates RH-1 and RH-2 designations; instead all properties will be zoned as RTO (Residential Transit Oriented). This means new projects will have no density controls or parking requirements, and there is an incentive to demolish, merge lots and rebuild with luxury condos with a few token tiny, affordable units.

As you know, if a project includes these affordable units, it allows the developers to increase the height beyond current zoning limits and "pick and choose exemptions for themselves from the otherwise applicable local building limits": height, density, setbacks, lot mergers, parking, massing, exposure, rear yards, floor-area ratio, demolition, design standards and impact fees. Imagine if you live in San Francisco and the house next door or across the street to you is now replaced by a seven (7) story high-rise, densely packed with units, with no light wells, covering the entire lot, and offering no parking -- all in a building with a 75-foot width.

SB 50 eviscerates local zoning rules by turning them over to Sacramento's legislated one size fits all preemptions.

Additionally, what little light, air, privacy, view, rear-yard open space and parking remains surrounding San Francisco homes and apartments will be lost if SB 50 passes.

**As a tax paying citizen, California resident and businessman, I ask that you read SB 50 for yourself and strongly oppose it in its entirety. At the very least, please take a brief look at the addendum below for what lurks behind SB50.**

**A few more facts to consider:**

***Nearly all of San Francisco is near transit and can be upzoned under SB 50. How much density, height and congestion increases can one city bear before they destroy what made it so desirable in the first place?***

**96% of San Francisco eligible for upzoning.** Residential development that is either within ½ mile of the Muni Metro, BART, Ferry or Cable Cars or ¼ mile from a frequently-served bus stop will be eligible -- [SF Planning Department analysis of SB 50](#). The hidden consequence of this bill is the impact on our neighborhood from combining SB 50 and other existing housing bills ([State Density Bonus](#) and [Housing Accountability Act](#)). That would allow increased heights up to 70' in residential areas and up to 75' in our commercial districts

**SB 50 puts developers in charge of their own planning.** Cities will have NO planning power

and neighbors will have NO say. If developers include a certain percentage of affordable housing in the project, they can choose, in addition to increased height and density, three (3) exemptions from building codes. Here's a small sample of local development standards, design and planning tools they can choose from:

- **Remove setbacks:** No more areas for trees, green belts, and side yards.
- **Reduce floor area ratio:** Building size/density can grow 47% to 297%.
- **Eliminate environmental sustainability:** Any development standard adopted by a city that isn't state law can be ignored by developers.
- **Remove onsite open-space:** Courtyards and balconies can be omitted.
- **Allow demolition:** Developers can demolish all buildings not on the California Registry of Historic Places. Most city building are not eligible, and of those that are, most are not registered.
- **Remove exposure requirements:** Allow windows that inhumanely stare at a wall.
- **Encourage lot mergers:** Up to 150 linear feet of frontage and possibly no limit with the State Density Bonus.

**Eliminates single-family zoning.** SB 50 overturns single-family zoning in areas that are "above median income, jobs-rich with good public schools" and lack major transit. Local RH-1, RH-2, RH-3 and many other residential zoning codes will no longer apply.

**Rewards construction of up to 75 foot towers next to single-family homes.** SB 50 encourages 75-foot luxury towers in single-family areas that are either close to transit or close to jobs and good schools. The limit is NOT 45 and 55 feet, as Wiener falsely says in SB 50, due to its interface with other state legislation (State Density Bonus). Up to 7-story buildings will be in areas currently zoned 4-stories if multiple zoning laws are combined and applied.

**Cities can't stop a luxury tower unless the project hurts public safety.** SB 50 is weaponized by the Housing Accountability Act of 1982, quietly amended by local politicians Nancy Skinner and Scott Wiener in 2017. It bans cities from rejecting any "density bonus" project unless the development "puts public health and safety at risk, or on any property listed in the California Register of Historical Resources." Therefore the onus is on the neighbors to claim and prove the risk. Otherwise the project proceeds:

**Demolition.** Local anti-demolition laws are honored, BUT if the demolition of a home would result in even one more housing unit than what presently exists on the parcel, the demolition must be allowed. San Francisco's local demolition laws will be null and void.

**Zero parking requirement.** This bill encourages severe density increases with no associated

parking, on the assumption that everyone will ride public transit. There's been a decrease in public transportation ridership of 20%. In reality, the lack of parking will only clog the streets and highways with more Uber and Lyft cars.

**Turns developers into the fox guarding the rental hen-house.** SB 50 utterly fails to protect renters. While it purports to temporarily prevent developers from razing "rental housing," only cities who keep a register of their renters can stop developers from misstating who lives there.

**SB 50 does nothing to address the infrastructure plans and costs that will be needed to accommodate all these new developments.** How will California plan and pay for the increased needs of utilities such as sewer, water and power plus public transportation, schools, fire and police, parks, wear and tear on the roads and all aspects of infrastructure from this dramatic increase in housing in the U.S.'s already most populated state? SB50 provides no funding whatsoever for all of this. Instead, it foists all those expenses on the cities and communities.

Our San Francisco elected representatives Scott Wiener, Phil Ting and David Chiu are claiming to help solve California's housing crisis with a statewide, one-size-fits-all solution. Meanwhile they are pushing through legislations that hurts the very city they were sent to Sacramento to protect.

There is a housing problem, but the issue is AFFORDABLE housing (low, moderate and middle income), and this bill does nothing to guarantee this type of housing will be built. In fact, on the contrary, it will encourage a proliferation of market rate, million-dollar condos that do nothing to address the problem, meanwhile seriously impacting the local character of our neighborhoods - the very reason many chose to live here and tourists love to visit.

In San Francisco we currently have over 58,000 parcels of property that have been purchased and fully entitled/approved for development, but nothing is happening due to the high cost of building. SB 50 does nothing to provide funding for or subsidizing of housing. And with the estimated thousands of new millionaires from the IPOs of Uber, Lyft, AirBnB, Pinterest, etc. who want to live in San Francisco, there's added motivation for developers to use SB 50 to focus on luxury properties at the expense of the purpose of the bill -- affordable housing. There is no reason to expose 96% of San Francisco to virtually unlimited development just because the real estate developers and tech companies, their funded organization (YIMBYs) and our elected representatives Scott Wiener, Phil Ting, and David Chiu say so.

Thank you for your consideration.

Respectfully,

George K. Merijohn  
San Francisco

George K. Merijohn, DDS  
[www.merijohn.com](http://www.merijohn.com) 415.929.6965

Assistant Professor UC San Francisco and University of Washington Postdoctoral Periodontology

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**From:** [philippe.vendrolini](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Opposing SB 50  
**Date:** Wednesday, April 3, 2019 2:11:22 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm glad that our supervisors are standing up for San Francisco. This bill is a dream come true for developers and DOES NOT resolve the main housing problem we have in SF : AFFORDABILITY.

It allows developers to decide where, how high, and how many units to build, they will only be guided by profit and have no incentive to create affordability.

We need a more tailored approach to the problem and request more affordable units from developers if they are to gain from the upzoning.

Philippe & Shari Vendrolini  
94114

**From:** Cheryl delamere  
**To:** Board of Supervisors, (BOS)  
**Subject:** opposition to SB-50  
**Date:** Monday, April 1, 2019 12:03:18 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

As a 22 yr homeowner in the Sunset I totally oppose SB-50. The only development I would approve is government funded affordable housing at transportation hub intersections. We have enough expensive apartments and condos. Cheryl de la Mere

**From:** Cynthia Gissler  
**To:** Stefani, Catherine (BOS); Brown, Vallie (BOS); Fewer, Sandra (BOS); Hanev, Matt (BOS); MandelmanStaff, [BOS]; Mar, Gordon (BOS); Peskin, Aaron (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Walton, Shamann (BOS); Yee, Norman (BOS); Breed, Mayor London (MYR); Board of Supervisors, (BOS)  
**Subject:** Opposition to SB50  
**Date:** Wednesday, April 3, 2019 2:27:18 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear San Francisco Supervisors,

My sons are the fifth generation to be raised in a moderate house in Cow Hollow. I work full time and have volunteered for many organizations in our fine city including The Women's Building board, the CHA board, the NAPP board in the Presidio, and as a docent in the Presidio Officer's Club museum. I love this City and cherish the unique neighborhoods. Cow Hollow Association has spent years helping neighbors carefully negotiate how to renovate or build in our neighborhood so that we retain the character, light, height limits, and open green spaces in the centers of the block, which we all love.

Senator Scott Wiener's SB 50 legislation is not only an affront to all that we hold dear in Cow Hollow but also throughout San Francisco and the State. The issue in a nutshell is affordable housing. His legislation does nothing to address this issue and only provides developers with more ability profit by flaunting the rules carefully set down by the Planning Commission and the Cow Hollow Neighborhood Design Guidelines. This legislation will result in large expensive properties and not address affordable housing at all. Additionally, this legislation would harmfully permanently change the unique character of most neighborhoods in our City and State.

Without a vision and funds to improve the transit technology and its reach throughout the City and Bay Area, this bill's claim of building that encourages use of public transportation does not have factual data to support it. I ask that the Board of Supervisors pass a resolution Opposing SB 50. There are ways to solve our housing crisis and it will take hard work, discipline, and some thoughtful choices on the part of the state and the City of San Francisco to address the economic disparities that have arisen. This legislation does none of that.

Sincerely,

Cynthia Gissler

2727 Baker Street

San Francisco, CA 94123

**From:** BETH WEISSMAN  
**To:** Board of Supervisors, (BOS)  
**Subject:** Opposition to SB-50  
**Date:** Tuesday, April 2, 2019 5:50:34 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Board of Supervisors,

This is my second letter in opposition to this terrible bill, which Senator Weiner has once again brought up despite opposition the first time. I live in San Francisco in District 2, and I urge you to oppose this bill. If Senator Weiner has his way, developers will make our difficult parking situation worse, wipe out green belts, side yards, and setbacks, which are an integral part of this neighborhood. It will destroy single family and rental housing for luxury one bedroom high rises, ruining the parts of San Francisco which have not lost their character to become a pale copy of New York. It will force families away from the city where most of them work. The entire idea is a poor one, more grandstanding than well thought out legislating. This is most definitely not a housing solution but a boon to real estate developers.

Thank you,

Beth Weissman

**From:** [Claire Mills](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Please oppose SB 50  
**Date:** Wednesday, April 3, 2019 5:34:12 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear San Francisco Supervisors,

I would like to add my name to those in opposition to SB 50. Removing local input/control and rejecting neighborhood organizations' concerns on construction projects lessens civic involvement and runs against democracy. It is against California values.

Scott Wiener's plan to ignore boards of supervisors statewide (for example the unanimous declaration of opposition by the LA board of sups and the majority of San Francisco's supervisors) is a slap in the face to all of California. It seems imminent domain will be applied statewide with the passage of SB50 and that the pro-construction plan of SB 50 only benefits developers and not local communities. Communities will lose control of design of their architecture, zoning, traffic planning and implementation of increasing low income housing. The plan seems to undermine San Francisco's building requirements designed to increase affordable housing. So many tall residential towers in San Francisco can't fill their units as all this luxury housing isn't what San Francisco needs.

We have a tiny backyard here on Greenwich Street...but we have a backyard. Hummingbirds, bees, and other wild life make regular appearances and feed off our tiny flowering trees. If a developer bought our or any property like mine, SB 50 would allow construction over so many small yards and the cumulative negative effect on nature and food sources would be truly sad. If you want to live in a concrete jungle like Manhattan, move there. I, like so many others, chose San Francisco for its love and respect for the environment. I moved here 33 years and will continue to fight for San Francisco.

Those of us who canvassed for Scott Wiener feel we may have been helping a wolf in sheep's clothing. My heart is broken. California wouldn't support his plan in the last election so he has rigged the deck to undermine statewide opposition by taking control of an important committee.

We depend on our local leaders to implement the will of their constituents. Please hear the loud roar of opposition by San Franciscans. We hope we can count on you to listen and consider the many valid arguments against SB 50 from all the neighborhood organizations and private citizens.

Thank you for representing us!  
Claire Mills

**From:** [Carl](#)  
**To:** [Brown, Vallie \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#)  
**Cc:** [Fewer, Sandra \(BOS\)](#); [Hanev, Matt \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)  
**Subject:** Please Support Supervisor Mar's Resolution Opposing SB 50  
**Date:** Wednesday, April 3, 2019 3:24:32 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**Dear Supervisors Brown, Mar, and Peskin, Please support Supervisor Mar's resolution opposing SB 50. Keep land use management local! Thank you.**

**Carl Schick  
247 Bret Harte Rd.  
San Rafael, CA 94901**

**From:** Jeffrey P. Ricker, CFA  
**To:** Stefani, Catherine (BOS); Brown, Vallie (BOS); Fewer, Sandra (BOS); Hanev, Matt (BOS); MandelmanStaff, [BOS]; Mar, Gordon (BOS); Peskin, Aaron (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Walton, Shamann (BOS); Yee, Norman (BOS); Breed, Mayor London (MYR); info@cowhollowassociation.org; Board of Supervisors, (BOS)  
**Subject:** SB 50 - NO!  
**Date:** Monday, April 1, 2019 10:29:39 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Politicians:

Please oppose on SB 50. Government housing engineering is bad policy.

Using dense housing to force people to use public transit to stop CO2 emissions and thereby alleviate the Global Warming Crisis is absolutely ridiculous.

How much lower is the global temperature if SB 50 passes?

What does your elaborate climate model say?

ZERO!

SB 50 is frivolous symbolism disrupting communities.

Let local governments decide on their own housing policies.

Sincerely,

Jeffrey P. Ricker, CFA  
1912 Filbert Street  
San Francisco, CA 94123

**From:** Shawn Dahlem  
**To:** Stefani, Catherine (BOS); Breed, Mayor London (MYR); Board of Supervisors, (BOS)  
**Subject:** SB50  
**Date:** Monday, April 1, 2019 1:05:12 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I'm writing to convey strong opposition to SB50. As you know, the previous legislation had lost in a public vote. It's frustrating the new SB50 will not go to a public vote.

The swath of legislation seems to be a 'one size fits all' and disregards any local community input or voice. There does not appear to be a path of accountability.

I hope those in public service recognize the importance of representing our community and protecting those safeguards in our communities.

Sincerely,

Monica M. Dahlem  
415-902-1155

**From:** [Geoff Wood](#)  
**To:** [Breed, Mayor London \(MYR\)](#); [Board of Supervisors, \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#)  
**Subject:** SB50  
**Date:** Thursday, April 4, 2019 9:40:56 AM  
**Attachments:** [ANOTHER WEINERVILLE.docx](#)

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Mayor Breed and Board of Supervisors,

Please read the attached letter that I believe outlines significant problems with the proposed senate bill.

Thank you,

Geoff Wood



## ANOTHER WIENERVILLE!

This is affordable housing mandated by a central government miles and years away from when this town was a nice-looking village surrounded by fishing and farming areas. Private enterprise did not build these, the state did. The units don't have the latest appliances or even the latest modern conveniences. Each unit is the same boring, obsolete configuration. Consequently, a decade or two after these were produced to solve a housing crises, many are vacant and residents who can afford to leave, do so.

Making housing affordable doesn't have easy answers. The problem took time to create and it will take time to solve without creating unwanted consequences. In cities like San Francisco, where demand for good, affordable housing is strong, areas south of Market (SOMA) can continue to add needed housing and, more importantly, the needed stores and services to service the new population. Trying to add affordable, high-rise housing in every neighborhood is naive and becomes very expensive because of the smaller scale. Older neighborhoods don't have the needed infrastructure (sewer, water, transit, wider streets, parking and shopping services) to support the new housing regardless of how much state bureaucrats jump up and down. Established families and tenants will be driven out; traditional neighborhoods will become defaced with constant construction driving more potential homeowners and renters to other areas. In other words, what is thought to be the easy answer building state-mandated housing everywhere, as envisioned by California SB50, that overrides local zoning rules, will backfire destroying many attractive neighborhoods.

Good products take time to create. Local planning and building departments understand what housing will work and where – they are in the best position to approve it. The cost to build in many neighborhoods today is just unaffordable for even moderate and market rate housing. The experience in San Francisco, New York, Seattle and other cities in great demand attests to this. The square-foot cost-to-build today in much of California has doubled or tripled in the last two years, mainly because of the demand to rebuild created by the devastating fires of 2017 and 2018. What cost \$300/SF to build in 2016, now costs \$600-\$800 per square foot in many markets. Until these markets can increase the supply of more affordable housing, the wages paid workers that live there will have to increase to meet the higher cost to house these necessary employees. Higher pay provided by the market (not arbitrary minimum wage increases) will help to keep the needed workers close enough to serve the bulging populations of these growing cities. Large companies that have added the new tech jobs should help solve the imbalance that they have helped to create by including apartment housing in the new high-rise offices they build in the future.

