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Streamlining Multifamily Housing Production in California: Progress Implementing SB 35

Authors:

Shazia Manji, Research Associate

Ryan Finnigan, Senior Research Associate

Graduate Student Researcher Team:

Chae Kim, Molly Miller, Blaire Frett, Petra Reyes

Executive Summary

Senate Bill (SB) 35 was enacted in 2018 to make it easier to build multifamily infill development in jurisdictions that are not meeting their housing production goals. SB 35 allows eligible housing developments to go through a simplified entitlement process—including bypassing review under the California Environmental Quality Act (CEQA)—so long as projects meet local objective zoning and design standards, provide a minimum percentage of affordable units, and follow certain labor provisions. SB 35 was designed to remove barriers to housing development for eligible projects, but the bill’s effectiveness depends on local implementation. The law is set to ‘sunset,’ or expire, in 2026. SB 423, introduced by Senator Wiener in 2023, proposes to extend and amend the ministerial approval process initiated under SB 35, leading to questions of how streamlining has worked in practice.¹

This report presents findings on how SB 35 has been used since its enactment and recommendations to inform its ongoing implementation. We analyzed data from jurisdictions’ 2018–2021 Annual Progress Reports on housing development activity using SB 35 streamlining, cleaned and verified with external sources. We also interviewed 38 planners, developers, and other stakeholders to understand how SB 35 has been used in its first five years. Our findings include:

- The majority of jurisdictions in California are subject to SB 35. In June 2022, 501 of California’s 539 jurisdictions were subject to some level of streamlining, covering 95 percent of the state’s population.
- Between 2018 and 2021, 156 projects were approved for SB 35 streamlining or had a pending application, comprising over 18,000 new housing units. Most SB 35 projects are in the Bay Area and Los Angeles County, but use of SB 35 increased in other parts of the state after the first couple years of its implementation.
- Most SB 35 projects are 100 percent affordable developments, in which all units are designated for households with lower incomes. Interviewees said SB 35’s prevailing wage requirement means the law works best for 100 percent affordable projects, which typically have public funding that already require paying prevailing wages.
- SB 35 has made the approval process for new multifamily infill development faster and more certain and has become a default approach for many affordable housing developers. SB 35 can also accelerate funding timelines for affordable projects because funding sources often require land use approvals prior to applying.
- Interviewees described SB 35 being used most often where local governments support housing production, but SB 35 has also been used to overcome local resistance to new housing. Although SB 35 removes local discretion from the approval process, developers have continued to engage local communities and sometimes accommodate jurisdictions’ design requests for SB 35 projects.

- Interviewees described a learning curve for implementing SB 35, including clarification—or in some cases, creation—of objective design standards. Use of the law became easier and more common over time as jurisdictions and developers learned to navigate it. Interviewees also expressed desire for clearer guidance on some ongoing implementation issues, including tribal consultation to determine whether SB 35 projects impact tribes’ cultural resources.

The report concludes with recommendations for improving SB 35’s applicability and implementation. First, ongoing evaluation of SB 35’s impacts will require continued improvements to data collection and reporting. Second, additional statutory amendments and guidance from the California Department of Housing and Community Development could further clarify interpretation of the law and increase its effectiveness, including more robust tools to help local planners and developers assess sites’ eligibility for SB 35 streamlining. Third, policymakers should continue assessing whether and how the benefits of SB 35 streamlining could work better for projects with a mix of affordable and market-rate units.

Introduction

The State of California has passed a wave of new laws meant to facilitate housing production in recent years.² Among them, Senate Bill (SB) 35 was enacted in 2018 to streamline multifamily infill development in jurisdictions that are not meeting state housing production goals.³ SB 35 allows eligible proposed housing developments to go through a ministerial (aka “by-right”) rather than discretionary entitlement process—including bypassing review under the California Environmental Quality Act (CEQA)—so long as projects

meet local objective zoning and design standards, provide a minimum percentage of affordable units, and follow certain labor provisions. The law is set to ‘sunset,’ or expire, in 2026. On February 13, 2023, Senator Wiener introduced SB 423 to extend and amend the operation of the ministerial approval process.⁴

SB 35 was designed to remove barriers to housing development for eligible projects, but the bill’s effectiveness depends on local implementation. Previous research has shown that SB 35 decreased approval timeframes for qualified developments in Berkeley, Oakland, the City and County of Los Angeles, and San Francisco.⁵ Building on and complementing that research, we analyzed data on housing production across the state and interviewed 38 planners, developers, and other stakeholders to understand how SB 35 has been used in its first five years. We find that between 2018 and 2021, 156 projects were approved or pending for SB 35 streamlining, totaling over 18,000 units. We also find that 62 percent of projects approved or under review for SB 35 streamlining are 100 percent affordable for low-income households (i.e., all units in the projects are designated for households with incomes below 80 percent of Area Median Income [AMI]).

Interviewees highlighted many benefits to using SB 35, including greater certainty in the outcome and an expedited approval process. Affordable housing developers repeatedly stated that SB 35 has become their default option for new development. The law is most commonly used in jurisdictions that already support new housing development and have sufficient planning staff capacity to implement it, though SB 35 has helped overcome resistance from local governments in some high-profile instances. Interviewees also identified areas for refinement in

future legislation and/or guidance from the California Department of Housing and Community Development (HCD) that would further clarify where, when, and how SB 35 can be implemented. In addition to recommendations for improving the law, interviewees expressed hope that streamlining measures will continue to be available in the years to come.

This report presents these findings and recommendations for SB 35's further implementation. The next section describes the law in more detail. Then, we present data on projects being developed with SB 35, as well as findings from the interviews on the nuances of local implementation and the relative strengths and challenges of invoking SB 35 for different projects. The final section concludes by laying out opportunities for improvement and areas for further research.

Background

State Senator Scott Wiener authored SB 35 in 2017, in the wake of an unsuccessful attempt by Governor Jerry Brown to advance a similar legislative concept through 2016 state budget negotiations. SB 35 was signed into law by Governor Brown as part of the 2017 Housing Package, a set of 15 housing bills designed to comprehensively address California's housing crisis. SB 35 is one of over 100 new laws adopted since 2017 that have been designed to increase housing production in California.^{6,7}

SB 35 works in tandem with the state's land use planning and Housing Element laws. The state sets regional housing production targets, which are then allocated to cities, towns, and counties by regional governmental bodies through the Regional Housing Needs Allocation (RHNA) process. Local governments are

required to create plans via their adopted Housing Elements that detail how they will meet their RHNA production targets. In jurisdictions that have not met their RHNA targets, SB 35 allows for *ministerial* approval of code compliant multifamily infill housing projects, rather than having them go through local *discretionary* approvals. Specifically, SB 35 is a procedural reform: it affects how local governments review and approve residential development; the law does not make changes to local zoning, or modify other density and use provisions that limit where and what type of multifamily housing can be built. Under discretionary review, local governments may deny or condition projects on a case-by case-basis, even if they conform to local planning regulations, like zoning codes and general plans.⁸ Discretionary review processes vary across jurisdictions, and can be lengthy and unpredictable. Entitlement delays can drive up the cost of development, resulting in higher housing costs.⁹ By giving developers an opportunity to bypass discretionary review, SB 35 offers a tool to expedite housing approvals in jurisdictions that have not permitted enough housing.

For projects applying and eligible for SB 35 streamlining, local governments instead can only evaluate projects against existing and *objective* planning standards and laws. Objective standards are those that “involve no personal or subjective judgment by public official” and are both measurable and verifiable, leaving no gray area for interpretation.¹⁰ For example, design requirements that call for ‘consistency with neighborhood character’ are subjective and not applicable to SB 35 projects. Because environmental impact review under CEQA is only triggered by local discretionary review, SB 35 projects are not subject to CEQA. Local govern-

ments are also required to adhere to expedited timelines for review and approval of entitlement applications: 90 days for smaller projects containing 150 housing units or less and 180 days for larger developments.

HCD is authorized under SB 35 to determine implementation guidelines. Those guidelines determine the applicability of SB 35 in each of California’s 539 jurisdictions (cities and unincorporated areas of counties, including charters) using permit data from each jurisdiction’s Annual Progress Reports (APR) to measure their housing development activity and progress towards meeting their RHNA goals.

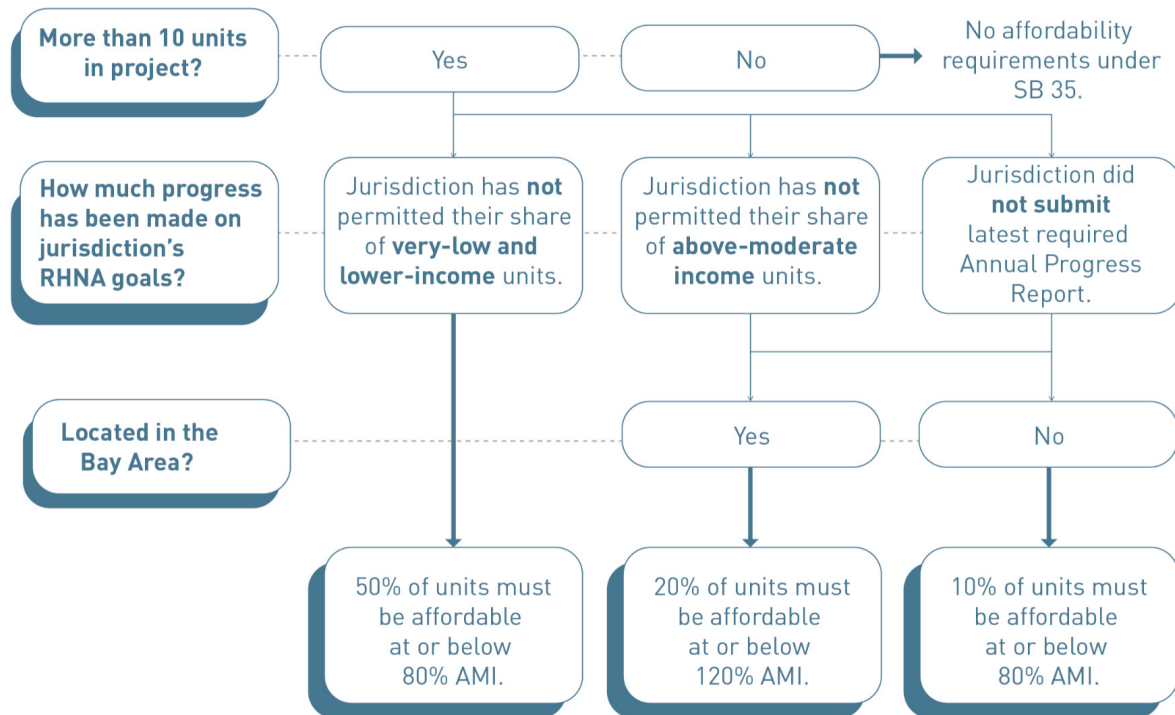
HCD classifies jurisdictions into one of three categories:

1. Jurisdictions on-track to meet their RHNA goals are not subject to SB 35 streamlining.

2. Jurisdictions not on-track to meet their RHNA goals for above moderate-income units, and jurisdictions that have not submitted their latest required APR, are subject to streamlining for projects with at least 10 percent affordable units.
3. Jurisdictions that have permitted their share of above moderate-income units but are not on-track to meet their RHNA goals for very low- or low-income units are subject to SB 35 streamlining for projects with at least 50 percent affordable units.

The specific affordability requirements for a given project are set by a jurisdiction’s SB 35 determination and the project’s total number of units, with different requirements for the nine-county Bay Area than for the rest of the state (Figure 1).¹¹

Figure 1. Affordability Requirements Under SB 35



Source: Based on HCD’s Updated Streamlined Ministerial Approval Process Guidelines (2021).

Because very few cities have met their RHNA targets, most of California’s cities and counties have been subject to SB 35. HCD’s SB 35 determinations in June 2022 show that 501 of California’s 539 jurisdictions were subject to some level of streamlining, covering 95 percent of the state’s population: 238 were subject to streamlining for projects with at least 50 percent affordable units, and 263 were subject to streamlining for projects with at least ten percent affordable units.¹² Only five jurisdictions have never been subject to SB 35 through 2022.¹³ Jurisdictional determinations for SB 35 have shifted over time as their housing production increases or decreases relative to their RHNA goals, or as they submit missing APR data to HCD: 202 localities saw their determination change at least once between 2018 and 2022 and 34 experienced at least two changes (see Appendix A). Most changes in determinations led jurisdictions to become subject to streamlining for projects with at least 50 percent affordable units instead of 10 percent affordable units.

SB 35 only applies to *infill* sites, where 75 percent of the site’s perimeter touches parcels with urbanized uses. The site cannot be in an environmentally sensitive area, such as a coastal zone, high fire hazard severity zone, earthquake fault zone, or hazardous waste site unless certain conditions are met. Projects cannot demolish housing that has been occupied by tenants within the past ten years or historic structures.

