



Assembly Bill 2011: Affordable Housing and High Road Jobs Act of 2022 Frequently Asked Questions - Revised 3/21/2023

In exchange for certain amounts of on-site affordable housing and workforce commitments, AB2011 provides for streamlined approvals and in some cases increased height limits and relaxed density limits.

AB2011 was passed by the legislature on August 29, 2022 and was signed by Governor Newsom on September 28, 2022. This set of frequently asked questions was compiled in order to provide initial guidance regarding AB2011's changes to San Francisco's development review process. It will be revised and supplemented as further analysis occurs. While it is the Department's aim for this document to be accurate and inclusive, we encourage readers to review the full text of AB2011 at <https://leginfo.legislature.ca.gov>.

1. What projects are eligible?

Eligible projects have at least five units and must contain either (a) 100% affordable housing or (b) between 13%-30% on-site Below Market Rate ("BMR") units, depending on the tenure of the project and depth of affordability. Eligible projects must commit to certain workforce requirements.

2. For 100% affordable housing, where does the bill apply?

It applies everywhere except in RH, RM, RTO, DTR, PDR, M, SALI, MUR or WMUO Zoning Districts; the Van Ness SUD or the Van Ness & Market Residential SUD.¹ Projects located within ½ mile of a "major transit stop" are afforded a minimum height and density limit (discussed in Item 6, below) unless the underlying zoning is more generous. A major transit stop includes rail stops and intersections of bus lines with peak-hour headways of 15 minutes or less. A preliminary map of eligible parcels is attached.

3. For other projects, where does the bill apply?

Zoning limitations and transit-based height and density benefits are the same as for 100% affordable housing projects. Projects must also (a) be located on a street with a right of way of between 70' and 150', measured from property line to property line, and (b) have at least 50' of frontage along that street. A preliminary map of eligible parcels is attached.

4. Are there other restrictions on applicability?

No project can be on a lot that appears on the Cortese List or that provides habitat for protected species, nor can it be located on, adjacent to, or across the street from any lot containing an industrial use. Additionally, projects other than 100% affordable housing are ineligible if they would demolish (1) housing that has been tenant-occupied in the prior 10 years, (2) housing subject to rent control, or (3) historic buildings individually listed on any register of historic places. Projects other than 100% affordable housing cannot be built on a site (a) on which housing has been demolished in the prior 10 years, (b) that contains four or fewer dwelling units, or (c) is larger than 20 acres.

¹ These districts reflect AB2011's threshold applicability to districts where office, retail, or parking are principally permitted and are allowed to occupy more than one-third of a lot's total developable square footage along with restrictions related to (1) industrial uses and zoning and (2) lots in adopted Plan Areas that do not allow multi-family housing.

5. What are the streamlining benefits?

Eligible projects are reviewed on a ministerial basis, meaning that they are not subject to CEQA or to any discretionary approvals, such as Conditional Use hearings or Large Project Authorizations. The bill also sets timeline standards for project review and approval: projects with 150 units or fewer must be reviewed for Code compliance within 60 days and approved within 90 days; timelines of 90 and 180 days apply to larger projects, respectively.

6. What are the density and height allowances?

Unless existing zoning is more generous, projects within ½ mile of a major transit stop are permitted up to one unit for each 545 square feet of lot area and provided a height limit of 65', except that parcels within the Coastal Zone are ineligible for the increased height limit.

7. What are the design requirements?

The bill includes a number of design and setback requirements that apply to all non-100% affordable housing projects. These include parking setbacks and setbacks from adjacent buildings along side streets and interior property lines. Some of these may be reduced by the Board of Supervisors. Projects must meet all objective design standards in the underlying zoning.

8. What are the affordability requirements?

Eligible projects that are not 100% affordable housing projects must provide a minimum number of on-site BMR units. For rental projects, percentages range from 13-15% depending on Area Median Income ("AMI"). For ownership projects, percentages range from 15-30%. The City's inclusionary affordable housing requirements currently range from 15-25% for rental projects and 15-27% for ownership projects. Projects must comply with the higher BMR percentages and the deeper AMI levels of the City's inclusionary housing requirements or AB2011.

9. What are the workforce requirements?

Projects must meet minimum construction labor standards, including paying prevailing wages, and, for projects of 50 units or more, providing health care coverage and participating in apprenticeship programs.

10. Are there any other notable development requirements?

All eligible projects must (1) provide relocation assistance for existing commercial tenants, (2) complete a Phase I environmental assessment and remove or remediate any hazardous substances found, and (3) not build any units within 500' of a freeway.

