



Housing Crisis Act of 2019 (Senate Bill 330)

Frequently Asked Questions (FAQs)

Development Services Department- Planning Division

What is Senate Bill 330 (SB 330)?

In October 2019, Governor Newsom signed into law the Housing Crisis Act of 2019 (SB 330). This bill establishes a statewide housing emergency and creates new state laws focused on the production and preservation of housing. SB 330 aims to expedite and increase certainty in the development process with changes to the Housing Accountability Act and Permit Streamlining Act that will be in effect from January 1, 2020 to January 1, 2025. SB 330 also addresses the statewide housing shortfall with new protections for existing housing and restrictions on certain zoning actions that reduce the availability of housing.

Is my project eligible for SB 330 expedited permitting?

SB 330 expedited permitting is available to all housing development projects that require discretionary review (project review and approval by the Planning Department, Planning Commission, City Council or other agency before an applicant can apply for a building permit). Housing development includes residential projects, mixed-use projects with at least 2/3 of the square footage dedicated to residential units; and transitional or supportive housing projects.

The SB330 expedited process is intended to encourage development of housing projects by vesting codes, policies, and fees for the project at the time a completed application is submitted to the City. Within 180 days of submitting a complete preliminary application, the applicant shall submit an application for a Site Plan Review, Use Permit, Tentative Map, or any other required land use entitlement required for the project. SB330 does not apply to projects that require rezoning or General Plan Amendments. If the City determines that the application(s) is/are not complete pursuant to Government Code Section 65943, the applicant shall submit the specific information needed to complete the application within 90 days of receiving the City's written incomplete notice. If the applicant does not submit this information within the 90-day period, then the preliminary application shall expire and have no further force or effect.

How does SB 330 expedite the permitting process?

SB 330 expedites permitting for all housing development projects in the following ways:

- Historic site determination at the time the preliminary application is deemed complete,
- Maximum of five public hearings when a project is consistent with objective standards in place at the time an application is deemed complete, and
- Project approval within 60 to 90 days after an Environmental Impact Report has been certified.

In addition, SB 330 provides an optional vesting opportunity for housing development projects, which freezes the policies, standards, and fees in effect when a preliminary application is submitted.

What are the vesting rights granted by the SB 330 Preliminary Application process?

Under SB 330, housing development projects are subject only to the ordinances, policies, and standards in effect when the SB 330 Preliminary Application is submitted, including development impact fees, capacity or connection fees or charges, permit or processing fees, and any other required payments.

How do I apply for the SB 330 Preliminary Application process?

Applicants are encouraged to contact the City's Planning Division at 510-583-4200 to discuss the SB330 application process and associated timelines. Applicants must submit a completed SB 330 Preliminary Application to obtain vesting rights for the proposed housing development project. Please refer to the SB 330 Preliminary Application to see submittal requirements.

Can I request a conceptual review of my housing project before I submit a Preliminary Application or Planning Application?

Yes. The City of Hayward offers applicants the ability for limited development review with the submittal of a Conceptual Development Review form. This courtesy review provides high level feedback on project design and land use compatibility from the City's development review staff. NOTE: If an applicant wishes to take advantage of the vesting rights provisions included in SB330, please review the Preliminary Application Document which shows the minimum required application materials that must be submitted in order for the preliminary application to be deemed complete. If an applicant does not want to take advantage of the vested rights provisions of SB330 or is seeking feedback on a non-housing project, not all of the items listed in the Preliminary Application materials document are required. Please contact the Planning Division for more information at 510-583-4200.

