

California Senate Bill 79

Transit Oriented Housing Development Supplemental Checklist

Chapter 4.1.5 of Division 1, Title 7 (CA Planning & Zoning Code)

Application Instructions

Overview: The purpose of this form is to implement [California Government Code](#) Section 65912.155 through 65912.162, commonly referred to as SB 79. Key goals of SB 79 include expanding housing near major transit stops, reduction of greenhouse gas emissions, and increased public transit usage.

Where does SB 79 apply? SB 79 applies to sites based on their proximity to transit stops. Before reviewing SB 79 in detail, please confirm the parcel(s) distance from transit by entering the address or APN in the [Land Information Lookup App](#). Then use the checklists below to confirm eligibility and compliance with SB 79 development standards.

SB 79 Basics: Eligible sites may use state-set standards for height, residential density, and floor area ratio (FAR) which may exceed the underlying zoning. SB 79 development standards also include minimum density, maximum average unit size, and, for projects over 10 units, affordability requirements.

Project type + SB 79 = Housing: Projects utilizing SB 79 do so in conjunction with a permit application for one of three other project types. This supplemental form accompanies the applicable form(s) for one of the following project types:

1. [Site Plan and Design Review](#) (City of Sacramento discretionary review process): Use form CDD-0063.
2. [SB 35](#) (State of California ministerial review process): Use form CDD-0429 (Notice of Intent) before submitting form CDD-0427 (application).
3. [City of Sacramento Ministerial Housing Review](#): Use form CDD-0428.

All forms referenced in this application can be found at the [Planning Forms](#) webpage. More information about each application type, including applicability and submittal requirements, can be found in the respective form.

Density Bonus: SB 79 projects may qualify for a density bonus, incentives or concessions, or waivers or reductions of development standards if built to a specified density threshold pursuant to State Density Bonus Law. The city is not required to grant a waiver, incentive, or concession to allow a height increase beyond the SB 79 maximum height, if it exceeds the height permitted under local zoning.

Under SB 79, a project is eligible for further concessions if it achieves a certain density based on distance from a TOD stop: at least 75 units per acre within $\frac{1}{4}$ mile of a TOD stop, or at least 60 units per acre between $\frac{1}{4}$ and $\frac{1}{2}$ mile of a TOD stop. Such developments are eligible for three additional concessions if proposing extremely low-income units, two additional concessions if proposing very low-income units, and one additional concession if proposing low-income units.

All requested density bonus, incentives, concessions, waivers, and reductions must be identified in form CDD-0451 (Density Bonus application), and the project must comply with the requirements described there.

Application submittal requirements

Submittals shall include all the following:

- I. Site Eligibility Checklist: The project site must meet all eligibility standards below to be accepted.
- II. Objective Standards Checklist: In addition to meeting SB 79 development standards listed in this application, projects must meet applicable objective citywide design guidelines, objective standards for historic preservation, and any other applicable objective general plan or zoning standard, as long as such standards would not prevent development under SB 79.
- III. Preliminary Title Report: Not more than 6 months old, listing all recorded easements and restrictions and providing a legal description of the property. Copies of all recorded documents referenced in the report must also be submitted.
- IV. Application forms for primary project type: as described above.

How to ask questions: All questions before and during the submittal process can be directed to planning@cityofsacramento.org, or by visiting the public counter in person through a scheduled appointment. In-person appointments can be scheduled through the [Appointment Scheduling](#) website.

I. Site Eligibility Checklist

A project must have only green boxes checked for a site to be eligible for SB 79 Transit Oriented Housing Development.

Eligibility		Yes	No	N/A
1.	<p>Is the project site located within one of the following zoning districts zoned for residential, mixed-use, or commercial?</p> <ul style="list-style-type: none"> 1. RE, R-1, R-1A, R-1B, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-5, RMX, RO, OB, OB-2, OB-3, EC, SC, C-1, C-2, C-3, C-4, M-T 2. M-1, M-1(S), M-2, M-2(S) in the Central City only <p><i>Project site zoning designation: _____</i></p> <p><u>Note: Use the Land Information Lookup App (LILA) website to review the Zoning Map.</u></p> <p style="text-align: right;"><i>Government Code sec. 65912.157(a)</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	<p>Is this site within one-half mile of a Tier 2 transit-oriented development (TOD) stop?</p> <p><u>Note: Use the Land Information Lookup App (LILA) website to review the Zoning Map.</u></p> <p>Any portion of the parcel can be within the one-half mile radius to be eligible.</p> <p style="text-align: right;"><i>Government Code sec. 65912.157(a)</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

II. Development Standards Checklist

Complete all sections that apply to your project. Standards for height, density, and floor area ratio (FAR) vary by distance from a transit stop. A project must have only green boxes checked to utilize SB 79.

