



CITY OF PALM DESERT
DEPARTMENT OF DEVELOPMENT SERVICES
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SENATE BILL 35 ELIGIBILITY CHECKLIST

Government Code Section 65913.4, commonly known as Senate Bill 35 or “SB 35”, applies in cities that are not meeting their Regional Housing Need Allocation (RHNA) goals for construction of very low, low, or above moderate-income housing. SB 35 requires local jurisdictions to streamline the approval of certain housing projects with minimum affordability requirements by providing a ministerial approval process. This checklist provides an overview of SB 35 requirements which provides for a streamlined and ministerial approval process for certain housing projects. All submittals for SB 35 streamlined reviews must be submitted with this Eligibility Checklist and a completed SB 35 Application with all required plans and exhibits.

If the answers to all the statements below are “YES” then the project is eligible for the approval process under Government Code section 65913.4. If any of these responses are “NO”, then the project is not eligible. For any statement with a response of “YES,” the applicant must demonstrate (providing supplemental exhibits as appropriate) how that determination was rendered or the application will not be accepted.

Before an SB 35 application can be submitted, the applicant must submit a notice of intent in the form of a preliminary application that includes all of the information in Government Code Section 65941.1. Please review the Senate Bill 35 Preliminary Application Form on the City’s website. The City must then notify California Native American tribes traditionally and culturally affiliated with the area of the site to determine if they wish to engage in a scoping consultation. **State law does not allow the City to accept this application until the Tribal Consultation and Scoping process has been completed.**

I. ELIGIBILITY REQUIREMENTS:

This checklist below references the various eligibility criteria for processing set forth in Government Code 65913.4 (applicable subsections noted below).

Eligibility Requirements		YES	NO
1	The project is a multifamily housing development (2 or more units) (subd. (a)(1)).		
2	The applicant has dedicated a minimum of 50% of units as affordable at the moderate income level (80% AMI) (subd. (a)(4)(B)).		
3	The site is a legal parcel located within the City (subd. (a)(2)(A)).		
4	At least 75% of the perimeter of the site adjoins parcels currently or formerly developed with “urban uses” (subds. (a)(2)(B), (h)(13)).		
5	The site has either zoning or a general plan designation that allows for residential use or residential mixed-use development (subd. (a)(2)(C)). Note: 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.		
6	The project does not include a subdivision of land (subd. (a)(9)).		
7	The project meets the design requirements, “objective zoning standards,” and “objective design review standards” (subd. (a)(5)).		

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	<p>Note(s):</p> <ul style="list-style-type: none"> • Objective standards are those that are “involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.” • A project is deemed to meet housing density standards if the project density, excluding any density bonuses, is within the maximum density allowed within the general plan land use designation. • No parking is required if the site is within ½ mile of transit, within a historic district, within a block of a car share. One parking space per unit is required for all other sites (subd. (d)). 		
8	<p>The project is located on a parcel that is outside each of the following areas (subd. (a)(6)):</p> <ul style="list-style-type: none"> A. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture (subd. (B)) B. Wetlands as defined under United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993) (subd. C) C. A very high fire hazard severity zone (subd. D) D. A hazardous waste site (subd. E) E. A delineated earthquake fault zone (subd. F) F. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (subd. G) G. A regulatory floodway as determined by the Federal Emergency Management Agency (subd. H) H. Lands identified for conservation in an adopted natural community conservation plan (subd. I) I. Habitat for protected species identified (subd. J) J. Lands under conservation easement (subd. K) 		
9	<p>The development is not located on a site where any of the following apply (subd. (a)(7)):</p> <ul style="list-style-type: none"> A. The development would require the demolition of the following types of housing: <ul style="list-style-type: none"> a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income. b. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power. c. Housing that has been occupied by tenants within the past 10 years. B. The site was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application under this section. C. The development would require the demolition of a historic structure that was placed on a national, state, or local historic register. 		

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	D. The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.		
10	<p>The project proponent must certify that at least one of the following is true:</p> <p>A. The entirety of the project is a public work as defined in Government Code section 65913.4(8)(A)(i).</p> <p>B. The project is not in its entirety a public work and 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.</p> <p>C. The project includes 10 or fewer units AND is not a public work AND does not require subdivision.</p>		
11	If the project consists of 50 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).		