

SENATE BILL 35 PERMIT STREAMLINING – PRELIMINARY ELIGIBILITY DETERMINATION APPLICATION FORM

California Senate Bill 35 (2017 Legislative session) created a streamlined and ministerial approval process for certain housing projects under Government Code §65913.4. The California Housing and Community Development Department (HCD) has prepared guidelines that further explain the requirements of Government Code §65913.4. The Guidelines are available on HCD's website at <http://www.hcd.ca.gov/policy-research/docs/SB-35-Guidelines-final.pdf>. Invocation of SB 35 streamlining must be initiated by the project applicant, and is subject to the eligibility restrictions listed in the checklist below.

Applicants intending to invoke SB 35 streamlining and ministerial approval process must fill out this checklist completely and provide a draft site plan and supporting documentation for each question as applicable to demonstrate eligibility along with the required application fee of one hour of Planning Review (PRF) as listed on the [Planning Fee Schedule](#). Incomplete checklists that do not include required attachments or supporting documentation will not be processed and the request will be denied.

If any of the answers to the questions below are "no," then the project is not eligible for SB 35 review and the County's standard development review process will apply, per applicable zoning regulations. **Signature on this form does not indicate project review has begun.**

HOUSING TYPE REQUIREMENT			Staff Verification
<input type="checkbox"/> YES	<input type="checkbox"/> NO	The project <u>will not</u> result in any of the following: <ul style="list-style-type: none"> Demolition of housing (1) subject to recorded rent restrictions or (2) housing occupied by tenants within the past 10 years. Demolition of a historic structure listed on a local, state, or federal register. A site governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act. 	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Is this a multifamily project with at least two attached residential units (rental or for-sale)?	
<input type="checkbox"/> YES <input type="checkbox"/> N/A	<input type="checkbox"/> NO	For mixed-use projects, is at least 2/3 of the floor area of the proposed building or buildings dedicated for residential uses? If not a mixed-use project check N/A.	

AFFORDABILITY PROVISIONS			Staff Verification
<input type="checkbox"/> YES Total # of units _____ % _____ Affordable <input type="checkbox"/> N/A	<input type="checkbox"/> NO	<p>Does the proposed development dedicate at least 10% of the units as affordable for households making below 80% of the area median income (AMI)? If project has less than 10 units check N/A.</p> <p>80% AMI or below are those income brackets categorized as lower income, very low income, and extremely low income. Current income limits for Sacramento County are available on HCD's website at http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml</p>	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	<p>Has the applicant recorded, or is legally required to record, a land use restriction with minimum durations of 55 years for subsidized rental units in the development or 45 years for subsidized owned units in the development? If recorded, submit documentation otherwise checking yes indicates that you are willing to enter into a regulatory agreement to meet affordability requirements.</p> <p>Note – Requires coordination with the Sacramento Housing & Redevelopment Agency, including preparation of an Affordable Housing Strategy and Regulatory Agreement. A draft copy of the Affordable Housing Strategy is required to be submitted with this application.</p>	
LABOR PROVISIONS			Staff Verification
<input type="checkbox"/> YES <input type="checkbox"/> N/A	<input type="checkbox"/> NO	<p>The project proponent certifies that at least one of the following is true:</p> <ul style="list-style-type: none"> The entirety of the project is a public work as defined in Labor Code section 1720 et seq. The project is not in its entirety a public work and the developer shall comply with prevailing wage (including any reporting) requirements pursuant to Labor Code section 1720 et seq., Labor Code section 1771 et seq, and Government Code section 65913.4(8) et seq. <p>Checking yes indicates acknowledgment and agreement to comply with prevailing wage requirements.</p> <p>Check N/A if the project includes 10 or fewer units AND is not a public work AND does not require subdivision of land.</p>	
SITE REQUIREMENTS			Staff Verification
<input type="checkbox"/> YES	<input type="checkbox"/> NO	<p>Is the development located on a legal parcel or parcels that are wholly within the boundaries of an urbanized area or urban cluster as defined by the US Census Bureau:</p> <p>https://www.census.gov/geo/reference/ua/uafaq.html</p>	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	<p>Does at least 75 percent of the perimeter of the site 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.</p>	