Geoff Wood  
San Francisco  
4/03/2019

**From:** [Michael Mueller](#)  
**To:** [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); [info@cowhollowassociation.org](mailto:info@cowhollowassociation.org); [Board of Supervisors, \(BOS\)](#)  
**Subject:** Strongly Oppose SB 50: Transportation Infrastructure Can't Support Greater Density  
**Date:** Wednesday, April 3, 2019 8:39:58 PM

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Dear Supervisors,

A recent two hour trip to Berkeley and a one hour trip to South of Market brought home the fact how stretched the transportation infrastructure is in San Francisco and the Bay Area already. Besides its other flaws, the key assumption underlying the SB50--that the transportation/transit infrastructure is adequate to support significant additional density--is flat out wrong. Traffic and congestion have never been worse and people are loathe to take public transit if they can avoid it (hence the success of Uber and Lyft, which only further increase congestion and make MUNI buses even slower and less reliable). Adding dramatically more housing, particularly in the north and west of the city (where MUNI is really not a viable option for almost everyone), will make an already untenable traffic and transit situation even worse. Manhattan-type densities only work if there's a viable and effective mass transit option (i.e, a subway), which San Francisco does not have. The unintended consequence of this "one size fits all" zoning approach will be more traffic, more pollution, less safe streets, uncontrolled development, loss of neighborhood character and an inability of city and regional government to effectively manage the process. I urge you to send a strong message to our state representatives to reject SB50.

Michael Mueller  
District 2 Resident

## Carroll, John (BOS)

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**From:** Kristy Wang <kwang@spur.org>  
**Sent:** Thursday, April 04, 2019 9:24 AM  
**To:** Carroll, John (BOS)  
**Subject:** Fwd: SPUR supports SB 50 (Item 5 at the GAO Committee)  
**Attachments:** SPUR supports SB 50.pdf

**Categories:** 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi,

Can you please add this letter to the file? Thank you!

Kristy

Kristy Wang, LEED AP  
Community Planning Policy Director  
SPUR • Ideas + Action for a Better City  
(415) 644-4884  
(415) 425-8460 m  
[kwang@spur.org](mailto:kwang@spur.org)

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----- Forwarded message -----

**From:** **Kristy Wang** <[kwang@spur.org](mailto:kwang@spur.org)>  
**Date:** Thu, Apr 4, 2019 at 7:56 AM  
**Subject:** SPUR supports SB 50 (Item 5 at the GAO Committee)  
**To:** <[gordon.mar@sfgov.org](mailto:gordon.mar@sfgov.org)>, Brown, Vallie (BOS) <[vallie.brown@sfgov.org](mailto:vallie.brown@sfgov.org)>, Peskin, Aaron (BOS) <[aaron.peskin@sfgov.org](mailto:aaron.peskin@sfgov.org)>  
**Cc:** <[Daisy.Quan@sfgov.org](mailto:Daisy.Quan@sfgov.org)>, <[Shakirah.Simley@sfgov.org](mailto:Shakirah.Simley@sfgov.org)>, Hepner, Lee (BOS) <[lee.hepner@sfgov.org](mailto:lee.hepner@sfgov.org)>, <[Scott.Wiener@sen.ca.gov](mailto:Scott.Wiener@sen.ca.gov)>, Fryman, Ann <[Ann.Fryman@sen.ca.gov](mailto:Ann.Fryman@sen.ca.gov)>, Breed, London (BOS) <[London.Breed@sfgov.org](mailto:London.Breed@sfgov.org)>, Karunaratne, Kanishka (BOS) <[kanishka.karunaratne@sfgov.org](mailto:kanishka.karunaratne@sfgov.org)>, <[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org)>

Dear Supervisors,

SPUR encourages you to oppose the proposed resolution (Board File 190319) in opposition to SB 50. SB 50 is a key step for California on both environment and equity fronts, allowing multifamily and affordable housing in transit-rich and opportunity-rich areas across California.

Contrary to what this resolution states, SB 50 respects many important policies that San Francisco already has in place, like tenant protections, demolition controls and inclusionary housing, and it does not change the approvals process or limit community planning opportunities.

Supporting SB 50 is the right choice. Please see the attached letter for more. Thank you for your consideration.

Best,  
Kristy Wang

Kristy Wang, LEED AP  
Community Planning Policy Director  
SPUR • Ideas + Action for a Better City  
(415) 644-4884  
(415) 425-8460 m  
[kwang@spur.org](mailto:kwang@spur.org)

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San Francisco | San Jose | Oakland

April 4, 2019

Government Audit & Oversight Committee  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

RE: April 4, 2019 Agenda, Item 5 (Board File 190319)  
**Resolution Opposing California State Senate Bill No. 50 — OPPOSE**

Dear Supervisors Mar, Brown and Peskin

Thank you for the opportunity to weigh in on Supervisor Mar's proposed resolution to oppose State Senator Scott Wiener's Senate Bill 50. SB 50 represents an important environmental effort to overcome barriers to the creation of infill homes in the right places — close to major transit and in high opportunity areas — throughout California.

SPUR supports SB 50, the More HOMES Act, and opposes this resolution. We are concerned that this resolution undercuts key San Francisco values and aligns this city with some of the most exclusionary jurisdictions in the state.

Passing SB 50 is a much-needed step for California to take in support of the environment and in support of equity. SB 50 merely prevents cities from requiring low-density housing in places close to transit. It does *not* change San Francisco's ability to do community planning, nor does it change the entitlements or CEQA process for projects.

SB 50 also establishes statewide inclusionary housing in cities that do not have policies like San Francisco's, and allows higher local inclusionary housing policies like San Francisco's to prevail. This will increase the number of affordable housing units produced in other, less responsible cities and will also increase the number of affordable housing units produced in San Francisco.

SB 50 respects local tenant protections policies and local demolition controls in addition to respecting local inclusionary requirements.

SB 50 provides for enhanced community planning processes in communities at risk of gentrification and displacement. As others have noted, many of the neighborhoods of concern in San Francisco that might

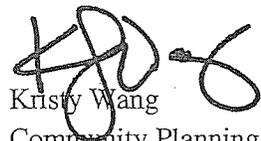
not be included in this definition today are already zoned for higher-density housing through our own planning processes and would experience little impact from SB 50.

SB 50 will result in increased production of smaller-scale, missing-middle-type housing in neighborhoods that today only allow single-family or two-family homes.

SPUR opposes the proposed resolution. SB 50 is a thoughtful and nuanced update to last year's SB 827, keeping the environment front and center and genuinely addressing many of the concerns raised by equity advocate. We suggest that this committee and the full Board reconsider supporting this resolution to remain on the right side of history.

Please feel free to contact me with any questions. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'KWang', written over the printed name 'Kristy Wang'.

Kristy Wang  
Community Planning Policy Director

CC: State Senator Scott Wiener  
Mayor London Breed  
SPUR Board of Directors

## Carroll, John (BOS)

---

**From:** Mchugh, Eileen (BOS)  
**Sent:** Wednesday, April 03, 2019 6:48 PM  
**To:** Carroll, John (BOS)  
**Subject:** FW: SF Chamber Letter: Support SB 50  
**Attachments:** 3.29.19\_Support for SB 50.pdf

**Categories:** 2019.04.04 - GAO, 190319

---

**From:** Mary Young <[myoung@sfchamber.com](mailto:myoung@sfchamber.com)>  
**Sent:** Friday, March 29, 2019 3:56 PM  
**To:** [senator.wiener@senate.ca.gov](mailto:senator.wiener@senate.ca.gov)  
**Cc:** [cicely.chisholm@sen.ca.gov](mailto:cicely.chisholm@sen.ca.gov); Calvillo, Angela (BOS) <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>; Breed, Mayor London (MYR) <[mayorlondonbreed@sfgov.org](mailto:mayorlondonbreed@sfgov.org)>; Calvillo, Angela (BOS) <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>; Fewer, Sandra (BOS) <[sandra.fewer@sfgov.org](mailto:sandra.fewer@sfgov.org)>; Stefani, Catherine (BOS) <[catherine.stefani@sfgov.org](mailto:catherine.stefani@sfgov.org)>; Peskin, Aaron (BOS) <[aaron.peskin@sfgov.org](mailto:aaron.peskin@sfgov.org)>; Mar, Gordon (BOS) <[gordon.mar@sfgov.org](mailto:gordon.mar@sfgov.org)>; Brown, Vallie (BOS) <[vallie.brown@sfgov.org](mailto:vallie.brown@sfgov.org)>; Haney, Matt (BOS) <[matt.haney@sfgov.org](mailto:matt.haney@sfgov.org)>; Mandelman, Rafael (BOS) <[rafael.mandelman@sfgov.org](mailto:rafael.mandelman@sfgov.org)>; Safai, Ahsha (BOS) <[ahsha.safai@sfgov.org](mailto:ahsha.safai@sfgov.org)>; Ronen, Hillary <[hillary.ronen@sfgov.org](mailto:hillary.ronen@sfgov.org)>; Walton, Shamann (BOS) <[shamann.walton@sfgov.org](mailto:shamann.walton@sfgov.org)>; Cohen, Emily (DPH) <[emily.cohen@sfgov.org](mailto:emily.cohen@sfgov.org)>; Ann.Fryman@sen.ca.gov; Yee, Norman (BOS) <[norman.yee@sfgov.org](mailto:norman.yee@sfgov.org)>; Karunaratne, Kanishka (MYR) <[kanishka.cheng@sfgov.org](mailto:kanishka.cheng@sfgov.org)>  
**Subject:** SF Chamber Letter: Support SB 50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Senator Wiener,

Please see attached letter from the San Francisco Chamber of Commerce expressing our support for SB 50.

Thank you,



**Mary Young**  
Manager, Public Policy  
San Francisco Chamber of Commerce  
235 Montgomery St., Ste. 760, San Francisco, CA 94104  
(O) 415-352-8803 • (E) [myoung@sfchamber.com](mailto:myoung@sfchamber.com)





235 Montgomery St., Ste. 760, San Francisco, CA 94104  
tel: 415.352.4520 • fax: 415.392.0485  
sfchamber.com • twitter: @sf\_chamber

March 29, 2019

The Honorable Scott Wiener, Chair  
California State Senate Housing Committee  
California State Capitol, Room 2209  
Sacramento, CA 95814

**RE: SUPPORT Senate Bill 50 (Wiener)**

Dear Senator Wiener,

The San Francisco Chamber of Commerce, representing thousands of local businesses, urges you to support California State Senate Bill No. 50 (SB 50), authored by Senator Scott Wiener, which allows for greater housing density along public transportation corridors and near job centers.

The Chamber supports SB 50, and believes it is a step forward in our collective efforts to build more housing at all levels of affordability in San Francisco neighborhoods, throughout the Bay Area and across California. Senator Wiener's bill, which is supported by three-quarters of San Francisco voters according to a recent Chamber of Commerce poll, will help break the gridlock imposed by long-standing zoning and permitting restrictions that still reflect the exclusionary housing policies of a bygone era.

Increasing density close to transit and job centers will enable more residents to live near our workplaces, reducing traffic congestion and the overcrowding of our beleaguered public transportation systems. It will lower carbon emissions and help reduce the destructive impacts of climate change across the state by reversing development patterns and incentives that lead to urban and suburban sprawl.

Most important, SB 50 will result in an increase of vitally needed affordable housing stock, as more units will be built in areas currently zoned ineligible for 100% affordable housing. Legalizing more multi-unit buildings will result in the construction of inclusionary housing that provides below market-rate units for San Franciscans who cannot afford our city's exorbitant real estate and rental prices.

Under SB 50, San Francisco will retain its approval process for individual projects and community members will have the same opportunities to provide input as they do now. The city will continue to capture local impact fees directed to transportation and streetscape improvements. Local demolition protections will remain in place.

The San Francisco Chamber of Commerce has long supported policies that increase housing density to help alleviate the city's significant housing shortage, especially for middle and low-income residents. We therefore urge the Committee to support SB 50 and we look forward to working with you on its successful implementation.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney Fong", written over a circular stamp or seal.

Rodney Fong  
President and CEO  
San Francisco Chamber of Commerce

cc: Committee Assistant, to be distributed to all Committee members; Mayor London Breed; Clerk of the Board of Supervisors, to be distributed to all Supervisors

Mary Ellen Hannibal

maryellenhannibal@gmail.com

(415) 931-3750

SB-50 Comment

submitted April 4, 2019  
Opposing SB-50 supporting the bill against it

SB50 has honorable goals but is fatally flawed and must be revised.

Handing the future over to developers with no community input to our future is shallow and panicked.

designed

Have we learned nothing from the tragedy of Paradise? Developers build that city their way for their profit. With inadequate roadways citizens were tragically trapped there in an unprecedented fire storm. Many died.

Will you go to build 85 foot towers all over the city? Has anyone thought for one moment about evacuating those towers when the city burns?

What about sea level rise around developed ferry stops?



BTS-11  
COTB  
GAO CLERK

April 4, 2019

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2019 APR -4 AM 11:50  
AK

President Norman Yee  
San Francisco Board of Supervisors  
City Hall  
San Francisco, CA 94102

RE: Support for Resolution to Oppose SB 50 Unless Amended [File No. 190319]

Dear Mr. President and Members of the Board of Supervisors:

We write to express our strong support for the Resolution introduced by Supervisor Gordon Mar to oppose SB 50 unless it is amended. In its present form, SB 50 will make it harder for local communities to fight against displacement and impose more market rate housing on neighborhoods that instead desperately need more affordability.

By overriding existing zoning without requiring more affordability, SB 50 will further empower private investors to cherry pick our neighborhoods for the best sites for their luxury housing and mixed use developments. Thus, without amendments SB 50 will increase real estate speculation and make it even more difficult to reserve and acquire sites for truly affordable housing – housing for the people most likely to use public transit. Amendments should increase affordability on all housing including buildings under ten units and cover density bonus units now exempted from inclusionary requirements.

Furthermore, SB 50 imposes a deeply flawed approach towards 'protecting' gentrifying neighborhoods. The bill's designation of "sensitive communities" (temporarily exempted from SB 50's developer incentives) leaves out too many neighborhoods that are already experiencing market driven displacement and is vague about what designated neighborhoods must do to maintain such status. San Francisco's own Planning Department has a far broader definition of sensitive communities experiencing displacement and gentrification.

But SB 50 disregards the city's analysis and local knowledge. Instead it creates an unprecedented top-down approach to decide what places deserve protection from market driven development. For San Francisco and other Bay Area cities, SB 50's "sensitive community" designation is for the next five years determined by a flawed map adopted last year by the Metropolitan Transit Commission, an agency with no accountability to local communities impacted by displacement and gentrification. In the future the determination will be made by a state agency no more accountable than the MTC. SB 50's approach toward gentrifying and disadvantaged neighborhoods is fundamentally disempowering.

In addition, SB 50 offers inadequate controls on displacement and the demolition of existing housing. On the surface the bill states its development incentives do not apply to projects within 7 years of the site being occupied by renters or 15 years of an Ellis Act eviction. But the implementation of those provisions will be near impossible without a rental registry, a ban on corporate rentals, and stronger controls on tenant harassment and buy-outs (off the record Ellis Act evictions). SB 50 does nothing to advance such policies. Instead the bill leaves unchanged state-imposed constraints on local governments' ability to adopt stronger demolition and eviction controls.

Amending SB 50 to address these concerns does not weaken the bill's ability to increase density in suburban cities and neighborhoods that need to build more housing. The goal of building more housing can and must be accomplished while also strengthening affordability, restricting real estate speculation, empowering disempowered and gentrifying neighborhoods, and enabling cities to adopt strong protections of existing housing and tenants rights.

We thank the resolution's author and co-sponsors. We hope the resolution's urgent message is heard by our legislators in Sacramento.

Sincerely,

THE SAN FRANCISCO ANTI DISPLACEMENT COALITION

and

AFFORDABLE HOUSING ALLIANCE  
ANTI-EVICTION MAPPING PROJECT  
BILL SORRO HOUSING PROJECT  
CAUSA JUSTA::JUST CAUSE  
CHINATOWN COMMUNITY DEVELOPMENT CENTER  
COMMUNITY TENANTS ASSOCIATION  
DOLORES STREET COMMUNITY SERVICES  
HOSPITALITY HOUSE  
HOUSING RIGHTS COMMITTEE OF SAN FRANCISCO  
JOBS WITH JUSTICE, SAN FRANCISCO  
MISSION COMMUNITY DEVELOPMENT CENTER  
SAN FRANCISCO TENANTS UNION  
SOUTH OF MARKET COMMUNITY ACTION NETWORK  
SENIOR AND DISABILITY ACTION  
SF RISING  
YES TO AFFORDABLE HOUSING (YAH)

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**PUBLIC COMMENT GAO, SB 50 – APRIL 4, 2019**  
**Supervisor Gordon Mar's Resolution to Oppose SB 50 Unless Amended**

**Good morning, Supervisors. Lisa Fromer, San Francisco Land Use Coalition**

**I fully support Supervisor Mar's Resolution to Oppose SB 50, because this bill ignores our real housing needs. So I ask you: Can we afford to support SB 50 when it won't get us to our affordable housing goals?**

***I don't think so.***

**Can we afford SB 50 when other "jobs-rich" cities have unmet RHNA goals and refuse to build housing?**

***I don't think so.***

**Can we afford "transit-rich" housing when our city's transit budget is \$22 million in the red and ridership is decreasing?**

***I don't think so.***

**Can we afford to see everyone worried about being priced out?**

***I don't think so.***

**Can you afford to support a bill that undermines your authority in community-based planning?**

***That's OK, you can say it with me....I don't think so.***

**Please Support this Resolution .**

Re: SB 50 Public Comment in Support of Resolution

Good day ~~Chair Patia and fellow~~ Supervisors.  
Anastasia Yovanopoulos:

As a senior and long time tenant advocate  
I support the resolution to oppose SB50 unless  
the bill is amended, and to this end one amendment  
that's essential is that:

Until the city has the tools to verify whether  
a building is tenant occupied or determine how long  
since a building was previously tenant occupied,  
the city cannot implement the bill.

