



CITY OF WILDOMAR
Planning Department
23873 Clinton Keith Road, Suite #201
Wildomar, CA 92595
Tel. (951) 677-7751 Fax. (951) 698-1463

For office use only.

**Project Account
Number**

HOUSING CRISIS ACT of 2019 - SB 330 AFFORDABLE HOUSING PRELIMINARY APPLICATION FORM

PURPOSE

This form serves as a template for the preliminary application for housing development projects seeking vesting rights pursuant to SB 330, the Housing Crisis Act of 2019.

Although this Preliminary Application is not required for housing development projects, an agency must accept it if submitted. Agencies may customize this application; however, any revised form must include only the 17 provisions as required by the Housing Crisis Act. The Preliminary Application must be made available in print and on the agency's website.

GENERAL INFORMATION

An applicant for a housing development project that includes (1) residential units (2) a mix of commercial and residential uses with two-thirds of the project's square footage used for residential purposes; or (3) transitional or supportive housing, shall be deemed to have submitted a preliminary application upon provision of all of the information listed in this Preliminary Application form and payment of the permit processing fee to the agency from which approval for the project is being sought.

After submitting this Preliminary Application to the local agency, an applicant has 180 days to submit a full application or the Preliminary Application will expire.

Submittal Date Stamp^{*1,2}:

*1Submittal of all the information listed and payment of the permit processing fee freezes fees and development standards as of this date, unless exceptions per Government Code § 65889.5(o) are triggered.

*2Note: Record keeping pertaining to which standards and fees apply at date of submittal is imperative, as **penalties may apply for imposing incorrect standards**

Notes:

1. California Environmental Quality Act (CEQA) and Coastal Act standards apply.
2. After submittal of all of the information required, if the development proponent revises the project to change the number of residential units or square footage of construction changes by 20 percent or more, excluding any increase resulting from Density Bonus Law, the development proponent must resubmit the required information so that it reflects the revisions.
3. The provisions of AB 168 apply to this Pre-Application Review process (refer to attachment).

Submittal Requirements”

- Completed and Signed Application Form with Initial Deposit Fee of \$3,500
- One (1) set of development plans (drawn to scale and dimensioned) that includes a preliminary site plan, grading plan (if prepared), floor plans, architectural elevations (black & white and colored), and the tract/parcel map (if applicable).
- Detailed Project Description and/or Statement of Operations (i.e., operating hours, etc.).

SITE INFORMATION

1. **PROJECT LOCATION** - The specific location, including parcel numbers, a legal description, and site address, if applicable.

Street Address _____ Unit/Space Number _____

Legal Description (Lot, Block, Tract) _____ Attached? YES NO

Assessor Parcel Number(s) _____

2. **EXISTING USES** - The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.

3. **SITE PLAN** - A site plan showing the building(s) location on the property and approximate square footage of each building that is to be occupied. **Attached? YES** **NO**
4. **ELEVATIONS** - Elevations showing design, color, material, and the massing and height of each building that is to be occupied. **Attached? YES** **NO**
5. **PROPOSED USES** - The proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance.

a. **RESIDENTIAL DWELLING UNIT COUNT:**

Please indicate the number of dwelling units proposed, including a breakdown of levels by affordability, set by each income category.

	Number of Units
Market Rate	
Managers Unit(s) – Market Rate	
Extremely Low Income	
Very Low Income	
Low Income	
Moderate Income	
Total No. of Units	
Total No. of Affordable Units	
Total No. of Density Bonus Units	

Other notes on units:

6. **FLOOR AREA** - Provide the proposed floor area and square footage of residential and nonresidential development, by building (attach relevant information by building and totals here):

	Residential	Nonresidential	Total
Floor Area (Zoning)			
Square Footage of Construction			

7. **PARKING** - The proposed number of parking spaces:

8. **AFFORDABLE HOUSING INCENTIVES, WAIVERS, CONCESSIONS and PARKING REDUCTIONS** - Will the project proponent seek Density Bonus incentives, waivers, concessions, or parking reductions pursuant to California Government Code Section 65915? **Attached?** YES NO

If "YES," please describe:

9. **SUBDIVISION** - Will the project proponent seek any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a vesting or tentative map, or a condominium map?

YES NO

If "YES," please describe:

10. **POLLUTANTS** - Are there any proposed point sources of air or water pollutants?

YES NO

If "YES," please describe:

11. **EXISTING SITE CONDITIONS** – Provide the number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied. Provide attachment, if needed.

