



AFFORDABLE HOUSING STREAMLINED APPROVAL PURSUANT TO SENATE BILL 4 AND PLANNING DIRECTOR BULLETIN #5

INFORMATIONAL AND SUPPLEMENTAL APPLICATION PACKET

Government Code section 65913.16, commonly known as SB 4, provides a ministerial approval process for 100% affordable projects located on land that was owned by an independent institution of higher education or religious institution on or before January 1, 2024. SB 4 expires on January 1, 2036.

For questions, you can call the Planning counter at 628.652.7300 or email pic@sfgov.org where planners are able to assist you.

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 4 is a voluntary program that a project sponsor may elect to pursue, provided that certain eligibility criteria are met.

DEFINITIONS

See California Government Code Section 65913.16(b).

- **Independent institution of higher education** means those nonpublic higher education institutions that grant undergraduate degrees, graduate degrees, or both, and that are formed as nonprofit corporations in this state and are accredited by an agency recognized by the United States Department of Education. (CA Education Code 66010).
- **Religious Institution** means an institution owned, controlled, and operated, and maintained by a bona fide church, religious denomination, or religious organization composed of multid denominational members of the same well-recognized religion, lawfully operating as a nonprofit religious corporation or as a corporation sole pursuant to the Corporations Code.

- **Heavy Industrial Use** means a source, other than a Title V source that is subject to permitting by an air pollution control district, or an air quality management district created or continued in existence pursuant to provisions of Part 3 (commencing with Section 40000 of the Health and Safety Code).
- **Light Industrial Use** means a use that is not subject to permitting by an air pollution control district or an air quality management district created or continued in existence pursuant to provisions of the CA Health and Safety Code. For the purposes of implementing SB 4, the definitions of “industrial use” and “dedicated to industrial use” as described above shall also serve as the definitions of a “light industrial use” and “dedicated to light industrial use” under SB 4.
- **Title V Industrial Use** means a use that is only a stationary source required by federal law to be included in an operating permit program established pursuant to Title V of the federal Clean Air Act (42 U.S.C. Secs. 7661f to 7661f, incl.) and the federal regulations adopted pursuant to Title V.

IS MY PROJECT ELIGIBLE FOR MINISTERIAL APPROVAL UNDER SB 4?

The project must meet all the following criteria to be eligible for streamlining under SB 4:

Site Requirements

- **Land Ownership.** The development is located on land owned on or before January 1, 2024, by an independent institution of higher education or by a religious institution.
- **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.
- **Demolition of Residential Units. SB 4 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.

In addition, 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 4.

- **Historic Buildings.** SB 4 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 4. 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 4. The Article 10 definition of demolition will apply to both Article 10 and Article 11 properties.
- **Proximity to Industrial Uses.** A project must meet all of the following criteria:
 - A project may not be adjacent to a site in which 1/3 of the uses or more are **dedicated to light industrial use**, meaning that the current use is light industrial, has been most recently permitted as light industrial, or has been identified as a light industrial site by the General Plan.

- o A project site may not be located within 1,200 feet of an existing **heavy industrial use**, or a site that has been most recently permitted as a heavy industrial use.
- o A project site may not be located within 1,600 feet of an existing **Title V industrial use**, or a site that was most recently permitted as a Title V industrial use.
- o If a project site does not permit multifamily uses, then the project may not be located within 3,200 feet of a facility that actively extracts or refines oil or natural gas.
- **Proximity to Freeway.** If the project is within 500 feet of a freeway, regularly occupied areas of the building shall provide air filtration media for outside and return air that provide a minimum efficiency reporting value (MERV) of 13.

Project Requirements

- **Affordability.** 100 percent of the total units, excluding manager’s unit(s), must be for lower-income households as defined by Section 50079.5 of the Health and Safety Code(80% AMI), except that that up to 20 percent of the total units in the development may be for moderate-income households as defined in Section 50053 of the Health and Safety Code (120% AMI), and 5 percent of the units may be for staff of the independent institution of higher education or religious institution that owns the land. Units must be subject to a recorded deed restriction of 55 years for rental units, and 45 years for owner-occupied units.
- **Replacement Units.** If a project requires the demolition of residential units or is located on a site where residential units have been demolished within the past five years, the project sponsor shall comply with the replacement provisions of the Housing Crisis Act of 2019 (CA. Govt. Code Section 66300(d)).
- **Consistent with Objective Standards.** The project must meet all objective standards of the Planning Code at the time of SB 4 application submittal.
- **Density.**
 - o In zones that allow for residential uses, including single-family zones, SB 4 permits a minimum density at the project site of 30 units per acre. If the zoning allows for a higher density on the project site or a site adjacent to the project site, then the highest density shall apply.
 - o In zones that do not allow for residential uses, SB 4 permits a minimum density at the project site of 40 units per acre. An SB 4 project may be eligible for a density bonus, waivers, and incentives/ concessions under the State Density Bonus Law, except as described below for building height.
- **Height**
 - o In zones that allow for residential uses, including single-family zones, SB 4 permits a minimum height at the project site of one story above the zoned height. If the zoning allows for a higher height limit on a site adjacent to the project site, then the higher height limit shall apply.
 - o In zones that do not allow for residential uses, SB 4 permits a minimum height at the project site of one story above the zoned height. An SB 4 project may not seek a State Density Bonus incentive, concession, or waiver to increase the height above the height allowed by SB 4.
- **Prevailing Wage.** A project that includes more than 10 units that is not in its entirety a public work shall comply with the prevailing wage requirements set forth in CA Govt. Code Section 65913.16(c)(12).
- **Craft Construction.** In addition to the Labor Standards set forth in CA Govt. Code Section 65912.130, a project with 50 or more units shall employ construction craft employees and provide for health care expenditures as set forth in CA Govt. Code Section 65913.16(g).

WHAT IS THE PROCESS FOR STREAMLINED APPROVAL?

Projects seeking approval under SB 4 will have different submission requirements than discretionary Planning Department submissions. Projects seeking approval under SB 4 must submit a complete application package to the Planning Department, which may include but is not limited to:

- A [SB 4 Supplemental Application](#), which begins on page 5 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](#) (if required), 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 with 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.

Tribal Notification

If an SB 4 project is proposed on a vacant site, 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 4. The Planning Department will determine that an application for ministerial approval is incomplete if it is submitted prior to completion of any required tribal notification.

In San Francisco, a vacant site is:

1. Any undeveloped parcel containing no existing buildings.
2. Any parcel that contains only a surface parking lot and no existing buildings, except buildings that are accessory to a surface parking lot use, such as a guard station or kiosk, whether or not said surface parking lot was established with the benefit of a permit, or
3. For a parcel over 15,000 square feet in size that contains a surface parking lot use, the site may include structures that are accessory to a surface parking lot use, such as those supporting General Advertising Signs, and a building that does not exceed 800 square feet in building area.



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SUPPLEMENTAL APPLICATION

Property Information

Project Address: _____ Block/Lot(s): _____

Project Description:

Will the Project use SB 4 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.

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.

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.		

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

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____