



City of Sebastopol

Planning Department
7120 Bodega Avenue
Sebastopol, CA 95472
(707) 823-6167

AFFORDABLE HOUSING STREAMLINED APPROVAL PROCESS PURSUANT TO SB 35

WHAT IS SB 35?

Chapter 366, Statutes of 2017 (SB 35, Wiener) was part of a 15-bill housing package aimed at addressing the State's housing shortage and high housing costs. It amended Government Code Section 65913.4 to require the availability of a Streamlined Ministerial Approval Process for developments in localities that have not yet made sufficient progress towards their Regional Housing Need Allocation (RHNA) goal. Sebastopol has not made sufficient progress providing housing at various income levels. Therefore, at this time projects providing on-site affordable housing at 80% area median income (AMI) are eligible for streamlining if they meet all of the eligibility criteria.

WHAT IS AFFORDABLE HOUSING STREAMLINED APPROVAL?

SB-35 requires local entities to streamline the approval of eligible housing projects by providing a ministerial approval process, which eliminates the requirement to conduct CEQA analysis and removing the requirement for a discretionary conditional use permit or other similar discretionary entitlements by the City. Streamlined Affordable Housing projects must comply with existing zoning and objective design standards. This is a voluntary program that a prospective property developer may elect to pursue.

ELIGIBILITY REQUIREMENTS.

To qualify for the ministerial review process, a multifamily housing development must comply with ALL the following criteria.

1. **Consultation with Native American Tribes.** Prior to submitting an application, the applicant must submit a Notice of Intent to submit an application that contains all of the information described in Government Code section 65941.1. Thereafter, the City must engage in a scoping consultation regarding the proposed development with any California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development. After this process is completed, the applicant must accept the results of the consultation, and then application may be submitted.
1. **Number and Type of Units.** The project a multifamily housing development that contains at least two residential units and complies with the minimum and maximum residential density ranges permitted for the site, plus any applicable density bonus.
2. **Affordability of Units.** If more than 10 residential units are proposed, than either: a) at least 10 percent of the project's total units must be dedicated as affordable to households making less than 80 percent of the area median income, or b) at least 20 percent of the project's total units must be dedicated as affordable to households making less than 120 percent of the area median income, with the average income of the units at or below 100 percent of the area median income . If the project will contain affordable units, the affordability period shall be at least 55 years for rental units and at least 45 years for ownership units. A written agreement shall be required to guarantee and enforce this requirement.
3. **General Plan/Zoning Conformity.** The project must be located on a site that has either a general plan designation or zoning that allows residential or residential mixed-use development, including sites where residential uses are permitted with the approval of a conditional use permit. If the multifamily housing development is a mixed-use development, at least two-thirds of the project's square footage must be designated for residential use.



4. **Urban Location.** At least 75 percent of the perimeter of the project site shall be surrounded by urban residential, commercial, public institutional, transit or transportation passenger facility, or retail uses . Parcels separated by a street or highway shall be considered to be adjoined.
5. **Appropriate Location.** The project site shall not be located on property containing any of the following:
 - A. **Farmland.** 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 the voters of that jurisdiction.
 - B. **Wetlands.** Wetlands, as defined in the United States Fish and Wildlife Service.
 - C. **Very High Fire Hazard Areas.** 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.
 - D. **Hazard Waste Sites.** 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.
 - E. **Delineated Earthquake Fault Zone.** Within 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
 - F. **Designated Floodway.** Within a regulatory floodway as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by the Agency.
 - G. **Flood Hazard Area.** Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by FEMA on any official maps unless the site is subject to a Letter of Map Revision (prepared by the FEMA and issued to the City) or the site meets FEMA's requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
 - H. **Conservation Lands.** Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, a habitat conservation plan pursuant to the federal Endangered Species Act of 1973, or other adopted natural resource protection plan, including lands under a conservation easement.
 - I. **Protected Species Habitat.** 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, the California Endangered Species Act, or the California Native Plant Protection Act.
 - J. **Historic Structure.** Proposes to demolish a historic structure that is listed on a national, state, or local historic register.



