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SB 35 STREAMLINED MULTIFAMILY REVIEW PROCESS GUIDE



SB 35 Streamlines the Housing Approval Process in Arcata for Qualifying Projects.

What is Senate Bill 35 (SB 35)?

California Senate Bill 35 (SB 35) is a law that makes it easier and faster to get approval for certain housing projects in areas that aren't meeting state housing goals. It helps speed up the approval process by removing some of the usual steps, like public hearings and environmental review, which can delay construction. Instead of going through a lengthy public hearing process, SB 35 qualifying housing projects can get streamlined, automatic approval (called "ministerial approval"). This makes it easier for developers to start building without delays from long approval processes. Local governments cannot require extra steps like:

- A Conditional Use Permit
- Design Review
- Environmental review under CEQA (California Environmental Quality Act)

SB 35 applies in cities or counties that are not meeting state-set targets for affordable housing (for people earning less than 80% of the area's median income), and/or above-moderate income housing (for people earning more than the median income). The California Department of Housing and Community Development (HCD) has found that Arcata is not meeting its affordable housing goals for people earning more than the area's median income. The provisions of this program are in effect until January 1, 2026, unless the State extends or does not repeal Government Code Section 65913.4.

How does a project qualify?

- The project must meet all requirements on the SB 35 Eligibility Checklist (State-mandated and non-negotiable). The applicant must provide evidence that all criteria are met.
- The project must comply with all of Arcata's objective planning standards in the Land Use Code and applicable area-based codes.
- The applicant must submit a Preliminary Housing Development Application.
- California Native American Tribes must be consulted (City will facilitate).

Want to learn more? Visit the California HCD website or contact the Planning Division at (707) 825-5955. The SB 35 Statewide Determination can be viewed [here](#).



