



Preliminary Application under SB 330 Filing Instructions & Checklist

PURPOSE

Senate Bill 330 ("SB 330") provides enhanced streamlining and an optional vesting opportunity to eligible housing development projects seeking discretionary approval. This process is initiated by the filing of a Preliminary Application under SB 330 ("Preliminary Application"). A housing development project shall be subject only to the ordinances, policies, and standards adopted and in effect when a Preliminary Application, including all of the information required by subdivision (a) of California Government Code Section 65941.1, was submitted (Gov't Code Sec. 65589.5(o)) and upon payment of the processing fee (Gov't Code Sec. 65941.1(a)). The required information and materials are listed in these instructions and checklist.

EARLY CONSULTATION

Early consultation with Department of Planning & Building ("Department") staff is strongly recommended since land use and housing requirements may apply that could affect the anticipated scope of a project and its ability to remain vested after a Preliminary Application is submitted.

APPOINTMENTS AND QUESTIONS

For additional information regarding the Preliminary Application, or to request an appointment to file a Preliminary Application, please contact the Department at (805) 781-5600 and ask for Cory Hanh or Young Choi.

ELIGIBLE HOUSING DEVELOPMENT PROJECTS

To be eligible for vesting under SB 330, a housing development project must meet *any* of the following criteria per California Government Code Section 65589.5(h)(2)(B):

1. The project is residential only (not including hotels or other similar lodging uses) and creates two or more new residential dwelling units on a project site.
2. The project is a mixed-use development consisting of residential and nonresidential uses, with at least two-thirds of the square footage of the project designated for residential use (not including hotels or other similar lodging uses), including residential dwelling units and any uses accessory to the residential dwelling units.
3. The project is transitional housing or supportive housing.

VESTING TIMELINE AND THRESHOLDS

A Preliminary Application must be deemed complete by the Department in order for an application for a housing development project to be vested for the purpose of subjecting such application to "ordinances, policies, and standards", as defined by Government Code Section 65589.5(o), except in the circumstances prescribed under Government Code Section 65589.5(o)(2), at the time of filing or the Preliminary Application is deemed complete, whichever is later. A Preliminary Application is deemed complete at the time that:

- 1) All required forms, documents, and materials listed in these instructions and checklist are received by the Department; and
- 2) The final invoice has been issued and proof of payment is provided along with the required items described above.

In addition, a housing development project must meet the following timelines and project thresholds in order to obtain and maintain vested status:

- 1) The Preliminary Application must be filed with the Department prior to filing an application requesting approval of the housing development project (“Land Use/Subdivision Application”).
- 2) A Land Use/Subdivision Application must be filed with the Department within 180 days of the date that the Preliminary Application was filed or deemed complete, whichever is later.
- 3) If the Land Use/Subdivision Application is deemed incomplete after filing, the applicant must submit all missing or incomplete items to the Department within 90 days of being notified in writing by the Department.
- 4) Construction of the project must commence within two and one-half (2½) years following the date that the project receives final approval, as defined in Government Code Section 65589.5(o)(2).
- 5) Any change in the dwelling unit count is limited to less than 20 percent—exclusive of any increase resulting from the receipt of a density bonus, concession, waiver, or similar provision—indicated on the submitted and deemed complete Preliminary Application.
- 6) Any change in the square footage of construction¹ is limited to less than 20 percent of the square footage—exclusive of any increase resulting from the receipt of a density bonus, concession, waiver, or similar provision—indicated on the submitted and deemed-complete Preliminary Application.

The materials required in these instructions and checklist must be provided by the applicant as part of the Preliminary Application. The Preliminary Application must be filed with the Department.

APPLICANT ACKNOWLEDGEMENT

By submitting a Preliminary Application and signing this acknowledgement, I am electing to have my application processed in accordance with the procedures and requirements contained in SB 330, the Housing Crisis Act of 2019.

Name: _____ Signature: _____ Date: _____

Name: _____ Signature: _____ Date: _____

¹ Per California Government Code Section 65589.5(o)(2)(E), “square footage of construction” means the building area, as defined by the California Building Standards Code (Title 24 of the California Code of Regulations).