Since the majority of cities in California where  
SB50 would apply do not have the tools in place  
to verify tenant occupancy, the bill cannot be  
implemented.

This amendment is critical to San Francisco <sup>where</sup> ~~because~~  
63% of our residents are renters, including 14%  
who rent single family homes.

Members of the committee, Supervisors Mar, Brown, and  
Fewer, Mr. Clerk

I come before you today in support of the  
More HOMES Act. SB50 would change zoning  
laws to allow more housing near transit  
and in job rich areas.

We are facing a crisis of affordability, in  
which our city is becoming impossible to live in.  
The problem is that we do not have enough  
housing. And I believe that the solution  
is simple — to make more room in our city  
for people from all walks of life, to build  
more housing. Building housing does NOT  
degrade the character of our neighborhoods,  
in fact it enriches it. How can a neighborhood  
have character if the people who ~~the~~ define  
our neighborhoods and our city are being  
priced out of the city.

~~Homeowners might contend that we must choose~~

The MORE HOMES Act also improves quality  
of life, as it concentrates development near  
jobs and transit, and reduces the long commutes  
endured by so many San Franciscans and people  
who commute to San Francisco. →

SB-50 up-zones all SF parcels

Resulting

Loss of residential areas

Developers make zoning decisions (deregulates local zoning)

Won't create affordability

No "trickle-down" effect

Less housing → rising labor, land, materials costs

No "fee-out" for affordable housing

Developer entitlements → ↑property values without certainty of buildings built

Coalition for San Francisco Neighborhoods

Rose Hillson, LUTC Chair, General Assembly authorized

Strongly oppose Senator Scott Wiener's sledge-hammer SB-50:

Leads to increased evictions

Weak renter protections

Landowners sell to developers for increased densities → reduced sunlight, parks, vegetation, parking, open space

↑demolitions of single-family / low-rise multi-unit residential

↑heights up to 75-ft → irreparably destroy neighborhoods' human scale

Overburden → congested roads / public transportation systems

Represents subrogation city's/ citizens' rights to state

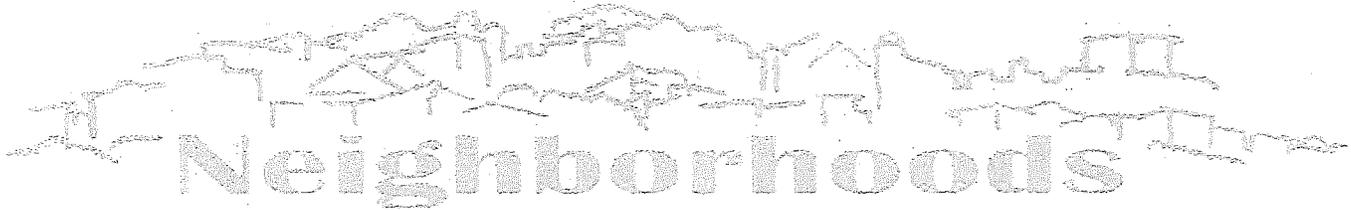
Abrogation of elected officials' duties to San Francisco's citizens/residents if they support

Need nuanced tack-hammer → respect current urban fabric of all neighborhoods

Jordan Park Improvement Association

Owen Hart, President

Coalition for San Francisco



www.csfm.net • PO Box 220998 • San Francisco CA 94132-0698 • 415.262.0449 • Est 1972

April 2, 2019

Honorable Supervisors Mar, Brown and Peskin  
Board of Supervisors - Government, Audit and Oversight Committee  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

via email

Subject: Senate Bill 50 ("SB-50") <Wiener>  
"Planning & Zoning: Housing Development: Equitable Communities Incentive"

The Coalition for San Francisco Neighborhoods (CSFN) opposes Senate Bill 50 ("SB-50") <Wiener>.

Concerns include the following:

1. SB-50 up-zones all parcels in San Francisco
2. SB-50 will result in the loss of residential areas
3. SB-50 will result in developers making zoning decisions (deregulates local zoning)
4. SB-50 does \*not\* create affordability:
  - a. No "trickle-down" effect  
(Less housing will be built due costs for labor, land, materials, e.g.)
  - b. No "fee-out" for affordable housing  
(Process creates entitlements to raise property values without certainty of buildings getting built.)

CSFN previously sent this letter to the San Francisco Planning Commission in February and to the state legislators in early March.

Thank you.

Sincerely,

/s

Rose Hillson  
Chair, Land Use & Transportation Committee  
As authorized by CSFN General Assembly

Cc: Mr. John Carroll, Clerk GA&O Committee; Board of Supervisors; Mayor Breed; Ms. A. Calvillo,  
Clerk of the Board of Supervisors

# Jordan Park Improvement Association

---

120 Jordan Avenue, San Francisco, CA. 94118

April 1, 2019

Dear Elected Officials,

We are writing to express our strong opposition to State Senator Scott Wiener's proposed bill, SB-50. The proposed bill will: (i) lead to increased evictions because of its weak renter protections, as real estate owners sell their assets to developers seeking to take advantage of bill's proposed increased densities; (ii) Increase demolition of single family homes and low-rise multi-unit residential properties; (iii) Increase building heights (up to 75') in many predominantly residential neighborhoods, irreparably changing the character of neighborhoods; (iv) overburden S.F.'s already congested roads and public transportation systems; and (v) increase the density of the city's neighborhoods while reducing sunlight, parks, vegetation, parking and open space. The bill will likely result, not in the development of affordable housing, but in the development of more luxury condominiums as developers seek to maximize their profits. The bill's provisions will destroy the human scale of the city's neighborhoods, one of the attributes that makes the city a special place to live.

The bill also represents a subrogation of the city's, and its citizen's, rights to those of the state. If it is supported by our elected representatives, it also represents an abrogation of their duties to San Francisco's citizens and residents. Residential development to meet the housing needs of San Francisco requires a much more nuanced and subtle approach which respects the current urban fabric of all neighborhoods. SB-50 is a sledge hammer where a tack hammer is required.

Sincerely,

Owen L. Hart

President, Jordan Park Improvement Association

SB-50 up-zones all SF parcels

Resulting

Loss of residential areas

Developers make zoning decisions (deregulates local zoning)

Won't create affordability

No "trickle-down" effect

Less housing → rising labor, land, materials costs

No "fee-out" for affordable housing

Developer entitlements → ↑property values without certainty of buildings built

Coalition for San Francisco Neighborhoods

Rose Hillson, LUTC Chair, General Assembly authorized

Strongly oppose Senator Scott Wiener's sledge-hammer SB-50:

Leads to increased evictions

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↑heights up to 75-ft → irreparably destroy neighborhoods' human scale

Overburden → congested roads / public transportation systems

Represents subrogation city's/ citizens' rights to state

Abrogation of elected officials' duties to San Francisco's citizens/residents if they support

Need nuanced tack-hammer → respect current urban fabric of all neighborhoods

Jordan Park Improvement Association

Owen Hart, President

CLERK:

Include verbatim in  
4/4 minutes per  
Sunshine 67.16

Can send Mr. Carroll  
email if this so  
no need to retype.  
Thx.  
Rose

## Carroll, John (BOS)

---

**From:** Kristy Wang <kwang@spur.org>  
**Sent:** Thursday, April 04, 2019 7:56 AM  
**To:** Mar, Gordon (BOS); Brown, Vallie (BOS); Peskin, Aaron (BOS)  
**Cc:** Quan, Daisy (BOS); Simley, Shakirah (BOS); Hepner, Lee (BOS); Scott.Wiener@sen.ca.gov; Fryman, Ann; Breed, London (MYR); Karunaratne, Kanishka (MYR); Carroll, John (BOS)  
**Subject:** SPUR supports SB 50 (Item 5 at the GAO Committee)  
**Attachments:** SPUR supports SB 50.pdf  
**Categories:** 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

SPUR encourages you to oppose the proposed resolution (Board File 190319) in opposition to SB 50. SB 50 is a key step for California on both environment and equity fronts, allowing multifamily and affordable housing in transit-rich and opportunity-rich areas across California.

Contrary to what this resolution states, SB 50 respects many important policies that San Francisco already has in place, like tenant protections, demolition controls and inclusionary housing, and it does not change the approvals process or limit community planning opportunities.

Supporting SB 50 is the right choice. Please see the attached letter for more. Thank you for your consideration.

Best,  
Kristy Wang

Kristy Wang, LEED AP  
Community Planning Policy Director  
SPUR • Ideas + Action for a Better City  
(415) 644-4884  
(415) 425-8460 m  
[kwang@spur.org](mailto:kwang@spur.org)

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**SPUR**

San Francisco | San Jose | Oakland

April 4, 2019

Government Audit & Oversight Committee

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102-4689

RE: April 4, 2019 Agenda, Item 5 (Board File 190319)

**Resolution Opposing California State Senate Bill No. 50 — OPPOSE**

Dear Supervisors Mar, Brown and Peskin

Thank you for the opportunity to weigh in on Supervisor Mar's proposed resolution to oppose State Senator Scott Wiener's Senate Bill 50. SB 50 represents an important environmental effort to overcome barriers to the creation of infill homes in the right places — close to major transit and in high opportunity areas — throughout California.

SPUR supports SB 50, the More HOMES Act, and opposes this resolution. We are concerned that this resolution undercuts key San Francisco values and aligns this city with some of the most exclusionary jurisdictions in the state.

Passing SB 50 is a much-needed step for California to take in support of the environment and in support of equity. SB 50 merely prevents cities from requiring low-density housing in places close to transit. It does *not* change San Francisco's ability to do community planning, nor does it change the entitlements or CEQA process for projects.

SB 50 also establishes statewide inclusionary housing in cities that do not have policies like San Francisco's, and allows higher local inclusionary housing policies like San Francisco's to prevail. This will increase the number of affordable housing units produced in other, less responsible cities and will also increase the number of affordable housing units produced in San Francisco.

SB 50 respects local tenant protections policies and local demolition controls in addition to respecting local inclusionary requirements.

SB 50 provides for enhanced community planning processes in communities at risk of gentrification and displacement. As others have noted, many of the neighborhoods of concern in San Francisco that might

not be included in this definition today are already zoned for higher-density housing through our own planning processes and would experience little impact from SB 50.

SB 50 will result in increased production of smaller-scale, missing-middle-type housing in neighborhoods that today only allow single-family or two-family homes.

SPUR opposes the proposed resolution. SB 50 is a thoughtful and nuanced update to last year's SB 827, keeping the environment front and center and genuinely addressing many of the concerns raised by equity advocate. We suggest that this committee and the full Board reconsider supporting this resolution to remain on the right side of history.

Please feel free to contact me with any questions. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristy Wang', written over the printed name.

Kristy Wang  
Community Planning Policy Director

CC: State Senator Scott Wiener  
Mayor London Breed  
SPUR Board of Directors

**Carroll, John (BOS)**

---

**From:** SchuT <schuttishtr@sbcglobal.net>  
**Sent:** Thursday, April 04, 2019 6:55 AM  
**To:** Carroll, John (BOS)  
**Subject:** Rules Committee Hearing 4/4 on SB 50 and A Secret Superpower, Right in Your Backyard - The New York Times

**Categories:** 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please include this email in the file as public comment opposing SB 50 due to the impact on rear yards for today's (April 4, 2019).

Dear Supervisor Mar,

*Good morning.*

*I cannot attend your hearing on Thursday at the Rules Committee.*

*I wanted to send you this article in case you did not know about it, on the importance of rear yards in dealing with climate change, because some of the scenarios in SB50 show elimination of rear yards, which is ironic because Senator Wiener says his bill will fight climate change. San Francisco is blessed with much private green/open space that deserves Preservation.*

*I hope the article arrives...if not you can find it online if you are interested as there were several about this study.*

*Sincerely,*

*Georgia Schuttish*

<https://www.nytimes.com/2018/03/06/climate/yard-garden-global-warming.html>

Sent from my iPad

**Carroll, John (BOS)**

---

**From:** sbardell@aol.com  
**Sent:** Thursday, April 04, 2019 3:25 AM  
**To:** Carroll, John (BOS)  
**Subject:** Fwd: NO on SB 50

**Categories:** 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr. Carroll:

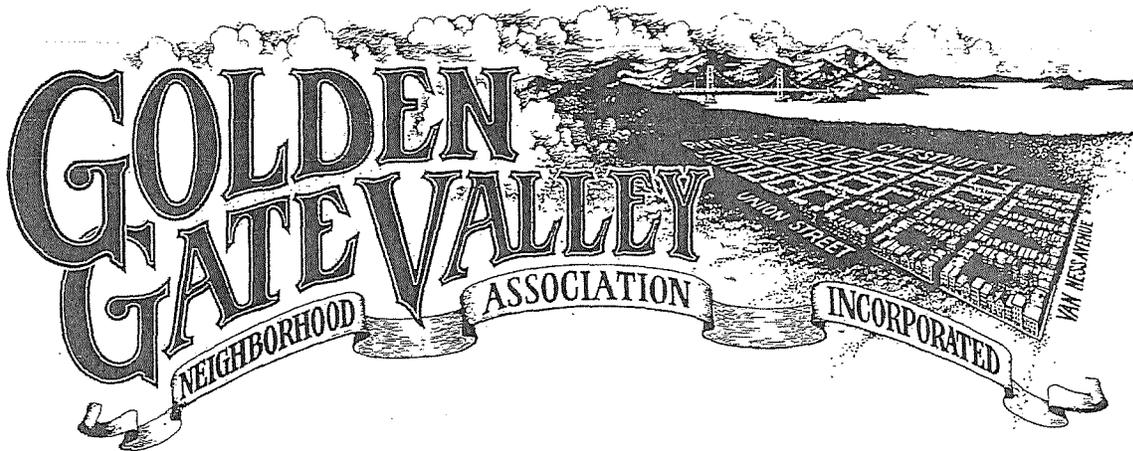
Kindly share with Govt Audit and Oversight at this morning's meeting.

Many thanks,

Serena Bardell for Golden Gate Valley Neighborhood Association.

---

**From:** sbardell <sbardell@aol.com>  
**Date:** Wednesday, April 3, 2019  
**Subject:** NO on SB 50  
**To:** Catherine.Stefani <Catherine.Stefani@sfgov.org>  
**Cc:** ellie.millerhall <ellie.millerhall@sfgov.org>



Dear Supervisor Stefani:

Golden Gate Valley Neighborhood Association strongly opposes SB 50. It represents a "suicide pill" for the entire *raison d'être* of such organizations, since this kind of group exists to keep its area livable for residents and the proposal would replace local practices with mandatory, statewide formulas. It would obviate the need for planning in its historic role, handing all decisions on land use to father--that is state--knows best.

This measure would wreak particular havoc on the qualities that make San Francisco a world-admired jewel of beauty and proportion, attracting admirers by the millions, along with filmmakers and photographers.

GGVNA does not believe Bay Area, statewide, and nationwide issues of homelessness or affordable housing can or should be solved by building a horde of out-of-scale structures within the city, changing historic neighborhoods into air-, light-, backyard-, and view-stealing centers of homogeneous, utilitarian architecture.

Future generations will not thank us for shirking our obligation to preserve this exceptional space that is in our trust. They will look at old photos and shout back at us through the years, "How could you?"

Thank you for your assistance in defeating this wrong-headed bill.

Yours truly,

Serena Bardell, member of GGVNA board and writing on its behalf

## Carroll, John (BOS)

---

**From:** Karen Wood <karenmillerwood@gmail.com>  
**Sent:** Thursday, April 04, 2019 12:13 AM  
**To:** Carroll, John (BOS)  
**Cc:** Mar, Gordon (BOS)  
**Subject:** Supporting Supervisor Mar's Resolution Opposing SB 50\_April 4, 2019 Agenda Item 190319  
**Categories:** 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr. Carroll,  
Please include this emailed message for consideration by the Government Audit and Oversight Committee re: Agenda Item 190319. Thank you for your help.  
KarenWood

Dear Supervisors Brown, Mar, and Peskin:

I'm writing in support of Supervisor Mar's resolution opposing California Senate Bill 50 which transfers land use management authority from California local governments to the State. San Francisco's General Plan shares key objectives with SB 50-- providing increased transit accessible housing to meet sustainability and transportation needs, while moderating housing prices by increasing zoned housing capacity--but land use decisions must remain under the authority of local governments, as these best understand and respond to local needs and conditions. Thank you for your consideration.

