

## **SB 35 Application Checklist**

### **Government Code Section 65913.4**

On January 1, 2018, Senate Bill 35 (SB35) became state law establishing a streamlined and ministerial approval process for certain multifamily housing development projects. Eligible projects must comply with objective planning standards, provide specified levels of affordable housing, and meet other specified requirements, as detailed below. The California Department of Housing and Community Development has determined that the City of Sausalito is subject to the streamlined application review process under Government Code section 65913.4.

**Before an SB 35 application can be submitted, the applicant must submit a notice of intent in the form of a preliminary application that includes all the information described in Government Code section 65941.1.** The City's preliminary application form can be downloaded from its website and must be completed prior to submitting this application.

**The City must then notify California Native American tribes that are traditionally and culturally affiliated with the area of the site to determine if they wish to engage in a scoping consultation.** 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.

**If the development is in a moderate resource area, low resource area, or an area of high segregation and poverty, as shown on the "CTCAC/HCD Opportunity Map," the City Council must also hold a public meeting at a regular Council meeting** before an application can be submitted.

**STREAMLINED HOUSING DEVELOPMENT (SB 35)**

**APPLICATION FORM**

**SUBMITTAL REQUIREMENTS.** The following information is required for a complete application. Please review this checklist with the City’s Planning Department. **STATE LAW DOES NOT ALLOW THE CITY TO ACCEPT THIS APPLICATION UNTIL A PUBLIC MEETING, IF REQUIRED, HAS BEEN HELD, AND THE TRIBAL CONSULTATION AND SCOPING PROCESS HAS BEEN COMPLETED.**

SB 35 Applications are reviewed to determine if the application qualifies for Streamlined Ministerial Review under SB 35 (Government Code Section 65913.4). Applications that are not eligible for Streamlined Ministerial Review or that do not provide sufficient information to determine compliance with City standards will be denied and must be re-submitted. The purpose of this form is to determine if the project meets the eligibility standards established in state law for Streamlined Ministerial Review.

All documents, reports and plans must be provided to the Planning Dept. in hard copy and digital format. Please submit one (1) set of hard copy plans.

- APPLICATION FORM.** The applicant must complete this application form and provide all documents required in the Planning Application Submittal Requirements as well as the City’s Residential Site Data Table. If a subdivision is requested, the applicant must also complete the application form required by the City for subdivision approval and provide all documents required for subdivision approval. If the project is seeking a density bonus or any concession, waiver, or reduction of parking standards under state Density Bonus Law (Government Code Section 65915 *et seq.*), include the City’s density bonus application form.

Signature of Applicant:	Date

Print Name: \_\_\_\_\_

Signature of Property Owner:	Date

Print Name: \_\_\_\_\_

Documentation of authority to sign submitted with application
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**Compliance with SB 35 Eligibility Requirements**

**PLANNING REVIEW FEE.** (\$6,005.00).

**COMPLIANCE WITH ELIGIBILITY REQUIREMENTS.** Describe below how the project complies with each of the following eligibility requirements.

**NUMBER AND TYPE OF UNITS.** The project must be a multifamily housing development that contains at least two residential units.

Project Compliance:

**LEGAL PARCEL.** It is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau.

Project Compliance:

**URBAN INFILL.** At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. parcels that are only separated by a street or highway shall be considered to be adjoined. "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.

Project Compliance:

**RESIDENTIAL USE.** At least two-thirds of the square footage of the development is designated for residential use. Additional density, floor area, and units, and any other concession, incentive, or waiver of development standards granted pursuant to the Density Bonus Law in Section 65915 shall be included in the square footage calculation. The square footage of the development shall not include underground space, such as basements or underground parking garages.

Project Compliance:

- ZONING AND GENERAL PLAN DESIGNATION. One of the following applies to the site:
- The site is zoned for residential use or residential mixed-use development.
  - The site has a general plan designation that allows residential use or a mix of residential and nonresidential uses.
  - The site meets the requirements of Section 65852.24.

Project Compliance:

- AFFORDABILITY. If more than 10 residential units are proposed, one of the following must be true:
- For Rent: at least 10 percent of the project's total units<sup>1</sup> must be dedicated as affordable to households making at or below 50 percent of the area median income.
  - For Sale: at least 10 percent of the project's total units must be dedicated as affordable to households making at or below 80 percent of the area median income.

