



SB 35 – STREAMLINED MINISTERIAL APPROVAL PROCESS

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

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SB 35 PRELIMINARY APPLICATION AND SUPPLEMENTAL INFORMATION

1. Notice of Intent:

Before filing an application, the development proponent shall submit a Notice of Intent (NOI) - in the form of a preliminary application - to the City of East Palo Alto. The preliminary application, the same one referenced in SB 330, shall include all the information described in Government Code Section 65941.1. See the following link for the preliminary application – [link](#)

2. Scoping Consultation Requirement

All projects opting for SB 35 Streamlined Ministerial Approval Processing are subject to AB 168 Tribal Consultation Scoping. Upon receipt of the preliminary application, the California Native American Tribe that is traditionally and culturally affiliated with East Palo Alto must be engaged in consultation regarding potential impacts of the project on tribal resources that may be present at the site. Development projects would accomplish successful consultation by i) reaching a successful enforceable agreement with the affiliated Native American Tribe(s) on the treatment of tribal resources at the project site, or ii) the affiliated Native American Tribe(s) agreeing that there is no potential impact to tribal cultural resources resulting from the project. If the consultation does not result in an enforceable agreement regarding the treatment of tribal cultural resources that may be present, then the project is ineligible for ministerial approval under SB 35 and must be processed through the discretionary permit process with the appropriate CEQA review.

Please see AB 168 for information regarding the identification of tribes, timeline for consultation, who participates in the consultation, and the confidentiality requirements for the consultation.

3. Development Review Timelines

- a. **Conflict with objective planning standards.** If the City determines a conflict with objective planning standards, it shall provide written documentation of which standards the development conflicts with to the development proponent within:
 - i. 60 days of submittal for a project of 150 units and below
 - ii. 90 days of submittal for a project of 150 units and above

- b. **Design Review or public oversight.** Design review or public oversight of a development project may be conducted. However, it shall be objective and be strictly focused on assessing compliance with criteria required for streamlining projects, as published and adopted by resolution. The design review shall be completed as follows:
 - i. Within 90 days of submittal if it contains 150 units or fewer units
 - ii. Within 180 days for projects 150 units and above.

- c. **Parking requirements:** Parking restrictions shall not be imposed on a streamlined development project if:
 - i. It is located within one-half mile of public transit,
 - ii. It is located in an architecturally and historically significant district,
 - iii. On-street permits are required but not offered to occupants of development, or
 - iv. Car-share vehicle is located one block of development.
 - v. If none of the above applies, the City cannot require more than one parking space per unit.

- d. **Permit Expiration.**
 - i. Approval of a streamlined project does not expire if it satisfies both of the following requirements:
 - a. The development project includes public investment in housing affordability, beyond tax credits, and
 - b. If at least 50% of units are affordable to households making at or below 80%AMI.
 - ii. If the development project does not satisfy the above requirements, the approval is valid for 3 years with a 1-year, one-time extension if progress towards construction is documented.