

## **SB 35 Streamlining Checklist- Oakland (based on the HCD June 2019** **“SB 35 Statewide Determination Summary”**

**Review the questions below. If the answer for any question is “no,” the proposed project is not subject to SB 35 streamlining.**

- Is the proposed project a multifamily housing development that contains two or more residential units? (See Cal. Gov. Code § 65913.4(a)(1).)
- Does the proposed project dedicate at least 50% of the total number of residential units, whether rental or for-sale, to below market rate housing affordable to households making below 80% area median income (AMI)? (See Cal. Gov. Code § 65913.4(a)(4).)
- Is the proposed project located on a site in which at least 75% of the perimeter of the site adjoins parcels that are developed with urban uses? (See Cal. Gov. Code § 65913.4(a)(2)(B).)
- Is the proposed project located on a site that is a legal parcel or parcels that is zoned for residential or residential mixed use or has a General Plan designation that allows residential use or a mix of residential and non-residential uses, with at least 2/3 of the floor area of the proposed building or buildings dedicated to residential uses? (See Cal. Gov. Code § 65913.4(a)(2)(C).)
- Is the proposed project located on a site that is **not** within a coastal zone, prime farmland/farmland of statewide importance, wetlands, a very high fire severity zone, hazardous waste site, a delineated earthquake fault zone, a special flood hazard area subject to inundation by the 1% annual chance flood, a floodway, a community conservation plan area, a habitat for protected species, or land under conservation easement? (See Cal. Gov. Code § 65913.4(a)(6).)
- Is the proposed project **completely consistent with all objective zoning standards, objective subdivision standards, and objective design review standards** in effect at the time of SB 35 application submittal, including but not limited to all dimensional, height, setback and density (for purposes of this section, any waivers, concessions or incentives conferred through the State Density Bonus Law are considered code compliant, and thus consistent with objective standards) standards? (See Cal. Gov. Code § 65913.4(a)(5).)

**Review the additional questions below. If the answer for any question is “yes,” the proposed project is not subject to SB 35 streamlining**

- Does the proposed project require demolition of 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 subject to any recorded covenant, law or ordinance that restricts rents to levels affordable to persons and families of moderate, low or very low incomes? (See Cal. Gov. Code § 65913.4(a)(7)(A).)
- Is the proposed project located on a site previously used for housing occupied by tenants that was demolished within 10 years before the application submittal? (See Cal. Gov. Code § 65913.4(a)(7)(B).)
- Does the proposed project require demolition of a historic structure that is on a national, state or local historic register? (See Cal. Gov. Code § 65913.4(a)(7)(C).)
- Is the proposed project located on a site containing housing units that are occupied by tenants, and units at the site are or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property? (See Cal. Gov. Code § 65913.4(a)(7)(D).)

- Unless the proposed project 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 use a skilled and trained workforce, does the proposed project involve the subdivision of a parcel that is subject to the California Subdivision Map Act? (See Cal. Gov. Code § 65913.4(a)(9).)
- Is the proposed project located on a site that is governed under the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act? (See Cal. Gov. Code § 65913.4(a)(10).)

### **IF THE PROPOSED PROJECT IS DETERMINED ELIGIBLE FOR SB 35 STREAMLINING:**

Approvals must be completed within 90 days of submittal (for proposed projects involving 150 or fewer units) or 180 days of submittal (for proposed projects containing more than 150 housing units). As ministerial approvals, these projects are NOT subject to CEQA under CEQA Guidelines Section 15268.

The development proponent must certify to the City that, assuming the entirety of the proposed project is not a public work as defined under Government Code Section 65913.4(a)(8)(A) and includes more than 10 units, all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the California Department of Industrial Relations, and shall ensure that the prevailing wage requirement be included in all contracts for the performance of the work. (See Gov. Code § 65913.4(a)(8)(A).)

If the proposed project consists of 75 or more units with a residential component that is not 100 percent subsidized affordable housing, the development proponent must further certify to the City that the work will be performed by a skilled and trained workforce. (See Cal. Gov. Code § 65913.4(a)(8)(B).)

The development proponent must commit to record, prior to issuance of the first building permit, a land use restriction or covenant providing that any affordable housing units included in the project remain available at affordable housing costs or rent for no less than 55 years for units that are rented and 45 years for units that are owned. (See Cal. Gov. Code § 65913.4(a)(3).)

No parking requirements may be imposed on an SB 35 qualified streamlining project if it is located

- Within a half-mile of public transit;
- Within an architecturally and historically significant historic district
- In an area where on-street parking permits are required but not offered to the occupants of the development; or
- Where there is a car-share vehicle located within one block of the proposed project.

Automobile parking requirements not to exceed one parking space per unit may be required of all other SB 35 projects.

All SB 35 approvals remain valid for a period of three years from approval and as long as vertical construction has begun and is in progress.

**Questions? Contact Deputy City Attorney Michael Branson, [mbranson@oaklandcityattorney.org](mailto:mbranson@oaklandcityattorney.org).**