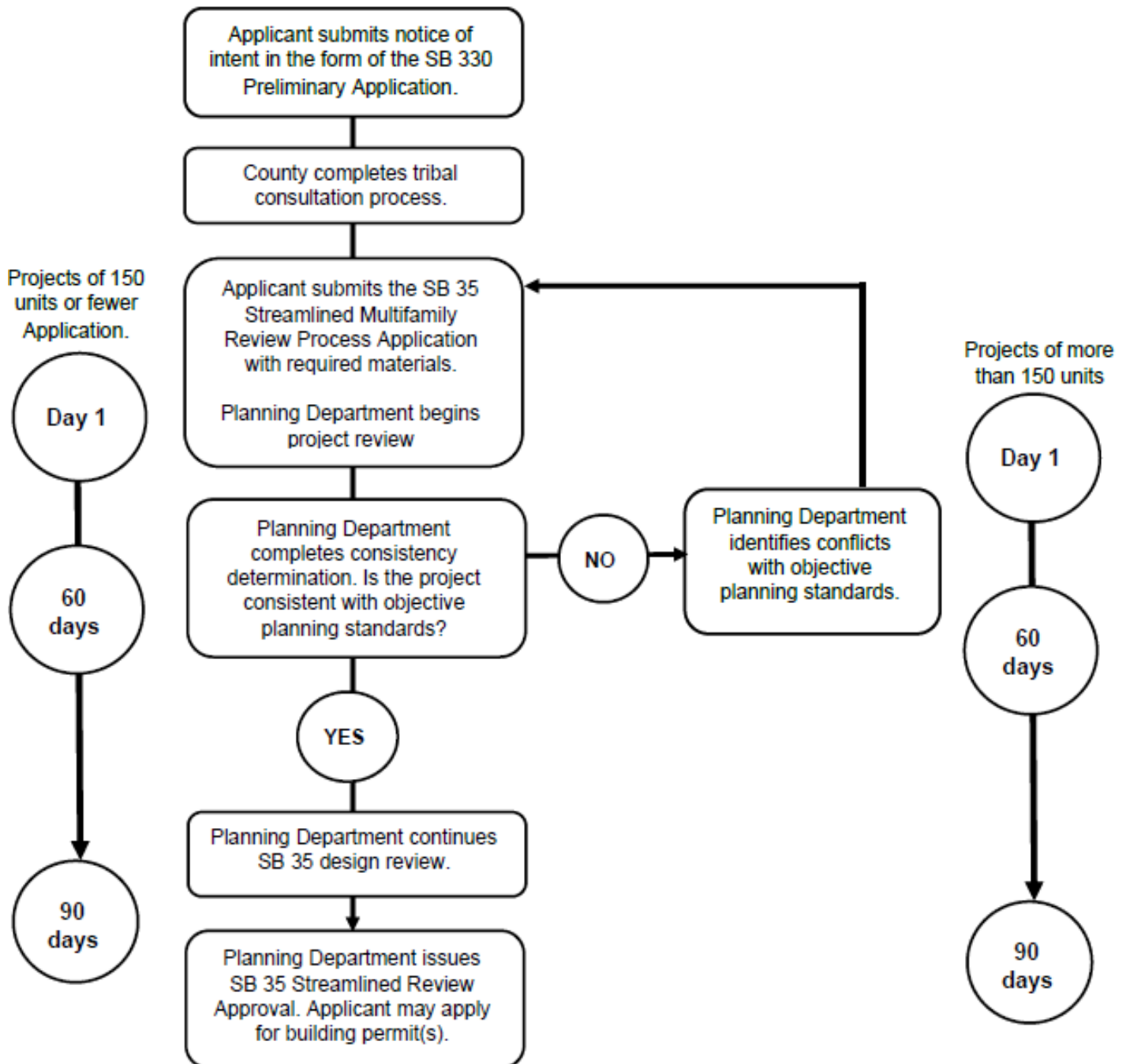
SB 35 ELIGIBILITY CHECKLIST

A project may be eligible for the streamlined review process if it meets the following criteria:

Multifamily Residential Development	The project must involve the development of 2 or more attached residential units. The project may be mixed use, but a minimum of two-thirds of above ground development square footage must be designated for residential use.
Not Within Protected Resource Areas	The project site cannot be in the Coastal Zone, a conservation area, or a hazardous waste site, and cannot contain protected species habitat, prime farmland, farmland of statewide importance, wetlands, floodways, or conservation easements. Projects in a very high fire hazard severity zone, earthquake fault zone, or 100-year floodplain must mitigate those hazards.
Objective Standards and Subdivisions	The project must be consistent with objective zoning, subdivision, and design review standards. Developments involving subdivisions of land subject to the Subdivision Map Act are generally ineligible, except under specific circumstances relating to funding sources and prevailing wage.
Infill Parcels Only	A project qualifies as “infill” if at least 75% of the borders of the property touch other properties that are already developed with urban uses. If a street or highway separates the property from nearby development, it still counts as “adjoining” those developed parcels.
No Demolition of Housing or Historic Structures	The project cannot involve demolition of certain categories of housing or a historic structure designated on the local, state, or national register, and cannot develop on a site where rental housing was demolished within the last 10 years.
Affordable Housing Requirements	Multi-family housing projects, including mixed-use development, must provide at least 10% of the units as deed restricted affordable housing for households making below 80% of the Area Median Income.
Labor Requirements	All projects of 10 units or more are subject to special labor requirements. Projects involving subdivisions or lot mergers may qualify for SB 35 streamlining with certain labor requirements.



SB 35 REVIEW TIMELINE





FREQUENTLY ASKED QUESTIONS

WHERE DO I START?

Applicants intending to request SB-35 streamlining must first submit a Notice of Intent in the form of a Preliminary Housing Development Application. Applications will not be accepted without providing sufficient evidence that the project meets all eligibility criteria. At that time, the City will initiate a California Native American Tribes consultation process prior to submittal of an application. **An SB 35 application cannot be made until the notice and scoping consultation is complete and either an agreement is reached or no tribe elects to participate in a scoping consultation.** Once the tribal scoping is complete, and the project is determined to be consistent with all eligibility criteria, applicants can submit an SB 35 application.

The Planning Division strongly recommends that applicants schedule a pre-application meeting with staff to review the submittal requirements in the application checklist and the conceptual design. To schedule a pre-application meeting, please call the Planning Department at (707) 825-5955 or via e-mail at comdev@cityofarcata.org.

WHAT ARE OBJECTIVE PLANNING STANDARDS?

Objective planning standards are standards that involve no personal or subjective judgement by a public official. For example, a building height limit of 3 stories is an objective standard. In comparison, a requirement that a building must blend appropriately with the neighborhood character is a subjective standard. These standards can be found in the City's Land Use Code and General Plan/Local Coastal Program.

WHAT ARE THE PARKING REQUIREMENTS?

If a project qualifies, no more than one parking space per residential unit is required. Per Government Code section 65913.4(d)(1), no residential parking is required to projects that are: 1) within one half mile of a public transit stop; 2) located within a historically and architecturally significant district or 3) within one block of a car share vehicle station; or 4) located in areas where on-street parking permits are required, but not offered to occupants of the development. Mixed-use projects must provide parking for the commercial component of the development as required by the Arcata Land Use Code.

ARE THERE ANY EXCEPTIONS?

No, the requirements for streamlined ministerial approval are state-mandated and cannot be waived or amended. A multi-unit housing project that does not meet one or more of the requirements listed on the SB 35 Eligibility Checklist, or mandatory objective standards, or if an exception to any objective zoning or other development standard is requested (such as a variance, modification, exception, waiver, or similar) is not eligible and will be subject to the City's discretionary review process.

DOES THE APPROVAL EXPIRE?

Streamlined approval does not expire if the project includes public investment in housing affordability, beyond tax credits, where 10% of the units are deed restricted to households making below 80% of the area median income. For all other projects, approval expires after 2 years. Approval may remain valid if construction is in progress.