



Section II – Eligibility Checklist

Streamlined Multifamily Zoning Clearance Application

County of Ventura • Resource Management Agency • Planning Division

800 South Victoria Avenue, Ventura, CA 93009 • 805 654-2478 • www.vcrma.org/divisions/planning

II.A. SB 35 Streamlining Requirements

To qualify for the Streamlined Ministerial Approval Process under SB 35 (as amended by AB 1485) (Gov. Code Sec. 65913.4), project applicants must demonstrate that the development meets the requirements below for housing type, site location, affordability and labor provisions. (For more information on statutory requirements for eligibility, and the authority and responsibilities of the County with respect to SB 35, applicants are encouraged to read the Department of Housing and Community Development’s “Streamlined Ministerial Approval Process” guidelines” (Guidelines).¹

A. Housing Type

The development must meet all of the following criteria pursuant to California Gov. Code 65913.4(a):

- (a) The development is multifamily housing, including mixed-use housing (two or more attached residential units).²
- (b) At least two-thirds of the square footage of the development are designated for residential use.³
- (c) The development is consistent with objective zoning and subdivision standards, in effect at the time of the development application submittal.⁴

B. Site Location

The location of the development must meet all of the following criteria (Gov. Code 65913.4(a)):

- (a) The site is a legal parcel, or parcels, located wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.⁵
- (b) The site meets the definition of infill, in which at least 75 percent of the perimeter adjoins parcels developed with urban uses (parcels separated by a street or highway are considered to be adjoined).

¹ HCD’s “Streamlined Ministerial Approval Process” Guidelines are available here: www.hcd.ca.gov/policy-research/docs/sb-35-guidelines-update-final.pdf

² This definition does not include accessory dwelling units unless the project is for new construction of a single-family home with attached accessory dwelling units in a zone that allows for multifamily. (Accessory dwelling units alone are not eligible for SB 35 streamlining.) See Guidelines for additional details on requirements for mixed-use projects.

³ See Guidelines for additional details on calculation of square footage.

⁴ Any concessions or waivers granted pursuant to the Density Bonus Law must also be consistent with objective standards, pursuant to Section 300 of the Guidelines.

⁵ A map of these boundaries (“Map of Affected Cities and Affected Counties”) is available at: www.hcd.ca.gov/community-development/accountability-enforcement/statutory-determinations.shtml

- (c) The site is zoned for residential use or mixed-use development, or has a General Plan designation that allows for residential use.
- (d) The development is not within any of the following:
- (1) The County coastal zone,⁶
 - (2) Prime farmland or farmland of statewide importance,⁷ or land subject to Save Open Space and Agricultural Resources initiatives (having an Agricultural, Open Space, or Rural land use designation),
 - (3) Wetlands,⁸
 - (4) A high or very high fire hazard severity zone⁹ (unless the site was excluded from the hazard zone by the County,¹⁰ or is subject to adopted mitigation measures),¹¹
 - (5) A hazardous waste site,¹²
 - (6) A mapped earthquake fault zone¹³ (unless the development complies with applicable seismic protection building code standards),¹⁴
 - (7) A FEMA 100-year flood hazard area (unless the site is subject to a FEMA Letter of Map Revision, or if the minimum flood plain management criteria of the National Flood Insurance Program can be met).^{15,16}

⁶ “Coastal zone” is defined in Division 20 (commencing with section 30000) of the Public Resources Code. A map of the County Coastal Zone is available at:

⁷ Pursuant to the United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation.

⁸ As defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21,1993). The location of wetlands may be obtained from the Planning Division Public Information Counter or from the County’s Interactive Mapping Tool (under “Public Information” on the Planning Division’s website: www.vcrma.org/divisions/planning).

⁹ High fire hazard zone as determined by the Department of Forestry and Fire Protection pursuant to Government Code section 51178, or a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Public Resources Code section 4202.

The location of fire hazard zones may be obtained from the Planning Division Public Information Counter or from the County’s Interactive Mapping Tool (under “Public Information” on the Planning Division’s website: www.vcrma.org/divisions/planning).

¹⁰ Pursuant to Government Code Section 51179(b).

¹¹ pursuant to existing building standards or state fire mitigation measures applicable to the development.

