

**SB 35: REVIEW PROCESS FOR STREAMLINED MULTIFAMILY HOUSING****PROJECT INFORMATION**

Site Address: \_\_\_\_\_

APN(s): \_\_\_\_\_

Project Name: \_\_\_\_\_

Gross Acres: \_\_\_\_\_

**PRIMARY CONTACT INFORMATION**

Name: \_\_\_\_\_

Contact: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

- ☐ I HEREBY CERTIFY THAT MY PROJECT IS ELIGIBLE FOR SB 35 as demonstrated in the eligibility checklist below, and request the streamlined review process for my project.
- ☐ On behalf of the development proponent, I certify the responses on this form are accurate based on reasonable investigation, knowledge and belief. If the information recorded in this checklist changes in the course of the project, I will contact Planning and Development Services for further guidance. I understand this checklist is only a tool for gathering information relevant to the project. Approval or disapproval of the project will be determined based on applicable law and regulation.

**REQUIRED ATTACHMENTS**

- ☐ Date-stamped copy of the PDS-735: SB 330 Preliminary Application indicating **notice of intent** to submit the SB 35 Streamlined Multifamily Review Process Application
- ☐ Supporting documentation for all eligibility requirements detailed below

Owner Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**PLANNING DEPARTMENT USE ONLY**

|           |                                                   |                                                                                                    |                        |
|-----------|---------------------------------------------------|----------------------------------------------------------------------------------------------------|------------------------|
| PRE-APP#: | <input type="checkbox"/> TRIBAL CONSULT COMPLETED | CONSISTENCY <input type="checkbox"/> ELIGIBLE DETERMINATION: <input type="checkbox"/> NOT ELIGIBLE | SUBMITTAL DATE:<br>/ / |
| APP#:     | DETERMINATION DUE:<br>/ /                         | DETERMINATION DATE:<br>/ /                                                                         | APPROVAL DUE:<br>/ /   |

IF YOU CHECKED "NO" FOR ONE OR MORE ELIGIBILITY REQUIREMENT BELOW, YOUR PROJECT IS NOT ELIGIBLE FOR THIS STREAMLINED REVIEW PROCESS.



### What is SB 35?

Senate Bill 35, or SB 35, provides a streamlined review process for multifamily residential developments which propose at least 10% affordable housing units. A project may be eligible for the SB 35 ministerial Streamlined Multifamily Review Process if it meets all of the eligibility criteria per [Government Code Section 65913.4](#)

### Streamlined, Ministerial Review:

SB 35 applicants can opt for a straightforward process with set timelines for review but with more requirements such as affordable housing, building outside of areas with environmental constraints, and labor requirements. Projects that follow this process are exempt from the California Environmental Quality Act (CEQA). Streamlined projects will have to comply with all the requirements in SB 35.

If you have any additional questions, we strongly recommend requesting an initial consultation meeting. This will afford you the opportunity to sit down with a planner and discuss the “ins and outs” of your project and receive general information of the feasibility of the project right up front before you make any major investment in time and money. The planner will provide you with some basic information and identify the initial required deposit to start the project.

### Streamlined Review:

The proposed project has set timelines for permit review. In the case of SB 35, state law requires local government to provide any applicable development with a written document explaining whether it may qualify within 60 days for projects less than 150 housing units, and 90 days for projects greater than 150 housing units.

### Ministerial Review:

The proposed project only needs to meet certain requirements and does not need approval by a public official or group, only the review of County staff. Public officials or public groups can still review a project but can only deny an application if an **objective design standard** is out of compliance. Public officials or public groups would then need to complete their review within 90 days of submittal for projects less than 150 housing units, and 180 Days for projects greater than 150 housing units.

### Objective Design Standard:

A development regulation that is objective and not subjective. For example, a specific building’s height would be considered an **objective design standard**, while Community character would be considered a **subjective design standard**.



1

### **FIRST – PLEASE VERIFY THAT YOUR PARCEL QUALIFIES FOR SB 35**

To determine if your parcel within the unincorporated County potentially qualifies for SB 35, please visit the following link:

[LINK TO WEBMAP](#)

Parcels within the **ORANGE** areas **potentially qualify** for SB 35.

Parcels within the **TEAL** areas **do not qualify** for SB 35.

If your parcel **does potentially qualify** for SB 35, please see below.

2

Submit building plans and apply for a building permit.

*The **building permit application** can be found [here](#).*

3

Be available as staff reviews documents and plans. Requests for revisions may be made.

4

Be ready! Once plans have been approved by all reviewing disciplines the building permit can be issued and construction can begin.

\* The required permits and processing times can vary depending on the nature and complexity of a project and the completeness of the documents submitted.