<input type="checkbox"/> YES	<input type="checkbox"/> NO	Is the project site zoned for residential or residential mixed use or does the project site have a General Plan designation that allows residential use or a mix of residential and non-residential uses?	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	<p>The project is located on a property that is outside each of the following areas (As the applicant, you are required to verify this information from the website addresses and government Code sections that have been provided below. Checking Yes indicates that you have verified compliance. Staff will not cross check verification until such time as a formal entitlement application is submitted):</p> <ul style="list-style-type: none"> • 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 (https://maps.conservation.ca.gov/agriculture/). • 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 a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. (http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones). • 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 Department of Toxic Substances Control has cleared the site for residential use or residential mixed-uses (http://geotracker.waterboards.ca.gov/ and https://www.envirostor.dtsc.ca.gov/public/). • A flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit 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. (https://msc.fema.gov/portal/home). • 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. (https://msc.fema.gov/portal/home). • 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. 	

		http://www.per.saccounty.net/EnvironmentalDocuments/Pages/BiologicalPreservation.aspx <ul style="list-style-type: none"> 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 a conservation easement. 	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	<ul style="list-style-type: none"> The project is not located on a site governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act. (If not governed by any of these laws check Yes) 	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	<ul style="list-style-type: none"> I have reviewed the Sacramento County Zoning Code Section 5.4.3 Multifamily Residential Development Standards and the project as proposed meets all required development standards. <p>If the project will include a density bonus as outlined below and will meet all required development standards with the exception of those deviations allowed through the County's density bonus programs check yes.</p>	

N/A means not applicable

A "No" response in the following table **does not** disqualify a project from SB 35 streamlining eligibility.

OTHER PROJECT INFORMATION			Staff Verification
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Does this request include a Tentative Parcel Map or Tentative Subdivision Map?	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Does this request include an Affordable Housing Density Bonus pursuant to County Zoning Code Section 6.5.4? If yes, include a statement with your application on how your request meets the density bonus criteria. <i>Including which incentives to deviation standards you are requesting if any.</i>	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Does this request include a density bonus pursuant to the County's Housing Incentive Program (HIP) County Zoning Code Section 6.5.5? <i>If yes, include a statement regarding which criteria your project is meeting and which incentive/deviation you will be requesting.</i>	
Site address:			Assessor's Parcel Number(s)
Project Name:			Gross Acres
Project description:			

**SENATE BILL 35 PERMIT STREAMLINING APPLICATION
PRELIMINARY ELIGIBILITY DETERMINATION**

By signing below you acknowledge that the submitted application is complete, contains the required information (supporting documentation), and that you are requesting SB 35 streamlining.

Owners Name: _____ Signature: _____ Date: _____

Applicant Name: _____ Signature: _____ Date: _____

Primary Contact information

Name:		Contact:	
Address:		City:	
State/Zip:	Email:	Phone:	

TO BE FILLED OUT BY COUNTY STAFF

Control No.	Project Address/APN
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As demonstrated by the completed SB 35 Preliminary Eligibility Checklist above and submitted supporting documentation, the project is:

- ☐ Not eligible for SB 35 streamlining. You may submit an application for standard processing or revise your project to meet SB 35 requirements and submit a new Eligibility Determination Application Form.
- ☐ Is eligible for SB 35 streamlining. Please submit the following information in order to continue with the SB 35 streamlining process (entitlement process):
 - ☐ Copy of approved Preliminary Eligibility Determination Application
 - ☐ Copy of signed Affordable Housing Strategy with SHRA
 - ☐ General Application Form
 - ☐ Non-Discretionary Design Review Application
 - ☐ Multifamily Design Guidelines Supplemental Form
 - ☐ Tentative Map Application Materials (see checklist on General Application Form)
 - ☐ Waiver of Development Standards via Density Bonus – Housing Incentive Program
 - ☐ State Density Bonus: submit a statement of how the project complies with County Zoning Code Section 6.5.4 and the requested incentives.
 - ☐ All required application submittal fees

Date Planner's Name Signature

Notice: Due to the reduced processing times for eligible SB 35 development applications, submittal of an incomplete entitlement application is grounds for denial. The denial of an application for streamlined processing does not preclude the development proponent from correcting any deficiencies and resubmitting an application for streamline review, or from applying for the project under standard processes procedures. If the application is denied and the development proponent elects to resubmit an application for streamlined review, the timeframes specified in Section 301(b) below shall commence on the date of resubmittal.