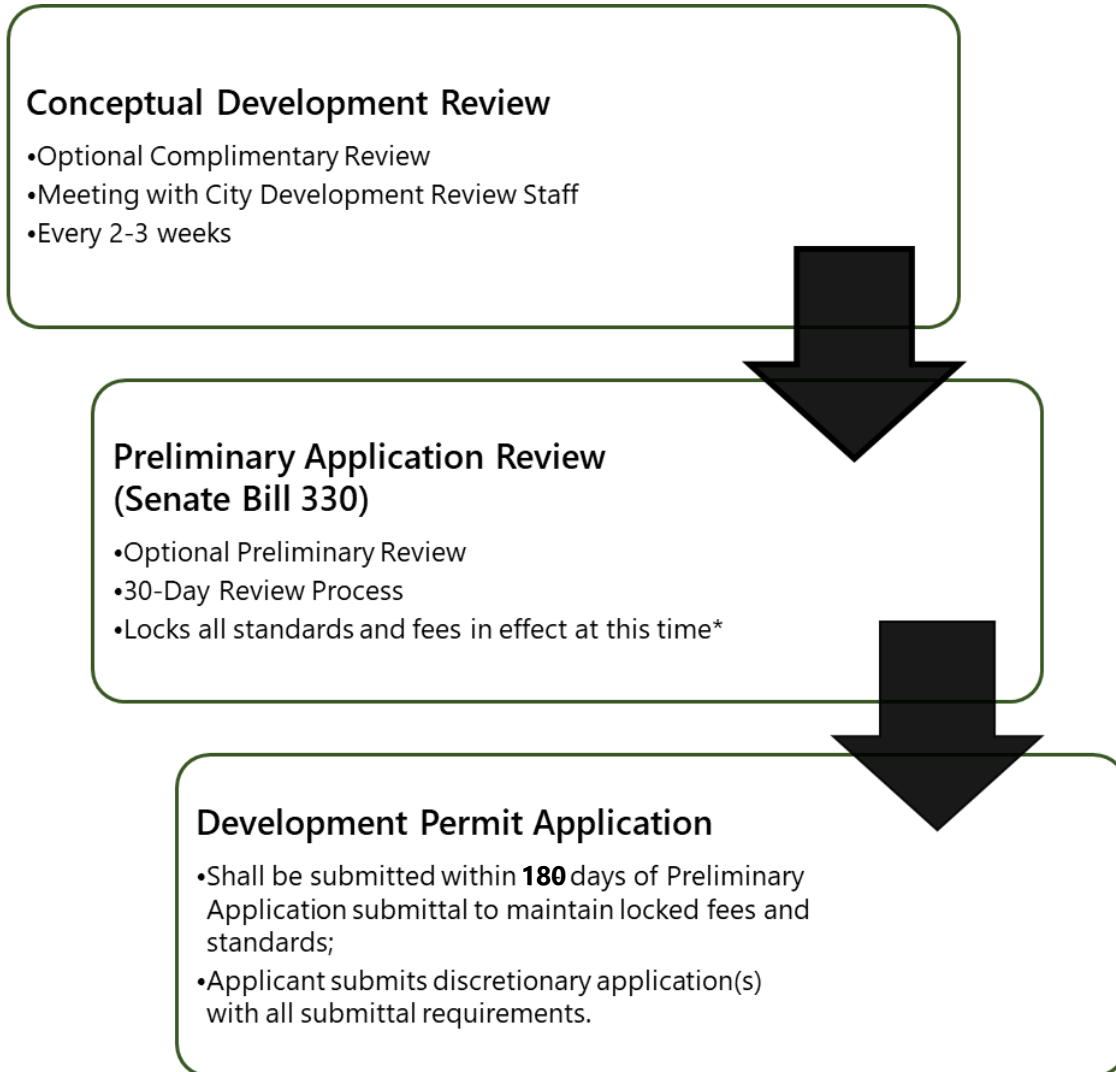


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Expedited Process and Timeline

Development Services Department- Planning Division

The diagram below outlines the process that applicants may utilize for proposed residential or mixed-use developments that meet the eligibility criteria of Senate Bill 330.



***Gov. Code §65589.5(o)(2)**, projects may be subject to standards adopted after the preliminary application was submitted under the following circumstances:

- Any fee changes related to annual fee adjustments per cost index
- Changes are necessary to mitigate or avoid specific, adverse impact upon public health or safety or under CEQA
- Project has not started construction within 2.5 years after final approval
- Revisions to the project result in 20% or more changes to total residential units or building area compared to preliminary application figures. The preliminary application must then be resubmitted.
- Any payments required after the building permit has received final inspection, including inspections, rent control, etc.



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Preliminary Application Instructions Form
Development Services Department- Planning Division

ELIGIBILITY CRITERIA

A Preliminary Application for a Housing Development Project shall be deemed to have been submitted upon providing all of the required information and payment of fees. A "housing development project" consists of the following (excludes Zone Changes, Planned Development Rezones, General Plan Amendments, etc.):

- a. Residential projects only (excluding hotels) creating two (2) or more new dwelling units on a project site;
- b. Mixed-use developments consisting of residential and non-residential uses with at least 2/3 of the square-footage designated for residential use (excluding hotels); or
- c. Transitional housing or supportive housing.

REQUIRED PROJECT INFORMATION

Property Information

Existing Structure(s) and Use(s). Describe in detail the existing structures and uses on the project site, including any major physical alterations:

Existing Residential Units. 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			

Project Information

Proposed Use(s). Describe in detail the characteristics, scope, and/or operation of the proposed project::

Residential Dwelling Unit Count. Indicate the total number of dwelling units proposed by levels of affordability. For information on Housing Community and Development (HCD) or Housing and Urban Development (HUD) levels of affordability, please contact the Housing Division at (510) 583-4311 or housing@hayward-ca.gov.