SB 35 projects are also subject to labor provisions—payment of *prevailing wage* and/or use of a *skilled and trained* workforce during construction—based on the number of units and characteristics of both the jurisdiction and the project.¹⁴ Prevailing wage generally refers to a state-set and regionally specific minimum

rate for each trade. Under SB 35, any project with more than ten units, regardless of funding sources, is required to pay prevailing wages. Depending on the jurisdiction’s population and the size of the project, mixed-income SB 35 developments may also be required to use a skilled and trained workforce during construction, meaning that 60 percent of workers must have graduated from a state-approved and generally union-run apprenticeship program.^{15,16} Local, state, and federal funding programs often also include prevailing wage and/or skilled and trained workforce provisions, meaning that most affordable housing projects are already subject to one or both requirements.

The requirements and guidelines for SB 35’s implementation have evolved over time. HCD developed initial guidelines for SB 35’s implementation in late 2018, informed by common questions and challenges that arose during the first year of local government implementation. Several subsequent revisions addressed new and ongoing issues that jurisdictions and developers faced when applying the law—such as loopholes through which local governments have tried to maintain discretion over streamlined projects—and several changes through subsequent legislation (see Appendix B).¹⁷ For example, Assembly Bill (AB) 168 introduced requirements for jurisdictions’ planning departments to consult with Native American tribes on SB 35 projects’ potential impacts on tribal cultural resources. New legislation, SB 423, is currently being considered that would extend availability of SB 35 streamlining through 2035, expand eligibility, adjust the trigger for use of a skilled and trained workforce, and modify several aspects of local government review and approval for SB 35 projects.

Methods

To measure the amount, type, and location of new housing being developed through SB 35, we analyzed the 2018–2021 APR data reported by each jurisdiction and published by HCD.¹⁸ APR data for 2022 were not yet available at the time of our analysis. The APR data include the number of proposed new housing units, completed entitlements, issued building permits, and issued certificates of occupancy by income category. Jurisdictions are also required to report whether developments applied for SB 35 streamlining, and if that application was approved, is pending, or was denied.

Preliminary analysis of APR data revealed many projects were erroneously marked as applying for SB 35 streamlining. For example, jurisdictions often reported SB 35 applications for developments that are categorically ineligible for SB 35 (i.e., detached, single-family homes) or for projects using alternative methods of streamlining. To ensure the APR data reflect SB 35 use as accurately as possible, we filtered the data to projects meeting SB 35 criteria (multifamily projects meeting each jurisdiction’s affordability requirements), then verified the SB 35 applications for a sample of the projects using local public documents, correspondence with local planners, and media reports. We did not correct inconsistencies we observed in the affordability breakdown of units reported by project. The technical appendix (Appendix A) describes this data verification process as well as the completeness and limitations of the APR data in more detail. The resulting database of SB 35 projects is available on the Turner Center’s website.

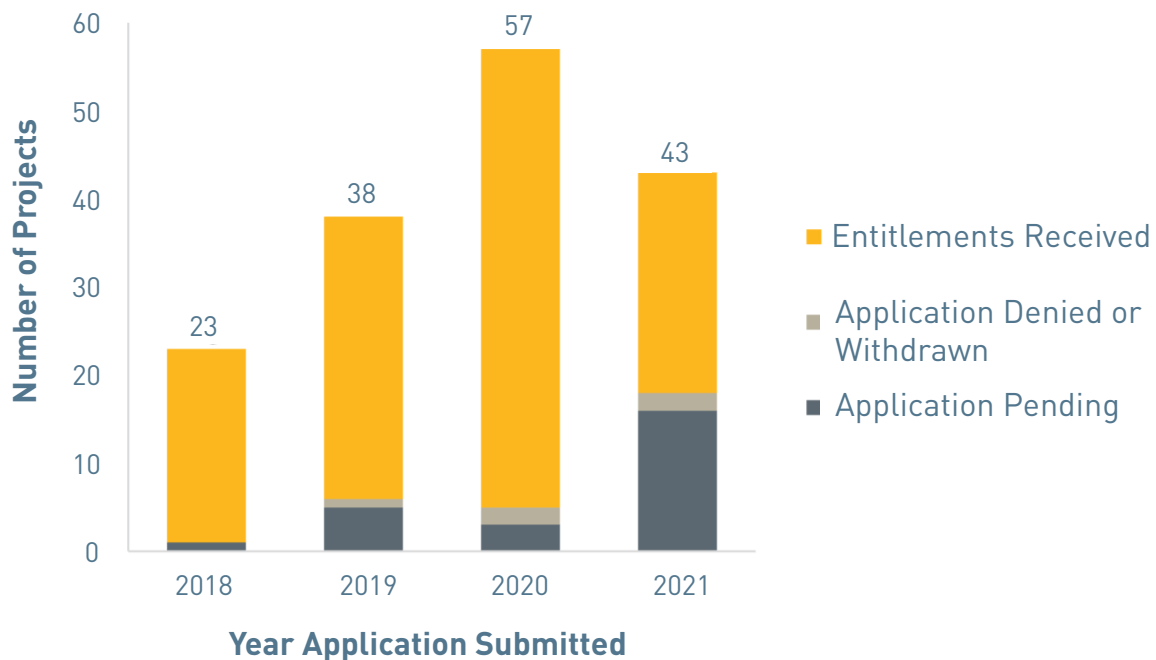
We conducted semi-structured interviews with 29 stakeholders, including local planning staff, developers, land use attorneys, and staff from HCD. These interviewees included staff from 11 jurisdictions, selected for geographic diversity and variation in the number of SB 35 applications they had received. Interviewees also included staff from eight housing developers that used SB 35 for projects with a diverse set of characteristics, including affordability levels, tenure, and project size. In addition to these interviews, our findings draw on a roundtable discussion with nine staff members from seven affordable housing developers who have used SB 35.

Findings

Between 2018 and 2021, 156 projects were approved for SB 35 streamlining or had a pending application, comprising over 18,000 new housing units.

We found that 161 projects pursued SB 35 streamlining between 2018 and 2021 (Figure 2), encompassing 18,819 proposed new housing units. As of 2021, 133 of those projects had been deemed eligible for streamlining and another 23 were still under review. These 156 projects together encompass 18,215 proposed new housing units. The APR data show very few projects that have pursued SB 35 have been denied streamlining, though some projects had to apply more than once before being found eligible. Given the low rate of project denials, it is likely that many of the remaining project applications still under review at the time of the 2021 APR submission have since been approved.

Figure 2. Proposed SB 35 Projects by the Year of Application and Approval Status as of 2021



Source: Turner Center analysis of Annual Progress Report Data, 2018–2021.

Notes: The chart includes all 161 proposed SB 35 projects, including those that were denied or withdrawn.

SB 35 has made the approval process for new multifamily infill development faster and more certain, becoming a default approach for many affordable housing developers.

Developers typically found that SB 35’s strongest advantages aligned well with the intent of the law: expedite the development process for code-compliant projects that provide much-needed affordable housing. SB 35’s strict timelines for local government review and approval, CEQA exemption, and removal of discretionary review help to speed up the entitlement process, generally leading to time and cost savings. Caleb Roope, Chief Executive Officer of the Pacific Companies, estimated that using SB 35 saves about a year during the entitlement process, because the law

“really hems local government into a specific process that isn’t negotiable and can’t be abused as easily—it’s pretty rigid and there are specific timelines. They pretty much have to comply with the guardrails of the law.”¹⁹ Amanda Locke from AMG & Associates, Inc., similarly explained that “some jurisdictions will throw the book at you in terms of development standards to try and overwhelm you with all these conditions and standards you have to meet, many of which are typically applicable at the building permit phase” but “SB 35 draws a clear box around what a city can specifically request during the entitlement process.”²⁰

Other interviewees suggested that the greatest advantage of SB 35 is the increased clarity and certainty of project approval, even for projects that would

not require lengthy approval processes without SB 35. Ben Rosen, Director of Real Estate Development for Weingart Center, described SB 35 eligible parcels becoming “almost like a firm search criteria” when considering sites for new construction projects: “Not just because of the time, but also because it provides for ministerial approvals, which is a key factor.”²¹ These benefits of SB 35 partly derive from its CEQA exemption, which saves the time and cost of environmental impact analysis and eliminates the risk of CEQA lawsuits.

Exemption from parking requirements is another major benefit to SB 35. Elsa Rodriguez, a principal planner for Los Angeles County, said “SB 35 has the most lenient parking exemptions that I’ve seen,” except for Assembly Bill (AB) 2097 (2022), which removes minimum parking requirements within half a mile of public transit under most conditions.²² She explained that without SB 35, projects that cannot provide parking “then have to apply for another discretionary parking permit.” By avoiding these additional discretionary steps, SB 35 saves substantial time and effort for project approval: “Anything going to a hearing in my department, you’re looking at least a year. It’s that kind of stuff where I think SB 35 is really valuable.”²³

SB 35 is one of a handful of streamlining options available for different types of affordable housing or infill development. While developers frequently said that the choice of which type of streamlining to pursue is project dependent, affordable housing developer staff from Mercy Housing, Affirmed Housing, Abode Communities, Resources for Community Development (RCD), and the Weingart Center each said that SB 35 is typically their default choice. Affirmed Housing’s Rob

Wilkins attributed their preference for SB 35 to the law’s robust parking exemptions. RCD’s Courtney Pal highlighted the relative strengths of SB 35’s expedited approval timelines, estimating that entitlement takes about half the time under SB 35 than it does with the Class 32 CEQA exemption, which exempts qualified infill developments from CEQA review.

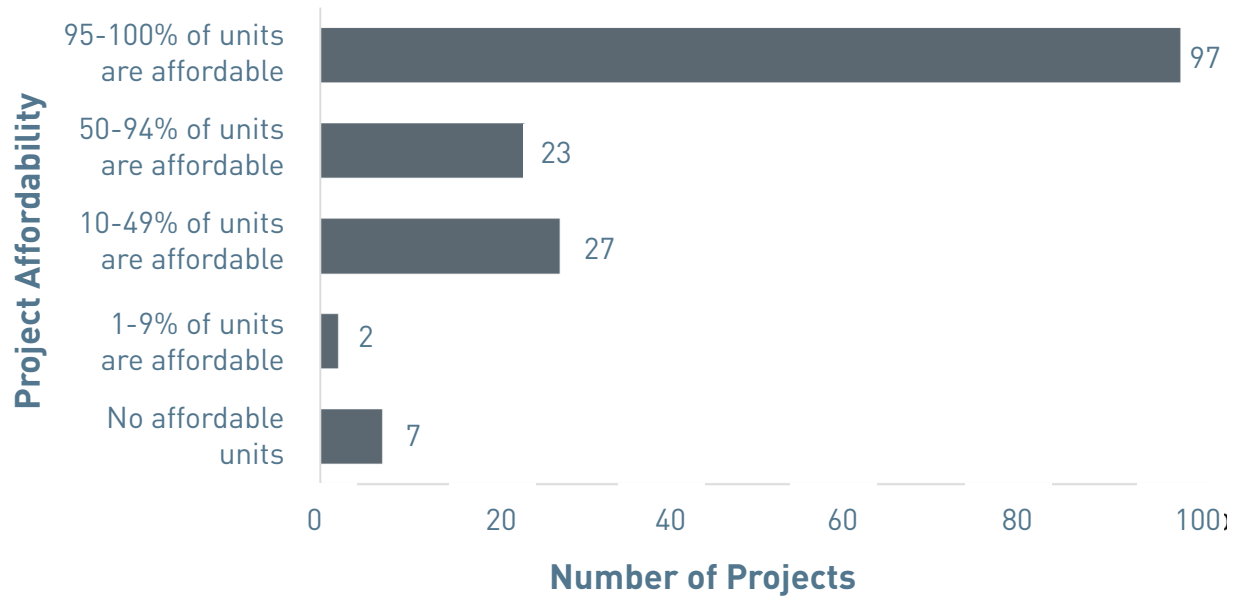
Most SB 35 projects are 100 percent affordable developments.

Although SB 35 allows streamlining on mixed-income projects, APR data show that 97 of 156 approved or pending SB 35 projects (62 percent) are 100 percent affordable for lower-income households, meaning that all units are targeted to households with incomes below 80 percent of AMI (Figure 3).²⁴ One-third of projects are mixed-income properties with a combination of affordable and market-rate units, while very few were entirely market-rate (only 7 of 156). While projects with ten or fewer units are not required to provide affordable units and are exempt from SB 35’s labor provisions, only 14 projects were 10 or fewer units (Figure 4).

A greater share of projects might be 100 percent affordable than APR data suggest. We observed several projects specifying mixed-income units in the APR data that are listed as 100 percent affordable in other places, such as local government websites. These discrepancies may reflect reporting errors or the fact that a project’s affordability is not locked in until the developer has assembled the financing, which typically happens after entitlement.

