



## SB 35 FACT SHEET

### Summary

This document serves as a Fact Sheet and guide for better understanding the implementation of Senate Bill (SB) 35 for projects within the City of Los Angeles. SB 35 Streamlining is the City of Los Angeles' implementation program required by SB 35 (2017). Effective at the start of 2018, the law requires that certain affordable housing developments be streamlined and approved through a ministerial process. The SB 35 Streamlining process will be a joint effort between Los Angeles City Planning (City Planning), Los Angeles Department of Building and Safety (LADBS) and the Los Angeles Housing Department (LAHD).

### Background

On September 29, 2017, Governor Jerry Brown approved SB 35 to be effective as of January 1, 2018. On November 29, 2018, the California Department of Housing and Community Development (HCD) released the guidelines for the Streamlined Ministerial Approval Process created by SB 35 (SB 35 Guidelines). As required by Article III, Section 300 of HCD's Streamlined Ministerial Approval Process Guidelines, City Planning has created an application process for eligible developments.

The purpose of SB 35 is to provide eligible developments a Streamlined Ministerial Approval Process (SB 35 Streamlining) that is not subject to the California Environmental Quality Act (CEQA). Applicants may request that their entitlement for an eligible development be approved through a streamlined, administrative process (SB 35 Streamlining).

*Note: Any entitlement requests seeking to deviate from objective zoning code standards, such as Zone Changes or Zone Variances, are not eligible for SB 35 Streamlining. For more information on what entitlement requests are eligible for SB 35 Streamlining, please consult the Affordable Housing Services Section (AHSS) at [planning.priorityhousing@lacity.org](mailto:planning.priorityhousing@lacity.org).*

For more information on all SB 35 Streamlining requirements and benefits, please review the SB 35 Guidelines, updated on March 30, 2021, and available at <https://www.hcd.ca.gov/policy-research/docs/sb-35-guidelines-update-final.pdf>. Please visit the California [Department of Housing and Community Development](https://www.hcd.ca.gov/) website at <https://hcd.ca.gov/> to view the latest SB 35 Guidelines.

### Frequently Asked Questions

#### What are the benefits of SB 35 Streamlining?

There are several benefits to the SB 35 Streamlining process. First, although a Planning case filing is required, the eligible development will be approved through a ministerial process which means that environmental review under CEQA will not be required. Second, eligible developments approved

through a streamlined process will have substantial time savings for applicants. Third, there are significant parking reductions allowed by SB 35. For more information on the benefits, please review the SB 35 Guidelines.

### How quickly will SB 35 Streamlining developments be approved?

The approval timeline is dependent on the number of units proposed as part of the development and if the project requires design review or public oversight. Developments containing 150 or fewer housing units will be approved within 90 calendar days of submittal of the application. Developments with 151 housing units or more will be approved within 180 calendar days of application. The time period begins when an entitlement requesting SB 35 Streamlining has been filed. A SIP (Streamlined Infill Project) suffix will be added to the case number to identify it as a SB 35 project.

Should any components of the development not meet objective zoning criteria, the applicant will be responsible for correcting these and revising the materials accordingly. The timeline will restart when the updated materials are received by City Planning.

### What are the parking incentives of SB 35 Streamlining?

No parking will be required for any development that meets any of the following criteria:

1. Located within one-half mile of public transit, as defined by Section 102(t) of the SB 35 Guidelines.
2. Located within a district designated as architecturally or historically significant under local, state, or federal standards.
3. When on-street parking permits are required but are not made available to the occupants of the development.
4. When there is a car share vehicle within one block of the development.

For all other developments, the parking requirement shall not exceed one space per unit.

### What are the fees for SB 35 Streamlining?

There are no additional fees for SB 35 streamlining. However, the fees for preliminary application review, entitlements, covenants, Plan Check, and other requirements still apply.

### How do I find out if I'm eligible for SB 35 Streamlining?

The only way to definitively know is to go through the application process (see SB 35 Application Instructions ([CP-4054](#))) where City Planning, LADBS, and LAHD will all analyze different components of the development and site. ZIMAS now includes a link to a SB 35 Streamlining Eligibility Criteria Checklist (for reference purposes only), a sample of which is provided in the attached Appendix. Figure 1 represents where the link is located on ZIMAS; and Figure 2 provides a sample checklist.

