



CITY OF TEMECULA

PLANNING DIVISION

41000 Main Street 951-694-6400

Temecula, CA 92590 TemeculaCA.gov/planning

SB35

Senate Bill 35 (SB 35)

Introduction

This supplemental application **must be completed** for all SB 35 applications. A complete Development Plan or Home Product Review application (including all minimum submittal requirements) shall be included with this application. If eligible with all of the required criteria, these applications will be handled under a ministerial review.

What is SB 35?

Government Code section 65913.4, also known as Senate Bill 35 (SB 35), requires the City to review qualifying multifamily housing development projects using a ministerial review process. Eligible projects must comply with objective planning standards, provide specified levels of affordable housing, and meet other specific requirements, as detailed below.

How does a project become SB 35 eligible?

#	The following information and checklist is intended as a guide to help applicants and the City's Planning Division determine if a project is eligible for streamlined processing under SB 35. To be eligible for SB 35, a project must meet ALL of the following criteria, from 1 through 10:
1	<input type="checkbox"/> NUMBER & TYPE OF UNITS: The project must be a multifamily housing development that contains at least two residential units and comply with the minimum and maximum residential density range permitted for the site, plus any applicable density bonus.
2	<input type="checkbox"/> AFFORDABILITY: If more than 10 residential units are proposed, at least 10 percent of the project's total units must be dedicated as affordable to households making below 80 percent of the area median income. If the project will contain subsidized units, the applicant has recorded or is required by law to record, a land use restriction for the following minimum durations, as applicable: <input type="checkbox"/> 55 years for rental units. <input type="checkbox"/> 45 years for homeownership units.
3	<input type="checkbox"/> URBAN INFILL: The project must be located on a legal parcel or parcels within the incorporated City limits. At least 75 percent of the perimeter of the site must adjoin parcels that are developed with urban uses. For purposes of SB 35, "urban uses" means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. Parcels that are only separated by a street or highway shall be considered adjoined.
4	<input type="checkbox"/> ZONED OR PLANNED RESIDENTIAL USES: The project must be located on a site that is either zoned or has a General Plan designation for residential or residential mixed-use development, including sites where residential uses are permitted as a conditional use. If the multifamily housing development is a mixed-use development, at least two-thirds of the project's square footage must be designated for residential use.
5	<input type="checkbox"/> CONSISTENT WITH OBJECTIVE STANDARDS: The project must meet all objective zoning and design review standards in effect at the time the application is submitted. <input type="checkbox"/> If the project is consistent with the <u>minimum and maximum</u> density range allowed within the General Plan land use designation, it is deemed consistent with housing density standards. <input type="checkbox"/> Any density bonus or any concessions, incentives, or waivers of development standards or reduction of parking standards requested under the Density Bonus Law in Government Code section 65915 are deemed consistent with objective standards. <input type="checkbox"/> Objective standards are those that require no personal or subjective judgment and must be verifiable by reference to an external and uniform source available prior to submittal. Sources of objective standards include, without limitation:



CITY OF TEMECULA

PLANNING DIVISION

41000 Main Street 951-694-6400

Temecula, CA 92590 TemeculaCA.gov/planning

SB35

	<input type="checkbox"/> <u>Temecula General Plan</u> <input type="checkbox"/> <u>Temecula Municipal Code</u> <input type="checkbox"/> <u>Temecula Design Guidelines</u> <input type="checkbox"/> <u>Temecula Specific Plans (if applicable)</u>
6	<input type="checkbox"/> PARKING: The project must provide at least one parking space per unit (uses other than residential uses may require parking); however, no parking is required if the project meets any of the following criteria: <input type="checkbox"/> The project is located within a Transit Station Overlay District. <input type="checkbox"/> The project is located within an architecturally and historically significant historic district. <input type="checkbox"/> On-street parking permits are required but not offered to the occupants of the project. <input type="checkbox"/> The project is located within one block of a car share vehicle station.
7	<input type="checkbox"/> LOCATION: The project must be located on a property that is <u>outside</u> each of the following areas: <input type="checkbox"/> Either <u>prime farmland or farmland of statewide importance</u> , as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection. <input type="checkbox"/> <u>Wetlands</u> , as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993). <input type="checkbox"/> A <u>very high fire hazard severity zone</u> , as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This does not apply to sites excluded from the specified hazard zones by the City, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development. <input type="checkbox"/> A <u>hazardous waste site</u> that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed-uses. <input type="checkbox"/> A <u>delineated earthquake fault zone</u> as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2. <input type="checkbox"/> A <u>flood plain</u> as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations. <input type="checkbox"/> A <u>floodway</u> as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.



