



# SUPPORTIVE HOUSING STREAMLINED APPROVAL PURSUANT TO ASSEMBLY BILL 2162 (CA GOVT. CODE 65650) AND PLANNING DIRECTOR BULLETIN #5

## INFORMATIONAL AND SUPPLEMENTAL APPLICATION PACKET

**ATTENTION: A Project Application must be completed and/or attached prior to submitting this Supplemental Application. See the [Project Application](#) for instructions.**

California Assembly Bill No. 2162 (AB-2162) was signed by Governor Jerry Brown on September 26, 2018 and will be effective January 1, 2019. AB-2162 applies statewide and requires that supportive housing be a use that is permitted by right in zones where multifamily and mixed-use development is permitted. AB-2162 amends Government Code Section 65583 and adds Code Section 65650 to require local entities to streamline the approval of housing projects containing a minimum amount of Supportive Housing by providing a ministerial approval process, removing the requirement for CEQA analysis and removing the requirement for Conditional Use Authorization or other similar discretionary entitlements granted by the Planning Commission.

For questions, call 415.558.6377, email [pic@sfgov.org](mailto:pic@sfgov.org), or visit the Planning Information Center (PIC) at 1660 Mission Street, First Floor, San Francisco, where planners are available to assist you.

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. 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415.575.9010。請注意，規劃部門需要至少一個工作日來回應。

**Tagalog:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9120. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

## WHAT IS SUPPORTIVE HOUSING?

Supportive Housing is defined as housing with no limit on the length of stay, that is occupied by the target population, and is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community (CA-HSC 50675.14). Target populations include homeless individuals, youth and families, and people with disabilities.

## IS MY PROJECT ELIGIBLE FOR STREAMLINED APPROVAL?

In order to be eligible for streamlining, the project must meet **all** of the following criteria:

- **Affordability.** All of the proposed residential units must be dedicated as affordable to households at 80% AMI or below for a period of at least 55 years. At least 25% of the total number of units, or 12 units (whichever is greater) must be restricted for residents of Supportive Housing who meet the Target Population. If there are fewer than 12 units in the project, then the entire project must be restricted for residents of Supportive Housing.
- **Supportive Services.** Supportive Services include, but are not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy. For projects with 20 units or fewer, at least 90 square feet of space must be dedicated to supportive services. For projects with more than 20 units at least 3% of the non-residential floor area must be dedicated to supportive services.
- **Zoning.** The project must be in a District that allows for multifamily (2 or more units) or mixed-use zoning.
- **Replacement of Existing Units.** If the project demolishes any existing residential unit, then the project must include replacement unit(s) in the Supportive Housing Development in the manner described in CA Govt. Code Section 65915(c)(3).
- **Amenities.** Each unit, excluding the manager's unit, must have at least a bathroom, refrigerator, stovetop and sink.
- **Consistent with Objective Standards.** The project must comply with objective, written development standards and policies which apply to other multifamily developments within the same Zoning District. Such objective standards are those that require no personal or subjective (discretionary) judgment, such as objective dimensional requirements, and as otherwise set forth below.

## WHAT IS THE PROCESS FOR STREAMLINED APPROVAL?

Projects that elect to take advantage of streamlining must submit a site or building permit application, a Project Application, and an AB-2162 Supplemental Application indicating the project's eligibility. These materials can be submitted at the Department of Building Inspection (DBI) under the same procedure as site and building permit submittals. When speaking with a planner at the Public Information Center (PIC), please indicate that this is an AB-2162 submittal to ensure that it is routed to the appropriate planner.

CEQA review is not required for eligible projects because they are subject to a ministerial approval process. The site or building permit will not be subject to any applicable neighborhood notice requirements in the Planning Code, as the Department will not accept Discretionary Review applications for these projects because they are subject to a ministerial approval process.

AB-2162 includes timelines for streamlined ministerial review. Planning staff must determine if a project is eligible for streamlining within 30 days of application submittal. If the Department provides written comments to a Project Sponsor detailing how a project is not AB-2162 eligible as proposed, then the 30-day timeline will restart upon submittal of a revised development application in response to the that written notice. Design review or public oversight must be completed in 60 days for projects with 50 or fewer units and 120 days for projects with more than 50 units.