## What are the requirements for SB Streamlining?

There are many requirements for developments to be eligible for SB 35 Streamlining. These requirements include, but are not limited to, the following criteria:

1. The development must be multifamily housing as defined in Section 102(p) of the SB 35 Guidelines. The units can be offered for rental or for-sale.
2. At least two-thirds of the square footage of the development shall be designated for residential use.
3. The development must be consistent with all objective zoning standards in effect at the time of filing.
4. The site of the development must comply with all of the requirements of Section 401 of the SB 35 Guidelines.
5. A minimum of 50% of the total units in the development, calculated prior to any density increase, must be affordable (80% Area Median Income or lower). Any required affordable units must be restricted per LAHD's Land Use Schedule VI. Contact [lahd-landuse@lacity.org](mailto:lahd-landuse@lacity.org) for more information.
6. The development must comply with all of the labor provisions of Section 403 of the SB 35 Guidelines.

For more information on these and other requirements, please review the SB 35 Guidelines.

## How does AB 168 Notice of Intent affect SB 35 Streamlining?

As a result of Assembly Bill (AB) 168 (2020), effective on September 25, 2020, applicants are now required to submit a Notice of Intent (AB 168 Notice of Intent [NOI] for SB 35 Projects) with key project details and potentially engage in tribal consultation. Additional information can be found in the Governor's Office of Planning and Research AB 168 Technical Advisory dated November 2020.

Prior to submitting an application for SB 35 Streamlining, applicants shall first submit a completed Affordable Housing, Transit Oriented Communities (TOC), or Qualified Permanent Supportive Housing (QPSH) Referral Forms, as applicable, together with necessary related materials for review and approval to the AHSS. The standard pre-application review fees will apply. Once the applicable Referral Form has been assigned for review and SB 35 eligibility determined, the applicant shall then submit the AB 168 NOI for SB 35 Projects ([CP-4066](#)) to the assigned planner in the AHSS. The AHSS planner will then forward the AB 168 NOI for SB 35 Projects to Project Planning Staff for processing.

Project Planning Staff will process the AB 168 NOI for SB 35 Projects, which includes providing formal notice to the Native American Heritage Commission Tribal Consultation List for Los Angeles and conducting the tribal scoping consultation.

If none of the tribes notified accept an invitation to engage in consultation, the consultation is considered concluded, and the applicant may continue with the application for ministerial approval under SB 35.

**The tribal consultation must be concluded prior to filing an application with City Planning.**

*Potential outcomes of the tribal consultation:*

If the parties participating in tribal consultation conclude that the project would not affect potential tribal cultural resources, no further documentation is required, and the applicant may proceed with submission of an application for SB 35 Streamlining.

If the tribal consultation identifies a potential impact to tribal cultural resources resulting from the project, the parties must document an enforceable agreement regarding the methods, measures, and conditions for treatment of tribal cultural resources. This agreement shall be a Condition of Approval for the project application for SB 35 Streamlining.

If the parties are unable to reach an enforceable agreement regarding treatment of tribal cultural resources that may be present on the project site, the proposed project will be deemed ineligible for SB 35 Ministerial Approval.

If the consultation results in disqualification of the project from SB 35's Streamlining process, the local government must provide written documentation of the fact, with an explanation for the project's ineligibility, to the development applicant and the Tribe or Tribes participating in the consultation (Government Code Section 65913.4(b)(5)(A)). The documentation provided to the applicant must also include information on how to seek a Conditional Use Permit or other discretionary approval of the project from the local government (Government Code Section 65913.4(b)(5)(B)).

**What are the responsibilities of City Planning Staff in regard to SB 35?**

Projects eligible for SB 35 Streamlining are not subject to CEQA and, therefore, do not require supplemental environmental documents for project review. City Planning staff shall make a determination of consistency, as described in Section 301(a) of the SB 35 Guidelines. For developments containing 150 or fewer units, City Planning staff shall make a determination of consistency within 60 calendar days of submittal of the application. For developments with 151 units or more, City Planning staff shall make a determination of consistency within 90 calendar days of submittal of the application, unless the project requires design review or public oversight. City Planning staff shall receive zoning review comments prepared by LADBS staff before the expiration of the time limits described above.

