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

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

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

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

WHEREAS, The City and County of San Francisco along with many other communities is striving to address the social and environmental impacts of regional growth of private

Supervisors Mar; Mandelman, Yee, Fewer, Peskin, Walton, Ronen, Haney, Preston
BOARD OF SUPERVISORS
industry, which include displacement of low-income seniors, working families, and
communities of color, and strained public transit and infrastructure; and

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

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

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

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

WHEREAS, SB 50, by incentivizing market-rate development, will exacerbate
displacement pressures in neighborhoods not in a “sensitive community”, which experience
gentrification in hot-markets cities like San Francisco, including displacement of working-
class, cash-poor homeowners; and will exacerbate barriers to develop non-speculative,
permanently-affordable housing in these neighborhoods, which already have significant
barriers to affordable housing production, especially in neighborhoods without a local
community plan to facilitate and guide increased development; and

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

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

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

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

1) Ensure SB 50 not apply within areas in San Francisco subject to a local community
plan that resulted in increased density and affordable housing benefits from
previous zoning. This includes plans a local government has adopted or is in the
process of adopting. SB 50 could include a provision for local governments to “opt-in”
to SB 50 state land-use interventions for a local community plan area as early as
July 1, 2021, pursuant to consultation with community-based organizations in the
particular area
2) Ensure communities in hot-market cities, like San Francisco which is meeting or exceeding its Regional Housing Needs Assessment production goals for above-moderate income housing, are afforded sufficient opportunity to create local community plans and submit draft EIRs by January 2026 in lieu of SB 50 state land use preemptions. This local community plan alternative shall include, at a minimum:

   a. Rezoning to permit multifamily housing development at a range of income levels to meet unmet needs, as informed by the Regional Housing Needs Assessment production goals

   b. Substantial increases to overall housing development capacity, particularly near transit stops, to meet unmet needs, as informed by the Regional Housing Needs Assessment and in the context of existing zoned residential development capacity

   c. Increased and explicit affordable housing benefits that meet or exceed the minimum affordability standards set forth in SB 50, and meet or exceed the existing local baseline Inclusionary standard for development projects

   d. Increased displacement and demolition protections for vulnerable residents that meet or exceed the standards set forth in SB 50

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

3) Ensure Sensitive Communities in San Francisco are properly delineated and exempted from SB 50. The definition shall aim to include all residents at risk of displacement and areas with a history of community gentrification and displacement. The “sensitive community” definition in San Francisco shall be
informed by the 11/25/19 “heightened sensitivity” map prepared by the UC Berkeley Urban Displacement Project and conform, at a minimum, to the 12/11/18 map prepared by the Equity Caucus of the Committee to House the Bay Area (CASA) Geography Working Group. SB 50 could include a provision to “opt-in” to SB 50 state land use interventions for a “sensitive community” as early as July 1, 2021, pursuant to consultation with community-based organizations in the particular area.

4) Ensure all SB 50 projects are required to make affordable housing contributions substantially higher than existing local affordable housing standards potentially applicable for the site. In San Francisco, affordable housing requirements should be commensurate to the City’s “HomeSF” program standard for progressive value capture.

5) Ensure clear and strong tenant protection, anti-vacancy, and anti-demolition provisions - with sufficient and robust state funding, programming, and enforcement - to protect all tenants from displacement triggered by SB 50 upzoning.

6) Ensure areas impacted by SB 50 showing demonstrable efforts to increase housing (e.g. entitlements) receive increased transportation incentives, especially where services and infrastructure are currently inadequate, subject to delays and overcrowding, and/or deficient in their state of repair. Transportation incentives tied to SB 50 could include, but is not limited to:

   a. Direct capital and service investments through a bonus pot of grant funds tied to housing provision, a higher share of formula funds distributed by the state (e.g. LCTOP/Low Carbon Transit Operations Program) for associated
projects and programs, priority in state-funded competitive grant programs (e.g. TIRCP/Transit Intercity Rail Capital Program and AHSC or Affordable Housing/Sustainable Communities cap and trade funds), and

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

FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco directs the Clerk of the Board to transmit copies of this resolution to the State Legislature and the City Lobbyist upon passage.
Resolution opposing California State Senate Bill No. 50, authored by Senator Scott Wiener, which would undermine community participation in planning for the well-being of the environment and the public good, prevent the public from recapturing an equitable portion of the economic benefits conferred to private interests, and significantly restrict San Francisco’s ability to protect vulnerable communities from displacement and gentrification, unless further amended.

April 09, 2019 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
   Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

April 09, 2019 Board of Supervisors - RE-REFERRED AS AMENDED
   Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

December 05, 2019 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

December 05, 2019 Government Audit and Oversight Committee - CONTINUED AS AMENDED

December 11, 2019 Government Audit and Oversight Committee - RECOMMENDED

December 17, 2019 Board of Supervisors - ADOPTED
   Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton and Yee
   Noes: 1 - Safai
I hereby certify that the foregoing Resolution was ADOPTED on 12/17/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board