Sincerely,

Karen Wood  
35 Sequoia Way  
San Francisco, CA 94127

## Carroll, John (BOS)

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**From:** philippe vendrolini <vendrolini@gmail.com>  
**Sent:** Wednesday, April 03, 2019 10:48 PM  
**To:** Carroll, John (BOS)  
**Cc:** Marstaff (BOS)  
**Subject:** SB 50 hearing tomorrow Oppose SB 50

**Categories:** 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello, I received your contact info from Gordon Mar.

I can't be at the hearing as I have a work conflict and heard about the hearing 2 days ago, but wanted to add a comment for tomorrow's hearing to show our support to Supervisor Mar:

*We fully support Supervisor Mar motion to oppose SB 50 unless amended:*

*-SB50 is not a housing bill but a Developer/Real Estate bill, it would in essence add more unaffordable units on the market and irreversibly transform the character of our neighborhoods. The real winners from this bill would be DEVELOPERS, which all of a sudden would be able to purchase and convert small to medium sized Single Family Home into giant Multi Level/Multi Units = create more non-affordable housing, because that's where the biggest ROI is.*

*-SB50 takes away our ability as a community to plan for our city.*

*-To be effective and address housing needs and affordability issues in SF, I could imagine a version of this bill which would force developers to build/add a significant portion of affordable units in their project.*

*-San Franciscans don't want to hand over their city's future to private developers.*

Philippe And Shari Vendrolini  
337 Liberty Street  
94114  
415 260 1368

**Carroll, John (BOS)**

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**From:** Brian Pritchard <aquatic7@gmail.com>  
**Sent:** Wednesday, April 03, 2019 5:47 PM  
**To:** Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Haney, Matt (BOS); Brown, Vallie (BOS); Mar, Gordon (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)  
**Cc:** Carroll, John (BOS)  
**Subject:** Please oppose SB 50  
**Categories:** 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I am writing to you in support of Supervisor Mar's resolution opposing SB 50. I am against SB 50 because upzoning further exacerbates speculative behavior that has fueled our affordability crisis. I urge you to vote in support of this resolution.

Thank you,

Brian Pritchard

[Vallie.Brown@sfgov.org](mailto:Vallie.Brown@sfgov.org), [Gordon.Mar@sfgov.org](mailto:Gordon.Mar@sfgov.org), [Norman.Yee@sfgov.org](mailto:Norman.Yee@sfgov.org), [Rafael.Mandelman@sfgov.org](mailto:Rafael.Mandelman@sfgov.org),  
[Hillary.Ronen@sfgov.org](mailto:Hillary.Ronen@sfgov.org), [Shamann.Walton@sfgov.org](mailto:Shamann.Walton@sfgov.org), [Ahsha.Safai@sfgov.org](mailto:Ahsha.Safai@sfgov.org)  
Cc: [johncarroll@sfgov.org](mailto:johncarroll@sfgov.org)

Bcc:

Date: Wed, 3 Apr 2019 13:49:41 -0700

Subject: SB 50

Dear Supervisors,

As a 35 year resident of Noe Valley, I support Supervisor Mar's resolution opposing SB 50.

SB 50 does not address the lack of affordable housing,-- the main cause of our housing crisis. Instead it supports the development of still more market rate or luxury housing accessible to only a small percentage of our residents, Please vote in support of Mar's resolution, which, among other things, amends the incentives in SB 50 to apply only to affordable housing.

Thank you,

Regards.

Jim Morrell  
308 Elizabeth St  
SF 94114

## Carroll, John (BOS)

---

**From:** carol britschgi <queenann51@gmail.com>  
**Sent:** Wednesday, April 03, 2019 1:39 PM  
**To:** Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Haney, Matt (BOS); Brown, Vallie (BOS); Mar, Gordon (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)  
**Cc:** Carroll, John (BOS)  
**Subject:** SB 50  
**Categories:** 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I am a native San Franciscan of the Noe Valley, and I am writing to express my support of Supervisor Mar's resolution opposing SB 50. SB 50 will not fix our housing crisis and if anything, it will exacerbate our affordability crisis. There is no shortage of multi-million dollar homes for sale but there is a shortage of housing affordable to 90% of our residents. We need more affordable housing and NOT luxury market-rate housing affordable to only a few. This bill does nothing for that. I urge you to vote in support of this resolution.

Thank you,  
Carol Britschgi

## Carroll, John (BOS)

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**From:** Mike Silverman <mgsilverman60@gmail.com>  
**Sent:** Wednesday, April 03, 2019 12:39 PM  
**To:** Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Haney, Matt (BOS); Brown, Vallie (BOS); Mar, Gordon (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)  
**Cc:** Carroll, John (BOS)  
**Subject:** SB 50  
**Categories:** 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I am a Noe Valley resident and am writing to you in support of Supervisor Mar's resolution opposing SB 50 unless amended. I am opposed to SB 50 because it's a giveaway to developers with very little value capture for the public such as affordable housing, money for schools, transit, and infrastructure. I urge you to vote in support of this resolution.

Thank you,

Michael Silverman  
4317 Cesar Chavez St, SF. 94131

Mike Silverman  
[mgsilverman60@gmail.com](mailto:mgsilverman60@gmail.com)

**Carroll, John (BOS)**

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**From:** Karel Konvicka <karel.kk@gmail.com>  
**Sent:** Wednesday, April 03, 2019 12:30 PM.  
**To:** Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Haney, Matt (BOS); Brown, Vallie (BOS); Mar, Gordon (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)  
**Cc:** Carroll, John (BOS)  
**Subject:** Please oppose SB 50  
**Categories:** 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I live in Noe Valley and I'd like to express my full support for Supervisor Mar's resolution opposing SB 50. This upzoning proposed in SB 50 will significantly increase traffic and congestions at a point when we already face severe issues with the number of cars on San Francisco roads and does not provide solutions for infrastructure. We don't need another giveaway to developers who would benefit further from this broad brush of upzoning. This does not suite anyone but speculators and developers. At a time that we're faced with the worst affordability crisis in the history of California, we should come up with housing solutions for low- and middle-income people, not the 1 percent. SB 50 does none of that and that is why I urge you to vote in support of this resolution.

Thank you,  
Karel Konvicka

## Carroll, John (BOS)

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**From:** Quan, Daisy (BOS)  
**Sent:** Wednesday, April 03, 2019 12:02 PM  
**To:** Carroll, John (BOS)  
**Cc:** local415@gmail.com  
**Subject:** FW: SB 50

**Categories:** 2019.04.04 - GAO, 190319

Hi John,

Please add this to the public file for Supervisor Mar's Resolution on SB 50.

Daisy Quan  
Legislative Aide  
Supervisor Gordon Mar  
415.554.7462

-----Original Message-----

**From:** Bill McLaughlin [mailto:local415@gmail.com]  
**Sent:** Wednesday, April 03, 2019 11:33 AM  
**To:** Quan, Daisy (BOS) <daisy.quan@sfgov.org>  
**Subject:** SB 50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Daisy,

Please register my support for Gordon's opposition to SB 50 - The truth is SF has done it's share on density. Most of the long-time residents I talk with don't want the City to turn into Manhattan. One solution is to incentivize other Bay Area towns and cities along BART to rezone for higher density and job growth. Another solution needs to address the housing demand coming from non-individuals: ie demand from investment entities both foreign and domestic. Our crisis is happening in many major cities worldwide. Average middle income and working people are NOT ABLE to fairly compete for a home with these highly capitalized sources. I know this is a tough cookie to crack, but it's got to be done. As the experts have already said, we can't build our way out of this challenge.

Thanks for listening.

Great work so far!

Bill McLaughlin  
1834 45th Ave  
SF, CA  
94122

**Carroll, John (BOS)**

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**From:** Kate Elswit <kelswit@gmail.com> on behalf of Kate Elswit <kate@somethingmodern.org>  
**Sent:** Wednesday, April 03, 2019 11:42 AM  
**To:** Mar, Gordon (BOS)  
**Cc:** Carroll, John (BOS); Mandelman, Rafael (BOS)  
**Subject:** Support for Resolution agains SB-50

**Categories:** 2019.04.04 - GAO, 190319

 This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Gordon Mar,

I have already called my supervisor, Rafael Mandelman, but I am writing to convey my support for your resolution opposing SB-50. As you have so rightly pointed out, this is a giveaway to developers and a trickle-down plan that will do nothing to address the affordability crisis in this city.

Thank you,  
Kate

**Carroll, John (BOS)**

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**From:** John & Carol Broderick <cjbroderick4@yahoo.com>  
**Sent:** Wednesday, April 03, 2019 11:18 AM  
**To:** Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Haney, Matt (BOS); Brown, Vallie (BOS); Mar, Gordon (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)  
**Cc:** Carroll, John (BOS)  
**Subject:** SB 50  
**Categories:** 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I am a long time resident of Noe Valley and I am writing to express my support of Supervisor Mar's resolution opposing SB 50. SB 50 will not fix our housing crisis and if anything, it will exacerbate our affordability crisis. There is no shortage of multi-million dollar homes for sale but there is a shortage of housing affordable to 90% of our residents. We need more affordable housing and NOT luxury market-rate housing affordable to only a few. This bill does nothing for that. I urge you to vote in support of this resolution.

Thank you,

John and Carol Broderick

## Carroll, John (BOS)

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**From:** Stan Hayes <stanhayes1967@gmail.com>  
**Sent:** Tuesday, April 02, 2019 2:12 PM  
**To:** Mar, Gordon (BOS); Brown, Vallie (BOS); Peskin, Aaron (BOS)  
**Cc:** Yee, Norman (BOS); Fewer, Sandra (BOS); Haney, Matt (BOS); MandelmanStaff, [BOS]; Ronen, Hillary; Safai, Ahsha (BOS); Stefani, Catherine (BOS); shamannwalton@sfgov.org; Carroll, John (BOS); Board of Supervisors, (BOS)  
**Subject:** SUPPORT - Proposed Resolution of Opposition to SB 50  
**Attachments:** THD ltr SB 50 3.26.19.pdf  
**Categories:** 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors -

On behalf of the Telegraph Hill Dwellers, we **STRONGLY SUPPORT** your proposed resolution opposing Senate Bill 50. Please see also our attached letter to relevant Senate committees.

We all understand that California is in a housing crisis. We need to build more housing that is affordable, especially for those who most need it. But, SB 50 is not the way to do it.

We absolutely agree with you that SB 50 would undermine community participation in planning, prevent the public from recapturing a fair portion of the economic benefits to private interests, and restrict protection of San Francisco's most vulnerable communities from displacement and gentrification.

SB 50 would up-zone 96% of San Francisco. All without a hearing, and no matter what City zoning says. All without the public having even a say.

Please do not let SB 50 strip away your – and the public's– fundamental right to decide on our City's land use future.

Please pass this resolution. Please send it on its way to the full board to adopt.

Thank you,

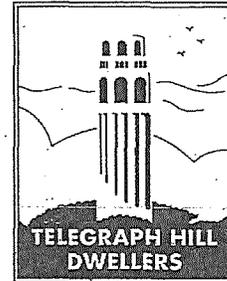
Stan Hayes

Chair, Planning & Zoning Committee  
Telegraph Hill Dwellers

March 26, 2019

To: Senate Housing Committee  
Senate Governance and Finance Committee

Re: Oppose Senate Bill 50 (2019)



On behalf of Telegraph Hill Dwellers, I write to express our serious concerns about the impacts that State Senator Scott Weiner's SB 50 would have on the neighborhoods of Telegraph Hill and North Beach. Because SB 50's usurping of local control and zoning laws is keyed to a property's proximity to public transit, 96% of San Francisco's parcels would be effectively up-zoned – including all of North Beach and Telegraph Hill.

Among our many issues and concerns with AB 50, we share the following:

(1) **SB 50 sanctions the demolition of our existing housing stock and destruction of long-established neighborhoods.**

We strongly object to Sacramento's attempted override of local land use controls, an overreach that would strip away communities' fundamental and long-held prerogatives to control the growth and development of their own communities and deny local residents even a say in their own community's land use future. Our concerns are particularly troubling when core underpinning assumptions of SB 50 are in doubt, as shown in recent research concluding that "the short-term, local-level impacts of upzoning are higher property prices but no additional new housing construction" (see Y. Freemark, "Upzoning Chicago: Impacts of a Zoning Reform on Property Values and Housing Construction," *Urban Affairs Review*, January 29, 2019).

SB 50 could lead to the destruction of existing affordable and rent-controlled housing in our long-established neighborhoods by conferring enormous value to land owners and speculators, while the City receives nothing in return. The SF Planning Department's case report notes that when paired with the Housing Accountability Act (HAA), SB 50 "could" lead to the destruction of properties because the increase in density will ensure that any local demolition control is preempted by the state. Not only does this render San Francisco's demolition controls unenforceable, it contradicts San Francisco's long-established land use policies as enshrined by the general plan that existing housing is the greatest stock of rental and financially accessible residential units, and is a resource in need of protection.

Local jurisdictions, particularly charter cities like San Francisco, must be able to limit the application of SB 50 to exclude all lots with existing housing – or, preferably, SB 50 should specifically carve out San Francisco for its application.

(2) **SB 50 lacks any real tenant protections.**

North Beach, including Telegraph Hill, has one of the highest concentrations of multi-family rental and rent-controlled housing in the City. SB 50's proposed seven-year prohibition - if

## Carroll, John (BOS)

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**From:** :) <gumby5@att.net>  
**Sent:** Tuesday, April 02, 2019 11:34 AM  
**To:** Peskin, Aaron (BOS); Mar, Gordon (BOS); Brown, Vallie (BOS)  
**Cc:** Safai, Ahsha (BOS); Stefani, Catherine (BOS); Ronen, Hillary; Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Fewer, Sandra (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR); Carroll, John (BOS); Board of Supervisors, (BOS)  
**Subject:** CSFN Letter - Oppose SB-50  
**Attachments:** CSFN-SB50 Oppose GAO Letter.pdf  
**Categories:** 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Honorable Supervisors Mar, Brown & Peskin of the Government Audit & Oversight Committee:  
Please see attached letter previously sent to Planning Commission & the state legislators.

Thank you.

Sincerely,

/s

Rose Hillson

CSFN, Chair LUTC

As authorized by the CSFN General Assembly

## Carroll, John (BOS)

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**From:** :) <gumby5@att.net>  
**Sent:** Tuesday, April 02, 2019 10:16 AM  
**To:** Carroll, John (BOS)  
**Cc:** Board of Supervisors, (BOS); olhart120@gmail.com  
**Subject:** FW: No on SB-50  
**Attachments:** JPIA SB-50 GAO Comm Ltr.pdf

**Categories:** 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr. Carroll/Clerk to the Board of Supervisors Angela Calvillo/BOS:  
For your official records is the earlier submitted text on JPIA letterhead.  
Thank you.  
Rose Hillson

**From:** Owen Hart <olhart120@gmail.com>  
**Date:** April 1, 2019 at 8:25:00 PM PDT  
**To:** [Catherine.Stefani@sfgov.org](mailto:Catherine.Stefani@sfgov.org), [Vallie.Brown@sfgov.org](mailto:Vallie.Brown@sfgov.org), [Sandra.Fewer@sfgov.org](mailto:Sandra.Fewer@sfgov.org),  
[Matt.Haney@sfgov.org](mailto:Matt.Haney@sfgov.org), [MandelmanStaff@sfgov.org](mailto:MandelmanStaff@sfgov.org), [Gordon.Mar@sfgov.org](mailto:Gordon.Mar@sfgov.org),  
[Aaron.Peskin@sfgov.org](mailto:Aaron.Peskin@sfgov.org), [Hillary.Ronen@sfgov.org](mailto:Hillary.Ronen@sfgov.org), [Ahsha.Safai@sfgov.org](mailto:Ahsha.Safai@sfgov.org),  
[Shamann.Walton@sfgov.org](mailto:Shamann.Walton@sfgov.org), [Norman.Yee@sfgov.org](mailto:Norman.Yee@sfgov.org), [MayorLondonBreed@sfgov.org](mailto:MayorLondonBreed@sfgov.org)  
**Subject:** No on SB-50

Jordan Park Improvement Association  
120 Jordan Avenue, San Francisco, CA. 94118

April 1, 2019

Dear Elected Officials,

We are writing to express our strong opposition to State Senator Scott Wiener's proposed bill, SB-50. The proposed bill will: (i) lead to increased evictions because of its weak renter protections, as real estate owners sell their assets to developers seeking to take advantage of bill's proposed increased densities; (ii) Increase demolition of single family homes and low-rise multi-unit residential properties; (iii) Increase building heights (up to 75') in many predominantly residential neighborhoods, irreparably changing the character of neighborhoods; (iv) overburden S.F.'s already congested roads and public transportation systems; and (v) increase the density of the city's neighborhoods while reducing sunlight, parks, vegetation, parking and open space. The bill will likely result, not in the development of affordable housing, but in the development of more luxury condominiums as developers seek to maximize their profits. The bill's provisions will destroy the human scale of the city's neighborhoods, one of the attributes that makes the city a special place to live.

