



Streamlined Housing Development Applications Under Senate Bill 35

Senate Bill 35 (SB 35) became effective on January 1, 2018 and established 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). The review process is streamlined as a ministerial project, the project would not be subject to environmental review under the California Environmental Quality Act (CEQA).

How to apply for streamlined review

To apply for a project that qualifies under SB 35, an applicant must:

1. Schedule a pre-application meeting with Planning staff to review the submittal requirements in the application checklist.
2. Submit an SB 35 development application to the Planning Division. The application must be submitted along with all of the material identified in the application checklist to confirm that the project qualifies for SB 35.

The Planning Division will determine if the project is eligible for streamlined approval:

- Within 60 days after application submittal for projects of 150 or fewer units, or
- Within 90 days for larger projects.

If the Planning Division denies the application as incomplete or ineligible for SB 35, the applicant may revise the project to comply with SB 35 and resubmit the application, subject to the same timeline for review. Once the application is accepted for review under SB 35, the Community Development Department will approve or deny the project within 90 days after application submittal for projects of 150 or fewer units, or within 180 days for larger projects.

SB 35 Eligibility Checklist

Government Code section 65913.4, also known as Senate Bill 35 (SB 35), requires the City to review qualifying multifamily housing development projects using a ministerial review process. Eligible projects must comply with objective planning standards, provide specified levels of affordable housing, and meet other specific requirements, as detailed below.

The following information and checklist is intended as a guide to help applicants and the City's Planning Division determine **if** a project is eligible for streamlined processing under SB 35. To be eligible for SB 35, a project must meet **ALL** of the following criteria, from 1 through 10:

1. NUMBER AND TYPE OF UNITS. The project must be a multifamily housing development that contains at least two residential units and comply with the minimum and maximum residential density range permitted for the site, plus any applicable density bonus.

2. AFFORDABILITY. If more than 10 residential units are proposed, at least 10 percent of the project's total units must be dedicated as affordable to households making below 80 percent of the area median income.

- If the project will contain subsidized units, the applicant has recorded or is required by law to record, a land use restriction for the following minimum durations, as applicable:
 - 55 years for rental units.
 - 45 years for homeownership units.

3. URBAN INFILL. The project must be located on a legal parcel or parcels within the incorporated City limits. At least 75 percent of the perimeter of the site must adjoin parcels that are developed with urban uses. For purposes of SB 35, "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. Parcels that are only separated by a street or highway shall be considered adjoined.

4. ZONED OR PLANNED RESIDENTIAL USES. The project must be located on a site that is either zoned or has a General Plan designation for residential or residential mixed-use development, including sites where residential uses are permitted as a conditional use. If the multifamily housing development is a mixed-use development, at least two-thirds of the project's square footage must be designated for residential use.

5. CONSISTENT WITH OBJECTIVE STANDARDS. The project must meet all objective zoning and design review standards in effect at the time the application is submitted.

If the project is consistent with the minimum and maximum density range allowed within the General Plan land use designation, it is deemed consistent with housing density standards. Any density bonus or any concessions, incentives, or waivers of development standards or reduction of parking standards requested under the Density Bonus Law in Government Code section 65915 are deemed consistent with objective standards.

6. PARKING. The project must provide a maximum of one parking space per unit;

7. LOCATION. The project must be located on a property that is **outside** each of the following areas:

- 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.
- Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
- 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 does not apply to sites excluded from the specified hazard zones by the City, 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.
- 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.
- 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 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.
- A flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
- A floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.
- Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.³
- Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of

the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

- Lands under conservation easement.
- A site that would require demolition of housing that is:
 - Subject to recorded restrictions or law that limits rent to levels affordable to moderate, low, or very-low income households.
 - Subject to rent control.
 - Currently occupied by tenants or that was occupied by tenants within the past 10 years.
 - A site that previously contained housing occupied by tenants that was demolished within the past 10 years.
 - A site that would require demolition of an historic structure that is on a local, state, or federal register.
 - A parcel of land or site governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.

8. SUBDIVISIONS. The project does not involve an application to create separately transferable parcels under the Subdivision Map Act. However, a subdivision is permitted if either of the following apply:

- The project is financed with low-income housing tax credits (LIHTC) and satisfies the prevailing wage requirements identified in item 9 of this Eligibility Checklist.
- The project satisfies the prevailing wage and skilled and trained workforce requirements identified in items 9 and 10 of this Eligibility Checklist.

9. PREVAILING WAGE. The project proponent must certify that at least one of the following is true:

- The entirety of the project is a public work as defined in Government Code section 65913.4(8)(A)(i).
- The project is not in its entirety a public work and 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.
- The project includes 10 or fewer units AND is not a public work AND does not require subdivision.

