

**SB 6 HOUSING IN COMMERCIAL ZONES APPLICATION GUIDE****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 6 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.
- ☐ I understand that SB 6 is not a ministerial review process, and thus not all projects will be exempt from CEQA. If a project qualifies for SB 6, it may also be eligible for the [ministerial review process created by SB 35](#).

Owner Name: _____

Signature: _____

Date: _____

Applicant Name: _____

Signature: _____

Date: _____

PLANNING DEPARTMENT USE ONLY

PRE-APP#:	☐ TRIBAL CONSULT COMPLETED	CONSISTENCY ☐ ELIGIBLE DETERMINATION: ☐ NOT ELIGIBLE	SUBMITTAL DATE: / /
APP#:	DETERMINATION DUE: / /	DETERMINATION DATE: / /	APPROVAL DUE: / /

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



What is SB 6?

SB 6, or the [Middle Class Housing Act of 2022](#), is a bill passed in by the California State Legislature in 2022 that allows the construction of residential units in commercial and office zones. The bill allows residential projects with residential densities of 30 dwelling units per acre in most commercial zones in the urban unincorporated area of San Diego County.

There are two pathways for proposed SB 6 projects:

Streamlined, Ministerial Review:

SB 6 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 also exempt from the California Environmental Quality Act (CEQA). Streamlined projects will have to comply with all the requirements in SB 35 and the requirements outlined below, beginning on page 4.

Discretionary Review:

If SB 6 applicants are unable to meet all the requirements for streamlined, ministerial review may also go through a discretionary review process. This process does not have guaranteed timelines and may be denied by a Community Planning Group or the San Diego Planning Commission based on subjective design standards. This process involves less requirements for affordable housing, location in environmentally constrained areas, and labor. However, projects will be subject to CEQA, relocation assistance for commercial tenants, and labor requirements for development. Page 4 has all the initial requirements for a discretionary SB 6 project.

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 6, state law requires review to be completed 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.

Objective Design Standard:

A development regulation that is objective and not subjective. For instance, a specific building height is an objective design standard. Community character is a subjective design standard.



1

FIRST – PLEASE VERIFY THAT YOUR PARCEL QUALIFIES FOR SB 6

To determine if your parcel within the unincorporated County potentially qualifies for SB 6, please visit the following link:

[LINK TO WEBMAP](#)

Parcels within the **ORANGE** areas potentially qualify for SB 6.

Parcels within the **TEAL** areas do not qualify for SB 6.

If your parcel does potentially qualify for SB 6, 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.



FOR MINISTERIAL & DISCRETIONARY PROCESSING, THESE REQUIREMENTS APPLY

PLEASE VERIFY THE FOLLOWING REQUIREMENTS TO ENSURE YOUR PROPERTY QUALIFIES FOR SB 6		YES	NO												
The site is within an urban area as designated by the United State Census Bureau (65852.24. (b)(6)(A)(i)(Map))															
The site is within a zone where office, retail, or parking are a principally permitted uses (65852.24. (b)). In the unincorporated area of San Diego County, these zones are: C30, C31, C34, C35, C36, C37, C38, C40, C42, RC, S86, S88, ALCD, ALV1, ALV2, RMV3 RMV4, RMV5, FBV1, FBV2, FBV3.															
The parcel is less than 20 acres.															
The development includes enough units to meet densities of 30 Dwelling Units per Acre or more. (65852.24. (b)(1))															
The project meets all labor requirements (65913.4.(a)) - The project will ensure all construction workers employed are paid a prevailing wage. - A “skilled and trained workforce” will be used to construct all work on the development.															
The development proponent shall provide relocation assistance to each eligible commercial tenant located on the site as follows (65852.24(c)(2)): <table><tr><th>Commercial tenant operating on site for</th><th>Relocation assistance equivalent to</th></tr><tr><td>at least 1 year but less than 5 years</td><td>6 months’ rent</td></tr><tr><td>at least 5 years but less than 10 years</td><td>9 months’ rent</td></tr><tr><td>at least 10 years but less than 15 years</td><td>12 months’ rent</td></tr><tr><td>at least 15 years but less than 20 years</td><td>15 months’ rent</td></tr><tr><td>at least 20 years</td><td>18 months’ rent</td></tr></table>		Commercial tenant operating on site for	Relocation assistance equivalent to	at least 1 year but less than 5 years	6 months’ rent	at least 5 years but less than 10 years	9 months’ rent	at least 10 years but less than 15 years	12 months’ rent	at least 15 years but less than 20 years	15 months’ rent	at least 20 years	18 months’ rent		
Commercial tenant operating on site for	Relocation assistance equivalent to														
at least 1 year but less than 5 years	6 months’ rent														
at least 5 years but less than 10 years	9 months’ rent														
at least 10 years but less than 15 years	12 months’ rent														
at least 15 years but less than 20 years	15 months’ rent														
at least 20 years	18 months’ rent														
The development proponent shall provide written notice of the pending application to each commercial tenant on the parcel when the application is submitted. (65852.24(c)(1))															

