EXAMPLE: The Impact of Senate Bill 50 on San Francisco

TODAY in S.F.
Discretionary Decisions and Local Control = 98% of Projects
(The city rules on Height, Density, Setback, Lot Merger, Use Size, Parking, Massing, Exposure, Rear Yard, Floor Area Ratio, Demolition Control, Design Standards, Impact Fee)

Part-Discretionary Decisions and some State Control = 1% of Projects

WHAT DOES SB 50 CHANGE?
SB 50 is “weaponized” by Wiener/Skinner’s 2017 changes to the 1982 Housing Accountability Act (HAA), to turn this process upside-down.

HAA bans your city/county from rejecting all projects that:
A) “Are code-complying and do not need exceptions to Planning Code or Zoning.”

Under HAA, a city/county can only reject a code-compliant project if:
A) “It directly harms public health & safety based on objective written standards.”

S.F. UNDER SB 50
Discretionary Decisions and Local Control = 5% of Projects?

Statewide, 1000s of projects become "code-complying" & by-right. No city/county can CHANGE or STOP them.

Part-Discretionary Decisions plus some State Control = 1% of Projects?
Density Bonus (DB) in Effect TODAY

No Discretionary Decisions and All State-Controlled = 1% of Projects

Under Senate Bill 35, DB today MANDATES that a developer can choose up to 3 exemptions from a broad menu of: Concessions / Incentives / Waivers

It redefines “code compliance” by letting DEVELOPERS choose exemptions from YOUR CITY’S Planning Code & Zoning, as long as the project contains affordable units based on the extra height that is granted.

Today, YOUR CITY MUST approve all projects invoking Density Bonus and can only shape projects up to 10%, but WITHOUT any loss of units.

If your city rejects a Density Bonus project or makes it infeasible via design requirements, you can (will) be sued by the developer and ordered by a court to approve the project and pay attorney fees & fines.

SB 50’s Projected Dramatic Effect on S.F.

No Discretionary Decisions and All State-Controlled = 94% of Projects?

SB 50 MANDATES Density Bonus on Steroids:
• Minimum height of 45’ within ½ mile of high-quality rail stops, allowing 75’ heights due to DB
• Minimum height of 55’ within 1/4 mile of “high quality” rail or bus stops, allowing 85’ due to DB
• YOUR CITY’S “Jobs-rich/good school/above-median” areas are instantly rezoned to 75’ or 85’ heights.

***** THESE MANDATES AUTOMATICALLY ELIMINATE SINGLE-FAMILY ZONING AND DENSITY CONTROL in ALL ABOVE AREAS, STATEWIDE. *****

Cities will be sued for challenging developers, who are allowed to waive up to 3 DB menu items to upzone your single-family areas:
Height, Density, Floor Area Ratio, Massing Setbacks, Rear Yard, Exposure, Lot Mergers, Use Size, Parking, Demolition Controls, Design Standards, Impact Fees