



City of Mill Valley Planning Department

Supportive Housing Checklist

26 Corte Madera Ave., Mill Valley, CA 94941 • 415-388-4033 • cityofmillvalley.org

Cross-Reference Information

Address/Location of Project Site:

Assessor's Parcel Number:

Summary

“Supportive housing,” as defined by California Health and Safety Code Section 50675.14(b)(2), means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is treated as a residential use for zoning purposes, subject only to restrictions that apply to other residential dwellings of the same type in the same zone.

Under Government Code Section 65650 *et seq.*, certain supportive housing developments must be approved as a use “by right.” If a proposed project meets the requirements in the checklist below, the supportive housing project must be approved, within a specified time, without discretionary review. Definitions for terms used in the checklist are included at the end of the checklist.

Application Requirements

- Main Application
- Supportive Housing Checklist and Developer Information
- Application Fee (see current Planning Fee Schedule)
- Deed or Title Report
- Plans - See Design Review Submittal Checklist for requirements. Five sets required.

Review Process

<p><i>Planning: Ministerial Approval (Staff level review without a public hearing)</i></p>	<p>If the City receives an application for a “by right” supportive housing development, City staff must notify the developer whether the application is complete within 30 days of receipt of the application.</p> <p>The City shall then take action, and approve as a “use by right” supportive housing developments that meet the requirements highlighted in the checklist below:</p> <ul style="list-style-type: none"> • 50 or fewer units, within 60 days after the application is complete. • More than 50 units, within 120 days after the application is complete.
<p><i>Planning: Design Review</i></p>	<p>ADUs not qualifying for Building Permit or Ministerial Planning Review include:</p> <ul style="list-style-type: none"> • ADUs associated with a discretionary permit, such as a tree removal. • ADUs combined with a larger development project requiring Design Review, such as a tear down; large addition; or Detached ADU above a garage.

Certification of Application Submittal

I, the undersigned individual below, have read this application checklist for Supportive Housing and certify that the information, drawings and specifications submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury.

Property Owner's Signature _____ **Date:** _____

Applicant's Signature _____ **Date:** _____

Summary of Requirements

Please check those items to confirm that the project qualifies under State Law for “by right” approval.

Land Use Allowances	<input type="checkbox"/> <i>Multifamily and Mixed Use Zones:</i> To be a use by right, the proposed supportive housing development must be located in a zone where multifamily or mixed uses are permitted, including nonresidential zones permitting multifamily uses.
Development Standards	<input type="checkbox"/> Written, objective development standards and policies, including objective design review standards, applied to other multi-family developments in the same zone can be applied to the supportive housing development. However, these standards should be applied consistent with meeting the jurisdiction’s share of the regional housing need, and in a manner that facilitates and accommodates development at the density permitted on the site and proposed by the development.
Affordability Deed Restriction	<input type="checkbox"/> Units are subject to recorded affordability restriction for 55 years.
Dedicated to Lower Income Households	<input type="checkbox"/> 100% of the units, excluding managers’ units, must be restricted to occupancy by lower income households. “Lower income households” has the same meaning as defined in Health and Safety Code Section 50079.5, as stated below.
Receiving Public Funding	<input type="checkbox"/> 100% of the units, excluding managers’ units, are or will be receiving public funding to ensure affordability of the housing to lower income Californians.
Target Population Supportive Housing Requirements	<input type="checkbox"/> The size of the development determines how many units within the development are restricted to residents in supportive housing meeting the definition of “target population”: <ul style="list-style-type: none"> • 12 or more units: At least 25% of the units in the development or 12 units, whichever is greater, are restricted; or • Fewer than 12 units: 100% of the units, excluding managers’ units, shall be restricted.¹
Supportive Services Floor Area Requirements	<input type="checkbox"/> Nonresidential floor area shall be used for onsite supportive services in the following amounts, depending on the number of units: <ul style="list-style-type: none"> • 20 or fewer total units: at least 90 square feet shall be provided for onsite supportive services; or • Over 20 total units: at least 3% of the total nonresidential floor area shall be provided for onsite supportive services limited to tenant use, such as: community rooms, case management offices, computer rooms, and community kitchens.
Minimum Amenities within Each Unit	<input type="checkbox"/> Units within the development, excluding managers’ units, must include at least: <ul style="list-style-type: none"> • One bathroom; and • A kitchen or other cooking facilities, including, at a minimum of 1) Stovetop; 2) Sink; and 3) Refrigerator.
Maximum Number of Units	<input type="checkbox"/> Unless the local agency <i>chooses</i> to apply the process to larger developments, the “by right” approval process shall be available only to developments with 50 or fewer units, if the following conditions are met: <ul style="list-style-type: none"> • The City population is under 200,000; and • According to the last point-in-time count, the population of persons experiencing homelessness in the City is 1,500 or fewer.²

¹ In practice, this means that for developments of 48 units or fewer, 12 units must be reserved for the target population, excluding manager’s units. For developments of more than 48 units, at least 25 percent must be reserved for the target population, excluding manager’s units.

