



**SENATE BILL NO. 35
 ELIGIBILITY CHECKLIST**

SB 35 creates a streamlined and ministerial approval process for certain housing projects. If the answers to all of the statements below are “yes”, then your project is eligible for the approval process under [Government Code Section 65913.4](#). If any one of these responses is “no”, then the project is not eligible. This checklist provides an overview of SB 35’s requirements. The process notes on page 2 specify the City’s responsibility for processing small and large projects within the timeframes established by SB 35. Check with your legal counsel for additional information and assistance.

ELIGIBILITY REQUIREMENTS (per Government Code Section 65913.4)		Yes	No		
1.	The project is a multifamily housing development (2 or more units). [subd. (a)(1)]	<input type="checkbox"/>	<input type="checkbox"/>		
2.	The applicant has dedicated a minimum of 50% of units as affordable at the moderate income level (80% Area Moderate Income). [subd. (a)(4)(B)]	<input type="checkbox"/>	<input type="checkbox"/>		
3.	The site is an “urbanized area” or “urban cluster” as designated by the Census. [subd. (a)(2)(A)]	<input type="checkbox"/>	<input type="checkbox"/>		
4.	At least 75% of the perimeter of the site adjoins parcels currently or formerly developed with “urban uses”. [subs. (a)(2)(B), (h)(8)]	<input type="checkbox"/>	<input type="checkbox"/>		
5.	The site has either zoning or a general plan land use designation that allows for residential use or residential mixed-use development. [subd. (a)(2)(C)] For property to be designed for mixed-use, the designation must require at least “two-thirds of the square footage of the development” to be residential.	<input type="checkbox"/>	<input type="checkbox"/>		
6.	The project does not include a subdivision of land. [subd. (a)(9)]	<input type="checkbox"/>	<input type="checkbox"/>		
7.	The project meets the design requirements, “objective zoning standards”, and “objective design review standards”. [subs. (a)(5), (d)] <ul style="list-style-type: none"> ▪ Objective standards are those that “involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.” ▪ A project is deemed to meet housing density standards if the project density, excluding any density bonuses, is within the maximum density allowed within the general plan land use designation. ▪ No parking is required if the site is within a historic district, one block of a car share, or ½ mile of transit. One parking space per unit is required for all other sites 	<input type="checkbox"/>	<input type="checkbox"/>		
8.	The project is outside each of the following areas. [subd. (a)(6)-(a)(7)] <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;"> <ul style="list-style-type: none"> ▪ Coastal zone ▪ Prime farmland or farmland of statewide importance ▪ Wetlands as defined under federal law ▪ Earthquake fault zones ▪ High or very high fire hazard severity zones </td> <td style="vertical-align: top;"> <ul style="list-style-type: none"> ▪ Hazardous waste site ▪ FEMA designated floodplain or floodway ▪ Protected species habitat ▪ Lands under a conservation easement ▪ Lands designated for conservation in a habitat conservation plan </td> </tr> </table>	<ul style="list-style-type: none"> ▪ Coastal zone ▪ Prime farmland or farmland of statewide importance ▪ Wetlands as defined under federal law ▪ Earthquake fault zones ▪ High or very high fire hazard severity zones 	<ul style="list-style-type: none"> ▪ Hazardous waste site ▪ FEMA designated floodplain or floodway ▪ Protected species habitat ▪ Lands under a conservation easement ▪ Lands designated for conservation in a habitat conservation plan 	<input type="checkbox"/>	<input type="checkbox"/>
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9.	The project is not proposed at a site that would require demolition of any of the following. [subd. (a)(6)-(a)(7)] <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;"> <ul style="list-style-type: none"> ▪ Housing subject to recorded rent restrictions ▪ Housing occupied by tenants within the past 10 years </td> <td style="vertical-align: top;"> <ul style="list-style-type: none"> ▪ Housing subject to rent control ▪ Historic structure(s) placed on a local, state, or federal register </td> </tr> </table>	<ul style="list-style-type: none"> ▪ Housing subject to recorded rent restrictions ▪ Housing occupied by tenants within the past 10 years 	<ul style="list-style-type: none"> ▪ Housing subject to rent control ▪ Historic structure(s) placed on a local, state, or federal register 	<input type="checkbox"/>	<input type="checkbox"/>
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10.	The project is not proposed at a site that previously contained housing occupied by tenants within the past 10 years. [subd. (a)(6)-(a)(7)]	<input type="checkbox"/>	<input type="checkbox"/>
11.	The project is not proposed at 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. [subd. (a)(6)-(a)(7)]	<input type="checkbox"/>	<input type="checkbox"/>
12.	The project proponent certified that the entire development is a “public work” for purposes of prevailing wage law or that the construction workers will be paid at least the prevailing wage. [subd. (a)(8)(A)]	<input type="checkbox"/>	<input type="checkbox"/>
13.	The project proponent certified that a “skilled and trained workforce” will be used to complete the development, if the requirement is applicable [subd. (a)(8)(B)]	<input type="checkbox"/>	<input type="checkbox"/>
14.	The applicant has demonstrated compliance with Assembly Bill AB 168 (Native American consultation)	<input type="checkbox"/>	<input type="checkbox"/>
<p>Before applying for approval of a project under SB 35, AB 168 requires the City to complete consultation with interested Native American tribes. To initiate the tribal consultation process, the applicant must submit a Notice of Intention (NOI) indicating intent to file an SB 35 application. The NOI should take the same form as an SB 330 preliminary application.</p> <p>The City’s preliminary application form is available on the City’s website. Please submit the preliminary application with a cover sheet indicating that the application is intended to serve as an NOI under SB 35. Be advised that depending upon the results of tribal consultation, the project may be ineligible for treatment under SB 35.</p>			

Process Notes:

- The project must provide either the amount of affordable housing required under SB 35 or the amount required under the City’s Affordable Housing Ordinance, whichever is greater. Because the Government Code Section [65913.4](#) process is ministerial, eligible projects are exempt from CEQA.
- Small projects (≤ 150 units)
 - 60 days from submittal: the City is required to provide a list of all inconsistencies with adopted “objective planning standards” and design review standards, otherwise the project is deemed to satisfy the standards
 - 90 days from submittal: the City is required to complete “design review or public oversight”. 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”
- Large projects (>150 units)
 - 90 days from submittal: the City is required to provide a list of all inconsistencies with adopted “objective planning standards” and design review standards, otherwise the project is deemed to satisfy the standards
 - 180 days from submittal: the City is required to complete “design review or public oversight”. 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”

[subds. (a)(b)(c)]