

City of Los Altos

Submittal Requirements for SB35 Development Application

Please note: Before an application may be submitted under SB35, the applicant is required to submit a Notice of Intent to Submit an SB35 Application, pursuant to AB 831 (Stats. 2020, Ch. 194, available at: <https://leginfo.ca.gov/faces/billNavClient.xhtml?bill.id=201920200AB8831>). The Notice of Intent should consist of a cover letter clearly labeled “Notice of Intent to Submit SB 35 Application.” Please attach a completed copy of the City’s SB 330 Preliminary Application to the cover letter, together with all supporting documentation required in the application. The SB 330 Preliminary Application is available at <https://www.losaltosca.gov/communitydevelopment/page/forms-and-handouts-0>. A fee of \$ _____ must be paid at the time the Notice of Intent is delivered to the City. Following receipt of the Notice of Intent, the City will conduct tribal consultation, as required in AB 831, and thereafter will notify the applicant of the results of tribal consultation and the project’s eligibility for treatment under SB 35.

All materials identified below shall be submitted in digital (PDF) format.

Section 1. Application/Fees

A. General Application Form

Complete all sections of the application. If a section of the application is not applicable, please write “not applicable” or N/A.

If the applicant is different than the owner of the project site, provide a letter from the property owner granting authorization to the applicant to sign the application on behalf of the owner. This letter shall be dated and signed by the property owner.

For a copy of the General Application Form refer to https://www.losaltosca.gov/sites/default/files/fileattachments/community_development/page/41491/general_application_revised_august_2021_fillable.pdf

B. Applicant Statement/Detailed Project Description

Submit a detailed written description of the proposed project.

C. SB Eligibility Criteria Compliance Documentation

To qualify for an SB35 ministerial approval process, the applicant must meet the Criteria established under Government Code Section 65913.4. Refer to the Senate Bill No. 35 Eligibility Checklist at

https://www.losaltosca.gov/sites/default/files/fileattachments/community_development/page/41491/sb35checklist-los_altos_fillable.pdf

This application shall include the following information to establish eligibility for an SB35 ministerial approval process:

- 1. The project is a multifamily housing development of 2 or more units (subd. (a)(1)).
- 2. The applicant has dedicated a minimum of 50% of units as affordable at the moderate-income level (80% AMI)(subd. (a)(4)(B)).
- 3. Is a portion of the city designated by the Census as either and “urbanized area” or “urban cluster”, or, if the site is in an unincorporated area, is the parcel entirely within the boundaries of “urbanized area” or “urban cluster” (subd.(a)(2)(A))?
- 4. At least 75% of the perimeter of the site adjoins parcels currently or formerly developed with “urban uses” (subds. (a)(2)(B), (h)(8)).
- 5. The site has either zoning or a general plan designation that allows for residential use or residential mixed-use (subd. (a)(2)(C)). For property designated for mixed-use, the designation must require at least “two thirds of the square footage of the development” to be residential.
- 6. The project does not include a subdivision of land (subd. (a)(9))
Provide a written statement on how you meet the following requirements:

(a)(9) The development did not or does not involve a subdivision of a parcel that is, or, notwithstanding this section, would otherwise be, subject to the Subdivision Map Act (Division 2, (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land, unless the development is consistent with all objective subdivision standards in the local subdivision ordinance, and either of the following apply:

(A) The development has received or will receive financing or funding by means of a low-income tax credit and is subject to the requirement that prevailing wages be paid pursuant to subparagraph (A) of paragraph (8).

(B) The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used, pursuant to paragraph (8).

7. Objective Criteria Documentation

The Applicant shall verify compliance with objective criteria including “objective zoning standards and objective design review standards (subd. (a)(5).

- Objective standards are those that “involve no personal or subjective judgment 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.”
- 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.

