



# SB 35 STREAMLINED PROCESS INFO SHEET

Hours: Monday, Tuesday, Thursday 8 am–4 pm and Wednesday 8 am–3 pm

**CITY OF SAN LEANDRO**  
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## General Information

The intent of SB 35 is to respond to California's housing crisis by streamlining and expediting the construction of affordable housing.

California Senate Bill (SB) 35 became effective January 1, 2018 to allow for a streamlined approval process for certain affordable housing projects in cities that are not meeting their Regional Housing Need Allocation (RHNA) goals.

As part of RHNA, the CA Department of Housing & Community Development (HCD) determines the total number of new homes that need to be built in order to meet the housing needs of people at all income levels in a region.

This handout offers general guidelines and is not intended to be comprehensive. Please refer to the following Gov. Code sections for more detailed information.

California Government Code

[§65913.4 >](#)

[§65400 >](#)

[§65582.1 >](#)

## WHAT IS SB 35 STREAMLINED MINISTERIAL APPROVAL FOR AFFORDABLE HOUSING?

**Ministerial Review.** Projects are reviewed for compliance and consistency with the City's objective standards, such as those found in the **Zoning Code, General Plan, and Long Range Plans.**

Under the ministerial approval process, eligible projects under SB 35 are not subject to discretionary processes, such as CEQA environmental review and public hearings.

**If a project meets the State's eligibility requirements AND the City's objective standards, then the City's Planning Division must approve the project.**

**Streamlined Timeline.** Depending on if the project has greater or less than 150 units, the City has 60 to 90 days to determine if the application is eligible for processing under SB 35. If determined to be eligible, the City has between 90 and 180 days to make a final decision. (See back side, *SB 35 Process Flow Chart.*)

## HOW DOES SB 35 APPLY IN THE CITY OF SAN LEANDRO?

Currently, the City of San Leandro is subject to SB 35 because the city has not issued sufficient building permits to meet its **RHNA obligations** (projected housing needs) for very low-, low-, moderate-, and above moderate-income housing. [HCD SB 35 Map >](#)

This means that certain eligible residential and mixed-use development projects may opt-in for a streamlined ministerial approval process. (See *What Types of Projects are Eligible?*)

## DOES PARKING NEED TO BE PROVIDED?

Parking is not required if the development is:

- Near Public Transit:** Within 1/2 mile of BART or other public transit; **OR**
- Not offered On-Street Parking Permits:** Where on-street parking permits are required; **OR**
- Near Car Share:** Within one block of car share. Otherwise, 1 parking space per unit is required.

## WHAT TYPE OF PROJECTS ARE ELIGIBLE?

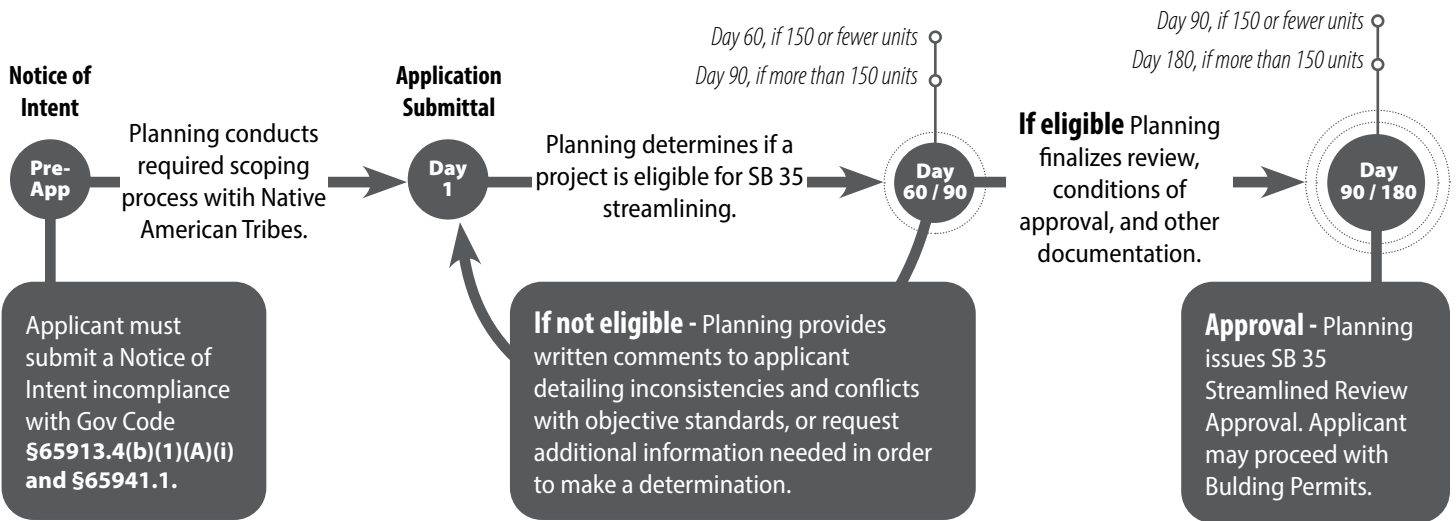
In order to be eligible for streamlining, the project must meet **all** of the following criteria:

- Affordability:** For either rental or ownership projects, at least 10% of the units must be dedicated as affordable to households at or below 80% of the area median income (AMI) **OR** at least 20% of the units must be dedicated to households making below 120% of the AMI, with the average income of the units at or below 100% of the AMI. **Note:** Also must meet the City's Inclusionary Housing Requirements. [§6.04.112 >](#)
- # of Units:** At least 2 net new residential units. If mixed use, at least 2/3 of the total floor area must be dedicated to residential use.
- Zoning and General Plan:** On a legal parcel(s) zoned for residential uses or the General Plan allows for residential or mixed use.
- Objective Planning Standards:** Complies with all objective City standards at the time of application submittal.
- No Demolition of Residential Units or Historic Structure:** Does not demolish any residential units that have been occupied by tenants in the last 10 years or that are subject to any form of rent or price control.
- NOT in a protected resource area:** 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.
- Prevailing Wages:** If the development is not in its entirety a public work, all construction workers on the development must be paid at least the prevailing per diem wages for the type of work and geographic area. Projects with 10 or fewer units are exempt.
- Skilled and Trained Workforce:** Projects with 75 or more units must be completed by a skilled and trained workforce.



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## SB 35 PROCESS FLOW CHART



[§65913.4\(b\)\(1\)\(A\)\(i\) >](#)

[§65941.1 >](#)

### WHAT IS THE RELATIONSHIP BETWEEN SB 35 AND THE STATE DENSITY BONUS LAWS? [GOV §65915 Density Bonuses >](#)

Qualifying SB 35 projects can utilize the benefits under the State Density Bonus laws. A density is an increase in the number of housing units allowed under a general plan and/or zoning. Depending on the number of units and affordability, the density bonus varies between 5% and 35% above base density.

For qualifying housing projects, State Density Bonus Law requires the City to grant:

- Concessions:** Up to four concessions (varies based on the % of affordable units in the project) which would result in identifiable and actual *project cost* reductions for affordable housing. Applicant must provide documentation to establish eligibility for requested concession; AND
- Waivers:** An unlimited number of waivers from development standards that would *physically* prevent a project from being built at the permitted density with the granted concessions. Examples of waivers from development standards include: minimum setbacks and open space and maximum height limits.

The project sponsor may be entitled to the concessions even without a request for a density bonus. Any concessions or waivers through the State Density Bonus Law are considered consistent with the City's objective standards.

The City is not required to waive or reduce development standards that would cause a public health, safety, environmental, or historical problem, or would be contrary to the law. The City has the burden of proof when a concession is denied.

### WHAT IS THE CITY OF SAN LEANDRO DOING TO ADDRESS THESE CHANGES IN STATE LAW?

The City is taking advantage of State planning grant funding to establish objective design and development standards that will determine zoning compliance for projects proposed under SB35, as well as for multi-family and residential mixed use projects proposed under the City's typical review process.

These standards will provide predictability for City staff, community members, and applicants during the application and project review process, and help streamline the review process and ensure that the community's aesthetic standards are maintained.

[www.SLdevelopmentstandards.com >](http://www.SLdevelopmentstandards.com)

### WHEN DOES A SB 35 PROJECT APPROVAL EXPIRE?

Depends on the % of affordable units and their affordability:

- Projects that include public investment in housing affordability where 50% of the units are affordable to households making below 80% of the AMI:** Does not expire.
- Projects that do not include 50% of the units as affordable to households making below 80% of the AMI:** Automatically expire after three years except a one-time, one-year extension may be granted if progress is being made toward construction, such as filing a building permit application.