



# SB 330 PRELIMINARY APPLICATION

<b>FOR OFFICE USE ONLY</b>	
CASE#:	_____
IFAS#:	_____
SUBMITTAL DATE:	_____

## GENERAL INFORMATION

### **BACKGROUND AND PURPOSE**

This form serves as the preliminary application for housing development projects seeking vesting rights pursuant to Senate Bill (SB) 330, the Housing Crisis Act of 2019 (HCA). The HCA aims to increase residential unit development, protect existing housing inventory, and expedite development processing by locking in the development requirements, standards, and fees at the time a complete Preliminary Application is submitted, as stated in California Government Code § 65589.5.

In the case of fees, charges, or other exactions, those with automatic annual adjustments based on independent public cost index that is referenced in the ordinance or resolution establishing the fee (e.g., Consumer Price Index, Construction Cost Index) are the exception to frozen fees. SB 330 is effective from January 1, 2020 to January 1, 2025, and SB 8 (2021) extended the temporary prohibition of residential density reduction when associated with housing development projects until January 1, 2030.

### **APPLICABILITY**

An application to develop or redevelop a site for a "housing development project" that includes (1) one or more residential units; (2) a mix of commercial and residential uses where at least two-thirds of the project's square footage is used for residential purposes; or (3) transitional or supportive housing, shall be deemed to have submitted a Preliminary Application upon providing all of the information listed in this SB 330 Preliminary Application form and paying the permit processing fee.

An SB 330 Preliminary Application must be deemed complete by City of Irvine staff in order for an applicant to obtain vesting rights subject to zoning, development requirements, ordinances, and adopted policies within the City of Irvine at the time of filing. An applicant for a housing development project, as defined in paragraph (2) of subdivision (h) of Government Code § 65589.5, shall be deemed to have submitted a preliminary application only upon providing both of the following:

1. Information about the proposed project as required by Government Code § 65941.1, using the attached application form; and
2. Payment of the planning deposit (\$3,000.00).

### **EARLY CONSULTATION**

Early consultation with Planning, Building & Safety, Housing, Public Works & Transportation, and Orange County Fire Authority (OCFA) staff is strongly recommended prior to the submittal of your SB 330 Preliminary Application since certain requirements may apply that could affect the anticipated scope of a project and its ability to remain vested after the application is submitted.

### **VESTING TIMELINE AND THRESHOLDS**

- The Preliminary Application must be filed with the Community Development Department of the City of Irvine via the electronic plan submittal portal ([www.irvineready.com](http://www.irvineready.com)) prior to filing any application(s) requesting approval of any discretionary action.
- Pursuant to Government Code § 65941.1(d)(1), within 180 days of submitting a complete Preliminary Application, the applicant shall submit all site development applications (i.e., any land use entitlement application(s) required for the project such as a tentative map, park plan, master plan, conditional use permit, and/or sufficient information to make the appropriate CEQA determination) and/or all building permit-level applications. If the 180-day deadline is not met, the Preliminary Application approval will expire.

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- Within 30 calendar days of receiving a Preliminary Application for a new housing development project, the City shall determine in writing whether the application is complete or incomplete. If the application is deemed complete, the development rights associated with the Preliminary Application shall be vested as of the date that the Preliminary Application was submitted and the associated fee was paid.
- If the City determines that the application package is not complete, pursuant to Government Code § 65943, the applicant shall submit the specific information needed to complete the application within 90 days of receiving the City's written incompleteness determination. If the applicant does not submit the missing information within the 90-day period, the Preliminary Application shall expire and have no further force or effect.
- Construction of the project must commence within two and one-half (2.5) years following the date that the project receives final approval (as defined in Government Code § 65589.9(o)), including all necessary approvals to be eligible to apply for, and obtain a building permit or permits and all appeal periods or statutes of limitations have been exhausted or resolved in favor of the housing development project. However, if the project meets the definition of an affordable housing project, per Government Code § 65598.5(o)(2)(D), the developer has three and one-half (3.5) years to commence construction.
- Pursuant to Government Code § 65941.1(c), if an applicant revises the project after submittal of the required information such that the number of residential units or square footage of construction (i.e., building area as defined by Title 24 of the California Code of Regulations) changes by 20% or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, the housing development project shall not be deemed to have submitted a Preliminary Application until the applicant resubmits the required, revised information reflecting the changes.