11. Can AB2011 be coupled with the State Density Bonus?

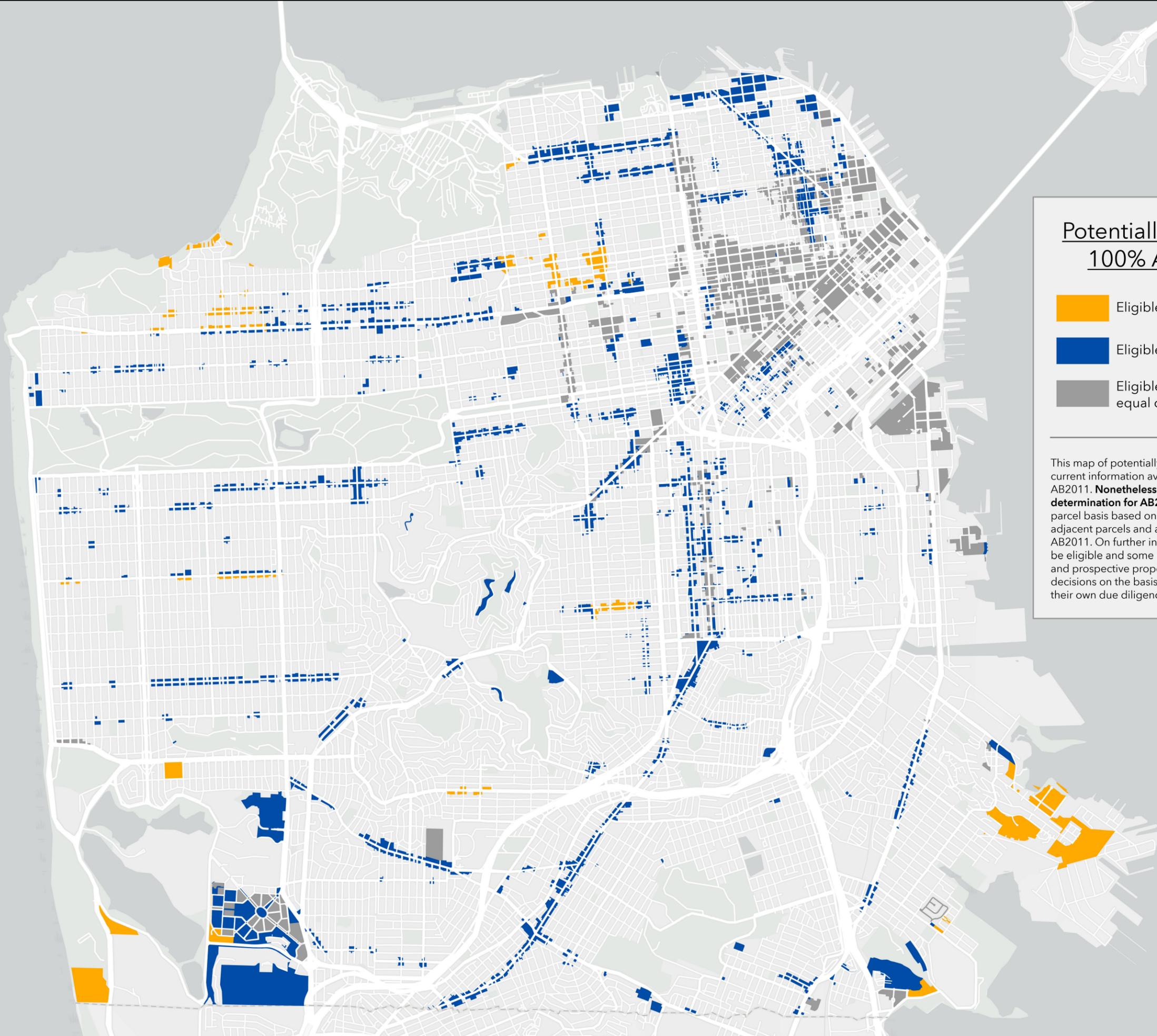
Yes.

12. Can properties be exempted from AB2011?

Properties can be exempted from the provisions of the bill if the City finds that the exemption affirmatively furthers fair housing and doesn't reduce the total zoned capacity for residential development or affordable residential development. A property can only be exempted prior to the filing of any application under AB2011.

13. When will it take effect?

The bill takes effect on July 1, 2023.



Potentially Eligible Lots Under AB2011: 100% Affordable Housing Projects

-  Eligible for streamlining
-  Eligible for streamlining and height and density benefits
-  Eligible for streamlining, existing zoning already affords equal or greater height or density

This map of potentially eligible parcels excludes properties that, based on the best current information available to the Planning Department, are likely not eligible for AB2011. **Nonetheless, a parcel's presence on this map does not constitute a definitive determination for AB2011 eligibility.** Eligibility can only be confirmed on a parcel-by-parcel basis based on further analysis of permitted and actual uses on the subject and adjacent parcels and a variety of other criteria and characteristics established in AB2011. On further investigation, some parcels excluded from this map may prove to be eligible and some parcels included on this map may prove to be ineligible. Existing and prospective property owners and project sponsors should not make financial decisions on the basis of this map and are advised to review AB2011 in detail and do their own due diligence.



Potentially Eligible Lots Under AB2011: Mixed-Income Projects

-  Eligible for streamlining
-  Eligible for streamlining and height and density benefits
-  Eligible for streamlining, existing zoning already affords equal or greater height or density

This map of potentially eligible parcels excludes properties that, based on the best current information available to the Planning Department, are likely not eligible for AB2011. **Nonetheless, a parcel's presence on this map does not constitute a definitive determination for AB2011 eligibility.** Eligibility can only be confirmed on a parcel-by-parcel basis based on further analysis of permitted and actual uses on the subject and adjacent parcels and a variety of other criteria and characteristics established in AB2011. On further investigation, some parcels excluded from this map may prove to be eligible and some parcels included on this map may prove to be ineligible. Existing and prospective property owners and project sponsors should not make financial decisions on the basis of this map and are advised to review AB2011 in detail and do their own due diligence.

