



# SB35 Implementation in San Francisco

May 4, 2018  
Bay Area Planning  
Directors  
Association

# SB35 overview

State Legislation mandating streamlined approval of housing projects in cities that are not meeting RHNA production goals.

RHNA INCOME CATEGORIES	SAN FRANCISCO
<b>Above-moderate income (above 120% AMI)</b>	
<b>Housing for households below 80% AMI</b>	

# SB35 benefits

For qualifying projects, requires streamlined approval including:



## **Ministerial approval process**

Removes requirement for CEQA analysis associated with Planning entitlements



**Removes requirement for Conditional Use Authorizations** or other discretionary entitlements.



## **Codifies strict approval and review timelines**

60-90 days for completeness depending on size

90-180 days for design depending on project size

# SB35 eligibility criteria

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- **Consistent with Objective Standards**
  - **Affordability**
  - **Size (2 or more units)**
  - **Zoning**
  - **Location**
  - **No Demolition – Residential rental unit 10 years**
  - **No Demolition – Historic Structures: Article 10 or 11**
  - **Prevailing Wages**
  - **Skilled and Trained Workforce**
  - **Subdivisions**

# Objective Standards

“Require no personal or subjective judgement by a public official”

“uniformly verifiable by reference to an external and uniform benchmark”

## Objective Standards

Rear Yard Setback  
Dwelling Unit Exposure  
Open Space

## Non-Objective Standards

Design Guidelines  
Preservation Design Comments

***Challenge: Most projects require some type of discretionary action***

# SB35 project types



## 100% Affordable Housing Projects

- Administrative approval (PC Section 315)
- 100% Affordable Housing Density Bonus Program (PC Section 206.4)

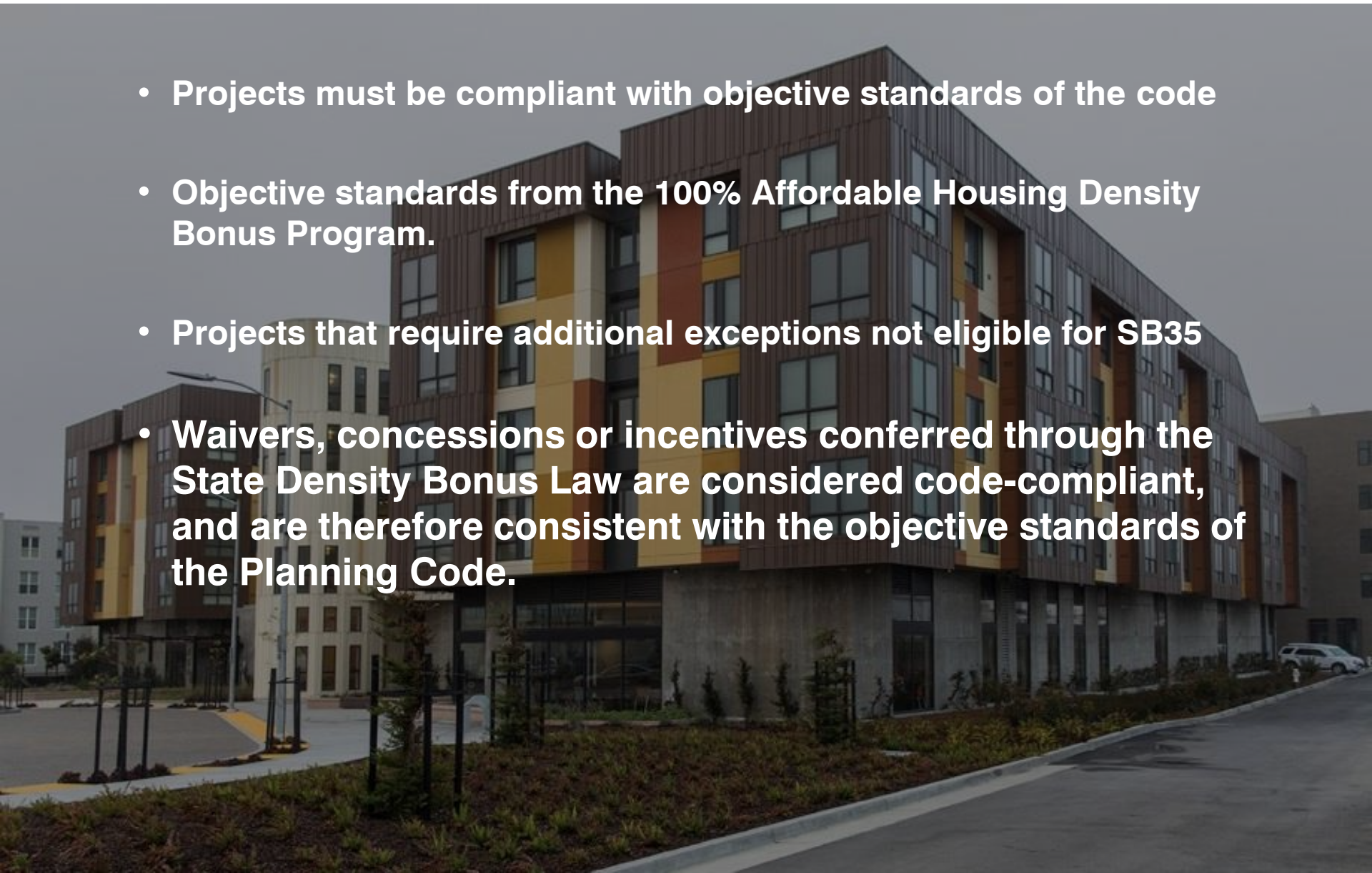


## Mixed-income projects including at least 50% on-site affordable

- Projects conforming to existing zoning that require entitlements for Planning Commission review
- HOME-SF Projects (PC Section 206.3)