If you have any questions, please contact the Development Assistance Center at 949-724-6308 or [dac@cityofirvine.org](mailto:dac@cityofirvine.org).

DATE:

## APPLICANT INFORMATION

APPLICANT NAME		BUSINESS NAME	
ADDRESS		EMAIL	
CITY	STATE	ZIP	PHONE

## PROPERTY OWNER INFORMATION

SAME AS APPLICANT INFORMATION ABOVE

APPLICANT NAME		BUSINESS NAME	
ADDRESS		EMAIL	
CITY	STATE	ZIP	PHONE

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## SUBMITTAL REQUIREMENTS

- COMPLETED SB 330 PRELIMINARY APPLICATION
- COMPLETED DEVELOPER DEPOSIT CASE SET-UP
- COMPLETED ELECTRONIC SIGNATURE DISCLOSURE(S), IF ELECTRONIC SIGNATURE(S) IS USED ON APPLICATIONS
- PAYMENT OF PLANNING REVIEW DEPOSIT
- DIMENSIONED SITE PLAN(S), FLOOR PLANS, AND BUILDING ELEVATIONS DEMONSTRATING COMPLIANCE WITH APPLICABLE CODE PROVISIONS AND SHOWING:
  - THE LOCATION ON THE PROPERTY
  - LOCATION(S) OF RECORDED PUBLIC EASEMENTS (e.g., storm drains, water lines, and other public rights of way) IDENTIFIED
  - ELEVATIONS SHOWING DESIGN, COLOR, MATERIAL, MASSING, HEIGHT, AND APPROXIMATE SQUARE FOOTAGE OF EACH BUILDING
  - LANDSCAPE PLAN
  - PARKING PLAN
- IF PROJECT INCLUDES DEMOLITION OF ANY EXISTING RESIDENTIAL UNIT, A COMPLETED HOUSING CRISIS ACT DEMOLITION COMPLIANCE FORM
- DOCUMENTATION LISTED UNDER THE PROPERTY OWNER AFFIDAVIT SECTION OF THIS APPLICATION

## PROJECT INFORMATION

All requested information must be provided. Application containing incomplete information will not be accepted or deemed complete.

### 1. PROJECT LOCATION

SITE ADDRESS(ES)/CROSS STREETS:

PROJECT DESCRIPTION:

ASSESSOR'S PARCEL NUMBER(S):

LEGAL DESCRIPTION:

### 2. EXISTING USES

DESCRIPTION OF THE EXISTING USE(S)  
ON THE PROJECT SITE:

IDENTIFY ANY MAJOR PHYSICAL  
ALTERATIONS TO THE PROPERTY ON  
WHICH THE PROPERTY IS TO BE  
LOCATED:

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FOR EXISTING RESIDENTIAL USES, LIST THE NUMBER OF EXISTING UNITS ON THE PROJECT SITE THAT WILL BE DEMOLISHED AND WHETHER EACH UNIT IS OCCUPIED OR UNOCCUPIED:

IS THE PROJECT SITE DESIGNATED AS A HISTORIC SITE?  YES  
 NO  
IF YES, PLEASE DESCRIBE:

### 3. PROPOSED USES

PROPOSED LAND USE(S), USING THE CATEGORIES IN THE IRVINE ZONING ORDINANCE:

TOTAL SQUARE FOOTAGE:

COMMERCIAL SQUARE FOOTAGE:

RESIDENTIAL SQUARE FOOTAGE:

NUMBER OF STORIES:

MAXIMUM BUILDING HEIGHT:

TOTAL PARKING SPACES:

REQUIRED SPACES:

PROPOSED SPACES:

NUMBER OF RESIDENTIAL UNITS:

UNIT MIX:

#STUDIO UNITS:

#1 BEDROOM UNITS:

#2 BEDROOM UNITS:

#3 BEDROOM UNITS:

### 4. AFFORDABLE HOUSING (ZONING ORDINANCE CHAPTER 2-3)

INDICATE AFFORDABILITY LEVEL(S):

EXTREMELY-LOW:

VERY-LOW:

LOW:

MODERATE:

AFFORDABLE ON-SITE UNITS:	#STUDIO UNITS:	LEVEL -
	#1 BEDROOM UNITS:	LEVEL -
	#2 BEDROOM UNITS:	LEVEL -
	#3 BEDROOM UNITS:	LEVEL -

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AFFORDABLE OFF-SITE UNITS:	#STUDIO UNITS:	LEVEL -
	#1 BEDROOM UNITS:	LEVEL -
	#2 BEDROOM UNITS:	LEVEL -
	#3 BEDROOM UNITS:	LEVEL -

LOCATION(S)/ADDRESS(ES) OF THE OFF-SITE AFFORDABLE UNITS:

WILL THE PROJECT PROPONENT SEEK ANY DENSITY BONUS UNITS, INCENTIVES, CONCESSIONS, WAIVERS, OR PARKING REDUCTIONS PURSUANT TO SECTION 65915?  
IF YES, PLEASE DESCRIBE:

YES     NO

## 5. PROJECT QUESTIONS

ANY PROPOSED POINT SOURCES OF AIR OR WATER POLLUTANTS THAT WOULD AFFECT THE PROPERTY?  YES     NO  
IF POLLUTANTS ARE IDENTIFIED, PLEASE DESCRIBE:

ANY SPECIES OF SPECIAL CONCERN KNOWN TO OCCUR ON THE PROPERTY?  YES     NO  
IF SPECIES OF SPECIAL CONCERN ARE IDENTIFIED, PLEASE DESCRIBE:

ANY HISTORIC OR CULTURAL RESOURCES KNOWN TO EXIST ON THE PROPERTY?  YES     NO  
IF RESOURCES ARE IDENTIFIED, PLEASE DESCRIBE:

ARE ANY APPROVALS UNDER THE SUBDIVISION MAP ACT, INCLUDING, BUT NOT LIMITED TO, A PARCEL MAP, A TENTATIVE MAP, OR A CONDOMINIUM MAP, BEING REQUESTED?  YES     NO  
IF YES, WHAT APPROVALS ARE BEING REQUESTED?

IS ANY PORTION OF THE PROPERTY LOCATED WITHIN ANY OF THE FOLLOWING:

A) A VERY HIGH FIRE HAZARD SEVERITY ZONE, AS DETERMINED BY THE DEPARTMENT OF FORESTRY AND FIRE PROTECTION PURSUANT TO SECTION 51178?  YES     NO

B) WETLANDS, AS DEFINED IN THE UNITED STATES FISH AND WILDLIFE SERVICE MANUAL, PART 660 FW 2 (JUNE 21, 1993)?  YES     NO

C) 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?  YES     NO

D) 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

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- E) 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
- F) A STREAM OR OTHER RESOURCE, INCLUDING CREEKS AND WETLANDS, 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 YOU ANSWERED YES TO ANY OF THE QUESTIONS ABOVE, PROVIDE 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 PROVIDE AN AERIAL SITE PHOTOGRAPH SHOWING EXISTING SITE CONDITIONS OF ENVIRONMENTAL SITE FEATURES THAT WOULD BE SUBJECT TO REGULATIONS BY A PUBLIC AGENCY.

