



## SB 35 AFFORDABLE HOUSING STREAMLINING ELIGIBILITY CHECKLIST

For any statement with a response of “yes” or “N/A”, the applicant must demonstrate (providing a separate itemized analysis, exhibits, and plans) how that determination was rendered, or the application will be deemed incomplete. Please refer to subsections (a) and (b) of Government Code Section [65913.4](#) and for more detailed statements of the eligibility requirements summarized in this checklist.

If any of the answers to the questions below are “no,” then the project is not eligible for SB 35 review and the City’s standard development review process will apply, per applicable zoning regulations.

| SB 35 Eligibility Requirements |  | Compliance   |                          |
|--------------------------------|--|--|--------------------------|
|                                |  | Yes  | No                       |
| 1.                             | HCD has determined that Culver City is subject to SB 35 for the current Reporting Period. <sup>1</sup>   | <input type="checkbox"/>                                     | <input type="checkbox"/> |
| 2.                             | The applicant has submitted the required Preliminary Housing Development Application with a notice of intent to invoke SB 35, and the project does not involve a 20% change or more to the number of units or square footage described in the preliminary application.   | <input type="checkbox"/>                                     | <input type="checkbox"/> |
| 3.                             | All relevant California Native American tribes received a formal notice from the City of Culver City (“the City”) of the applicant’s intent to invoke SB 35; and one of the following has occurred:<br>(a) All relevant California Native American tribes did not respond to the invitation to engage in scoping consultation within 30 days of their receipt of the invitation.<br>(b) The California Native American tribe(s) accepted an invitation to engage in a scoping consultation but failed to engage in the scoping consultation after repeated documented attempts by the City to engage the tribe(s).<br>(c) A scoping consultation between a California Native American tribe and the City has occurred, and the parties found that no potential tribal cultural resource will be affected by the proposed development.<br>(d) A scoping consultation between a California Native American tribe and the City has occurred and, an enforceable agreement is documented between the California Native American tribe and the City and/or developer on methods, measures, and conditions for tribal cultural resource treatment. | <input type="checkbox"/>                                     | <input type="checkbox"/> |
| 4.                             | The project is a multifamily or mixed-use housing development that contains 2 or more residential units.   | <input type="checkbox"/>                                     | <input type="checkbox"/> |
| 5.                             | If the project is a mixed-use development, at least 2/3 of the square-footage of the development is designated for residential uses. <sup>2</sup><br>Check N/A only if the project is 100% residential (i.e., does not include any non-residential uses).  | Yes <input type="checkbox"/><br>N/A <input type="checkbox"/> | <input type="checkbox"/> |
| 6.                             | The project site is either zoned for residential or residential mixed-use development or has a General Plan designation that allows for residential uses or a mix of residential and non-residential uses (as applicable to the project); OR the site meets the requirements of Gov. Code section 65852.24.  | <input type="checkbox"/>                                     | <input type="checkbox"/> |
| 7.                             | The project dedicates at least 50% of the units as affordable for low-income households making at or below 80% of the area median income, (before calculating any density bonus), unless otherwise determined by the latest SB 35 Statewide Determination Summary released by the California Department of Housing and Community Development (HCD).  | <input type="checkbox"/>                                     | <input type="checkbox"/> |
| 8.                             | The applicant commits to record, prior to the issuance of the first building permit, a land use restriction or covenant ensuring that any affordable units required by SB 35 will remain available at affordable housing costs or rent to person or families of lower income for period of either 55 years (for units that are rented), or 45 years (for units that are owned) as applicable.  | <input type="checkbox"/>                                     | <input type="checkbox"/> |
| 9.                             | The development is located on a legal parcel(s) where at least 75% of the perimeter of the site adjoins parcels that are developed with urban uses.  | <input type="checkbox"/>                                     | <input type="checkbox"/> |

<sup>1</sup> SB 35 defines the Reporting Period as either the first half or second half of the of the regional housing needs assessment (RHNA) cycle.

<sup>2</sup> Additional density, floor area, and units, and any other concession, incentive, or waiver of development standards granted pursuant to the Density Bonus Law in Section 65915 shall be included in the square footage calculation. The square footage of the development shall not include underground space, such as basements or underground parking garages.