- K. **Existing Residential Units.** The project would involve the demolition of any of the following:
 - a. A housing unit that is subject to a recorded covenant or ordinance that restricts rents to levels affordable to households with moderate, low, or very low incomes.
 - b. A housing unit that is subject to any form of rent or price control through a public agency's valid exercise of its police power.
 - c. A housing unit that has been occupied by tenants within the past 10 years.
 - L. **Previously Residential Uses.** The site was previously used for housing, was occupied by tenants and that was demolished within the last 10 years.
 - M. **Existing Mobile Home Park.** A site regulated under the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.
6. **No Subdivision Map Act Land Divisions.** The project shall not involve the subdivision of an existing parcel unless under the provisions of the Subdivision Map Act unless: a) the development will receive financing or funding by the means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid to the construction work force, or b) the development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used pursuant to Chapter 2.9 of the Public Contract Code.

The above eligibility criteria are intended as a summary of SB 35's requirements are not comprehensive. Please consult Government Code section 65913.4 for the complete requirements.



**STREAMLINED AFFORDABLE HOUSING DEVELOPMENT
SB-35 PROJECT SUPPLEMENTAL APPLICATION**

PROPERTY INFORMATION

Project Name (If known): _____

Address/Location: _____

Assessor's Parcel Nos.: _____

TYPE OF MULTIFAMILY HOUSING DEVELOPMENT PROPOSED

- Multifamily rental; residential only with no proposed subdivision.
- Multifamily residential with proposed subdivision (must qualify for an exception to subdivision exclusion)
- Mixed-use (at least 2/3 of square footage must be designated for residential. If a subdivision is included, must qualify for an exception to subdivision exclusion.)

Proposed Unit Count: _____

Proposed Affordable Unit Count and AMI Levels: _____

Proposed Residential Square Footage: _____

Proposed Non-Residential Square Footage: _____

PROJECT DESCRIPTION

Is this a 100% Affordable Housing Project?: Yes No

Will the Project use SB-35 in conjunction with the State Density Bonus?: Yes No

PROJECT NARRATIVE:

Attach a narrative project description that summarizes the project and its purpose. Please include the AMI levels of the populations to be served in the development and describe the project's intended program. Describe the design program, the designer's approach, and how the architectural, landscape and other elements have been integrated in compliance with the City's objective standards. The relationship of the project to adjacent properties and to the adjacent streets should be expressed in design terms. Define the site, building design, and landscape concepts in terms of site design goals and objectives, pedestrian circulation, outdoor-use areas, visual screening and enhancements, conservation of natural resources, mitigation of negative site characteristics, and off-site influences.



SB 35 ELIGIBILITY CHECKLIST *(Include This Checklist with Your Application Submittal)*

Applicants intending to invoke the SB 35 streamlining and ministerial approval process shall fill out this checklist and provide supporting documentation for each question to demonstrate eligibility. To qualify an affordable multifamily housing development must comply with ALL the following criteria.

