



Development Services Department
17575 Peak Ave
Morgan Hill, CA 95037-4128
TEL: (408) 779-7271
FAX: (408) 779-3117
www.morganhill.ca.gov

Development Design and Development Standards Checklist SB 35 Housing Development Projects

These requirements and the checklist implement requirements of Senate Bill (SB) 35 Affordable Housing Streamlined Approval Process (Government Code Section 65913.4) and shall remain in effect until January 1, 2026 or until it is rescinded.

Applicant's Name _____

Ph # _____ Fax # _____

Address _____ City _____

Zip _____ Email _____

To qualify for the Streamlined Ministerial Approval Process, a project must demonstrate eligibility. If the answers to all the statements below are "yes" then the project is eligible for the approval process provided in Government Code Section [65913.4](#). If any of these responses are "no", the project would not be eligible.

Eligibility Requirements		Yes	No
1.	The project is a multifamily housing development that contains two or more residential units. (subd. (a)(1))		
2.	The site is a legal parcel and in an "urbanized area" or "urban cluster", as designated by the United States Census Bureau. (subd. (a)(2)(A))		
3.	At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. (subds. (a)(2)(B), (h)(8))		
4.	The site is zoned for residential use or a residential mixed-use development or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, and at least two-thirds of the square footage of the development is designated for residential use. (subd. (a)(2)(C)).		
5.	The development proponent agrees 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 the minimum duration as specified. (subd.(a)(3)(A or B))		

Eligibility Requirements	Yes	No
6. HCD has determined, that based upon the number of units that have been issued building permits, as shown on the most recent production report received by HCD, is less than the City's share of the regional housing needs, by income category, for that reporting period. (subd. (a)(4)(A)).		
7. The development seeking approval dedicates 50 percent of the total number of units to housing affordable to households making at or below 80 percent of the area median income. (subd. (a)(4)(B))		
8. The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915, is consistent with objective zoning standards, objective subdivision standards, and objective design review standards in effect at the time that the development is submitted to the City, subject to the following (subd. (a) (5)): a. A development shall be deemed consistent with the objective zoning standards related to housing density, if the density proposed is compliant with the maximum density allowed within that land use designation. b. In the event that objective zoning, general plan, or design review standard are mutually inconsistent, a development shall be deemed consistent with the objective zoning standards if the development is consistent with the standards set forth in the general plan.		
9. The site is not located in a coastal zone. (subd. (a) (6) (A))		
10. The site is not located on either prime farmland or farmland of statewide importance. (subd. (a) (6) (B))		
11. The site is not located in a wetlands. ((subd. (a) (6) (C))		
12. The site is not located within a very high fire hazard severity zone or within a high or very high fire hazard severity zone. (subd. (a) (6) (D))		
13. The site is not located on a hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste designated by the Department of Toxic Substances Control. (subd. (a) (6) (E))		

Eligibility Requirements	Yes	No
14. The site is not located within a delineated earthquake fault zone, unless the development complies with applicable seismic protection building code standards. (subd. (a) (6) (F))		
15. The site is not located within a special flood hazard area subject to inundation by 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. (subd. (a) (6) (G))		
16. The site is not located within a regulatory floodway, unless the development has received a no-rise certification. (subd. (a) (6) (H))		
17. The site is not located on lands identified for conservation in an adopted natural community conservation plan. (subd. (a) (6) (I))		
18. The site is not located within a habitat for protected species 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. (subd. (a) (6) (J))		
19. The site is not located on lands under a conservation easement. (subd. (a) (6) (K))		
20. The project would not require the demolition of the following types of housing (subd. (a) (7) (A)): a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low or very low income. b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power. c. Housing that has been occupied by tenants within the past 10 years.		
21. The site is not located on a site that was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application. (subd. (a) (7) (B))		

	Eligibility Requirements	Yes	No
22.	The development would require the demolition of a historic structure that was placed on a national, state, or local historic register. (subd. (a) (7) (C))		
23.	The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property. (subd. (a) (7) (D))		
24.	<p>The development proponent certifies (subd. (a) (8) (A)):</p> <p>a. The entity of the development is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code, or</p> <p>b. If the development is not in its entirety a public work, that 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.</p>		
25.	<p>Certify that a skilled and trained workforce shall be used to complete the development if approved ((subd. (a) (8) (B) (i).</p> <p>A project is exempt from any requirement to pay prevailing wages or use of skilled and trained workforce if the project includes 10 or fewer units and the project is not a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 or Division 2 of the Labor Code.</p>		
26.	<p>The development did not or does not involve a subdivision of a parcel that is, or would be subject to the Subdivision Map Act, unless (subd. (a) (9) (A and B)):</p> <p>a. 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 of prevailing wages; or,</p> <p>b. The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used.</p>		
27.	The development shall not be upon an existing parcel of land or site that is governed under the Mobilehome Residency law, the Recreational Vehicle Park Occupancy Law, the Mobile home Parks Act, or the Special Occupancy Parks Act. (subd. (a) (10)).		

Eligibility Requirements		Yes	No
28	The development proponent has submitted a notice of its intent to submit an application in the form of a preliminary application that includes all of the information described in Section 65941.1.		

1. Identify the specific location of the proposed housing development project:
 - (A) List all parcel numbers: _____
 - (B) A legal description is attached. ____ (Initials)
 - (C) Site address, if applicable, is: _____
 - (D) Cross streets, if applicable: _____

2. List the existing uses on the project site and identify major physical alterations to the property on which the project is to be located. Attach additional pages if necessary.

