



# City of Dublin

## Zoning Clearance Application

### Housing Projects Eligible for Streamlined Approval

#### PROJECT INFORMATION

Applicant Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Address: \_\_\_\_\_

Zoning: \_\_\_\_\_ General Plan/Land Use: \_\_\_\_\_

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#### PROPERTY OWNER INFORMATION

Property Owner's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Property Owner's Address: \_\_\_\_\_  
Street Address City State Zip

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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#### SUBMITTAL REQUIREMENTS

##### **Item<sup>1</sup>**

1. Processing Agreement and Deposit.
2. Preliminary Application for Senate Bill 35 Housing Projects Eligible for Streamlined Approval.
3. Written Statement (including a) project description, b) clarification if this is a Notice of Intent / Pre-Application or a formal Zoning Clearance application, and c) narrative statement outlining how the project is consistent with all objective zoning and design standards).
4. Eligibility Checklist (attached).
5. Certification that the project will pay prevailing wages if it is not entirely a public work, if applicable.
6. Certification that the project will employ a skilled and trained workforce, if applicable.
7. Project Plans.
8. Preliminary Title Report. Must be dated within six months from the date of application.

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<sup>1</sup> You must first initiate the Tribal Consultation process per Assembly Bill 168 by submitting a Notice of Intent / Pre-Application before filing a Zoning Clearance application for housing projects eligible for streamlined approval.

**ACKNOWLEDGEMENT OF APPLICANT**

By signing below, I certify that I am the Property Owner of record, or I have the authorization of the Property Owner to file this application for a Zoning Clearance, and that the information contained in this application is true and correct. I further agree to the following:

- Failure to provide all pertinent data or providing poorly executed plans may delay the processing of an application.
- Applicant/Property Owner agrees to defend, indemnify, release, and hold harmless the City of Dublin, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "City") from any claim, action or proceeding (hereafter collectively "proceeding") brought against the City to attack, set aside, void or annul the City's project approvals and/or any action relating to such project approvals, including actions taken to comply with the California Environmental Quality Act. This indemnification shall include, but not be limited to, any damages awarded against the City, the City's attorneys' fees and cost of suit, the cost of preparing the administrative record, any award of opposing counsel's attorneys' fees or costs of suit, and any other liabilities and expenses incurred in connection with such proceeding, whether incurred by the Applicant, the City, and/or the parties initiating or bringing such proceeding. Applicant acknowledges that the City may elect to retain its own counsel to represent it in such proceeding and agrees to reimburse the City for associated attorneys' fees and costs of suit. Applicant further agrees to indemnify the City for all costs, attorneys' fees, and damages, which the City incurs in enforcing this indemnification agreement. In the event any proceeding is brought, City shall promptly notify the Applicant of the proceeding, and City shall coordinate with Applicant regarding defense of the proceeding.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



ZONING CLEARANCE APPROVAL:

**ATTENTION:** Please contact the Planning Division at (925) 833-6610 if you have any questions.

## SENATE BILL NO. 35 ELIGIBILITY CHECKLIST

Senate Bill (SB) Number 35 creates a streamlined and ministerial approval process for certain housing projects. This eligibility checklist provides a general overview of SB 35's requirements. Please consult Government Code Section 65913.4 for the complete requirements.

Projects must meet all of the following requirements to be eligible for the SB 35 streamlined process:

<b>Eligibility Criteria</b>	<b>Yes</b>	<b>No</b>
1. The project is a multi-family housing development (two or more units) (subd. (a)(1)).		
2. The project has dedicated the applicable minimum percentage of affordable units in the project. Applicable units that are rented shall remain affordable for 55 years and units that are owned shall remain affordable for 45 years. The property owner agrees to record covenants or restrictions implementing this requirement against the property (subds. (a)(3)(A), (a)(3)(B), (a)(4)(A), and (a)(4)(B)). Note: In accordance with State Department of Housing and Community Development (HCD)'s most recent determination, the City of Dublin has made insufficient progress toward meeting the City's lower-income RHNA (very-low and low-income) and is, therefore, proposing developments with at least 50 percent of the units affordable to households that make at or below 80 percent of the Area Median Income (AMI) eligible for streamlined review.		
3. The site is in an "urbanized area" or "urban cluster" as designated by the United States Census Bureau (subd. (a)(2)(A)).		
4. At least 75 percent of the perimeter of the site adjoins parcels developed with "urban uses" (subd. (a)(2)(B)). Note: Parcels separated by a street or highway are considered adjoined.		
5. The site has a zoning or a general plan designation that allows for residential use or residential mixed-use development (subd. (a)(2)(C)). Note: For property designed for mixed-use, at least "two-thirds of the square footage of the development" is designated as residential use. Additional density, floor area, units, and any other concession, incentive, or waiver of development standards granted pursuant to Density Bonus Law in Government Code Section 65915 shall be included in the square footage calculation. The square footage of the development shall not include underground spaces, such as basements or underground parking spaces.		
6. The project does not include a subdivision of land (subd. (a)(9)).  There are exceptions to this rule per 65913.4(a)(9)(A) and (B): <ul style="list-style-type: none"> <li>▪ The development has received, or 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 pursuant to Section 403 of these Guidelines.</li> <li>▪ The development is subject to the requirement that prevailing wages be paid</li> </ul>		

Eligibility Criteria	Yes	No
and a skilled and trained workforce used.		
7. The project meets the design requirements “objective zoning standards,” “objective subdivision standards,” and “objective design review standards,” including the Citywide Multi-Family Objective Design Standards (subd. (a)(5)).		
<p>8. The project is outside each of the following areas (subds. (a)(6)-(a)(7)) and (a)(10):</p> <ul style="list-style-type: none"> <li>▪ Coastal zone</li> <li>▪ Prime farmland or farmland of statewide importance</li> <li>▪ Wetlands</li> <li>▪ High or very high fire hazard severity zones</li> <li>▪ Hazardous waste site</li> <li>▪ Delineated earthquake fault zone</li> <li>▪ Special flood hazard area</li> <li>▪ Regulatory floodway</li> <li>▪ Lands designated for conservation in a habitat conservation plan, natural community conservation plan, or natural resource protection plan</li> <li>▪ Protected species habitat</li> <li>▪ Lands under a conservation easement</li> <li>▪ A site that would require demolition of (a) housing subject to recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low-income; (b) housing subject to rent or price control; or (c) housing occupied by tenants within the past 10 years;</li> <li>▪ A site that previously contained housing occupied by tenants that was demolished within past 10 years before the development proponent submitted an application</li> <li>▪ A site where the development would require demolition of a historic structure placed on national, state, or local historic register</li> <li>▪ A site containing housing units that are occupied by tenants, and units at the property are/were subsequently offered for sale to the general public by the subdivider or subsequent owner of the property</li> <li>▪ 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</li> </ul>		
9. 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)).		
10. 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)). For Alameda County, this requirement only applies to projects of 50 units or more. This requirement is not applicable to projects of 10 units or less and that are not a “public work” for purposes of the prevailing wage law.		