



PRELIMINARY HOUSING DEVELOPMENT APPLICATION *Pursuant to the Housing Crisis Act (Senate Bill 330):* **Information Handout and Preliminary Application**

WHAT IS SENATE BILL 330: The Housing Crisis Act of 2019?

California Senate Bill 330, “The Housing Crisis Act of 2019,” was signed into law by Governor Newsom on October 9, 2019 and went into effect on January 1, 2020. The bill establishes a statewide housing emergency for five years, until January 1, 2025.

SB-330 allows for an applicant to submit a Preliminary Application for any housing development project, defined as a project that includes two or more units and that is at least two-thirds residential by floor area. By submitting the Preliminary Application and complying with the timelines set forth in the bill, applicants can vest the zoning and objective design standards in effect at the time of application, and requires that the City use objective design standards and other objective regulations to determine whether to approve or deny a project. SB-330 also shortens required permit review timeframes and limits the number of public hearings for housing projects to five public hearings, including continuances and most appeal hearings. CEQA hearings, optional meetings and/or hearings related to zoning variances or code exemptions are not included in the public hearing limit. Eligible projects are required to comply with existing zoning and General Plan requirements as well as CEQA. The text requirements of SB-330 is available [here](#). In the Government Code, SB-330 adds section 65941.1 and amends Sections 65905.5, 65913.10, 66300, and 65589.5. The following is a summary description of the bill and eligibility criteria for projects seeking vesting rights pursuant to the SB-330 process.

WHAT DOES SB-330 MEAN FOR MY PROJECT?

SB 330 provides eligible housing development projects seeking discretionary approval enhanced streamlining and an optional vesting opportunity through a process initiated by the filing of a 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 below, is submitted, and upon payment of the processing fee.

The Preliminary Application is separate from the City of Petaluma General Application. Projects with an approved Preliminary Application are eligible for a shortened permit review timeline that limits the number of public hearings for a project and the number of days the City has to meet project approval milestones. More information on the SB-330 processing timeline can be found in the “Application and Processing Timeline for SB-330” section below.



IS MY PROJECT ELIGIBLE FOR SB-330 PROCESSING?

In order to be eligible for this program, the project must meet all of the following criteria:

1. **Number of Units:** Your project contains at least two or more net new residential units. For mixed-use development projects, at least two-thirds of the square footage must comprise residential uses (as defined in Government Code Section 65913.4) or your project is transitional housing or supportive housing.
2. **Demolition of Residential Units:** Your project does not demolish any existing housing units unless the replacement project includes at least as many residential units as the existing residential building. Additionally, if your housing project would demolish any protected units subject to any form of rent or price control, or are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes, these existing, demolished or removed protected units must be replaced. In this case, “protected units” are defined as:
 - a. Affordable units deed-restricted to households earning below 80 percent of area median income (AMI).
 - b. Occupied by low-income households earning below 80 percent of AMI.
 - c. Units vacated under the Ellis Act within 10 years prior to development application.
3. **Consistent with Objective Standards:** Your project meets all objective standards of the City's objective zoning and design review standards at the time of SB-330 application submittal. Such objective standards are those such as objective dimensional or stylistic requirements that require no personal or subjective (discretionary) judgment to enforce.

Legislative Approval: Your project does not require legislative approval such as a Zoning Ordinance Amendment, development agreement, or conditional use permit. APPLICATION AND PROCESSING TIMELINE FOR SB-330 REVIEW

Applicants are encouraged to schedule a preliminary project discussion with Planning Division staff to assess eligibility prior to submitting a Preliminary Application for the SB-330 review process. Projects that elect to apply for streamlined project review as stipulated in SB-330 must submit the SB-330 Preliminary Application included in this document, as well as a General Application within 180 days of submittal of the SB-330 Preliminary Application. The applications shall be accompanied by any maps and supporting documents, including a site plan, floor plans, elevations, exterior material details and colors, and any other drawings that are required by each application. Documents can be submitted at the Planning Division under the same procedure as other Planning review submittals. When speaking with a planner please indicate that this is an SB-330 submittal.

