



AFFORDABLE HOUSING STREAMLINED APPROVAL PROCESS PURSUANT TO SENATE BILL 35: Information Handout and Application Checklist

WHAT IS SENATE BILL 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. Specifically, it amends Government Code Section 65913.4 and requires the availability of a streamlined ministerial approval process for developments in localities that have not yet met their Regional Housing Need Allocation (RHNA) goal. As of 2019, Petaluma has met its goal for permitting/construction of above-moderate income housing, but not for housing for households below 80% area median income (AMI). Therefore, at this time projects providing on-site affordable housing at 80% AMI are eligible for an affordable housing streamlined approval process in Petaluma, provided they meet all of the eligibility criteria noted below. The text requirements of SB-35, as enacted by Government Code Section 65913.4 is available [here](#). The following is a summary description of the affordable housing streamlined approval process and 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 and by removing the requirements for CEQA analysis, Conditional Use Permit authorization or other entitlements granted by the City. However, while the process may be streamlined, projects must still comply with all existing zoning and objective design standards adopted in Petaluma. Additionally, this is a voluntary program that a prospective property developer may elect to pursue.

IS MY PROJECT ELIGIBLE FOR MINISTERIAL APPROVALS THROUGH THIS PROGRAM?

In order to be eligible for streamlining, the project must meet all of the following criteria:

1. **Affordability:** At least 50% of the proposed residential units must be dedicated as affordable to households at or below 80% AMI, for either rental or ownership projects. Note that the development proponent must also commit to record, prior to the issuance of the first building permit, a land use restriction or covenant providing that any lower or moderate income housing units shall remain available at affordable housing costs or rent to persons and families of lower or moderate income for no less than 55 years for units that are rented or 45 years for units that are owned.
2. **Number of Units:** The development must contain at least two or more net new residential units.
3. **Zoning and Residential Uses:** The development must be located on a legal parcel(s) that are zoned for residential use or a mix of residential and non-residential uses. For mixed-use developments, at least two-thirds of the floor area of the proposed development, as defined in Government Code Section 65913.4, must be dedicated to residential uses.
4. **Location:** At least 75% of the perimeter of the site must adjoin parcels currently or formerly developed with urban uses. For this purpose, Government Code Section 65913.4 defines "urban uses" as any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. Additionally, parcels that are only separated by a street or highway shall be considered adjoined. The development must also be located on a property



that is not within a coastal zone, prime farmland or farmland of statewide importance, wetlands, a high fire hazard severity zone, hazardous waste site, a delineated earthquake fault zone, a flood plain, a floodway, a habitat for protected species, under a conservation easement, or on a parcel governed by the Mobilehome Residency Law, Recreational Vehicle Park Occupancy Law, Mobilehome Parks Act or Special Occupancy Parks Act. If the project is sited in one of these areas, Government Code Section 65913.4(a)(6) provides further information on exceptions or clarification as to how these areas are defined.

5. **Demolition of Residential Units:** The project does not demolish any existing housing units that have been occupied by tenants in the last 10 years, are subject to any form of rent or price control, or are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes.
6. **Historic Buildings:** The project does not demolish a historic structure that has been placed on a national, state, or local historic register. A local historic register includes those properties listed in Petaluma's "Historic Landmarks and Places", developed in response to General Plan Goal 3-G-1.
7. **Parking:** The project must provide at least one parking space per unit; however, no parking is required if the project meets any of the following criteria:
 - a. Within ½ mile of public transit. For the purposes of this provision, public transit is defined as a SMART rail station, the Petaluma Transit Mall, or the Eastside Transit Center.
 - b. Within an architecturally and historically significant historic district
 - c. When on-street parking permits are required but not offered to the occupants of the development
 - d. When there is a car share vehicle located within one block of the development
8. **Consistent with Objective Standards:** The project must meet all objective standards of the City's objective zoning and design review standards at the time of SB-35 application submittal. Such objective standards are those such as objective dimensional or stylistic requirements that require no personal or subjective (discretionary) judgment to enforce.
9. **Prevailing Wages:** If the development is not in its entirety a public work, as defined in Government Code Section 65913.4(a)(8)(A), all construction workers employed in the execution of the development must be paid at least the general prevailing rate of per diem wages for the type of work and geographic area.
10. **Skilled and Trained Workforce provisions:** A skilled and trained workforce, as defined in Government Code Section 65913.4 (a)(8)(B)iii, must complete the development if the project consists of 75 or more units that are not 100 percent subsidized affordable housing.
11. **Subdivisions:** The development did not or does not involve a subdivision of a parcel that is subject to the California Subdivision Map Act, unless the development either (i) receives a low-income housing tax credit and is subject to the requirement that prevailing wages be paid, or (ii) is subject to the requirements to pay prevailing wages and to use a skilled and trained workforce.

