



SB 35 Preliminary Application Form

Planning Division

January 25, 2023

GENERAL INFORMATION

An applicant for a housing development project shall be deemed to have submitted a preliminary application upon providing all of the information listed in this Preliminary Application form.

A "housing development project" means a project consisting of: (1) residential units only, (2) a mix of commercial and residential uses, with two-thirds of the project's square footage used for residential purposes; or (3) transitional or supportive housing.

A Preliminary Application will not be deemed to be submitted if all of the information required has not been provided to the City. After you submit this application, if you revise your project so that the number of residential units or square footage of construction changes by 20 percent or more (exclusive of any increase pursuant to Government Code Section 65915 (Density Bonus Law), you will need to submit a new preliminary application.

Your preliminary application will be deemed abandoned if you do not submit a development application within 180 days of submitting this application, or, if your development application is found to be incomplete, you do not provide any additional information required within 90 days of notice that the application is incomplete.

SITE INFORMATION

- PROJECT LOCATION** - The specific location, including assessor's parcel numbers, a legal description, and site address, if applicable.

Street Address _____

Legal Description (Lot, Block, Tract)

Attached?

YES

NO

Assessor's Parcel Number(s) _____

2. **EXISTING USES** - The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located (if you have attached a site plan that clearly depicts all existing uses and proposed physical alterations, please enter "See Attached Plan" below).

3. **SITE PLAN** - A site plan showing the building(s) location on the property and approximate square footage of each building that is to be occupied.

Attached? YES NO

4. **ELEVATIONS** - Elevations showing design, color, material, and the massing and height of each building that is to be occupied.

Attached? YES NO

5. **PROPOSED USES** - The proposed land uses by number of units and square feet of residential and non-residential development using the categories in the Zoning Ordinance Section.

a. RESIDENTIAL DWELLING UNIT COUNT:

Please indicate the number of dwelling units proposed, including a breakdown of levels by affordability, set by each income category.

	Number of Units
Market Rate	
Managers Unit(s) – Market Rate	
Extremely Low Income	
Very Low Income	
Low Income	
Moderate Income	
Total No. of Units	
Total No. of Affordable Units	
Total No. of Density Bonus Units	

Other notes on units:

6. FLOOR AREA - Provide the proposed floor area and square footage of residential and nonresidential development, by building. (Attach relevant information by building and totals here. If more space is needed, enter "See Attached," and attached a modified table.):

	Residential	Nonresidential	Total
Floor Area (Zoning)			
Square Footage of Construction			

7. PARKING - The proposed number of automobile parking spaces:

Residential	Nonresidential	Total Automobile Parking

Other Parking: Please describe any other parking that will be provided, including number of motorcycle spaces, short and long-term bicycle parking spaces, loading zones, EV charging stations, etc.

8. **AFFORDABLE HOUSING INCENTIVES, WAIVERS, CONCESSIONS and PARKING REDUCTIONS** - Will the project proponent seek Density Bonus incentives, waivers, concessions, or parking reductions pursuant to California Government Code Section 65915?

YES NO

If "YES," please describe:

9. **SUBDIVISION** – Will the project proponent seek any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a vesting or tentative map, a condominium map, a lot line adjustment, or a certificate of compliance?

YES NO

If "YES," please describe:

10. POLLUTANTS – Are there any proposed point sources of air or water pollutants?

YES NO

If “YES,” please describe:

11. EXISTING SITE CONDITIONS – Provide the number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied. Provide attachment, if needed.

	Occupied Residential Units	Unoccupied Residential Units	Total Residential Units
Existing			
To Be Demolished			

12. ADDITIONAL SITE CONDITIONS –

a. Whether a portion of the property is located within any of the following:

i. A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, pursuant to Section 51178?

YES NO

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

YES NO

iii. 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?

YES NO

iv. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by any official maps published by the Federal Emergency Management Agency?

YES NO

v. 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?

YES NO

vi. A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code?

YES NO

If you checked "YES" for item (vi), attach a site map showing the location of any such stream or other resource. Regardless of whether you checked "YES", provide an aerial photograph showing existing environmental site features subject to regulations by a public agency, including creeks and wetlands.

Check here to indicate you have read this statement and have attached the required materials

If "YES" to any, please describe:

b. Does the project site contain historic and/or cultural resources?

YES NO

If "YES", please describe:

c. Does the project site contain and species of special concern, such as special status flora or fauna, protected trees, or wildlife?

YES NO

If "YES," please describe:

d. Does the project site contain any recorded public easement, such as easements for storm drains, water lines, and other public rights of way?

YES NO

If "YES," please describe:

If "YES" provide a site plan showing the location of any such easements.