Checklist for Preliminary Application Under SB 330

The following materials and information are required for the filing of a Preliminary Application.

APPLICATION FEE

Please refer to current fee schedule.

FORMS

- Completed 'General Application – Contact Information form' (PLN-3000)
- Completed 'Information Disclosure form' (PLN-1006).
- Completed 'Land Use Consent of Property Owner form' (PLN-1012), *if applicant does not own the property.*

REQUIRED INFORMATION

- The specific location, including parcel number, a legal description, and site address, if applicable.
- The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located. (See below Site Plan requirement)
- A site plan showing the location on the property, elevations showing design, color, and material, and the massing, height, and approximate square footage, of each building that is to be occupied.
- The proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable land use ordinance.
- The proposed number of parking spaces.
- Any proposed point sources of air or water pollutants.
- Any species of special concern known to occur on the property.
- Whether a portion of the property is located within any of the following:
 - A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178.*
 - Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).*
 - A hazardous waste site 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.*
 - 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 in any official maps published by the Federal Emergency Management Agency.*
 - A delineated earthquake fault zone 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.

- *A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code.*

- Any historic or cultural resources known to exist on the property.
- The number of proposed below market rate units and their affordability levels.
- The number of bonus units and any incentives, concessions, waivers, or parking reductions requested pursuant to 65915.
- Whether any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a tentative map, or a condominium map, are being requested.
- The applicant’s contact information and, if the applicant does not own the property, consent from the property owner to submit the application.
- For a housing development project proposed to be located within the coastal zone, whether any portion of the property contains any of the following:
 - *Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations.*
 - *Environmentally sensitive habitat areas, as defined in Section 30240 of the Public Resources Code.*
 - *A tsunami run-up zone.*
 - *Use of the site for public access to or along the coast.*

- The number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied.
- A site map showing a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code and an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands. (See below Site Plan requirement)
- The location of any recorded public easement, such as easements for storm drains, water lines, and other public rights of way. (See below Site Plan requirement)

SITE PLAN

A legible plot plan or site plan drawn to scale is required. The plot plan must include all contiguous parcels under the applicants’ ownership and any contiguous parcels proposed to be part of the project site. The plot plan should identify which parcels are/are not a part of the proposed project. The plot plan should include a summary of information table indicating the following:

- Exterior boundaries and dimensions of the entire site.
- North arrow and scale.
- Slope Contour Map (except when a grading plan is required) showing the following:
 - Inside Urban Reserve Lines – show contours at 5-foot intervals for undeveloped areas and 2-foot intervals for building sites and paved or graded areas.*
 - Outside Urban Reserve Lines – show contours at 10-foot intervals for undeveloped areas and 2-foot intervals for building sites.*
 - Steep slopes – areas in excess of 30% slope may be designated as such and contours omitted, unless proposed for grading, construction or other alteration.*
- General location of major topographic and man-made features, such as rock outcrops, bluffs, streams, swales and graded areas.
 - Watercourses include, storm drains, creeks, streams, wetlands (as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 [June 21, 1993]) or as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations), or other resources that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code.*
- Location and dimensions of all existing and proposed structures on the property, including buildings, decks, balconies, fences, walls, and other structural elements that extend into yard areas.
- Location, diameter (at 4 feet above grade), species, approximate canopy cover (dripline) of all trees on the site, noting which will remain and which are proposed for removal, and include proposals for replacement of trees to be removed.
- Elevation drawing showing the design, color, massing, and height of each building that is to be occupied.
- Location, name, width, and pavement type of adjacent and on-site streets/alleys.
- Existing/proposed curbs, gutters & sidewalks. All points of access, both existing and proposed.

-
- Types and location of existing/proposed water supply and sewage disposal facilities.
 - Location and dimensions of all existing/proposed easements, driveways and parking areas (enclosed or open), including pavement types.
 - All areas proposed for grading and landscaping.
 - Any areas proposed to be reserved and maintained as open space.
 - Location, use, and approximate dimensions of all structures within 100 feet of the site's boundaries.
 - A vicinity map showing precisely how to drive to site. (include street names and distances to help with describing how to get to the site)