	TOTAL	HCD (State)	HUD (TCAC)
Market Rate			
Extremely Low Income			
Very Low Income			
Low Income			
Moderate Income			
Total Proposed Units			
Total Affordable Units			
Total of Density Bonus Units			

Point Sources. Does the project propose any point sources of air or water pollutants?
 If YES, please explain: _____

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

Housing Crisis Act of 2019 Preliminary Application Instructions Form (cont'd)

REQUIRED PROJECT INFORMATION (Continued)

Project Floor Area. Provide the proposed floor area and square-footage of the development.

	Residential	Non-Residential
Floor Area (Zoning)		
Construction Square-Footage		

Parking. Provide the proposed quantity of automobile and bicycle parking spaces:

Total Automobile Parking	Residential		Non-Residential	
Total Bicycle Parking	Residential		Non-Residential	
	Short-Term	Long-Term	Short-Term	Long-Term

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? If "YES", please describe:

SITE CONDITIONS

- Subdivision. Will the proposed project include a request for an approval pursuant to the Subdivision Map Act, including a vesting or tentative tract map, a preliminary parcel map, condominium map, a lot lone adjustment, or a certificate of compliance?
- Fire Zone. Is the property located in a very high hazard severity zone? (as determined by Department of Forestry and Fire Protection Section 51178)
- Wetland. Is the property located in a wetland? (defined by United States Fish and Wildlife Service Manual, Part 660 FW 2)?
- Hazardous Waste Site. Is the property located in a hazardous waste site? (defined by Department of Toxic Substances Control, Health and Safety Code Section 25356)
- Flood Zone. Is the property located in a special flood hazard area subject to inundation by the 1-percent annual change flood (100 year flood)? (determined by Federal Emergency Management Agency)
- Earthquake Fault Zone. Is the property located in a delineated earthquake fault zone (as determined by the State Geologist)?
- Historical Resources. Does the project site contain a designated or potentially historic and/or cultural resource? If YES, please explain and/or depict on site plan:

- Biological Species. Does the project site contain any species of special concern such as special status flora or fauna, protected trees, or wildlife? If YES, please explain and/or depict on site plan:

- Recorded Easements. Does the project site contain any recorded easement, such as easements for storm drains, water lines, and other public rights of way? If YES, please explain and/or depict on site plan:

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>



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Preliminary Application Submittal Requirements

Development Services Department- Planning Division

Submittal Requirements

All of the items listed below are required for Preliminary Applications to be deemed complete and processed.

- Preliminary Application.** Shall be original and wet-signed by both applicant and property owner(s);
- Preliminary Application Instructions Form.** Shall be completed in order to accept SB 330 application.
- Appointment.** Applicants are required to schedule an appointment with the Planning Division at (510) 583-4216 or planning.division@hayward-ca.gov prior submission of application(s).
- Application Deposit \$1,000.00** - Checks payable to City of Hayward.
- Project Narrative.** A written description and explanation of your project (i.e. development,);
- Project Plans** (prepared by qualified licensed design professionals). Plans shall be collated and folded to 8.5 x 11" in size. All plans shall be drawn and/or printed to scale. Some projects may require a different number of plan sets - please confirm with a City Planner to verify the number required for your project.

Quantity of Plans: Four (4) Full Size 24 x 36" Plan Sets
Four (4) Reduced 11 x 17" Sets
One (1) Electronic Copy of All Submittal Documents - USB or CD Accepted (No E-mails)
Two (2) Copies of All Technical Reports and/or Supplemental Documents, as required.

- Site Plan.**
 - Show the entire property involved, including all property lines and lot dimensions;
 - Show the location of all existing and proposed structures, including those to be removed;
 - Show the distances between existing and proposed buildings and property lines;
 - Show any existing and proposed easements with dimensions;
 - Show the existing and proposed parking areas with dimensions;
 - Show the location of existing and proposed trees and other natural features including creeks, earthquake fault traces, landslide areas, etc.;
 - Show location of existing and proposed fences and/or retaining walls;
 - Show the location and dimensions of the trash, recycling and organics enclosure(s), if applicable;
 - Show the path of travel of the trash collection vehicle to the enclosure(s) or trash collection staging area(s) per City design requirements (www.hayward-ca.gov/services/permits/trash-enclosure);
 - Show the location of any signage such as a monument sign, if applicable;
 - Show the location and dimension of all group and private open space areas (multi-family projects only);
 - Indicate the type of construction, occupancy and total building area for each building;
 - Show the location and width of all pedestrian and vehicular routes to public and private streets;
 - Identify and show the location of the nearest fire hydrant and provide water flow and pressure information for the hydrant, which can be obtained from the Public Works Department - Utilities Division;
 - Show emergency vehicle access and fire truck turnaround, if applicable.
- Floor Plans.**
 - Show all interior improvements (existing and proposed);
 - Indicate on the floor plan the dimensions and use of each room/space.
- Elevations Drawings.**
 - Show all exterior building elevations, (i.e. all sides of each structure, including building heights);
 - Show all fences and/or walls;
 - Show all trash and recycling enclosures, if applicable;
 - Show location and type of all exterior lighting (photometric plan may be required);
 - Indicate building materials and colors (colored elevations are encouraged);