	Occupied Residential Units	Unoccupied Residential Units	Total Residential Units
Existing			
To Be Demolished			

12. **ADDITIONAL SITE CONDITIONS** –

- a. Whether a portion of the property is located within any of the following:
- i. A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, pursuant to Section 51178? **Attached? YES** **NO**
 - ii. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)? **Attached? YES** **NO**
 - iii. 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? **Attached? YES** **NO**
 - iv. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by any official maps published by the Federal Emergency Management Agency? **Attached? YES** **NO**
 - v. 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? **Attached? YES** **NO**
 - vi. 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? **Attached? YES** **NO**

If "YES" to any, please describe:

b. Does the project site contain historic and/or cultural resources? **Attached?** YES NO

If "YES," please describe:

c. Does the project site contain any species of special concern? **Attached?** YES NO

If "YES," please describe:

d. Does the project site contain any recorded public easement, such as easements for storm drains, water lines, and other public rights of way? **Attached?** YES NO

If "YES," please describe:

e. Does the project site contain 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? 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. **Attached?** YES NO

If "YES," please describe and depict in attached site map:

13. **COASTAL ZONE** - For housing development projects proposed to be located within the coastal zone, 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. **Attached?** YES NO

b. Environmentally sensitive habitat areas, as defined in Section 30240 of the Public Resources Code. **Attached? YES** **NO**

c. A tsunami run-up zone. **Attached? YES** **NO**

d. Use of the site for public access to or along the coast. **Attached? YES** **NO**

14. **PROJECT TEAM INFORMATION** - The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application.

Applicant's Name _____

Company/Firm _____

Address _____ Unit/Space Number _____

City _____ State _____ Zip Code _____

Telephone _____ Email _____

Are you in escrow to purchase the property? YES NO

Property Owner of Record Same as applicant Different from applicant

Name (if different from applicant) _____

Address _____ Unit/Space Number _____

City _____ State _____ Zip Code _____

Telephone _____ Email _____

Optional: Agent/Representative Name _____

Company/Firm _____

Address _____ Unit/Space Number _____

City _____ State _____ Zip Code _____

Telephone _____ Email _____

Optional: Other (Specify Architect, Engineer, CEQA Consultant, etc.) _____

Name _____

Company/Firm _____

Address _____ Unit/Space Number _____

City _____ State _____ Zip Code _____

Telephone _____ Email _____

Primary Contact for Project: Owner Applicant Agent/Representative Other

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. Staff will confirm ownership based on the records of the City Engineer or 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 of process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25 percent 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.
- **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 _____ 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 Department of _____ for the sole purpose of vesting the proposed housing project subject to the Planning and 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 percent 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 _____ 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.

Signature _____

Signature _____

Printed Name _____

Printed Name _____

Date _____

Date _____



AB 168: Tribal Scoping Consultation Requirements for Projects Seeking Review Under the Streamlined Ministerial Approval Process (SB 35)

AB 168 (Aguilar-Curry, 2020) created a process for tribal scoping consultation (“consultation”) for housing development proposals seeking review under the streamlined ministerial approval process created by SB 35 (Wiener, 2017). Developers are now required to submit a preliminary application with key project details (found in Government Code §65913.4(b)(1)(A)) and engage in tribal scoping consultation that potentially influences the project’s eligibility for ministerial approval.

This document provides an overview of this new process pursuant to AB 168 and answers some common questions related to this new law. This document specifically focuses on the scoping consultation requirement related to SB 35’s streamlined ministerial approval process and not consultation requirements that may be required by other laws unless otherwise noted.

This document provides guidance only and should not be construed as legal advice. OPR provides this technical advisory as a resource for the public to use at their discretion. OPR is not enforcing or attempting to enforce any part of the recommendations or information contained herein.

When does AB 168 take effect?

Immediately. AB 168 contained an urgency clause, which means that the bill took effect on **September 25, 2020**, when the Governor signed the bill. This law does not apply to any projects that obtained ministerial approval under SB 35 by the local government prior to this date (Government Code §65913.4(b)(8)).

The Governor's Office of Planning and Research (OPR) advises that projects with pending applications under review should engage in this tribal consultation to ensure compliance with the requirements of AB 168.

What information must be included in a preliminary application?

Before submitting an application for SB 35 approval, development proponents must now submit a notice of intent to submit an application, which includes a preliminary application. The preliminary application and its requirements are described in existing statute (Government Code §65941.1); it is also the same preliminary application referenced in SB 330 (Statutes of 2019).