² These population numbers should be confirmed for the City frequently.

<p><i>Replacement of Existing Lower-Income Dwelling Units</i></p>	<p><input type="checkbox"/> The developer must replace any existing lower-income dwelling units on the site of the supportive housing development in the manner provided in Government Code Section 65915(c)(3). This applies when the proposed site for the supportive housing development contains or contained—at the time of application or in the five years prior to the application—any:</p> <ul style="list-style-type: none"> • Rental housing that is or was deed-restricted for lower income households, • Housing subject to rent control, or • Housing occupied by lower or very low income households. <p>A. If none of these criteria are met, skip to next section (“<i>Developer Information and Plan</i>”).</p> <p>B. If one of the above criteria is met, the proposed supportive housing development must “replace” those units. Government Code section 65915(c)(3) provides two replacement requirements, depending on whether the units to be replaced are occupied. If the proposed site is located where:</p> <p><input type="checkbox"/> <i>Preexisting lower income units are occupied on the date of application:</i> the proposed housing development must provide at least the same number of units of equivalent size to be available at affordable rent to, and occupied by, persons and families in the same or lower income category as those households in occupancy; or</p> <p><input type="checkbox"/> <i>Preexisting lower income units have been vacated or demolished within the 5 year period preceding the application:</i> the proposed housing development must provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time.</p> <p>If the income of the units to be replaced is unknown, there is a rebuttable presumption that low-income and very low income renter households occupied these units in the same proportion of low-income and very low income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.³</p> <p>If occupied or unoccupied income-restricted housing is located on the proposed site for the supporting housing development, staff should verify that the proposed housing meets the replacement requirements above to confirm that the proposed supportive housing development is eligible to be considered “by right.”</p>
<p><i>Developer Info and Plan</i></p>	<p><input type="checkbox"/> The developer provides the planning agency with the information required by Government Code Section 65652 (See next section).</p>
<p>Developer Information and Plan (Government Code Section 65652)</p>	
<p><i>Additional Materials to Provide as Part of Application</i></p>	<ul style="list-style-type: none"> <input type="checkbox"/> Plan for providing supportive services. <input type="checkbox"/> Documentation that supportive services will be provided onsite to residents. <input type="checkbox"/> Descriptions of the services provided. <input type="checkbox"/> The name of the proposed entity or entities that will provide supportive services. <input type="checkbox"/> The proposed funding source or sources for the provided onsite supportive services. <input type="checkbox"/> Proposed staffing levels.

³ Available here: <https://www.huduser.gov/portal/datasets/cp.html#2006-2015>.

Please note:

☐ If all of the above-mentioned criteria are met, the supporting housing development shall be treated as a “use by right” and shall not be subject to any discretionary approvals. Any discretion exercised in determining whether a project qualifies as a “use by right” does not affect this determination. As such, a qualifying supportive housing development does not constitute a “project” for purposes of CEQA.

☐ If the project is within one-half mile of a public transit stop, no minimum parking requirement can be imposed on the supportive housing units. Please note that if the development has a mix of low-income units and supportive housing units for the “target population,” the City, if it chooses, may impose applicable minimum parking requirements on the low-income units - just not on the supportive housing units.

☐ The City may not adopt any requirement, including, but not limited to, increased fees or other exactions, that applies to a project solely or partially on the basis that the project constitutes a permanent supportive housing development or based on the development’s eligibility to receive ministerial approval.

Definitions. (Government Code § 65650)

“**Lower income households**” means persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. The limits shall be published by the department in the California Code of Regulations as soon as possible after adoption by the Secretary of Housing and Urban Development. Health & Safety Code § 50079.5; *see*, 25 CCR § 6932. The California Department of Housing and Community Development establishes annual income limits used to determine applicant eligibility. The most recent limits can be found here: <http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>.

“**Supportive housing**” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Health & Safety Code § 50675.14.

“**Supportive services**” include, but are not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy. Government Code § 65582.

“**Target population**” means persons, including persons with disabilities, and families who are “homeless,” as that term is defined by Section 11302 of Title 42 of the United States Code, or who are “homeless youth.” Individuals and families currently residing in supportive housing meet the definition of “target population” if the individual or family was “homeless,” as that term is defined by Section 11302 of Title 42 of the United States Code, when approved for tenancy in the supportive housing project in which they currently reside. Health & Safety Code § 50675.14.