¹² A site currently listed pursuant to Government Code section 65962.5, or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code section 25356 (not including sites the California Department of Public Health, California State Water Resources Control Board, or the Department of Toxic Substances Control has cleared for residential use or residential mixed uses.)

¹³ As determined by the State Geologist in any official maps published by the State Geologist.

¹⁴ As adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

¹⁵ Pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

¹⁶ If the project applicant applies for a floodplain development permit, the Streamlined Multifamily Application must contain a detailed description of how the development will satisfy applicable federal requirements, including construction plans submitted prior to the building permit issuance.

- (8) A regulatory floodway,¹⁷
- (9) Land identified for conservation,¹⁸
- (10) Habitat for protected species,¹⁹
- (11) Land under conservation easement,
- (12) A mobilehome park,
- (13) A site which would require the demolition of affordable housing, housing occupied within the previous ten years, or a registered historic structure,
- (14) A site that was used for housing within the ten years prior to the application submittal,
- (15) A site that involves subdivision subject to the Subdivision Map Act, or any other applicable law (unless all objective subdivision standards are met),²⁰ or,
- (16) Pursuant to Gov. Code 65913.4, the site is not a tribal cultural resource on a national, state, tribal, or local historic register list, and the County and any Native American tribe affiliated with the site area agree that no potential tribal cultural resource would be affected by the development (or an agreement is documented regarding treatment of the affected cultural resources).

C. Affordability Provisions

The development must meet all of the following affordability criteria (Gov. Code 65913.4(a)):

- (a) For development of more than ten units, at least 10 percent of the total number of units (prior to calculating any density bonus) are affordable to households making at or below 80 percent of the Area Median Income.²¹

¹⁷ As determined by the Federal Emergency Management Agency, in any official maps published by the Federal Emergency Management Agency (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.) The location of regulatory floodways may be obtained from the Planning Division Public Information Counter or from the County’s Interactive Mapping Tool (under “Public Information” on the Planning Division’s website: www.vcrma.org/divisions/planning).

¹⁸ A part of an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), a habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or another adopted natural resource protection plan. The location of land identified for conservation may be obtained from the Planning Division Public Information Counter or from the County’s Interactive Mapping Tool (under “Public Information” on the Planning Division’s website: www.vcrma.org/divisions/planning).

¹⁹ 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 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code). The identification of habitat for protected species discussed above may be based upon information identified in underlying environmental review documents for the general plan, zoning ordinance, specific plan, or other planning documents associated with that parcel that require environmental review pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

²⁰ Provided that the development: a. has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to Section 403 of these Guidelines, or; b. the development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used.

²¹ Additional details on calculating affordability and number of affordable units are provided by the Guidelines.

- (b) A covenant or restriction is recorded, for at least 55 years for rental units, or 45 years for owner-occupied units, prior to the issuance of a building permit.

D. Labor Provisions

The construction of the development must meet the following labor provision (Gov. Code 65913.4(a)):

The applicant certifies either that the entirety of the development is a public work project, or that all construction workers employed will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area. This does not apply if the development has ten or fewer housing units, or if it is fabricated at a permanent, offsite facility.

II.B. AB 2168 Streamlining Requirements

To qualify for the Streamlined Ministerial Approval Process under AB 2162 (as amended by SB 744), project applicants must demonstrate that the development meets the requirements below for site location, development and affordability provisions, and supportive services.

A. Site Location

The development must meet all of the following location criteria (Gov. Code Sec. 65651(a)):

- (a) The development is located on a site where the zoning allows for multifamily housing, including mixed-use housing (two or more attached residential units).
- (b) If any dwelling units are already existing on the site, they must be replaced.²²
- (c) Per Gov. Code 65913.4, the site is not a tribal cultural resource on a national, state, tribal, or local historic register list, and the County and any Native American tribe affiliated with the site area agrees that no potential tribal cultural resource would be affected by the development (or an agreement is documented regarding treatment of the affected cultural resources).

B. Development and Affordability Provisions

The development must meet all of the following development and affordability criteria (Gov. Code Sec. 65651(a)):

- (a) The development consists of 50 units or fewer.
- (b) Units within the development are subject to a recorded affordability restriction for 55 years.
- (c) One hundred percent of the units within the development, excluding managers' units, are dedicated to lower income households and are, or will be, receiving public funding.²³

²² Units must be replaced in the manner provided in paragraph (3) of subdivision (c) of Gov. Code Section 65915.