## HOW DOES THIS PROCESS INTERSECT WITH OTHER PROCESSES FOR REVIEW AND APPROVAL OF 100% AFFORDABLE PROJECTS?

There are various programs and entitlement paths in the Planning Code for projects providing 100% of the residential units as affordable. The following section provides information about these specific project types.

### 100% Affordable Housing Projects under Planning Code Section 315

Currently, 100% Affordable Housing Projects are considered a principally permitted use and must comply with administrative review procedures provided in Planning Code Section 315. Under Planning Code Section 315, an Affordable Housing Project may seek exceptions to Planning Code requirements that may otherwise be available through the Planning Code, including but not limited to Sections 253, 303, 304, 309, and 329, without a Planning Commission hearing. These have been considered discretionary exceptions from the objective controls of the Planning Code.

The Planning Department will ministerially grant an eligible project any exception that is equal to or less than the Zoning Modifications automatically granted to a 100% Affordable Housing Bonus Project pursuant to Planning Code Section 206.4. Any 100% Affordable Housing Project granted such an exception, pursuant to Planning Code Section 315 and this Bulletin, will be considered to be consistent with the objective controls of the Planning Code. Under Planning Code Section 206.4, qualifying projects are entitled to receive certain Zoning Modifications, as well as a density bonus and height increase. These modifications are provided in detail as follows:

- **Rear Yard:** The required rear yard per Section 134 or any applicable special use district may be reduced to no less than 20% of the lot depth or 15 feet, whichever is greater. Corner properties may provide 20% of the lot area at the interior corner of the property to meet the minimum rear yard requirement, provided that each horizontal dimension of the open area is a minimum of 15 feet; and that the open area is wholly or partially contiguous to the existing midblock open space, if any, formed by the rear yards of adjacent properties.
- **Dwelling Unit Exposure:** The dwelling unit exposure requirements of Section 140(a)(2) may be satisfied through qualifying windows facing an unobstructed open area that is no less than 15 feet in every horizontal dimension, and such open area is not required to expand in every horizontal dimension at each subsequent floor.
- **Off Street Loading:** No off-street loading spaces under Section 152.
- **Automobile Parking:** Up to a 100% reduction in the minimum off-street residential and commercial automobile parking requirement under Article 1.5 of the Planning Code.
- **Open Space:** Up to a 10% reduction in common open space requirements if required by Section 135, but no less than 36 square feet of open space per unit.
- **Inner Courts as Open Space:** In order for an inner court to qualify as useable common open space, Section 135(g)(2) requires it to be at least 20 feet in every horizontal dimension, and for the height of the walls and projections above the court on at least three sides (or 75% of the perimeter, whichever is greater) to be no higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court. 100 Percent Affordable Housing Bonus Projects may instead provide an inner court that is at least 25 feet in every horizontal dimension, with no restriction on the heights of adjacent walls. All area within such an inner court shall qualify as common open space under Section 135.

### 100% Affordable Housing Bonus Projects under Planning Code Section 206.4

The 100% Affordable Housing Bonus Program allows for objective Zoning Modifications in association with a Development Bonuses, including a density bonus and height increase. Projects that are eligible for the 100% Affordable Housing Bonus Program pursuant to Section 206.4 qualify for streamlining pursuant to SB-35 or AB-2162, provided they meet all eligibility requirements above, and require no additional Planning Code exceptions from the Planning Commission.

### **State Density Bonus Projects under Planning Code Section 206.6**

Projects that use the State Density Bonus Program and meet all other eligibility requirements above qualify for streamlining under AB-2162. Any waivers, concessions, or incentives, conferred through the State Density Bonus Law are considered code-complying, and therefore are consistent with the objective standards of the Planning Code.

### **HOW WILL OTHER ENTITLEMENTS BE AFFECTED?**

AB 2162 states that a project must be consistent with objective zoning and design standards that apply to other multifamily developments within the same Zoning District. Projects that elect to take advantage of streamlining stipulated in AB-2162 are only subject to objective standards and will not be required to follow subjective or discretionary processes.