Check here to indicate you have read this statement, and if applicable, have attached the required materials

13. COMMENTS- Is there anything else about the proposed project you would like to explain? Please also feel free to use this space to elaborate on any of your responses you believe require clarification or further explanation. Please attach additional sheets if necessary. You are not required to provide any information here:

14. PROJECT TEAM INFORMATION - The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application.

PROPERTY OWNER OF RECORD	APPLICANT (if different than property owner)
NAME:	NAME:
COMPANY NAME:	COMPANY NAME:
ADDRESS:	ADDRESS:
TELEPHONE #:	TELEPHONE #:
FAX #:	FAX #:
EMAIL:	EMAIL:
SIGNATURE (Consent to process preliminary application on subject property):	SIGNATURE:

Overview

Senate Bill 35 (SB 35) became effective on January 1, 2018 and enacted Government Code section 65913.4 which created a streamlined ministerial review for qualifying multi-family housing developments that comply with the jurisdiction’s objective planning standards, provide specific levels of affordable housing, and meet other specific requirements. The intent of the legislation is to facilitate and expedite the construction of housing. Eligible projects must comply with objective planning standards provided in Government Code Section 65913.4(a) and objective zoning, subdivision, and design standards. Note that any entitlement requests seeking to deviate from objective planning standards, such as rezonings or variances, are not eligible for SB 35 streamlining.

Prior to Submittal of an SB 35 Application

Applicants are required to:

1. **Submit a Notice of Intent in the form of an SB 35 Preliminary Application.** The applicant must submit a notice of intent in the form of a preliminary application, which includes project details as described in Government Code section 65941.1 and;
2. **Conduct a Tribal Consultation process (AB 168).** Once the City has received the notice of intent, the City must complete the tribal consultation process to determine if cultural resources could be affected by a proposed development as required by Government Code Section 65613.4(b).

Applicants intending to invoke streamlined ministerial review under SB 35 must meet **ALL** of the following criteria or their projects are not eligible for SB 35 review, and the City’s standard development review process will apply per the applicable zoning regulations.

Eligibility Requirements per Government Code Section 65913.4:

	1) Multi-family Project. The project must be a multi-family housing development and contain 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) Urban Infill. The project must be located on a legal parcel or parcels within the incorporated City limits. At least 75% of the perimeter of the site must adjoin parcels that are developed with urban uses. For purposes of SB 35, “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.
	3) Affordability. If more than 10 residential units are proposed, at least 50 percent of the project's total units must be dedicated as affordable to households making below 80 percent of the area median income. <input type="checkbox"/> If the project will contain subsidized units, the applicant is required to record a land use restriction for the following minimum duration, as applicable: <input type="checkbox"/> 55 years for rental units <input type="checkbox"/> 45 years for owner-occupied units
	4) Zoned Residential. 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. If the project is a mixed-use development, at least two-thirds of the project square footage must be designated for residential use.

	<p>5) Consistent with Objective Standards. The project (excluding any additional density or any other concessions, incentives, or waivers of the development standards granted pursuant to the Density Bonus Law, Section 65915) must meet <u>all</u> objective zoning and design review standards in effect at the time of submittal.</p>
	<p>6) Parking. The project must provide at least one parking space per unit; however, no parking is required if the project meets <i>any</i> of the following criteria:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The project is located within one-half mile of public transit <input type="checkbox"/> The project is located within a district designated as architecturally or historically significant <input type="checkbox"/> On-street parking permits are required but not offered to the occupants of the project <input type="checkbox"/> The project is located within one block of a car share vehicle station
	<p>7) Location. The project must be located on a property that is <u>outside each</u> of the following areas:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Coastal zone <input type="checkbox"/> Prime farmland or farmland of statewide importance, as defined pursuant to the United States Department of Agriculture and designated on Department of Conservation maps <input type="checkbox"/> Wetlands as defined under federal law <input type="checkbox"/> Earthquake fault zones, as determined by the State Geologist in published official maps, unless the development complies with applicable seismic protection building code standards <input type="checkbox"/> Very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, or high or very high fire hazard severity zones as indicated on maps adopted by the Department of Forestry and Fire Protection; except if site has been excluded by the City or sites that have adopted fire hazard mitigation measures. <input type="checkbox"/> Listed hazardous waste site, or hazardous waste site designated by Department of Toxic Substances Control, unless the site has been cleared for residential use or residential mixed use by the State Department of Public Health, Water Resources Control Board, or Department of Toxic Substances Control <input type="checkbox"/> Within a 100 year flood area or FEMA designated flood plain or floodway, unless applicant is able to satisfy all applicable federal qualifying criteria <input type="checkbox"/> Protected species habitat <input type="checkbox"/> Lands under a conservation easement <input type="checkbox"/> Lands designated for conservation in a habitat conservation plan <input type="checkbox"/> A site that would require demolition of: <ul style="list-style-type: none"> <input type="checkbox"/> Housing subject to recorded rent restrictions, restricting rents to levels affordable to households of moderate, low, or very low income, <input type="checkbox"/> Housing subject to rent or price control, <input type="checkbox"/> Housing occupied by tenants within past 10 years, or <input type="checkbox"/> Historic structure(s) placed on a local, state, or federal register <input type="checkbox"/> A site that previously used for housing that was occupied by tenants that was demolished within 10 years before this application is submitted <input type="checkbox"/> 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, <input type="checkbox"/> A parcel of land governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act
	<p>8) Subdivision. The project does not involve an application to create separately transferable parcels under the Subdivision Map Act. However, a subdivision is permitted if the development is consistent with all objective subdivision standards and either of the following apply:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The project is financed with low-income housing tax credits and satisfies the prevailing wage requirements identified below.

