



SB 35 (Wiener)

Affordable Housing: Streamlined Approval Process

SB 35 was signed into law in 2017 and became effective on January 1, 2018. The bill created a streamlined approval process for infill developments in localities that have failed to meet their regional housing needs allocation (RHNA). The bill allows qualifying development projects with certain minimum affordable housing guarantees to move more quickly through the local government review process and restricts the ability of local governments to reject these proposals. SB 35 does apply to Brisbane generally, but does not apply to the Baylands based on a number of the exemptions in the law.

Specifically, this bill...

Defines a qualifying development as follows:

- A multi-family development containing two or more housing units
- It is located on a site that is:
 - A legal parcel in a city where the boundaries of the city include some portion of an urbanized area or urban cluster, or for unincorporated areas the legal parcel is wholly within the boundaries of an urbanized area or urban cluster.
 - A least 75% of the perimeter of the site adjoins parcels that are developed with urban uses.
 - The site is zoned for residential use or residential mixed-use development or has a general plan designation that allows residential uses with at least two-thirds of the square footage designated for residential use.
 - The development contains a land use restriction for affordability that will be recorded for 55 years for rental units and 45 years for owned units.
- Located in a locality that the California Department of Housing and Community Development (HCD) has determined, based on the most recent production report, has issued permits for less housing units than its share of the regional housing needs allocation (RHNA) by income category for the reporting period.
- Minimum affordable housing requirements:
 - If the locality's annual production report reflects there were fewer units of above moderate-income housing approved than were required for the RHNA cycle, the project must dedicate at least 10 percent of the total number of units to affordable housing.
 - If the locality's annual production report reflects there were fewer units of affordable housing approved than were required for the RHNA cycle, the project must dedicate at least 50 percent of the total number of units to affordable housing.
 - If the locality is short on housing approvals under both measures, then the developer may choose between the 10 percent and 50 percent thresholds.



- The development is consistent with objective zoning standards and objective design review standards in effect at the time the development is submitted.

Projects satisfying these criteria will be subject to a streamlined local government review process.

The following areas are exempt from SB 35:

- Coastal zones.
- Prime farmland or farmland of statewide importance or land zoned or designated for agricultural protection by a local ballot measure approved by voters.
- Wetlands.
- Areas within very high fire hazard severity zones.
- Hazardous waste sites as designated by the Department of Toxic Substances Control (DTSC).
- Sites within a delineated earthquake fault zone.
- Sites within a flood plain or a floodway.
- Lands identified for conservation in an adopted natural community conservation plan
- Habitat for protected species identified as candidate, sensitive, or species of special status by Federal or State agencies.
- Lands under conservation easement.
- Sites that would require demolition of existing affordable housing under certain conditions or that were occupied by tenants in the past 10 years.