**IF YOU CHECKED “NO” FOR ONE OR MORE ELIGIBILITY REQUIREMENT BELOW, YOUR PROJECT IS NOT ELIGIBLE FOR THE STREAMLINED MULTIFAMILY REVIEW PROCESS.**

| <b>PLEASE VERIFY THE FOLLOWING REQUIREMENTS TO ENSURE YOUR DEVELOPMENT QUALIFIES FOR SB 35</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  | <b>YES</b> | <b>NO</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|------------|-----------|
| The development is a multifamily housing development with two or more residential units (65913.4.(a)(1))                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |  |            |           |
| The site is within an urban area as designated by the United State Census Bureau (65913.4.(a)(2)(A))( <a href="#">Map</a> )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |  |            |           |
| At least 75% of the perimeter of the site adjoins parcels developed with urban uses. <sup>1</sup> Parcels separated by a street/highway are considered adjoined. (65913.4.(a)(2)(B))                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |  |            |           |
| At least two-thirds of the square footage of the development is designated for residential use. Zoning or the General Plan must allow for residential development on the site. (65913.4.(a)(2)(C)(ii))                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |  |            |           |
| <p>For projects with more than 10 housing units, the applicant commits to working on an affordability agreement with Housing and Community Development Services (HCDS). The affordability agreement will be dependent on the County’s latest <a href="#">SMAP (Streamlined Ministerial Approval Process) status</a> as determined by HCD:</p> <p>(65913.4.(4)(B))</p> <ul style="list-style-type: none"><li>• If the County has not adopted a housing development, has not submitted its latest production report, or is behind on issuance of moderate-income housing units for the current reporting period:<ul style="list-style-type: none"><li>○ For for-rent projects, 10% of housing units, before density bonuses, are affordable for “Very Low Income” households for 55 years.</li><li>○ For for-sale projects, 10% of units, before density bonuses, are affordable for “Low Income” households for 45 years.</li></ul></li><li>• If the County is behind on issuance of very low or low-income housing units for the current reporting period:<ul style="list-style-type: none"><li>○ 50% of units, before density bonuses, are affordable for “Low Income” households for 55 years if it is a for-rent project or 45 years if it is a for-sale project.</li></ul></li></ul> <p><u>Notes:</u></p> <ul style="list-style-type: none"><li>• To be affordable, total housing costs must be no more than 30% of household income. For reference: <a href="#">AMI Chart</a></li><li>• Affordable units must be labelled on the site map with the designated level of affordability.</li><li>• Affordability agreement does NOT need to be developed before this form is submitted.</li></ul> |  |  |            |           |



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| The development is consistent with objective standards in effect at the time that the notice of intent is submitted (65913.4.(a)(5))                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |  |
| <p>The property is <b>NOT</b> located within the following protected areas (65913.4.(a)(6))</p> <ul style="list-style-type: none"> <li>• Coastal Zone<sup>2</sup></li> <li>• Wetlands</li> <li>• Natural community conservation plan area</li> <li>• Habitat for “protected species”</li> <li>• Lands under conservation easement</li> <li>• Prime farmland or farmland of statewide importance, or land zoned or designated for agricultural protection or preservation.</li> </ul>                                                                                                                                                                                                                                                                                                                                         |  |  |
| <p>The property is <b>NOT</b> located within the following hazardous areas: (65913.4.(a)(6))</p> <ul style="list-style-type: none"> <li>• A hazardous waste site.<sup>3</sup></li> <li>• Within a delineated earthquake fault zone.<sup>4</sup></li> <li>• Within a FEMA floodway.<sup>5</sup></li> <li>• Within a 100-year floodplain<sup>6</sup> unless either of the following are met: <ul style="list-style-type: none"> <li>○ The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the local jurisdiction.</li> <li>○ The site meets FEMA minimum flood plain management criteria of the National Flood Insurance Program requirements</li> </ul> </li> </ul>                                                                                                                          |  |  |
| <p>The property is <b>NOT</b> located in very high fire hazard severity zones (as determined by the Department of Forestry and Fire Protection pursuant to Section 51178) or State Responsibility Areas (<a href="#">Map – Fire Hazard Severity Zones</a>) (as defined in Section 4102 of the Public Resources Code), <b>UNLESS</b> site has adopted fire hazard mitigation measures as described in (65913.4.(a)(6)):</p> <ul style="list-style-type: none"> <li>• <a href="#">Section 4290 of the Public Resources Code</a> (Defensible space)</li> <li>• <a href="#">Section 4291 of the Public Resources Code</a> or <a href="#">Section 51182</a>, as applicable.</li> <li>• Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations) (Building materials and standards).</li> </ul> |  |  |
| <p>The development would not require demolition of (65913.4.(a)(7)):</p> <ul style="list-style-type: none"> <li>• Housing 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.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |  |