State Density Bonus Projects

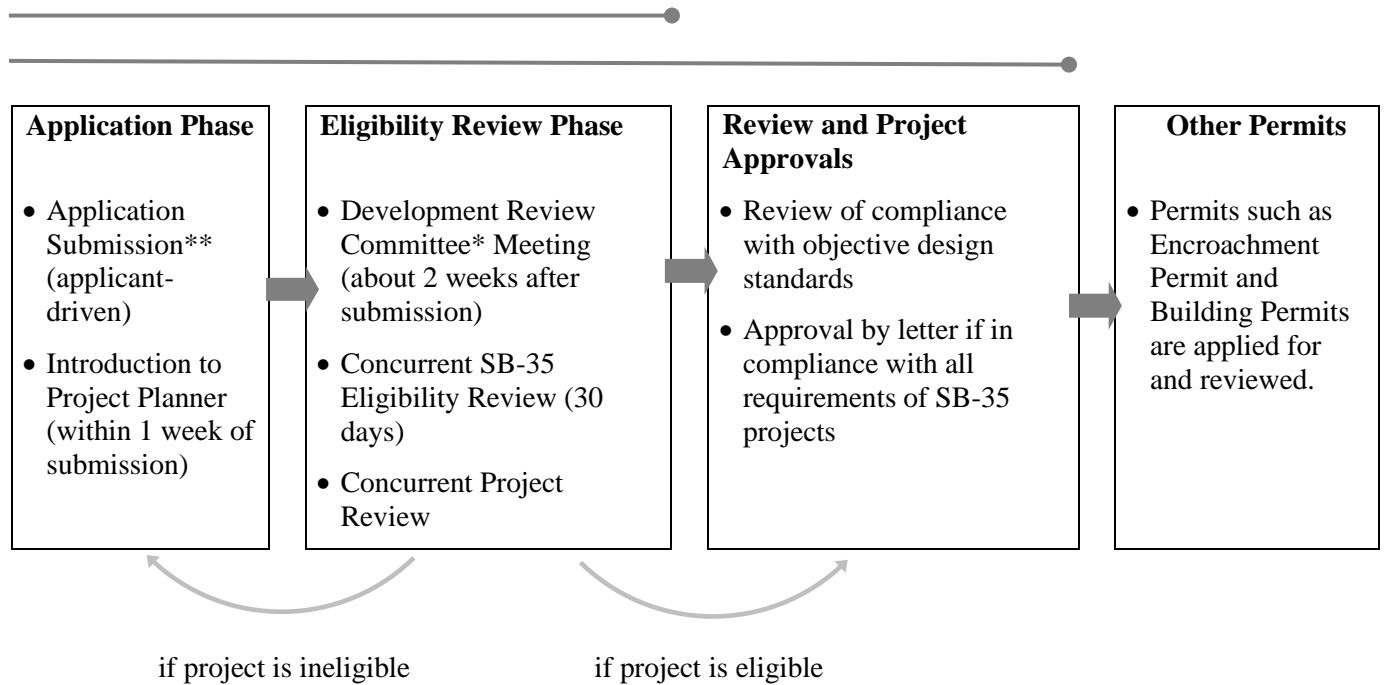


Projects that use the State Density Bonus Program and meet all other eligibility requirements above qualify for streamlining under SB-35. Any waivers, concessions, or incentives, conferred through the State Density Bonus Law as detailed in Chapter 27 of Petaluma’s Implementing Zoning Ordinance are considered code-complying, and therefore are consistent with the objective standards of the Planning Code. Note that the 50% of sub-80% AMI affordable units that qualify project for SB-35 streamlining are calculated prior to applying the density bonus.

APPLICATION AND PROCESSING TIMELINE FOR SB 35 REVIEW

SB-35 includes timelines for streamlined review. Planning staff must determine if a project is eligible for streamlining within 60 days of application submittal for projects of 150 or fewer units, and 90 days for projects containing more than 150 units. If the Department provides written comments detailing how a project is not SB-35 eligible as proposed, or requests additional information to make such a determination, then the 60- or 90-day timeline will restart upon submittal of a revised development application in response to that written notice. Any design review or public oversight must be completed in 90-days for 150-or fewer units and 180 days for projects with more than 150 units, measured from the date of the SB-35 application submittal. Any project that has been approved using the SB-35 review process may then apply for building permits.

30 Days (if 150 units, or less) **90 Days** (if 150 units, or less)
60 Days (if 151 units, or more) **180 Days** (if 151 units, or more)



* The Development Review Committee (DRC) is made up of representatives from various City departments, who will review your project and identify any issues (but is not the decision-making body for project approval). You will be invited to an internal DRC meeting approximately 2 weeks after project submission, to ask or answer any questions. The DRC meeting is not a public hearing.

** The applicant is responsible for all costs associated with processing the application.



Prior to submitting an application for the SB-35 review process applicants are encouraged to schedule a preliminary project discussion with Planning Division Staff to assess eligibility. Projects that elect to apply for streamlined project review as stipulated in SB-35 must submit the SB-35 Application included in this document, as well as a General Application. The applications shall be accompanied by any maps and supporting documents, including