



SB 35: AFFORDABLE HOUSING STREAMLINED APPROVAL

WHAT IS SENATE BILL 35?

California Senate Bill 35 (SB 35) creates a streamlined approval process for multi-unit housing projects that include a specified percentage of units affordable to lower-income households. SB 35 projects are exempt from discretionary review and must be consistent with objective zoning and design standards. This is a voluntary process a project applicant may elect to pursue if certain eligibility criteria are met.

WHERE DOES IT APPLY?

SB 35 applies in cities not meeting their Regional Housing Needs Allocation (RHNA) for affordable units. Currently, Mountain View does not meet the RHNA goal for very-low and low-income units. Therefore, SB 35 requires the City to streamline approval of eligible housing projects which provide 50% of the units as affordable housing by providing a ministerial approval process. The provisions of this program are in effect until January 1, 2026.

IS MY PROJECT ELIGIBLE?

Eligibility for SB 35 streamlining is determined by meeting the eligibility requirements listed on Page 2, which are State-mandated and cannot be waived or amended.

WHAT ARE OBJECTIVE STANDARDS?

Objective standards are a type of regulation that requires no personal or subjective judgment to determine whether the standards have been met. SB 35 projects are subject to all objective standards found in the Zoning Ordinance, Precise Plans, and other Citywide regulations and development standards.

ARE THERE ANY EXCEPTIONS?

No. The requirements for streamlined ministerial approval are State-mandated and cannot be waived or amended. A multi-unit housing project that does not meet one or more of the eligibility criteria or requires an exception to any development standard or regulations is not eligible and will be subject to the City's discretionary review process. State Density Bonus provisions are allowed to be applied to an SB 35 project and are not considered an exception.

HOW DO I APPLY?

Applicants intending to request SB 35 streamlining must first submit a Notice of Intent in the form of a Preliminary SB 35 application and include the information included on the [SB 35 Preliminary Application Checklist](#). At that time, the City will initiate a California Native American Tribes consultation process prior to submittal of an application. A summary of the SB 35 streamlined approval process can be found on Page 3.

SB 35 ELIGIBILITY REQUIREMENTS

- Affordability.** A minimum of 50% of the total residential units will be dedicated to low-income households making at or below 80% of the area median income (prior to calculating any density bonus).
- Number.** Project contains at least two or more net new residential units.
- Residential Uses.** The parcel is zoned for residential uses, mixed-use development, or has a General Plan designation that allows residential, and at least two-thirds of the floor area of the proposed development is dedicated to residential uses.
- Infill Development.** At least 75% of the perimeter of the site adjoins lots developed with urban uses.
- Historic Resources.** The project does NOT demolish a historic structure, site, or feature.
- Demolition of Residential Units.** The project does NOT demolish housing units that have been occupied by tenants in the last 10 years; or any housing subject to rent or price control; or restricted rents to moderate, low, or very-low incomes.
- Location.** The project site is NOT within any of the following areas: a coastal zone, prime farmland, wetland, a community conservation plan area, a habitat for protected species, or under a conservation easement.
- Hazards.** The project site is either NOT within any of the following areas, or the site has been cleared for residential use and complies with applicable hazard mitigation building code standards for the following areas: high fire hazard severity zone, hazardous waste site, delineated earthquake fault zone, flood plain, or floodway.
- Prevailing Wages.** 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, if the development is not a public work.
- Notification to California Native American Tribes.** After the required tribal consultation, a determination will be made by the City that either: no potential tribal cultural resource could be affected by the development; or all parties and the property owner entered into an agreement establishing the methods, measures, and conditions for treatment of tribal cultural resources.
- Consistent with Objective Standards.** The project meets all objective zoning and design review standards at the time of SB 35 application submittal.

SB 35 Streamlined Approval Process

Preliminary Application

Applicant submits an SB 35 Preliminary Application with required information. The project is subject to all standards and fees in effect at this time.*

The City initiates tribal consultation scoping. During this time, the City encourages applicants to engage in an informal development review to confirm eligibility for SB 35, compliance with objective standards, and project design review.

Formal Application

Applicant submits a formal application with all application submittal materials identified on the Formal Application Checklist and payment of application fees per the Planning Application Fee Schedule.

The City reviews the application for consistency with objective standards and code requirements.

Approval

The City provides a determination of approval or denial of the application within 90 days for projects of 150 units or less and 180 days for projects of greater than 150 units.

No public hearings are required. The Community Development Director will have final approval authority on all SB 35 applications.

* Per Government Code §65589.5(o)(2), projects may be subject to standards adopted after the preliminary application was submitted under the following circumstances:

- Any fee changes related to annual fee adjustments per cost index.
- Changes are necessary to mitigate or avoid specific, adverse impact upon public health or safety or under CEQA.
- Project has not started construction within 2.5 years after final approval.
- Revisions to the project result in 20% or more changes to total residential units or building area compared to preliminary application figures. The preliminary application must then be resubmitted.
- Any payments required after the building permit has received final inspection, including inspections, rent control, vacation rental bans, etc.

Planning Division Application Forms and Fees: www.mountainview.gov/planningforms
Contact the Planning Division at 650-903-6306 or planning.division@mountainview.gov.