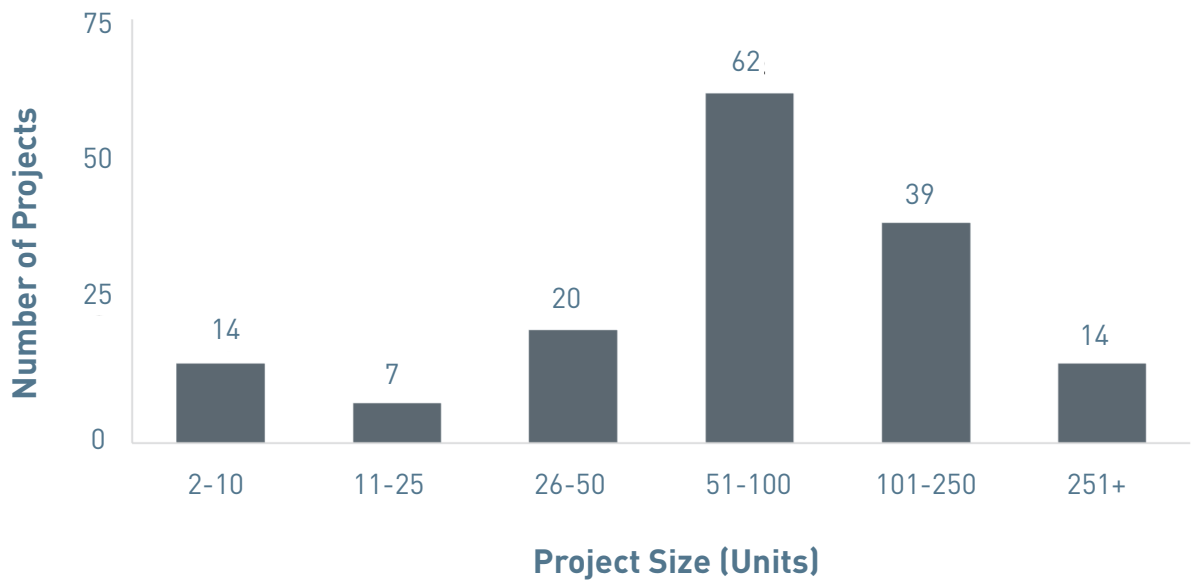
Most of the units in the 156 approved or pending SB 35 projects are designated for low-income households. About 13,000 units are designated for low-income households earning 80 percent of AMI

Figure 3. Number of SB 35 Projects by the Share of Affordable Units



Source: Turner Center analysis of Annual Progress Report Data, 2018–2021. Note: Universe represents 156 projects (those approved for streamlining or still under review) and does not include projects that were denied for streamlining or whose applications were withdrawn. For the purpose of this analysis, we consider projects in the 95–100 percent affordable range as 100 percent affordable, understanding that a small number of market-rate units are earmarked for property managers or other on-site staff.

Figure 4. Number of SB 35 Projects by Project Size



Source: Turner Center analysis of Annual Progress Report Data, 2018–2021. Note: Universe represents 156 projects (those approved for streamlining or still under review) and does not include projects that were denied for streamlining or whose applications were withdrawn.

or below. About 4,500 units are for very low-income households (below 50 percent of AMI) and about 8,600 are for low-income households (between 50 and 80 percent of AMI) (Figure 5). While a relatively small number of units are for moderate-income households (between 80 percent and 120 percent of AMI), about 4,400 units—nearly a quarter of all SB 35 units—are for above moderate-income households (at least 120 percent of AMI).

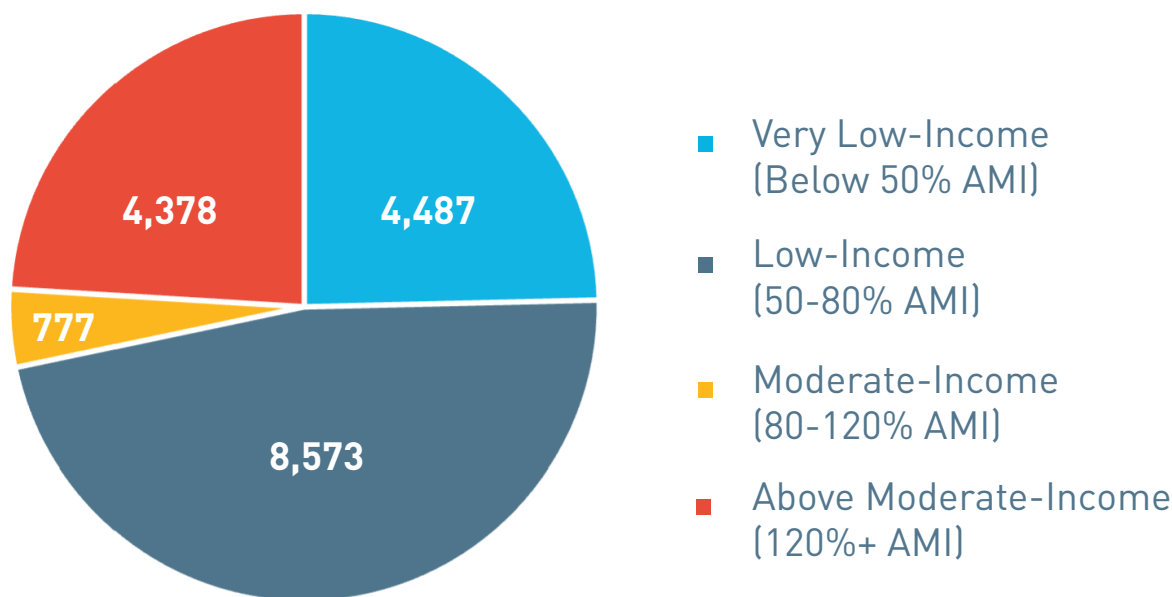
Most SB 35 projects are in the Bay Area and Los Angeles County, but use of SB 35 increased in other parts of the state after the first couple years of its implementation.

SB 35 projects are concentrated in the Bay Area and Los Angeles County. Of the 156 SB 35 projects, 63 are in the five-county Bay Area, followed by 59 in Los Angeles County (Figure 6). Only 34 projects, about 22 percent of all SB 35 projects, are

outside of these two regions. However, the use of SB 35 increased in other parts of the state after the first couple years of its implementation, growing from 11 percent of applications in 2018–2019 (six of 53 projects) to 27 percent in 2020–2021 (28 of 103 projects).

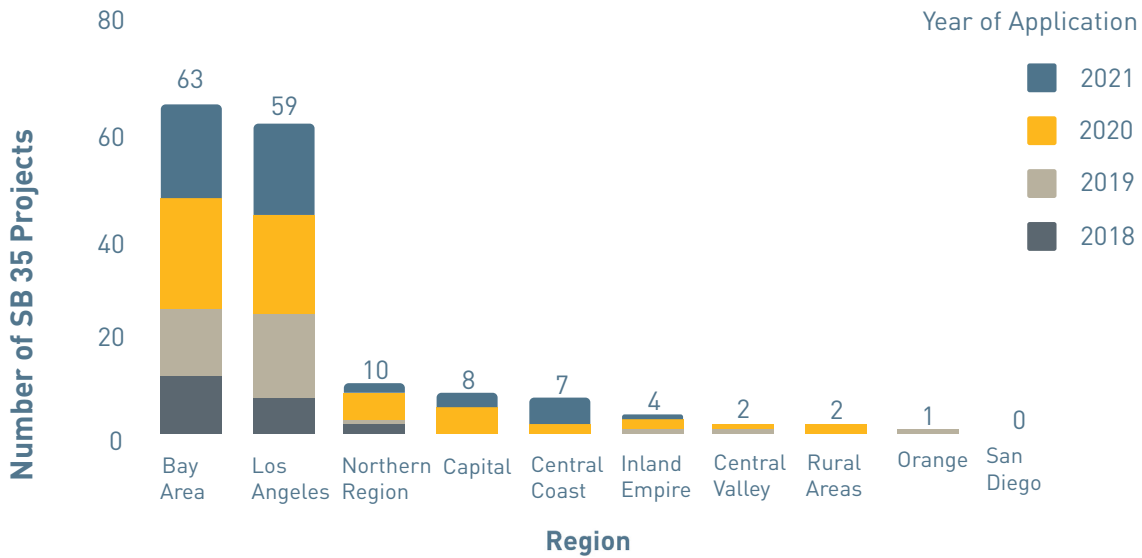
The Bay Area’s concentration of SB 35 projects is more pronounced when compared to its share of overall multifamily housing development. Figure 7 shows that 61 percent of units in SB 35 projects are in the Bay Area, almost three times the region’s share of all units in multifamily projects (21 percent) and the region’s share of affordable units in multifamily projects (21 percent) proposed during the same time frame. Although Los Angeles County includes nearly as many SB 35 projects as the Bay Area, the region’s share of SB 35 units (23 percent) is lower than its share of all units in proposed multifamily projects (39 percent), and lower than its share of

Figure 5. Number of Units in SB 35 Projects by Affordability Level



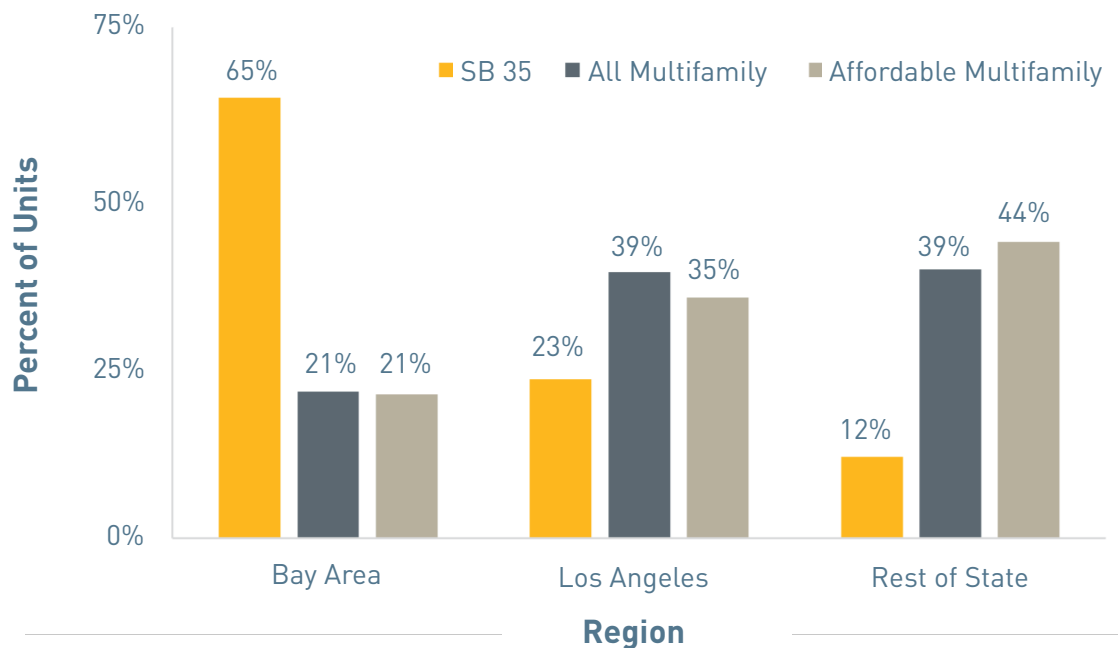
Source: Terner Center analysis of Annual Progress Report Data, 2018–2021. Note: Universe represents 156 projects (those approved for streamlining or still under review) and does not include projects that were denied for streamlining or whose applications were withdrawn.

Figure 6. Number of SB 35 Projects by Region and Year of Application, 2018–2021



Source: Annual Progress Reports, 2018–2021. California Department of Housing and Community Development. Notes: The regions are collections of one or more counties, based on those defined by the California Tax Credit Allocation Committee. The five-county Bay Area includes Alameda, Contra Costa, San Francisco, Santa Clara, and San Mateo counties. Los Angeles includes Los Angeles County and all cities within it.

Figure 7. SB 35 Units Compared to Units in Multifamily Developments, 2018–2021



Source: Annual Progress Reports, 2018–2021. California Department of Housing and Community Development. Notes: Multifamily developments include projects with at least two units that are not single-family homes, accessory dwelling units, or mobile homes. ‘All multifamily’ includes units at any affordability level. ‘Affordable multifamily’ includes units for households with incomes below 80 percent of AMI.

affordable units in proposed multifamily projects (35 percent).

Compared to other parts of the state, SB 35 projects in the Bay Area are also larger. Most SB 35 projects (51 percent) in the Bay Area have over 100 units, compared to 24 percent of SB 35 projects in Los Angeles and 21 percent of projects elsewhere (Table 1). The share of SB 35 projects with all affordable units is the same in the Bay Area and other regions of the state (68 percent) but lower in Los Angeles (53 percent).

The higher share of 100 percent affordable projects in the Bay Area compared to Los Angeles may partly reflect more Bay Area jurisdictions having a higher affordability threshold for SB 35 projects. In the Bay Area, most SB 35 projects (49 of 63 projects) are in jurisdictions requiring at least 50 percent affordable units. In Los Angeles, most SB 35 projects (35 of 59 projects) are in jurisdictions requiring at least

10 percent affordable units. Statewide, SB 35 projects tend to be 100 percent affordable more often in jurisdictions subject to the 50 percent affordability threshold than in jurisdictions subject to the 10 percent affordability threshold.

