



# AFFORDABLE HOUSING STREAMLINED APPROVAL PURSUANT TO SENATE BILL 423 AND PLANNING DIRECTOR BULLETINS #5 AND #9

## INFORMATIONAL AND SUPPLEMENTAL APPLICATION PACKET

Government Code section 65913.4, commonly known as SB 35, applies in cities that are not meeting their Regional Housing Need Allocation (RHNA) goals for construction of very low, low, or above-moderate income housing. SB 35 requires local entities to streamline the approval of certain housing projects by providing a ministerial approval process.

Currently, the City does not meet its RHNA production goals for above-moderate housing; therefore under SB 35 the City must ministerially approve projects that restrict between 50-100% of units as affordable to households earning less than 80% of Area Median Income (AMI). Due to amendments to SB 35 found in SB 423 (effective January 1, 2024), San Francisco anticipates that in early 2024, it will need to ministerially approve eligible projects of two units or more; projects with more than 10 units must include at least 10% as on-site affordable (at 80% AMI if an ownership project, or 50% AMI if a rental project). SB 423 also adds a pre-submittal hearing requirement in certain areas and amends labor provisions. CA Govt. Code Section 65913.4 is referred to as “SB 423” throughout this supplemental application.

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 628.652.7550. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder.

中文：如果您希望獲得使用中文填寫這份申請表的幫助，請致電628.652.7550。請注意，規劃部門需要至少一個工作日來回應。

**Filipino:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 628.652.7550. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

## WHAT IS MINISTERIAL APPROVAL?

A ministerial decision involves only the use of fixed or objective standards, and government agencies cannot use personal, subjective judgment in deciding whether or how the project should be carried out. Ministerial projects are not subject to environmental review under the California Environmental Quality Act (CEQA) or conditional use authorization or other similar discretionary review or entitlements under the Planning Code. SB 423 is a voluntary program that a project sponsor may elect to pursue, provided that certain eligibility criteria are met.

## IS MY PROJECT ELIGIBLE FOR MINISTERIAL APPROVAL UNDER SB 423?

The project must meet all the following criteria to be eligible for streamlining under SB 423:

### Site Requirements

- **Zoning.** The development must be located on a legal parcel or parcels that allow for residential uses.
- **Location.** The development must be located on a property that is not located on prime farmland, wetlands, a high fire hazard severity zone, a delineated earthquake fault zone, a flood plain, a floodway, a community conservation plan area, a habitat for protected species, or under a conservation easement.
- **Hazardous Waste Site.** The development is not located on a property that is classified as a hazardous waste site as defined under CA Gov't Code §§ 65912.111(e) (see 65913.4(a)(6)(e)), unless the project sponsor has secured a letter from the State Department of Public Health, State Water Resources Control Board, or the Department of Toxic Substance Control stating that the site is suitable for residential uses.
- **Coastal Zone.** Projects located in the Coastal Zone are prohibited until January 1, 2025. On or after January 1, 2025, the development may not be located on sites within the coastal zone that are not subject to a certified local coastal program or a certified land use plan; areas vulnerable to five feet of sea level rise; areas not zoned for multi-family housing; located within 100-feet of a wetland, or on prime agricultural land. For more information, please see the requirements in Government Code Section 65913.4(a)(6)(A).

If a project is located on a Coastal Zone site that is eligible for this program, the project sponsor shall submit a coastal zone permit, and the Department will review the project for compliance with any objective criteria of the Local Coastal Program.

- **Demolition of Residential Units. SB 423 projects may not demolish any of the following types of housing:**
  - Units that have been occupied by tenants in the last 10 years;
  - Units subject to any form of rent or price control, or units subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes.
  - The project cannot be located on a site which was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent applies for approval under SB 423.
- **Historic Buildings.** SB 423 projects may not demolish historic structures that are on a national, state, or local historic register. A local historic register includes those properties listed within Article 10 or 11 of the San Francisco Planning Code. For Article 10 Buildings, Contributing and Contributing-Altered are considered historic while Non-contributing are not considered historic structures for the purposes of SB 423. For Article 11, Contributory and Significant buildings (I, II, III, IV) are considered historic structures while Unrated (V) buildings are not historic structures for the purposes of SB 423. The Article 10 definition of demolition will apply to both Article 10 and Article 11 properties.

