



SB 330 – Housing Crisis Act General Information and Process

General Overview

California Senate Bill 330, “The Housing Crisis Act of 2019,” was signed into law by Governor Newsom on October 9, 2019 and became effective January 1, 2020. The bill is intended to streamline housing projects that are subject to discretionary review under local zoning laws. Key elements of [SB 330](#) include new requirements, and limitations for the City that:

- Prohibit lessening overall residential density below January 1, 2018 levels;
- Require that demolished housing units are replaced in-kind, including both the total number of units, and their respective levels of affordability;
- Prohibit adoption of new, subjective design standards after January 1, 2020;
- Prohibit adoption of new housing moratoria, unless an imminent health/safety threat exists;
- Require establishment of a two-part application process that enables eligible housing applicants to vest applicable fees and development regulations;
- Require a determination of Historic Significance at application completeness; and
- Limit complete projects to five public meetings, when: 1) no legislative approvals are required; and 2) the project is consistent with the General Plan, Zoning Ordinance, and objective development/design standards.

Vesting

Eligible housing development projects may seek an optional vesting opportunity through a process initiated by the filing of an SB 330 Preliminary Application. A housing development project shall be subject only to the ordinances, policies, and standards adopted and in effect when a Preliminary Application, including all of the information required by subdivision (a) of California Government Code Section 65941.1, was submitted (Gov. Code Sec. 65589.5(o)) and upon payment of the processing fee (Gov. Code Sec. 65941.1(a)). The required information and materials are listed on the City of Burlingame Preliminary Application form.

Early Consultation

Early consultation with City staff is strongly recommended; zoning and housing requirements may apply that could affect the anticipated scope of a project and its ability to remain vested after a Preliminary Application is submitted.

Eligible Housing Development Projects

A Project must meet *any* of the following criteria per California Government Code Section 65589.5(h)(2)(B) in order to be vested through a Preliminary Application:

- 1) The project is residential only (not including hotels) and creates two or more new dwelling units on a project site.
- 2) The project is a mixed-use development consisting of residential and nonresidential uses with at least two-thirds of the square footage of the project designated for residential use (not including hotels), including dwelling units and any uses accessory to the residential units.
- 3) The project is transitional housing or supportive housing.

Vesting Timeline & Thresholds

A Preliminary Application must be deemed complete by Planning Division staff in order to obtain vesting rights subject to zoning, development rules, regulations, ordinances and adopted policies within the City of Burlingame at the time of filing. A Preliminary Application is deemed complete at the time that all required forms, documents and materials, and filing fees are submitted. In addition, a project must meet the following timelines and project thresholds in order to retain vesting rights granted through the Preliminary Application process:

- 1) The Preliminary Application must be filed with the Planning Division prior to filing an application requesting approval of any discretionary action.
- 2) An application filed with the Planning Division requesting approval of a discretionary action (not including ministerial administrative reviews) must be filed within 180 days of the date that the Preliminary Application is deemed complete.
- 3) If the application is deemed incomplete after filing, the applicant must submit all missing or incomplete items to the Planning Division within 90 days of being notified in writing by Planning Division staff.
- 4) Construction of the project must commence within two and one-half years following the date that the project receives final approval, including all necessary approvals to be eligible to apply for, and obtain a building permit or permits and all appeal periods or statutes of limitations have been exhausted or resolved in favor of the housing development project.
- 5) Any change in the dwelling unit count is limited to less than 20 percent— exclusive of any increase resulting from the receipt of a density bonus, concession, waiver, or similar provision—indicated on the submitted and deemed complete Preliminary Application.
- 6) Any change in the square footage of construction is limited to less than 20 percent of the square footage— exclusive of any increase resulting from the receipt of a density bonus, concession, waiver, or similar provision—indicated on the submitted and deemed-complete Preliminary Application.

The Preliminary Application must be filed with Planning Division. The materials required in Preliminary Application must be provided by the applicant as part of the Preliminary Application. All forms are available on the City's website at www.burlingame.org/planning.

Please also refer to the attached SB 330 Residential Project Flowchart.

SB330 - Residential Project Flowchart

