



City of Victorville Department of Development

Planning ♦ Building ♦ Code Enforcement ♦ Business License ♦ Animal Control

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SB 35 Streamlined Ministerial Approval Process Supplemental Application

GENERAL INFORMATION

WHAT IS SB 35?

Senate Bill 35 (SB 35), was approved in 2017 and became effective on January 1, 2018, in an effort to create housing and spur the creation of affordable housing by streamlining the approval process. SB 35 added [California Government Code § 65913.4](#), which mandates that the City of Victorville (“the City”) provide a streamlined ministerial approval process for affordable multi-family housing developments. The City’s requirement to provide an SB 35 streamlined ministerial approval process is based upon the Regional Housing Needs Assessment, which tracks the City’s progress in meeting annual housing activity benchmarks. Since it’s passing, various other bills have amended California Government Code § 65913.4, such as AB 1485, AB 168, and AB 831, to clarify certain sections of the noted code section.

WHAT IS A STREAMLINED MINISTERIAL APPROVAL PROCESS?

Projects eligible for the SB 35 streamlined ministerial approval process are reviewed for compliance and consistency with the City’s objective standards, such as those standards found in the Development Code, General Plan, and applicable Specific Plans or Planned Unit Developments. Projects eligible for an SB 35 review and approval are not subject to any discretionary review process, such as a Conditional Use Permit or CEQA environmental review, and may only be subject to objective standards that require no personal or subjective (discretionary) judgement.

Additionally, depending on if the project has greater or less than 150 dwelling units, the City has 60 to 90 days to determine if the application is eligible for approval under SB 35. If determined to be eligible for SB 35 approval, the City has between 90 and 180 days to approve the subject project. See the following “SB 35 Process” flowchart for a general overview of the timing and steps involved in the SB 35 process.

WHAT PROJECTS ARE ELIGIBLE FOR SB 35?

In order to be eligible for the SB 35 streamlined ministerial approval process, projects must be a multi-family or mixed-use development containing at least two new residential units, or a mixed-use project with at least two-thirds of the square footage dedicated to residential development. Eligible project must also comply with the required affordability provisions, labor provisions, development standards, and site requirements as outlined in the following “Eligibility Checklist”.

HOW DO I APPLY FOR SB 35 STREAMLINED MINISTERIAL REVIEW?

Projects seeking to utilize the SB 35 streamlined ministerial approval process shall provide all submittal items noted in the following “Submittal Requirements” sheet, which includes a completed “Eligibility Checklist”, as well as those items identified for a Site Plan review in the applicable “Application for Planning Commission Action”.

SB 35 ELIGIBILITY CHECKLIST

In order to utilize the SB 35 Streamlined Ministerial Approval Process, a project must comply with all of the following criteria and standards:

Housing Standards		
	COMPLY	N/A
1. Number. Project contains at least two or more net new residential units. [Gov. Code § 65913.4(a)(1)]	<input type="checkbox"/>	<input type="checkbox"/>
2. Mixed-Use. Mixed-use project dedicates at least two-thirds of the square footage of the development for residential use. [Gov. Code § 65913.4(a)(2)(C)]	<input type="checkbox"/>	<input type="checkbox"/>
3. Demolition. The project does not demolish: <ul style="list-style-type: none"> • Housing that is subject to rent or price control, or restricted rents to moderate, low, or very low income; or • Housing that has been occupied by tenants within the last 10 years, including housing that has been demolished within the last 10 years. [Gov. Code § 65913.4(a)(7)(A) & (B)]	<input type="checkbox"/>	<input type="checkbox"/>
4. Sale. The project does not contain housing units that are occupied by tenants, that are or were subsequently offered for sale to the general public by the subdivider or subsequent owner of the property. [Gov. Code § 65913.4(a)(7)(D)]	<input type="checkbox"/>	<input type="checkbox"/>
Development Standards		
5. Objective Standards. The project meets all objective Development Code standards, General Plan standards, and design standards at the time of SB 35 application submittal. [Gov. Code § 65913.4(a)(5)]	<input type="checkbox"/>	<input type="checkbox"/>
6. Parking. The project provides at least one parking space per unit, unless it meets any of the following: <ul style="list-style-type: none"> • The project is located within one-half mile of a public transit stop. • The development is located within an architecturally and historically significant district. • The project is located within one block of a car share vehicle station. • When on-street parking permits are required but not offered to the development occupants. [Gov. Code § 65913.4(e)]	<input type="checkbox"/>	<input type="checkbox"/>
Site Standards		
7. Zoning/General Plan Consistency. The project is located on a legal parcel or parcels that are zoned or designed by the General Plan for residential or mixed-uses. [Gov. Code § 65913.4(a)(2)(C)]	<input type="checkbox"/>	<input type="checkbox"/>
8. Infill Development. At least 75% of the perimeter of the site adjoins parcels currently or formerly developed with urban uses, including parcels separated by a street or highway. [Gov. Code § 65913.4(a)(2)(B)]	<input type="checkbox"/>	<input type="checkbox"/>
9. Historical Structures. The project site does not demolish a historic structure that was placed on a national, state, or local historic register. [Gov. Code § 65913.4(a)(7)(C)]	<input type="checkbox"/>	<input type="checkbox"/>
10. Sensitive Locations. The project site is not located within: a coastal zone, prime farmland, farmland of statewide importance, land zoned or designated for agricultural protection/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)(A), (B), (C) & (I) through (K)]	<input type="checkbox"/>	<input type="checkbox"/>