The California Department of Housing and Community Development (HCD) has developed a standardized form that applicants for housing development projects may use for the purpose of satisfying the requirements for submittal of a preliminary application if a local agency has not developed its own application form. The form and more information on the SB 330 preliminary application can be found at <https://www.hcd.ca.gov/community-development/accountability-enforcement/statutory-determinations.shtml>

A preliminary application must include all of the following information:

1. The project's location, including the parcel number, a legal description, and address, as applicable
2. The existing uses of the site and the identification of major physical alterations to the property
3. A site plan showing the location of the property; as well as the massing, height, approximate square footage, and elevations showing design, color, and material of each building to be occupied
4. The proposed land uses by number of units and square feet of residential and nonresidential development using the applicable categories in the applicable zoning ordinance
5. The proposed number of parking spaces
6. Any proposed point sources of air or water pollutants

7. Any species of special concern known to occur on the property
8. Whether a portion of the property is located within any of the following:
 - a. A very high wildfire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code Section 51178
 - b. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)
 - c. A hazardous waste site listed pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code Section 25356
 - 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
 - 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
 - f. 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
9. Any historic or cultural resources known to exist on the property
10. The number of proposed below market rate units and their affordability levels
11. The number of bonus units and any incentives, concessions, waivers, or parking reductions pursuant to Density Bonus Law (Government Code Section 65915)
12. Whether any approvals under the Subdivision Map Act (Division 2 of Title 7 (commencing with Section 66410) of the Government Code), including, but not limited to, a parcel map, tentative map, or condominium map, are being requested
13. The applicant's contact information, and, if the applicant does not own the property, the property owner's consent to submit the application

14. For a housing development proposed to be located within the coastal zone, whether any portion of the property contains any of the following:
 - a. Wetlands, as defined by subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations
 - b. Environmentally sensitive habitat areas, as defined by Public Resources Code Section 13577
 - c. A tsunami run-up zone
 - d. Use of the site for public access to or along the coast
15. The number of existing residential units on the project site that will be demolished and whether each unit is occupied or unoccupied
16. 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
17. The location of any recorded public easement, such as easements for storm drains, water lines, and other public rights of way

How are Tribes identified for scoping consultation?

Upon receipt of a development proponent's preliminary application, the local government must "engage in ... consultation regarding the proposed development with any California Native American Tribe that is traditionally and culturally affiliated with the geographic area, as described in Section 21080.3.1 of the Public Resources Code" and "contact the Native American Heritage Commission for assistance in identifying any California Native American Tribe" (Government Code §65913.4(b)(1)(A)(ii)).

What is the timeline for consultation?

The statute adopts a 30-30-30 timeline. Within **30 calendar days** of receiving the developer's preliminary application, the local government must provide formal notice for each Tribe traditionally and culturally affiliated with the geographic area of the project site (Government Code §65913.4(b)(1)(A)(ii)). The formal notice must include the location and a description of the proposed development, and an invitation to engage in scoping consultation (Government Code §65913.4(b)(1)(A)(iii)(I)(ia-ic)).

Each Tribe that receives this notice has **30 calendar days** to accept the invitation to engage in consultation (Government Code §65913.4(b)(1)(A)(iii)(II)).

The local government must initiate consultation within **30 calendar days** of a Tribe's acceptance of the invitation to engage in consultation (Government Code §65913.4(b)(1)(A)(iii)(III)).

Who participates in the consultation?

The local government and any California Native American Tribe that is traditionally or culturally affiliated with the geographic area of the project site may participate in the consultation. In cases where more than one Tribe participates in consultation, the local government must grant separate consultation with a Tribe if individual consultation is requested (Government Code §65913.4(b)(1)(C)).

The development proponent and its consultants may participate in consultation if they agree to respect the principles established in AB 168, engage in good faith, and the Tribe approves of the proponent's participation. **The Tribe may revoke this approval at any time during the consultation process** (Government Code §65913.4(b)(1)(C)).

AB 168 requires that consultation must recognize that California Native American Tribes traditionally and culturally affiliated with a geographic area have knowledge and expertise concerning the resources at issue, and shall take into account the cultural significance of the resource to the Tribe (Government Code §65913.4(b)(1)(B)).

What confidentiality requirements apply to the consultation process?

Consultation must comply with the confidentiality requirements established in Government Code Section 6254(r), Government Code Section 6254.10, Public Resources Code Section 21082.3(c), and California Code of Regulations, Title 14, Section 15120(d). Additionally, the Tribe may adopt any additional confidentiality requirements applicable to the consultation (Government Code §65913.4(b)(1)(D)).

