



## Community Development Department Planning Division

### STREAMLINED HOUSING DEVELOPMENT Applications Under Senate Bill 35

#### What is Senate Bill 35?

Senate Bill 35 (SB 35) became effective on January 1, 2018. It enacted Government Code section 65913.4 to require cities and counties to use a streamlined ministerial review process for qualifying multifamily housing developments that comply with the jurisdiction's objective planning standards, provide specified levels of affordable housing, and meet other specific requirements.

#### What is a streamlined review process?

Under SB 35, the City is required to review qualifying projects using a ministerial review process, which means that no discretionary approvals can be required, and the City is required to process applications within the timeframes specified in Government Code section 65913.4(c). An SB 35 project is not subject to environmental review under the California Environmental Quality Act (CEQA).

#### Does my project qualify to apply for streamlining?

The California Department of Housing and Community Development (HCD) determined that Benicia is subject to SB 35. To be eligible for a streamlined review process, an application must meet **ALL** of the following criteria:

- The project must propose at least two multifamily residential units.
- The project site must be on a legal parcel with 75 percent of its perimeter adjoining parcels that are developed with urban uses and be zoned for, or designated in the General Plan to allow, residential or residential mixed-uses.
- At least 2/3 of the proposed development's square footage must be designated for residential use.
- The project must provide affordable housing as specified under Government Code section 65913.4(a)(4)(B), which specifies that:
  - Projects in Benicia that contain more than 10 units of housing must reserve at least 10% of their total units as affordable to households making below 80 percent of the area median income in Contra Costa County.
- The project applicant must certify that it will comply with the following wage requirements defined in Government Code section 65913.4(a)(8): If the development is not in its entirety a public work (as defined in Labor Code section 1720 *et seq.*), all construction workers employed in the execution of the development must be paid at least prevailing wages, unless the project includes 10 or fewer units and does not require a subdivision.
- For projects that require a subdivision or that propose 75 or more units that are not 100 percent subsidized affordable housing, prevailing wages must be paid and a skilled and trained workforce, as defined in Government Code section 65913.4(a)(8)(B)(ii), must be used to complete the development.
- None of the exclusions specified in Government Code section 65913.4(a)(6), (7), or (9) apply.
- Prior to submitting an SB 35 application, the project applicant must submit a preliminary application that includes all of the information described in Government Code section 65941.1.

- Upon receipt of a preliminary application, the City will engage in a scoping consultation regarding the proposed development with any California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development. The consultation continues until any said tribes agree that there are no impacts, the tribes identify impacts and agree to mitigation, or the parties don't agree as to the presence of impacts (in which case, the project applicant is not eligible to utilize SB 35 for project approval.)

**If my project qualifies for SB 35, what planning standards are applicable to my project?** Qualifying projects must be consistent with all of the City's objective planning and design standards, including the City's General Plan, the Benicia Municipal Code, the Downtown Mixed Use Master Plan, Benicia Objective Design Standards, Arsenal Historic Conservation Plan, Downtown Historic Conservation Plan and any applicable master plans and specific plans. Modifications to otherwise-applicable standards under density bonus law do not affect a project's ability to qualify for SB 35.

- General Plan
- Benicia Municipal Code
- Downtown Mixed Use Master Plan
- Benicia Objective Design Standards
- Arsenal Historic Conservation Plan
- Downtown Historic Conservation Plan

**What are the parking requirements?**

If your project qualifies, no more than one parking space per residential unit is required. For projects that meet the requirements specified in Government Code section 65913.4(d)(1), no residential parking is required. Mixed-use projects must provide parking for the commercial component of the development as required by the City's Zoning Code, Chapter 17.74, or the Downtown Mixed Use Master Plan Form Based Code (Chapter 4). The Zoning Ordinance and Downtown Mixed Use Master Plan can be accessed at [www.ci.benicia.ca.us/planning](http://www.ci.benicia.ca.us/planning).

**How do I apply for streamlined review?**

To apply for a project that qualifies under SB 35, an applicant must follow the process summarized below:

1. First, complete the Preliminary Application and SB 35 Pre-application Eligibility Checklist and submit these to the Community Development Department electronically at [www.ci.benicia.ca.us/planningsubmittals](http://www.ci.benicia.ca.us/planningsubmittals).
2. Next, schedule a pre-application meeting with Community Development Department staff to review the Preliminary Application and SB 35 Pre-application Eligibility Checklist. The pre-application meeting will enable the applicant and staff to determine whether the proposed project qualifies for SB 35 streamlined review and will provide an overview of remaining application submittal requirements.
3. Within 30 days of receipt of a preliminary application, the City will provide tribal consultation notice to each California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development. During consultation, any affected tribes may agree that there are no impacts, or the tribe may identify impacts and agree to mitigation of said impacts. If the parties cannot agree as to the presence of impacts or how to mitigate, then the applicant is not eligible to use SB 35 for project approvals and must submit a development application pursuant to the City's standard entitlement process which may include design review and/or the issuance of a use permit. Information about these processes is available at [www.ci.benicia.ca.us/planning](http://www.ci.benicia.ca.us/planning).

4. Following completion of the tribal consultation process, submit an SB 35 Development Application to the Community Development Department. The application must be submitted along with all of the materials identified in the application checklist to confirm that the project qualifies for SB 35.
5. The Community Development Department will review the SB 35 Development Application to determine whether the project is eligible for streamlining, including whether the development conflicts with any objective planning standards, within 60 days of SB 35 Development Application submittal for projects with 150 or fewer units, and 90 days for projects with more than 150 units (Gov. Code section 65913.4(b)(1)). If the City does not provide the documentation identifying conflicts with any objective planning standard, the development is deemed to satisfy all objective planning standards (Gov. Code section 65913.4(b)(2)).
6. Thereafter, project design review and consideration of any information requested of the applicant will be completed in 90 days from SB 35 Development Application submittal for projects with 150 or fewer units and 180 days from project submittal for projects with more than 150 units (Section 65913.4(c)).
7. If the project is approved, the applicant will then be required to obtain any additional required permits which may include grading, building and fire construction permits.