All projects		Yes	No	N/A
1.	<p>Does the project meet the definition of “housing development” as set forth in Gov. Code section 65589.5?</p> <p><u>Note:</u> See subsection (h)(2) in the link above for the definition.</p> <p style="text-align: right;">Government Code sec. 65912.157(a)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	<p>Does the project propose at least 5 dwelling units?</p> <p><i>Number of dwelling units proposed:</i> _____</p> <p style="text-align: right;">Government Code sec. 65912.157(a)(1)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	<p>Does the project meet the minimum density of 30 dwelling units per acre or the minimum density required under local zoning, whichever is greater?</p> <p><i>Minimum density under SB 79: <u>30 units/acre</u></i></p> <p><i>Minimum density required under local zoning:</i> _____</p> <p><i>Proposed project density:</i> _____</p> <p style="text-align: right;">Government Code sec. 65912.157(a)(1)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	<p>Is the average total floor area for each dwelling unit 1,750 net habitable square feet or less?</p> <p>“Net habitable square footage” means the finished and heated floor area fully enclosed by the inside surface of walls, windows, doors, and partitions, and having a headroom of at least six and one-half feet, including working, living, eating, cooking, sleeping, stair, hall, service, and storage areas, but excluding garages, carports, parking spaces, cellars, half-stories, and unfinished attics and basements (section 65912.156(i)).</p> <p><i>Average unit size:</i> _____ <i>net habitable sq. ft.</i></p> <p style="text-align: right;">Government Code sec. 65912.157(a)(2)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	<p>If more than 10 dwelling units are proposed, does the project comply with <u>one</u> of the following affordability requirements? If 10 or fewer units are proposed, mark N/A. Do not include any additional units added by a density bonus (Gov. Code section 65915) in the total unit count.</p> <p><input type="checkbox"/> At least 7% of units are dedicated to extremely low-income (ELI) households earning at or below 30% of the area median income.</p> <p><i>Percentage of units dedicated to ELI households:</i> _____</p> <p><input type="checkbox"/> At least 10% of units are dedicated to very low-income (VLI) households earning at or below 50% of the area median income.</p> <p><i>Percentage of units dedicated to VLI households:</i> _____</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

All projects		Yes	No	N/A
	<input type="checkbox"/> At least 13% of units are dedicated to lower-income (LI) households earning at or below 80% of the area median income. <i>Percentage of units dedicated to LI households: _____</i> SB 35 projects only: <input type="checkbox"/> Rental units: at least 10% of units are dedicated to households making at or below 50% of the area median income. <i>Percentage of rental units dedicated to VLI households: _____</i> <input type="checkbox"/> For-sale units: at least 10% of units are dedicated to households making at or below 80% of the area median income. <i>Percentage of for-sale units dedicated to LI households: _____</i> <u>Note:</u> The California Department of Housing and Community Development (HCD) publishes income limits annually on their Income Limits website . <i>Government Code sec. 65912.157(i)(1)(A)</i>			
6.	If the answer to question 5 is “yes,” will those affordable units have: <input type="checkbox"/> An affordable housing <u>cost</u> (for-sale units), as defined in Section 50052.5 of the Health and Safety Code; or <input type="checkbox"/> An affordable <u>rent</u> , as defined in Section 50053 of the Health and Safety Code? <u>Note:</u> If no affordable units are proposed, mark N/A. <i>Government Code sec. 65912.157(i)(1)(C)(i)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	If the answer to question 5 is “yes,” does the applicant agree to ensure the continued affordability (i.e., 55 years for rental units; 45 years for ownership units)? <u>Note:</u> If no affordable units are proposed, mark N/A. <i>Government Code sec. 65912.157(i)(1)(C)(ii)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Is the development consistent with the height, noise, and safety standards of an applicable airport land use compatibility plan? <u>Note:</u> Use the Land Information Lookup App (LILA) website to review the Zoning Map for airport influence areas. If site is not located within an airport influence area, mark N/A. <i>Government Code sec. 65912.157(j)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	If the building exceeds 85 feet in height, will construction comply with <u>all</u> the following labor standards of SB 35 (Government Code section 65913.4)? <ul style="list-style-type: none"> • Prevailing wage requirements specified in section 65913.4(a)(8), specifically subparagraphs (A) through (D). • Skilled & trained workforce provisions in section 65913.4(a)(8)(F) <u>Note:</u> If height does not exceed 85 feet, mark N/A. <i>Government Code sec. 65912.157(k)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