This document shall be compiled in a matrix format and shall list the applicable objective criteria of the Title 14 of the Municipal Code and other objective standards, e.g., those listed in documents referenced in this Form and under Section 5 – Additional Resources, below. List the applicability to the project and how the project complies with each standard.

https://library.municode.com/ca/los_altos/codes/code_of_ordinances?nodeId=TIT14ZO

For projects in the Downtown refer to

https://www.losaltosca.gov/sites/default/files/fileattachments/commUNITY%20development/page/41331/los_altos_downtown_deignreview_guidelines_022510_compressed.pdf

8. Provide evidence on whether the property or a portion thereof is not characterized by any of the following conditions. Links are provided for your convenience to assist in identifying this information. Check all that apply:

A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Gov. Code Section 51178,

<https://gis.data.ca.gov/datasets/31219c833eb54598ba83d09fa0adb346>

<https://gis.data.ca.gov/datasets/789d5286736248f69c4515c04f58f414>

Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

<https://www.fws.gov/policy/manuals/>

A hazardous waste site that is listed pursuant to Gov. Code Section 65962.5 or a hazardous waste site designation by the Department of Toxic Substances Control pursuant to Section 25356 of the Health Code. <https://dtsc.ca.gov/dtscs-cortese-list/>

A special flood hazard subject to inundation by the 1 percent annual flood (100-year flood) as determined by any official maps published by the Federal Emergency Management Agency.

<https://www.fema.gov/flood-maps>

A delineated earthquake fault zone 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 2.3 (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.

<https://www.conservation.ca.gov/cgs/alquist-priolo>

A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code.

<https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>

Prime Farmland or Farmland of statewide importance.

https://www.conservation.ca.gov/dlrp/fmmp/Pages/prime_farmland_fmmp.aspx

Protected land species habitat

<https://wildlife.ca.gov/Conservation/CESA>

A site that would require demolition of (a) housing subject to recorded rent restrictions, (b) housing subject to rent control,

(c) housing occupied by tenants within past 10 years, or (d) an historic structure placed on a local, state, or federal register. Government Code Section 65913.10 states that for purposes of any state or local law, ordinance or regulation that requires the city or county to determine whether the site of a proposed housing development project is a historic site, the city or county shall make the determination at the time the application for the housing development is deemed complete. To assist the City in complying with Section 65913.10 you are required to complete a Historic Resource Determination Form as part of your application for a housing development project.

See Attachment A – Historic Resource Determination Form.

- 9. Prevailing Wage.
Provide evidence that at least one of the following is true:
 1. The entirety of the project is a public work as defined in Government Code Section 65913.4(8)(A)(i).
 2. 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.
 3. The project includes 10 or fewer units AND is not a public work AND does not require a subdivision.

- 10. Skilled and Trained Workforce
If the project consists of 75 or more units that are not 100 percent subsidized affordable housing, the project proponent must certify that it will use a skilled and trained workforce, as defined in Government Code Section 65913.4(8)(B)(ii).

D. Payment of Application Fees:

Application:	\$ _____
Other: _____	\$ _____
TOTAL:	\$ _____

The Master Fee Schedule is available on the City website pursuant to AB1483 https://www.losaltosca.gov/sites/default/files/fileattachments/community_development/page/41491/22-23_full_fee_schedule.pdf. Make checks payable to the City of Los Altos. Fees are not refundable.

Section 2 Project Plans Submittal Requirements

One (1) digital copy of full-size plans (24" x 36") in PDF format.

All project plans contain the following:

- Cover Sheet
 - Project Description
 - Vicinity Map (clear and legible)
 - North arrow
 - Index of Plan Sheets
 - General Project Information (project description, general plan, zoning, property owner, design professionals, etc.)
 - A summary of the required development standards per the zoning district and the related project's proposal including, but not limited to site area, lot coverage, setbacks, impervious surfaces, building floor area, parking stalls (required and proposed), and number of residential units. Submit summary of residential units including number of units, bedrooms, and floor areas of each unit, and identify which units are proposed as below market units.

