



Senate Bill 6 Eligibility Checklist

This document is intended solely as guidance for development proposal adherence to the provisions of Senate Bill 6 (SB 6). This material is for general information only and should not be construed as legal advice or legal opinion.

General Information

SB 6 allows eligible housing development projects on sites zoned for office, retail, or parking uses within “urban areas” of San Bernardino County (County).¹ Proposed projects may be:

- (1) Residential units only; or
- (2) Mixed-use development with at least 50 percent of the square footage designated for residential uses.

SB 6 projects in the County may be processed through discretionary review. This means a housing development project will be subject to the California Environmental Quality Act, does not have guaranteed permit streamlining timelines, and may be denied based on subjective design standards. Affordable housing is not required but the SB 6 project is required to pay prevailing wages and utilize a “skilled and trained workforce.”

Because the County is not currently subject to Senate Bill 35 (SB 35), SB 6 projects in the County **cannot** opt for streamlined, ministerial review, even if the project is in compliance with all SB 6 requirements and the streamlined ministerial approval process established by SB 35 (Gov. Code Section 65913.4). The California Department of Housing and Community Development (HCD) determines which jurisdictions must offer SB 35 streamlining annually through its SB 35 and SB 423 Statewide Determination Summaries. If HCD determines that the County is subject to SB 35 streamlining in the future, the County will update the eligibility and application filing instructions.

¹ The US Census Bureau’s criteria for “urban areas” is based primarily on housing unit density measured at the census block level. The minimum qualifying threshold for inclusion as an urban area is an area that contains at least 2,000 housing units or has a population of at least 5,000 persons.

Eligibility Requirements for Discretionary Review

The following supplements the County's standard requirements for discretionary review.

For any statement with a response of "yes," the applicant must demonstrate (providing supplemental exhibits as appropriate) how that determination was rendered. In order to be eligible for approval of the application, the proposed project must meet all applicable eligibility requirements and objective development standards below.

ELIGIBILITY REQUIREMENTS FOR DISCRETIONARY PROCESSING	Yes	No	N/A
1. Zoning. The development is in a zone where office, retail, or parking are a principally permitted use ² . Applicable Zones: • CR (Rural Commercial) • CH (Highway Commercial) • CO (Office Commercial) • SP (Specific Plan)* • CG (General Commercial) • CS (Service Commercial) • CN (Neighborhood Commercial) • SD-COM (Special Development - Commercial) * If the specific plan allows for office, retail, or parking.	☐	☐	☐
2. Type. The development is a housing development project that proposes either of the following: a) Residential units only; or b) Mixed-use development consisting of residential and nonresidential retail commercial or office uses, where at least 50% of the square footage of the new construction associated with the project is designated for residential use and none of the square footage is designated for hotel, motel, bed and breakfast inn, or other transient lodging use, except for a residential hotel.	☐	☐	☐
3. Lot Size. The site is 20 acres or less.	☐	☐	☐
4. Density. The project site includes enough units to meet densities of at least 30 units per acre (Gov. Code Section 65583.2(c)(3)(B)).	☐	☐	☐
5. Urban Area. Located on a legal parcel or parcels wholly within the boundaries of an "urban area" as defined by the U.S. Census Bureau.	☐	☐	☐
6. Adjacent Industrial Use. Not on or adjoined to any site where more than one-third of the site is dedicated to industrial use (includes parcels that are only separated by a	☐	☐	☐

² The term "principally permitted use" is not defined in this Section 65852.24. It 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."

ELIGIBILITY REQUIREMENTS FOR DISCRETIONARY PROCESSING	Yes	No	N/A
street or highway). This limitation applies to sites designated for industrial use in the County Policy Plan, even if industrial use is not occurring on the property.			
7. Sustainable Community Strategy. The housing development project is consistent with the Connect SoCal Regional Transportation Plan/Sustainable Communities Strategy prepared by the Southern California Association of Governments.	☐	☐	☐
8. Tenant Relocation and Noticing. Development proponent shall provide to each eligible commercial tenant on the parcel: a) Notice of pending application; and b) Relocation assistance.	☐	☐	☐
9. Prevailing Wage. The project will pay prevailing wage under Gov. Code Section 65852.24(b)(8)(A).	☐	☐	☐
10. Labor Standards and Skilled and Trained Workforce. The project will utilize a skilled and trained workforce as defined in Public Contract Code Section 2601. ³	☐	☐	☐
11. Objective Standards. Project complies with local zoning, parking, design and other ordinances, local code requirements and procedures applicable to the processing and permitting of a housing development in a zone that allows for housing with the density deemed appropriate to accommodate lower-income households pursuant to housing element law. Note: If more than one zoning designation allows for above-described density, the applicable zoning standards shall be those for the zoning designation for the closest parcel that allows residential use at density that is appropriate to accommodate lower-income households pursuant to housing element law. Note: If existing zoning designation for the parcel allows residential density that exceeds housing element law density, the existing zoning designation applies.	☐	☐	☐

³ A contract or subcontract may be awarded without a requirement for the use of a skilled and trained workforce pursuant to Gov. Code Section 65852.24(b)(9).