**What are the responsibilities of LADBS Staff in regard to SB 35?**

LADBS staff reviewing SB 35 developments shall ensure that the work description specifically mentions SB 35 Streamlining. LADBS staff will complete a zoning review and fill out the SB 35 Supplemental Correction Sheet(s) in advance of the 60- or 90-day limits described above unless the

project requires design review or public oversight. All zoning review comments and forms should be provided to the AHSS at [planning.priorityhousing@lacity.org](mailto:planning.priorityhousing@lacity.org) as soon as they are available.

### What are the responsibilities of LAHD Staff in regard to SB 35?

LAHD staff will analyze the proposed site to ensure that the development does not require the demolition of the following types of housing:

1. Housing subject to a recorded covenant, ordinance, or law that restricts rent to levels affordable to persons and families of moderate, low, very low, or extremely low income.
2. Housing that is subject to any form of rent or price control through a locality's valid exercise of its police power.
3. Housing that has been occupied by tenants, as defined by Section 102(cc) of the SB 35 Guidelines, within the past 10 years.

LAHD staff shall prepare an SB 8 Determination detailing the findings of their research and analysis in regard to the above-mentioned criteria in advance of the 60- or 90-day limits described above. All zoning review determinations and forms should be provided to the AHSS at [planning.priorityhousing@lacity.org](mailto:planning.priorityhousing@lacity.org) as soon as they are available.

### Who can I contact for more information?

For additional information, contact the AHSS at [planning.priorityhousing@lacity.org](mailto:planning.priorityhousing@lacity.org).

# Appendix

**Figure 1: SB 35 Streamlining Eligibility Criteria Checklist Link**

▼ Planning and Zoning	
Special Notes	None
Zoning	C4-2D
Zoning Information (ZI)	<a href="#">ZI-2374 LOS ANGELES STATE ENTERPRISE ZONE</a>
Zoning Information (ZI)	<a href="#">ZI-1078</a>
Zoning Information (ZI)	<a href="#">ZI-2418 Downtown Design Guide Project Area</a>
Zoning Information (ZI)	<a href="#">ZI-2427 Freeway Adjacent Advisory Notice for Sensitive Uses</a>
Zoning Information (ZI)	<a href="#">ZI-2385 Greater Downtown Housing Incentive Area</a>
Zoning Information (ZI)	<a href="#">ZI-2452 Transit Priority Area in the City of Los Angeles</a>
General Plan Land Use	<a href="#">Regional Commercial</a>
General Plan Note(s)	Yes
Hillside Area (Zoning Code)	No
Specific Plan Area	None
Subarea	None
Historic Preservation Review	No
HistoricPlacesLA	<a href="#">View</a>
CDO: Community Design Overlay	None
CPIO: Community Plan Imp. Overlay	None
Subarea	None
CUGU: Clean Up-Green Up	None
NSO: Neighborhood Stabilization Overlay	No
POD: Pedestrian Oriented Districts	None
RFA: Residential Floor Area District	None
SN: Sign District	No
<b>SB 35 Eligibility</b>	<a href="#">View</a>
Streetscape	No
Adaptive Reuse Incentive Area	<a href="#">Adaptive Reuse Incentive Areas</a>
Affordable Housing Linkage Fee	
Residential Market Area	<a href="#">Medium-High</a>
Non-Residential Market Area	<a href="#">High</a>
Transit Oriented Communities (TOC)	<a href="#">Tier 3</a>
CRA - Community Redevelopment Agency	None
Central City Parking	Yes
Downtown Parking	No
Building Line	None
500 Ft School Zone	No
500 Ft Park Zone	No

## Figure 2: Sample of [SB 35 Initial Eligibility Criteria Checklist](#)

### Section 1 - Verification required during project review

Planning Standards (to be verified by the Department of City Planning in consultation with other agencies as needed). All answers must be "Yes"		
1.	The development is a multifamily housing development that contains two or more attached residential units. At least two-thirds of the square footage of the development is designated for residential use (including additional density, floor area, and units, and any other concession, incentive, or waiver, granted pursuant to the Density Bonus Law).	
2.	The development is located on a site in which at least 75 percent of the linear measurement of the perimeter of the site adjoins parcels that are developed with urban uses (including parcels that are only separated by a street or highway). "Urban uses" means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.	
3.	The development is located on a site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses.	YES

Additional Sections and complete information can be found through ZIMAS.