3. Attached is a site plan showing the location on the property, elevations, showing design, color, and material, and the massing, height, and approximate square footage, of each building that is to be occupied. ____ (Initials)

4. Identify the proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance. Attach additional pages if necessary.

5. List the proposed number of parking spaces. _____
List the number of spaces that will include EV charging stations. _____

6. Identify the number of proposed below market rate units and their affordability levels. Attach additional pages if necessary.

7. Identify the number of bonus units and any incentives, concessions, waivers, or parking reductions requested pursuant to Section 65915. Attach additional pages if necessary.

The project must provide:

- a. Description of how each concession or waiver directly relates to the affordability of the project.

8. Are you requesting any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a tentative map, or a condominium map?

YES Identify type of map being sought:

Parcel Map

Final Map

Condominium Map

Other: _____

NO approvals are being sought under the Subdivision Map Act

9. The applicant owns the property, or consent from the property owner to submit the application is attached. ____ (Initials)
10. Attached is a site map showing 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 and an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands, or

The property is not subject to a streambed alteration agreement. _____ (Initials)

11. Identify the location of any recorded public easement, such as easements for storm drains, water lines, and other public rights of way. Attach additional pages if necessary.

CONTINUED ON NEXT PAGE

RESIDENTIAL DEVELOPMENT ACKNOWLEDGEMENT

I _____ hereby certify that the statements furnished in this application are true and correct. I have reviewed the [Residential Development Design and Development Standards](#) adopted by City Council Resolution No. 19-065 and have verified compliance with the adopted City Standards:

Applicant Signature: _____ Date: _____

Residential Development Design and Development Standards Checklist

Standard Requirement	Sheet or Document location where information can be found	Comments (by Applicant)	Submittal compliance (Office Use Only)		
			Yes	No	N/A
1. Inclusionary Housing and Below Market Rate Program			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Accessory Dwelling Unit (ADU) Requirements			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Zoning Compliance			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Phase I and Phase II Environmental Assessments (ESA)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Structures forty-five years in age or older			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Archeological Survey			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Orientation to an <u>existing</u> Street			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Intersection Sight Distance/Clear Vision Triangle			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Sound Walls			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Agricultural Buffer			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. On-site Recreation Amenities			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Water Conservation in Landscaping			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Landscaping Plan			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Residential Development Design and Development Standards Checklist

SB 35 Housing Development Projects

Page 9 of 12

Standard Requirement	Sheet or Document location where information can be found	Comments (by Applicant)	Submittal compliance (Office Use Only)		
			Yes	No	N/A
14. Wildland-Urban Interface Fire Area			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Trees			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Useable Private and Common Open Space			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Required On-site Parking Spaces			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Parking Design and Development Standards			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Parking Lot Layout			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Bicycle Parking and Storage			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Exterior Parking Lot Lighting			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Parking Area Landscaping			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. Pedestrian Access			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24. Electric Vehicle Charging Stations			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25. Front Porches			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26. Balconies			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27. Fences			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28. 360 Degree Architecture			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29. Exterior Treatments and Materials			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30. Roof Line Variation for three or more units			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31. Height and Project Massing			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32. Separate Structures-Attached Projects			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33. Building Colors			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34. Window Design			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Standard Requirement	Sheet or Document location where information can be found	Comments (by Applicant)	Submittal compliance (Office Use Only)		
			Yes	No	N/A
35. Glazing			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36. Exterior Lighting and Illumination			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
37. Equipment Screening			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
38. Residential Parking Garages			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
39. Garage Door Design			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
40. Driveway/Vehicle Pavement			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
41. Pavement Design			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
42. Multi-family Roof Form			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
43. Massing for three story buildings or taller			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
44. Distinct material changes for three story buildings or taller			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
45. Trash Enclosure, Solid Waste and Recyclable Materials			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
46. Arterial Design and Landscaping			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
47. Street Improvements			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
48. Utility Location and Easement			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
49. Undergrounding Utilities			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
50. Meter Location			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
51. Stream Channel and Riparian Setbacks			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
52. Landscaping-Parkway/Park Strip Design			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
53. Projects abutting developed land			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Standard Requirement	Sheet or Document location where information can be found	Comments (by Applicant)	Submittal compliance (Office Use Only)		
			Yes	No	N/A
54. Project abutting undeveloped land			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
55. Off-street bicycle and pedestrian connections			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
56. Complete Streets			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
57. Valley Transportation Agency (VTA) Compliance and Review			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
58. Bicycle and pedestrian improvements (Multi-family projects)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
59. Internal pedestrian connections			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
60. Continuous Sidewalks			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
61. Water Infrastructure			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
62. Wastewater Infrastructure			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
63. Storm Drainage Infrastructure			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
64. Storm Water Infrastructure			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
65. Floodplain Development			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
66. Broadband Connectivity			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
67. Building Code Analysis			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
68. Fire Separation			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
69. Accessible path of travel			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
70. Build it Green (BIG) and LEED Checklists			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
71. Gas Infrastructure Prohibited			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
72. Acoustical Analysis			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
73. Installation of Fire Service Underground Piping, FDC's and Fire Hydrants			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Residential Development Design and Development Standards Checklist

SB 35 Housing Development Projects

Page 12 of 12

Standard Requirement	Sheet or Document location where information can be found	Comments (by Applicant)	Submittal compliance (Office Use Only)		
			Yes	No	N/A
74. Fire Apparatus (Ladder Truck) Access Roads Required			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
75. Fire Department (Engine) Driveways, Turn-around and Turn Outs Required.			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
76. Design and Installation of Fire Sprinkler Systems in Multi-Unit Residential Buildings			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>