- Site Plan ($\frac{1}{8}'' = 1'$ scale)
 - Subject property showing all property lines and adjacent streets (labeled). Provide a Topographic survey if a grading plan is not included and the proposed project is set back less than five feet from any assumed property setback line or the property line when no setback is required.
 - Location, names, and existing widths of all adjoining and contiguous streets, road, highways, alleys, and public ways.
 - Location of all proposed structures on subject property.
 - Building setback dimensions.
 - Location and dimensions of parking, driveway, and loading areas. Parking stall number counts shall be provided and required EV parking labeled. Label and provide legend/table.
 - Location, size, type, and proposed disposition of all existing trees over four inches in diameter.
 - Identification of landscape areas, walkways, fences, retaining walls, utility areas, trash enclosure facilities, and bicycle parking areas.
 - Location, width, and purposes of all existing and proposed easements
 - Location of the nearest fire hydrant(s).
 - Location of Public Art on Private Property. *This is an alternative to paying the Public Art In-Lieu Fee and requires a separate application but should be shown on the site plan for consistency. See the Public Art in Private Development Handout for more information.*

Refer to the following for requirements:

Development Near Streams

<https://www.losaltosca.gov/communitydevelopment/page/land-use-development-near-streams>

Parking Standards

https://www.losaltosca.gov/sites/default/files/fileattachments/community_development/page/41491/parking_standards_exhibit_a.pdf

Trash Enclosure Requirements

https://www.losaltosca.gov/sites/default/files/fileattachments/community_development/page/41491/comercial_trash_enclosures.pdf

Public Art in Private Developments:

https://www.losaltosca.gov/sites/default/files/fileattachments/community_development/page/41331/public_art_fee_handout_rev.pdf

Floor Plan ($\frac{1}{4}$ " = 1' scale)

NOTE: Floor plans for single-story buildings maybe shown in the site plan

- Show and label existing and proposed development.
- Provide a floor plan for each story/level of the building.
- Show the perpendicular lines of cross planes with labels (shall match Cross-Section plans, see below)
- Include all details normally included on architectural floor plans but not limited to proposed interior walls for units, suites, rooms, access corridors, stairway and elevator locations, doorway and window locations, balcony areas, parking areas with dimensions, loading and utility areas, etc.
- For underground parking, show all parking spaces (with stall counts) and drive aisles. Identify EV parking spaces. Include dimensions.
- Identify details such as balconies, roof gardens, cabanas, etc.

Floor Area Calculation Diagram ($\frac{1}{8}$ " = 1' scale)

- Gross floor area – measured to outside edge of wall and including all space enclosed by walls (habitable space, non-habitable space, accessory structures, basements)
- Net floor area – excluding all inner courts and/or shaft enclosures (stairwells, elevator shafts, etc.) Existing floor area of structures to be removed, if applicable.
- Existing floor area of structures to be removed.

NOTE: Floor plans for single-story buildings may be shown on the site plan.

For placement of air conditioning units, refer to Air Conditioning Setback Guidelines

https://www.losaltosca.gov/sites/default/files/fileattachments/community_development/page/41491/air_conditioning_equipment_setbacks_handout_rev03-2020.pdf

- Building Elevations ($\frac{1}{4}'' = 1'$ scale)
 - Building height dimensions (if building height varies, provide dimensions of all heights). Height of building measured from existing grade to highest point of the roof.
 -
 - Building materials and design details (provide labels and/or legend with specific descriptions or material callouts to match material samples board).
 - Roof pitch
 - Identification roof-mounted equipment and other architectural features (parapets, elevator and stair overruns, roof deck features, etc.) and dimensions.
 - New signage being proposed, if applicable
 - Color details on plan as provided on the colors(s) and Materials Board.
 - Fencing or walls with material callout and height dimensions.
 - Required aerial fire apparatus access to the building (or shown on the building Cross-sections).

NOTE: For buildings exceeding 30 feet in height or as required by the Fire Code.

- Building Cross-Sections ($\frac{1}{4}'' = 1'$ scale)
 - Provide at least two (2) cross-sections (one perpendicular from the other) taken from the highest ridge, showing existing proposed grades, finished floor heights, wall plates, and building height measured to existing grade.
 - Show the existing and proposed grades, finished floor heights, wall plates and building height measurements per the Zoning Ordinance. Include cross sections of garage ramps, underground parking, and storage areas.