a site plan, floor plans, elevations, exterior material details and colors, and any other drawings that are required by this application. Documents can be submitted at the Planning Division under the same procedure as other Planning review submittals. When speaking with a planner please indicate that this is an SB-35 submittal. As previously noted, CEQA review is not required for SB-35 eligible projects because they are subject to a ministerial approval process and the building permit will not be subject to any applicable neighborhood notice requirements.

Criteria for Project Review

The Planning Division will review the exhibits included in the application submittal and based on those documents, evidence submitted, and objective design standards, either approve the project as applied for or disapprove the project on the grounds of violations of established objective standards. In taking action, the Planning Division shall consider the following:

1. The objective standards in the General Plan, Implementing Zoning Ordinance and Petaluma SmartCode.
2. Approved City Landscaping standards. Existing trees shall be preserved wherever possible, removal of trees will be subject to [Chapter 17 of the Implementing Zoning Ordinance](#).
3. Ingress, egress, internal traffic circulation, off-street parking facilities and pedestrian ways designed so as to promote safety and convenience, and shall conform to approved City standards.
4. If applicable per Chapter 18 of the IZO, public art should be integrated into development project planning at the earliest possible stage, and artists selected should become a member of a development project's design team early in the design process. See [Chapter 18 of the Implementing Zoning Ordinance](#).

Building Permitting

The Building Permitting process will follow the standard process for project review and approval. If the project submitted for building permitting differs substantially from the original submission, the Planning Division will re-certify the project for eligibility and re-review the project's design using the same timeframe as above.

Prior to issuing a building permit the City of Petaluma may require changes to the development that are necessary to:

- Comply with Petaluma's objective uniform construction codes (including, without limitation building, plumbing, electrical, fire, and grading codes)
- Comply with Federal or state laws
- Mitigate a specific, adverse impact upon the public health or safety when there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without modifying the development.

