



SB 6 and AB 2011: Residential Development in Commercial Zones

Overview

Assembly Bill (AB) 2011, the Affordable Housing and High Road Jobs Act of 2022, and Senate Bill (SB) 6, the Middle Class Housing Act of 2022, both allow housing in areas designated for office, retail, or parking, and are intended to expand the number of sites available for housing. AB 2011 and SB 6 offer different approaches to allowing residential in commercial zones. Key differences between AB 2011 and SB 6 include:

- AB 2011 establishes qualifying criteria based on affordability, while SB 6 does not require affordable housing to be provided.
- SB 6 establishes qualifying criteria based on use allows 100% residential development or mixed-use development. AB 2011 also allows mixed-use development for eligible projects.
- AB 2011 requires a streamlined ministerial approval process; SB 6 does not (unless SB 35 is invoked). As a result, AB 2011 also provides streamlining under the California Environmental Quality Act (CEQA).

The table on page 2 provides a comparison of AB 2011 and SB 6, highlighting some of the similarities and differences specified in AB 2011 and SB 6 related to project eligibility and requirements.



SB 6

SB 6 creates a process for approving multifamily housing developments on sites within a zone where office, retail, or parking are the principally permitted use if specified conditions are met. SB 6 establishes qualifying criteria based on use and defines eligible “housing development project” as either: 1) a residential only project; or, 2) a mixed-use development with at least 50% of the square footage is designated for residential uses. Use the SB 6 Interactive Webmap and the SB 6 Application Guide to determine which parcels are eligible for SB 6.

AB 2011

AB 2011 creates a CEQA-exempt, ministerial approval process for multifamily housing developments on sites within a zone where office, retail or parking are the principally permitted use if specified conditions are met. AB 2011 establishes qualifying criteria based on affordability and provides different requirements for projects that are 100 percent affordable and mixed income projects. Use the AB 2011 Interactive Webmap and the AB 2011 Application Guide to determine which parcels are eligible for AB 2011.

WHAT ARE THE DIFFERENT CRITERIA FOR AB 2011 AND SB 6?



Criteria	Assembly Bill 2011		Senate Bill 6	
	100% Affordable Housing	Mixed-Income Projects	Ministerial (SB 35 is invoked)	Discretionary (SB 35 is not invoked)
Type				
Geographic Applicability	<ul style="list-style-type: none"> Urban Areas Urban Clusters 		<ul style="list-style-type: none"> Urban Areas 	
Affordable Housing Requirement	<ul style="list-style-type: none"> 100% affordable for Low Income 	<ul style="list-style-type: none"> For Rent, 15% Low Income or 8% Very Low and 5% Extremely Low Income For Sale, 15% Low or 30% Moderate 	<ul style="list-style-type: none"> 10% Low Income or local requirement, whichever is greater 	<ul style="list-style-type: none"> No affordability requirement
Land Use Requirement	<ul style="list-style-type: none"> Zones where retail, office, or parking are principally permitted uses. Not within industrial zones or adjoined to parcels with dedicated industrial use 			
	N/A	<ul style="list-style-type: none"> Along "Commercial Corridors", streets 70 – 150ft across that are not highways. 	N/A	
Minimum Project Density	<ul style="list-style-type: none"> 25 - 30 DU/Acre or local requirement density if greater. 	<ul style="list-style-type: none"> 30 DU/Acre if less than 1 acre 40 DU/Acre if greater than 1 acre and commercial frontage less than 100ft. 60 DU/Acre if greater than 1 acre and commercial frontage greater than 100ft 80 DU/Acre if within ½ mile of 	<ul style="list-style-type: none"> 25 – 30 DU/Acre or local requirement density if greater. 	



		a major transit stop	
Environmental Restrictions	<p>Not Located within:</p> <ul style="list-style-type: none"> • Prime farmland and farmland of statewide importance • Wetland • High and very-high fire • Hazardous waste sites • Earthquake fault zone • 100-year floodplain or floodway • Natural community conservation plan area or lands under conservation easement • Land for protected habitat or species • Needs to complete a phase I environmental assessment to identify recognized environmental conditions in connection with the subject site 	<p>Not Located within:</p> <ul style="list-style-type: none"> • Prime farmland and farmland of statewide importance • Wetland • High and very-high fire • Hazardous waste sites • Earthquake fault zone • 100-year floodplain or floodway • Natural community conservation plan area or lands under conservation easement • Land for protected habitat or species • Land within Coastal Zone 	CEQA applies
Additional Geographic Criteria	<ul style="list-style-type: none"> • Parcel is not greater than 20 acres • Parcel is not vacant AND zoned for multifamily • Not within 500ft of a freeway • Not within 3,200ft of a facility that extracts or refines oil or natural gas 	<ul style="list-style-type: none"> • Parcel is not greater than 20 acres 	
Other Criteria	<ul style="list-style-type: none"> • Prevailing wage requirement • Relocation assistance for previous commercial tenants • Site cannot involve parcels subject to the Subdivision Map Act 	<ul style="list-style-type: none"> • Prevailing wage requirement (unless 10 units or less) 	<ul style="list-style-type: none"> • Skilled and trained workforce requirement • Relocation assistance for previous



	<ul style="list-style-type: none"> • Must be an infill site (least 75% of the site adjoins parcels that are developed with urban uses (former residential, commercial, public institutional, transit or transportation passenger facility, or retail use) • Site is not site governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act. • Restrictions related to demolition 	<ul style="list-style-type: none"> • Skilled and trained workforce requirement • Relocation assistance for previous commercial tenants • Must be an infill site (least 75% of the site adjoins parcels that are developed with urban uses (former residential, commercial, public institutional, transit or transportation passenger facility, or retail use) • Site is not site governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act. • Restrictions related to demolition 	<p>commercial tenants</p>
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