



*Government Code Section 65913.4 requires the availability of a streamlined ministerial approval process for housing development projects meeting specified criteria in localities that are not meeting their Regional Housing Need Allocation (RHNA) goal for construction of above-moderate income housing and/or housing for households below 80% Area Median Income (AMI). A development proponent may submit an application for a development that is subject to the streamlined, ministerial approval process set forth in this section that is not subject to a discretionary permit if the development satisfies all of the following objective planning standards that follow below.*

*Note: Streamlined approval for affordable housing projects under Senate Bill 35 became effective in January 2018. Development proponents must review and demonstrate compliance with the current State code; current California Legislative Information can be found at here: <https://leginfo.legislature.ca.gov/faces/home.xhtml>*

---

**Applicant Eligibility: Submit the following verification information to confirm project eligibility for SB 35 streamlined approval.**

---

**(1) Criterion: Multifamily housing development**

**Verification:** Provide a statement consistent with the submitted plan set verifying the development contains at least two or more net new residential units

**(2) Criterion: Site location**

**(A)** In an urbanized area or urban cluster

**Verification:** Provide the parcel number(s), address(es), and a copy of the County of Marin's assessor map with the subject parcels: <https://apps.marincounty.org/TaxRollSearch>

**(B)** Minimum 75% adjoining parcels developed with urban uses

**Verification:** Indicate the location of the development and adjacent properties on a satellite view (such as Google Earth) or other depiction illustrating surrounding urban development.

**(C) (i)** Zoned residential use or residential mixed-use development allowed on the site

**Verification:** Identify the following:

- Zoning District
- Zoning Overlay (if any)
- Permitted Uses (cite San Rafael Municipal Code)
- San Rafael General Plan Designation
- Other Area Plan Designation (if any)

**(C) (ii)** Two-thirds of the square footage of the development designated for residential use

**Verification:** Submit a table that lists the proposed square footage of the development divided by:



- Residential area not including underground space, such as basements of underground parking garages
- Commercial area (if any)
- Underground space, such as basement or underground parking (if any)

**(3) Criterion: Commitment to land use restriction for the affordable units in the project for the required duration**

**Verification:** Provide a written statement acknowledging the commitment and identify the form of anticipated recorded land use restriction and its duration, depending on the proposed housing tenure. Applicable minimum durations are fifty-five (55) years for dwelling units proposed to be rented and forty-five (45) years for dwelling units proposed for ownership.

**(4) Criterion: Location in the City of San Rafael, which has issued fewer building permits for Above Moderate income housing units than allocated under Regional Housing Needs Assessment (RHNA), and affordability distribution for residential units in the project that meet RHNA requirements.**

**Verification:** Provide a written statement with a commitment and explanation on how the project complies with the affordability requirement that:

- 1) At least 10% of the proposed residential units must be dedicated as affordable to households at or below 80% AMI for either rental or ownership projects; or
- 2) At least 20% of the total number of units to housing affordable to households making below 120 percent of the area median income with the average income of the units at or below 100 percent of the area median income.\*

\* Note: The project is still subject to the City's affordable housing requirement (SRMC §14.16.030)

**(5) Criterion: Consistency with objective standards in effect at the time that the development project is submitted.**

**(A) Consistency with objective zoning standards for density**

**Verification:**

- Submit a chart or table demonstrating compliance with applicable objective development and design standards.
- Indicate the General Plan land use designation and associated density standards for development site: <https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2021/09/3-LandUse-Adopted.pdf>
- Indicate the zoning district and allowable density for the development site. The City of San Rafael GIS Portal is available as a reference: <https://www.cityofsanrafael.org/zoning-information/> If located in the Downtown Precise Plan area refer to: [https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2021/09/DSR\\_PrecisePlan\\_FinalDraft\\_Chap9.pdf](https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2021/09/DSR_PrecisePlan_FinalDraft_Chap9.pdf)



- Submit a table or spreadsheet which compares existing, proposed, and permitted/required development standards for the applicable district(s).

If the development will utilize State Density Bonus Law, indicate the following:

- Any applicable Area Plan or Specific Plan and the associated objective land use, development and design standards, and demonstrate how the development will be consistent.
- Any applicable objective design guidelines and demonstrate how the development will be consistent.
- Any other applicable municipal code provisions (signs, subdivisions, streets, hazardous materials, environmental health, etc.) and demonstrate how the development will be consistent.
- Any applicable engineering, transportation/parking, urban forestry, storm drainage and other standards and demonstrate how the development will be consistent.
- Any waivers or concessions requested to modify the objective standards.

**(B) Inconsistency of objective standards**

**Verification:** If there are any identified conflicts between the zoning, general plan or design review standards, provide justification for reconciling those discrepancies and demonstrate how the development will be consistent.

