



Streamlined Multifamily Housing Development Senate Bill 35 (SB 35) FAQs

What is Senate Bill 35?

Senate Bill 35 (SB 35) became effective on January 1, 2018 and enacted a [state law](#) that changed the local review process for the development of certain housing projects. SB 35 applies to California cities and counties where production of new housing has not met the state-mandated Regional Housing Need Allocation (RHNA) targets. The California Department of Housing and Community Development (HCD) determined that Concord is subject to the requirements of SB 35¹. As such, Concord must use a streamlined, ministerial review process for qualifying multifamily residential projects. A ministerial review does not involve subjective judgment and requires no public hearings, provided the proposal meets previously established and objective standards.

Multifamily housing developments that comply with Concord's objective planning standards, designate at least 10% of all proposed units as affordable, and meet other specific requirements, may be eligible for the SB 35 streamlined review process in Concord.

What is a streamlined, ministerial review process?

The City must review applications for qualifying housing developments within a shortened time frame as mandated by state law. Initially, the City must determine if the project is eligible for streamlined approval within 60 days of application submittal for projects of 150 or fewer units, or within 90 days for larger projects. If the application is eligible for review under SB 35, the City must review the project within 90 days after application submittal for projects of 150 or fewer units, or within 180 days for larger projects.

Projects qualifying for streamlined review under SB 35 are also not subject to environmental review under the California Environmental Quality Act (CEQA). This further reduces the timeline for review, and significantly reduces the ability to gather and consider public input.

How does a project qualify for streamlining?

To be eligible for a streamlined review process, a proposed project must meet **ALL** of the following criteria, as stated in more detail in [Govt. Code Section 65913.4](#):

- Two or more units.** Project must propose two or more multifamily residential units.
- Parcel must located within an urban area.** 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.
- Primary proposed use must be residential.** At least two-thirds of the proposed development's square footage must be designated for residential use.
- Affordable housing required.** The project must provide affordable housing as specified under Government Code section 65913.4(a)(4)(B), which specifies that:

¹ As of February 1, 2018, HCD determined that Concord is subject to SB 35 streamlining for eligible projects.



- Projects in Concord 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.
- **Wage and Labor Requirements.** 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. (Refer to Concord's *Streamlined Housing Development — Senate Bill 35 Standard Application*, page 2 and 3).

If a project qualifies for SB 35, what standards will apply?

Qualifying projects must be consistent with all of the City's objective zoning and development standards, including those identified in the City's General Plan, Development Code, and any applicable master plans, specific plans, and design guidelines. These standards include, but are not limited to: setbacks, height standards, lot coverage ratios, landscaping standards, creek setbacks, tree preservation and protection standards, stormwater treatment requirements, and open space requirements. It should be noted that a project that also qualifies for existing State Density Bonus Law may also qualify for the streamlining provided for in SB 35.

What are the parking requirements (see [Govt. Code Section 65913.4\(d\)\(1\)](#))?

A qualifying SB 35 project is required to provide one parking space per residential unit. Furthermore, **the City shall not impose any parking requirements for qualifying projects**, if any of the following instances are present:

- The development is located within one-half mile of the [Transit Station Overlay District](#).
- The development is located within an architecturally and historically significant historic district.
- When on-street parking permits are required, but not offered to the occupants of the development.
- When there is a car share vehicle located within one block of the development.

Mixed-use projects must provide parking for the commercial component of the development as required by the City's Development Code.

What is the process for streamlined approval?

The City's 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 must approve or deny the project within 90 days after application submittal for projects of 150 or fewer units, or within 180 days.

Where can I find more information about Concord’s SB 35 process and application requirements?

The package of requirements, checklists and information can be found [here](#). If you have additional questions, please contact the City of Concord Planning Division at zoning@cityofconcord.org.

How do I find out more information about, and provide input on, State housing legislation such as SB 35?

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Governor	Gavin Newsom	1303 10 th St., Ste. 1173 Sacramento, CA 95814 916.445.2841	N/A
State Senate District 7	Steven M. Glazer	State Capitol, Rm. 5108 Sacramento, CA 95814 916.651.4007	51 Moraga Way, Ste. 2 Orinda, CA 94563 925.258.1176
State Assembly District 14	Timothy S. Grayson	PO Box 942849 Sacramento, CA 94249 916.319.2014	2151 Salvio St., Ste. P Concord, CA 94520 925.521.1511