Geography also contributes to the differences in the number and type of SB 35 projects between places. The amount of land for potential infill development is greater in urban than rural areas, and varies by the type of terrain in the jurisdiction. For example, a planner for the County of Santa Barbara described much of the local land being ineligible for SB 35 because it's coastal, adjacent to agriculture, or at high fire risk.²⁵

SB 35 projects are also sometimes shaped by local implementation of the law, including when planners steer particular types of projects toward SB 35. For example, planners in Los Angeles County described recommending SB 35 for proj-

Table 1. Size and Affordability of SB 35 Projects

| | Bay Area | Los Angeles | Rest of State | Total |
|---|----------|-------------|---------------|--------|
| Total Projects | 63 | 59 | 34 | 156 |
| Total Units | 11,076 | 4,259 | 2,880 | 18,215 |
| Share of Projects by Number of Units | | | | |
| 2–10 units | 2% | 20% | 3% | 9% |
| 11–50 units | 8% | 17% | 35% | 17% |
| 51–100 units | 40% | 39% | 41% | 40% |
| 101+ units | 51% | 24% | 21% | 34% |
| Share of Projects by Percent Affordable Units | | | | |
| None | 0% | 8% | 6% | 4% |
| 1%–9% | 0% | 3% | 0% | 1% |
| 10%–49% | 10% | 25% | 18% | 17% |
| 50%–94% | 22% | 10% | 9% | 15% |
| 95%–100% | 68% | 53% | 68% | 62% |

Source: Annual Progress Reports, 2018–2021.

ects with ten or fewer units, which do not require developers to pay prevailing wages. They also said they encouraged the use of SB 35 in specific situations, like exempting hotel/motel conversions from needing a conditional use permit and from local parking requirements.²⁶ This specificity was not common among interviewees, however. Most planners we interviewed described either recommending SB 35 to any project meeting the criteria or working with developers based on the specific circumstances of their projects.

Interviewees said 100 percent affordable projects—which typically have public funding that already requires paying prevailing wages—work best for SB 35’s labor provisions and affordability requirements.

To be eligible for SB 35 streamlining, projects with more than ten units must commit to paying prevailing wages. Many affordable housing developments are already subject to this requirement if they are using public funding, like HCD’s Multifamily Housing Program or Proposition HHH in Los Angeles. For developments not already required to pay prevailing wages, interviewees frequently characterized SB 35’s requirement to do so as a deterrent. Interviewees said projects are more difficult to make financially feasible (or “pencil”) when paying prevailing wages, and developers often consider whether the benefits of streamlining outweigh the higher labor costs. A couple developers we interviewed initially entitled projects using SB 35, but returned to the traditional entitlement process for financial reasons. For example, Maracor Development is reprocessing the Ashbury, a 183-unit mixed-income development in Concord, without SB 35

because the combination of rising interest rates and construction costs made paying prevailing wages infeasible.²⁷

SB 35’s prevailing wage requirement can be more challenging for projects in relatively lower-cost areas of the state. In Antioch, developers must pay the prevailing wage rate assigned to the larger San Francisco Bay Area, despite having market-rate rents that are much lower than San Francisco or San José.²⁸ Dan Zack, a land use and development consultant and former planner for the city of Fresno, similarly highlighted that the advantages of SB 35’s streamlining are more limited in Fresno, where rents are lower relative to the coast, but the cost of prevailing wages is not proportionately lower.²⁹

In addition to prevailing wage, mixed-income SB 35 projects also include a skilled and trained workforce requirement, depending on the project’s size and jurisdiction’s population. Interviewees similarly highlighted the challenges with this labor provision, not only because of the associated costs, but because of the shortage of workers who meet the definition of skilled and trained.³⁰ Identifying the specific number of SB 35 projects to date that have been subject to this requirement is challenging because of the complexity of the rule, and because its interpretation has been contested.³¹ Based on analysis of APR data and external sources, we were able to identify and confirm at least three projects using skilled and trained labor under SB 35, though more are possible and likely. We found that the applicability of this rule was rare, in part because the majority of projects pursued so far have been 100 percent affordable and therefore exempt from this labor provision.

SB 35 can also accelerate funding timelines for affordable projects.

Developers must typically have their land use approvals in place before applying for financing, including for the Low-Income Housing Tax Credit (LIHTC), so a faster entitlement process can mean getting funding in place earlier. Among the 149 approved or pending SB 35 projects with affordable units, we matched 66 to LIHTC awards between 2018 and 2022 (see Appendix A for details). Interviewees described being able to apply for LIHTC in earlier rounds than they would have without SB 35, ultimately speeding up development timelines. Interviewees also described being able to apply for funding more quickly through several other programs, including the federal Community Development Block Grant (CDBG) and California’s Veterans Housing and Homelessness Prevention (VHHP) programs (also see the profile for 11010 Santa Monica Blvd).

HCD prioritizes SB 35 projects in their Multifamily Finance Super Notice of Funding Availability (NOFA), which covers four affordable housing funding programs including VHHP, by granting applicants with a pending SB 35 application the same number of points as applicants that have already obtained their entitlements.³² Local governments can also revise their funding processes to prioritize SB 35 projects. For example, San Francisco’s Affordable Housing NOFA for Site Acquisition requires applicants to demonstrate that the project is eligible for entitlements through SB 35 or some other streamlining initiative.³³ Ramie Dare, Director of Real Estate Development with nonprofit affordable housing developer Mercy Housing California, said “being able to get ready for the funding round that’s

been announced or that is anticipated, is incredibly important,” and for The Kelsey Civic Center, an all-affordable 112-unit development in San Francisco approved through SB 35, “it saved us two years.”³⁴

Interviewees described a learning curve for implementing SB 35, including clarification—or in some cases, creation—of objective design standards. Use of the law became easier and more common over time as jurisdictions and developers learned to navigate it.

The growing number of SB 35 projects over time (Figure 2) reflects the learning curve for understanding the law’s requirements and creating local processes and forms for implementing it. Local governments often created their processes in response to their first SB 35 application, which they needed to complete quickly to comply with the law’s required timelines. Both planners and developers also needed to keep up with SB 35’s evolving amendments (see Appendix B) and implementation guidelines.

Interviewees described significant technical sophistication needed to determine whether any given site or project is eligible for SB 35. Several local planners described challenges sorting through the correct statutory definitions, maps, and other references to assess whether sites are ineligible for SB 35 because they are within a coastal zone, on prime farmland or farmland of statewide importance, or on a hazardous waste site. For example, Ruth Cueto, Supervising Planner in San José’s Department of Planning, Building and Code Enforcement, described a dispute with a developer over the definition of a hazardous waste site. While the Department of Toxic Substances Control eventu-

ally clarified the correct reference, Cueto noted that the guidelines could be more explicit about which definitions to use and where to locate them.³⁵

SB 35 projects have also sometimes needed complex determinations about whether the projects satisfy the law's prohibition against demolition of rental housing occupied in the previous 10 years. For example, the Jordan Court project in Berkeley, a 100 percent affordable 35-unit development for low-income seniors, replaced rent-free housing for seminarians and other parishioners of the All Souls Episcopal Parish that owned the property. To establish the project's eligibility for SB 35, the developer needed a determination letter from Berkeley's Rent Stabilization Board that these housing units did not qualify as tenant-occupied housing.³⁶ Even for more common housing types, proving consistency with SB 35's demolition restriction is an onerous process without reliable rental property history information. Abby Goldware Potluri, Vice President of Housing Development for MidPen Housing, said that the rule was sufficiently challenging that they opted not to pursue SB 35 on a site that would have required them to demolish a single housing unit, because it was unclear whether the unit had ever been officially leased to a tenant.³⁷

Despite these challenges, interviewees repeatedly described SB 35 processes as smoother and clearer after jurisdictions' first applications. Ann Silverberg, with Related California, said, "San Francisco, as an example, really does have their systems in place. We were one of the early SB 35 projects to go through, and everybody was figuring it out at the time... but it's obviously much more clear now."³⁸ Similarly, Rob Wilkins, with affordable

housing developer Affirmed Housing, described having one of the first SB 35 applications in San José and needing to go through point-by-point exchanges with a city attorney to establish the projects' eligibility. However, by the time their "second project was submitted for SB 35 approval, the city had implemented a specific SB 35 application and checklist, and met the mandated streamlined review timeline stated in the law."³⁹

Although interviewees said all jurisdictions experienced a learning curve to understand and implement SB 35, developers described larger cities as having more capacity to find their footing quickly. In smaller jurisdictions, interviewees described SB 35 working well when planners worked proactively with developers, including "educating the council" and local community about the law.⁴⁰ In contrast, interviewees pointed to capacity constraints in other jurisdictions that made using SB 35 more challenging. Interviewees repeatedly noted that smaller jurisdictions often employ only a few planners who have limited time to devote to understanding SB 35 and creating a local process for it. Collaboration between jurisdictions can help overcome some of these capacity constraints, and interviewees described local governments that were unfamiliar with SB 35 receiving template documents and other assistance from more experienced cities.

Implementing SB 35 also required clarification or creation of objective design standards in some jurisdictions. With limited or without objective design standards, jurisdictions have little to no control over the design of SB 35 projects. Melinda Coy, Proactive Accountability Chief at HCD, said that SB 35 was "a wake up call" for local governments that didn't

have objective standards. Coy said that few jurisdictions had adopted objective standards early in SB 35's implementation, and a large part of HCD's role in implementation involved emphasizing to local governments that their subjective standards could not be applied to SB 35 eligible projects.⁴¹ Both planners and developers described objective standards as beneficial, but planners also noted the significant capacity needed to create them. Nolan Bobroff, Housing Coordinator for Mammoth Lakes, estimated that their efforts to create objective design standards will "take longer than a year to implement." But he also believes these objective standards "will benefit all projects, not just SB 35. Because then it really gives the development world a true sense as to what we expect design projects to look like, and they're not just guessing."⁴² Given how recently many jurisdictions have created or expanded their objective planning standards, it remains to be seen whether these are clear and flexible enough to enable financially feasible new developments.

Some local governments have struggled with how SB 35 interacts with local incentive programs or codes that require discretionary review, public hearings, or appeals. For example, while guidance has been issued to explain how cities should process projects seeking to use both SB 35 and the state density bonus law, the law is not similarly clear on the use of local incentive programs in combination with SB 35.⁴³ Some jurisdictions have waived public hearings in these cases. For instance, the local density bonus program in the town of Mammoth Lakes, which typically triggers discretionary review, explicitly exempts SB 35 projects from the required use permit review and public hearing, allowing projects to benefit from

both the increased density and ministerial review process.⁴⁴ HCD guidelines specify that established public oversight processes may be conducted for projects applying for SB 35 streamlining, though input received during these hearings cannot be used to impose conditions on or deny a project. A planner for the City of Los Angeles said that greater clarity on whether hearings are required could help support local implementation, noting that "cities tend to gravitate towards a more conservative approach unless it's spelled out by the state."⁴⁵

Some jurisdictions require pre-applications to help ensure SB 35 applications can be processed in the requisite timeframes. However, pre-application requirements vary widely and can introduce ambiguity into SB 35 requirements and overall timelines.

Some jurisdictions require pre-application steps as part of their entitlement processes, including, for example, development review meetings with staff across relevant city departments and pre-zoning reviews to assess project consistency with local planning requirements. While HCD guidelines describe two sequential steps for SB 35 projects—the notice of intent to submit an SB 35 application, which triggers the tribal consultation process, and the formal SB 35 application submission, which must be reviewed and approved within statutorily required timeframes—the law does not explicitly address how (or if) localities should modify pre-application steps for SB 35 projects.

Interviewees raised concerns related to local interpretation of SB 35's process for review and approval. Coy at HCD highlighted the central challenge of

figuring out what local governments can require developers to submit in an application, and at what stage in the process.⁴⁶ A planner for the City of Los Angeles said that the city is still “grappling with upfront processes that are significant and take place before you can even apply for SB 35.”⁴⁷ The City of Los Angeles’s filing instructions detail a ten-step process for SB 35 projects, several of which precede the notice of intent and main SB 35 application. For example, applicants must undergo consultation with the Affordable Housing Services Section, complete a Preliminary Zoning Assessment to assess whether the project meets city zoning and land use standards, and obtain a Replacement Unit Determination to assess whether the project complies with SB 35’s restriction on demolition. Ministerial review under SB 35 in Los Angeles is also more complicated than the city’s local by-right approval process for code-compliant development, which applies to projects with fewer than 50 units and allows developers to bypass planning review and apply directly for a building permit from the Department of Building and Safety.⁴⁸ A real estate attorney questioned whether these pre-application steps in Los Angeles should actually fall under the formal and expedited timeline for SB 35 application review and said that for his clients in many cities, “the timeframes they were promised under SB 35 have not been realized.”⁴⁹

Interviewees from local planning departments provided several reasons for detailed pre-application processes or longer-than-expected timelines, including receiving incomplete applications from developers, uncertainty over which pieces of review belong in the notice of intent versus the formal application, and staffing challenges associated with

completing reviews on SB 35’s expedited timelines. In Santa Rosa and Los Angeles County, pre-application steps include interdepartmental consultation meetings with city or county staff. These meetings are meant to identify potential issues and missing information upfront so as to prevent delays resulting from incomplete SB 35 applications, but getting on the agenda and completing consultation can take anywhere from a few weeks to a few months. Planners in Burbank and Santa Rosa also identified some overlap and redundancy between the notice of intent and formal application stage that could be addressed to help reduce application review burdens and achieve faster timelines.