**(6) Criterion: Site location in special zones**

**(A) Coastal zone**

**Verification:** No Action Required. The City of San Rafael is not within the Coastal Zone [the Bay is exempt under Public Resources Code Section 30103(a)]. <https://www.coastal.ca.gov/coastact.pdf>

**(B) Farmland**

**Verification:** No Action Required. The City of San Rafael does not have any designated farmland or conservation contracts. <https://maps.conservation.ca.gov/dlrp/ciff/>

**(C) Wetlands**

**Verification:** Document that the development would not be located on a site that has defined wetlands. <https://www.fws.gov/wetlands/data/mapper.html>

**(D) Fire hazard severity zone**

**Verification:** Indicate the development location on the State's Fire Hazard Severity Zone Map: <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>

**(E) Hazardous waste site**

**Verification:** Identify any Hazardous Waste and Substance history on the site using the resources below; a narrative and screen captures of map resources is preferred:



- EnviroStor: <https://www.envirostor.dtsc.ca.gov/public/>
- GeoTracker: <https://geotracker.waterboards.ca.gov/>
- Cortese List: <http://calepa.ca.gov/SiteCleanup/CorteseList/>

**(F) Earthquake Fault Zone**

**Verification:** Indicate the development location on a delineated earthquake fault zone map: <https://maps.conservation.ca.gov/cgs/EQZApp/> or submit evidence of compliance with seismic protection codes.

**(G) Special flood hazard area**

**Verification:** Indicate the development location on a flood plain map promulgated by the Federal Emergency Management Agency: <https://msc.fema.gov/portal/search#searchresultsanchor> or submit a copy of a letter of map revision or a flood plain development permit.

**(H) Regulatory floodway**

**Verification:** Indicate the development location on a floodway map promulgated by the Federal Emergency Management Agency: <https://msc.fema.gov/portal/search#searchresultsanchor> or submit a copy of a no-rise certification.

**(I) Natural community conservation plan**

**Verification:** No action required. There are no adopted NCCPs in the City of San Rafael: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline>

**(J) Habitat for protected species**

**Verification:** Provide documentation that the development would not affect habitat for protected species identified as candidate, sensitive, or species of special status.

**(K) Conservation easement**

**Verification:** No action required. The City of San Rafael does not contain any lands under conservation easement.

**(7) Criterion: Site with existing housing or historic significance (none of the following shall apply)**

**(A) Demolition of rent- or price-controlled housing or housing occupied within the past ten years**

**(B) Site was used previously for housing that was occupied by tenants that was demolished within ten years of the application submittal**

**Verification:** Document the history of the development site (e.g., buildings, occupancy, deed restrictions, rent control status, and demolition) to demonstrate the development would not affect these types of housing.

**(C) Demolition of a historic structure that was placed on a national, state, or local historic register**

**Verification:** Document that the development site is not listed on a national, state or local historic register and/or would not require the demolition of a historic structure according to these official listings:



- <https://www.cityofsanrafael.org/documents/city-san-rafael-historicalarchitectural-survey/>
- [Downtown San Rafael Precise Plan and Code \(storage.googleapis.com\)](https://storage.googleapis.com/downtown-san-rafael-precise-plan-and-code/)
- [http://ohp.parks.ca.gov/?page\\_id=21429](http://ohp.parks.ca.gov/?page_id=21429)
- <https://www.nps.gov/subjects/nationalregister/database-research.htm>

**(D)** The property contains tenant occupied housing units and the units are or were subsequently offered for sale to the general public by the subdivider or subsequent owner of the property

**Verification:** Document that the development complies with this limitation.

**(8) Criterion: Commitment to prevailing wage rates and skilled workforce**

**(A)** Commitment to prevailing wage rates unless project is entirely a public work (such as the construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds, but not work done by a public utility)

**Verification:** Document that the project is a public work or submit written commitment to provide prevailing wages as required for a project that is not a public work and includes more than 10 units.

**(B)** Commitment to hiring a skilled workforce if project qualifies for one of the criteria in this section (see the California Legislative Information website for details)

**Verification:** Demonstrate that the project qualifies or does not qualify for one of the criteria in this section and list the criteria.

**(9) Criterion: Subdivision of a parcel that is subject to the Subdivision Map Act**

**Verification:** Verify that the project does not involve a parcel that is subject to the Subdivision Map Act or other applicable subdivision law, unless the development will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid or the development is subject to the requirement that prevailing wages be paid and a skilled and trained workforce be used (see criterion 8).

**(10) Criterion: Mobile home, recreational vehicle, and other special occupancy parks**

**Verification:** Document that the development is not sited upon an existing parcel of land that is governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).