

SB 6 Housing Development Project Checklist

June 2023

Overview

This checklist is applicable to Housing Development Projects, as defined by California Government Code Section 65852.24 which establishes requirements applicable to residential only and mixed-use developments on sites designated for office, retail, or parking, pursuant to Senate Bill (SB) 6, the Middle Class Housing Act of 2022. A separate checklist is provided for other project types that allow housing development in commercial zones through that were also enabled by the passage of Assembly Bill (AB) 2011, the Affordable Housing and High Road Jobs Act of 2022.

The checklist provides references to applicable sections of the California Government Code to assist in interpretation of specific requirements applicable to affordable housing developments in commercial zones. Note that projects eligible under Section 65852.24 may also be eligible for density bonus, incentives or concessions, waivers or parking ratios pursuant to Density Bonus Law (Sections 65915 - 65918), pursuant to Section 65852.24(f)(4).

Purpose

The purpose of this material is to provide guidance, which agencies and other entities may use at their discretion. This guidance does not alter lead agency discretion in decision-making, independent judgment and analysis, and preparing environmental documents for project or governmental action subject to CEQA requirements. This material is for general information only and should not be construed as legal advice or legal opinion.

Basic Site Information

This section of the checklist should be used to collect basic project information that may be relevant to the interpretation of specific requirements for an affordable housing development in a commercial zone.

1. *Date Submitted:*
2. *Site/property street address:*
3. *Assessor's Parcel Number (APN):*
4. *Owner/applicant Name:*
5. *Size of parcel:*
6. *Total Number of Affordable Units:*
7. *Total Square Footage of Residential:*
8. *Total Square Footage of Non-Residential:*
9. *Current zoning:*
10. *Current land use designation:*
11. *Adjacent parcel land use:*

Checklist for SB 6

1	Gov. Code	1. Project Eligibility and Criteria	Yes / No / Comment
A	65852.24 (k)	Does the project include either: <ul style="list-style-type: none"> Residential units only; or Mixed-use, where at least 50% of square footage is residential. 	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
B	65852.24 (b)	Is the project located in a zone where office, retail or parking are principally permitted use ¹ ?	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
C	65852.24 (b)(1)	Does the project meet or exceed the applicable density deemed appropriate to accommodate lower-income households pursuant to housing element law? ²	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
D	65852.24 (b)(2)	Does the project comply with local zoning, parking, design and other ordinances, local code requirements and procedures applicable to the processing and permitting of housing development in the zone that meets or exceeds the minimum density standards appropriate to accommodate lower-income households in housing element law based on the following: <ul style="list-style-type: none"> If more than one zoning designation allows for desired density, the applicable standards for the zoning designation for the closest parcel that allows residential use at the appropriate density to accommodate lower-income households.² The existing designation applies if the existing zoning designation allows residential density that exceeds the default density appropriate to accommodate lower-income households.² 	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
E	65852.24 (b)(3)	Public noticing required per underlying zone.	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.

¹ The term “principally permitted use” is not defined in this Section 65852.24, but is defined in Section 65912.101(n) as “a use that may occupy more than one-third of the square footage of designated use on the site and does not require a conditional use permit.”

² Default Density Standard Option – 2020 Census Update. California Department of Housing and Community Development. <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/defaultdensity2020censusupdate.pdf>

1	Gov. Code	1. Project Eligibility and Criteria	Yes / No / Comment
F	65852.24 (b)(4)	Is the site less than 20 acres?	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
G	65852.24 (b)(5)	impact fees required / inclusionary housing requirements apply. Are there any local inclusionary affordable housing requirements applicable to the project?	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
H	65852.24 (b)(6)(A)	Development project is proposed to be located on a legal parcel or parcels that either: <ul style="list-style-type: none"> • Is in a city where the city boundaries include some portion of either an urban area³; or • Is in an unincorporated area, and the parcel(s) are 100% within the boundaries of an urban area. 	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
I	65852.24 (b)(6)(B)	Site is not on/adjoined to a parcel where more than 1/3 of the square footage on the site is dedicated to industrial use ⁴ .	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
J	65852.24 (b)(7)	Is the project consistent with any applicable and approved sustainable community strategy?	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.

2	Gov. Code	2. Labor Standards	Yes / No / Comment
A	65852.24 (b)(8)(A)(ii)	Will developer/contractors be using prevailing wage?	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
B	65852.24 (b)(8)(B)	Has the developer/contractors certified to the local agency that a skilled and trained workforce will perform construction work?	
C	65852.24 (c)	Development proponent shall provide to each commercial tenant on the parcel: <ul style="list-style-type: none"> • Notice of pending application; • Provide relocation assistance, as specified. 	
D	65852.24 (d)	Will all rental units be rented for a term longer than 30 days?	

³ Designated by the United States Census Bureau.

⁴ “Industrial use” means utilities, manufacturing, transportation storage and maintenance facilities, and warehousing uses. “Industrial use” does not include power substations or utility conveyances such as power lines, broadband wires, and pipes. See Section 65912.101(f).

3	Gov. Code	3. Additional Requirements For Projects Eligible for Streamlining Under Section 65913.4	Yes / No / Comment
A	65852.24 (g)(1)	Has the site previously been developed pursuant to Section 65913.4 with a project of 10 units or fewer?	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
B	65852.24 (g)(2)	Has the developer previously proposed a project pursuant to 65913.4 of 10 units or fewer on the same or adjacent site?	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.