




DEPARTMENT OF CITY PLANNING
Executive Office

City Hall, 200 N. Spring Street, Room 525, Los Angeles, CA 90012

Date: December 6, 2021

TO: Interested Parties
Department of City Planning Staff

FROM: Vincent P. Bertoni, AICP 
Director of Planning
Department of City Planning

SUBJECT: **REVISED MEMORANDUM ON SB 35 MAXIMUM DENSITY PERMITTED BY
LAND USE DESIGNATION OR ZONE**

On September 29, 2017, Governor Jerry Brown approved Senate Bill No. 35 (SB 35), 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. This memorandum replaces the SB35 Maximum Density Permitted by Land Use Designation or Zone memorandum issued by City Planning on September 16, 2020, and clarifies the process for SB 35 projects in "P" Automobile Parking Zone

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).

Among other requirements, an eligible development is one that is consistent with objective zoning standards and objective design review standards. In accordance with Government Code Section 65913.4(a)(5)(A), a development utilizing SB 35 "...shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation..." As such, a development shall be allowed to utilize the maximum density permitted by the current land use designation or zone. In instances where the density permitted by the land use designation is utilized, a zone change would not be required. Except in specified circumstances as described further, the objective standards applicable to other aspects of a development will be those of the site's zoning (inclusive of D, T and Q Conditions) and any applicable objective design review standards, specific plan and/or overlays.

In the circumstance of a site with a "P" Automobile Parking Zone, the applicable objective development standards will be those contained within the developer's selected zone as permitted by the land use designation. Unlike other zones, the "P" Automobile Parking Zone does not contain objective development standards, and therefore eligible projects must utilize the objective standards within the developer's selected zone. The applicable objective development standards will also be inclusive of site-specific D, T and Q Conditions, and any applicable objective design review standards, specific plans and/or overlays applicable to the site. Permitting the portion of a lot zoned with a "P" Automobile Parking Zone to utilize the development standards of the developer's selected zoning designation is consistent with Government Code Section 65913.4(a)(5)(A) as it does not exceed the zoning standards of the land use designation. This policy only applies to the portion of a lot zoned as "P" Automobile Parking and does not apply to a site or portion of a site with any other zoning designation.

An entitlement request seeking to deviate from objective zoning standards, such as a zone change or zone variance, is not eligible for SB 35 Streamlining. However, a development will remain consistent with objective standards even when requesting a greater density or modifications to objective zoning standards granted pursuant to Density Bonus Law at Government Code Section 65915, local density bonus ordinances and the Transit Oriented Communities Affordable Housing Incentive Program.