SB 35 has been used to overcome local resistance to new housing development, but interviewees described SB 35 being used most often where local governments support its implementation.

In several high-profile cases, SB 35 has helped overcome resistance to new housing development, particularly affordable housing, from local governments and/or residents. For example, the Woodmark Apartments in Sebastopol was held up by local opposition from both the public and the city’s design review board for about 18 months before eventually applying for and being approved through SB 35 streamlining (see the profile for the Woodmark Apartments). SB 35 has also been used to locate affordable housing in high-income neighborhoods, like the 11010 Santa Monica Boulevard (SMB) project in Los Angeles, which provides permanent supportive housing for seniors and veterans exiting homelessness. Rosen with the Weingart Center, the developer and operator for 11010 SMB, noted that

the project is “a little bit unique” because “it’s been challenging to site permanent supportive housing in some of the more upper-income areas of Los Angeles.”⁵⁰ SB 35 only enables these developments where the underlying zoning already allows for it, however. In jurisdictions where the base zoning (i.e., the allowable density, uses, and other requirements placed on parcels of land) places restrictions on where multifamily housing can be built, SB 35’s applicability is limited.

Interviewees more commonly described the law working best when local governments and developers work together. Echoing similar comments from other developers, Courtney Pal with nonprofit developer Resources for Community Development said, “SB 35 has really been most helpful in jurisdictions that are already friendly to housing and already really supportive.”⁵¹ In these jurisdictions, developers said SB 35 provides “a tool that we work with the cities to move projects along at a faster rate than they would otherwise.”⁵² Rather than SB 35 allowing developers to circumvent the jurisdiction’s control, the law helps jurisdictions support developers and gives local governments “a little bit of cover because [they] don’t ultimately have the ability to say no.”⁵³ Bobroff, the planner in Mammoth Lakes, explained that, “if there is any kind of local opposition, it’s easy to stand up and say, ‘The state’s mandating that we implement this. It’s really out of our control as to whether this project gets built or not.’”⁵⁴

In contrast, jurisdictions opposed to SB 35 projects have attempted to implement the law in ways that inject discretion back into the process. For example, the city council in Burbank designated itself the design review board for SB 35 applications, and unanimously rejected

the application for the Pickwick Gardens Townhomes, a 96-unit condominium development. The staff report written by Burbank’s Department of Community Development found the project consistent with the city’s objective standards and SB 35’s eligibility requirements and recommended approval.⁵⁵ However, the city council denied the project, citing inconsistency between the General Plan and the underlying zoning, requirements for discretionary review of residential development in the commercially zoned area, and concerns over the project’s compatibility with the city’s complete streets plan.⁵⁶ The denial resulted in a Notice of Violation from HCD and two lawsuits: one pursued by the developer and another by YIMBY Law. After a settlement was reached between the city and the developer, a slightly modified project with 92 units instead of 96 was approved under SB 35. Developers also described instances where cities told them they would not provide necessary local funding for their project if they used SB 35 or other streamlining measures. However, interviewees also noted that, “we’re starting to see jurisdictions become more familiar with the legislation and, in some cases, realize it can be helpful and even provide cover.”⁵⁷

Some jurisdictions have created alternative streamlining options that may be more advantageous than SB 35.

SB 35 is used less often in jurisdictions with alternative streamlining options. For example, planners for Los Angeles County said SB 35 has been used less often since the county’s 2020 ordinance for by-right ministerial approval of multifamily projects in commercial zones. They described “very little” triggering discretionary review as part of the ordinance, and approval

taking a similar amount of time with or without SB 35.⁵⁸ Similarly, a planner for the City of San Diego highlighted that the city has existing pathways for streamlined development approval, which may explain San Diego’s lack of SB 35 applications: “Developers have a number of programs with ministerial approvals that may be faster and don’t require them to comply with the technical qualifications for SB 35.”⁵⁹ In each of these cases, interviewees noted that these alternative options do not include SB 35’s additional requirements like prevailing wages or tribal consultations.

These alternative streamlining options do not necessarily mean that SB 35 has not indirectly supported more housing development, however. A planner in the City of Los Angeles, described Mayor Karen Bass’s Executive Directive 1 (ED 1) as an alternative to SB 35 for shelter and 100 percent affordable projects. ED 1 provides eligible projects with expedited processing, clearances, and approvals at all stages of the City Planning project review process, and reduced filing fees. An interviewee noted that ED 1 directly builds on SB 35’s streamlining provisions, but without SB 35’s tribal consultation or labor requirements: “she basically made discretionary projects ministerial, like SB 35 did. So in a lot of ways the language followed that template, and the process.”⁶⁰ The interviewee said ED1 has streamlined thousands of affordable housing units so far.

Alternative streamlining options aren’t limited to large, coastal cities. Zack, the former planner for Fresno, highlighted that “Fresno and the Central Valley are a totally different universe from the big coastal metros. There is some NIMBYism, but it doesn’t drive the process in the same way it does in wealthier regions. In

addition, Fresno has already enacted local streamlining that in many ways meets or exceeds the streamlining of SB 35, but without requirements that increase the cost of construction.” Developers will also soon have new opportunities for local by-right development: under AB 1397 (2017), local governments are required to rezone for by-right development any site that they have re-identified in their housing inventories as available for low-income housing between their 5th and 6th cycle Housing Elements.

Although SB 35 removes local discretion from the approval process, developers have continued to engage local communities and sometimes accommodate jurisdictions’ design requests for SB 35 projects.

Review by the public or a local oversight body is essentially a perfunctory process for SB 35 projects, because they cannot condition or negotiate over the terms of the development. Ministerial approval is a large shift for some jurisdictions and communities. “Many members of the community don’t understand the state laws that pass, and the planning department has to explain it to them, which is tough,” said one planner we interviewed. “There was once a process by which they had input, and now it’s been taken away.”⁶¹

While projects can no longer be rejected or conditioned based on community input, interviewees noted that affordable housing developers typically do conduct community outreach and engagement for SB 35 projects before or during the entitlement process. Like other affordable housing developers we interviewed, Potluri from MidPen Housing described community engagement events for their SB 35 projects: “it’s really about just being

upfront and educating, that we're there because we're going to be neighbors. We're going to be in this community for the next 55-plus years. And we want to make sure that this makes sense for the place that we're building in." She further explained that community input can influence their SB 35 projects, "if it's constructive feedback, we want to take it. In the case of the project in Petaluma, we had two really great community meetings where we iterated a little bit on the design, and we incorporated some of that feedback before we submitted the SB 35 application."⁶² (Also see the profile of the Cannery at Railroad Square.) Developers also highlighted that SB 35 has allowed them to think differently and more holistically about how they engage communities. Jenny Collins, Assistant Project Manager with the John Stewart Company, said "SB 35 removes that level of uncertainty and the potential for CEQA lawsuits by neighbors in the entitlement process. It doesn't remove our desire to be good neighbors."⁶³

Continued community engagement on SB 35 projects is critical, particularly for projects in historically disadvantaged neighborhoods where communities have lacked meaningful participation in planning decisions. In San José, planner Ruth Cueto recalled having difficult conversations with community members regarding the city's first SB 35 project, which was located in a predominantly immigrant, Spanish-speaking community and lower-income neighborhood: "They felt like they weren't heard. And here is an opportunity where you typically have a hearing, you have this public process. And that's not how it works anymore."⁶⁴ Though Cueto said that the developer in this case did facilitate a community engagement process, it is not a given that every devel-

oper will solicit and incorporate meaningful input from concerned communities. In response to these concerns, SB 423 proposes to require local governments to hold a public hearing for any SB 35 project located outside of a higher-income census tract.⁶⁵

In addition to community engagement, affordable housing developers we interviewed described the importance of working collaboratively with local governments to maintain positive relationships. They emphasized that local governments maintain discretion over scarce local funding, and that these resources are necessary for both financial feasibility and competitiveness for larger state funding sources, such as LIHTC. Developers also noted that their relationships with local governments extend prior to and beyond any given SB 35 project, underscoring the importance of working with local governments as collaborative partners.

Interviewees consistently described more guidance and capacity being needed for effective tribal consultation on whether SB 35 projects might impact tribes' cultural resources.

AB 168, passed in 2020, requires local governments to engage in a scoping consultation with any California Native American tribe that is traditionally and culturally affiliated with the area for proposed SB 35 developments. This amendment to SB 35 is meant to reinstate the tribal consultation that typically occurs in the CEQA process. Following AB 168, the tribal consultation process is triggered when a jurisdiction receives a notice of intent to submit an SB 35 application from a developer. The jurisdiction must

notify the relevant tribes about the proposed development within 30 days, tribes have 30 days to accept an invitation for consultation, and jurisdictions have 30 days to initiate the consultation. The duration of the consultation itself is not time limited.⁶⁶

Interviewees supported the tribal consultation, and developers described the consultations as feasible and constructive. For example, MidPen Housing’s Abby Goldware Potluri described a project “where we did the consultation, and it was a really good process. ... We learned more about the history of the site there. And it did drive us to do more testing and some more due diligence on what could potentially be there, based on that tribal consultation.”⁶⁷

Even so, interviewees noted that the tribal consultation introduced uncertainty into the overall SB 35 process that additional guidance could help resolve. Developers like Potluri noted the consultation “not only adds another step and more time, but we’ve found there is uncertainty on the amount of time.”⁶⁸ Tribes might respond or not, and the consultation could lead to further evaluation and monitoring. The process also differs between jurisdictions. In some jurisdictions, the tribal consultation is concurrent with other pre-application processes, while in others the steps are sequential. Pal, with Resources for Community Development, also noted that this process initially involves solely the jurisdiction and tribes, leaving the developer out of the loop on the potential timeline and substance of the consultation: “as a developer, we just have very little ability to influence that process. And so just creating more clear timelines for the consultation would go a long way to just move the process along.”⁶⁹

Recommendations

Interviewees raised some common challenges and areas for improvement that could increase use of the law and its effectiveness. Based on these findings, we highlight key areas where SB 35 implementation can be further strengthened as well as areas for additional research.

Improve data collection and continue to monitor and evaluate the use of SB 35 streamlining across the state.

The quality and completeness of APR data—the only statewide source of data on SB 35 usage—is critical to assess SB 35 usage and evaluate its effectiveness. However, the data currently contain significant errors and incomplete information. In recent years, HCD has taken steps to improve data collection on housing production and oversight of state programs, including its 10-year housing data strategy.⁷⁰ Recent legislation, like AB 2653 (2022), which allows the state to request corrections to and reject APRs that do not meet state guidelines, may improve the state’s ability to ensure higher data quality from local governments. Many jurisdictions could also benefit from additional support to ensure comprehensive and accurate data reporting to HCD. These efforts would strengthen the base of evidence from which to evaluate how SB 35 is working, and to understand progress toward meeting the state’s housing needs as accurately as possible.

Ongoing research and evaluation are also needed to better understand the types of neighborhoods in which SB 35 has been used and where SB 35 can be applied, given that the law can only be used in areas where local zoning supports multifamily development. Affordable housing devel-

opers raised questions about how SB 35 could be strengthened to address segregation and long-standing inequities in access to housing in higher resource areas. Additional research that brings together SB 35's geographic criteria and local zoning information could explore whether the law works to facilitate development in higher resourced neighborhoods.

Future research could also continue to examine the law's effect on development timelines. While prior research and most developers we interviewed highlighted the time savings they experienced as a result of SB 35, interviewees also raised concerns about lengthy pre-application processes and tribal consultations.⁷¹ Additional monitoring and evaluation could help stakeholders understand the extent of time savings attributable to SB 35 in different geographies and as implementation has progressed—now that jurisdictions are more familiar with the law—and can help uncover the extent to which pre-application steps add time back into the process.

Interviewees also emphasized that SB 35 addresses only one part of the long and expensive housing development process in California. While they acknowledged the value of SB 35 streamlining and research to understand its effectiveness, they also expressed a desire for research that helps connect the dots: How can streamlining project approvals extend to streamlining building permits, or coordinating varied sources of funding? SB 35 is one part of the state's ongoing suite of legislation to facilitate housing production, and ongoing refinements like SB 423 and other new state housing laws can further reduce the time and cost for developing new housing from start to finish.