SB-330 Timelines

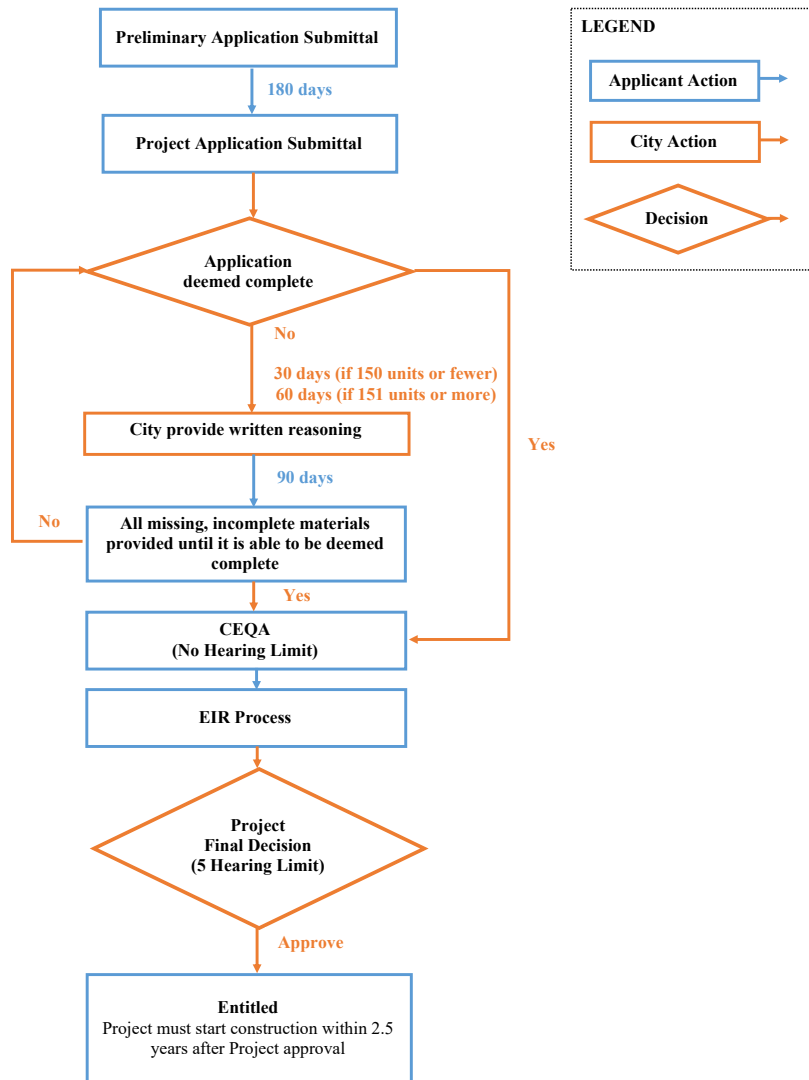
SB-330 includes timelines for project review. The project must be deemed complete (have submitted a Preliminary Application) by January 1, 2025 for eligibility for this bill's rules. If the city considers a proposed



project to be inconsistent, or not in compliance, it shall provide the applicant in writing with a detailed explanation of the reason

- **Within 30 Days** (if 150 units or fewer)
- **Within 60 Days** (if 151 units or more)

If a project is determined to be incomplete, the applicant then has 90 days to re-apply. If the project is again determined to be incomplete, the project applicant may appeal: The city has 60 days to respond to appeal.



If a project application is determined to be complete, the timeline for which the city must approve or disapprove of the project is determined relative to the CEQA process as described below:



- **Within 180 days** from the date of certification by the lead agency of the Environmental Impact Report, generally.
- **Within 90 days** from the date of certification of the EIR if the project is for residential, mixed-use (with at least two-thirds of square footage designated for residential use), or transitional/supportive housing.
- **Within 60 days** from the date of certification of the EIR, if one is prepared, if:
 - 49%+ units are affordable to very low or low-income households.
 - Prior to the application being deemed complete, the City agency received written notice that an application has been made or will be made for public funding that relies on local government approval.
 - There is confirmation that the application has been made to the public agency or federal agency prior to certification of the EIR.
- **Within 60 days** from the date of adoption of a negative declaration.
- **Within 60 days** from the determination that the project is exempt from CEQA.

Project Hearings

Any project review is limited to 5 required hearings, inclusive of hearing extensions. Any project that has been approved using the SB-330 review process may then apply for building permits.

The Project Application review may include an optional review by the Development Review Committee (DRC), which is made up of representatives from various City departments, who will review the applicant's project and identify any issues that may arise during the approvals process (but is not the decision-making body for project approval). The applicant will be invited to an internal DRC meeting approximately 2 weeks after project submission, to ask or answer any questions. The DRC meeting is not a public hearing. The applicant is responsible for all costs associated with processing the application.

