



City of Foster City

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

610 FOSTER CITY BOULEVARD
FOSTER CITY, CA 94404-2222

Community Development Divisions
SB 4 - Affordable Housing Streamlined Approval
(Supplemental Application Form)

Government Code section 65913.16, commonly known as SB 4, provides a ministerial approval process for 100% affordable projects located on land that was owned by an independent institution of higher education or religious institution on or before January 1, 2024. SB 4 expires on January 1, 2036.

For the purpose of determining whether a project is eligible for streamlining under SB 4, the following definitions apply:

- **Independent institution of higher education** means those nonpublic higher education institutions that grant undergraduate degrees, graduate degrees, or both, and that are formed as nonprofit corporations in this state and are accredited by an agency recognized by the United States Department of Education. (CA Education Code 66010).
- **Religious Institution** means an institution owned, controlled, and operated, and maintained by a bona fide church, religious denomination, or religious organization composed of multid denominational members of the same well-recognized religion, lawfully operating as a nonprofit religious corporation or as a corporation sole pursuant to the Corporations Code.
- **Heavy Industrial Use** means a source, other than a Title V source that is subject to permitting by an air pollution control district, or an air quality management district created or continued in existence pursuant to provisions of Part 3 (commencing with Section 40000 of the Health and Safety Code).
- **Light Industrial Use** means a use that is not subject to permitting by an air pollution control district or an air quality management district created or continued in existence pursuant to provisions of the CA Health and Safety Code. For the purposes of implementing SB 4, the definitions of “industrial use” and “dedicated to industrial use” as described above shall also serve as the definitions of a “light industrial use” and “dedicated to light industrial use” under SB 4.
- **Title V Industrial Use** means a use that is only a stationary source required by federal law to be included in an operating permit program established pursuant to Title V of the federal Clean Air Act (42 U.S.C. Secs. 7661 to 7661f, incl.) and the federal regulations adopted pursuant to Title V.

The project must meet all the following criteria to be eligible for streamlining under SB 4:

a) Site Requirements

- **Land Ownership.** The development is located on land owned on or before January 1, 2024, by an independent institution of higher education or by a religious institution.
- **Location.** The development must be located on a property that is not located on prime farmland, wetlands, a high fire hazard severity zone, a delineated earthquake fault zone, a flood plain, a floodway, a community conservation plan area, a habitat for protected species, or under a conservation easement.
- **Hazardous Waste Site.** The development is not located on a property that is classified as a hazardous waste site as defined under CA Gov't Code §§ 65912.111(e) (see 65913.4(a)(6)(e)), unless the project sponsor has secured a letter from the State Department of Public Health, State Water Resources Control Board, or the Department of Toxic Substance Control stating that the site is suitable for residential uses.
- **Demolition of Residential Units.** SB 4 projects may not demolish any of the following types of housing:
 - Units that have been occupied by tenants in the last 10 years;
 - Units subject to any form of rent or price control, or units subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes.

In addition, the project cannot be located on a site which was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent applies for approval under SB 4.

- **Historic Buildings.** SB 4 projects may not demolish historic structures that are on a national, state, or local historic register.
- **Proximity to Industrial Uses.** A project must meet all of the following criteria:
 - A project may not be adjacent to a site in which 1/3 of the uses or more are dedicated to light industrial use, meaning that the current use is light industrial, has been most recently permitted as light industrial, or has been identified as a light industrial site by the General Plan.
 - A project site may not be located within 1,200 feet of existing heavy industrial use, or a site that has been most recently permitted as heavy industrial use.
 - A project site may not be located within 1,600 feet of an existing Title V industrial use, or a site that was most recently permitted as a Title V industrial use.
 - If a project site does not permit multifamily uses, then the project may not be located within 3,200 feet of a facility that actively extracts or refines oil or natural gas.
- **Proximity to Freeway.** If the project is within 500 feet of a freeway, regularly occupied areas of the building shall provide air filtration media for outside and return air that provide a minimum efficiency reporting value (MERV) of 13.