Permit Expirations

Project approvals will not expire if the project includes public investment in housing affordability, beyond tax credits, where 50% of the units are affordable to households making below 80% of the area median income.



STREAMLINED AFFORDABLE HOUSING DEVELOPMENT: *SB-35 APPLICATION*

PROPERTY INFORMATION

Address/Location: _____

Assessor's Parcel No.: _____

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

Is the project a "public work" as defined in Government Code Section 65913.4(a)(8)(A)? Yes No

Project Narrative: Please provide an attached 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.

Proposed Unit Count: _____

Proposed Affordable Unit Count and AMI Levels: _____

Proposed Residential Square Footage: _____

Proposed Non-Residential Square Footage: _____

Type of Multifamily Housing Development Proposed

- Multifamily rental; residential only with no proposed subdivision.
- Multifamily residential with proposed subdivision (must qualify for 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 exception to subdivision exclusion.)



SB-35 ELIGIBILITY CHECKLIST

(Include This Checklist with Your Submission)

Applicants intending to invoke SB-35 streamlining and ministerial approval process must fill out this checklist completely and provide supporting documentation for each question to demonstrate eligibility. The full text of SB-35 is available [here](#).

1. Yes No **Affordability:** Are at least 50% of the proposed residential units dedicated as affordable to households at or below 80% AMI for either rental or ownership projects?

2. Yes No **Zoning, Units and Residential Use:** Is the subject property zoned for residential use and does the project propose a multifamily housing development (2 or more units) or a mixed-use project where least 2/3 of the square footage is dedicated to residential uses?

3. Yes No **Location:** Is at least 75% of the perimeter of the site adjoining parcels currently or formerly developed with “urban uses”, and located on a property that is not within a coastal zone, prime farmland or farmland of statewide importance, wetlands, a high fire hazard severity zone, hazardous waste site, a delineated earthquake fault zone, a flood plain, a floodway, a habitat for protected species, under a conservation easement, or on a parcel governed by the Mobilehome Residency Law, Recreational Vehicle Park Occupancy Law, Mobilehome Parks Act or Special Occupancy Parks Act?

4. Yes No **Demolition of Residential Units:** Does the project leave intact any housing units that were occupied by tenants in the last 10 years; or are/were subject to any form of rent or price control, a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes?

5. Yes No **Historic Buildings:** Does the project leave intact historic structures that have been placed on a national, state, or local historic register, including those properties listed in the Petaluma General Plan 2025 Goal 3-G-1?

6. Yes No **Parking:** Does the project provide at least one parking space per unit where required? Or is the project otherwise exempt from providing parking per the criteria noted in SB-35?

7. Yes No **Consistent with Objective Standards:** Does the project meet objective standards of the regulations applicable to the subject property/ies, including density and design standards?



8. Yes No **Prevailing Wages:** For projects of over 10 units, will the entire development be a “public work” as defined in Government Code Section 65913.4(a)(8)(A), or will construction workers be paid at least the prevailing wage?
9. Yes No **Skilled and Trained Workforce:** For projects of 75 or more units, and are not 100 percent subsidized affordable housing, will a “skilled and trained” workforce be used to complete the development?
10. Yes No **Subdivisions:** If a land subdivision is required, is the project financed with low-income housing tax credits and will prevailing wages be paid to a trained and skilled workforce, or contains 75 or more units that are not 100 percent subsidized affordable housing?