CITY OF TEMECULA

PLANNING DIVISION

41000 Main Street 951-694-6400

Temecula, CA 92590 TemeculaCA.gov/planning

SB35

	<p><input type="checkbox"/> <u>Lands identified for conservation in an adopted natural community conservation plan</u> pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.³</p> <p><input type="checkbox"/> <u>Habitat for protected species</u> identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).</p> <p><input type="checkbox"/> <u>Lands under conservation easement.</u></p> <p>A site that <u>would require demolition of housing</u> that is:</p> <p><input type="checkbox"/> Subject to recorded restrictions or law that limits rent to levels affordable to moderate, low, or very-low income households.</p> <p><input type="checkbox"/> Subject to rent control.</p> <p><input type="checkbox"/> Currently occupied by tenants or that was occupied by tenants within the past 10 years.</p> <p><input type="checkbox"/> A site that <u>previously contained housing occupied by tenants</u> that was demolished within the past 10 years.</p> <p><input type="checkbox"/> A site that <u>would require demolition of an historic structure</u> that is on a local, state, or federal register.</p> <p><input type="checkbox"/> A parcel of land or <u>site governed by</u> the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.</p>
8	<p><input type="checkbox"/> SUBDIVISIONS: The project does not involve an application to create separately transferable parcels under the Subdivision Map Act. However, a subdivision is permitted if <u>either</u> of the following apply:</p> <p><input type="checkbox"/> The project is financed with low-income housing tax credits (LIHTC) <u>and</u> satisfies the prevailing wage requirements identified in item 9 of this Eligibility Checklist.</p> <p><input type="checkbox"/> The project satisfies the prevailing wage and skilled <u>and</u> trained workforce requirements identified in items 9 and 10 of this Eligibility Checklist.</p>
9	<p><input type="checkbox"/> PREVAILING WAGE: The project proponent must certify that at least <u>one</u> of the following is true:</p> <p><input type="checkbox"/> The entirety of the project <u>is a public work</u> as defined in Government Code section 65913.4(8)(A)(i).</p> <p><input type="checkbox"/> The project is not in its entirety a public work and <u>all construction workers</u> employed in the execution of the development will be <u>paid at least the general prevailing rate of per diem wages</u> for the type of work and geographic area.</p> <p><input type="checkbox"/> The project includes <u>10 or fewer units AND is not a public work AND does not require subdivision.</u></p>
10	<p><input type="checkbox"/> SKILLED AND TRAINED WORKFORCE: If the project consists of 75 or more units that are not 100 percent subsidized affordable housing, the project proponent must certify that it will use a skilled and trained workforce, as defined in Government Code section 65913.4(8)(B)(ii) (Beginning January 1, 2022, the skilled and trained workforce requirement is reduced to apply to projects of 50 units or more that are not 100 percent subsidized affordable housing).</p>



CITY OF TEMECULA

PLANNING DIVISION

41000 Main Street 951-694-6400

Temecula, CA 92590 TemeculaCA.gov/planning

SB35

APPLICANT ✓	STAFF ✓	SB35 APP	SECTION	REQUIRED ITEMS
		# OF COPIES		Detailed instructions for each section can be found in this packet. Incomplete applications will not be accepted. Use this checklist to ensure all documentation is provided upon submittal. <u>Plans must be folded to 8 1/2" x 11"</u> .
		1	A	Complete/signed application
		1	B	Digital Copy of All Documents
		1	C	SB 35 Questionnaire
		1	D	SB 35 Certificate for Compliance of Eligibility Requirements
		1	E	Statement of Consistency with Objective Standards
		1	F	Concession/Incentive Request

Fees:

Fees will be required to submit your application. Visit TemeculaCA.gov/fees for fee information. Please contact a Planner at 951-694-6400 with any fee related questions. We suggest that you bring an additional check in-case your scope of work requires additional fees. Additional fees may be required while your application is being processed (for outside agencies, additional permitting requirements, etc).

Appointment:

Prior to your submittal, please contact the Community Development Department to schedule an appointment at 951-694-6400.

APPLICANT/REPRESENTATIVE

First Name	Middle Name	Last
------------	-------------	------

Street Address

City	State	Zip	Phone
------	-------	-----	-------

E-mail

PROPERTY OWNER

First Name	Middle Name	Last
------------	-------------	------

Street Address

City	State	Zip	Phone
------	-------	-----	-------

E-mail

SIGNATURES AND CERTIFICATIONS

I certify that all filing requirements have been satisfied for my application. I further understand that an incomplete application cannot be accepted for processing.

Applicant's Signature →	Date
-----------------------------------	-------------

I certify under the penalty of the laws of the State of California that I am the property owner of the property that is the subject matter of this application and I am authorizing to and hereby do consent to the filing of this application and acknowledge that the final approval by the City of Temecula, if any, may result in restrictions, limitations and construction obligations being imposed on this real property.