## **Project Requirements**

- **Residential Use.** The development must include the construction of at least two or more residential units. At least 2/3 of the floor area of the proposed building must be dedicated to residential uses.
- **Consistent with Objective Standards.** The project must meet all objective standards of the Planning Code at the time of SB 423 application submittal.
- **Labor Requirements.** If the development is not in its entirety a public work, as defined in Government Code section 65913.4 (a)(8)(A), all construction workers employed in the execution of the development must be paid at least the general prevailing rate of per diem wages for the type of work and geographic area. The project sponsor shall certify to the City that it has met the requirements set forth in Govt. Code Section 65913.4(a)(8)(A). Projects with 10 or fewer units are exempt from the prevailing wage requirement. Project with 50 or more units must also make healthcare expenditures. A skilled and trained workforce, as defined in Government Code section 65913.4 (a)(8)(F), must complete the development if a project is over 85 feet in height above grade, except that 100% affordable housing projects (at 80% AMI or lower) are exempt from the skilled and trained workforce provisions. Please see 65913.4(a)(8) and (9) for complete details about the labor requirements for SB 423 projects.
- **Subdivisions.** An application for a subdivision is considered ministerial so long as the project includes 10 or fewer units, is not entirely a public work, and is consistent with the objective standards of the City's Subdivision Ordinance.

## **WHAT IS THE PROCESS FOR STREAMLINED APPROVAL?**

Projects seeking approval under SB 423 will have different submission requirements than discretionary Planning Department submissions. Projects seeking approval under SB 423 must submit a complete application package to the Planning Department, which may include but is not limited to:

- A SB 423 Supplemental Application, which begins on page 4 of this document,
- A [SB 330 Preliminary Application](#), if requested, or required as the [Notice of Intent](#)
- An [Individually Requested State Density Bonus Program Supplemental Application](#), and
- A PDF set of 11" x 17" plans that comply with the Department's [Plan Submittal Guidelines](#).

The Planning Department must determine if an application is eligible for ministerial approval within 60 days of submittal for projects with 150 units or fewer, and within 90 days for projects with more than 150 units. After the Department has determined that the project is eligible for streamlining, the Department will issue a Plan Check Letter identifying the development standards the development conflicts within and an explanation for the reason within 60 days of submittal for projects with 150 units or less and within 90 days for projects with more than 150 units. It must also approve the application within 90 days of submittal for projects with 150 units or fewer, or 180 days for projects with more than 150 units. Planning will toll time that the project is with the applicant between the date the project is determined to be eligible for ministerial approval and the date of approval.

Once deemed compliant, the Planning Department will issue a Planning Approval Letter. After receiving the Planning Approval Letter, an applicant may [submit post-entitlement building permits](#) with the Department of Building Inspection for review by DBI and other City agencies.

### **Pre-Application Requirements**

SB 423 requires an applicant to complete tribal notification and hold an informational hearing at the Planning Commission prior to submitting an application for ministerial approval. Applicants are required to submit a [Notice of Intent](#) to initiate these required pre-application requirements. The Planning Department will determine that an application for ministerial approval is incomplete if it is submitted prior to completion of these pre-application requirements.

***Tribal Notification***

The Planning Department is required to engage in a scoping consultation regarding the proposed development with any California Native American tribe that is traditionally and culturally affiliated with the geographic area. Department staff have 30 days from submittal of the [Notice of Intent](#) to notify these tribal groups. Within 30 days of receipt of the notification, a representative of the tribal group may request a scoping consultation with the Department. The consultation may include discussion concerning the identification, presence, and significance of Tribal Cultural Resources (TCRs), the significance of the project's impacts on TCRs, and, as warranted, measures and alternatives to protect or reduce impacts on tribal cultural resources. If a scoping consultation is requested, Department staff will coordinate with the requestor to develop mitigation measures, which will be attached to the approval as conditions of approval. If the project sponsor does not agree to impose these measures, or the sponsor and requestor cannot agree on a set of measures, then the project is not eligible for SB 423.

***Informational Hearing***

SB 423 requires a public hearing for projects located in census tracts that are designated either as a moderate resource area, a low resource area, or an area of high segregation and poverty on the most recent "CTCAC/HCD Opportunity Map" published by the California Tax Credit Allocation Committee and the Department of Housing and Community Development Projects. Projects located in these census tracts must present the project at a Planning Commission hearing (coordinated by Planning Staff) within 45 days of submittal of the Notice of Intent. SB 423 projects will be heard as informational items at the beginning of regularly scheduled Commission hearings. The applicant shall confirm, in writing, that they attended the public meeting, and have reviewed oral and written testimony in its submittal of an application for ministerial approval.