Support local implementation of SB 35 through additional guidance from HCD and statutory amendments to clarify interpretation of the law and increase its effectiveness.

Interviewees expressed desire for additional support from the state as well as changes to the statute itself that could help clarify implementation and increase effectiveness. This greater clarity would reduce the effort needed from local governments to implement the law, which interviewees raised as a challenge, particularly for planning departments with limited staff capacity. For example, planners in Santa Barbara County believed SB 35 could work better in their jurisdiction with more upfront support and guidance from the state, “as the public sector is responsible for implementing and applying [SB 35], we need help. We can't hire enough people to work here... keeping up with all the new state housing laws is a resource issue. There's got to be more stuff done up front to help us make this vision happen.”⁷²

Some key areas for more support include: understanding and identifying SB 35's environmental exclusion areas; developing SB 35 checklists, applications, and guiding documents; and providing more direction and transparency around how local governments must review and approve SB 35 projects. HCD could incorporate additional data needed to evaluate SB 35 project eligibility into the online Site Check tool for determining parcels' eligibility for CEQA exemptions, and direct local planners to it.⁷³ This resource could allow local planning departments to focus limited staff capacity on evaluating projects against local objective planning standards and meeting the statutory requirements for review and approval, and decrease the learning curve

for jurisdictions that have yet to process an SB 35 application. A few interviewees also discussed adapting or borrowing SB 35 application materials from jurisdictions that had already developed them; HCD could consider developing a more formal system for collecting and sharing application templates and lessons learned from implementation across the state.

Although HCD provides guidelines and technical assistance, local governments' interpretations of the law varied, often in the context of local planning regulations and interactions with other local incentives and processes. The more prescriptive that the state can be with respect to the role of public oversight and hearings, acceptable application requirements, and timelines for review, the more local governments can apply SB 35 with certainty and within the broader intent of the law.

Interviewees consistently described the need for additional guidance and capacity for effective tribal consultation about SB 35 projects. Interviewees suggested conducting tribal consultation concurrently with pre-application processes rather than sequentially, or identifying a menu of common agreements that developers can offer upfront to tribes at the beginning of the consultation process. Additional insight and research is needed—including tribes' perspectives—to identify best practices for tribal consultation within SB 35.

Affordable housing developers also consistently identified SB 35's restriction on the demolition of units rented within the last ten years as an area for further refinement, particularly as it relates to the replacement of a small number of units with a much larger number of affordable units in a fully subsidized development. In the absence of reliable rental history

data, verifying that a unit has not housed tenants is not always possible. Interviewees suggested that adopting unit replacement and tenant rights provisions—such as those included in the Housing Crisis Act of 2019—would better address displacement concerns in infill areas than SB 35's existing demolition restriction.⁷⁴

Consider re-calibrating the law's requirements to encourage greater usability of SB 35 for mixed-income housing developments.

We find that SB 35 is an effective entitlement streamlining tool for 100 percent subsidized affordable housing developments, but analysis of the APR data shows that relatively few mixed-income projects have used the law, particularly among projects that would be required to employ a skilled and trained workforce. Interviewees suggested that the skilled and trained workforce requirement is challenging to meet given the current shortage of residential construction workers in California, the majority of whom do not meet the definition of skilled and trained.

SB 423 aims to address this barrier by exempting mixed-income projects from the requirement to use skilled and trained labor in instances where a contractor is unable to locate enough skilled and trained workers for the project.⁷⁵ Developers of these projects would still be required to pay workers the prevailing wage for their trade and provide health care benefits. These reforms may allow SB 35 to work for more mixed-income projects and may provide residential construction workers with additional opportunities to work prevailing wage jobs.

Over the long-term, there is also a need for California to increase its residential construction workforce and to align its housing production and labor force development goals. Policies that require competitive wages and benefits, along with improved working conditions, are key for worker recruitment and retention efforts, and provide important public benefits for laborers.^{76,77} Recent bills like AB 2011 attempt to thread the needle between pro-housing and labor policies, for example, by expanding access to apprenticeship programs to build the skilled and trained workforce. Ongoing research is needed to track and evaluate whether and how policies like SB 35 and AB 2011 are advancing both housing supply and labor workforce goals.

Conclusion

Over the last five years, SB 35 has become a key mechanism to streamline the approval of affordable housing. While the law’s applicability and utility vary across jurisdictions, affordable housing developers—particularly those operating in Los Angeles and the Bay Area—reported that SB 35 decreases entitlement timelines and increases certainty by preventing lengthy and unpredictable discretionary review processes. Use of SB 35 has also increased outside of Los Angeles and the Bay Area over time, highlighting the potential for more widespread use across the state. Ramie Dare with Mercy Housing California described the law’s extension as critical: “It’ll be catastrophic if it’s not extended... thinking about going back to the process of going one year or sometimes 18 months for approvals, and how hard that is on everybody, and the staff load required to actually manage all of that—I just don’t think that exists.”⁷⁸

Interviewees highlighted many important benefits from SB 35 streamlining for entitling projects, but entitlements are only one part of the development process. SB 35 does not impact the timing of review of applications for building permits. Obtaining streamlining does not necessarily ensure that a project can secure the funding it needs to build and operate entitled housing projects. More needs to be done to reduce the costs and time required to develop new housing in California, to ensure that new housing reflects population needs in terms of affordability, product type, and location, and to align policies that further the state’s fair housing, labor, and climate goals.

Project Profiles : 11010 Santa Monica Blvd (SMB), City of Los Angeles

Developer: Weingart Center

Year Applied for SB 35: 2020

Progress: Opened for residents in March 2023

Number of Units: 50 affordable units for seniors and veterans experiencing homelessness, and one unit for a property manager



Photo Credit: RMA Photography Inc.

The Weingart Center used SB 35 streamlining to develop 11010 Santa Monica Boulevard (SMB), which provides 50 units of permanent supportive housing (PSH) for seniors (ages 55+) and veterans who are exiting homelessness. The project was approved in about four months, which Ben Rosen, Director of Real Estate Development for the Weingart Center, said “was definitely faster than a normal process. Because the city had this deadline, and they took it seriously.”⁷⁹

SB 35’s accelerated approval process also helped 11010 SMB obtain the necessary funding more quickly than it would have otherwise. Like many PSH projects, 11010 SMB layered together several different kinds of funding sources, including the City of Los Angeles’s Proposition HHH, Low-Income Housing Tax Credits, and housing vouchers from the Veterans Affairs Supportive Housing (VASH) program and the Housing Authority of the City of Los Angeles (HACLA). SB 35 helped the developer “to apply for funding faster, because you have to have the entitlements to apply for most of the funding. ... we made it right into a state NOFA for the [Veterans Homelessness and Housing Prevention program] just in the nick of time, because we were able to get this expedited processing.”⁸⁰

The project also illustrates the importance of the developer and the local jurisdiction having the capacity needed to navigate the law, particularly early in its implementation. The developer noted that although the City of Los Angeles “hadn’t quite had time to digest and fully implement the legislation,” the approval process was still much faster than normal.⁸¹ This quick process partly depended on the City of Los Angeles having the capacity to implement SB 35, including a planner dedicated to this project. A planner for the City of Los Angeles, said “it was the only thing I worked on for a few weeks... it was a really successful project.”⁸² The developer’s capacity and resources to navigate SB 35 also mattered. The planner said, “the applicant was very organized and definitely had all of their ducks in a row before we started the project. ... And I think part of their success was that they hired a good architect and a good land use consultant.”⁸³

11010 SMB was a complex project, but the developer and jurisdiction figured out how to use SB 35 to quickly add to the city’s supply of PSH for people experiencing homelessness. Rosen said the Weingart Center now strongly prioritizes SB 35 eligibility or similar potential streamlining for any new construction projects.

Project Profiles : The Cannery at Railroad Square, Santa Rosa

Developer: The John Stewart Company

Year Applied for SB 35: 2020

Progress: Construction began in January 2023

Number of Units: 129 affordable units for households with incomes below 80 percent of AMI, with 25 percent of these units reserved for people exiting homelessness



Photo Credit: Saida + Sullivan Design Partners

The Cannery is a 100 percent affordable transit-oriented development in Santa Rosa. The project is located in a preservation district and incorporates historical structures as well as a publicly accessible promenade into its design. SB 35's greatest benefit for The Cannery was the expedited design review and approval timeline, and the increased transparency and certainty the law brought to the project, which has gone through multiple iterations and financial setbacks since the site was purchased. After more than two decades of planning and development, construction is underway.

The John Stewart Company first purchased the site in 1999. The area was previously home to a fruit packing site adjacent to a former rail yard, and required environmental clean up that took several years to complete. Since the mid-2000s, the project has been conceptualized multiple times, first as market-rate for-sale units, then as a smaller 93-unit senior housing project, and now in its final iteration as a 100 percent affordable project with set-asides for people experiencing homelessness. An earlier version of the project had been approved and entitled in 2013 before being voted down by the City Council after losing \$5.5 million in funding with the elimination of California's redevelopment agencies. The project is now being built with several types of funding, including California Housing Accelerator funds, Community Development Block Grant disaster relief funds, an HCD Infill Infrastructure Grant, project-based vouchers, and a Freddie Mac Targeted Affordable Housing Loan.

Mimi Sullivan, Principal and co-founder of Saida + Sullivan Design Partners, said that the design review process under SB 35 was "phenomenally faster" than the city's normal process.⁸⁴ Sullivan and Donald Lusty, Director of Development at the John Stewart Company, also highlighted the importance of having buy-in and cooperation from the jurisdiction's planning department for SB 35 projects. The City had adopted objective design standards in 2019, shortly after SB 35 was enacted, that were very detailed but clear, helping the project avoid costly and time-consuming redesigns. The project was also assigned a supportive planner who helped the development team navigate use of the law.

Project Profiles : The Woodmark Apartments, Sebastopol

Developer: The Pacific Companies

Year Applied for SB 35: 2022

Progress: Building permits issued in April 2023

Number of Units: 84 affordable units for households with incomes between 30 and 60 percent of AMI, 48 of which are reserved for current or retired agricultural workers



Photo Credit: The Pacific Companies

SB 35 has been used to overcome local government and public opposition to new development, including for The Woodmark Apartments, an 84-unit 100 percent affordable housing development in Sebastopol. The developer originally pursued the project using the city’s traditional entitlement process in 2019 and then pivoted to SB 35 in 2022. The project is being funded with 9 percent Low-Income Housing Tax Credits and USDA Section 514 financing, which provides rental assistance for units set aside for agricultural workers.

Caleb Roope, President and CEO of the Pacific Companies, said that they decided to withdraw their original entitlement application to resubmit under SB 35 because of a combination of neighborhood opposition and a lengthy and opaque discretionary review process. After spending 18 months working to get the project approved under the normal channels, the developer was at risk of losing their tax credits, which had been awarded in 2020.

While the project was ultimately approved using SB 35, Roope said that the city still opposed the project, first claiming it was ineligible for SB 35 because the site formerly held two single-family homes (the developer was able to prove they had never been rented). It also used the tribal consultation process to delay approval. “We had to threaten to go political and notify the papers that the city was working to block farmworker housing,” Roope said. Once the agreement for a cultural resource monitor was signed and the project approved, city staff became more cooperative and were helpful moving the project through the remaining administrative processes.

Certain elements of SB 35 were challenging for Woodmark Apartments. For example, proving that the former single-family structures on site had never been rented was difficult given the lack of historical rent data. The developer had to change the budget to pay prevailing wages, which is required by SB 35 but was not required by the project’s financing sources. Despite these challenges, Roope said that the project would likely be still stuck in the entitlement process or in court without SB 35. The project was issued building permits in April 2023 and is currently under construction.