All projects		Yes	No	N/A
10.	Does the site currently contain more than two dwelling units <u>and</u> include the demolition of housing subject to any form of rent or price control that has been occupied by a tenant within the past seven years? <i>Government Code sec. 65912.157(h)(1)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.	Did the site previously contain more than two dwelling units subject to any form of rent or price control that were demolished within the last seven years? <i>Government Code sec. 65912.157(h)(2)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.	If the project involves demolition of any dwelling units, will the project create at least as many units as previously existed on the site? <u>Note:</u> If no dwelling units are demolished, mark N/A. <i>Government Code sec. 65912.157(f) and sec. 66300.6(a)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.	If the project involves demolition of any <u>protected</u> dwelling units, or if the project is located on a site where protected units were demolished within the past 5 years, will the project replace all existing protected units and protected units demolished on or after January 1, 2020? <u>Note:</u> If no protected dwelling units are demolished, mark N/A. <i>Government Code sec. 65912.157(f) and sec. 66300.6(b)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.	Will the project include at least as many dwelling units as the greatest number of units that existed on the site within the last five years? <i>Government Code sec. 65912.157(f)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Projects one-quarter to one-half mile from TOD stop		Yes	No	N/A
If your project is between one-quarter and one-half mile from a Tier 2 TOD stop, answer the following three questions. If the project is less than one-quarter mile from a Tier 2 TOD stop, mark N/A and move on to the following section.				<input type="checkbox"/>
1.	Is the maximum proposed height 55 feet or less? <i>Proposed height: _____ ft., in.</i> <i>Maximum height allowed by local zoning: _____ ft.</i> <u>Note:</u> If the proposed height exceeds 55 feet due to the application of density bonus, indicate the proposed height and mark N/A. The city is not required to approve a height waiver or concession if the maximum height permitted under local zoning is 55 feet or less, unless the development is 100% affordable units. <i>Government Code sec. 65912.157(a)(6)(A)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Is the maximum proposed density 80 dwelling units per acre or less? <i>Proposed density: _____ units/acre</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Projects one-quarter to one-half mile from TOD stop		Yes	No	N/A
	<p>Note: If using a density bonus to propose additional density beyond 80 units/acre, indicate the proposed density and mark N/A.</p> <p style="text-align: right;"><i>Government Code sec. 65912.157(a)(6)(B)</i></p>			
3.	<p>Is the maximum proposed floor area ratio (FAR) 2.5 or less?</p> <p><i>Proposed FAR:</i> _____</p> <p>Note: If using a density bonus to propose FAR greater than 2.5, indicate the proposed FAR and mark N/A.</p> <p style="text-align: right;"><i>Government Code sec. 65912.157(a)(6)(C)</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Projects less than one-quarter mile from TOD stop		Yes	No	N/A
<p>If your project is less than one-quarter mile from a Tier 2 TOD stop, answer the following three questions. Note: If the project is within 200' of a Tier 2 TOD stop, mark N/A and complete the following section instead.</p>				<input type="checkbox"/>
1.	<p>Is the maximum proposed height 65 feet or less?</p> <p><i>Proposed height:</i> _____ <i>ft., in.</i></p> <p><i>Maximum height allowed by local zoning:</i> _____ <i>ft.</i></p> <p>Note: If the proposed height exceeds 65 feet due to the application of density bonus, indicate the proposed height and mark N/A. The city is not required to approve a height waiver or concession if the maximum height permitted under local zoning is 65 feet or less, unless the development is 100% affordable units.</p> <p style="text-align: right;"><i>Government Code sec. 65912.157(a)(5)(A)</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	<p>Is the maximum proposed density 100 dwelling units per acre or less?</p> <p><i>Proposed density:</i> _____ <i>units/acre</i></p> <p>Note: If using a density bonus to propose additional density beyond 100 units/acre, indicate the proposed density and mark N/A.</p> <p style="text-align: right;"><i>Government Code sec. 65912.157(a)(5)(A)</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	<p>Is the maximum proposed floor area ratio (FAR) 3.0 or less?</p> <p><i>Proposed FAR:</i> _____</p> <p>Note: If using a density bonus to propose FAR greater than 3.0, indicate the proposed FAR and mark N/A.</p> <p style="text-align: right;"><i>Government Code sec. 65912.157(a)(5)(A)</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Projects within 200' of TOD stop		Yes	No	N/A
If the project is adjacent to (within 200 feet of) a Tier 2 TOD stop, answer the following three questions. If not immediately adjacent, mark N/A.				<input type="checkbox"/>
1.	<p>Is the maximum proposed height 85 feet or less?</p> <p><i>Proposed height:</i> _____ <i>ft., in.</i></p> <p><i>Maximum height allowed by local zoning:</i> _____ <i>ft.</i></p> <p><u>Note:</u> If the proposed height exceeds 85 feet due to the application of density bonus, indicate the proposed height and mark N/A. The city is not required to approve a height waiver or concession if the maximum height permitted under local zoning is 85 feet or less, unless the development is 100% affordable units.</p> <p><u>Note:</u> Projects exceeding 85 feet in height are subject to construction labor standards and prevailing wage standards.</p> <p style="text-align: right;"><i>Government Code sec. 65912.157(e)</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	<p>Is the maximum proposed density 140 dwelling units per acre or less?</p> <p><i>Proposed density:</i> _____ <i>units/acre</i></p> <p><u>Note:</u> If using a density bonus to propose additional density beyond 140 units/acre, indicate the proposed density and mark N/A.</p> <p style="text-align: right;"><i>Government Code sec. 65912.157(e)</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	<p>Is the maximum proposed floor area ratio (FAR) 4.0 or less?</p> <p><i>Proposed FAR:</i> _____</p> <p><u>Note:</u> If using a density bonus to propose FAR greater than 4.0, indicate the proposed FAR and mark N/A.</p> <p style="text-align: right;"><i>Government Code sec. 65912.157(e)</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>