**FOR MINISTERIAL PROCESSING ONLY, THESE ADDITIONAL REQUIREMENTS APPLY**

PLEASE VERIFY THE FOLLOWING REQUIREMENTS BEFORE APPLYING FOR A BUILDING PERMIT		YES	NO
The development is a multifamily residential development with two or more residential units (65913.4.(a)(1))			
At least two-thirds of the square footage of the development is designated for residential use (65913.4.(a)(2)(C)(ii))			
At least 75% of the perimeter of the site adjoins parcels developed with urban uses. ¹ Parcels separated by a street/highway are considered adjoined. (65913.4.(a)(2)(B))			
The development is NOT on a Mobile Home, RV Park, or Special Occupancy Park (65913.4.(a)(10))			
The project meets all labor requirements (65913.4.(a)(8)(A)) • Projects with 10 housing units or fewer have no additional labor requirements apply. • Projects with more than 10 housing units must pay construction workers at least prevailing wages and employ a skilled and trained workforce.			
The property is NOT located within the following protected areas (65913.4.(a)(6)) • Coastal Zone² • Wetlands • Natural community conservation plan area • Habitat for “protected species” • Lands under conservation easement • Prime farmland or farmland of statewide importance, or land zoned or designated for agricultural protection or preservation.			
The property is NOT located within the following hazardous areas (65913.4.(a)(6)) • A hazardous waste site. • Within a delineated earthquake fault zone. • Within a FEMA floodway. • Within a 100-year floodplain unless either of the following are met: ○ The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the local jurisdiction.			



○ The site meets FEMA minimum flood plain management criteria of the National Flood Insurance Program requirements		
Property is NOT 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 (Map – Fire Hazard Severity Zones) (as defined in Section 4102 of the Public Resources Code), UNLESS site has adopted fire hazard mitigation measures as described in: • Section 4290 of the Public Resources Code (Defensible space) • Section 4291 of the Public Resources Code or Section 51182, as applicable. • Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations) (Building materials and standards).		
The development would not require demolition of: • 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. • Housing subject to rent or price control. • Housing occupied by tenants within the past 10 years. • A historic structure placed on a national, state, or local historic register.		
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 SMAP (Streamlined Ministerial Approval Process) status as determined by HCD: (65913.4.(4)(B)) • 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: ○ For for-rent projects, 10% of housing units, before density bonuses, are affordable for "Very Low Income" households for 55 years. ○ For for-sale projects, 10% of units, before density bonuses, are affordable for "Low Income" households for 45 years. • If the County is behind on issuance of very low or low-income housing units for the current reporting period:		



○ 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. Notes: • To be affordable, total housing costs must be no more than 30% of household income. For reference: AMI Chart • Affordable units must be labelled on the site map with the designated level of affordability. Affordability agreement does NOT need to be developed before this form is submitted.		
The development proponent has committed to record a land use restriction or covenant providing that any lower or moderate income housing units remain available at affordable housing costs or rent for no less than 55 years for units that are rented or 45 years for units that are owned. (65913.4.(a)(3)(A))		



Definitions

¹ **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.

² 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.

“Protected Species” are 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

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

Resources and Full Links

Bill Language:

SB 6 Bill Text: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB6

SB 35 Bill Text:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB35



Maps

SB 6 Web Map Link: <https://gis-portal.sandiegocounty.gov/arcgis/apps/webappviewer/index.html?id=1ab112bdbfc74d8e8cf50ed3d6d98073#>

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
- Section 4291 of the Public Resources Code:
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§ionNum=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

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

If the subject parcel is on septic, please contact DEHQ at LWQDuty.DEH@sdcounty.ca.gov to determine if any changes need to be made to the existing system for the proposed scope of your project prior to moving forward with the project development.