The bill also represents a subrogation of the city's, and its citizen's, rights to those of the

state. The bill indiscriminately robs our communities of the fundamental right of determining how we want our neighborhoods to look and the grow. It prescribes a “one size fit all” for density and building heights fostering the further “Manhattanization” of the city San Francisco. If it is supported by our elected representatives, it also represents an abrogation of their duties to San Francisco’s citizens and residents. Residential development to meet the housing needs of San Francisco requires a much more nuanced and subtle approach which respects the current urban fabric of all neighborhoods. SB-50 is a sledge hammer where a tack hammer is required.

Sincerely,

Owen L. Hart  
President, Jordan Park Improvement Association

# Jordan Park Improvement Association

120 Jordan Avenue, San Francisco, CA. 94118

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April 1, 2019

Dear Elected Officials,

We are writing to express our strong opposition to State Senator Scott Wiener's proposed bill, SB-50. The proposed bill will: (i) lead to increased evictions because of its weak renter protections, as real estate owners sell their assets to developers seeking to take advantage of bill's proposed increased densities; (ii) Increase demolition of single family homes and low-rise multi-unit residential properties; (iii) Increase building heights (up to 75') in many predominantly residential neighborhoods, irreparably changing the character of neighborhoods; (iv) overburden S.F.'s already congested roads and public transportation systems; and (v) increase the density of the city's neighborhoods while reducing sunlight, parks, vegetation, parking and open space. The bill will likely result, not in the development of affordable housing, but in the development of more luxury condominiums as developers seek to maximize their profits. The bill's provisions will destroy the human scale of the city's neighborhoods, one of the attributes that makes the city a special place to live.

The bill also represents a subrogation of the city's, and its citizen's, rights to those of the state. If it is supported by our elected representatives, it also represents an abrogation of their duties to San Francisco's citizens and residents. Residential development to meet the housing needs of San Francisco requires a much more nuanced and subtle approach which respects the current urban fabric of all neighborhoods. SB-50 is a sledge hammer where a tack hammer is required.

Sincerely,

Owen L. Hart

President, Jordan Park Improvement Association

## Carroll, John (BOS)

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, April 01, 2019 6:17 PM  
**To:** BOS-Supervisors; Carroll, John (BOS)  
**Subject:** FW: Opposing SB 50 and any amendments

**Categories:** 2019.04.04 - GAO, 190319

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**From:** George K. Merijohn, DDS <merijohn@merijohn.com>  
**Sent:** Sunday, March 31, 2019 8:03 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Opposing SB 50 and any amendments

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I am emailing to advise you that I oppose SB 50 completely and as our representatives, I urge you to also oppose this grossly misguided bill.

Further – NO amendments are acceptable. SB-50 will just be used to undermine San Francisco in the future

Thank you,

George K. Merijohn, DDS  
[www.merijohn.com](http://www.merijohn.com) 415.929.6965  
Assistant Professor UC San Francisco and University of Washington Postdoctoral Periodontology

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**Carroll, John (BOS)**

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**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, April 01, 2019 5:01 PM  
**To:** BOS-Supervisors; Carroll, John (BOS)  
**Subject:** FW: opposition to SB-50

**Categories:** 2019.04.04 - GAO, 190319

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**From:** Cheryl delamere <delamere.cheryl@gmail.com>  
**Sent:** Monday, April 1, 2019 12:03 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** opposition to SB-50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

As a 22 yr homeowner in the Sunset I totally oppose SB-50. The only development I would approve is government funded affordable housing at transportation hub intersections. We have enough expensive apartments and condos. Cheryl delamere

**Carroll, John (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, April 01, 2019 5:01 PM  
**To:** BOS-Supervisors; Carroll, John (BOS)  
**Subject:** FW: Oppose SB 50

**Categories:** 2019.04.04 - GAO, 190319

-----Original Message-----

**From:** Jan M Hudson <jhudson44@icloud.com>  
**Sent:** Monday, April 1, 2019 11:11 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Oppose SB 50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please oppose SB50, as it will destroy the character of our city. It is not the way to increase housing and is only a windfall for developers.

Jan Hudson

Sent from my iPhone

## Carroll, John (BOS)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, April 01, 2019 11:47 AM  
**To:** Carroll, John (BOS)  
**Subject:** FW: Please Support SB50

**Categories:** 190319

-----Original Message-----

**From:** Jacob Medaris <jacobmedaris@icloud.com>  
**Sent:** Wednesday, March 27, 2019 10:29 PM  
**To:** Yee, Norman (BOS) <norman.yee@sfgov.org>  
**Cc:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Please Support SB50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

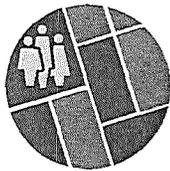
Dear Supervisor Yee,

As a resident of your district, I urge you to support SB 50 in the state legislature. San Francisco has been underproducing housing for decades and we need to reduce the stranglehold exclusionary zoning has had in our city to cause it to have one of the highest rents and real estate prices in the world. We need more homes for everyone, not just the rich. I live in a neighborhood filled with mega mansions, I would like to see some more apartment buildings in District 7 that are transit accessible.

Please do not the BOS resolution to oppose Senator Weiner's bill. My future depends on the passage of SB 50.

Thank you,

Jacob Medaris  
60 Mercedes Way  
San Francisco, CA 94127



# Upzoning Under SB 50: The Influence of Local Conditions on the Potential for New Supply

Jared Nolan,  
Graduate Student Researcher, Turner Center

Project Team: Dr. Carolina Reid, Dr. Karen Chapple, Jared Nolan, and Simon Hochberg

As California's housing crisis worsens, policy-makers are increasingly exploring new ways to expand housing supply, particularly in areas with access to public transit and in cities that have a jobs/housing imbalance. One policy that could help is known as "upzoning." Upzoning occurs when the zoning code that governs a parcel of land is relaxed to allow for greater building height or density: this can increase housing supply by making it possible for developers to build more units on a piece of land than they were previously allowed.

There are at least two bills being considered in the California state legislature that propose to upzone land in cities across the state: Senate Bill 50 and Senate Bill 4 (See Box A). Each of these bills aim to encourage more housing development to address the state's severe housing shortage. SB 50, proposed by Senator Wiener, focuses on relaxing zoning requirements around transit stations and job-rich areas.<sup>1</sup> SB 4, proposed by Senators McGuire and Beall, seeks to eliminate single-family zoning by allowing construction of two-unit buildings across the state. SB 4 also proposes to slightly increase density around rail stations above what is currently allowed.<sup>2</sup>

In this brief, we explore what might happen were SB 50 to pass by taking a detailed look at local market conditions in four case study neighborhoods. Local context shapes financial and physical feasibility. When SB 827, the predecessor to SB 50, was under consideration, estimates of its impact on new housing supply were optimistic. Yet, most of these estimates focused on aggregate devel-

opment potential and did not consider the on-the-ground reality of other zoning provisions that may influence development, what types of projects might pencil out, or what the existing stock looks like.

For example, Urban Footprint, producers of a software application that can analyze planning policies geographically, focused on three BART stations in the East Bay and found upzoning would have a dramatic impact. In the area around MacArthur Station, they estimate that the number of new housing units would increase from 4,447 units today to 27,156 under SB 827. Around the Rockridge Station, new housing would increase from 4,096 to 25,500 units. And in Orinda, Urban Footprint projected an increase from 731 to 12,090 units around that BART station.<sup>3</sup> A report from the McKinsey Global Institute similarly analyzed the maximum number of units it would be physically possible to locate on parcels around transit stations in California given current zoning restrictions.<sup>4</sup> They estimated that it would be possible to build up to three million units within a half-mile of high-frequency public transit stations. A study by the Urban Displacement Project and Mapcraft Labs focused on the Bay Area and produced estimates for how many additional units could be feasibly be produced across the entire region. The authors concluded that "SB 827 would have produced a six-fold increase in financially-feasible market-rate housing capacity and a seven-fold increase in financially-feasible inclusionary unit capacity."<sup>5</sup>

In this brief, we present an explanation of the local factors that will influence the implementation of SB 50 should it pass, and provide stakeholders with a more nuanced look at how SB 50 could impact the development calculus faced by a real estate developer in

strengths and weaknesses. The strength of this approach is that we can more accurately and thoroughly assess how local conditions influence the development potential of upzoning. However, given the diversity of California's neighborhoods, these case studies may not reflect all of the different kinds of places that may be affected.

The case study approach is most effective when selecting neighborhoods that are "representative" of a specific neighborhood typology, meaning that they share comparable baseline characteristics. We selected our case studies by analyzing data on the demographic, economic, and built-form characteristics of neighborhoods served by high-quality transit. We clustered 10,550 qualifying station areas according to these data to produce a neighborhood typology.<sup>7</sup> We found that we could group high-quality transit areas into five relatively distinct neighborhood types based on variables including race, income, education, density, age of buildings, type of buildings, cost of housing, and job accessibility (See the Appendix for the full list of variables used in the clustering analysis). The clusters can be characterized as: (1) high density/high income, (2) high density/low income, (3) low density/high income, (4) low density/low income, and (5) low density/diverse.

Out of the five resulting clusters, we assumed that since the two high-density clusters (1 and 2) contained a significant share of large multi-family buildings, it is probable that developers can already construct the kind of buildings allowed by SB 50. We did not look further into these two types of neighborhoods since the impact of SB 50 would likely be small. The three remaining clusters (3, 4, and 5) are more likely to be impacted by upzoning because they are less dense and have older buildings, meaning that it would be possible to intensify land use through upzoning around these stations. Two of these three clusters (low density/low income and low density/diverse) also have a greater share of lower-income renters and people of color, suggesting that specific consideration should be given to the potentially negative impacts that upzoning may create in these areas. The third cluster (low density/high income) could be characterized as "high opportunity" neighborhoods, in that they have low poverty and unemployment rates, good accessibility to jobs, and are more likely to be majority white. In addition, their lower density—coupled with high rents—might allow for a meaningful impact of upzoning.

We selected four case study neighborhoods from the three cluster types to gain a deeper understanding of how upzoning would affect the development picture. The case studies we selected for this analysis are the Menlo Park Caltrain station (representing the low density/high income cluster), the Fruitvale BART station in Oakland and the Soto St. Metro station in the Boyle Heights neighborhood of Los Angeles (both representing the low density/low income cluster), and the Allesandro Ave-Oak Glen Pl. bus station in the Silver Lake/Echo Park neighborhood of Los Angeles (representing the low density/diverse cluster, as well as a high-frequency bus transit neighborhood as opposed to a fixed rail station). Table 2 in the Appendix presents data on the characteristics of each of these four case study neighborhoods. It is important to note that although we have selected these neighborhoods to represent the three clusters, every neighborhood has its own history, topography, and characteristics that impact development.

Using these case study neighborhoods, we sought to answer the following questions:

- » How much land around each of these stations would be eligible for upzoning?
- » What is the potential for upzoning, given parcel sizes and what already exists on the land?
- » How will SB 50 influence the zoning restrictions that impact what can be built?
- » How does financial feasibility differ across neighborhoods?

The rest of the brief answers these questions, highlighting both the potential of SB 50 to significantly increase the supply of housing (including new affordable units), as well as important caveats that policy-makers should consider as they refine the legislation.

## Current Zoning Matters: High-Quality Transit Neighborhoods Have Different Amounts of Land Available for Residential Development

The first question driving this analysis was, "How much land around each of these stations would be eligible for upzoning?" SB 50 applies to parcels that are zoned for any type of residence as a permitted use.<sup>8</sup> This means that a parcel must be either zoned residential or commercial. If it is zoned "commercial", the city's code must allow for residential development as a permitted use. The zoning codes in Oakland, Menlo Park, and Los Angeles allow residential to be built on commercially-zoned land, but this may not be true in all jurisdictions. Figure 1 shows where residential is a permitted use in the half-mile radius around the four case study stations. Since the Silver Lake station is a bus stop, SB 50 would only apply within a quarter-mile radius of the stop, which is designated by the black circle on the map.<sup>9</sup>

Dark blue designates areas where residential is the only permitted use (e.g. a single-family or multi-family zoning) and light blue designates areas that are mixed-use (e.g. commercial or transit-oriented development). We find that a significant share of the land around transit is zoned for either industrial or "office" use, neither of which would be affected by SB 50. For example, in the Fruitvale neighborhood, 11 percent of land is zoned for industrial, and in Menlo Park, 12 percent of the land is zoned for office.

Overall, the share of land that would be covered under SB 50 varies across the four case studies: from 57 percent in Fruitvale and Boyle Heights, to 62 percent in Silver Lake. Table 1 contains a more refined breakdown of these numbers. Part of this difference is due to historical land use in the area. Fruitvale was historically an industrial area, some of which persists, but is slowly being converted to a housing-business mix. Former industrial sites that have been reclassified as mixed-use could be used for new housing, but will also likely require more environmental remediation, which can raise the costs of construction. The Silver Lake bus stop, on the other hand, is in an almost entirely residential area.

Table 1: Share of Land Area with Residential as a Permitted Use

Land Use	Fruitvale		Menlo Park		Boyle Heights		Silver Lake	
	Acres	Share	Acres	Share	Acres	Share	Acres	Share
<b>Residential a Permitted Use</b>	<b>289</b>	<b>57%</b>	<b>311</b>	<b>60%</b>	<b>289</b>	<b>57%</b>	<b>81</b>	<b>62%</b>
Single-Family Residential	0	0%	112	22%	0	0%	34	26%
Multi-Family Residential	122	24%	104	20%	219	43%	47	36%
Mixed-Use	49	10%	95	18%	0	0%	0	0%
Commercial	118	23%	0	0%	70	14%	0	0%
<b>Residential NOT a Permitted Use</b>	<b>58</b>	<b>11%</b>	<b>100</b>	<b>19%</b>	<b>84</b>	<b>17%</b>	<b>19</b>	<b>14%</b>
Industrial	55	11%	0	0%	0	0%	0	0%
Public Facilities	0	0%	27	5%	64	12%	19	14%
Office	0	0%	64	12%	0	0%	0	0%
Open Space	4	1%	10	2%	17	3%	0	0%
Parking	0	0%	0	0%	4	1%	0	0%
Street Network	160	32%	110	21%	137	27%	31	24%
<b>Total</b>	<b>507</b>	<b>100%</b>	<b>522</b>	<b>100%</b>	<b>511</b>	<b>100%</b>	<b>131</b>	<b>100%</b>

Source: Author's calculations; see appendix for data sources; Note: For Fruitvale, Menlo Park, and Boyle Heights the total is the land within the half-mile radius, and for Silver Lake the total is the land within the quarter-mile radius. "Parking" refers to zoning and not actual parking structures: for example, in Fruitvale, the parking lot is designated TOD and allows mixed-use.

### A Significant Share of Parcels around Transit Are Small, Limiting the Likelihood that SB 50 Will Lead to Large (50 units +) Multi-Family Developments

A second question was, "How big are the existing parcels?" The maps in Figure 1 show the outlines of the parcel boundaries. Because Fruitvale and Menlo Park have more commercially-zoned land, they also tend to have larger parcel sizes (and more vacant land), while Boyle Heights and Silver Lake's current building stock is characterized by smaller lots and denser development.

Parcel size and configuration are critically important in shaping the potential for real estate development. Smaller parcels in particular will reduce the impact of upzoning policies. For example, to reach the maximum height limit of five stories allowed in SB 50, buildings need to be large enough to support all of the necessary building infrastructure. Most five-story buildings need to have an elevator, which the structure needs to be able to accommodate and finance. To provide a sense of the necessary parcel size, we analyzed form-based codes and found that the minimum lot dimensions recommended for a five-story, mid-rise structure approximated a lot width of 75–100 feet and a lot depth of 100–180 feet.<sup>10</sup> Those dimensions equate to minimum lot sizes from 7,500 square feet up to 18,000 square feet. This lot size is recommended to accommodate the bulk of the building.

We examined the size of parcels in each of the case study neighborhoods and found that most parcels around these transit stations are sized for detached single-family homes (around 5,000 square

feet or less). Individually, the smaller 5,000 square-foot parcels may support construction of a multi-family building with up to 12 units, though not much denser. This land pattern can support slightly denser development than detached single-family homes, but assembling these parcels to build much larger structures would be challenging, even if SB 50 allowed for more stories. In order to assemble parcels, a developer would need to identify contiguous parcels with owners that are willing to sell and that have not been occupied by renters in the last seven years.