### **Shadow Analysis Applications**

Planning Code Section 295 mandates Planning Commission approval of new structures above 40 feet in height that would cast shadow on properties under the jurisdiction of, or designated to be acquired by the Recreation and Parks Department, provided that the Planning Commission determines the shadow to be insignificant or not adverse to the use of the park. This determination is either objective or subjective depending on the type of criteria that has been adopted to govern shadow limits on the particular park.

There are two types of parks: those with quantitative limits on the amount of new shadow that may be cast on the park (“budgets”), and those that have not been assigned quantitative shadow budgets. Projects would be eligible for streamlining pursuant to SB-35 if they cast a shadow on a park that does not have a quantitative shadow budget because the review standards for the new shadow on these parks are subjective. A Shadow Analysis application will not be required in this scenario.

When receiving an application, the assigned planner will complete a shadow fan to determine if there is any potential shadow on a park with a budget. If the shadow fan shows a potential shadow, the Department will provide written comments detailing how the project is not SB-35 eligible as proposed and the sponsor will be required to provide a shadow study. The 60- or 90-day timeline will restart upon submittal of a revised development application in response to the written notice. Projects will not be eligible for SB-35 streamlining if they cast a shadow on a park with a shadow budget that causes the shadow budget to be exceeded. If the shadow cast is within the park’s budget, the project is eligible for streamlining.

### **Historic Resources**

AB 2162 does not include any specific protections for historic resources that are listed on local, state or national register. However, any restrictions on the impacts to historic resource that are indicated in the underlying entitlement process will apply to the project. For example, the State Density Bonus Law prohibits projects from seeking waivers, incentives or concessions that would have a specific, adverse impact upon any real property listed in the California Register of Historic Resources for which there is no feasible method to mitigate the impact.



# SUPPORTIVE HOUSING STREAMLINED APPROVAL PURSUANT TO ASSEMBLY BILL 2162 AND PLANNING DIRECTOR BULLETIN #5

## SUPPLEMENTAL APPLICATION

### Property Information

---

Project Address: \_\_\_\_\_

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

### Project Description:

---

Will the Project use AB 2162 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.

Will the Project use AB 2162 in conjunction with the Affordable Housing Density Bonus Program?:      Yes      No

If yes, please submit a completed Individually Requested State Density Bonus Program Supplemental Application with your submittal.

What percentage of the units in the project will be provided as supportive housing? \_\_\_\_\_

What is the Target Population for the supportive housing? \_\_\_\_\_

## 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		
Supportive Housing Rooms or Units		
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.		

### Zoning Modifications

100% Affordable Housing Projects are eligible for any or all of the following zoning modifications. Select the modifications that the project seeks below.

Rear yard:

The required rear yard per Section 134 or any applicable special use district may be reduced to no less than 20% of the lot depth or 15 feet, whichever is greater. Corner properties may provide 20% of the lot area at the interior corner of the property to meet the minimum rear yard requirement, provided that each horizontal dimension of the open area is a minimum of 15 feet; and that the open area is wholly or partially contiguous to the existing midblock open space, if any, formed by the rear yards of adjacent properties.

Inner Courts as Open Space:

100 Percent Affordable Housing Projects may instead provide an inner court that is at least 25 feet in every horizontal dimension, with no restriction on the heights of adjacent walls. All area within such an inner court shall qualify as common open space under Section 135.

Dwelling Unit Exposure:

The dwelling unit exposure requirements of Section 140(a) (2) may be satisfied through qualifying windows facing an unobstructed open area that is no less than 15 feet in every horizontal dimension, and such open area is not required to expand in every horizontal dimension at each subsequent floor.

Open Space:

Common open space provided per Section 135 or any applicable special use district may be reduced up to 10%.

Off-Street Loading:

Off-street loading spaces per Section 152 shall not be required.

Automobile Parking:

Residential and commercial parking requirements per Section 151 or any applicable special use district may be reduced by up to 100%.

# 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.

\_\_\_\_\_  
Signature

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

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

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

# APPLICANT'S SITE VISIT CONSENT FORM

I herby authorize City and County of San Francisco Planning staff to conduct a site visit of this property, making all portions of the interior and exterior accessible.

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Date

**For Department Use Only**

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_