

SB35 requirements

- a. Ministerial review of project that have affordable housing component, this is subject to multi-family housing developments only.
- b. Notice to development in writing to determine any conflicts of project with any objective standards by specified time.
- c. Cannot condition the project under SB35, must be streamlined to Building Division.
- d. Limits local government to impose parking standards. Can observe objective standards for parking under code.

SB35 checklist		
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	Y	
2. Site conditions		
Urban parcel (legal parcel within a City's jurisdiction)	Y	
Surrounded by 75% urban uses	Y	
Zoned for Residential or Residential mixed-use where at least 2/3 rd is designated for residential	Y	
3. If project contains subsidized units, land use restrictions applicable. <ul style="list-style-type: none"> i. 55 years for rental units ii. 45 years for owned units. 		Provide documentation, if applicable
4. Does EPA fall under SB35 in FY 2020-21	Y	See link - https://cahcd.maps.arcgis.com/apps/webappviewer/index.html?id=29fd695819064f38afee6c9880c30ae3
Does EPA have a requirement for BMR housing? **	Y	Mandatory requirement of 20% of units to be dedicated to BMR 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.	Y	
6. Development is not located in the following: <ul style="list-style-type: none"> i. Coastal zone ii. Prime farmland iii. Wetlands iv. Fire Hazard severity zone 	Y	

<ul style="list-style-type: none"> v. Hazardous waste site vi. Earthquake Fault Zone vii. Within a High-Risk flood plain viii. Within a Floodway ix. Lands conserved x. Habitat for protected species xi. Land under conservation easement 		
<p>7. Development is not located where the following may apply:</p> <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 occupies by tenants? 	Y	
<p>8. Development meets one of the following criteria below:</p> <ul style="list-style-type: none"> i. Is it a public project? ii. All construction workers must be paid prevailing rate of per diem wages for the work, including all contractors and subcontractors. iii. Certified and Skilled workforce to be used to complete the development for those that are 50 units (city pop: 550k, not coastal and Bay county) and above between Jan 1, 2020 to Dec 31m 2021 		
<p>8a. Projects are exempt from requiring to pay prevailing wages or used skilled workforces if it meets both below:</p> <ul style="list-style-type: none"> i. If project has 10 or fewer units ii. It is not a public work project. 	Y	
<p>9. Development does not involve a subdivision of a parcel. Unless:</p> <ul style="list-style-type: none"> i. It will receive financing or funding of a low-income housing tax credit and is subject to prevailing wages to be paid. OR ii. It is subject to the requirement that prevailing wages be paid and skilled and trained workforce is used. 	Y	
<p>10. Development is not governed by a Mobile home Residence</p>	Y	
<p>11. Timeline</p>		
<p>City determines conflict with development standards, will provide written documentation of which standards the development conflicts with within:</p> <ul style="list-style-type: none"> i. 60 days of submittal for project 150 units and below ii. 90 days of submittal for projects 150 units and above 	Y	

<p>12. Design Review or public oversight Design review or public oversight by PC will be objective and be strictly focused on assessing compliance with criteria required for streamlining projects, as published and adopted by resolution. This timeline is as follows:</p> <ul style="list-style-type: none"> i. Within 90 days of submittal if it contains 150 units or fewer units ii. Within 180 days for projects 150 units and above. 	Y	
<p>13. Parking requirements: No parking restrictions to be imposed for streamlined development under the following:</p> <ul style="list-style-type: none"> A. If located within one-half mile of public transit B. Located in architecturally and historically significant district C. On-street permits are required but not offered to occupants of development D. Car-share vehicle is located one block of development <p>If not qualifying above, City cannot exceed requirement of one parking space per unit!</p>	Y	
<p>14. Duration of approval.</p> <ul style="list-style-type: none"> i. Approval of streamlined projects do not expire if applicant makes 50% of units affordable to 80%AMI for project. ii. If the dedication does not happen per (i) above, approval is valid for 3 years with a 1-year, one-time extension to the project if progress towards construction is documented. 	Y	