- | | YES | NO | | | | |
|---|--|----|--|--|--|--|
| <p>0. <u>Consultation with Native American Tribes.</u> Prior to submitting an application, the applicant must submit a Notice of Intent, and the City must engage in a scoping consultation regarding the proposed development with any California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development.</p> <p><u>Has the City completed the scoping process?</u></p> <p><u>Does the Applicant agree, in writing, to accept the results of the Consultation? If an agreement is requested by the affected Tribe, a copy of a fully signed tribal monitoring agreement is required to be part of a complete application.</u></p> | <table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table> | | | <table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table> | | |
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| <p>1. <u>Number and Type of Units.</u> The project is a multifamily housing development that contains at least two residential units and complies with the minimum and maximum residential density ranges permitted for the site, plus any applicable density bonus.</p> <p><u>Does the project include at least two residential units?</u></p> | <table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table> | | | <table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table> | | |
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| <p>2. <u>Affordability of Units.</u> If more than 10 residential units are proposed, at least 10 percent of the project's total units must be dedicated as affordable to households making less than 80 percent of the area median income or at least 20% of the proposed units affordable to moderate income households, with the average income of units at or below 100% of AMI.</p> <p><u>Are at least 10% of the proposed units affordable to lower income households?</u></p> <p style="padding-left: 20px;">or,</p> <p><u>Are at least 20% of the proposed units affordable to moderate income households, with the average income of units at or below 100% of AMI?</u></p> | <table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table> | | | <table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table> | | |
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| <p>3. <u>General Plan/Zoning Conformity.</u> The project must be located on a site that either has a general plan designation or zoning allowing for residential or residential mixed-use development, including sites where residential uses are permitted with the approval of a conditional use permit. If the multifamily housing project is mixed-use development, at least two-thirds of the project's square footage must be designated for residential use.</p> <p><u>Do the General Plan Designation or Zoning District permit multifamily dwelling units?</u></p> | <table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table> | | | <table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table> | | |
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| <p>4. <u>Urban Location.</u> At least 75 percent of the perimeter of the project site shall be surrounded by urban residential, commercial, public institutional, transit or transportation passenger facility, or retail uses. Parcels separated by a street or highway shall be considered to be adjoined.</p> <p><u>Is the site surrounded by at 75% urban land uses?</u></p> | <table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table> | | | <table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table> | | |
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- | | | <u>YES</u> | <u>NO</u> |
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| 5. | <p><u>Farmland</u>. The project site may not contain 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 the voters of that jurisdiction.</p> <p>Does the site contain prime farmland or farmland of statewide importance?</p> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. | <p><u>Wetlands</u>. The project site may not contain wetlands, as defined in the United States Fish and Wildlife Service.</p> <p>Does the site contain a wetland?</p> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. | <p><u>Very High Fire Hazard Areas</u>. The project site may not be located in 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.</p> <p>Is the site located in a Very High Fire Hazard Area?</p> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. | <p><u>Hazard Waste Sites</u>. The project site may not contain 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.</p> <p>Does the site contain or adjacent to an identified hazardous waste site?</p> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. | <p><u>Delineated Earthquake Fault Zone</u>. The project site may not be within 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</p> <p>Does the site contain a delineated earthquake fault zone?</p> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. | <p><u>Designated Floodway</u>. The project site may not be within a regulatory floodway as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by the Agency.</p> <p>Does the site contain a designated floodway?</p> | <input type="checkbox"/> | <input type="checkbox"/> |



- | | | <u>YES</u> | <u>NO</u> |
|---|--|--------------------------|--------------------------|
| <p>11. <u>Flood Hazard Area.</u> The project site may not be Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (i.e. a 100-year flood event) as determined by FEMA on any official maps unless the site is subject to a Letter of Map Revision (prepared by the FEMA and issued to the City) or the site meets FEMA’s requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.</p> <p>Is the site located within a 100-year floodplain as determined by FEMA?</p> | | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>12. <u>Conservation Lands.</u> The project site may not contain lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, a habitat conservation plan pursuant to the federal Endangered Species Act of 1973, or other adopted natural resource protection plan, including lands under a conservation easement.</p> <p>Is the site identified, or required to be maintained, as conservation land?</p> | | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>13. <u>Protected Species Habitat.</u> The project site may not contain 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, the California Endangered Species Act, or the California Native Plant Protection Act.</p> <p>Does the site contain suitable habitat for any special status species?</p> | | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>14. <u>Historic Structure.</u> The project may not Propose to demolish a historic structure that is listed on a national, state, or local historic register.</p> <p>Does the site contain a designation historic structure?</p> | | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>15. <u>Existing Residential Units.</u> The project may not involve the demolition of any of the following:</p> <ul style="list-style-type: none"> a. A housing unit that is subject to a recorded covenant or ordinance that restricts rents to levels affordable to households with moderate, low, or very low incomes. b. A housing unit that is subject to any form of rent or price control through a public agency’s valid exercise of its police power. c. A housing unit that has been occupied by tenants within the past 10 years. <p>If there are existing residences on site, were any of these housing units tenant-occupied over the last ten years?</p> <p>If “No” for Item “c”, please provide residency records for the past 10 years that support this response.</p> | | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>16. <u>Previously Residential Uses.</u> The site was previously used for housing, was occupied by tenants and that was demolished within the last 10 years.</p> <p>Did tenant occupied housing units previously exit onsite in the last ten years?</p> | | <input type="checkbox"/> | <input type="checkbox"/> |