Does the California Environmental Quality Act (CEQA) apply to the consultation process?

No, the tribal consultation required pursuant to AB 168 is not considered a project under CEQA (Government Code §65913.4(b)(1)(E)).

When does tribal consultation conclude?

Tribal consultation concludes either 1) upon documentation of an enforceable agreement regarding the treatment of tribal resources at the project site (Government Code §65913.4(b)(2)(D)(i)), or 2) one or more parties to the consultation, **acting in good faith and after a reasonable effort**, conclude that a mutual agreement cannot be achieved (Government Code §65913.4(b)(2)(D)(ii)).

What are the potential outcomes of the tribal consultation?

If the parties participating in tribal consultation determine that there is no potential impact to tribal cultural resources resulting from the project, then the development proponent may submit an application for ministerial approval pursuant to SB 35 (Government Code §65913.4(b)(2)(A)).

If the tribal consultation identifies a potential impact to tribal cultural resources resulting from the project, then the parties must document an enforceable agreement regarding the methods, measures, and conditions for treatment of tribal cultural resources. **This agreement must be a condition of approval** for the project application for SB 35 approval (Government Code §65913.4(b)(2)(B)).

If the parties are unable to reach an enforceable agreement regarding treatment of tribal cultural resources that may be present on the project site, then the development proponent is ineligible for ministerial approval under SB 35 (Government Code §65913.4(b)(2)(C)).

What is now required for a project to qualify for SB 35 ministerial approval?

A project is **eligible** for the ministerial approval established under SB 35 if **any** of the following conditions apply:

1. A Tribe that received notice of the developer's submission of a pre-application did not respond to the invitation to engage in consultation within 30 days (Government Code §65913.4(b)(3)(A));

2. A Tribe accepted an invitation to engage in tribal consultation but failed to engage after repeated attempts by the local government to initiate consultation (Government Code §65913.4(b)(3)(B));
3. The consultation concluded that there is no potential harm to tribal cultural resources resulting from the project (Government Code §65913.4(b)(3)(C)); OR
4. The consultation identified potential impacts to tribal cultural resources, and the parties committed to a documented, enforceable agreement regarding the treatment of potential resources (Government Code §65913.4(b)(3)(D))

Pursuant to AB 168, what might disqualify a project from ministerial approval under SB 35?

A project would be **ineligible** for ministerial approval pursuant to SB 35 if **any** of the following conditions apply:

1. The project site contains a tribal cultural resource that is listed on a national, tribal, state, or local historic register (Government Code §65913.4(b)(4)(A));
2. The parties to scoping consultation do not agree on whether the project will impact tribal cultural resources (Government Code §65913.4(b)(4)(B)); OR
3. A potential tribal cultural resource would be affected by the proposed project, and the parties to scoping consultation were unable to document an enforceable agreement regarding the treatment of potential tribal resources (Government Code §65913.4(b)(4)(C))

What documentation is required upon conclusion of the tribal consultation?

If the consultation concludes that the project would not affect potential tribal cultural resources, **no further documentation is required** and the development proponent may proceed with submission of its application for ministerial approval under SB 35 (Government Code §65913.4(b)(2)(A)).

If the consultation results in documentation of an enforceable agreement regarding the treatment of potential tribal resources, that **agreement must be attached** to the local government's approval of the application for SB 35 ministerial approval (Government Code §65913.4(b)(20)(B)).

If the consultation results in disqualification of the project from SB 35's streamlined ministerial approval process, the **local government must provide written documentation** of the fact, with an explanation for the project's ineligibility, to the development proponent and the Tribe or Tribes participating in the consultation (Government Code §65913.4(b)(5)(A)). The documentation provided to the development proponent must also include information on how to seek a conditional use permit or other discretionary approval of the project from the local government (Government Code §65913.4(b)(5)(B)).

What happens if the project changes after the conclusion of tribal consultation?

If the development or environmental setting substantially changes after the consultation, the local government must notify the Tribe of the change and engage in a **subsequent consultation if requested** by the Tribe or Tribes (Government Code §65913.4(b)(2)(E)).

While the bill does not specify a timeline for this subsequent notification and consultation, OPR recommends adhering to the 30-30-30 timeline required for the initial consultation.

For the purposes of this consultation, OPR advises that a project or environmental setting may "substantially change" if 1) those changes will require major revisions to the environmental impact report, or 2) if new information that was not available or could not have been known during preparation of the environmental impact report becomes available (see Public Resources Code §21166).