Appendix A: Technical Appendix

Cleaning and Verification of Annual Progress Report Data on SB 35 Usage

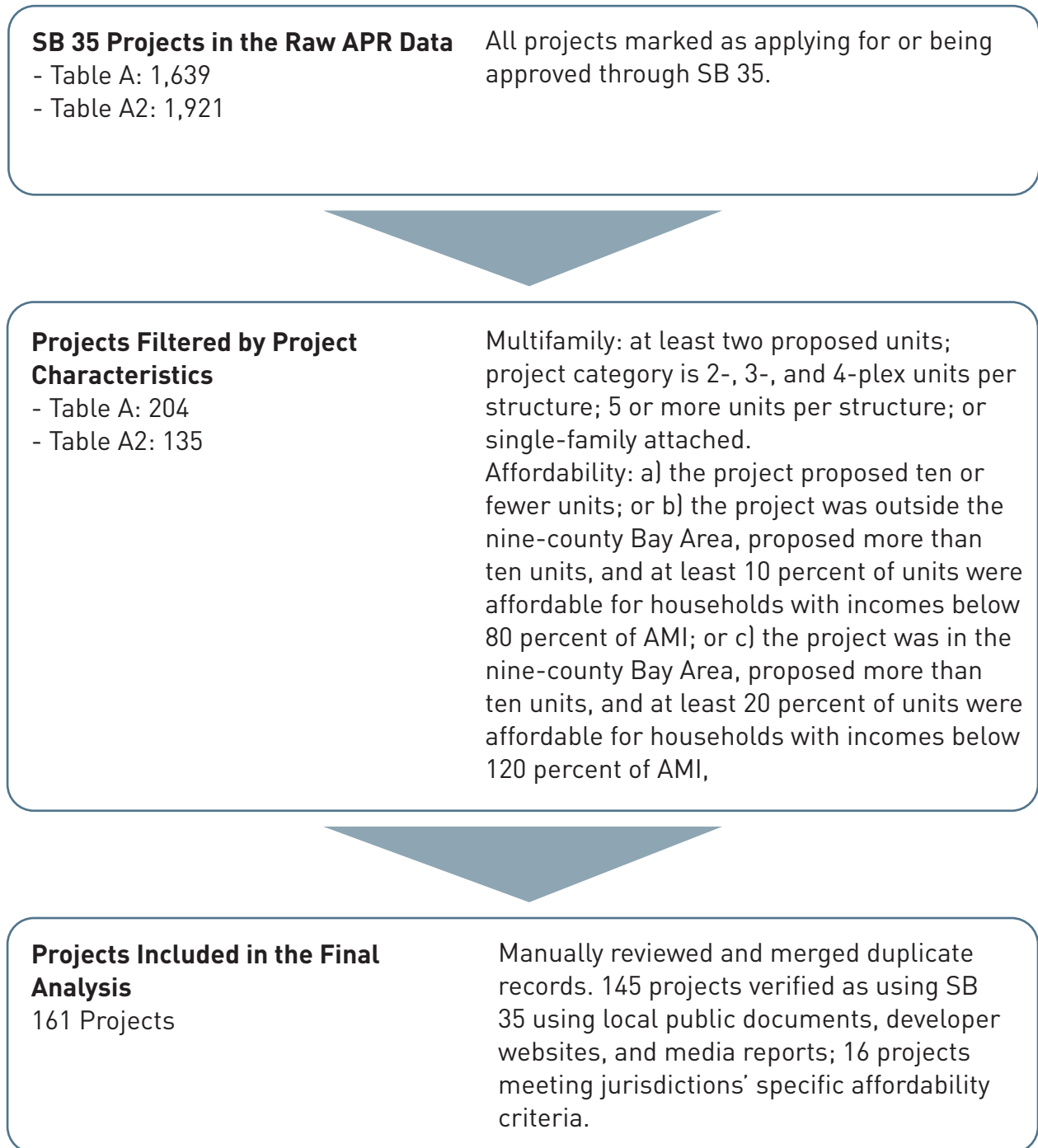
To measure the amount, type, and location of new housing being developed through SB 35, we analyzed data from jurisdictions' 2018–2021 Annual Progress Reports (APR). Every jurisdiction is required to submit an APR on its housing development activity and progress towards its Regional Housing Needs Allocation (RHNA) production targets to the California Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR). HCD compiles and publishes jurisdictions' APR data, but the data are self-reported by jurisdictions.

We analyzed two data tables from the APRs: Table A (Housing Development Applications Submitted) includes data on housing development applications that jurisdictions deemed were complete. Table A2 (Annual Building Activity Report Summary) includes data on all new housing units and developments that have received an entitlement, a building permit, and/or a certificate of occupancy. Both tables include information on the number of total housing units in each development and the number of housing units at different levels of affordability.

Both tables also include information on SB 35 activity. Table A requires a jurisdiction to report whether the housing development application was submitted pursuant to SB 35. Table A2 requires a jurisdiction to report whether the project was approved using SB 35. HCD cautions that jurisdictions may not accurately self-report SB 35 activity. For example, most projects in the APR data marked as using SB 35 are categorically ineligible, including single-family detached units and accessory dwelling units, or projects with more than 10 total units but without affordable units. Jurisdictions sometimes marked projects as using SB 35 when they were using an alternative type of local or state streamlining (as verified through external sources). A few jurisdictions erroneously marked every housing development application as being submitted pursuant to SB 35.

We took several steps to ensure the APR data reflect SB 35 use as accurately as possible. These steps yielded 161 unique projects, 145 of which were verified as using SB 35 with external sources. First, we limited the APR data to projects marked as using SB 35 in Table A or A2 and that likely meet SB 35 criteria. We retained multifamily projects, filtering out projects with only one proposed unit or single-family detached projects, mobile homes, and accessory dwelling units. We also filtered the data to projects that could meet SB 35's affordability requirements. Because affordability requirements differ between jurisdictions and years, this filtering included multiple criteria (Appendix Figure 1).

Appendix Figure 1. Process for Identifying and Verifying SB 35 Projects in the 2018–2021 APR Data



Finally, we verified the use of SB 35 for a sample of projects using external sources, including local public documents, developer websites, and media reports. In cases where we were unable to locate external sources confirming use of SB 35 for any project within a particular jurisdiction, we contacted the relevant planning department directly via email or phone for verification. We were able to verify the use of SB 35 for 145 projects. We retained an additional 16 projects whose characteristics in the APR data meet local SB 35 criteria (i.e., the specific affordability criteria for the project's jurisdiction and number of units) that we did not verify with external sources.

To match approved and proposed SB 35 projects to 2018–2022 Low-Income Housing Tax Credit (LIHTC) awards, we used ArcGIS to geocode SB 35 projects and LIHTC projects using addresses from the APR data and the LIHTC award list, respectively. We then spatially joined SB 35 projects to the nearest LIHTC project and verified matches using project names, addresses, and/or assessor parcel numbers.

The APR data have other limitations that our filtering and verification did not or could not address. First, our analysis does not include projects applying for or approved through SB 35 that were not marked as such in the APR data. We may also be missing records of projects approved via SB 35 in jurisdictions that did not submit their APR.

Second, our analysis does not assess projects' progress past the entitlement stage because we could not fully match projects' applications in Table A to building permits and certificates of occupancy in Table A2. We matched records between tables using the assessor parcel number field, then manually reviewed and corrected unsuccessful matches. Of the 161 projects in our analysis, we identified 88 in both Tables A and A2, 57 in Table A only, and 16 in Table A2 only. When verifying projects' SB 35 use with external sources, we identified projects that started construction or were completed by 2021, but were not identified as having received building permits or certificates of occupancy in the APR data. We also identified instances where a project's entitlement was flagged as having used SB 35, but subsequent entries for the project (i.e., the issuance of building permits or certificates of occupancy) did not. Incomplete matches may result from jurisdictions inconsistently marking projects as using SB 35 across the different stages of permitting and approval, from nuances in local approval and entitlement processes, or data entry errors.

Third, some projects' total numbers of units and affordability changed between being reported in the APR data and our verification with external sources. We found several projects that the APR data recorded as having a mix of affordable and above moderate-income units, but public documents showed them being 100 percent affordable projects. These discrepancies may result from changes in projects' funding sources, some of which developers obtain after receiving land use approvals. Affordable housing financing often requires specific affordability and target populations, prompting changes in projects' unit compositions.

Completeness of the Annual Progress Report Data

SB 35 creates an incentive for jurisdictions to submit their APR data—jurisdictions that do not submit these data are subject to SB 35 streamlining for projects with at least 10 percent affordable units. HCD’s SB 35 determination data for 2022 show that 490 of California’s 539 jurisdictions successfully submitted APR data for 2021. Thirty-six jurisdictions did not submit data, and 13 jurisdictions submitted data that HCD recorded as “not successful” due to missing information or errors. Of the 36 jurisdictions that did not submit APR data, HCD recorded only three as being on-track to be exempt from SB 35 streamlining prior to the missing APR data: Costa Mesa, San Marino, and West Hollywood.⁸⁵

Most jurisdictions are represented in the APR data, and the number of jurisdictions in the data has increased over time. The number of jurisdictions included in either Table A or Table A2 of the APR data was 485 in 2018, 498 in 2019, 495 in 2020, and 499 in 2021. Jurisdictions not in these data tended to be small. Of the 40 jurisdictions not appearing in APR data in 2021, all but five had populations smaller than 50,000 in the 2020 Census, and 30 had populations smaller than 25,000. Some jurisdictions not appearing in the APR data may have no housing activity to report. Sixteen of the 40 jurisdictions not in Tables A or A2 in 2021 were marked as successfully submitting APRs in HUD’s SB 35 determination data for 2022, suggesting there are no housing developments missed in these places. However, it is possible that our analysis misses SB 35 projects in the jurisdictions that did not submit complete APR data.

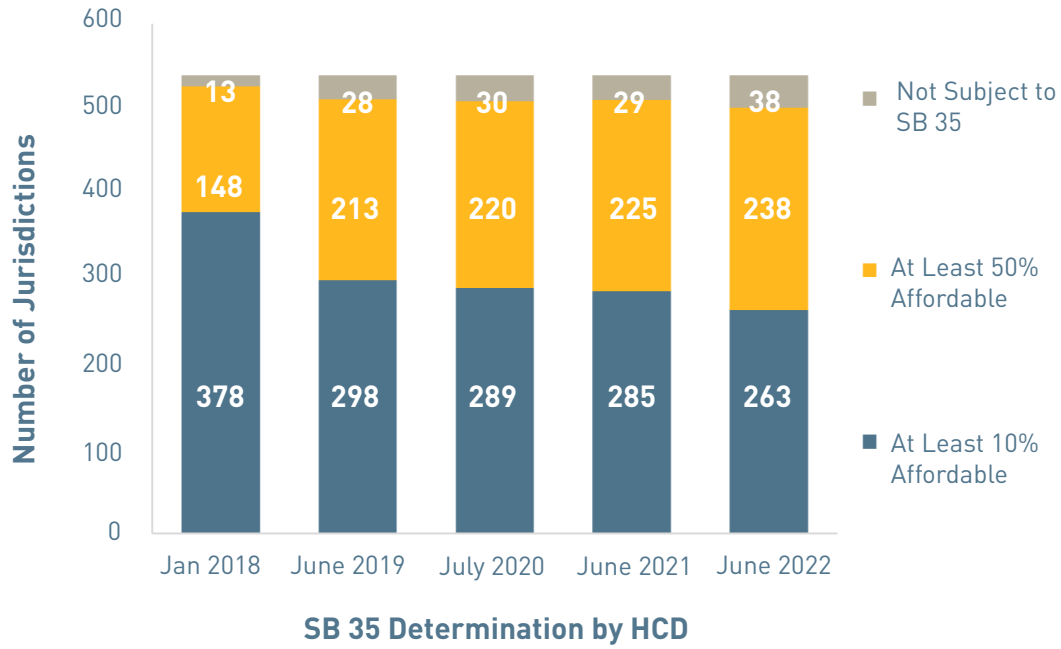
Finally, we analyzed and verified the 2018–2021 APR data prior to the publication of the 2022 APR data. As of April 25, 2023, the 2022 APR data included only 383 jurisdictions. Given the incompleteness of these data and limited time for verifying SB 35 use with external sources, we omit the 2022 data from our analysis.

Jurisdictions Subject to SB 35

Since the enactment of SB 35 in 2018, the law’s streamlining has applied to most of California. In June 2022, HCD determined that 501 of California’s 539 jurisdictions were subject to streamlining: 238 were subject to streamlining for projects with at least 50 percent affordability and 263 were subject to streamlining for projects with at least 10 percent affordability. Based on 2020 Census data, 95 percent of California’s population lived in places subject to SB 35 streamlining in 2022. Only five jurisdictions were never subject to SB 35 between 2018 and 2022: Beverly Hills, Carpinteria, Corte Madera, Foster City, and unincorporated Sonoma County.

The number of jurisdictions exempt from SB 35 streamlining has grown from 13 in 2018 to 38 in 2022 (Appendix Figure 2). As jurisdictions have made progress toward their RHNA goals and/or submitted their APR data, many became subject to streamlining for projects with 50 percent instead of 10 percent affordable units.