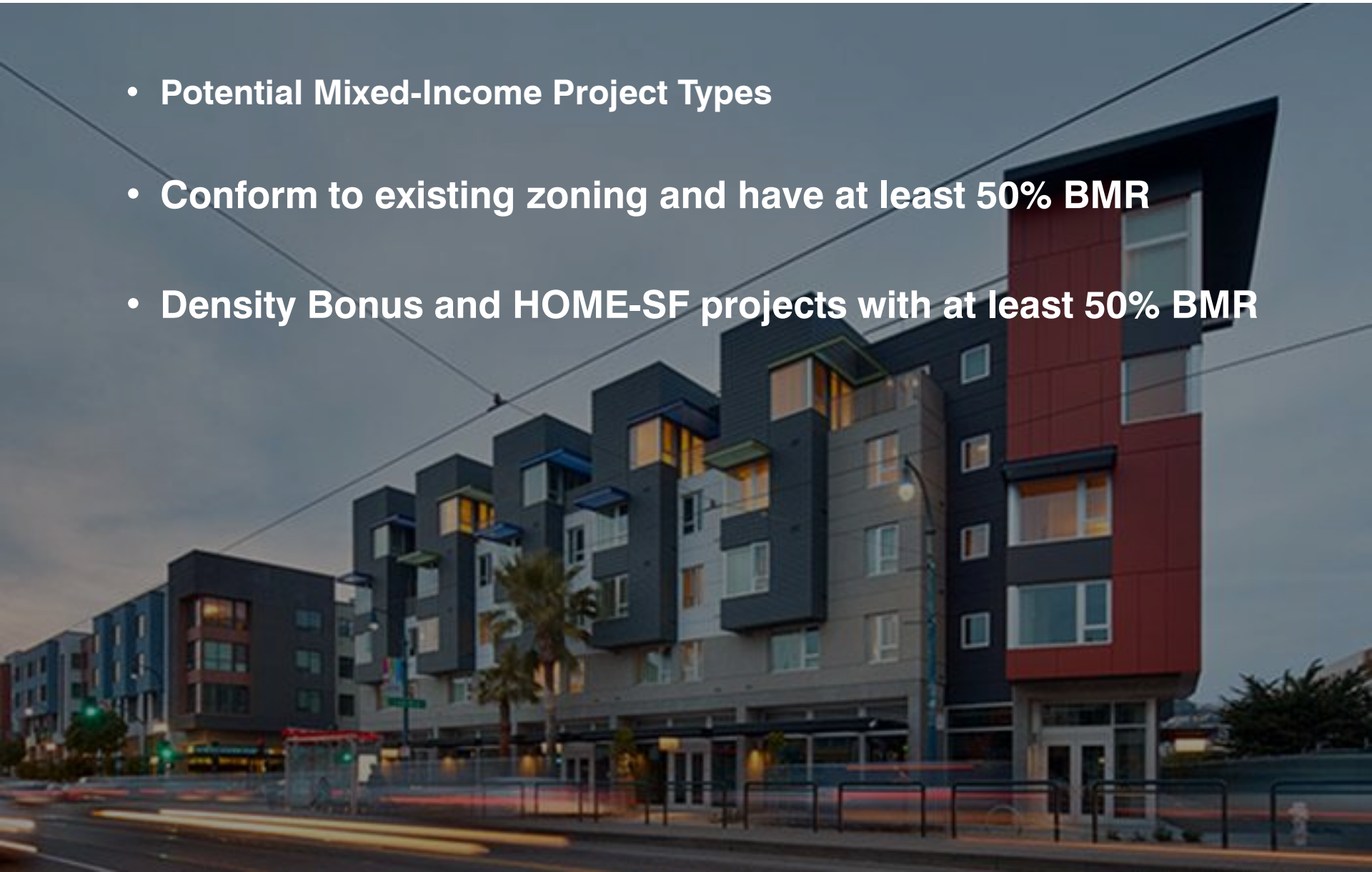
## **SB35** project types: 100% affordable

- Projects must be compliant with objective standards of the code
- Objective standards from the 100% Affordable Housing Density Bonus Program.
- Projects that require additional exceptions not eligible for SB35
- Waivers, concessions or incentives conferred through the State Density Bonus Law are considered code-compliant, and are therefore consistent with the objective standards of the Planning Code.



## **SB35** project types: mixed income (at least 50% BMR)

- **Potential Mixed-Income Project Types**
- **Conform to existing zoning and have at least 50% BMR**
- **Density Bonus and HOME-SF projects with at least 50% BMR**





# SB35 Review process + timelines

## ① Sponsor Submittal

- *Building Permit Application*
- *SB-35 Application*
- *Individually Requested State Density Bonus Application, if applicable*

## ② Neighborhood Notification is not required.

## No Discretionary Review.

## ③ Planning Staff must determine eligibility within

- *60 days of application submittal if project contains 150 units or fewer*
- *90 days of application submittal if project contains more than 150 units*

## ④ Planning Staff must complete any design review or other public oversight within

- *90 days for projects with 150 units or fewer*
- *180 days for projects with more than 150 units*

# Thank You

**San Francisco  
Planning**

**Kate Conner**  
Special Projects and Policy Manager  
[Kate.Conner@sfgov.org](mailto:Kate.Conner@sfgov.org)  
415-575-6914



<http://sf-planning.org/article/california-senate-bill-35-sb-35-now-effect>  
<http://sf-planning.org/density-bonus-programs>