CITY OF CHULA VISTA
Development Services Department
276 Fourth Ave, Bldg B
Chula Vista, CA 91910
Phone: (619) 691-5101
Email: zoning@chulavistaca.gov

SB 35 SUPPLEMENTAL APPLICATION

SB 423 (2024) was passed to extend and expand the SB 35 (2017) provisions that require cities and counties to create a streamlined approval process for multi-family housing development projects that include a specified percentage of units affordable to lower income households [Gov. Code § 65913.4]. SB 35 requires cities and counties to create a streamlined approval process for multi-family housing development projects that include a specified percentage of units affordable to lower income households [Gov. Code § 65913.4]. SB 35 only applies where cities or counties are not meeting their Regional Housing Needs Allocation (RHNA) for construction of affordable housing. Applicants intending to request SB 35 streamlining must fill out this supplemental application to demonstrate eligibility and file a preliminary planning application for a notice of intent to request streamlining [Gov. Code § 65913.4(b)(1)]. This is a voluntary program that a project applicant may elect to pursue if certain eligibility criteria are met. SB 35 eligible projects are exempt from discretionary and environmental review (CEQA) if the project is consistent with all objective general plan, zoning, and design standards.

Project Information:

1. **Is this a 100% Affordable Housing Project?** ☐ Yes ☐ No
2. **Will the Project use SB 35 in conjunction with the State Density Bonus?** ☐ Yes ☐ No
3. **Project Description.** Please provide a narrative project description that summarizes the project and its purpose. Please include the Area Median Income (AMI) levels of the populations to be served in the development and describe the project's intended program.

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Project Summary

Land Use Summary	
	Total Proposed Floor Area
Residential	
Non-Residential	

Other Project Features	
	Proposed
Building Stories	
Usable Open Space/Amenities	
Parking Spaces	
Loading Spaces	
Bicycle Spaces	

Unit Information					
	Unit Size	***Market Rate Units***	***Affordable Dwelling Units***	***Total Number of Units***	***Total Proposed Floor Are***
Studios					
1 Bedroom					
2 Bedroom					
3+ Bedroom					
Accessory Dwelling Units					
Other					

SB 35 Project Eligibility Checklist

Projects shall comply with ALL the following requirements to be eligible:

		Comply	N/A
1.	**Number.** Project contains at least two or more net new residential units. [Gov. Code § 65913.4(a)(1)]	☐	☐
2.	**Affordability.** A minimum of 50% of the total residential units will be dedicated to low-income households making ≤80% of the area median income (prior to calculating density bonus), and applicant is committed to record affordability restrictions of 55 years for units that will be rented, and 45 years for units that will be owned. [Gov. Code § 65913.4(a)(3) and (a)(4)(B)]	☐	☐
3.	**Residential Uses.** The parcel is currently designated or zoned for residential or residential mixed uses and the proposed development meets the maximum residential density. [Gov. Code § 65913.4(a)(2)(C)]	☐	☐
4.	**Mixed Use Projects.** Mixed use projects must have at least two-thirds of the square footage of the development designated for residential use. (Calculations include Density Bonus square footage, but do not include underground space, such as basements or underground parking garages. Structures utilized by both residential and non-residential uses shall be credited proportionally.) [Gov. Code § 65913.4(a)(2)(C)]	☐	☐
5.	**Non-Residential Uses.** Residential projects in zones that allow for office, retail, or parking uses, subject to Gov. Code § 65852.24.	☐	☐
6.	**Infill Development.** At least 75% of the perimeter of the site adjoins lots developed with urban uses and public services are readily available. Includes lots separated by a street or highway. [Gov. Code § 65913.4(a)(2)(B)]	☐	☐
7.	**Historic Resources.** The project does NOT demolish a historic structure, site, or feature that has been placed on a national, state, or local historic register. [Gov. Code § 65913.4(a)(7)(C)]	☐	☐
8.	**Demolition of Residential Units.** The project does NOT demolish housing units that have been occupied by tenants in the last 10 years, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property, subject to rent or price control, restricted rents to moderate, low, or very low incomes, or located on a site used for housing that was occupied by tenants that was demolished within 10 years. [Gov. Code § 65913.4(a)(7)(A) and (B)]	☐	☐
9.	**Location.** The project site is NOT within any of these areas: a coastal zone, prime farmland, farmland of a statewide importance, land zoned for agricultural preservation by ballot measure, wetlands, a community conservation plan area, a habitat for protected species, or under a conservation easement. [Gov. Code § 65913.4(a)(6)(B), (C), (I) through (K)]	☐	☐
10.	**Location (Hazards).** The project site is either NOT within any of these areas, or the site has been cleared for residential use and complies with applicable hazard mitigation building code standards for these areas: high fire hazard severity zone, hazardous waste site, delineated earthquake fault zone, special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood), or a regulatory floodway as determined by FEMA. See Gov. Code § 65913.4(a)(6)(D) through (H) for additional guidance and exemptions. If the project falls within one of these areas but meets a statutory exemption (e.g., meets minimum flood plain management criteria), please specify the exemption as an attachment.	☐	☐
11.	**Location (Mobilehome).** The project site is NOT within any of these areas: land or site that is governed under the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome parks Act, or the Special Occupancy Parks. [Gov. Code §65913.4(a)(10)]		

12. **Prevailing Wages.** Either the entirety of the development is a public work (Labor Code § 1720), or all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area if the development is not a public work. Projects which are not a public work project and include 10 or fewer units are exempt from this requirement. [Gov. Code § 65913.4(a)(8)(A) and (C)]	☐	☐
13. **Skilled and Trained Workforce.** A skilled and trained workforce, as defined in the Public Contract Code §§ 2600 et seq, will complete the development if the project includes 50 or more units with a residential component that is not 100 percent subsidized affordable housing. [Gov. Code § 65913.4(a)(8)(B)]	☐	☐
14. **Notification to California Native American tribes.** After providing a Notice of Intent, a determination by the city was made that either: no potential tribal cultural resource could be affected by the development; or all parties and the property owner entered into an agreement establishing the methods, measures, and conditions for treatment of tribal cultural resources. [Gov. Code § 65913.4(b)]	☐	☐
15. **Consistent with Objective Standards.** The project meets all objective general plan, zoning, subdivision, and design standards at the time of SB 35 application submittal or the notice of intent to submit an application. [Gov. Code §65913.4(a)(5)]	☐	☐
16. **Subdivision.** The project is consistent with all objective subdivision standards and either (A) The development 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 (see above), or (B) The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used (see above). [Gov. Code § 65913.4(a)(9)]	☐	☐

See State Housing and Community Development Webpage for SB 35 information: https://www.hcd.ca.gov/planning-and-community-development/statutory-determinations

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

1. The undersigned is the owner or authorized agent of the owner of this property.
2. The information presented is true and correct to the best of my knowledge.
3. I understand that any information provided becomes part of the public record and can be made available to the public for review and posted to the City website.
4. If the Applicant is not the Property Owner, both the Property Owner and Applicant must sign this affidavit. By signing this affidavit, the Property Owner authorizes the Applicant listed in this application to act as the Property Owner's agent on all matters in connection with this pre-application.

_____ _____

Signature of Owner Date

_____ _____

Signature of Applicant Date