



CITY OF OAKLAND
SENATE BILL 330 HOUSING CRISIS ACT OF 2019
VESTING PRELIMINARY APPLICATION

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031

Zoning Information: 510-238-3911

<https://www.oaklandca.gov/topics/planning>

ATTENTION: This Senate Bill 330 Housing Crisis Act of 2019 Vesting Preliminary Housing Development Application (Vesting Preliminary Application) is intended strictly for seeking vesting of the zoning, design, subdivision, and fee requirements that apply to a housing development project pursuant to SB 330, the Housing Crisis Act of 2019. To initiate project review for a housing development project, you must separately submit a **Basic Application** or a **Preapplication** to the City of Oakland. This Vesting Preliminary Application may be submitted in conjunction with a **Basic Application** or a **Preapplication**, or it may be submitted independently for purposes of securing rights under SB 330. This Vesting Preliminary Application does not confer benefits beyond those described in SB 330.

If you are seeking to initiate the Streamlined Housing Development process provided under Government Code Section 65913.4, commonly referred to as an SB 35 Notice of Intent, please do not submit this form and instead complete and submit a Notice of Intent Preapplication for Streamlined Housing Development Review (SB35).

WHAT IS A VESTING PRELIMINARY APPLICATION?

California Senate Bill 330, “The Housing Crisis Act of 2019” (“Act”), was signed into law by Governor Newsom on October 9, 2019 and became effective on January 1, 2020. The Act allows for an applicant to submit this Vesting Preliminary Application for any housing development project, meaning a project of one or more dwelling units and that is at least two-thirds residential by floor area, generally at the time of application or preapplication. The purpose of the Vesting Preliminary Application is to collect specified site and project information to determine the zoning, design, subdivision, and fee requirements that will apply to the housing development project throughout the review and entitlement process.

WHERE TO APPLY AND SUBMIT YOUR VESTING PRELIMINARY APPLICATION?

After completing this application or alternative document to the City that contains all of the information listed in Government Code Section 65941.1(a), please go to our online portal [City of Oakland Online Access - File a Planning Application](#) to submit the application as a “Zoning Worksheet.” Through the online process you will be able to upload your application.

PROCESS FOR VESTING PRELIMINARY APPLICATIONS

Once a Vesting Preliminary Application is submitted, the Planning Bureau will review the application to confirm that it includes all of the information required as listed in Government Code Section 65941.1. Planning staff will not review or assess the form for accuracy or eligibility for vesting at this time. If the Vesting Preliminary Application is complete, the zoning, design, subdivision, and fee requirements in effect as of that date will remain applicable to the project, provided all of the following are satisfied:

- A Basic Application must be submitted and accepted by the Bureau within 180 days of submitting the Vesting Preliminary Application.
- The project may not change by more than 20 percent in the number of units or total square footage indicated in the Vesting Preliminary Application, except as the project may be revised using the State Density Bonus Law.
- The project must commence construction within 30 months of receiving all planning approvals needed to obtain building permits.

Note that the following modifications may be required even when a Vesting Preliminary Application is on file:

- Development impact fees, application fees, capacity and connection fees, or other charges may be annually adjusted based on a published cost index.
- Requirements necessary to avoid an adverse impact to public health or safety, or to avoid or lessen an impact under CEQA.

A project may submit a new or amended Vesting Preliminary Application at any time, in which case the requirements in effect at the time of resubmittal shall apply. For housing development projects that have not yet submitted a complete Basic Application, a Vesting Preliminary Application may be submitted prior to or at the same time as the Basic Application. For housing development projects that submitted a Basic Application prior to January 1, 2020, a Vesting Preliminary Application may be submitted at any time; the zoning, design, subdivision, and fee requirements in effect on the date the Vesting Preliminary Application is submitted shall be applied to the housing development project.

FEES

The Vesting Preliminary Application is a Preapplication and is subject to a Preapplication fee, as published in the City of Oakland Master Fee Schedule. The Vesting Preliminary Application is a stand-alone, independent application and the fee is therefore separate from and in addition to any other fee for standard Preapplication or Basic Application submittals that may be sought for the subject Project.

1. GENERAL INFORMATION

APPLICANT'S NAME/COMPANY: _____

PROPERTY ADDRESS: _____

ASSESSOR'S PARCEL NUMBER(S): _____

EXISTING USE OF PROPERTY: _____

DESCRIPTION OF PROPOSAL (including type of use, hours of operation, number of employees, etc., on additional sheets if needed.):

2. PROPERTY OWNER AND APPLICANT INFORMATION

Original signatures or clear & legible copies are required.

Owner: _____

Owner Mailing Address: _____

City/State: _____ Zip: _____

Phone No.: _____ Fax No.: _____

E-mail: _____

To be completed only if Applicant is not the Property Owner:

I authorize the applicant indicated below to submit the application on my behalf. _____

Signature of Property Owner

Applicant (Authorized Agent), **if different from Owner:** _____

Applicant Mailing Address: _____

City/State: _____ **Zip:** _____

Phone No.: _____ **Fax No.:** _____ **E-mail:** _____

I understand that submission of this preapplication does not constitute project approval. I understand further that I remain responsible for satisfying requirements of any private restrictions or covenants appurtenant to the property. I understand that the Applicant and/or Owner phone number listed above will be included on any public notice for the project.