Within these case studies, the lower-income neighborhoods (Boyle Heights and Fruitvale) contain smaller residential parcels than the higher-income neighborhoods (Silver Lake and Menlo Park). For example, comparing the blue bars in Figure 2B (acreage in parcels less than 5,000 square feet), Fruitvale and Boyle Heights had much more land in these smaller parcel sizes than the other two neighborhoods. Menlo Park has over half of its land in parcels greater than 20,000 square feet (171 acres across 148 parcels).

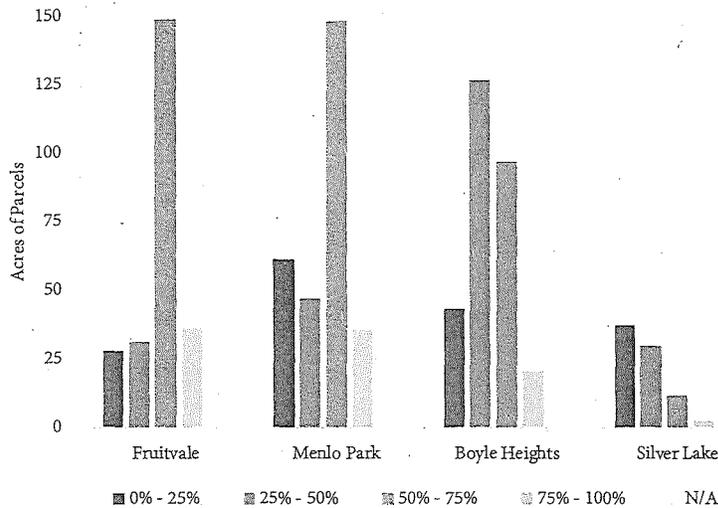
In addition to the parcel geometry, the current utilization of the land area will also influence the potential for development. If there is more vacant or underutilized land, then there are more opportunities for development, but if every parcel is built on, then the land is more expensive due to existing improvements. SB 50 also places restrictions on demolition, which would make it harder to build on land with existing structures. To assess the potential for new development in the case study neighborhoods, we examined how many of the residentially-zoned parcels are underutilized. We consider a parcel as "underutilized" if it has more than 5,000 square feet that is not occupied by a building. 5,000 square feet is around the smallest footprint that could support a four to five-

Table 2: Share of Underutilized Parcels

Neighborhood	Residential Parcels over 5,000 SF	“Underutilized” Residential Parcels over 5,000 SF	Percentage	Total Unbuilt Area of “Underutilized” Parcels (SF)
Fruitvale	583	257	44%	4,727,591
Menlo Park	785	430	55%	8,041,888
Boyle Heights	1,462	297	20%	2,396,853
Silver Lake	351	213	61%	1,587,440

Source: Author’s calculations; see appendix for data sources

Figure 3: Improvements/ Value Ratio for Parcels by Average



Source: Author’s calculations; see appendix for data sources

Table 3: Renter-Occupied Apartments

	Fruitvale		Menlo Park		Boyle Heights		Silver Lake	
	Acres	Share	Acres	Share	Acres	Share	Acres	Share
Contains Residential Renters	47	16%	90	30%	117	41%	27	33%
No Residential Renters	241	84%	211	70%	170	59%	54	67%
Total	288	100%	301	100%	287	100%	81	100%

Source: Author’s calculations; see appendix for data sources. Acres do not match Table 1 due to missing data on some parcels.

That said, a significant share of these lower valued lots are occupied, meaning that it is not a straightforward process to acquire and build on the land. Both SB 50 and SB 4 include a provision that forbids the demolition of buildings occupied by renters (SB 50 looks back seven years and SB 4 looks back 10 years), in an effort to prevent displacement.<sup>11</sup> In all four of these neighborhoods over half of the population rents, which means this provision will have a big impact. To get a sense for how much land this would affect, we looked at assessor’s data and designated parcels as renter-occupied if the assessor’s data said it was not owner-occupied and it contained at least one bedroom. Table 3 shows that in Boyle

Heights, over 40 percent of the land available for residential use is currently occupied by renters. (It is not possible to tell from the data whether there has been a renter in the building in the past seven years, which would only increase the share of properties protected in each neighborhood.) The share is lower in Fruitvale due to large quantities of former industrial land that are not occupied. In general, these results should be considered underestimates of renter occupation. Figure 4 shows the parcels occupied by renters in red (gray parcels allow residential use and are not renter-occupied), which demonstrates how this provision will make it harder for developers to assemble parcels to build larger structures.<sup>12</sup>

## Even with SB 50, Existing Zoning Regulations May Still Constrain Development in Some Cities

SB 50 explicitly addresses four of the most common zoning regulations that constrain residential development: height limits, floor-area ratios (FARs), density limits, and minimum parking requirements. Maximum densities limit the number of households that can occupy a parcel. Typically they are expressed in dwelling units per square feet of lot area. For example, in Menlo Park the R1U Single-Family Urban Residential zone has a maximum density of one dwelling unit per 7,000 square feet of lot area. Minimum parking requirements are typically expressed in terms of spaces per unit. Parking can severely limit the usable area of the lot because it requires access to the street and internal circulation. Height limits constrain how tall a building can be and the floor-area ratio limits the bulk of the building and is calculated by dividing the total floor area of the building by the size of the lot. For example, a FAR of 1.0 would allow a developer to build either a one-story building that occupies the entire lot, a two-story building that occupies half of the lot, a three-story building that occupies a third of the lot, and so on. These constraints work together to limit the size of the building and how many people can live in it. Relaxing these constraints is believed to have an impact on housing supply because it allows a developer to build a larger structure on the same parcel and divide it into more units, allowing more people to live there.

But there are additional standards embedded in local zoning codes that SB 50 does not explicitly address. These standards also work to constrain the maximum “building envelope,” or how much of the lot the building can occupy and how tall it can be. Examples of these additional zoning standards include:

- » Front, side, and rear setback requirements (how close to the edge of the parcel the building can extend in all directions)
- » Daylight plane restriction to limit the casting of shadows (similar to a setback, but it restricts how tall a building can be at certain distances from the parcel boundary)
- » Maximum lot coverage (limiting how much of the parcel the building footprint can occupy)
- » Minimum yard/open space requirement (specifying how much of the lot needs to be left undeveloped and may exclude impermeable land that has been paved for parking)

These additional zoning requirements differ widely across cities. For example, Table 4 lays out the additional zoning restrictions for a parcel zoned R1U Single Family Urban in Menlo Park.

If these additional zoning requirements remain in place, they would continue to severely constrain the development envelope. For example, consider a 5,000 square foot parcel in Menlo Park that is 50 feet wide and 100 feet deep and located within a quarter to half-mile of the rail station. The building footprint would be constrained by the maximum building coverage of 35 percent, resulting in a footprint of 1,750 square feet. Due to the daylight plane, this maximum footprint could only apply to the first two

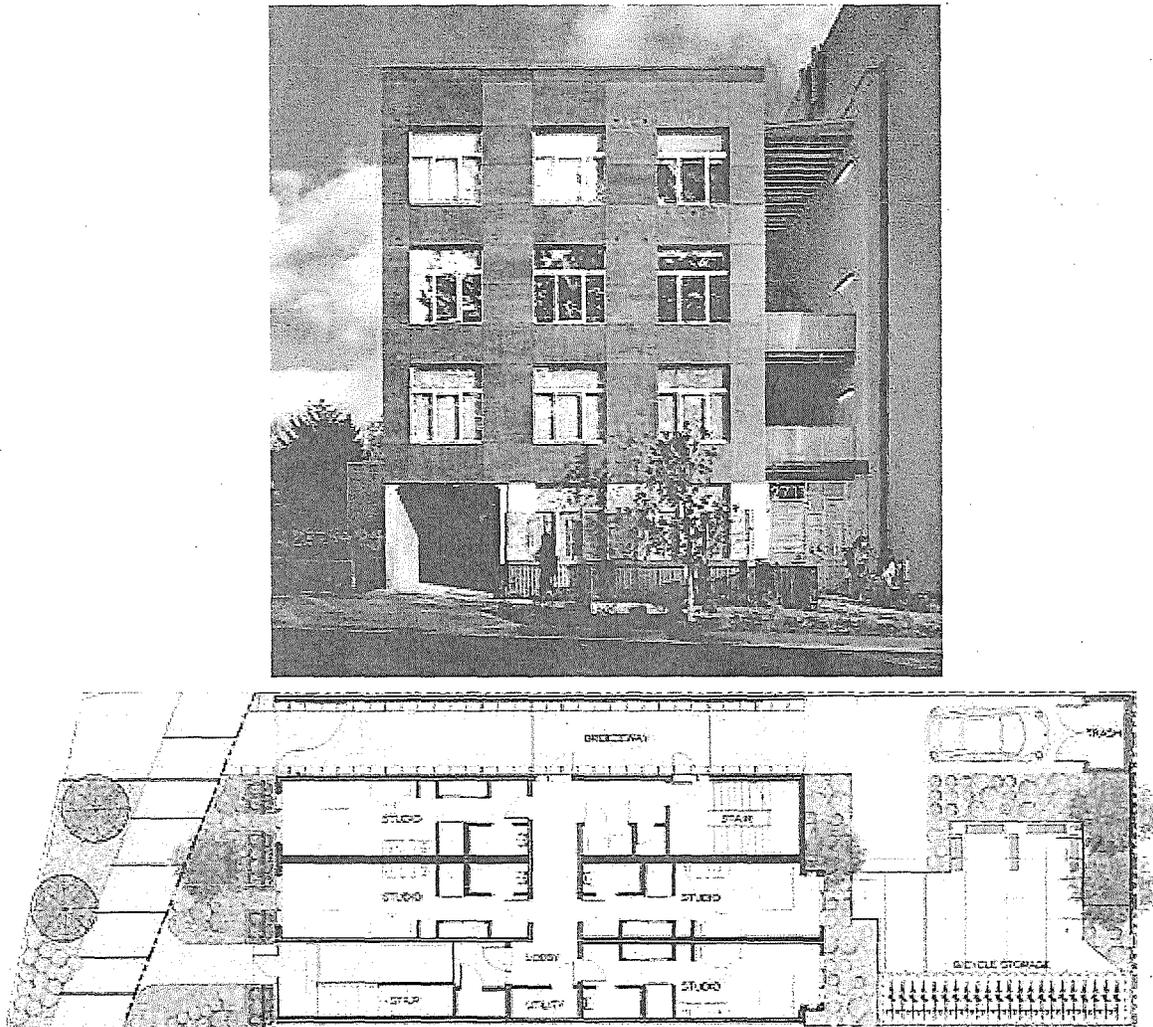
Table 4: Additional Zoning Requirements in Menlo Park

Minimum Front Setback	20'
Minimum Rear Setback	20'
Minimum Side Setback	5-12'
Maximum Building Coverage	1 story building: 40% 2+ story building: 35%
Daylight Plane	45° starting at 19' 6" above side setback

stories, and the third floor would have to be smaller (see the left side of Figure 5). The maximum third floor area would be 1,200 square feet, and it would not be possible to build a fourth floor. The total gross square footage of this building would be 4,700 square feet. Assuming a building efficiency of 75 percent (25 percent is devoted to common spaces like an entrance foyer, stairs, and hallway), that leaves around 3,500 square feet of leasable space. This means that even with SB 50, the lot could only be divided into five units that average 700 square feet each.

Compare that result to a parcel that was only subject to the height limit and FAR imposed by SB 50 (the right side of Figure 5). The limiting factor would be the FAR of 2.5, which would allow 12,500 gross square feet of development. This could be spread across four floors within the 45' height limit, resulting in a building footprint of 3,125 square feet. This footprint could be accomplished with 5' setbacks on either side and a combined 22' to divide across the front and back (for example, a 5' front setback and 17' rear setback). Assuming again 75 percent building efficiency results in 9,375 square feet of leasable space, which could generate 13 units that average over 700 square feet each—more than twice as many units.

Figure 6: 2711 Shattuck Façade and Ground Floor Site Plan



A recent development in Berkeley provides a helpful example of this size of project. The building, shown in Figure 6 and developed by Panoramic Interests, sits on a narrow 5,200 square foot lot and is four-stories tall.<sup>13</sup> The footprint of the building is small, but it still fits 22 studios at around 300 square feet each. There are no side setbacks in this example, but the building is set back from the sidewalk and there is a large rear setback that accommodates a patio and parking for bicycles and one car.

The variation of these requirements across cities is one of the factors that makes it very difficult to assess the overall production potential of an upzoning policy. Because each city has its own zoning standards, even for the same “R1” code, a more comprehensive assessment of the development impact of SB 50 would necessitate a database of all of those standards for every city, something that currently does not exist.

One potential solution to overcome these constraints is to ensure that SB 50 works in tandem with the state’s Density Bonus Law (Section 65915–65918 of California State Law). The Density Bonus Law grants developers up to three additional incentives or conces-

sions if 30 percent of the project’s units are affordable to lower-income households (60 percent of area median income) that could be used to address the additional zoning constraints described above. For example, these concessions could be used to waive the daylight plane requirement, the maximum lot coverage, and the front setback to build up to the maximum FAR. The application of the Density Bonus Law according to the SB 50 language is unclear, however, since SB 50 does not state whether the project needs to have 30 percent affordable units to receive all three concessions or whether the project would automatically receive the concessions allowed under the Density Bonus if it meets SB 50 inclusionary requirements.

It is also unclear how SB 50 would integrate into a city’s existing specific plans. A specific plan is a planning document that applies to a certain area within a city and systematically implements the city’s general plan.<sup>14</sup> Specific plans often contain land use plans, infrastructure plans, and development and design standards. Cities devote considerable resources to prepare Environmental Impact Reports (EIRs) for their specific plans to comply with the California Environmental Quality Act (CEQA). Subsequent develop-

Figure 6: Illustrative Pro-Forma Calculation

	Menlo Park Example	Fruitvale Example
Lot Size	5,043 sq ft	4,933 sq ft
Maximum Building Height	45 ft	45 ft
Max FAR	2.5	2.5
Parking	None	None
<b>Building Details</b>		
Building Footprint	3,125 sq ft	3,083 sq ft
Stories	4	4
Gross Square Feet	12,608 sq ft	12,333 sq ft
NSF / GSF Ratio	75%	75%
Net Leasable Square Feet	9,456 sq ft	9,249 sq ft
Units	12	12
Average Unit Size	788 sq ft	788 sq ft
<b>Total Cost</b>		
Land Cost	\$2,331,840	\$569,526
Per SF Hard Cost	\$285 /sq ft	\$285 /sq ft
Per SF Soft Cost	\$110 /sq ft	\$110 /sq ft
<b>Total Cost</b>	<b>\$7,311,803</b>	<b>\$5,440,864</b>
<b>Income and Expenses</b>		
Rent/SF/Month	\$4.50	\$3.60
Rent/Unit/Month	\$3,546	\$2,775
Total Rent/Year	\$510,604	\$399,573
Vacancy Rate	5%	5%
Gross Income	\$485,074	\$379,594
Expense estimate	\$7,000 /unit/ year	\$6,000 /unit/ year
Gross Expenses	\$84,000	\$72,000
<b>Net Operating Income</b>	<b>\$401,073.56</b>	<b>\$307,594.35</b>
<b>Financials</b>		
Value	\$12,340,725	\$6,151,887
Capitalization Rate	3.25%	5.00%
Return on Cost	5.49%	5.65%
Profit Margin	40.75%	11.56%

Source: Author's calculations; see appendix for data sources

## Conclusion

It is not a simple exercise to understand what the impact of an upzoning policy will be given all of the factors that influence development. As this brief lays out, existing land use, parcel configuration, additional zoning restrictions, and financial considerations will all play a role in how much new housing will be produced under SB 50. All of the research presented here suggests that there will be different impacts in different places. Nevertheless there are important factors that the state legislature should consider as they debate SB 50 and/or other upzoning proposals.

First, we do find that SB 50 will unlock development potential around high-quality transit sites, and that there is significant promise to converting vacant and/or underutilized parcels into housing. Some of our case study neighborhoods had a significant share of their land area—between 20 to 50 percent—comprising parcels over 5,000 square feet with no buildings on them. This offers up a real opportunity for additional housing, including affordable units. Concerns over how SB 50 may lead to the Manhattan-ization of neighborhoods are also likely overstated. We find that a large share of parcels around our case study transit areas are small—5,000 to 10,000 square feet—and will not likely support large multi-family developments of 200+ units. SB 50 could thus result in a more gradual densification of housing in transit-rich neighborhoods, as underutilized sites become buildings with 10-20 units. This study also does not take into account potential constraints from renter occupancy and demolition prohibitions.