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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| <ul style="list-style-type: none"><li>• Housing subject to rent or price control.</li><li>• Housing occupied by tenants within the past 10 years.</li><li>• A historic structure on a national, state, or local historic register.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |  |
| The site was NOT previously occupied by tenants in housing that was demolished within the past 10 years. (65913.4.(a)(7))                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |  |
| The project meets all labor requirements (65913.4.(a)(8-9)): <ul style="list-style-type: none"><li>• Projects with 10 or fewer housing units have no additional labor requirements.</li><li>• Projects with more than 10 housing units must pay all workers at least prevailing wages and employ a skilled and trained workforce.</li><li>• Projects with 50 or more housing units must participate in an approved apprenticeship program for construction craft employees AND make health care expenditures for employees.</li><li>• Projects over 85 feet tall must employ a skilled and trained workforce.</li></ul> A signed affidavit is required as a supporting document for this requirement. |  |  |
| The development is <b>NOT</b> on a Mobile Home, RV Park, or Special Occupancy Park (65913.4.(a)(10))                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |  |

## Definitions

<sup>1</sup> **Urban uses** means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

Affordability Agreement: a legally binding agreement between an applicant and County Housing and Community Development Services that outlines

<sup>2</sup> The property cannot be located in a **coastal zone** that is: (65913.4.(a)(6)(A))

- subject to paragraph (1) or (2) of subdivision (a) of Section 30603 of the Public Resources Code.
- not subject to a certified local coastal program or a certified land use plan.
- vulnerable to five feet of sea level rise, as determined by the National Oceanic and Atmospheric Administration, the Ocean Protection Council, the United States Geological Survey, the University of California, or a local government's coastal hazards vulnerability assessment.
- not zoned for multifamily housing.
- on, or within a 100-foot radius of, a wetland, as defined in Section 30121 of the Public Resources Code.
- on prime agricultural land, as defined in Sections 30113 and 30241 of the Public Resources Code.



**<sup>3</sup>Hazardous Waste Sites:** Development is prohibited on hazardous waste sites UNLESS the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

**<sup>4</sup>Delineated Earthquake Fault Zones:** Development is prohibited in delineated earthquake fault zones UNLESS the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law.

**<sup>5</sup>Floodways:** Development is prohibited in floodways UNLESS the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

**<sup>6</sup>Floodplains:** Development is prohibited in a FEMA 100-year floodplain UNLESS the development is able to satisfy all applicable federal qualifying criteria and either of the following are met:

- The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.
- The site meets FEMA requirements necessary to meet minimum floodplain management criteria of the National Flood Insurance Program.

*If you have any additional questions, we strongly recommend requesting an initial consultation meeting. This will afford you the opportunity to sit down with a planner and discuss the “ins and outs” of your project and receive general information of the feasibility of the project right up front before you make any major investment in time and money. The Planner will provide you with some basic information and identify the initial required deposit to start the project.*

Please use the following link to get started: [PDS-PLN-ESUB Initial Consult Meeting.pdf \(sandiegocounty.gov\)](#)

## **Resources and Full Links**

SB 35 Bill Text:

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180SB35](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB35)

## **Maps**

SB 35 Web Map Link:

<https://gis-portal.sandiegocounty.gov/arcgis/apps/webappviewer/index.html?id=27c584aa30f942d29113f87eeb6da4cf>

Map of Census Designated Urban Areas (2020 Census):

<https://www.arcgis.com/home/webmap/viewer.html?url=https%3A%2F%2Ftigerweb.geo.census.gov%2Farcgis%2Frest%2Fservices%2FTIGERweb%2FUrban%2FMapServer&source=sd>

Map of Fire Hazard Severity Zones: <https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones>



### Other links:

Building Permit Application:

<https://www.sandiegocounty.gov/content/dam/sdc/pds/docs/pds291.pdf>

### Fire Building Code Links:

- Section 4290 of the Public Resources Code:  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=4290.&lawCode=PRC](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4290.&lawCode=PRC)
- Section 4291 of the Public Resources Code:  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=4291.&lawCode=PRC](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4291.&lawCode=PRC)
- Section 51182 of the Public Resources Code:  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=51182](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=51182)
- Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations): <https://codes.iccsafe.org/content/CABCV12019/chapter-7a-sfm-materials-and-construction-methods-for-exterior-wildfire-exposure>

### Initial Consultation Meeting Form:

[https://www.sandiegocounty.gov/content/dam/sdc/pds/zoning/formfields/PDS-PLN-ESUB\\_Initial\\_Consult\\_Meeting.pdf](https://www.sandiegocounty.gov/content/dam/sdc/pds/zoning/formfields/PDS-PLN-ESUB_Initial_Consult_Meeting.pdf)

San Diego County Area Median Income Chart: <https://www.sandiegocounty.gov/sdhcd/rental-assistance/income-limits-ami/>