



Planning & Building Department
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SB 35: STREAMLINED HOUSING DEVELOPMENT FAQs and Process

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 provide specified levels of affordable housing, comply with the jurisdiction's objective planning standards, 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 Lafayette is subject to SB 35. To be eligible for a streamlined review process, an application must meet ALL of the criteria outlined in the [SB 35 Pre-Application Eligibility Checklist](#).

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 Lafayette 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
- Lafayette Municipal Code
- All applicable Master Plans
- Objective Standards for New Multi-family Mixed Use Development in the Downtown

What are the parking requirements?

If your project is eligible, 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 6-6 – Off-Street Parking](#).

What is the application process?

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

1. Complete the SB 35 Pre-application Eligibility Checklist to ensure that your project is eligible. If eligible, complete HCD's [Preliminary Application Form](#) and Lafayette's [Standard Application Form](#) and submit them with the Eligibility Checklist to the Planning and Building Department via email at planner@lovelafayette.org.
2. Staff will review the submitted documents to ensure they are complete and the project is eligible for SB 35 processing. If any information or documents are missing, staff will inform the applicant within 30 days of submittal.
3. Within 30 days of receipt of receiving a complete and eligible 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. Any affiliated tribe may request consultation. During consultation, any affected tribe(s) may agree that there are no impacts, or may identify impacts and agree to mitigation of said impacts; this agreement must be reached to proceed. (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. Information is available at [lovelafayette/planning](#).)
4. Following completion of the tribal consultation process, submit an SB 35 Development Application to the Planning and Building Department. The application must be submitted along with all the materials identified in the submittal checklist to confirm that the project qualifies for SB 35.
5. The Planning and Building 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 the following timeframes:
 - a. For projects with 150 or fewer units, within 60 days of SB 35 Development Application submittal
 - b. For projects with more than 150 units, within 90 days of SB 35 Development Application submittal (Gov. Code section 65913.4(b)(1)).If the City does not provide the documentation identifying conflicts with any objective planning standard within the applicable timeframe, 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 within the following timeframes:
 - a. For projects with 150 or fewer units, within 90 days of SB 35 Development Application submittal
 - b. For projects with more than 150 units, within 180 days of SB 35 Development Application submittal (Gov. Code 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, fire, and sanitary permits.