| SB 35 Eligibility Requirements |  | Compliance               |                          |
|--------------------------------|--|--------------------------|--------------------------|
|                                |  | Yes                      | No                       |
| 10.                            | The project site is NOT located on a site that would require demolition of any of the following:   |                          |                          |
|                                | A. Housing subject to recorded rent restrictions.  | <input type="checkbox"/> | <input type="checkbox"/> |
|                                | B. Housing subject to rent control.  | <input type="checkbox"/> | <input type="checkbox"/> |
|                                | C. Housing occupied by tenants within past 10 years.   | <input type="checkbox"/> | <input type="checkbox"/> |
|                                | D. A historic structure that was placed on a national, state, or local historic register.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 11.                            | The project is not located on a site that was previously used for housing that was occupied by tenants that was demolished within the past 10 years.   | <input type="checkbox"/> | <input type="checkbox"/> |
| 12.                            | The project is not located on a site that contains housing units that are occupied by tenants, and in which units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent property owner.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 13.                            | The project site is NOT located in any of the following areas:   |                          |                          |
|                                | A. An area of the <b>coastal zone</b> described in Gov. Code Section 65913.4.  | <input type="checkbox"/> | <input type="checkbox"/> |
|                                | B. <b>Prime farmland, farmland of statewide importance</b> , or land zoned or designated for agricultural protection or preservation by an approved local ballot measure.  | <input type="checkbox"/> | <input type="checkbox"/> |
|                                | C. <b>Wetlands</b> , as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).  | <input type="checkbox"/> | <input type="checkbox"/> |
|                                | D. <b>Within a very high fire hazard severity zone</b> , as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within the state responsibility area, as defined in Section 4102 of the Public Resources Code, unless site has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.   | <input type="checkbox"/> | <input type="checkbox"/> |
|                                | E. <b>A hazardous waste site</b> that is listed pursuant to Gov. code 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 either of the following apply:<br>(a) The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses.<br>(b) The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses. | <input type="checkbox"/> | <input type="checkbox"/> |
|                                | F. <b>Within a delineated earthquake fault zone</b> 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 (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.   | <input type="checkbox"/> | <input type="checkbox"/> |
|                                | G. <b>Within a special flood hazard area</b> 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, unless the site meets applicable Federal Emergency Management Agency requirements.  | <input type="checkbox"/> | <input type="checkbox"/> |
|                                | H. <b>Within a regulatory floodway</b> as determined by the Federal Emergency Management Agency in any official maps published 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.   | <input type="checkbox"/> | <input type="checkbox"/> |
|                                | I. <b>Lands identified for conservation</b> in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.  | <input type="checkbox"/> | <input type="checkbox"/> |
|                                | J. <b>Habitat for protected species</b> 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. Section 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"/> | <input type="checkbox"/> |

| SB 35 Eligibility Requirements |  | Compliance   |                          |
|--------------------------------|--|--|--------------------------|
|                                |  | Yes  | No                       |
|                                | K. Lands under conservation easement.  | <input type="checkbox"/>                                     | <input type="checkbox"/> |
|                                | L. <b>A parcel of land that is governed under the Mobilehome Residency Law</b> , (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), <b>the Recreational Vehicle Park Occupancy Law</b> (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), <b>the Mobilehome Parks Act</b> (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), <b>or the Special Occupancy Parks Act</b> (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).   | <input type="checkbox"/>                                     | <input type="checkbox"/> |
| 14.                            | <p>The applicant certifies that either of the following is true:</p> <p>(a) The entirety of the project is a public work as defined Chapter 1 (commencing with section 1720) of Part 7 of Division 2 of the Labor Code; or</p> <p>(b) The project is not in its entirety a public work, and the developer will comply with all applicable requirements pursuant to Gov. Code Section 65913.4(8) et seq., including but not limited to:</p> <ul style="list-style-type: none"> <li>i. Payment of prevailing wages to construction workers;</li> <li>ii. Health care expenditures and use of an apprenticeship program (if the project consists of 50 or more units);</li> <li>iii. Skilled and trained workforce requirements (if the project is over 85 feet in height above grade and is not 100% affordable to lower income households); and</li> <li>iv. Reporting requirements.</li> </ul> <p>Check N/A only if the project satisfies all the following:</p> <ul style="list-style-type: none"> <li>• The project consists of 10 or fewer units;</li> <li>• The project is not a public work; and</li> <li>• The project is less than 85 feet tall.</li> </ul> | Yes <input type="checkbox"/><br>N/A <input type="checkbox"/> | <input type="checkbox"/> |
| 15.                            | The project meets density requirements <sup>3</sup> and all objective zoning and design standards <sup>4</sup> , and if applicable, objective subdivision standards, and such compliance is clearly demonstrated in the project plans.   | <input type="checkbox"/>                                     | <input type="checkbox"/> |

| Project Information               |  |
|-----------------------------------|--|
| <b>Project Address:</b>           |  |
| <b>Assessor Parcel Number(s):</b> |  |
| <b>Project Name:</b>              |  |

| Certification  |  |                                  |  |
|--|--|----------------------------------|--|
| By signing below, I certify and declare under penalty of perjury under the laws of the State of California that the answers furnished above, and in the attached exhibits, and that the facts, statements, and information presented are true and correct to the best of knowledge and belief. I further understand that additional information may be required to be submitted to the City of Culver City to complete application review. |  |                                  |  |
| <b>Applicant Signature:</b>  |  | <b>Property Owner Signature:</b> |  |
| <b>Applicant Name:</b>   |  | <b>Property Owner Name:</b>      |  |
| <b>Date:</b>   |  | <b>Date:</b>                     |  |

<sup>3</sup> 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.

<sup>4</sup> 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.”