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 Petaluma 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 Submission)

- General Application Form** (available from the City's Planning Division counter or website)
- All applicable fees to be paid:
 - Read and sign the **Cost Recovery Form**
 - Deposit equivalent to a minor or major Site Plan and Architectural Review (SPAR) **See Fee Schedule** (The final fee is dependent on each project application. Please read and sign the Cost Recovery Form.)
- Requirements for all plans:
 - Submit five full-size copies of each plan set, two reduced sets 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).
- If your project impacts an historic building, 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.
- Site Plan(s), including:
 - Vicinity Map** indicating the site and surrounding streets. Scale: 1" = 200'.
 - Aerial Context Map** showing proposed, existing and surrounding uses.
 - Site plan(s)** with the following features:
 - Property lines and dimensions, all easements, distances between buildings and property lines.
 - Proposed and existing public streets, curbs, sidewalks, and driveways.
 - If grading is proposed, preliminary plan of cut and fill areas including elevation contours and slope percentages.
 - Outlines of proposed structures, including walls, doors, and windows, at a scale determined by staff.
 - Proposed automobile, bicycle and disabled parking spaces, drive aisles, loading areas, curbing, car-stops, direction of traffic flow, electric vehicle charging spaces, etc. Include dimensions and locations. Please refer to **Appendix A** for more information.
 - Proposed landscape areas and pedestrian paths.
 - Proposed retaining walls, fences, electrical transformer boxes, trash enclosures, etc., and screening; including locations, finishes and dimensions. If you are proposing trash enclosures, please refer to **Appendix B**.
 - Note the square footages of existing and proposed buildings, and their percentages of gross lot coverage on plans.
 - Annotate private and common facilities and open space within developments.
 - Minimum Scale 1" = 20'. If necessary, break-up plans for large projects, and submit a master plan at a lesser scale.
 - Existing Site Conditions**. Said plan shall identify existing structures, trees, landscaping paving, drainage courses, and other pertinent man-made and natural features, where applicable.
 - Contextual Elevation Drawings** and **Site Sections**, including the relationship to adjacent properties and structures.
 - Any other items deemed appropriate for review by the Planning Division.



- Architectural Plans, including:
 - Building Elevations with materials and colors identified. Include Streetscape Elevations if applicable.
 - Finished Floor Elevations. Please identify the location of all BMR units.
 - Section(s) drawing(s) of the building
 - Exterior Lighting Plan showing lighting locations and details of fixture types. A Photometric Plan may be required for larger projects. Show all visible accessory fixtures (i.e., gas, meters, mechanical equipment, air conditioners, etc.), including roof mounted equipment, and the proposed method of screening.
 - Roof plans. Identify the roof pitch(es).
 - Colors and materials board(s). Within the plan set, include a sheet with all information included on the board(s).
 - Minimum scale of plans should be 1" = 10'.
 - Indicate type of construction and occupancy classification.
- Landscape Plan(s) (if applicable), showing:
 - Outline of the site, building, streets, sidewalks, driveways, parking areas, on- site curbing, storage areas, etc., to be retained and constructed; and proposed grading contours.
 - Location, caliper size and drip-line, canopy size, and species of on-site and immediately adjacent existing trees and large shrubs.
 - Indicate all trees to be removed, to be substantiated by an arborist report (if applicable).
 - Precise location or pattern and spacing of all proposed landscape materials.
 - Schedule of planting (in table format) showing plant sizes at maturity, ground cover spacing, and botanical and common names.
 - Design and location of all fencing, screening, retaining walls, electrical transformers, trash enclosures, street furniture, etc.
 - Irrigation plans. At a minimum, a written description of proposed irrigation should be provided.
 - Water Conservation. Include a preliminary calculation of Maximum Applied Water Allowance (MAWA) and Estimated Applied Water Use (ETWU). See [Municipal Code Chapter 15.17 \(Water Conservation Regulations\)](#).
 - Exterior landscape lighting and details as to the type of fixture. A Photometric Plan may be required.
 - The minimum scale should be 1" = 20' (Plans for large projects landscape projects may be broken up into sections.
 - Please refer to the [Appendix C](#) and [Implementing Zoning Ordinance Chapter 14 \(Landscaping and Screening\)](#) for more information.
- Implementing Zoning Ordinance §17.055 may require an **Arborist Report** for trees that may be impacted by construction.
- Photos of the site** from a variety of angles, showing existing conditions, including buildings and vegetation.