



# PLANNING AND BUILDING DEPARTMENT

## PLANNING DIVISION

www.edcgov.us/Government/Planning

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(530) 621-5315 / (530) 622-1708 Fax

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**PLANNING**

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### **Multifamily Housing Project Senate Bill 35 Streamlined Approval Process Eligibility Checklist**

Effective January 1, 2018, and as later amended SB 35, or the Permit Streamlining Act, enacted Government Code Section 65913.4 to establish a streamlined, ministerial approval process for multifamily housing projects that include an affordable housing component and satisfy certain eligibility criteria. This handout will serve as a guide to determining if a multifamily housing project qualifies under the Permit Streamlining Act.

These eligibility criteria are state-mandated. The County has no ability to waive or amend these criteria. A multifamily housing project that fails to meet one or more of these criteria will be subject to the County's regular review process instead of the streamlined approval process. This checklist is subject to final review by the El Dorado County Planning and Building Department.

Development proponents are strongly encouraged to review the entirety of the Guidelines for the Streamlined Ministerial Approval Process (Chapter 366, Statutes of 2017), as amended, available online at the California Department of Housing and Community Development website listed under California's 2017 Housing Package information at <http://www.hcd.ca.gov/policy-research/lhp.shtml>

File or Permit # assigned by County \_\_\_\_\_

Assessor's # (s) \_\_\_\_\_

Project Name/Request(describe proposed use) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Applicant Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property Owner \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

\_\_\_\_\_  
X Signature of property owner or authorized agent Date

	Eligibility Requirements	Yes	No	N/A
1.	Is the project a multifamily housing development (2 or more units) or a mixed-use project where at least 2/3 of the square footage of the project is not dedicated to residential uses (subd.(a)(1))?			
2.	Has the applicant dedicated at least 50% of the units in the project to households making below 80% of the area median income (subd.(a)(4)(B))? <a href="https://www.hcd.ca.gov/grants-funding/income-limits/index.shtml">https://www.hcd.ca.gov/grants-funding/income-limits/index.shtml</a>			
3.	Does at least 75% of the perimeter of the site adjoin parcels currently or formerly developed with "urban uses" (subds.(a)(2)(B),(h)(8))?			
4.	Does the site's zoning or general plan designation allow for residential or residential mixed-use development, as applicable to the project (subd.(a)(2)(C))?			
5a	If a land subdivision is required, is the project financed with low-income housing tax credits and will prevailing wages be paid?			
5b	If land subdivision is required, will the development pay prevailing wages to a trained and skilled workforce?			
6.	Does the project meet density requirements in the general plan designation applicable to the subject property/ies?			
7.	Does the project meet objective zoning standards of the zoning designation applicable to the subject property/ies?			
8.	Does the project meet objective design review standards per the Community Design Guidelines and the applicable zoning district regulations?			
9.	Is the project outside of any of the following areas: <ul style="list-style-type: none"> <li>- Wetlands as defined under federal law</li> <li>- Earthquake fault zones</li> <li>- High or very high fire hazard severity zones</li> <li>- Hazardous waste site</li> <li>- FEMA designated flood plain or floodway</li> <li>- Protected species habitat</li> <li>- Lands under conservation easement</li> </ul> <ul style="list-style-type: none"> <li>- A site that would require demolition of housing (1) subject to record rent restrictions or (2) housing occupied by tenants within the past 10 years</li> <li>- A site that would require the demolition of a historic structure listed on a local, state, or federal register</li> <li>- A site governed by the Mobile Home Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobile Home Parks Act, or the Special Occupancy Parks Act</li> </ul>			
10.	For projects of over 10 units, will the entire development be a "public work" as defined in Section 1720 of the California Labor Code, or will construction workers be paid at least the prevailing wage?			
11.	For projects of 75 or more units, will a "skilled and trained" workforce, as defined in Section 2601 of the California Public Contracts Code, be used to complete the Development?			

## **ELIGIBILITY DETERMINATION**

Multifamily housing projects shall be reviewed for compliance with the eligibility criteria for the SB 35 streamlined approval process. If a project contains 150 or fewer units, then such review shall be completed within 60 days of the application submittal. If a project contains more than 150 units, then such review shall be completed within 90 days. The County shall provide the applicant written documentation of any eligibility criteria that are not satisfied, as well as an explanation of the reason(s) for that determination.

## **EXPIRATION OF APPROVAL**

An approval for a multifamily housing project pursuant to SB 35 shall not expire if 50% of the units are affordable to households making below 80% of the area median income and the project includes non-tax credit public investment in housing affordability. Otherwise, an approval for a multifamily housing project pursuant to SB 35 shall expire after three years unless vertical construction of the project has begun and is in progress. A one year time extension may be granted if the applicant provides reasonable documentation to prove there has been significant progress toward getting the project construction-ready, such as filing a building permit application.

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For questions relating to the Multifamily Housing Project SB 35 Streamlined Ministerial Approval Process eligibility checklist, or questions relating to the construction of such a project, please contact the El Dorado County Planning Services Unit, (530) 621-5355.

