



## INFORMATION (CODE PROCEDURES/ POLICIES):

# SB 35 - Streamlined Infill Projects

## Frequently Asked Questions and Answers

### SUMMARY

SB 35 Streamlining is the City of Los Angeles' implementation program required by Senate Bill 35 (2017). Effective at the start of 2018, the law requires that certain developments be streamlined and approved through a ministerial process. The SB 35 Streamlining process will be joint effort between the Los Angeles Department of City Planning (DCP), Los Angeles Department of Building and Safety (LADBS) and the Los Angeles Housing and Community Investment Department (HCIDLA).

### BACKGROUND

On September 29, 2017, Governor Jerry Brown approved Senate Bill No. 35 (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 3, Section 300 of HCD's Streamlined Ministerial Approval Process Guidelines, the Department of 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 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 all SB 35 Streamlining requirements and benefits, please review the SB 35 Guidelines available at <http://www.hcd.ca.gov/policy-research/docs/SB-35-Guidelines-final.pdf>.

### FREQUENTLY ASKED QUESTIONS

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

There are several benefits to the SB 35 Streamlining process. First, the development will be approved through a ministerial process which means that environmental review under the California Environmental Quality Act (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 in the development. Developments with 150 units or fewer will be approved within 90 calendar days of submittal of the application. Developments with 151 units or more will be approved within 180 calendar days of submittal of the application. The time period begins when an entitlement requesting SB 35 Streamlining has been filed as noted by the SIP (Streamlined Infill Project) suffix on the case number. However, the applicant will be responsible for correcting any components of the development and case file that do not meet objective zoning criteria. The timeline will start over when the updated materials are received by DCP.

### **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(r) 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 will 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 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 where DCP, LADBS, and HCIDLA will all analyze different components of the development and site. ZIMAS now includes a link to a preliminary checklist of some SB 35 Streamlining eligibility criteria (for reference purposes only). Please see the attached Appendix where Figure 1 represents where the link will be located on ZIMAS and Figure 2 shows 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(o) 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 HCIDLA's Land Use Schedule VI. Contact [hcidla.landuse@lacity.org](mailto:hcidla.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.

#### **As a staff member of DCP, what are my responsibilities in regard to SB 35?**

DCP staff in the Project Planning Bureau will review cases without any environmental documents. DCP staff will make a determination of consistency as described in Section 301(a)(3) of the SB 35 Guidelines. For developments of 150 units or fewer, DCP staff will make a determination of consistency within 60 calendar days of submittal of the application. For developments of 151 units or more, DCP staff will make a determination of consistency within 90 calendar days of submittal of the application. DCP staff will receive zoning review comments prepared by LADBS staff before the expiration of the time limits described above.

#### **As a staff member of LADBS, what are my responsibilities in regard to SB 35?**

LADBS staff reviewing SB 35 developments should 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. All zoning review comments and forms should be provided to Eric Claros at [eric.claros@lacity.org](mailto:eric.claros@lacity.org) as soon as they are available.

#### **As a staff member of HCIDLA, what are my responsibilities in regard to SB 35?**

HCIDLA 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(y) of the SB 35 Guidelines, within the past ten years.

HCIDLA staff will prepare an AB 2556/SB 35 Determination detailing the findings of their research and analysis in regards to the above mentioned criteria.

#### **Who can I contact for more information?**

For additional information, contact Eric Claros at [eric.claros@lacity.org](mailto:eric.claros@lacity.org) or (213) 202-5448. You may also contact Ulises Gonzalez at [ulises.gonzalez@lacity.org](mailto:ulises.gonzalez@lacity.org) or (213) 202-5411.

APPENDIX

Figure 1

▼ 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-1076</a>
Zoning Information (ZI)	<a href="#">ZI-2416 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	Regional Commercial
General Plan Note(s)	Yes
Hillside Area (Zoning Code)	No
Specific Plan Area	None
Subarea	None
Historic Preservation Review	No
HistoricPlacesLA	View
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>	<b>View</b>
Streetscape	No
Adaptive Reuse Incentive Area	<a href="#">Adaptive Reuse Incentive Areas</a>
Affordable Housing Linkage Fee	
Residential Market Area	Medium-High
Non-Residential Market Area	High
Transit Oriented Communities (TOC)	Tier 3
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

SB 35 Eligibility Criteria Checklist

PIN Number: 133-5A211 254  
 Site Address: 201 N FIGUEROA ST  
 Tract: TR 51742  
 Map Reference: M B 1210-1417  
 Block: None  
 Lot: LT 1  
 Arb (Lot Cut Reference): None

A. Planning Standards (to be verified by the Department of City Planning in consultation with other agencies as needed). All answers must be "Yes"

- The development is a multi-family housing development that contains two (2) or more residential units. Not Evaluated
- The site is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau. YES
- The development is located on a site in which at least 75% 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. Not Evaluated
- 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 non-residential uses. YES
- At least two-thirds of the square footage of the development is designated for residential use. Not Evaluated
- The development did not or does not involve a subdivision of a parcel that is or would otherwise be subject to the Subdivision Map Act (Government Code Section 66410 et seq.) or any other applicable law authorizing the subdivision of land, unless either of the following apply:  
 (i) the development has or will receive financing through a low income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to Government Code Section 65913.4(a)(8)(A).  
 (ii) the development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used, pursuant to Government Code Section 65913.4(a)(8). Not Evaluated
- The development is not on an existing parcel of land or site that is governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code). YES<sup>11</sup>

B. Environmental Standards (to be verified by the Department of City Planning in consultation with other agencies as needed). All answers must be "No"

Is the development located on a site that is any of the following:

- A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code. NO
- Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction. NO
- Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993). NO
- Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development. NO
- A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses. NO
- Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section