Project Requirements

- **Affordability.** 100 percent of the total units, excluding manager's unit(s), must be for lower-income households as defined by Section 50079.5 of the Health and Safety Code (80% AMI), except that up to 20 percent of the total units in the development may be for moderate-income households as defined in Section 50053 of the Health and Safety Code (120% AMI), and 5 percent of the units may be for staff of the independent institution of higher education or religious institution that owns the land. Units must be subject to a recorded deed restriction of 55 years for rental units, and 45 years for owner-occupied units.
- **Replacement Units.** If a project requires the demolition of residential units or is located on a site where residential units have been demolished within the past five years, the project sponsor shall comply with the replacement provisions of the Housing Crisis Act of 2019 (CA. Govt. Code Section 66300(d)).
- **Consistent with Objective Standards.** The project must meet all objective standards of the Planning Code at the time of SB 4 application submittal.
- **Density.**
 - In zones that allow residential use, including single-family zones, SB 4 permits a minimum density at the project site of 30 units per acre. If the zoning allows for a higher density on the project site or a site adjacent to the project site, then the highest density shall apply.
 - In zones that do not allow residential use, SB 4 permits a minimum density at the project site of 40 units per acre. An SB 4 project may be eligible for a density bonus, waivers, and incentives/ concessions under the State Density Bonus Law, except as described below for building height.
- **Height.**
 - In zones that allow for residential use, including single-family zones, SB 4 permits a minimum height at the project site of one story above the zoned height. If the zoning allows for a higher height limit on a site adjacent to the project site, then the higher height limit shall apply.
 - In zones that do not allow residential use, SB 4 permits a minimum height at the project site of one story above the zoned height. An SB 4 project may not seek a State Density Bonus incentive, concession, or waiver to increase the height above the height allowed by SB 4.
- **Prevailing Wage.** A project that includes more than 10 units that is not in its entirety a public work shall comply with the prevailing wage requirements set forth in CA Govt. Code Section 65913.16(c)(12).
- **Craft Construction.** In addition to the Labor Standards set forth in CA Govt. Code Section 65912.130, a project with 50 or more units shall employ construction craft employees and provide for health care expenditures as set forth in CA Govt. Code Section 65913.16(g).

Projects seeking approval under SB 4 will have different submission requirements than discretionary Planning Divisions submissions. Projects seeking approval under SB 4 must submit a complete application package to the Planning Division, which includes:

- a) A SB 4 Supplemental Application,
- b) A SB 330 Preliminary Application, as the Notice of Intent
- c) Please submit two (2) copies of 11" by 17" plan set, two (2) copies of a 24" by 36" plan set, or one (1) electronic submittal on a USB or CD or Electronic submittals can be made via [eTRAKIT](#).

Address(es): _____

Assessor's Parcel Number(s): _____

PROPERTY OWNERSHIP

Name: _____

Company: _____

Address: _____

Telephone: _____

Fax: _____

Email: _____

APPLICANT

Name: _____

Company: _____

Address: _____

Telephone: _____

Fax: _____

Email: _____

- | | | | |
|----|--|------------|-----------|
| 1. | Is this a 100% Affordable Housing Project? | Yes | No |
| 2. | Will the Project use SB 4 in conjunction with the State Density Bonus? | Yes | No |

If yes, please submit a completed Individually Requested State Density Bonus Program Supplemental Application with your submittal.

Project Description

Please provide a narrative project description that summarizes the project and its purpose. Please include the AMI levels of the populations to be served in the development and describe the project's intended program and supportive services.

[illegible]

SIGNATURES – I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the City Ordinances, and I hereby certify that the information given is true and correct to the best of my knowledge and belief. I hereby certify that this application and supporting submittals is an application for a development permit and therefore subject to time limits for processing as established by State law. I have read all applicable sections of this application and other relevant information and understand what is required of me during this project review process.

Applicant: _____ **Date:** _____

Owner:* _____ **Date:** _____

*If different than applicant, owner must either sign this application or attach a signed letter authorizing this application.