Preliminary Application Checklist and Instructions (Continued)

OPTIONAL ITEMS. The items below are optional and may be submitted with SB 330 preliminary applications to obtain greater feedback from the City of Hayward on your development proposal. **Disclaimer:** If provided, City development review staff will charge against the project deposit account to review these additional items.

- Landscape and Irrigation Plans.** (generally required to be prepared by a California licensed Landscape Architect)
 - Refer to the [Chapter 10, Article 12 for Bay-Friendly Water-Efficient Landscape Ordinance](#);
 - Landscape plan shall be prepared on topographic survey;
 - Show existing and proposed landscape areas;
 - Show all underground and above-ground utilities.
 - Show locations of proposed plants, trees and ground covers;
 - Provide a plant legend that indicates plants' botanical and common names;
 - Indicate the quantity, size and spacing of all plant materials;
 - Show and label all existing trees to be removed or retained – a **Comprehensive Arborist Report with Tree Appraisal & Mitigation Plan** may be required - see [Chapter 10, Article 15 for Tree Preservation Ordinance](#);
 - Show the layout of the irrigation system including the backflow prevention device, water meter, main and water service lines, sprinklers, bubblers, drip emitters, etc.;
 - Provide a summary data table on the plans that includes (1) the total landscape area in square feet; (2) the project type, i.e. new, rehabilitated, public, private, homeowner installed, etc.; (3) water supply type (i.e. potable, recycled, well); and (4) overall gallon-per-minute demand of irrigation system;
 - Water Efficient Landscape Worksheet including the hydrozone information table and water budget calculations;

- Grading, Utility, and Drainage Plans.** (generally required to be prepared by a California licensed Civil Engineer)
 - Stormwater Requirements C.3 Checklist (available with Planning Division);
 - Show proposed drainage treatment control measures (if required per C.3 checklist);
 - Provide documentation on the project plans that shows post-development drainage flow will not exceed pre-development drainage flow;
 - Show the land disturbance area to determine if the project will require a Storm Water Pollution Prevention Plan (SWPPP);
 - Slope calculations for hillside/severely sloped properties - see [Hillside Design Guidelines](#) for formula;
 - Show earthwork cut and fill quantities (if applicable);
 - Show existing and proposed grades - contours for slopes are to be drawn at a minimum of 2-foot intervals;
 - Show the direction of storm water runoff and the existing facility that will receive the runoff;
 - Show any utilities that will be abandoned;
 - Show all existing and proposed utilities, including water and sewer mains, water service lines and meters, backflow prevention devices, sanitary sewer laterals, storm lines, drains street and parking lot lighting;
 - Show all existing and proposed water and sewer utility easements, if applicable;
 - Show the location and width of all pedestrian and vehicular routes to the streets;
 - Provide documentations that shows water system will meet fire protection and domestic required flows;
 - Show the location of all existing and proposed street lights;
 - Show a grease control device to control fat, oil, and grease discharge from any food service establishment if applicable. Show the size, location, and plumbing calculations for the grease interceptor that will be installed.

Other Items, as applicable. Consult with a City Planner to determine which items may be required for your project.

- Photo-simulations, renderings, colors and material board (boards shall be no larger than 11 x 17");
 - Phase 1 Environmental Site Assessment (contact Fire Department at (510) 583-4924 to check if required);
 - Geotechnical/Soils Report - shall be signed and stamped by licensed Professional Engineer;
 - Geological Investigation for Sites within Alquist-Priolo Fault Special Study Area (shall be peer reviewed by City - contact Public Works Department at (510) 583-4762 prior to commencement of any investigation);
 - Traffic Impact Analysis in accordance with City of Hayward Interim Traffic Study Guidelines (www.hayward-ca.gov/documents/city-hayward-interim-traffic-study-guidelines). Contact Public Works Department at (510) 583-4781 to confirm scope of work prior to commencement of analysis.
 - Other:
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