



City of Buellton Planning Department

SENATE BILL 35 PERMIT STREAMLINING

PRELIMINARY ELIGIBILITY DETERMINATION APPLICATION

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 Project Application and fee of \$45 (Planning Review Fee). Applications will be reviewed for completeness within 2 weeks. Applicants whose applications are incomplete (do not include required attachments or supporting documentation) will be notified and asked to provide missing items. Complete applications will be processed within 2 weeks. The denial of an application for streamlined processing does not preclude the development proponent from correcting any deficiencies and resubmitting an application under SB 35, or from applying for the project under the standard entitlement process.

CHECKLIST

- Preliminary Eligibility Determination (this form)
 Project Application Form
 Fee (\$45)

Housing Type Requirements			Staff Verification
<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 gross square footage of the proposed building(s) dedicated for residential uses? If not a mixed-use project check N/A.	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Is the proposed development consistent with objective zoning standards, objective subdivision standards, and objective design review standards in effect at the time of the development application submittal?	
Site Requirements			Staff Verification
<input type="checkbox"/> YES	<input type="checkbox"/> NO	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.	

<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?	
Is the project is located on a property within 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):			
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Within wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Within 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.	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Within 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/).	
<input type="checkbox"/> YES <input type="checkbox"/> N/A	<input type="checkbox"/> NO	* If the project is listed as a hazardous waste site, has the Department of Toxic Substances Control cleared the site for residential or residential mixed-use?	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist.**	
<input type="checkbox"/> YES <input type="checkbox"/> N/A	<input type="checkbox"/> NO	**Will the project be in compliance 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 with applicable local building codes under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Within 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 in any official maps published by the Federal Emergency Management Agency?*** (https://msc.fema.gov/portal/home).	
<input type="checkbox"/> YES <input type="checkbox"/> N/A	<input type="checkbox"/> NO	***Has the site been subject to a Letter of Map Revision prepared and issued by the Federal Emergency Management Agency (FEMA)?	
<input type="checkbox"/> YES <input type="checkbox"/> N/A	<input type="checkbox"/> NO	***Can the applicant demonstrate that they will be able to meet the 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?	
<input type="checkbox"/> YES <input type="checkbox"/> N/A	<input type="checkbox"/> NO	***Is the applicant seeking a floodplain development permit? If yes, include a statement with your application on how the development will satisfy the applicable federal qualifying criteria	

		necessary to obtain the floodplain development permit.	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Within 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)	
<input type="checkbox"/> YES <input type="checkbox"/> N/A	<input type="checkbox"/> NO	****Has the development received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations?	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Within 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).	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	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?	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Located on a site that would require demolition of the following types of structures: <ul style="list-style-type: none"> • Housing that is subject to recorded rent restrictions • Housing that has been occupied by tenants within the past 10 years • A historic structure listed on a local, state, or federal register 	
Affordability Requirements			Staff Verification
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Does the proposed development dedicate at least 50% of the units as affordable for households making below 80% of the area median income (AMI)? 80% AMI or below are those income brackets categorized as lower income, very low income, and extremely low income. Current income limits for Santa Barbara County are available on HCD's website at http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federalincome-limits.shtml	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	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.	
Labor Provisions			Staff Verification
Please certify that at least one of the following is true (check all that apply): Check N/A to all if the project includes 10 or fewer units AND is not a public work AND			

does not require subdivision of land.			
<input type="checkbox"/> YES <input type="checkbox"/> N/A	<input type="checkbox"/> NO	That the entirety of the project is a public work as defined in Labor Code section 1720 et seq.	
<input type="checkbox"/> YES <input type="checkbox"/> N/A	<input type="checkbox"/> NO	That 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, pursuant to Labor Code section 1720 et seq., Labor Code section 1771 et seq, and Government Code section 65913.4(8) et seq.	
<input type="checkbox"/> YES <input type="checkbox"/> N/A	<input type="checkbox"/> NO	Where 75 or more units are proposed and the project does not include 100% affordable units, the applicant will use a skilled and trained workforce as defined in Government Code section 65913.4(8)(B)(ii).	
Other Project Information			Staff Verification
<input type="checkbox"/> YES <input type="checkbox"/> N/A	<input type="checkbox"/> NO	Does this request include a Tentative Parcel Map or Tentative Subdivision Map?	
<input type="checkbox"/> YES <input type="checkbox"/> N/A	<input type="checkbox"/> NO	Has the project received or will receive financing or funding by means of a low-income housing tax credit?	
<input type="checkbox"/> YES <input type="checkbox"/> N/A	<input type="checkbox"/> NO	Is this project requesting a density bonus, incentives or concessions under the State Density Bonus Law or Buellton Municipal Code Sections 19.16.013, 19.16.014 or 19.16.018? If yes, include a statement with your application on how your request meets the density bonus criteria. Including which incentives or concessions you are requesting if any.	

TO BE FILLED OUT BY PLANNING STAFF

Project Address/APN: _____

This section does not constitute a final determination of SB 35 eligibility. As demonstrated by the completed SB 35 Preliminary Eligibility Checklist above and submitted supporting documentation, the project has received a preliminary determination of:

Appears to be ineligible 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.

Appears to be eligible for SB 35 streamlining. Please submit an application for the applicable permit to continue the entitlement process under SB 35.

Date Planner's Name Signature