A second important finding, however, is that SB 50 on its own does not remove all the constraints to development on a parcel, and there need to be other limitations on setbacks or daylight planes to ensure that if a parcel does attract new development, it maximizes new supply. In addition, we find that there is variation across case study neighborhoods in terms of how much land is zoned to allow residential uses. Larger parcels around station areas may be zoned industrial or as office space, meaning that they would not be eligible under SB 50, even if they would be strong candidates for new housing development. Cities resistant to new housing could still limit new developments by imposing other restrictions on what is built on a lot, or ensuring that land in transit-eligible areas is zoned for non-residential uses only. Considering how SB 50 will intersect with other laws at both the local and state level, such as Los Angeles's Transit Oriented Communities program, a city's specific plan, or the state's Density Bonus Law, could help to ensure that all of these efforts to address the housing crisis are complementary.

A third finding is that the likelihood of new developments “penciling out” varies significantly across neighborhoods and their unique housing market conditions. This has implications for the level of inclusionary that will be viable, as well as how much new housing the market will support in different neighborhood types. A future brief will explore the issue of inclusionary in more detail (using the thresholds recently added to the bill language), but the example provided here shows the importance of discussing approaches of how to tailor inclusionary requirements to market conditions, rather than setting one target for the entire state.

Finally, this brief only considers the upzoning factors that will influence the impact of SB 50 on development potential. Other aspects of the bill—including tenant protections and the definition of “sensitive communities,” the definition of “job-rich” areas, and the inclusionary requirements—will all influence the scale and impact of new developments. Future briefs in this series will consider these important elements of the bill in more detail to bring data-driven analysis to the conversation, and to support the goal of passing legislation that effectively balances housing, equity, and environmental goals.

Table A2: Neighborhood Case Studies: Characteristics of Residents and Housing Stock

Cluster	Fruitvale Station	Soto Station	Menlo Park Station	Silver Lake/ Allesandro Ave Station
Population	11,451	13,064	8,892	8,664
Percent of population that rents	74.6%	83.0%	63.1%	50.1%
Percent NH White	9.9%	2.2%	74.1%	49.1%
Percent Hispanic	65.7%	94.3%	6.3%	32.8%
Percent Black	8.4%	1.0%	0.6%	1.8%
Percent Asian	13.4%	2.0%	14.1%	11.0%
Percent below 200% of poverty rate	55.5%	79.3%	8.9%	20.2%
Unemployment rate	11.8%	15.1%	2.4%	4.1%
Percent with bachelor's degree	21.6%	6.2%	82.9%	55.5%
Percent of households with children	42.5%	46.7%	31.3%	23.3%
Percent single-family detached house	28.3%	36.8%	32.4%	68.7%
Percent small multi-family (2-4 units)	20.9%	17.6%	23.8%	16.6%
Percent medium multi-family (5-18 units)	27.6%	14.3%	9.9%	0.0%
Percent big multi-family (20+ units)	12.8%	15.6%	25.7%	8.1%
Percent of housing units vacant	8.6%	7.4%	6.9%	6.0%
Percent of units built before 1950	17.4%	1.3%	11.2%	4.6%
Percent of units built after 2000	54.7%	56.9%	18.5%	61.2%
Density (population/square mile)	11,602	21,312	6,991	8,052
Median tract rent / median county rent	0.82	0.72	1.07	1.32
Jobs within commuting distance	930,678	1,456,604	500,607	1,707,780

## Endnotes

1. [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200SB50](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB50)
2. [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200SB4](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB4)
3. <https://urbanfootprint.com/how-might-sb-827-impact-california/>;  
<https://www.nytimes.com/2018/03/19/us/california-today-can-californians-drive-less.html>
4. <https://www.mckinsey.com/featured-insights/urbanization/closing-californias-housing-gap>
5. <https://www.urbandisplacement.org/blog/sb-827-2.0-what-are-implications-bay-area-communities>
6. A headway is how frequently buses arrive at a certain stop. If the headway is 15 minutes, then a bus arrives every 15 minutes.
7. For more information on the clustering process see: [http://upzoning.berkeley.edu/station\\_neighborhoods.html](http://upzoning.berkeley.edu/station_neighborhoods.html)
8. It is unclear whether the policy would apply when residential is a conditional use.
9. The full map is shown for comparability. The analysis only considers parcels that fall within the quarter-mile boundary.
10. Richmond Livable Corridors, City of Richmond, CA Form-Based Code, p. 120-28; Cincinnati Form-Based Code, p. 2-30.
11. We are not aware of an existing data source that tracks this information.
12. In the LandVision data, the assessor's data contains a field for whether the parcel is owner-occupied. We consider a parcel to be occupied by renters if the parcel is not occupied by the owner and there is at least one bedroom on the parcel.
13. <https://www.panoramic.com/cityspaces-location/shattuck-berkeley/>
14. [http://opr.ca.gov/docs/specific\\_plans.pdf](http://opr.ca.gov/docs/specific_plans.pdf)
15. <https://www.menlopark.org/149/El-Camino-Real-and-Downtown-Specific-Pla>
16. <https://planning.lacity.org/ordinances/docs/toc/TOCGuidelines.pdf>
17. Construction costs come from estimates provided by local developers.
18. Impact fees are different between Menlo Park and Fruitvale but the other soft costs like architecture and consulting fees and financing costs are likely similar.
19. Estimates for land costs come from Zillow.
20. Estimates for rents, operating expenses, and cap rates come from Yardi.
21. [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200SB50](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB50)

## Carroll, John (BOS)

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**From:** Mchugh, Eileen (BOS)  
**Sent:** Thursday, March 28, 2019 4:33 PM  
**To:** Carroll, John (BOS)  
**Subject:** FW: SF Chamber Letter re: Oppose File No. 190319  
**Attachments:** 3.28.19\_Oppose File No. 190319.pdf

**Categories:** 190319

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**From:** Mary Young <[myoung@sfchamber.com](mailto:myoung@sfchamber.com)>  
**Sent:** Thursday, March 28, 2019 2:56 PM  
**To:** Yee, Norman (BOS) <[norman.yee@sfgov.org](mailto:norman.yee@sfgov.org)>  
**Cc:** Calvillo, Angela (BOS) <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>; Breed, Mayor London (MYR) <[mayorlondonbreed@sfgov.org](mailto:mayorlondonbreed@sfgov.org)>; Calvillo, Angela (BOS) <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>; Fewer, Sandra (BOS) <[sandra.fewer@sfgov.org](mailto:sandra.fewer@sfgov.org)>; Stefani, Catherine (BOS) <[catherine.stefani@sfgov.org](mailto:catherine.stefani@sfgov.org)>; Peskin, Aaron (BOS) <[aaron.peskin@sfgov.org](mailto:aaron.peskin@sfgov.org)>; Mar, Gordon (BOS) <[gordon.mar@sfgov.org](mailto:gordon.mar@sfgov.org)>; Brown, Vallie (BOS) <[vallie.brown@sfgov.org](mailto:vallie.brown@sfgov.org)>; Haney, Matt (BOS) <[matt.haney@sfgov.org](mailto:matt.haney@sfgov.org)>; Mandelman, Rafael (BOS) <[rafael.mandelman@sfgov.org](mailto:rafael.mandelman@sfgov.org)>; Safai, Ahsha (BOS) <[ahsha.safai@sfgov.org](mailto:ahsha.safai@sfgov.org)>; Ronen, Hillary <[hillary.ronen@sfgov.org](mailto:hillary.ronen@sfgov.org)>; Walton, Shamann (BOS) <[shamann.walton@sfgov.org](mailto:shamann.walton@sfgov.org)>; Cohen, Emily (DPH) <[emily.cohen@sfgov.org](mailto:emily.cohen@sfgov.org)>; [senator.wiener@senate.ca.gov](mailto:senator.wiener@senate.ca.gov); [Ann.Fryman@sen.ca.gov](mailto:Ann.Fryman@sen.ca.gov); Karunaratne, Kanishka (MYR) <[kanishka.cheng@sfgov.org](mailto:kanishka.cheng@sfgov.org)>  
**Subject:** SF Chamber Letter re: Oppose File No. 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear President Yee,

Please see attached letter from the San Francisco Chamber of Commerce opposing Board of Supervisors File No. 190319.

Thank you,



**Mary Young**  
Manager, Public Policy  
San Francisco Chamber of Commerce  
235 Montgomery St., Ste. 760, San Francisco, CA 94104  
(O) 415-352-8803 • (E) [myoung@sfchamber.com](mailto:myoung@sfchamber.com)





235 Montgomery St., Ste. 760, San Francisco, CA 94104  
tel: 415.352.4520 • fax: 415.392.0485  
sfchamber.com • twitter: @sf\_chamber

March 28, 2019

The Honorable Norman Yee, President  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

**RE: Oppose File #190319, Resolution to Oppose California State Senate Bill 50 (Wiener) – Housing Development Incentives – Unless Amended**

Dear President Yee and Members of the Board of Supervisors,

The San Francisco Chamber of Commerce, representing thousands of local businesses, urges you to oppose File #190319, Supervisor Mar's resolution opposing California State Senate Bill No. 50 (SB 50), authored by Senator Scott Wiener, which allows for greater housing density along public transportation corridors and near job centers.

The Chamber supports SB 50, and believes this Resolution is a step backwards in our collective efforts to build more housing at all levels of affordability in San Francisco neighborhoods, throughout the Bay Area and across California. Senator Wiener's bill, which is supported by three-quarters of San Francisco voters according to a recent Chamber of Commerce poll, will help break the gridlock imposed by long-standing zoning and permitting restrictions that still reflect the exclusionary housing policies of a bygone era.

Increasing density close to transit and job centers will enable more residents to live near our workplaces, reducing traffic congestion and the overcrowding of our beleaguered public transportation systems. It will lower carbon emissions and help reduce the destructive impacts of climate change across the state by reversing development patterns and incentives that lead to urban and suburban sprawl.

Most important, SB 50 will result in an increase of vitally needed affordable housing stock, as more units will be built in areas currently zoned ineligible for 100% affordable housing. Legalizing more multi-unit buildings will result in the construction of inclusionary housing that provides below market-rate units for San Franciscans who cannot afford our city's exorbitant real estate and rental prices.

Contrary to assertions in the Resolution, under SB 50 San Francisco will retain its approval process for individual projects and community members will have the same opportunities to provide input as they do now. The city will continue to capture local impact fees directed to transportation and streetscape improvements. Local demolition protections will remain in place.



235 Montgomery St., Ste. 760, San Francisco, CA 94104  
tel: 415.352.4520 • fax: 415.392.0485  
sfchamber.com • twitter: @sf\_chamber

The San Francisco Chamber of Commerce has long supported policies that increase housing density to help alleviate the city's significant housing shortage, especially for middle and low-income residents. This Resolution may stymie efforts at the state level to meet our challenges of providing housing at all levels of affordability locally, in San Francisco and across the Bay Area. We therefore urge the Board of Supervisors to oppose this Resolution when it comes before you for a vote.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney Fong", written over a faint circular stamp or watermark.

Rodney Fong  
President and CEO  
San Francisco Chamber of Commerce

cc: Clerk of the Board of Supervisors, to be distributed to all Supervisors; Mayor London Breed; State Senator Scott Wiener

## Carroll, John (BOS)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Thursday, March 28, 2019 10:12 AM  
**To:** Carroll, John (BOS)  
**Subject:** FW: Please Support SB50

**Categories:** 190319

-----Original Message-----

**From:** Jacob Medaris <jacobmedaris@icloud.com>  
**Sent:** Wednesday, March 27, 2019 10:29 PM  
**To:** Yee, Norman (BOS) <norman.yee@sfgov.org>  
**Cc:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Please Support SB50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Yee,

As a resident of your district, I urge you to support SB 50 in the state legislature. San Francisco has been underproducing housing for decades and we need to reduce the stranglehold exclusionary zoning has had in our city to cause it to have one of the highest rents and real estate prices in the world. We need more homes for everyone, not just the rich. I live in a neighborhood filled with mega mansions, I would like to see some more apartment buildings in District 7 that are transit accessible.

Please do not the BOS resolution to oppose Senator Weiner's bill. My future depends on the passage of SB 50.

Thank you,

Jacob Medaris  
60 Mercedes Way  
San Francisco, CA 94127

## Carroll, John (BOS)

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**From:** Mike Forster <mike@mikeforster.net>  
**Sent:** Monday, March 11, 2019 12:08 PM  
**Cc:** 'Mike Forster'  
**Subject:** SB 50 and Daylight Planes - Restricted Building, Eminent Domain, and Solar Impaired

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

March 11, 2019

**To:**  
State Senator Scott Wiener  
Council Members of Palo Alto  
Supervisors of San Francisco, San Mateo, and Santa Clara Counties  
Council Members of the City of Palo Alto  
NRDC  
CALPIRG  
Environment California  
AARP

**SB 50 and Daylight Planes - Restricted Building, Eminent Domain, and Solar Impaired.** Daylight planes will interact with California Senate bill SB 50 - the More Homes Act - to restrict building options, generate large eminent domain costs and legal challenges, impair solar power, or all of the above.

**Restricted development.** Often, the property immediately behind a commercial property along a thoroughfare such as El Camino Real is a residence. In Palo Alto, a residential owner has the purchased, expected, and historic right to a daylight plane starting 10 feet above the property line extending at a 45-degree angle; many cities have similar regulations. So, adjacent housing could not reach SB-50's maximum height of 55 feet closer than 45 feet to the property line. This would make tall developments practically and financially infeasible in many locations.

**Eminent domain.** If new housing were allowed to intrude on the daylight plane, government would have to use eminent domain to compensate the residential owner for the permanent reduction in property value. Daylight access is a key feature of a property, with value. Per our Constitution, government would have to compensate owners for this loss in value. Caltrain noise could be considered a detriment comparable to daylight access. A quick study of 8 homes sold in Palo Alto's South Gate neighborhood between 2016 and 2018 shows that homes next to the Caltrain tracks sold for an average of 17% or \$308 per square foot less, or \$511,000 dollars per home, than comparable homes 2 to 3 blocks from Caltrain. Other less expensive cities

would have lower cost impacts - but even so, with likely thousands of such properties statewide, SB 50 could cause a huge cost to our government, as well as court challenges.

**Solar impaired.** Any intrusion into the daylight plane could also impair access to rooftop solar power for those residences adjacent to new SB 50 developments, by shading the rooftops and reducing the solar power production.

**A better approach - Mandate maximums under current zoning laws.** Instead of SB 50, the state could mandate that all new construction in the desired areas - near mass transit or along transit corridors - maximize the height, useable floor space, and housing units according to existing local zoning regulations. This would maintain local control, but maximize the number of units in the desired areas.

Mike Forster, Palo Alto

Mike Forster  
420 Stanford Ave  
Palo Alto, CA 94306  
[mike@mikeforster.net](mailto:mike@mikeforster.net)  
650 464 9425

**Carroll, John (BOS)**

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**From:** zrants <zrants@gmail.com>  
**Sent:** Monday, February 25, 2019 11:54 PM  
**To:** Board of Supervisors, (BOS)  
**Cc:** Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Yee, Norman (BOS); MandelmanStaff, [BOS]; Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)  
**Subject:** RE: hearing on CASA and SB-50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor:

I am requesting a public hearing on CASA & SB-50.

I urge you to craft a resolution and vote on the matter. We are concerned about the escalation of state power over local jurisdiction that these efforts on the part of our state legislators are pushing.

Thank you.

Mari Eliza, concerned citizen

**Carroll, John (BOS)**

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**From:** Kathy Howard <kathyhoward@earthlink.net>  
**Sent:** Wednesday, February 20, 2019 12:31 PM  
**To:** Board of Supervisors, (BOS); Stefani, Catherine (BOS); Mar, Gordon (BOS); MandelmanStaff, [BOS]; Walton, Shamann (BOS); Peskin, Aaron (BOS); Safai, Ahsha (BOS); Ronen, Hillary; Cohen, Malia (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); Brown, Vallie (BOS)  
**Subject:** Please hold a public hearing on SB-50 and CASA  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**Please hold a public hearing on CASA & SB-50.  
Please also craft a resolution and vote on the matter.  
Thank you.**

**Katherine Howard  
San Francisco, CA**

**Carroll, John (BOS)**

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**From:** Susan Kirsch <susankirsch@hotmail.com>  
**Sent:** Monday, February 18, 2019 9:51 AM  
**Cc:** 2Preserve LA  
**Subject:** SB-50 Teleconference Tonight Mon. 2/18 at 7 pm  
**Attachments:** SB 50 Coalition to Preserve LA Analysis.docx

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear ABAG Reps & Alternates - ***Tonight*** - Mark your calendar for a 7:00 pm call about SB-50, one of the bills coming forward under the CASA Compact. Forward this notice to others on your City Council, Planning Commission, and Neighborhood Leaders' lists. Help get word out to help create informed policy.

Partners of **Livable California**, the **Coalition to Preserve LA**, is hosting a teleconference about SB-50 tonight (Monday) at 7:00 pm. Dial in to find out what you need to know about SB-50.

**Call-in number: (605) 313-4400 Access Code: 870559 #**

**Please RSVP to [2preservela@gmail.com](mailto:2preservela@gmail.com) (above), for a head count.** Not required, but appreciated.

