



SB 35 – STREAMLINED MINISTERIAL APPROVAL PROCESS

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

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SB 35 DEVELOPMENT PROJECTS ELIGIBILITY

The City of East Palo Alto is currently subject to Senate Bill 35 (SB 35) streamlining for developments with at least 10 percent affordability. SB 35 prescribes a streamlined ministerial approval process for some multi-family residential and mixed-use projects that meet certain criteria. The streamlined process does not involve public noticing, public hearings, and CEQA review. If you want to pursue ministerial approval for a project, you should complete the SB 35 checklist (pages 3 – 5) and return it for staff evaluation.

The following information and checklist are intended as a guide to help applicants and the City of East Palo Alto determine if a project is eligible for streamlined processing under SB 35. To be eligible for SB 35 streamlining, a project must meet ALL the following criteria, from a through k:

- a. Duration of Approval: Approval of a project does not expire if the project includes A) public investment in housing affordability, beyond tax credits and B) at least 50% of the proposed residential units are dedicated as affordable to households at 80% AMI for either rental or ownership projects. If the project does not meet A and B above, the approval shall remain valid for three years from the final date establishing the approval.
- b. Number of Units: The project must be a multi-family development, contain at least two or more net new residential units, and comply with the minimum and maximum residential density range permitted for the site plus any applicable density bonus.
- c. Zoned or Planned Residential Uses: The development must be located on a legal parcel or parcels that are either zoned or have a General Plan designation for residential or residential mixed-use development. If a multi-family project is a mixed-use development, then at least 2/3 of the floor area of the proposed development must be dedicated to residential uses.
- d. Location: The development must be located on a property that is not within a coastal zone, prime farmland, wetlands, a high fire hazard severity zone, hazardous waste site, a delineated earthquake fault zone, a flood plain, a floodway, a community conservation plan area, a habitat for protected species, or under a conservation easement, or governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act. Additionally, the project must be located on a legal parcel or parcels within the incorporated City limits. At least 75 percent of the perimeter of the site must adjoin parcels that are developed with urban uses.
- e. Demolition of Residential Units: The project does not demolish any housing units that have been occupied by tenants in the last 10 years; are subject to any form of rent or price control, or are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes.
- f. Historic Buildings: The project does not demolish a historic structure that has been placed on a national, state, or local historic register.
- g. Consistent with Objective Standards: The project must meet all objective standards of the Zoning Code at the time of SB 35 application. Objective standards are those that require no

personal or subjective judgment and must be verifiable by reference to an external and uniform source available prior to submittal.

- h. Prevailing Wages: If the development is not in its entirety a public work, as defined in Government Code Section 65913.4 (a)(8)(A)(i), all construction workers employed in the execution of the development must be paid at least the general prevailing rate of per diem wages for the type of work and geographic area.
- i. Skilled and Trained Workforce provisions: A skilled and trained workforce, as defined in Government Code Section 65913.4(a)(8)(B) iii, must complete the development if the project consists of 50 or more units. This will apply to a residential component that is not 100% subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.
- j. Subdivisions: The development did not or does not involve a subdivision of a parcel that is subject to the California Subdivision Map Act, unless the development either (i) receives a low-income housing tax credit and is subject to the requirement that prevailing wages be paid, or (ii) is subject to the requirements to pay prevailing wages and to use a skilled and trained workforce.
- k. Notification to California Native American tribes: After providing notice of the intent to develop the site to California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed development site, a determination (pursuant to Assembly Bill 168) by the City that: the development site is not a tribal or cultural resource on a national, state, tribal or local historic register list; that the parties to a scoping consultation have documented an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment; or that the parties to the scoping consultation do not disagree as to whether a potential tribal cultural resource will be affected by the proposed development.