

SB 35 Application Information and Process



California Senate Bill 35 (SB 35), which went into effect in 2018, creates a streamlined approval process for multifamily housing projects that provide a specified percentage of units affordable to lower income households. SB 35 projects are exempt from discretionary review if the proposed project meets certain eligibility criteria and is consistent with objective land use and design standards. SB 35 requirements are codified in Government Code Section 65913.4.

Where does SB 35 apply?

SB 35 applies in jurisdictions that have not met their Regional Housing Needs Allocation (RHNA) for construction of housing at certain levels of affordability. Currently, Cotati does not meet all of its the RHNA targets, and therefore SB 35 requires the City to streamline approval of certain housing projects by providing a ministerial approval process. Eligible projects are required to provide at least 50% of the units as affordable housing to persons with incomes below 80% AMI.

Is my project eligible?

Eligibility for SB 35 is determined by meeting the requirements listed on the SB 35 Eligibility Checklist in the SB 35 Streamlined Housing Application. These requirements are State-mandated and cannot be waived or amended. Applicants intending to request SB 35 streamlining must first submit a Notice of Intent in the form of the SB 330/SB 35 Preliminary Application Form. After the applicant submits the Notice of Intent, the City will initiate a California Native American Tribal Scoping Process, which must be concluded prior to applicant's submittal of an SB 35 Application. The SB 35 Application will not be accepted without inclusion of sufficient evidence that the proposed project meets all eligibility requirements.

What are Objective Standards?

Objective standards are a type of regulation that requires no personal or subjective judgement to determine whether the standards have been met. Proposed SB 35 projects are subject to all objective standards found in the City's Land Use Code, Multifamily Objective Design Standards (MODS), applicable Specific Plans, and other citywide regulations and development standards.

The SB 35 Streamlined Housing Application includes a checklist to ensure that the project meets the required objective standards. The objective standards outline clear expectations with which projects must demonstrate compliance in order to be successfully entitled. The checklist is intended to be used in conjunction with the text of the MODS and other City regulations. It is not meant to replace a full reading of the text of the MODS or other City regulations.

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SB 35 Application and Streamlined Approval Process

This is a summary of the affordable housing streamlined application and approval process for projects that meet the eligibility criteria according to Government Code Section 65913.4. Refer to the Code Section for full details.

Step 1: Confirm that the project is eligible

Review the SB 35 Eligibility Checklist in the SB 35 Streamlined Housing Application to confirm that your project meets all of the eligibility criteria.

Step 2: Submit a Notice of Intent (“SB 330/SB 35 Preliminary Application”) and pay fee

Once you have confirmed that the proposed project meets all eligibility criteria, submit a Notice of Intent (the “SB 330/SB 35 Preliminary Application” form), which will allow the City to initiate the California Native American Tribal Scoping Consultation process. Payment of the application fee (“Pre-Application Review” fee in the City’s current Fee Schedule) is required at the time of application submittal.

Step 3: Tribal Scoping Consultation

Upon receipt of a Notice of Intent the City will initiate a scoping consultation with any California Native American Tribe that is affiliated with the geographic area. The timeline for this process is as follows:

1. Notice. Within 30 days of receiving the Notice of Intent, the City will provide formal notice to each Tribe, inviting them to engage in consultation.
2. Acceptance. Each Tribe has 30 days to accept the invitation to engage in consultation.
3. Consultation. The City will initiate consultation within 30 days of the Tribe’s acceptance of the invitation to consult on the project.
4. Conclusion. The consultation process is concluded when one of the outcomes described in Government Code Section 65913.4(b)(2) occurs.

Step 4: Submit a complete SB 35 Housing Development application and pay fee

After Tribal Scoping Consultation has been concluded, and if the project meets the eligibility criteria, you may submit a completed SB 35 Streamlined Housing Application, which consists of an application form and all items on the SB 35 Application Checklist. Payment of the review fee (equivalent to “Preliminary Design Review” fee in the City’s current Fee Schedule) is required at the time of application submittal.

Step 5: Ministerial Review by City

The timelines for streamlined review are as follows:

1. Application Review. City staff will determine whether the project is eligible for SB 35 within 60 days of application submittal for projects of 150 or fewer units, or within 90 days of application submittal for projects over 150 units.
2. Action on the Application. Action on the application must be completed by the City within 90 days of application submittal for projects of 150 or fewer units, or within 180 days of application submittal for projects over 150 units.
3. Expiration. A decision to approve the project will expire after 3 years, if a building permit has not been issued for the project. A project may receive a one-time, one-year time extension if the applicant shows significant progress toward the building permit application.