YES NO

17. Existing Mobile Home Park. A site regulated under the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.

Is there a mobile home park onsite?

Input boxes for YES/NO

18. No Subdivision Map Act Land Divisions. The project shall not involve the subdivision of an existing parcel unless under the provisions of the Subdivision Map Act unless the development either: a) will receive financing or funding by the means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid to the construction work force, or b) the development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used pursuant to Chapter 2.9 of the Public Contract Code.

Is the project proposing to subdivide the site?

Input boxes for YES/NO

19. Prevailing Wage. The applicant must certify to the City that all construction workers employed in the execution of the development will be paid at least prevailing wages as determined by the Director of Industrial Relations pursuant to Labor Code sections 1773 and 1773.9.

Will the applicant be paying prevailing wages for all construction workers?

Input boxes for YES/NO

20. Skilled and Trained Workforce. For projects of more than 50 units (or 25 units beginning in 2022), the applicant must certify that a skilled and trained workforce, as defined by the Public Contract Code, shall be used to complete the project.

If required based on the number of units, will the applicant be using a skilled and trained workforce?

Input boxes for YES/NO

Applicants must check the box below if the completed checklist demonstrates eligibility for SB 35 streamlining:

- As demonstrated by the completed SB 35 eligibility checklist above, the project is eligible for application streamlining and ministerial approval per Government Code §65913.4 and I hereby request that the City of Sebastopol utilize the SB 35 application processing procedures for this application.

Applicant's signature

Date



SB 35 PROJECT DESIGN SUBMISSION CHECKLIST

(Include This Checklist with Your Application Submission)

- Master Application Form (available from the City’s Planning Division counter or website)
- Streamlined Affordable Housing Development SB-35 Project Supplemental Application
- All applicable fees to be paid (**See Fee Schedule**):
 - Affordable Housing Project deposit at the time of submittal of a Notice of Intent
 - Permit application fees/deposits for other required City Entitlements at the time of application submittal. Note, all SB 35 projects will be processed on a deposit basis.
- All relevant supplemental applications for entitlements required for the development (checklists and materials). If physical changes are proposed for the site, submit the materials required in the Design Review Checklist.

In order for the Planning Department to consider an Application accepted, the application must be accompanied by all required supporting materials (e.g. plan sets, letters of authorization, etc.). For projects that are required to submit a Project Application, project review will not begin unless a complete Project Application has been submitted and accepted by the Planning Department.

- Requirements for all plans:
 - Submit ten full-size copies of each plan set, one reduced set at 11” x 17” and one digital copy in PDF format on compact disc or USB flash drive.
 - Legend on the first sheet identifying each sheet in the plan set.
 - Title for each sheet, scale, north arrow and date.
 - Name and phone number of person preparing plans (licensed architect and landscape architect/engineers).
- If your project impacts an historic building, any building over 50 years old, please submit:
 - Historic documentation for the building or site.
 - Historic photographs and current photographs of the building or site.
 - Sonoma County Assessor Parcel Information.
 - Description of changes proposed to major interior and exterior architectural features.
- Offsite and Onsite Improvement Plans, including (include on project plans along with Design Review checklist information for site plans):
 - Curb, gutter, sidewalk, and road surfaces.
 - Utility undergrounding.
 - Water, sanitary sewer, onsite wastewater disposal areas, and storm drains.