

**SB 35 Streamlining Checklist- Oakland (based on the HCD January 31,
2018 “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

- YES NO Does the proposed project dedicate at least 50% of the proposed residential units as affordable to households at 80% AMI for either rental or ownership delivery (moderate income)?
- YES NO Does the proposed project contain at least two or more residential units?
- YES NO Is the development located on a legal parcel or parcels that is/are zoned for residential or residential mixed use or has/ have 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?
- YES NO Is the proposed property located on property that is **not** within a coastal zone, prime farmland, wetlands, a high fire 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/ encumbered by a conservation easement?
- YES NO Assuming that the entirety of the proposed project is not itself a public work, as defined under Government Code Section 65913.4(a)(8)(A), are all construction workers employed in the execution of the development to be paid 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?
- YES NO If the development consists of 75 or more units that are not 100 percent subsidized affordable housing, will the work be performed by a skilled and trained workforce, as that term is defined under California Government Code 65913.4(a)(8)(B)(iii)?
- YES NO Is the proposed project **completely consistent with all objective standards of the Planning Code** at the time of SB 35 application submittal, including 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)? *If it is determined that the proposed project is in conflict with any of these objective standards, then city must provide written documentation responding to application within 60 days of submittal if the proposed project contains 150 or fewer housing units, and within 90 days of submittal if the proposed project contains more than 150 housing units.*

Review the additional questions below. If the answer to any question is YES, the proposed project is not subject to SB 35 streamlining

YES **NO** 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? If YES, **not subject to streamlining**

YES **NO** Does the proposed project require demolition of a historic structure that is on a national, state or local historic register? A local historic register includes the Oakland Local Register of Historic Resources. If YES, **not subject to streamlining**

YES **NO** 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? If YES, **not subject to streaming**.

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

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

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.

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 (3) years from approval and as long as vertical construction has begun and is in progress.

**Questions? Contact Senior Deputy City Attorney Peter Spoerl, X6511,
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