



SB 35 – STREAMLINED MINISTERIAL APPROVAL PROCESS

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

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SB 35 APPLICATION CHECKLIST

Background Information. For development projects subject to SB 35:

- a. The legislation requires a streamlined ministerial approval process for multi-family housing development projects that have an affordable housing component.
- b. The decision-maker has an obligation to provide a written notice to development proponents documenting any conflicts between the development and objective planning standards by specified times.
- c. The proposed development is not subject to noticing or public hearing.
- d. The legislation prohibits the decision maker from imposing parking standards in certain instances, and in no case can parking be required in excess of one parking space per unit.

SB 35 requirement (Valid till Jan 1, 2026)	Proposal meets the conditions (Y/N)	Remarks
1. Multi-family residential (contains two or more units) of development		
2. Site conditions		
Urban parcel (legal parcel within a City’s jurisdiction)		
Surrounded by 75% urban uses		
Zoned for Residential or Residential mixed-use where at least 2/3 rd is designated for residential		
3. If project contains subsidized units, land use restrictions or covenants provide that lower or moderate-income units remain as follows: i. 55 years for rental units ii. 45 years for owned units.		Provide documentation, if applicable
4. Does the development satisfy the following? a. Does the city of East Palo Alto (EPA) fall under SB 35 in FY 2023-24?	Y	See link - Housing Permitting Activity and Streamlined Ministerial Approval Process (SB35) Determination (arcgis.com)
b. Does EPA have a requirement for Below Market Rate (BMR) housing?	Y	EPA has a Mandatory requirement of 20% of

		units to be dedicated to BMR housing. See link https://www.ci.east-palo-alto.ca.us/housing
5. The development (excluding additional density, incentives, concessions, and waivers of the standards) is consistent with the objective zoning standards and objective design review standards in effect at that time.		
6. Development is not located on a site that is in any of the following: <ul style="list-style-type: none"> i. Coastal zone ii. Prime farmland or farmland of statewide importance iii. Wetlands iv. Very high fire hazard severity zone v. Designated or listed hazardous waste site vi. Delineated earthquake fault zone vii. Special flood hazard area viii. Within regulatory floodway ix. Lands identified for conservation in adopted natural community conservation plan x. Habitat for protected species xi. Land under conservation easement 		
7. Development is not located on a site where the following may apply: <ul style="list-style-type: none"> i. Demolition of housing (subject to recorded covenant, ordinance, occupied by tenants for past 10 years, subject to any form of rent or price restrictions) ii. Previous housing site demolished within a decade before new development proposal iii. Require demolishing of a historic structure? iv. On a property that contains housing units occupied by tenants where units are/were offered for sale to general public by subdivider or property owner? 		
8. Development proponent has met i and ii or iii below: <ul style="list-style-type: none"> i. Certified that either of the following is true: <ul style="list-style-type: none"> a. The entire development is a public project. b. If not, all construction workers will be paid prevailing rate of per diem wages for the work, including all contractors and subcontractors ii. Skilled and trained workforce shall be used to complete the development if it is approved on and after January 1, 2022, 		

<p>until December 31, 2025, and consists of 50 or more units that are not 100% subsidized affordable housing and that are located within a coastal or bay county with a population of 225,000 or more.</p> <p>iii. Developments that meet the following are exempt from paying prevailing wages, use skilled workforces, or provide health care expenditures:</p> <p>a. If project has 10 or fewer units.</p> <p>b. It is not a public work project.</p>		
<p>9. Development does not involve a subdivision of a parcel unless the development is consistent with all development subdivision standards in the local subdivision ordinance and either:</p> <p>i. It has/will receive financing or funding by means of a low-income housing tax credit and is subject to prevailing wages to be paid. OR</p> <p>ii. It is subject to the requirement that prevailing wages be paid and skilled and trained workforce is used.</p>		
<p>10. Development is not governed under the Mobilehome Residency Law, Mobilehome Parks Act, or the Special Occupancy Parks Act</p>		