- Excavation or Shoring Plan ($\frac{1}{4}'' = 1'$ scale):
 - Provide a plan showing the required excavation with cuts that would be less than or equal to 2:2 horizontal to vertical ratio and cross section of cuts through the site beginning at the property lines to determine if a shoring plan is required).

- If shoring is required, submit a shoring plan. Indicate where any shore structures or methods (including piers and tiebacks) encroach into another property (including the public right-of-way).

Roof Plan (1/4" = 1' scale) (1/4" = 1' scale)

- Roof pitch
- All rooftop mechanical equipment and screening location(s)
- All proposed locations of rooftop mechanical equipment and screening location(s) and other proposed functional features of roof deck areas (active or passive).

Landscape Plan (1/4" = 1' scale)

NOTE: All proposed landscape plans shall be conditioned to comply with the City's Water Efficient Landscape Ordinance.

- A conceptual planting plan that identifies all existing and proposed trees and plants.
- Identification of specific planting locations and symbols for each plan showing the plant size and maturity. Each plant shall be labeled, and a legend shall be provided that provides the plants scientific and common name, plant container size, WUCOLS information, and totals for the proposed number of plants.
- Hardscape, walkways, fences and retaining walls.
- Utility areas and trash facilities
- A calculation identifying total area of proposed hardscape and softscape.
- Calculations of open space areas (as required by the zoning district)
- Provide color, photos of all proposed trees and evergreen species, along with the following information:
 - Common name
 - Anticipated height and spread at maturity.
 - Average rate of growth

Refer to Model Water Efficient Landscape Ordinance

https://www.losaltosca.gov/sites/default/files/fileattachments/community_development/page/41491/water_efficient_landscape_handout.pdf

Grading and Drainage Plan (1/4" = 1' scale)

NOTE: The Grading and Drainage Plan shall be prepared by a registered civil engineer or a licensed architect.

- Topographic Survey
- Location and elevation of benchmarks
- Elevation(s) along street side and neighboring property lines. Identify elevations along all building frontages as necessary to calculate building height.

- Pad elevation
- Finished floor elevation.
- Tree location(s) and identify tree protection fencing areas.
- Lot drainage patterns
- Proposed retaining wall locations with bottom and top of wall elevations identified.
- Cross-sections as necessary to show significant grade changes to show how the proposed development transitions between the subject property and abutting properties.
- Calculations and total quantities of imported or exported fill materials.
- Existing and proposed contours
- Stormwater management measures to retain stormwater on site in accordance with the Best Management Practices
- All existing and proposed utilities (lines, transformers, meters, etc.) and adjacent infrastructure

Trash Enclosure/Solid Disposal Waste Plan
 A preliminary solid waste disposal plan including the proposed size and locations of trash enclosures or trash receptacle storage areas by Mission Trail Waste Systems. A letter or email review by Mission Trail Waste Systems shall be provided which references the specific plan materials and dated reviewed.

Storm Water Management Plan
 The plan shall show stormwater management measures to retain stormwater on site in accordance with Best Management Practices

Circulation Plan
 Provide a plan that shows circulation flow within the project and all points of access from public rights-of-way.

For Fire Access Requirements refer to <https://www.sccfd.org/fire-prevention/standards-specifications>

Construction Management Plan
 Prepare a preliminary construction management plan that identifies anticipated truck routing and staging, construction worker parking plan (on-site and off-site) and pedestrian routing (sidewalk closures, detours, etc.).

For requirements refer to Construction Management Plan
https://www.losaltosca.gov/sites/default/files/fileattachments/community_development/page/41491/construction_management_plan_submittal_requirements_and_example.pdf

- Materials Board Location and elevation of benchmarks
 - Provide product samples of proposed materials and colors on an 11"x17" board, and if necessary, applied materials mockups to illustrate the appearance of materials together.