**Alternate Provision:**

- At least 20 percent of the project's total units must be dedicated as affordable to households making at or below 80 percent of the area median income.

***[NOTE: If the city requires more units to be affordable at the specified income level than required by SB 35, then the city's ordinance prevails.]***

Project Compliance:

COVENANT. If more than 10 residential units are proposed, the applicant must commit to record, prior to issuance of the first building permit, a land use restriction or covenant for the required affordable units providing that the housing shall remain affordable to lower or very low-income households, as applicable, for the following minimum durations, as applicable:

- 55 years for rental units.
- 45 years for homeownership units.

Project Compliance:

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<sup>1</sup> "Total Units" means number of units prior to calculating any density bonus.

COMPLIANCE WITH SB 35 ELIGIBILITY STANDARDS. The project may not be located on a site that is any of the following:

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 City of Sausalito voters.

Project Compliance:

Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

Project Compliance:

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.

Project Compliance:

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).

Project Compliance:

Lands under conservation easement.

Project Compliance:

- 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 or price 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 contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.

**Note:** To demonstrate compliance with these provisions, provide history of site uses for the past 10 years. If residences currently or formerly existed on the site in the past 10 years, provide history of occupants for the past 10 years.

Project Compliance.

A site that would require demolition of an historic structure that is on a local, state, or federal register.

Project Compliance:

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.

Project Compliance:

SITES EXCLUDED UNLESS STANDARDS ARE MET. If the site is located within any of the following zones, the project is not eligible for SB 35 Streamlined Ministerial Review unless the application demonstrates that additional standards have been met, as described below. Please attach any documentation required to demonstrate compliance.

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 Public Resources Code Section 4102, unless the site has 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 Public Resources Code Sections 4291 or 51182, as applicable, 4290, or Chapter 7A of the California Building Code.

Project Compliance:

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 the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed-uses.

Project Compliance:

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.

Project Compliance:

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 (FEMA) in any official maps promulgated by FEMA. However, the proposed development may be located on the site 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;  
or

the site meets FEMA 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 regulatory floodway as determined by maps promulgated by FEMA 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.

Project Compliance:

PREVAILING WAGE. If the project includes 10 or more units and the project is not in its entirety a public work as defined in Government Code Section 65913.4(8)(A), the project proponent must certify to the City that the following are true, as applicable:

All construction workers employed in the execution of the development shall be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Labor Code Sections 1773 and 1773.9, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work for those portions of the development that are not a public work.

All contractors and subcontractors for those portions of the development that are not a public work shall comply with Government Code Section 65913.4(8)(A)(iii).

The applicant shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.

Contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages.

The requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing does not apply to those portions of development that are not a public work if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Labor Code Section 511 or 514.

Project Compliance:

LABOR STANDARDS FOR PROJECTS WITH 50 OR MORE UNITS. A project of 50 or more units must meet the labor standards provided in Government Code Section 65913.4(8)(E).

Project Compliance:



SKILLED AND TRAINED WORKFORCE FOR PROJECT OVER 85 FEET IN HEIGHT ABOVE GRADE. A project over 85 feet in height above grade must meet the skilled and trained workforce requirements provided in Government Code Section 65913.4(8)(F).

Project Compliance:

DEVELOPMENTS IN MODERATE RESOURCE AREA, LOW RESOURCE AREA, OR AREA OF HIGH SEGREGATION AND POVERTY. The applicant must attest in writing that it attended the public meeting held before it submitted this SB 35 application and reviewed the public testimony and written comments from the meeting. Please attach this statement if required.

Project Compliance:

**DEMONSTRATION OF CONSISTENCY WITH OBJECTIVE STANDARDS.** On an attachment, identify all objective general plan, specific plan, zoning, subdivision, design review, and inclusionary zoning standards applicable to the project and describe how the proposed project is consistent with all standards applicable to the project site. This includes, but is not limited to, demonstrating compliance with all objective use requirements, floor area standards, density, setbacks, height standards, lot coverage ratios, landscaping standards, creek setbacks, tree preservation and protection standards, water efficient landscaping requirements, stormwater requirements, design review standards, subdivision requirements, common open space, private useable open space, and public open space requirements, and objective general and specific plan policies and standards.

***Please refer to City Council Resolution No. 6059 for a summary of the City's adopted Objective Standards.***

**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*