**Review the attached SB-50 analysis for impact on homeowners.** You'll see a few specifics for LA, but most of the analysis applies to the entire state.

Critics of SB-50 call it the **California Gentrification, Displacement, and Environmental Destruction Act**. Others call it the **Real Estate Investor and Developer Enhancement Act**. Few people see promise to address the issue of housing affordability. Sen. Scott Wiener (author of SB-50) and colleagues, influenced by global corporations working under umbrella organizations like the Bay Area Council, the Silicon Leadership Group, and MTC (which created CASA) are organized and funded to promote profit, not people. Learn how SB-50 dismantles your communities' authority to manage your own growth, infrastructure, and long-term well-being.

Coalition to Preserve LA describes the Monday night call like this: SB 50 is a Russian Nesting Egg, one egg within another, until you get to its rotten core. *Leading media outlets have misunderstood, and utterly failed, to un-peel this rotten egg.* On the call, we'll peel back the layers.

**SB 50 is the greatest attack on single-family home ownership, and the most extreme gentrification tool, ever floated by Sacramento.** It rebrands quiet streets as either "transit rich" or "above-median/good schools/jobs-rich," in order to up-zone single-family areas to 75- and 85-foot apartments.

We'll explain why SB 50's claim to protect renters is trash talk. SB 50 will gentrify indiscriminately and push renters and the working-class from their homes.

We've confirmed that if SB 50 passes, cities can't reject these "by-right" luxury towers. **Cities can only challenge the developer if the project threatens public safety.**

Do you want to un-peel the Russian Nesting Egg with us?

Please dial into **(605) 313-4400 Access Code: 870559 #** on Monday, Feb. 18 at 7 p.m.!

Coalition to Preserve LA: [2preservela.org](http://2preservela.org)

Or on [Twitter click here](#)

Facebook: [@PreserveLA](#)

Susan Kirsch, Founder

Livable California

415-686-4375

**Carroll, John (BOS)**

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**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, January 18, 2019 1:52 PM  
**To:** Mandelman, Rafael (BOS); Yee, Norman (BOS)  
**Subject:** FW: CASA: Reasons To Oppose Authorization To Sign  
**Attachments:** CASA\_letter.Final.pdf; Handout.Final (1).pdf

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**From:** susankirsch@livableca.org <susankirsch@livableca.org>  
**Sent:** Wednesday, January 16, 2019 12:53 PM  
**To:** Susan Kirsch <susankirsch@hotmail.com>  
**Subject:** CASA: Reasons To Oppose Authorization To Sign

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



January 16, 2019

Dear ABAG Delegate:

Elected and community leaders from throughout the 9-County Bay Area appeal to you to **oppose authorizing ABAG President Rabbit to sign the CASA Compact.**

Attached are resources to support our recommendation.

1. Five points of rebuttal to the staff recommendation for endorsement from Livable CA.
2. *CASA's secret New York junket* published in "48 Hills"  
1/15/19 <https://48hills.org/2019/01/casas-secret-new-york-junket/>
3. Handout: The Bay Area is experiencing a Success Crisis; CASA is not the answer!
4. Video links from the Rohnert Park City Council meeting, 1/8/19:

Local officials were not kept informed "Why didn't you get input from us?" (90-seconds)

[https://www.youtube.com/watch?v=5jJ2C\\_a\\_Zkq&index=7&list=PL9L1bX8p45x8NZ6KsVzbRxT6mpZneNDGT](https://www.youtube.com/watch?v=5jJ2C_a_Zkq&index=7&list=PL9L1bX8p45x8NZ6KsVzbRxT6mpZneNDGT)

CASA harms cities (60-seconds)

<https://www.youtube.com/watch?v=6UedTFv-RSU&index=4&list=PL9L1bX8p45x8NZ6KsVzbRxT6mpZneNDGT>

SB-50, state zoning and loss of local control (2-minutes)

<https://www.youtube.com/watch?v=yGgO-NcoHvA&list=PL9L1bX8p45x8NZ6KsVzbRxT6mpZneNDGT&index=14>

Thank you for representing your constituency.

Susan Kirsch, Founder  
Livable California  
415-686-4375  
LivableCalifornia.org



January 16, 2019

To: ABAG Executive Board  
From: Livable California  
Subject: CASA Compact Authorization to Sign

We appreciate the work that went into creating the CASA Compact. We agree there is a housing problem that impacts everyone in the Bay Area. It requires long-term thinking and collaborative problem solving. However, on behalf of elected officials, community leaders, and residents of the nine-county Bay Area, we appeal to you to reject authorization for President Rabbitt to sign the CASA Compact.

- 1. It's unfair to exclude local elected officials from planning and then not allow time for feedback re: a 15-Year Emergency Policy to Confront the Housing Crisis in the San Francisco Bay Area.**
  - 1.1. About 70% of the Bay Area's population live in the 98 cities that were NOT represented during the development of the Compact.
  - 1.2. The Outreach meetings were an afterthought that began in December, 18-months after the CASA process started. A typical presentation allowed 45 minutes of PowerPoint presentation with just 10-15 minutes for questions; inadequate for meaningful deliberation on a 15-year policy to address the housing crisis!
  - 1.3. Local officials were not kept informed. This 90-second video demonstrates the frustration of the Rohnert Park Mayor Gina Belforte when she asks Jake Mackenzie, MTC Chair, member of the CASA Technical Committee, and ABAG rep, "Why didn't you get input from us?" <https://www.youtube.com/watch?v=5jj2CaZkg&index=7&list=PL9L1bX8p45x8NZ6KsVzbRxT6mpZneNDGT>.
  - 1.4. In another sleight of hand, the staff memo (1/10/19) describes the 5-point "gradients of agreement" system, used to report MTC and CASA Committee approval. Typically, a 5-point scale registers 1 and 2 as favorable; 3 as neutral or undecided; and 4 and 5 as unfavorable. But MTC/CASA clustered all 1-4 ratings as favorable, stacking the deck against getting an honest summary of opinions.
  
- 2. The Compact will exacerbate transit woes without solving the housing dilemma.**
  - 2.1. MTC has failed in its mission to provide safe, coordinated, efficient, and reliable transportation systems. With contraction of routes, ridership on bus and light rail is declining. CalTrain ridership is maxed out. Yet MTC seeks to usurp the long-standing authority of cities to plan for growth and housing—without offering transit improvements.

- 2.2. Displacement from new construction near transit will force low-income people to outlying areas that lack public transportation, thereby increasing traffic.
- 2.3. Residents of new units built near transit will not necessarily use transit, but there is clear evidence that failure to provide parking will result in cars being parked in adjoining neighborhoods.

**3. The Compact fails to identify the root causes of the housing dilemma. The proposed “solutions” have predictable, adverse consequences.**

- 3.1. Silicon Valley and other big cities’ rapid expansion of commercial space has created over four million jobs and great wealth. But cities didn’t require and corporations didn’t cover their fair share of housing. In Cupertino, thousands of homes have been permitted, but developers are not building.
- 3.2. Governor Newsom is on the right track to challenge corporate leaders to be part of a solution. For example, Google’s parent company, Alphabet, has a market cap of \$700B. What is their fair share of solving the housing crisis? CASA proposes to tax local governments, homes and purchases, putting the cost burden in the wrong place and on the most vulnerable.
- 3.3. The CASA report fails to provide analysis of why housing construction has lagged behind commercial development or how to factor for rising costs of land, lumber, and labor. Office development that outstrips housing and transportation will worsen conditions, reduce critical services and infrastructure. New building will displace low- and middle-income residents.
- 3.4. CASA blames cities for the housing crisis and sets out to divert local control to a regional, unelected agency. However, cities don’t build. They plan, zone, monitor and respond, with participation from the community. Elected officials will point with well-deserved pride to their General Plans, Housing Elements, and Design Guidelines.
- 3.5. A commercial/housing project in Cupertino, driven by SB-35, includes 2,000 housing units + 1.8M sf of office space + 400K sf of retail space = ~8,000 jobs. If 2,000 housing units house 3,000 workers, where do the other 5,000 live? This legislation-driven project makes the Housing Crisis *worse*, not better. We need time for the plethora of recent housing laws and local initiatives to be evaluated before adding more state mandates.

**4. Most of the 10 elements weaken local decision-making and the authority of elected officials, while empowering unelected bureaucrats.**

- 4.1. CASA proposes a new Regional Housing Enterprise funded by raiding the revenues that cities rely on to provide essential services. In this 60-second video, Rohnert Park City Council member Stafford says, “Absolutely Not.”  
<https://www.youtube.com/watch?v=6UedTFv-RSU&index=4&list=PL9L1bX8p45x8NZ6KsVzbRxT6mpZneNDGT>
- 4.2. The new SB-50, successor to SB-827, is introduced under the umbrella of CASA. It retains a heavy-handed, top-down mandate of high-density housing near transit, giving the state the right to determine local zoning. Watch this 2-minute video to hear the staff report on

the multiple-negative impacts of SB-50 on Rohnert Park, typical of many cities throughout the region. <https://www.youtube.com/watch?v=yGgO-NcoHvA&list=PL9L1bX8p45x8NZ6KsVzbRxT6mpZneNDGT&index=14>

**5. The proposed funding structure raids local revenue, constrains future options and indicates the culture of things to come.**

- 5.1. The “menu” of funding options takes 20% of property tax increases and imposes other local taxes and fees. CASA ignores how cities with fewer resources will provide new residents with education, public safety, water, sewer and other services.
- 5.2. Few know better than you who have served on the ABAG Executive Board about the tactics and culture of MTC. After years of serving as a representative body with accountability to the community, MTC dismantled your role with the merger. In the corporate world it might have been called a hostile take-over. Now with the CASA Compact, MTC has shown arrogance and increasing disrespect and disregard to small and medium-sized cities. The proposal for a Regional Housing Enterprise creates a risk that cities will be reduced to ceremonial players under the thumb of an unelected bureaucracy with taxing and distribution authority.

We urge you to reject authorization for President Rabbit to sign the CASA Compact. Don't be persuaded by arguments of “oh, it's nothing” or “it's a housing crisis, and we have to do something.” Planning and problem solving to find solutions to the housing dilemma must continue. But bring the process back to solid footing grounded in a cooperative, not adversarial, model. Cast your vote to oppose signing. Make it a vote to reclaim respectful listening, inclusion, and democratic process that promotes a culture of caring.

Consider these steps:

1. Vote to oppose authorization to sign until after a meeting of the ABAG General Assembly.
2. Form an ABAG Executive Board team to visit 12 or more cities from the 9-county Bay Area and gather feedback on the CASA Compact. Learn what cities and businesses are doing to bring jobs and housing into balance.
3. Convene a General Assembly to report the findings and give proper deliberation to the CASA Compact. Include the public.
4. Recommend a delay in introducing more housing legislation until the singular and cumulative impact of the 25-30 bills passed in recent years has been assessed.

Thank you for your service.

Susan Kirsch, Founder

Livable California

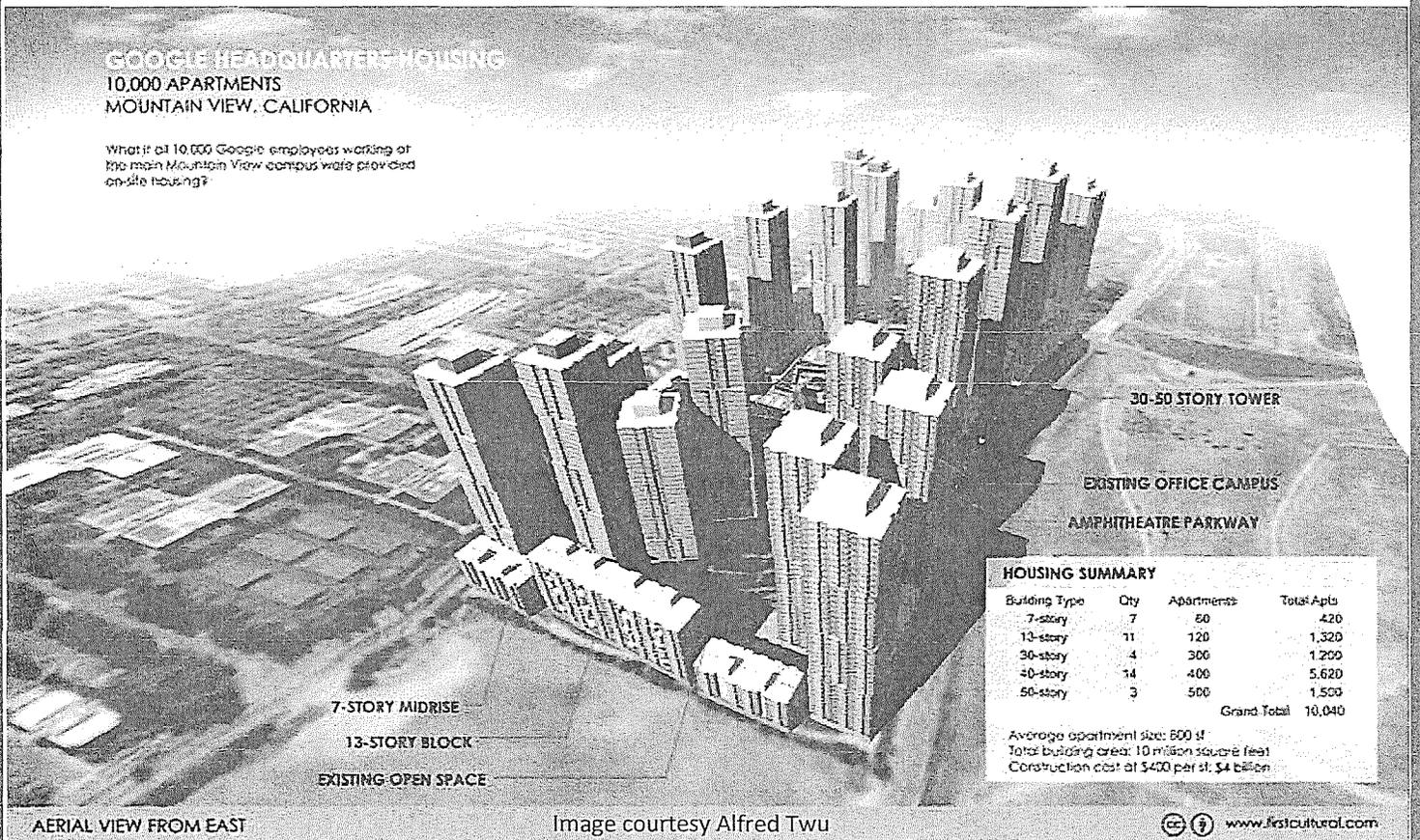
**Contact:** Susan Kirsch (415) 686-4375

# The Bay Area is experiencing a Success Crisis

As the world's technology center, we benefit from great wealth and over 4 million jobs, but our success has led to a

## Housing Crisis

Here's what it would take to house Google HQ employees – in 800-square-foot apartments – back in 2015. Today's cost, at \$500,000/unit excluding land, would be \$5 Billion. That does not include affordable housing for lower-paid workers.



## What's the solution?

How do we, as a community, address this crisis with its attendant problems of traffic congestion, inadequate public transit, schools, water and climate change, and infrastructure?

# CASA is not the answer!

## CASA is an end run around democracy.

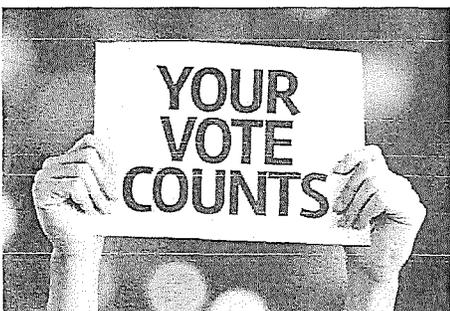
- The hostile takeover of ABAG by MTC is a disturbing sign of things to come.
- 98 of 101 cities impacted by CASA were excluded from the committee.
- Blaming communities and so-called NIMBYs for the housing crisis is an excuse to wrest local control from cities, while excusing the corporations and developers who are responsible.
- Local governments will be reduced to ceremonial players under the thumb of a regional agency, run by political appointees.
- Municipal zoning laws will be overturned.



## Livable California says, "Fix the process!"

### ABAG was intended to be a representative, collaborative body.

1. Vote to oppose authorization of CASA.
2. Convene a General Assembly of the 9-county ABAG delegates to give proper hearing to the CASA Compact. Include broad public participation.
3. Support Governor Newsom's challenge to corporate leaders to partner with the state to solve the housing crisis. CASA's plan to tax homes, purchases and local governments puts the burden in the wrong place and won't come close to producing enough funding. Google's parent company, Alphabet, has a market cap of \$700B, Facebook \$415B, and Apple's net profits over nine years is more than \$350B. They can, and should, step up.
4. Delay further housing legislation until the singular and cumulative impact of the 25-30 bills passed in previous years has been assessed.



## Just say NO to CASA!