If at any point in the process the project differs substantially from the original submission (more than 20 percent in unit count or square footage), the Planning Division will re-certify the project for eligibility and re-review the project's design, restarting the SB-330 timeline by requiring a new Preliminary Application to be submitted.

Building Permitting

The Building Permitting process will follow the standard process for project review and approval. Prior to issuing a building permit the City of Petaluma may require changes to the development that are necessary to:

- Comply with Petaluma's objective uniform construction codes (including, without limitation building, plumbing, electrical, fire, and grading codes).
- Comply with Federal or state laws.
- Mitigate a specific, adverse impact upon the public health or safety when there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without modifying the development.



SB-330 ELIGIBILITY CHECKLIST

Applicants intending to invoke SB-330 streamlining process must fill out this checklist completely and provide supporting documentation for each question to demonstrate eligibility.

1. **Number of Units:** Does the development contain at least two or more net new residential units? If the project is a mixed-use development, do at least two-thirds of the square footage comprise residential uses (as defined in Government Code Section 65913.4)? Or is the project transitional housing or supportive housing Yes No
2. **Demolition of Residential Units:** Does the project demolish any existing housing units without the replacement project includes at least as many residential units as the existing residential building? Yes No
3. **Consistent with Objective Standards:** Does the project meet all objective standards of the City's objective zoning and design review standards at the time of SB-330 application submittal? Such objective standards are those such as objective dimensional or stylistic requirements that require no personal or subjective (discretionary) judgment to enforce. Yes No
4. **Subdivisions:** Unless the development either (a) receives a low-income housing tax credit and is subject to the requirement that prevailing wages be paid, or (b) is subject to the requirements to pay prevailing wages and to use a skilled and trained workforce, does the development involve a subdivision of a parcel that is subject to the California Subdivision Map Act? Yes No
5. **Legislative Approval:** Does the project require legislative approval such as a Zoning Ordinance Amendment, development agreement, or conditional use permit? Yes No

Applicants must check the box below if the completed checklist demonstrates eligibility for SB-330 streamlining:

- As demonstrated by the completed SB-330 eligibility checklist above, the project is eligible for application streamlining and ministerial approval and I hereby request that the City of Petaluma utilize the SB-330 application processing procedures for this application.

Applicant's signature

Date



SB-330 PRELIMINARY APPLICATION

An applicant is required to submit a Preliminary Application for a housing development project subject to a streamlined process per SB-330. The Preliminary Application must be completed by the applicant and reviewed and signed by Department of City Planning staff prior to being deemed complete.

The purpose of this Preliminary Application is to collect important information about your proposed project in order to determine the zoning, design, subdivision, and fee requirements that will apply to the housing development project throughout the review process. *Please provide all information requested. Missing, incomplete or inconsistent information will delay the vesting date. Please check with a planner if you are unsure about any aspect of the process.*

A completed application will vest the zoning, design, subdivision and fee requirements in effect as of the date of preliminary application submittal, provided that all the below provisions are satisfied:

- The submitted form contains accurate information.
- A completed [General Application Form](#) is submitted to the Planning Division within 180 days of submission of this Preliminary Application.
- The project may not change by more than 20 percent in terms of total number of units or total square footage as stated in this Preliminary Application (exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision).
- Construction must begin on the project within 30 months of site permits being issued.

Please refer to the [Petaluma Planning Fee Schedule](#) for information on fees required for submittal.

PROJECT SITE INFORMATION

Project Address/Location: _____ Unit/Space Number: _____

Legal Description (Lot, Block, Tract): _____

Assessor's Parcel Number(s): _____ Lot Area: _____

Site Acreage: _____

Zoning: _____

General Plan: _____

Specific Plan Overlay(s): _____

APPLICANT INFORMATION

Applicant Name: _____

Company/Organization Name: _____

Address: _____ Unit/Space Number: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Email: _____



PROPERTY OWNER OF RECORD

Same as applicant Different from applicant

Property Owner Name (if different from applicant): _____

Address: _____ Unit/Space Number: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Email: _____

NOTE: The individual(s) listed above will receive correspondence from the City regarding this application.

PROPOSED PROJECT

Project Narrative: Please provide a narrative project description that summarizes the project and its characteristics, scope, and purpose.

Please include 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.

