



## CITY OF SIGNAL HILL

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2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

### **Affordable Housing Streamlined Approval Pursuant to Senate Bill 35 (SB 35)**

As of July 17, 2020, HCD determined that the City of Signal Hill was subject to SB 35 streamlining for proposed developments with 10 percent or greater affordability.

To accommodate future SB 35 applications and inquiries, the City will create and make available an informational packet that explains SB 35 streamlining provisions in Signal Hill and provides SB 35 eligibility information.

#### **Summary**

This document serves as a Fact Sheet and guide for better understanding the implementation of Senate Bill (SB) 35 for projects within the City of Signal Hill. SB 35 Streamlining is the City of Signal Hill's implementation program required by SB 35 (2017). Effective at the start of 2018, the law requires that certain affordable housing developments be streamlined and approved through a ministerial process.

#### **Background**

On September 29, 2017, Governor Jerry Brown approved SB 35 to be effective as of January 1, 2018. On November 29, 2018, the California Department of Housing and Community Development (HCD) released the guidelines for the Streamlined Ministerial Approval Process created by SB 35 (SB 35 Guidelines). As required by Article III, Section 300 of HCD's Streamlined Ministerial Approval Process Guidelines, City Planning has created an application process for eligible developments.

The purpose of SB 35 is to provide eligible developments a Streamlined Ministerial Approval Process (SB 35 Streamlining) that is not subject to the California Environmental Quality Act (CEQA). Applicants may request that their entitlement for an eligible development be approved through a streamlined, administrative process (SB 35 Streamlining).

Note: Any entitlement requests seeking to deviate from objective zoning code standards, such as Zone Changes or Zone Variances, are not eligible for SB 35 Streamlining. For more information on what entitlement requests are eligible for SB 35 Streamlining, please consult the Community Development Department at [comdev@cityofsignalhill.org](mailto:comdev@cityofsignalhill.org).

For more information on all SB 35 Streamlining requirements and benefits, review the SB 35 Guidelines, updated on March 30, 2021. Please visit the California Department of Housing and Community Development website at <https://hcd.ca.gov/> to view the latest SB 35 Guidelines.

## Project Eligibility for Streamlined Approval

In order to be eligible for streamlining, the project must meet all of the following criteria:

- **Affordability:** At least 50% of the proposed residential units must be dedicated as affordable to households at 80% AMI for either rental or ownership projects.
- **Number of Units:** The development must contain at least two or more net new residential units.
- **Zoning and Residential Uses:** The development must be located on a legal parcel or parcels that are zoned for residential uses. At least 2/3 of the floor area of the proposed development must be dedicated to residential uses.
- **Location:** The development must be located on a property that is not within a coastal zone, prime farmland, wetlands, a high fire hazard severity zone, hazardous waste site, a delineated earthquake fault zone, a flood plain, a floodway, a community conservation plan area, a habitat for protected species, or under a conservation easement.
- **Demolition of Residential Units:** The project does not demolish any housing units that have been occupied by tenants in the last 10 years; are subject to any form of rent or price control, or are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes.
- **Historic Buildings:** The project does not demolish a historic structure that has been placed on a national, state, or local historic register.
- **Consistent with Objective Standards:** The project must meet all objective standards of the Zoning Code at the time of SB-35 application submittal. Such objective standards are those that require no personal or subjective (discretionary) judgment, such as objective dimensional requirements, and as otherwise set forth below.
- **Prevailing Wages:** If the development is not in its entirety a public work, as defined in Government Code Section 65913.4 (a)(8)(A), all construction workers employed in the execution of the development must be paid at least the general prevailing rate of per diem wages for the type of work and geographic area.
- **Skilled and Trained Workforce provisions:** A skilled and trained workforce, as defined in Government Code Section 65913.4 (a)(8)(B)iii, must complete the development if the project consists of 50 or more units.
- **Subdivisions:** The development did not or does not involve a subdivision of a parcel that is subject to the California Subdivision Map Act, unless the development either (i) receives a low-income housing tax credit and is subject to the requirement that prevailing wages be paid, or (ii) is subject to the requirements to pay prevailing wages and to use a skilled and trained workforce.
- **Notification to California Native American tribes:** After providing notice of the intent to develop the site to California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed development site, a determination by the City that: the development site is not a tribal or cultural resource on a national, state, tribal or local historic register list; that the parties to a scoping consultation have documented an enforceable agreement on methods, measures, and conditions

for tribal cultural resource treatment; or that the parties to the scoping consultation do not disagree as to whether a potential tribal cultural resource will be affected by the proposed development.

## **Process for Streamlined Approval**

Prior to accepting an application for SB-35 approval, the City must notify relevant California Native American tribes about the proposed development. A notice of intent to submit an SB-35 application shall include a Project Application, SB-35 Application Supplemental, State Density Bonus application supplemental (if required), a Preliminary Application pursuant to SB-330, and architectural plans. If there is no response to the notification of intent or there is an agreement reached in a scoping consultation and the project application is deemed complete and eligible for SB-35 review, the project is eligible for SB-35 (ministerial) approval. If there is no agreement reached, a project is not eligible for SB-35 approval. Provided that the notification and scoping session result in either an agreement or no response, SB-35 timelines shall commence provide a building permit is submitted.

Projects that elect to take advantage of streamlining stipulated in SB-35 must submit a building permit application and an SB-35 Streamlined Development application demonstrating the project's eligibility.

CEQA review is not required for SB-35 eligible projects because they are subject to a ministerial approval process. The building permit will not be subject to any applicable neighborhood notice requirements in the Zoning Code, and the Department will not accept Discretionary Review applications for these projects because they are subject to a ministerial approval process.

SB-35 includes timelines for streamlined review. Planning staff must determine if a project is eligible for streamlining within 60 days of application submittal for projects of 150 or fewer units, and 90 days for projects containing more than 150 units.

If the Department provides written comments to an Applicant detailing how a project is not SB-35 eligible as proposed, or requests additional information to make such a determination, then the 60 or 90 day timeline will restart upon submittal of a revised development application in response to that written notice.

Any design review or public oversight must be completed in 90 days for 150 or fewer units and 180 days for projects with more than 150 units, measured from the date of the SB-35 application submittal. The Development Services Director may decide, on a case by case basis, to schedule a design review hearing for an SB-35 project at the Planning Commission.

### **State Density Bonus Projects under CA Govt. Code Section 65915**

Projects that use the State Density Bonus Program and meet all other eligibility requirements above qualify for streamlining under SB-35. Any waivers, concessions, or incentives, conferred through the State Density Bonus Law are considered code-complying, and therefore are consistent with the objective standards of the Zoning Code. In addition, qualifying 100% affordable projects may qualify for the State Density Bonus set forth in CA Govt. Code Section 65915.