



Streamlined Housing Development Senate Bill 35/423 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. SB 423 (2023) amended and extended SB 35 (2017), expanding streamlined housing approval provisions. 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 35/423. To be eligible for SB 35/423, 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 50 percent of the project's total units, before calculating any density bonus, 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 35/423, "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.
- Objective standards are those that require no personal or subjective judgment and must be verifiable by reference to an external and uniform source available prior to submittal. Sources of objective standards include, without limitation:
 - Arcadia General Plan.
 - Arcadia Development Code.

6. **PARKING.** The project must provide at least one parking space per unit; however, no parking is required if the project meets any of the following criteria:

- The project is located within one-half mile of public transit.
- The project is located within an architecturally and historically significant historic district.
- On-street parking permits are required but not offered to the occupants of the project.
- The project is located within one block of a car share vehicle station.

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, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by Arcadia's voters.
- 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 the state responsibility area, as defined in Section 4102 of the Public Resources Code. This subparagraph does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions:
 - Section 4291 of the Public Resources Code or Section 51182, as applicable.
 - Section 4290 of the Public Resources Code.
 - Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations).
 - 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 either of the following apply:

- The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5.
- The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable 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.
- Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:
 - The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.
 - The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program 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.

- 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. **DEVELOPMENTS IN MODERATE RESOURCE AREA, LOW RESOURCE AREA, OR AREA OF HIGH SEGREGATION AND POVERTY.** If the proposed project is located in a moderate resource area, low resource area, or an area of high segregation and poverty, as determined by the most recent "CTCAC/HCD Opportunity Map" published by the California Tax Credit Allocation Committee, the applicant must attend a public meeting after a Notice of Intent/Preliminary Application form is submitted, but before the formal submittal of a development application subject to SB35. The applicant must review the public testimony and written comments from the meeting. Please check this box if this criteria applies to the project.

- Not applicable.

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. LABOR STANDARDS. If the project includes 50 or more units, will the project meet the labor standards provided in Government Code 65913.4(a)(8)(E)

11. SKILLED AND TRAINED WORKFORCE. If the project is to be over 85 feet above grade, the project will meet the skilled and trained workforce requirements provided in Government Code 65913.4(a)(8)(F)



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Streamlined Housing Development

Certificate for Compliance with Eligibility Requirements

Date

I, _____, do hereby certify and declare as follows:

(a) The subject property is located at (address and assessor's parcel number):

Address

Assessor's Parcel Number

- (b) I am a duly authorized officer or owner of the subject property.
- (c) The property owner agrees to comply with the applicable affordable housing dedication requirements established under Government Code section 65913.4(a)(3) and (a)(4).
- (d) The property owner agrees to comply with the applicable prevailing wage requirements established under Government Code section 65913.4(a)(8)(A).
- (e) The property owner agrees to comply with the applicable labor requirements established under Government Code section 65913.4(a)(8)(E).
- (f) The property owner agrees to comply with the applicable skilled and trained workforce requirements established under Government Code section 65913.4(a)(8)(F).
- (g) The property owner certifies that the project site has not contained any housing occupied by tenants within 10 years prior to the date written above.
- (h) The property owner certifies that information submitted to demonstrate compliance with all requirements of Government Code section 65913.4(a) is true and correct to the best of the owner's knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this day in:

Location

Date

Owner's Signature, Name (Print), Title