

## **What is the impact of CA Senate Bill 50 (SB 50) to Miraloma Park?**

By Robert Gee, MPIC

Many residents have been asking us what is the impact of SB 50 – the *More HOMES Act (Housing, Opportunity, Mobility, Equity and Stability)*?

SB 50 was introduced by State Senator Scott Wiener whose district includes Miraloma Park. One of the coauthors is State Assemblymember Phil Ting whose district covers the western half of San Francisco including a part of Miraloma Park

### **What is SB 50?**

Everyone agrees California is facing a housing crisis. Rents and home prices are soaring. There is a housing shortage which also puts pressure on tenants with rising rents. Weiner's bill is intended to expand the housing market to allow for faster, bigger and denser residential construction. SB 50 will "upzone" by overriding local zoning laws that prohibit higher density housing construction in residential areas. SB 50 would open up those areas especially near major transit hubs, job clusters and good schools to higher density residential constructions.

The law would require California cities to permit duplexes, triplexes and fourplexes on much of the residential land now zoned only for one house. It would allow for midrise apartment construction near mass transit and small apartment complexes in large counties. Developers would be allowed to build taller buildings with more units with a requirement that certain number be rented below market rate.

**Who Supports and Opposes SB 50?** Supporters include real estate developers, housing rights advocates, the CA Chamber of Commerce and the Mayors of San Francisco, Oakland, San Jose and Sacramento. Opposition includes advocates of gentrification and displacement and local governments who would lose control. On April 9, 2019 the SF Board of Supervisors voted 9-2 on a resolution opposing SB 50. Governor Gavin Newsom hasn't stated a position yet.

### **What are the current SF Planning Code rules for single family neighborhoods like Miraloma Park?**

Here in Miraloma Park we are zoned as RH-1D and RH-1 which is single family housing. A typical lot size is 2500 square feet. The maximum height limit is generally 35 feet or 3 stories. The rear yard requirement is 25% of the property. The maximum allowable Floor Area Ratio (FAR) is 2.25 (FAR is the ratio of the Gross Floor Area of all the buildings on a lot to the area of the lot). Even though Miraloma Park is zoned as RH-1 and RH-1D, the maximum allowable density is currently 2 units because of the

recent change in law that allows Accessory Dwelling Units otherwise known as secondary or in-law units.

### **SB 50 allows for the creation of 4 unit buildings by right**

In Miraloma Park under SB 50, if there are any vacant parcels, a developer can build a 4 unit building. Otherwise, SB 50 will allow conversions of existing structures to 4 unit buildings as long as 75% of the exterior walls remain intact and there is no more than 15% increase in square footage. The developer has to abide by all other local regulations such as setbacks, lot coverage, floor area ratios, height, etc. and provide at least half a parking space per unit. Conversion is prohibited if the house has been occupied by tenants over the last 10 years.

### **If you live from a ¼ mile to ½ mile radius of a rail station: Forest Hill or Glen Park BART**

In Miraloma Park, these would generally include houses along Portola and a couple of blocks in such as Chaves, Fowler, Juanita, Evelyn, a part of Agua and the first block of Teresita.

In this situation SB 50 would waive density limits currently at 2 units. The height limit would be raised one story to 45 feet (4 stories), the maximum allowable building envelope would be 7,500 sq. ft, an allowable FAR of 3, no minimum parking requirement and an estimated allowable base density of up to an 8 unit building on a typical single family lot.

### **If you live within a ¼ mile radius of a bus stop on a “High Quality Bus Corridor”**

SB 50 states that a high quality bus corridor is where each bus line on that street has an average service interval of 10 minutes during morning and afternoon peak times in each direction and an average of 20-30 minutes during other times. For Miraloma Park, that likely would be the bus lines on Portola and O’Shaughnessy serviced by the 43, 44 and 48. About half of the homes in Miraloma Park are within a ¼ mile of these bus stops.

In this situation SB 50 won’t allow developers to build above the maximum existing height limit of 35 feet and it doesn’t change the maximum floor area ratio. However, the density limit of 2 units would be waived as well as a minimum parking greater than half a parking space per unit. This change in density would potentially enable up to 6 unit buildings (assuming 900-1000 gross sq. foot units) on a typical lot in Miraloma Park.

### **If you live within a “jobs-rich area”**

SB 50 generally describes a “jobs-rich area” as an area near jobs, with a high area median income relative to the relevant region, and with high-quality public schools. The CA Department of Housing and Community Development (HCD) would be responsible for designating “jobs-rich areas”. Whether the “jobs-rich area” is near a rail station or high quality bus corridor doesn’t matter.

If SB 50 passes, the SF Planning Dept. estimates that all of Miraloma Park as well as most of the west side of the city could be considered a “jobs-rich area”. For a “jobs-rich area”, SB 50 wouldn’t change the maximum existing height limit of 35 feet and doesn’t change the maximum floor area ratio. However, the density limit of 2 units would be waived as well as a minimum parking requirement greater than half a parking space per unit. This change in density would potentially allow up to 6 unit buildings (assuming 900-1000 gross square foot units) on a typical lot in Miraloma Park.

### **What If I Rent My House?**

SB 50 provides protections for tenants. A developer could not take advantage of SB 50’s provisions if a house has been rented for at least 7 years (10 years in the case of a conversion to a 4 unit building described above) or if a house was removed from the rental market under the Ellis Act in the previous 15 years.

### **What SB 50 Doesn’t Do**

SB 50 does nothing to increase city services such as fire, police or transit.

### **Will SB 50 create low income housing in Miraloma Park?**

SB 50 would require building projects greater than 10 units to set aside a portion for low income residents. None of the provisions of SB 50 discussed above would allow a 10 unit building in Miraloma Park so there would be no requirement for developers to add low income housing to a project in Miraloma Park.

### **MPIC position**

Back in March 2019, the MPIC board voted to oppose SB 50 on the grounds that it abrogates California’s cities ability to enforce their respective planning code standards and other adopted design standards. We believe that land use decisions must remain under the authority of local governments which best understand and respond to local needs and conditions.

### **What is the latest on SB 50?**

On May 16, 2019 Assemblyman Anthony Portantino, (D-La Cañada Flintridge), chair of the Senate Appropriations Committee, announced that he would make Wiener’s proposal a “two-

year bill.” While SB 50 could still get amended, it won’t be considered again until January 2020, at the start of a new legislative session effectively killing the bill until January 2020.