Site Standards (Continued)		
	COMPLY	N/A
<p>11. Hazardous Locations. The project site is not located within: a high fire hazard severity zone, hazardous waste site, delineated earthquake fault zone, a 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 the Gov. Code noted below for applicable exemptions. [Gov. Code § 65913.4(a)(6)(D) through (H)]</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>12. Mobilehomes. The project site is not located at site the is governed under the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act. [Gov. Code § 65913.4(a)(10)]</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>13. Subdivisions. The development is consistent with all objective subdivision standards and did not or does not involve a subdivision of a parcel that is subject to the California Subdivision Map Act, unless the development either (a) receives a low-income housing tax credit and is subject to the requirement that prevailing wages be paid, or (b) is subject to the requirements to pay prevailing wages and to use a skilled and trained workforce. [Gov. Code § 65913.4(a)(9)]</p>	<input type="checkbox"/>	<input type="checkbox"/>
Affordability Standards		
<p>14. Affordability. At least 10 percent of the proposed residential units will be dedicated as affordable to households making at or below 80% of the area median income for either rental or ownership projects, and the project proponent 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) & (a)(4)(B)]</p>	<input type="checkbox"/>	<input type="checkbox"/>
Labor Standards		
<p>15. Prevailing Wages. If the development is more than 10 units and not in its entirety a public work, as defined in the Gov. Code Section noted, 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. 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) & (C)]</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>16. 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 consists of more than 25 units with a residential component that is not 100 percent subsidized affordable housing. [Gov. Code § 65913.4(a)(8)(B)]</p>	<input type="checkbox"/>	<input type="checkbox"/>
Additional Standards		
<p>17. Tribal Notification. After providing a Notice of Intent, the City has made a determination that: the development site is not a tribal or cultural resource on a national, state, tribal or local historic register list; that the parties to a scoping consultation have documented an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment; or that the parties to the scoping consultation do not disagree as to whether a potential tribal cultural resource will be affected by the proposed development. [Gov. Code § 65913.4(b)]</p>	<input type="checkbox"/>	<input type="checkbox"/>

SB 35 SUBMITTAL REQUIREMENTS

The following items must be included when submitting the necessary [Application for Planning Commission Action](#) via the City's [Customer Self-Service Portal](#).

- All required "Planning Commission Application Filing Requirements" outlined for a "Site Plan /Modification", including all required plans and special studies;
- A completed "SB 35 Eligibility Checklist";
- Proof of compliance with any applicable exemptions for project sites located within "Hazardous Locations" as noted in the "SB 35 Eligibility Checklist";
- Draft affordability covenants/restrictions required by Gov. Code § 65913.4(a)(3); and
- Concurrent submittal of an "Application for Planning Commission Action" for any associated Tentative Tract Map or Tentative Parcel Map authorized in accordance with Gov. Code § 65913.4(a)(9), as applicable.

35 PROCESS FLOWCHART