- G) LOCAL COASTAL PROGRAM-DESIGNATED COASTAL AREA WITHIN THE CITY OF IRVINE, AS SHOWN IN THE LCP PREPARED IN ACCORDANCE WITH THE CALIFORNIA COASTAL ACT OF 1976?  YES  NO

IF LOCATED IN THE COASTAL ZONE, CLARIFY WHETHER ANY PORTION OF THE PROPERTY CONTAINS ANY OF THE FOLLOWING:

- a) WETLANDS, AS DEFINED IN SUBDIVISION (B) OF SECTION 13577 OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS  YES  NO
- b) ENVIRONMENTALLY SENSITIVE HABITAT AREAS, AS DEFINED IN SECTION 30240 OF THE PUBLIC RESOURCES CODE  YES  NO
- c) A TSUNAMI RUN-UP ZONE  YES  NO
- d) USE OF THE SITE FOR PUBLIC ACCESS TO OR ALONG THE COAST  YES  NO

## 5. PROPERTY OWNER AFFIDAVIT

The owner of each property involved must provide a signature to verify the Preliminary Application is being filed with their knowledge. Staff will confirm ownership based on the records of the County Assessor. In the case of partnerships, corporations, LLCs or trusts, the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- OWNERSHIP DISCLOSURE.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service or process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- LETTER OF AUTHORIZATION (LOA).** A LOA from a property owner granting someone else permission to sign the Preliminary Application form may be provided if the property is owned by a partnership, corporation, LLC or trust, or in rare circumstances when an individual property owner is unable to sign the Preliminary Application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized to file, their relationship to the owner or project, the site address a general description of the type of application being filed and must also include the language in items 1-3 below. In the case of partnerships, corporations, LLCs or trusts, the LOA must be signed by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.

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- GRANT DEED.** Provide Copy of the Grant Deed if the ownership of the property does not match local records. The Deed must correspond exactly with the ownership listed on the application.
- MULTIPLE OWNERS.** If the property is owned by more than one individual (e.g., John and Jane Doe, or Mary Smith and Mark Jones) signatures are required of all owners.
1. I hereby certify that I am the owner of record of the herein previously described property located in THE CITY OF IRVINE which is involved in this Preliminary Application, or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC, or trust as evidenced by the documents attached hereto.
  2. I hereby consent to the filing of this Preliminary Application on my property for processing by THE CITY OF IRVINE COMMUNITY DEVELOPMENT DEPARTMENT for the sole purpose of vesting the proposed housing project subject to the zoning ordinances, policies, and standards adopted and in effect on the date that this Preliminary Application is deemed complete.
  3. Further, I understand that this Preliminary Application will be terminated and vesting will be forfeited if the housing development project is revised such that the number of residential units or square footage of construction increases or decreases by 20% or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, and/or an application requesting approval of an entitlement is not filed with THE CITY OF IRVINE COMMUNITY DEVELOPMENT DEPARTMENT within 180 days of the date that the Preliminary Application is deemed complete.
  4. By my signature below, I certify that the foregoing statements are true and correct.

\_\_\_\_\_  
PROPERTY OWNER SIGNATURE

\_\_\_\_\_  
DATE (MM/DD/YYYY)

\_\_\_\_\_  
PROPERTY OWNER SIGNATURE

\_\_\_\_\_  
DATE (MM/DD/YYYY)

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
PRINT NAME

A Digital ID Signature is required of the Property Owner(s) or legally Authorized Agent of the Property Owner(s). By signing this application, you acknowledge that you are the Property Owner(s) or a legally Authorized Agent of the Property Owner(s).

## FOR STAFF USE ONLY

The Preliminary Application includes all application submittal requirements consistent with the requirements of SB 330.

\_\_\_\_\_  
STAFF SIGNATURE

\_\_\_\_\_  
FILE NUMBER

\_\_\_\_\_  
VESTING DATE (Date of Complete Submittal and Fee Paid)

\_\_\_\_\_  
SIGNED COPY PROVIDED TO APPLICANT (Date Provided)

Please attach all exhibits to this application and upload to the permit system under the file number. Update workflow status to "Deemed Complete" using Vesting Date.

Note: If any of the information requested by the application is not provided, please inform the applicant that they do not have a deemed complete application within two weeks of the submittal date and note the communication in the project workflow. The applicant then has 30 days to provide the information to complete the application. After 30 days, the file can be closed.

A complete planning entitlement application that includes all information necessary for the CITY OF IRVINE to review the housing development project must be submitted within 180 days of the Vesting Date for the provisions of Government Code § 65589.5 to remain in effect.