Appendix Figure 2. Numbers of Jurisdictions Subject to SB 35 Streamlining Over Time



Source: HCD's SB 35 Statewide Determination Summaries

Appendix B: Subsequent Legislation Amending Government Code 65913.4

Appendix Table 1. Subsequent Legislation Amending SB 35

| Bill | Summary of changes made to Government Code 65913.4 (SB 35) |
|--------------------------------|---|
| SB 765 (2018) | Provides several clarifications to the initial legislation, including: 1) that the developer has to commit to the affordability restriction/covenant prior to approval for streamlining; 2) that HCD must determine eligibility for streamlining based on the number of very low- and low-income housing permits issued; 3) explicitly stating that CEQA does not apply; and 4) specifying that developments must also be consistent with the jurisdiction's objective subdivision standards. |
| AB 1485 (2019) | Modifies the affordability standards for projects located in the nine county Bay Area, allowing for moderate-income projects to be eligible for SB 35 streamlining. AB 1485 also makes other clarifications, including specifying that a development is consistent with objective planning standards if there is "substantial evidence", clarifying the timeline on which project approvals expire, and specifying that square footage includes underground spaces. |
| AB 101 (2019) | Requires jurisdictions to include information about a project's density bonuses and floor space in the jurisdiction's calculation of square footage for the purposes of determining with the existing SB 35 requirement that the project uses at least 2/3 of the square footage for residential use. |
| AB 168 (2020) | Establishes requirements for the local government to engage in a scoping consultation regarding any proposed SB 35 development with any California Native American tribe that is traditionally and culturally affiliated with the area. |
| AB 831 (2020) | Provides several clarifications to SB 35, including the limits of local government discretion in implementing projects approved for streamlining. |
| AB 1174 (2021) | Provides additional clarifications to SB 35 specific to project modifications, including that the "shot clock" on starting construction is paused when the project proponent submits an application for an entitlement modification. |
| AB 2668 (2022) | Provides additional clarifications to SB 35, including: 1) specifying that units added through density bonus are not included in the calculation of whether a project includes ten percent of units affordable under 80 percent AMI; and 2) requires jurisdictions to provide written documentation of a project's conflict with reasonable objective design standards. |
| SB 6 (2022) | Allows parcels subject to approval under SB 35 (unused commercial properties) to be eligible for SB 35 streamlining. |

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1. Government Code § 65913.4.
2. Fulton, B., et. al. (2023). “New Pathways to Encourage Housing Production: A Review of California’s Recent Housing Legislation.” Turner Center for Housing Innovation, UC Berkeley. Retrieved from: <https://turnercenter.berkeley.edu/research-and-policy/california-housing-laws/>.
3. Chapter 366, Statutes of 2017 created the Streamlined Ministerial Approval Process (SMAP), which is often referred to by its bill name, Senate Bill (SB) 35, or Government Code § 65913.4. Throughout this report we refer to the SMAP by the bill name SB 35.
4. Government Code § 65913.4. See more: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB423.
5. O’Neill, M., & Wang, I. (2023). “How Can Procedural Reform Support Fair Share Housing Production? Assessing the Effects of California’s Senate Bill 35.” NYU Furman Center. Retrieved from: https://furmancenter.org/files/How_Can_Procedural_Reform_Support_Fair_Share_Housing_Production_508.pdf.
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7. In addition to SB 35, several other laws have been passed to help streamline local entitlement processes and ensure that projects that meet a locality’s objective standards are not unnecessarily denied or delayed. For example, AB 1397 (2017) requires by-right rezoning and a minimum of 20 percent affordability for lower income households for any site that a local government wants to re-identify from a prior Housing Element in their housing inventory as available to accommodate their lower income RHNA targets. AB 2162 (2018) provides a ministerial approval pathway for supportive housing, and AB 2011 (2022) does the same for affordable and mixed-income housing in commercial zones. Homekey (passed via AB 83 in 2020) offers a CEQA exemption and streamlining for the acquisition and conversion of hotels and motels into permanent supportive housing. SB 330 (2019) requires qualified projects be evaluated against objective standards and also limits the number of governmental hearings that can be conducted to evaluate a particular development.
8. O’Neill, M., Biber, E., & Marantz, N. (2023). “Measuring Local Policy to Advance Fair Housing and Climate Goals Through a Comprehensive Assessment of Land Use Entitlements.” *Pepperdine Law Review*, 50, no.3: 505–556. Retrieved from: <https://digitalcommons.pepperdine.edu/plr/vol50/iss3/2/>.
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10. California Department of Housing and Community Development. (2021). Approaches and Considerations for Objective Design Standards. Retrieved from: [https://hcdca.gov.app.box.com/s/baznxdyweq6a8txcrb22liogogqodzz6](https://hcdca.gov/app.box.com/s/baznxdyweq6a8txcrb22liogogqodzz6).
11. Projects containing ten units or fewer are not subject to affordability provisions under SB 35. AB 1485 (2019) modified the affordability provisions for projects located in the nine-county Bay Area, allowing moderate-income projects to be eligible for streamlining.
12. Based on 2020 Census data, about 55 percent of California's population lived in places subject to 10 percent affordability under SB 35, and about 40 percent lived in places that can streamline projects with at least 50 percent affordability.
13. Five jurisdictions have never been subject to SB 35 streamlining between 2018 and 2022: Beverly Hills, Carpinteria, Corte Madera, Foster City, and unincorporated Sonoma County.
14. Prevailing wage generally refers to a state-set and regionally specific minimum rate for each trade that roughly matches up with what unionized workers earn. In California, developments funded in part or whole by public funds are considered a "public work" and are required to pay workers the general prevailing rate of per diem wages applicable to the trade or craft of the work. The definition of a public work can be found in Chapter 1 (commencing with section 1720) of Part 7 of Division 2 of the Labor Code. See more: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=LAB&division=2.&title=&part=7.&chapter=1.&article=1.
15. Mixed-income developments generally refer to projects including both market-rate and affordable units. Under SB 35, the skilled and trained workforce requirement does not apply to projects where 100 percent of units are subsidized affordable housing, meaning that units are price or rent restricted at levels affordable to households with very low- or lower incomes, as defined in Health and Safety Code § 50079.5 and 50105.
16. The definition of "skilled and trained" is provided in Chapter 2.9 (commencing with section 2600) of Part 1 of Division 2 of the Public Contract Code.
17. California Department of Housing and Community Development. (2021). Updated Streamlined Ministerial Approval Process: Government Code Section 65913.4 Guidelines. Retrieved from: <https://www.hcd.ca.gov/policy-research/docs/sb-35-guidelines-update-final.pdf>.
18. California Department of Housing and Community Development. (2023). Annual Progress Reports. Retrieved from: <https://www.hcd.ca.gov/planning-and-community-development/annual-progress-reports>.
19. Interview with Caleb Roope, Pacific West Communities, May 11, 2023.
20. Interview with Amanda Locke, AMG & Associates, May 11, 2023.



ENDNOTES

21. Interview with Ben Rosen, Weingart Center, March 23, 2023.
22. SB 35's parking exemptions may be less important for certain projects following the passage of AB 2097 (2022); however, SB 35 uses a broader definition of public transit ("a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge a set fare, run on fixed routes, and are available to the public") than AB 2097 ("a major transit stop", as defined in Public Resources Code § 21155), which may continue to be advantageous for certain developments, depending on their location.
23. Interview with Elsa Rodriguez, Los Angeles County, March 9, 2023.
24. We classified projects as including 100 percent affordable units if all units except for those reserved for on-site managers (measured as at least 95 percent of all units in the development) are designated as affordable to households with lower incomes.
25. Interview with Travis Seawards and Shannon Reese, planners for Santa Barbara County, April 17, 2023.
26. Interview with Elsa Rodriguez, planner for Los Angeles County, March 8, 2023.
27. Interview with Brad Dickason, Maracor Development, March 20, 2023.
28. Interview with Kevin Scudero, planner for Antioch, March 15, 2023.
29. Interview with Dan Zack, Zack Urban Solutions, March 14, 2022.
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31. Christopher, B. (2023, May 8). "A Bay Area homebuilder planned a project with union rules. Can it work anywhere else?" CalMatters. Retrieved from: <http://calmatters.org/housing/2023/05/california-housing-development/>.
32. California Department of Housing and Community Development. (2023). Multifamily Finance Super NOFA Application , Universal Scoring Criteria IV.E.2.a.i. Retrieved from: <https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/supernofa/2023-super-nofa-application.xlsm>.
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34. Developer Roundtable with Ramie Dare, Mercy Housing California, April 10, 2023.
35. Interview with Ruth Cueto, planner for San José, March 16, 2023.

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36. Finkel, J. (2022). "Religious Tenets & Low-Income Tenants: Lessons Learned from Jordan Court." Turner Center for Housing Innovation, UC Berkeley. Retrieved from: <https://turnercenter.berkeley.edu/research-and-policy/religious-tenets-low-income-tenants-berkeley-california/>.
37. Developer roundtable with Abby Goldware Potluri, MidPen Housing, April 10, 2023.
38. Developer roundtable with Ann Silverberg, Related California, April 10, 2023.
39. Developer roundtable with Rob Wilkins, Affirmed Housing, April 10, 2023.
40. Developer roundtable with Sara Tsay, Abode Communities, April 10, 2023.
41. Interview with Melinda Coy, California Department of Housing and Community Development, April 21, 2023.
42. Interview with Nolan Bobroff, planner for Mammoth Lakes, March 8, 2023.
43. AB 2668 (2022) clarifies that the minimum number of affordable units that a development must dedicate to housing affordable to households making either 80 percent below or 120 percent below AMI is to be calculated before calculating any density bonus. HCD guidelines also provide further detail on how to utilize SB 35 in combination with a density bonus.
44. Interview with Nolan Bobroff, planner for Mammoth Lakes, March 8, 2023.
45. Interview with a planner for the City of Los Angeles, March 24, 2023.
46. Interview with Melinda Coy, California Department of Housing and Community Development, April 21, 2023.
47. Interview with a planner for the City of Los Angeles, March 24, 2023.
48. O'Neill, M., & Wang, I. (2023). "How Can Procedural Reform Support Fair Share Housing Production? Assessing the Effects of California's Senate Bill 35." NYU Furman Center. Retrieved from: https://furmancenter.org/files/How_Can_Procedural_Reform_Support_Fair_Share_Housing_Production_508.pdf.
49. Interview with a real estate attorney, March 20, 2023.
50. Interview with Ben Rosen, the Weingart Center, March 23, 2023.
51. Developer roundtable with Courtney Pal, Resources for Community Development, April 10, 2023.
52. Developer roundtable with Alex Rogala, MidPen Housing, April 10, 2023.
53. Developer roundtable with Jon McCall, Bridge Housing, April 10, 2023.
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57. Developer roundtable with Ann Silverberg, Related California, April 10, 2023.

58. Interview with Elsa Rodriguez, planner for Los Angeles County, March 8, 2023.

Interview with Zoe Axelrod, planner for Los Angeles County, March 20, 2023.

59. Interview with a planner for the City of San Diego, March 24th, 2023.

60. Interview with a planner for the City of Los Angeles, March 24, 2023.

Los Angeles City Planning. (2023). Executive Directive 1 (ED 1). Retrieved from: <https://planning.lacity.org/development-services/executive-directive-1>.

61. Interview with a planner from Burbank, March 17, 2023.

62. Developer roundtable with Abby Goldware Potluri, MidPen Housing, April 10, 2023.

63. Interview with Jenny Collins, John Stewart Company, March 21, 2023.

64. Interview with Ruth Cueto, planner for San José, March 16, 2023.

65. For SB 35 developments proposed outside of high or highest resource census tracts, as designated in the most recent Opportunity Map published by the California Tax Credit Allocation Committee and HCD, SB 423 would require local governments to hold a public meeting to provide opportunity for public and local government comment within 45 days after receiving a notice of intent. Assembly Committee on Housing and Community Development. (2023). SB 423 Analysis. Retrieved from: https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202320240SB423#.

66. Governor's Office of Planning and Research. (2020). AB 168: Tribal Scoping Consultation Requirements for Projects Seeking Review Under the Streamlined Ministerial Approval Process (SB 35). Retrieved from: https://opr.ca.gov/ceqa/docs/20201202-AB_168_Advisory_FINAL.pdf.

67. Developer roundtable with Abby Goldware Potluri, MidPen Housing, April 10, 2023.

68. Ibid.

69. Developer roundtable with Courtney Pal, Resources for Community Development,



ENDNOTES

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72. Interview with Travis Seawards and Shannon Reese, planners for Santa Barbara County, April 17, 2023.

73. Governor's Office of Planning and Research. (2023). Site Check. Retrieved from: <https://sitecheck.opr.ca.gov/>.

74. Senate Bill 330: Housing Crisis Act of 2019. (Chapter 654, 2019). California State Legislature. Retrieved from: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=20190200SB330.

75. Specifically, SB 423 requires use of a skilled and trained workforce for any project that has floors used for human occupancy that are located more than 85 feet above the grade plane, unless the prime contractor fails to receive at least three responsive bids that attest to satisfying the skilled and trained workforce requirements, or all contractors, subcontractors and craft unions performing work on the development are subject to a multi-craft project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure, as specified.

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77. A recent study found that between 2015 and 2019, almost half of families of construction workers in California were enrolled in a safety net program at an annual cost of over \$3 billion, compared to about a third of all workers in the state.

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78. Developer roundtable with Ramie Dare, Mercy Housing California, April 10, 2023.

79. Interview with Ben Rosen, the Weingart Center, March 23, 2023.



ENDNOTES

80. Ibid.

81. Ibid.

82. Interview with a planner for the City of Los Angeles, March 24, 2023.

83. Ibid.

84. Interview with Mimi Sullivan, Saida + Sullivan Design Partners, and Donald Lusty, John Stewart Company, March 21, 2023.

85. California Department of Housing and Community Development. (2023). Statutory Determinations for Limiting Jurisdictions' Abilities to Restrict Development. Retrieved from: <https://www.hcd.ca.gov/planning-and-community-development/statutory-determinations>



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