10. SKILLED AND TRAINED WORKFORCE. If the project consists of 75 or more units that are not 100 percent subsidized affordable housing, the project proponent must certify that it will use a skilled and trained workforce, as defined in Government Code section 65913.4(8)(B)(ii).

Streamlined Housing Development Senate Bill 35 Standard Application

SUBMITTAL REQUIREMENTS. If an applicant qualifies under the Senate Bill 35 Eligibility Checklist, the following information and materials listed on the attached SB 35 Application Checklist are required for a complete application. Please review this checklist with City's Planning Division staff to confirm specific requirements and to determine if other applications are required.

SB 35 Standard Applications are reviewed to determine if the application qualifies as a Streamlined Housing Development within 60 days after application submittal for projects of 150 or fewer units, or within 90 days for larger projects. Applications that are not eligible for Streamlined Housing Development processing or that do not provide a complete application, including this Standard Application and listed items on the SB 35 Application Checklist, will be denied and must be re-submitted, subject to review within 60 days after re-submittal for projects of 150 or fewer units, or within 90 days for larger projects.

Eligible Streamlined Housing Development applications are ministerially reviewed within 90 days after application submittal for projects of 150 or fewer units, or within 180 days for larger projects.

Job Site Address:		Zoning District:
Property Owner(s) Name:	Phone:	Email:
Mailing Address:	City:	State/Zip:
Applicant(s) Name (contact person):	Phone:	Email:
Mailing Address:	City:	State/Zip:

Applicability.

The proposed development is located in the City of Antioch which has issued fewer building permits for low-income housing units than allocated under the latest Regional Housing Needs Assessment and therefore is subject to the Streamlined Ministerial Approval process.

Yes No

Density Bonus. Is the project seeking a density bonus or any concession, waiver, or reduction of parking standards under State Density Bonus Law?

Yes No

Multi-Family Development Housing Type

- Multi-Family Rental; residential only with no proposed subdivision
- Multi-Family Residential with proposed subdivision
- Mixed-Use with at least 2/3 of square footage must be designated for residential.

Site Characteristics

1. Zoning Verification. 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 nonresidential uses.

Verification: Identify the following:

- Zoning District: _____
- Zoning Overlay (if any): _____
- Permitted Uses (cite Antioch Municipal Code): _____

- Antioch General Plan Designation: _____
- Other Area Plan Designation (if any): _____

2. Parcel Location. The site is a legal parcel or parcels located in the City of Antioch.

Verification: Indicate the location of the development on the US Census Urbanize Area Reference map: https://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/ua78904_san_francisco--oakland_ca/DC10UA78904.pdf

3. Perimeter Uses. The site meets the definition of infill as defined as at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses (defined as current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses). For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

Verification: Indicate the location of the development and adjacent properties on a satellite view (such as Google Earth) or other depiction illustrating surrounding urban development.

Parking

What is the proposed parking ratio for the project? _____

What is the distance to the closest transit stop? _____

Affordability Requirements.

If the development contains units that are subsidized, the development proponent already has recorded, or is required by law to record, a land use restriction for the following applicable minimum durations:

- (a) Fifty-five years for units that are rented.
- (b) Forty-five years for units that are owned.

Verification: Identify the form of anticipated recorded land use restriction and its duration, depending on the proposed housing tenure.

Labor Provisions.

The development proponent has certified as follows:

1. Either of the following is true, as applicable:
 - a. The entirety of the development is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.
 - b. If the development is not in its entirety a public work, 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, as determined by the Director of Industrial Relations.

Verification: Document that the project is a public work or commit to provide prevailing wages as required for a project that is not a public work.

Site Requirements

The development is not located on a site that is any of the following:

1. **Coastal Zone.** A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

Verification:

<https://www.coastal.ca.gov/coastact.pdf>

2. **Farmland.** 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.

Verification:

<https://maps.conservation.ca.gov/dlrp/ciff/>

- 3. Wetlands.** Wetlands, as defined by the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

Verification: Document that the development would not be located on a site that has defined wetlands.

- 4. Fire Hazard Zone.** 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.

Verification: Indicate the development location on the State's Fire Hazard Severity Zone Map:
http://frap.fire.ca.gov/webdata/maps/alameda/fhszl_map.1.pdf

- 5. Hazardous Waste Site.** 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.

Verification: Submit a Hazardous Waste and Substance Statement; see Section ____.
Indicate the development location on a GeoTracker map: <http://geotracker.waterboards.ca.gov/>

Indicate the development location on a Cortese List map:

- 6. Earthquake Fault Zone.** 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 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

Verification: Indicate the development location on a delineated earthquake fault zone map:

<https://maps.conservation.ca.gov/cgs/EQZApp/>

or submit evidence of compliance with seismic protection codes.