	<input type="checkbox"/> The project satisfies the prevailing wage and skilled and trained workforce requirement identified below.
	<p>9) Prevailing Wage. The project proponent must certify that at least one of the following is true:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The entirety of the project is a public work as defined in Government Code section 65913.4(8)(A)(i). <input type="checkbox"/> 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. <input type="checkbox"/> The project includes 10 or fewer units AND is not a public work AND does not require subdivision.
	<p>10) Skilled and Trained Workforce. If the project consists of 75 or more units that are not 100 percent subsidized affordable housing, the project proponent must certify that it will use a skilled and trained workforce, as defined in Government Code section 65913.4(8)(B)(ii).</p> <ul style="list-style-type: none"> <input type="checkbox"/> Bay/Coastal counties > 225K in population <ul style="list-style-type: none"> <input type="checkbox"/> Until 2022: Projects > 75 units <input type="checkbox"/> After 2022: Projects > 50 units <input type="checkbox"/> Non-Bay/Coastal counties < 550k in population <ul style="list-style-type: none"> <input type="checkbox"/> Until 2020: Projects >75 units <input type="checkbox"/> 2020-2022: Projects >50 units <input type="checkbox"/> After 2022: Projects >25 units

Process Notes.

1. If the municipal code requires more units to be affordable at the moderate income level, the City's requirements apply.
2. Because the Government Code section 65913.4 process is ministerial, eligible projects are exempt from CEQA.
3. Small projects (\leq 150 units)
 - 60 days from submittal – the City is required to provide a list of all inconsistencies with “objective planning standards” and design review standards in effect, otherwise the project is deemed to satisfy the standards. If the project does not comply with all objective standards, it is ineligible for SB 35 review, although the applicant may reapply if the project can be redesigned to meet all objective standards.
 - 90 days from submittal – the City is required to complete a “design review or public oversight” and approve or deny the application. The review or oversight “shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards”.
4. Large projects (>150 units)
 - 90 days from submittal – the City is required to provide a list of all inconsistencies with “objective planning standards” and design review standards in effect, otherwise the project is deemed to satisfy the standards. If the project does not comply with all objective standards, it is ineligible for SB 35 review, although the applicant may reapply if the project can be redesigned to meet all objective standards

- 180 days from submittal – the City is required to complete any “design review or public oversight” and approve or deny the application. The review or oversight “shall be objective and be strictly focused on assessing compliance with criteria required for streamline projects, as well as any reasonable objective design standards”.

DESCRIPTION OF REQUEST (you may attach a written description if necessary):	
ADDRESS:	ASSESSOR’S PARCEL NO (S):
PROPERTY OWNER OF RECORD	APPLICANT (if different than property owner)
NAME:	NAME:
COMPANY NAME:	COMPANY NAME:
ADDRESS:	ADDRESS:
TELEPHONE #:	TELEPHONE #:
EMAIL:	EMAIL:
SIGNATURE (Consent to process preliminary application on subject property):	SIGNATURE:



SB 35 Certificate of Compliance with Eligibility Requirements

Planning Division

January 25, 2023

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) That one of the following is true pursuant to Government Code section 65913.4(a)(8)(A)

(check one that applies):

- The entirety of the development is a public work under Government Code section 65913.4(a)(8)(A).
- The property owner agrees to comply with the applicable prevailing wage requirements established under Government Code section 65913.4(a)(8)(A)(ii).

(e) The property owner agrees to comply with the applicable skilled and trained workforce requirements established under Government Code section 65913.4(a)(8)(B).

(f) 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.

(g) 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 the foregoing is true and correct.

Executed on this day in:

Location

Date

Signature

Print Name

Title