Proposed Uses

Existing Uses on the Property: _____

Major Physical Alterations to the Property: _____

Residential Dwelling Unit Count:

Total Number of Units Proposed: _____

Total Number of Affordable Unit Proposed and AMI Levels: _____



Total Number of Bonus Units Proposed: _____

Market Rate Count: _____

Below Market Rate Units and Affordability Levels Count: _____

Floor Area:

Proposed Residential Square Footage: _____

Proposed Non-Residential Square Footage: _____

Parking:

Proposed Number of Parking Spaces: _____

Affordable Housing Incentives, Waivers, and Parking Reductions

Will the project proponent seek Density Bonus incentives, waivers, concessions, or parking reductions pursuant to California Government Code Section 65915? Yes No

If "YES" please list requested incentives, waivers, concessions and/or parking reductions:

Additional Information

Will the project require any approvals under the Subdivision Map Act, such as a parcel map, a tentative map, or a condominium map? Yes No

Does the project include any point sources of air or water pollution? Yes No

If "YES" please list map changes and/or point sources of water pollution:

Are any species of local concern known to occur on the property? Yes No

If "YES" please list them:



EXISTING SITE CONDITIONS

Housing:

Provide the number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied:

	Residential Units	Occupied Residential Units	Unoccupied Residential Units
Existing			
To be Demolished			

Additional Site Conditions

Is any portion of the property located within any of the following?

- 1) A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code Sec. 51178: Yes No
- 2) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993): Yes No
- 3) A hazardous waste site that is listed pursuant to Government Code Sec. 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: Yes No
- 4) 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: Yes No
- 5) 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: Yes No
- 6) 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: Yes No

If "YES" provide 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.



Is any portion of the property subject to any recorded public easement, such as easements for storm drains, water lines, and other public rights of way? Yes No

If "YES" provide the location and brief description of all such public easements on the site map.

Historic or cultural resources include those listed by federal, State, and local agencies. Applicants should also consult the Northwest Information Center for more information on cultural resources. Are any historic or cultural resources known to exist on the property? Yes No

If "YES", please list the cultural resources.

If the project is proposed to be located within the Coastal Zone, does any portion of the property contain 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

If "YES", please describe.



PROPERTY OWNER

PROPERTY OWNER AFFIDAVIT. Before the application can be accepted, the owner of each property involved must provide a signature to verify the Preliminary Application is being filed with their knowledge.

- I/We certify that I am/we are presently the legal owner(s) of the above-referenced property.
- I/We acknowledge the filing of this Preliminary Application and certify that all the information is true and accurate, and that I am/we are familiar with the Petaluma Municipal Code.
- I/We guarantee, as an authorized agent, applicant, property owner, or project sponsor, that I/we individually and jointly assume full responsibility for all costs incurred by the City in processing this Preliminary Application.
- I/We understand and agree that any unpaid balances may be referred to a collections agency, and failure to pay all charges will result in a hold on any processing of current and/or future permits at the property.

Note: a person acting as agent of property owner or owners shall attach a notarized letter of authorization from the legal owner.

Signature Date _____ Date: _____

Print Name _____

APPLICANT

APPLICANT DECLARATION. A separate signature from the applicant, whether they are the property owner or not, attesting to the following, is required before the Preliminary Application can be accepted.

- I hereby certify that the information provided in this Preliminary Application, including plans and other attachments, is accurate and correct to the best of my knowledge. Furthermore, should the stated information be found false or insufficient to fulfill the requirements of the form, I agree to revise the information as appropriate.
- I understand and agree that any report, study, map or other information submitted to the City in furtherance of this Preliminary Application will be treated by the City as public records which may be reviewed by any person and if requested, that a copy may be provided by the City to any person.
- I understand that there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully evaluated and that the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions.
- I understand that if this Preliminary Application cannot be deemed complete, there is no refund of fees paid.
- I understand and agree to defend, indemnify, and hold harmless, the City, its officers, agents, employees, and volunteers (collectively "City"), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution (collectively "actions"), arising out of any City process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions



based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the City for any and all costs incurred in defense of such actions. This includes, but it not limited to, the payment of all court costs and attorneys' fees, all judgments or awards, damages, and settlement costs. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to any other indemnification language agreed to by the applicant.

- By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this Preliminary Application and any accompanying documents are true and correct, with full knowledge that all statements made in this Preliminary Application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit.

Signature (Digital Signatures are Accepted): _____

Date: _____

Print Name: _____