- 7. Flood Plain.** Within a 100-year flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development site is subject to a Letter of Map Revision issued to the City or the development site meets minimum floodplain management criteria pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

Verification: Indicate the development location on a flood plain map promulgated by the Federal Emergency Management Agency: <https://msc.fema.gov/portal/search#searchresultsanchor> or submit a copy of a letter of map revision or a flood plain development permit.

- 8. Floodway.** Within a regulatory floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

Verification: Indicate the development location on a floodway map promulgated by the Federal Emergency Management Agency: <https://msc.fema.gov/portal/search#searchresultsanchor> or submit a copy of a no-rise certification.

9. Conservation Area. Within lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

Verification: Indicate the development location on a map of adopted conservation plan areas:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline>

10. Protected Species Habitat. Within habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

Verification: Provide documentation that the development would not affect habitat for protected species identified as candidate, sensitive, or species of special status
<https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>

11. Mobile Home Residency. The development shall not be upon 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).

Verification: Document that the development complies with this limitation.

12. Rent Control/Occupancy. The development would require the demolition of the following types of housing:

- a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
- b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
- c. Housing that has been occupied by tenants within the past 10 years.

Verification: Document the history of the development site vis a vis buildings, occupancy, deed restrictions, and rent control status to demonstrate that the development would not affect these types of housing.

13. Historic Status. The development would require the demolition of a historic structure that was placed on a national, state, or local historic register.

Verification: Document that the development site is not listed on a national, state or local historic register and/or would not require the demolition of a historic structure according to these official listings:

http://ohp.parks.ca.gov/?page_id=21388

<https://www.nps.gov/subjects/nationalregister/database-research.htm>

14. Current Occupancy. The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.

Verification: Document that the development will comply

15. Demolition. The site was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application under this section.

Verification: Document the history of the development site vis a vis buildings, occupancy and demolition to demonstrate that the development would not affect these types of housing.



**SUBMITTAL REQUIREMENTS FOR PLANNING AND ZONING APPLICATIONS REQUIREMENTS
MAY VARY WITH INDIVIDUAL PROJECTS – CONTACT STAFF FOR DETAILS**

As part of the application, the following requirements must be included and each box checked by the applicant certifying that requirements have been satisfied.

Project plans include the following for a complete submittal:

- Site Survey for All Projects**-prepared and stamped by a licensed surveyor
- Cover sheet including:
- Detailed project description
- FAR and lot coverage information
- Drawing index
- Photos of the existing conditions and proposed location of new development
- Site Plan Sheet:**
 - Dimensioned existing proposed site plan including proposed parking layout, curb cuts
 - Indicate proposed driveway materials on the site plan
- Existing Elevations Sheet** with building heights (separate page)
- Proposed Elevations Sheet** with building heights (separate page)
- Existing Floor Plan Sheet** (separate page)
- Proposed Floor Plan Sheet** (separate page)
- Roof Plan /Building Sections Sheet** (separate page)
- Window Schedule/details Sheet** (separate page)
- Street elevation showing neighboring properties**
- Landscape Plan**
- Stormwater Application**
- Tentative Parcel (if applicable)**
- Build It Green Checklist**
- Conceptual Utility Plan**
- Traffic Analysis**

For the complete application submittal, the following contents must be submitted with the application:

- One (1) complete pdf version of plans (one document containing all pages)
- One (1) full-size set of plans

Please check each box indicating you have included all of the above information and understand that your applicant will not be processed until all of the information is included.

I have included the above information and understand that if there any incomplete information, my application will not be processed.

X _____ Date: _____ Print

Name: _____



TERMS AND CONDITIONS OF APPLICATION

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made part of this application in accordance with the provisions of the City's ordinances, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the City grants the approval with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge. I therefore agree to accept this responsibility for defense at the request of the City and also agree to defend, indemnify and hold the City harmless from any costs, claims, penalties, fines, judgments, or liabilities arising from the approval, including without limitation, any award or attorney's fees that might result from the third party challenge.

For this purposes of this indemnity, the term "City" shall include the City of Antioch, its officers, officials, employees, agents and representatives. For purposes of this indemnity, the term "challenge" means any legal or administrative action to dispute, contest, attack, set aside, limit, or modify the approval, project conditions, or any act upon which the approval is based, including any action alleging a failure to comply with the California Environmental Quality Act or other laws.

The signature of the property owner is required for all projects. By executing this form you are affirming that you are the property owner.

Signature of Property Owner Date

Signature of Applicant (if different) Date