Section 3 – Required of project subject to Affordable Housing Requirements/Density Bonus Law

All multiple-family residential projects that create five or more new dwelling units shall comply with the SB35 Eligibility Criteria to provide a minimum of 50% of units as affordable units at the 80% AMI level, and the Los Altos Affordable Housing per Chapter 14.28 of the Los Altos Zoning Code

https://library.municode.com/ca/los_altos/codes/code_of_ordinances?nodeId=TIT14Z_0_CH14.28MUMIAFHO.

- Submit a written statement describing the following:
 - How the project complies with the SB35 Eligibility Criteria and the Affordable Housing Ordinance.
 - Level of affordability that will be provided.
 - Number and location of affordable units

- Density Bonus Report. A housing development of five or more residential units may propose a density bonus in accordance with California Government Code Section 65915 et sq. ("Density Bonus Law"). Applicants requesting at a density bonus and any incentives(s), waiver(s) or parking reduction are required to submit a Density Bonus Report for the housing development at the time of submittal of this SB35 application. The Density Bonus Report requirements are found at:
https://www.losaltosca.gov/sites/default/files/fileattachments/community_development/page/41491/density_bonus_report_handout_2018.pdf

Section 4 – Supporting documents, Studies, Permits, etc. for All Residential Development Projects:

- Arborist Report - A Tree Removal Permit and Arborist Report is required of any construction activity, which results in removal of:

1. Any tree that is 48-inches (four feet) or greater in circumference when measured at 48-inches above the ground.
2. Any tree designated by the Historical Commission as a Heritage Tree or any tree under official consideration for a Heritage Tree designation. (All Canary Island Palm trees on Rinconada Court are designated as Heritage Trees.)
3. Any tree which was required to be either saved or planted in conjunction with a development review approval (i.e., new two-story house).
4. Any tree located within a public right-of-way.
5. Any tree, regardless of size, located on property zoned other than single-family (R1).

For requirements regarding tree removal requirements see:

<https://www.losaltosca.gov/communitydevelopment/page/tree-removal>

Other: _____

Section 5 – Additional Resources

The following sources provide information regarding the City of Los Altos for the design of proposed new development projects:

Downtown Design Guidelines

https://www.losaltosca.gov/sites/default/files/fileattachments/community_development/page/41331/los_altos_downtown_deignreview_guidelines_022510_compressed.pdf

Public Art Requirements

https://www.losaltosca.gov/sites/default/files/fileattachments/community_development/page/41491/public_art_fee_handout_rev.pdf

Sign Regulations

https://www.losaltosca.gov/sites/default/files/fileattachments/community_development/page/41491/sign_on_private_property_handout.pdf

Climate Acton Plan Compliance (New Development)

https://www.losaltosca.gov/sites/default/files/fileattachments/community_development/page/41491/cap_new_development_checklist_handout.pdf

Climate Action Plan Best Management Practices

https://www.losaltosca.gov/sites/default/files/fileattachments/community_development/page/41491/cap_best_management_practices_handout.pdf

Reach Codes

<https://www.losaltosca.gov/communitydevelopment/page/reach-codes>

Historic Resource Determination Form

Government Code Section 65913.10 states that “[f]or purposes of any state or local law, ordinance, or regulation that requires the city or county to determine whether the site of a proposed housing development project is a historic site, the city or county shall make that determination at the time the application for the housing development project is deemed complete.” To assist the City in complying with Section 65913.10, you are required to complete this form as part of your application for a housing development project.

Please check all that apply:

- Category #1:** The site contains a resource listed on the National Register of Historic Places.
- Category #2:** The site contains a resource listed on the California Register of Historical Resources (“California Register”). (Note: this includes any resource listed on the National Register of Historic Places.)
- Category #3:** The site contains a resource determined by the State Historical Resources Commission to be eligible for listing on the California Register.
- Category #4:** The site includes any resource designated as a historic resource or a historic landmark by the City, pursuant to Chapter 12.44 of the Los Altos Municipal Code.
- Category #5:** The site includes any resource that meets the following criteria described in Public Resources Code Section 5024.1(g):
1. The resource has been identified in a historic resources survey.
 2. The survey has been or will be included in the State Historic Resources Inventory.
 3. The survey and the survey documentation were prepared in accordance with Office of Historic Preservation procedures and requirements.
 4. The resource is evaluated and determined by the office to have a significance rating of Category 1 to 5 on DPR Form 523.
 5. If the survey is five or more years old at the time of its nomination for inclusion in the California Register, the survey is updated to identify historical resources which have become eligible or ineligible due to changed circumstances or further documentation and those which have been demolished or altered in a manner that substantially diminishes the significance of the resource.
- Category #6:** The site contains any building, structure, or permanently located object that has been in existence for at least 50 years.