**You can now schedule an appointment online, or join a line from your computer!**

El Dorado County  
Planning and Building Department  
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Placerville, CA 95667  
(530) 621-5355

From South Lake Tahoe:  
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Fax: (530) 642-0508

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**COUNTY OF EL DORADO  
CAMPAIGN CONTRIBUTION DISCLOSURE FORM**

Application or Solicitation Number: \_\_\_\_\_

Application or Solicitation Title: \_\_\_\_\_

Was a campaign contribution, regardless of the dollar amount, made to any member of the El Dorado County Board of Supervisors or to any County Agency Officer on or after January 1, 2023, by the applicant, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist?

Yes \_\_\_\_\_ No \_\_\_\_\_

If no, please sign and date below.

If yes, please provide the following information:

Applicant's Name: \_\_\_\_\_

Contributor or Contributor Firm's Name: \_\_\_\_\_

Contributor or Contributor Firm's Address: \_\_\_\_\_

Is the Contributor:

- |  |           |          |
|--|-----------|----------|
| <input type="radio"/> The Applicant                      | Yes _____ | No _____ |
| <input type="radio"/> Subcontractor                      | Yes _____ | No _____ |
| <input type="radio"/> The Applicant's agent/ or lobbyist | Yes _____ | No _____ |

**Note:** Under California law as implemented by the Fair Political Practices Commission, campaign contributions made by the Applicant and the Applicant's agent/lobbyist who is representing the Applicant in this application or solicitation must be aggregated together to determine the total campaign contribution made by the Applicant.

\_\_\_\_\_

Identify the Board of Supervisors Member(s) and County Agency Officer(s) to whom you, your subcontractors, and/or agent/lobbyist made campaign contributions on or after January 1, 2023, the name of the contributor, the dates of contribution(s) and dollar amount of the contribution. Each date must include the exact month, day, and year of the contribution.

Name of Board of Supervisors Member or County Agency Officer: \_\_\_\_\_

Name of Contributor: \_\_\_\_\_

Date(s) of Contribution(s): \_\_\_\_\_

Amount(s): \_\_\_\_\_

(Please add an additional sheet(s) to identify additional Board Members or County Agency Officer to whom you, your subconsultants, and/or agent/lobbyist made campaign contributions)

By signing below, I certify that the statements made herein are true and correct. I also agree to disclose to the County any future contributions made to Board Members or County Agency Officers by the applicant, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist after the date of signing this disclosure form, and within 12 months following the approval, renewal, or extension of the requested license, permit, or entitlement to use.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Print Firm Name if applicable

\_\_\_\_\_  
Print Name of Applicant

**EL DORADO COUNTY BOARD OF  
SUPERVISORS AND COUNTY AGENCY  
OFFICERS**

**Board of Supervisors**

John Hidahl, District One

George Turnboo, District Two

Wendy Thomas, District Three

Lori Parlin, District Four

Brook Laine, District Five

**County Agency Officers**

Jon DeVille, Assessor

Joe Harn, Auditor-Controller

Vern Pierson, District Attorney

Janelle K. Horne, Recorder-Clerk

Jeff Leikauf, Sheriff-Coroner-Public Administrator

K.E. Coleman, Treasurer-Tax Collector

**Attachment A**

**GOVERNMENT CODE SECTION 84308**

(a) The definitions set forth in this subdivision shall govern the interpretation of this section.

(1) "Party" means any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.

(2) "Participant" means any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision, as described in Article 1 (commencing with Section 87100) of Chapter 7. A person actively supports or opposes a particular decision in a proceeding if that person lobbies in person the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency.

(3) "Agency" means an agency as defined in Section 82003 except that it does not include the courts or any agency in the judicial branch of government, the Legislature, the Board of Equalization, or constitutional officers. However, this section applies to any person who is a member of an exempted agency but is acting as a voting member of another agency.

(4) "Officer" means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency.

(5) "License, permit, or other entitlement for use" means all business, professional, trade, and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises.

(6) "Contribution" includes contributions to candidates and committees in federal, state, or local elections.

(b) While a proceeding involving a license, permit, or other entitlement for use is pending, and for 12 months following the date a final decision is rendered in the proceeding, an officer of an agency shall not accept, solicit, or direct a contribution of more than two hundred fifty dollars (\$250) from any party or a party's agent, or from any participant or a participant's agent if the officer knows or has reason to know that the participant has a financial interest, as that term is used in Article 1 (commencing with Section 87100) of Chapter 7. This prohibition shall apply regardless of whether the officer accepts, solicits, or directs the contribution on the officer's own behalf, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.

(c) Prior to rendering any decision in a proceeding involving a license, permit, or other entitlement for use pending before an agency, each officer of the agency who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars (\$250) from a party or from any participant shall disclose that fact on the record of the proceeding. An officer of an agency shall not make, participate in making, or in any way attempt to use the officer's official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the agency if the officer has willfully or knowingly received a contribution

in an amount of more than two hundred fifty dollars (\$250) within the preceding 12 months from a party or a party's agent, or from any participant or a participant's agent if the officer knows or has reason to know that the participant has a financial interest in the decision, as that term is described with respect to public officials in Article 1 (commencing with Section 87100) of Chapter 7.