Owner's First Name (Printed)	Owner's Last Name
-------------------------------------	--------------------------

Owner/Authorized Agent Signature →	Date
--	-------------

NOTE

Written authorization from the legal property owner is required. An authorized agent for the owner must attach a notarized letter of authorization from the legal property owner.

Multiple parcels will require authorization from each property owner.

SECTION B**DIGITAL COPY**

Provide a digital copy (PDF) of all project files. All PDF files must follow the below requirements:

- Unlocked & unencrypted PDF format
- Merged or flattened

Submittal	Version #	Document Name	Date	Actual Filename
1 st Submittal	V1	Statement of Operations	1.01.17	V1 Statement of Operations 1.01.17
2 nd Submittal	V2	Statement of Operations	2.05.17	V2 Statement of Operations 2.05.17

SECTION C**SB 35 QUESTIONNAIRE**

1. Is the project seeking a density bonus or any concession, waiver, or reduction of parking standards under state Density Bonus Law? Yes No (if yes, please complete **Section G**)

2. Type of Multifamily Housing Development Proposed:
 - Multifamily rental; residential only with no proposed subdivision.
 - Multifamily residential with proposed subdivision (must qualify for exception to subdivision exclusion)
 - Mixed-use (at least 2/3 of square footage must be designated for residential. If a subdivision is included, must qualify for exception to subdivision exclusion.)

3. Number of Parking Spaces Proposed:
 - a. Is the site within the Transit Station Overlay District? Yes No
 - b. Is the site within an architecturally and historically significant historic district? Yes No
 - c. Are on-street parking permits required but not offered to the occupants of the project? Yes No
 - d. Is the site within one block of a car share vehicle station? Yes No

4. Does the project propose more than 10 units? Yes No
 - a. Has the applicant certified compliance with affordability requirements? Yes No N/A
 - b. Has the applicant certified compliance with prevailing wage requirements? Yes No N/A

5. Does the project propose 75 units or more? Yes No
 - a. Has the applicant certified compliance with skilled and trained workforce requirements? Yes No N/A

6. Does the project involve a subdivision of land? Yes No
 - a. Is the project financed with low-income housing tax credits? Yes No
 - b. Has the applicant certified compliance with prevailing wage requirements? Yes No n/a
 - c. Has the applicant certified compliance with skilled and trained workforce requirements? Yes No n/a

7. Has the applicant certified that the project site has not contained any housing occupied by tenants within the past 10 years? Yes No

8. Is the project site within a very high fire hazard severity zone? Yes No
 - a. Are there adopted fire hazard mitigation measures applicable to the development? Yes No

9. Is the project site a hazardous waste site? Yes No

- a. Has the applicant provided evidence that the Department of Toxic Substances Control has cleared the site for residential use or residential mixed-uses? Yes No N/A

- 10. Is the project site within a delineated earthquake fault zone? Yes No
 - a. Does the development comply with applicable seismic protection building code standards? Yes No

- 11. Is the project site habitat for protected species, identified in an adopted natural community conservation plan, or under a conservation easement? Yes No

- 12. Does the project funding source include public funds? Yes No

SECTION D

CERTIFICATE FOR COMPLIANCE WITH ELIGIBILITY REQUIREMENTS

Date

I, _____, do hereby certify and declare as follows:

(a) The subject property is located at (address and assessor's parcel number):

Address *Assessor's Parcel Number*

- (b) I am a duly authorized officer or owner of the subject property.
- (c) The property owner agrees to comply with the applicable affordable housing dedication requirements established under Government Code section 65913.4(a)(4).
- (d) The property owner agrees to comply with the applicable prevailing wage requirements established under Government Code section 65913.4(a)(8)(A).
- (e) The property owner agrees to comply with the applicable skilled and trained workforce requirements established under Government Code section 65913.4(a)(8)(B).
- (f) The property owner certifies that the project site has not contained any housing occupied by tenants within 10 years prior to the date written above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this day in:

Location *Date*

Signature

Name (Print), Title

SECTION E**STATEMENT OF CONSISTENCY**

Provide a written Statement of Consistency:

- Title the document, "Section E: Statement of Consistency"
- Include a date on the Statement of Consistency
- Describe how the proposed project is consistent with all objective zoning and design review standards applicable to the project site, including those standards included in the General Plan, Temecula Municipal Code, applicable Specific Plans, City of Temecula Design Guidelines, and other applicable City documents.

SECTION F**CONCESSION/INCENTIVES REQUEST**

Provide a written Concession/Incentives Request:

- Title the document, "Section F: Concession/Incentives Request"
- Include a date on the Concession/Incentives Request
- Sign the document
- Please list and describe all requested concessions/incentives. Each requested concession/incentives shall provide documentation that demonstrates eligibility for the requests.