²³ "Lower income households" has the same meaning as defined in Section 50079.5 of the Health and Safety Code.

- (d) At least 25 percent of the units in the development, or 12 units, whichever is greater,²⁴ are restricted to residents in supportive housing who meet criteria of the target population.²⁵
- (e) Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities.

C. Supportive Services

The development must meet all of the following criteria regarding supportive services (Gov. Code Sec. 65651(a) and Sec.65652):

- (a) Onsite supportive services comprise the following amount of nonresidential floor area: for a development of 20 or fewer units, at least 90 square feet; for a development of more than 20 units, at least three percent.
- (b) The Planning Division is provided with the project developer's plan for providing supportive services, with documentation demonstrating that supportive services will be provided onsite to residents in the project, and describing those services, including the information below:
 - (1) The name of the proposed entity or entities that will provide supportive services.
 - (2) The proposed funding source or sources for the provided onsite supportive services.
 - (3) Proposed staffing levels for the supportive services.

II.C. AB 1783 Streamlining Requirements

To qualify for the Streamlined Ministerial Approval Process under AB 1783 (as amended by SB 744), project applicants must demonstrate that the development meets the requirements below for site location, affordability and labor provisions.

A. Site Location

The development must meet all of the following location criteria (HSC 17021.8):

- (a) The project site is zoned primarily for agricultural use.
- (b) The project site is not within any of the following:
 - (1) The Coastal Zone,
 - (2) Wetlands,

²⁴ If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.

²⁵ The number of residents required to live in supportive housing may be reduced if the project-based rental assistance or operating subsidy for the project is terminated through no fault of the project owner, provided that all of the conditions of Gov. Code Sec. 65651(c) are met.

- (3) A very high fire hazard severity zone,
 - (4) A hazardous waste site (unless cleared by Department of Toxic Substances Control for residential or residential mixed uses),
 - (5) An earthquake fault zone,
 - (6) A mapped FEMA floodplain,
 - (7) A floodway
 - (8) Land identified for conservation in an adopted natural community conservation plan,
 - (9) Land under conservation easement (not including those under Williamson Act contract), or
 - (10) Lands with groundwater levels within 5 feet of soil surface, and where development would be served by an onsite wastewater disposal system serving more than 6 housing units.
- (c) The project site is either: within one-half mile of a duly designated collector road with an Average Daily Trips of 6,000 or greater, or; adjacent to a duly designated collector road with an Average Daily Trips of 2,000 or greater.
 - (d) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure are mitigated to a level of insignificance, in compliance with state and federal requirements.
 - (e) Per Gov. Code 65913.4, the site is not a tribal cultural resource on a national, state, tribal, or local historic register list, and the County and any Native American tribe affiliated with the site area agree that no potential tribal cultural resource would be affected by the development (or an agreement is documented regarding treatment of the affected cultural resources).

B. Development Provisions

The development must meet all of the following criteria (HSC 17021.8):

- (a) The development is an “eligible agricultural employee housing development”, meeting the requirements below:
 - (1) The development is not dormitory-style housing;
 - (2) A maximum of 36 units or spaces are designed for use by a single family or household;
 - (3) The development is maintained and operated by a qualified, certified affordable housing organization, local public housing agency or a multicounty, state or multistate agency;

- (4) An affordability covenant is recorded on the property for a of minimum of 55 years;
and,
 - (5) The development is eligible for state funding under HSC 50205(b), as housing *not* intended for H2-A employees.
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- (b) Adequate dry utilities, water and wastewater facilities are available for the project.
 - (c) The development is connected to an existing public water system that has not been identified as failing, or being at risk of failing to provide an adequate supply of safe drinking water.
 - (d) If the development consists of 10 or more units, it is connected to an existing municipal sewer system that has adequate capacity to serve the project.
 - (e) The development includes off-street parking based upon demonstrated need (no more than for other residential uses of similar size).
 - (f) Health, safety and welfare standards for agricultural employee housing are met, including, but not limited to, density, minimum living space per occupant, minimum sanitation facilities, minimum sanitation requirements, and similar standards.