(d)(1) If an officer receives a contribution which would otherwise require disqualification under this section, and returns the contribution within 30 days from the time the officer knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use, the officer shall be permitted to participate in the proceeding.

(2)(A) Subject to subparagraph (B), if an officer accepts, solicits, or directs a contribution of more than two hundred fifty dollars (\$250) during the 12 months after the date a final decision is rendered in the proceeding in violation of subdivision (b), the officer may cure the violation by returning the contribution, or the portion of the contribution in excess of two hundred fifty dollars (\$250), within 14 days of accepting, soliciting, or directing the contribution, whichever comes latest.

(B) An officer may cure a violation as specified in subparagraph (A) only if the officer did not knowingly and willfully accept, solicit, or direct the prohibited contribution.

(C) An officer's controlled committee, or the officer if no controlled committee exists, shall maintain records of curing any violation pursuant to this paragraph.

(e)(1) A party to a proceeding before an agency involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution in an amount of more than two hundred fifty dollars (\$250) made within the preceding 12 months by the party or the party's agent.

(2) A party, or agent to a party, to a proceeding involving a license, permit, or other entitlement for use pending before any agency or a participant, or agent to a participant, in the proceeding shall not make a contribution of more than two hundred fifty dollars (\$250) to any officer of that agency during the proceeding and for 12 months following the date a final decision is rendered by the agency in the proceeding.

(3) When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before an agency, the majority shareholder is subject to the disclosure and prohibition requirements specified in this section.

(f) This section shall not be construed to imply that any contribution subject to being reported under this title shall not be so reported.

**Attachment B**

**COUNTY OF EL DORADO  
CAMPAIGN CONTRIBUTION DISCLOSURE INFORMATION**

The attached Campaign Contribution Disclosure Form must be completed by applicants for, or persons who are the subject of, any proceeding involving a license, permit, or other entitlement for use, including most contracts and franchises, pending before the Board of Supervisors (“Board”) of the County of El Dorado or any of its affiliated agencies.

**IMPORTANT NOTICE**

Government Code section 84308 (also known as the “Levine Act”) contains requirements that are summarized generally as follows:

- A. If you are an applicant for, or the subject of, any proceeding involving a license, permit, or other entitlement for use, you are prohibited from making a campaign contribution of more than \$250 to any member of the Board of Supervisors or other County official who may participate in your proceeding. This prohibition begins on the date your application is filed or the proceeding is otherwise initiated, and the prohibition ends 12 months after a final decision is rendered by the Board of Supervisors or other County officer. In addition, no Board member or other County official who may participate in your proceeding alternate may solicit or accept a campaign contribution of more than \$250 from you during this period.
- B. These prohibitions also apply to your agents, and, if you are a closely held corporation, to your majority shareholder as well. These prohibitions also apply to your subcontractor(s), joint venturer(s), and partner(s) in this proceeding. Also included are parent companies and subsidiary companies directed and controlled by you, and political action committees directed and controlled by you.
- C. You must file the attached disclosure form and disclose whether you or your agent(s) have in the aggregate contributed more than \$250 to any Board member or other County officer who may participate in your proceeding during the 12-month period preceding the filing of the application or the initiation of the proceeding.
- D. If you or your agent have in the aggregate contributed more than \$250 to any individual Board member or other County officer who may participate in your proceeding during the 12 months preceding the decision on the application or proceeding, that Board member or other County officer must disqualify himself or herself from the decision. However, disqualification is not required if the Board member or other County official returns the campaign contribution within 30 days from the time the member or official knows, or should have known, about both the contribution and the fact that you are a party in the proceeding. The Campaign Contribution Disclosure Form should be completed and filed with your application or proposal, or with the first written document you file or submit after the proceeding commences.



1. A proceeding involving “a license, permit, or other entitlement for use” includes all business, professional, trade and land use licenses and permits, and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor or personal employment contracts), and all franchises.
2. Your “agent” is someone who represents you in connection with a proceeding involving a license, permit or other entitlement for use. If an individual acting as an agent is also acting in his or her capacity as an employee or member of a law, architectural, engineering, consulting firm, or similar business entity, both the business entity and the individual are “agents.”
3. To determine whether a campaign contribution of more than \$250 has been made by you, campaign contributions made by you within the preceding 12 months must be aggregated with those made by your agent within the preceding 12 months or the period of the agency relationship, whichever is shorter. Contributions made by your majority shareholder (if a closely held corporation), your subcontractor(s), your joint venturer(s), and your partner(s) in this proceeding must also be included as part of the aggregation. Campaign contributions made to different Board of Supervisors members or other County officer who may participate in your proceeding are not aggregated.
4. A list of the Board of Supervisors members and other County officials is attached.

This notice summarizes the major requirements of Government Code section 84308 of the Political Reform Act and California Code of Regulations, Title 2 sections 18438.1-18438.8.