Applicant’s Statement: I declare under penalty of perjury under the laws of the state of California that I have made a diligent and good faith investigation and reasonable inquiry to appropriate sources regarding the foregoing, and that on the basis of my investigation and inquiry I believe that the foregoing is true and correct.

Signed: _____ By: _____
 Dated: _____ At: _____, CA

Staff’s Statement: The information listed above with respect to federal, state, and local registries is hereby confirmed. _____ (Initials). (If the information is not confirmed, note correct facts in file.)

Determination

Determination Criteria:

- If the site contains a Category 1, 2, and/or 3 resource, then the site is a historic site.
- If the site contains a Category 4 resource, then applicable provisions of Chapter 12.44 of the Los Altos Municipal Code apply. If the applicant believes that the site should not be deemed historic for purposes of other state or local laws, ordinances, or regulations requiring a historic determination, including the California Environmental Quality Act (“CEQA”), then the applicant may submit any and all evidence that, in the applicant’s opinion, establishes that the resource is not historically or culturally significant. The site shall be deemed a historic site unless the applicant submits sufficient evidence to enable the Planning Director or designee to determine by a preponderance of the evidence, in his or her sole and absolute discretion, that the resource is not historically or culturally significant. The Planning Director or designee’s failure to notify the applicant of such determination at the time the application for the housing development project is deemed complete shall constitute an implied and conclusive finding that the site is a historic site.
- If the site contains a Category 5 resource, then the site is presumed to be a historic site. If the applicant believes that the site should not be deemed historic, then the applicant may submit any and all evidence that, in the applicant’s opinion, establishes that the resource is not historically or culturally significant. The site shall be deemed a historic site unless the applicant submits sufficient evidence to enable the Planning Director or designee to determine by a preponderance of the evidence, in his or her sole and absolute discretion, that the resource is not historically or culturally significant. The Planning Director or designee’s failure to notify the applicant of such determination at the time the application for the housing development project is deemed complete shall constitute an implied and conclusive finding that the site is a historic site.
- If the site contains a Category 6 resource that is not also a Category 1 to 5 resource, then the applicant shall submit DPR Forms 523A and 523B, which shall be completed by a professional with a degree in architecture or a license to practice architecture, plus (1) at least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or (2) at least one year of full-time professional experience on historic preservation projects. Within 30 days of receipt of both forms, the Planning Director or designee shall determine on the basis of substantial evidence whether the Category 6 resource is historically or culturally significant. If he or she determines that the resource is historically or culturally significant, then the site shall be deemed a historic site. Otherwise, the site shall not be deemed a historic site solely on the basis of the Category 6 resource.
- If the site does not contain any type of resource listed above in Categories 1 to 6, then the site is not historic.
- ***This is not a determination regarding tribal cultural resources. Additionally, Government Code Section 65913.10 does not supersede, limit, or otherwise modify the requirements of CEQA. If new or additional information comes to the City’s attention regarding the existence of historical resources located onsite, the City shall comply with CEQA notwithstanding any initial determination by the City at the time the application for the housing development project was deemed complete. The City shall not be bound by any inaccurate information provided by the applicant on or in connection with this form (even if confirmed by the City), and the Planning Director’s determinations as described above shall not bind the housing development project’s approval authority, in its capacity as the lead agency, in making any finding or other determination required under CEQA Guidelines Section 15064.5.***

Staff Use Only: Based upon the above information, the site ***is*** ***is not*** a historic site.