# HOUSING STREAMLINED APPROVAL PURSUANT TO SENATE BILL 423 AND PLANNING DIRECTOR BULLETINS #5 AND #9

## SUPPLEMENTAL APPLICATION

### Property Information

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Project Address: \_\_\_\_\_ Block/Lot(s): \_\_\_\_\_

### Project Description:

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Is this a 100% Affordable Housing Project?      Yes      No

Will the Project use SB 423 in conjunction with the State Density Bonus?      Yes      No  
If yes, please submit a completed Individually Requested State Density Bonus Program Supplemental Application with your submittal.

Is the project located in a census tract that is designated as a moderate resource area, low resource area, or an area of high segregation and poverty?      Yes      No  
If yes, please complete the Hearing Attendance Section of the Applicant's Affidavit on page 8 of this Supplemental Application.

## PROJECT INFORMATION

### Project Description:

Please provide a narrative project description that summarizes the project and its purpose. Please include the AMI levels of the populations to be served in the development and describe the project's intended program and supportive services.

**SB-1214 Authorization:** [Senate Bill 1214](#) allows applications to limit the plans available to the public. You can find more information on our [website](#).

Yes, all plans may be shared publicly.

No, floor plans may not be shared publicly. A reduced plan set with only a massing diagram and site plan has been provided with this submittal for public distribution.

## PROJECT AND LAND USE TABLES

If the proposed size of the project is not finalized, provide the maximum estimates.

General Land Use Category		
	Existing (square footage area)	Proposed (square footage area)
Parking GSF		
Residential		
Retail/Commercial		
Office		
Industrial-PDR		
Medical		
Visitor		
CIE (Cultural, Institutional, Educational)		
Useable Open Space		
Public Open Space		

Project Features		
	Existing Unit(s) (Count)	Proposed Unit(s) (Count)
Dwelling Units - Affordable		
Hotel Rooms		
Dwelling Units - Market Rate		
Building Number		
Stories Number		
Parking Spaces		
Loading Spaces		
Bicycle Spaces		
Car Share Spaces		
Public Art		
Other		

Land Use - Residential		
	Existing (square footage area)	Proposed (square footage area)
Studios		
One Bedroom		
Two Bedroom		
Three Bedroom (and +)		
Group Housing - Rooms		
Group Housing - Beds		
SRO		
Micro		
Accessory Dwelling Unit*  *For ADUs, individually list all ADUs and include unit type (e.g. studio, 1 bedroom, 2 bedroom, etc.) and the square footage area for each unit.		

### EXCAVATION TABLE

Please provide the following information and submit a section and plan showing area and depth of soil disturbance in feet (including foundation work).

Information	When is it required?	Applicants: <i>is this required as part of your project &amp; submitted?</i>
Provide foundation design type, if applicable (e.g., mat foundation, spread footings, drilled piers, etc.).	Select "N/A" if the information is not applicable.	Yes      N/A  Foundation type: _____
Provide 1. area on site to be excavated in square feet; 2. depth of excavation (including foundation work) in feet; and 3. volume of excavation/ disturbance below grade in cubic yards	Projects proposing ground disturbance.	Yes      N/A Area (sq. ft): _____ Depth (ft): _____ Volume (yd <sup>3</sup> ): _____
Provide section and plan showing area and depth of soil disturbance in feet (including foundation work).	Projects in Archeological Zone 1 (review in <a href="#">PIM</a> ) with more than 2 feet and 25 cubic yards of soil disturbance  OR  Project in Archeological Zone 2 with more than 5 feet and 50 cubic yards of soil disturbance.	Yes      N/A

# APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The undersigned is the owner or authorized agent of the owner of this property.
- b) The information presented is true and correct to the best of my knowledge.
- c) Other information or applications may be required.
- d) I attest that personally identifiable information (PII) - i.e. social security numbers, driver's license numbers, bank accounts - have not been provided as part of this application, or any supplemental information. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Relationship to Project  
(i.e. Owner, Architect, etc.)

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

## Hearing Attendance

Please complete one of the following:

Under the penalty of perjury, I attest that I attended a Planning Commission hearing about this project on \_\_\_\_\_  
and I have reviewed the oral and written testimony prior to the submittal of this application. \_\_\_\_\_ *Date*  
\_\_\_\_\_ *Initials*

The project is not located in a census tract that is designated as a moderate resource area, low resource area, or an area of high segregation and poverty, and a Planning Commission hearing was not required.

For Department Use Only  
Application received by Planning Department:  
By: \_\_\_\_\_ Date: \_\_\_\_\_