I certify that I am the Applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies may result in ineligibility of the project for SB 330 vesting and the revocation of planning permits as determined by the Planning Director. I further certify that I am the Owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature above.

I certify that statements made to me about the time it takes to review and process this application are general. I am aware that the City has attempted to request everything necessary for an accurate and complete review of my proposal; however, that after my application has been submitted and reviewed by City staff, it may be necessary for the City to request additional information and/or materials. I understand that any failure to submit the additional information and/or materials in a timely manner may render the application inactive and that periods of inactivity do not count towards statutory time limits applicable to the processing of this application.

I understand that the proposed project and/or property may be subject to other laws, codes, regulations, guidelines, restrictions, agreements, or other requirements of other public agencies within or outside of the City of Oakland, and that the project and/or property may also be subject to requirements enforced by private parties, including but not limited to private easements/agreements and Covenants, Conditions and Restrictions (CC&Rs) of a homeowners association. I am aware that the City recommends that I become fully aware of any other potential requirements before I submit this application and that I comply with all other requirements prior to commencing the proposed project.

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT I HAVE READ THE ABOVE AND THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND CORRECT.

Signature of Owner or Authorized Agent

Date



3. Project & Lot Information

CALCULATIONS	Existing Pre-Project	Demolition	New Proposed	Total Post-Project	% Change (Existing / Total)
Type/Size of Dwelling Units (Please fill in the number of each type)					
Rooming Units					
Efficiency Units					
1-Bedroom Units					
2-Bedroom Units					
3-Bedroom Units					
≥ 4-Bedroom Units					
Total Number of Dwelling Units					
Are Any of the Project Units Affordable? If Yes, Please Fill Out the Section Below (include number of each type)					
Market-Rate/Unrestricted Dwelling Units (DU)					
Moderate-Income Restricted DU (80%-120% AMI)					
Low-Income Restricted DU (50%-80% AMI)					
Very Low-Income Restricted DU (30%-50% AMI)					
Extremely Low-Income Restricted DU (<30% AMI)					
Total Affordable Units					
Total Affordable Units located Onsite:					
Other Types of Units/Rooms (if applicable) (not counted towards density) - include number of each type					
Secondary Units					
Live/Work Units					
Work/Live Units					
Mobile Homes					
Hotel Rooms					
Floor Area					
Office Floor Area (square feet)					
Retail Floor Area (square feet)					
Industrial Floor Area (square feet)					
Other Non-Residential Floor Area (sq. ft.)					
Total Non-Residential Floor Area (sq. ft.)					
Residential Floor Area (sq. ft.)					
Total Res. & Non-Res. Floor Area (sq. ft.)					
Other Project Information					
Total Building Footprint Area (square feet)					
Building Height (feet)					
Building Stories (number)					
Total Lot Area (square feet)					
Number of Lots					
Parking Spaces (number)					
Bicycle Parking Spaces (number)					



Definitions For Table on Page 4

“Building Height” means the vertical distance measured from any point on top of the facility to a line directly below which meets finished grade on the outside perimeter of the facility, or intersects with a perpendicular plane connecting opposite points of finished grade at the outside perimeter of the facility.

“Floor Area” for all projects with **one or two dwelling units on a lot** means the total square footage of all levels of all buildings on the lot, measured horizontally from the outside surface of exterior walls and supporting columns, but excluding: (a) unenclosed living areas such as balconies, decks, and porches; (b) carports that are unenclosed on two or more sides; (c) 440 square feet within an attached or detached garage or carport that is enclosed on three sides or more; (d) non-habitable accessory structures of less than 120 square feet; (e) unfinished understories, attics and basements; and (f) finished basements if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50% of the perimeter and does not exceed twelve (12) feet above grade at any point. For new floor area, only include new floor area located outside of the existing building envelope.

“Floor Area” for all projects **except those with one or two dwelling units on a lot** means the total of the gross horizontal areas of all floors, including usable basements and cellars, below the roof and within the outer surfaces of the main walls of principal or accessory buildings, or the center line of party walls separating such buildings, but excluding: (a) areas used for off-street parking spaces, loading berths, driveways, and maneuvering aisles; (b) areas which qualify as usable open space in Chapter 17.126; and (c) arcades, porticoes, and similar open areas which are located at or near street level of Nonresidential Facilities, are accessible to the general public, and are not designed or used as sales, display, storage, or production areas. For new floor area, only include new floor area located outside of the existing building envelope.

“Footprint” means the total land area covered by all structures on a lot, measured from outside of all exterior walls and supporting columns, including residences, garages, covered carports, and accessory structures, except that the following shall not be considered in determining footprint:

1. The portions of any uncovered and unenclosed decks, porches, landings, or patios, not including railings, which are less than thirty (30) inches above finished grade;
2. The portions of any uncovered and unenclosed balconies and stairways, including railings, which are less than six (6) feet above finished grade;
3. Eaves and roof overhangs; and
4. Trellises and similar structures which do not have solid roofs and which would not otherwise be included in this definition.

“Market-Rate/Unrestricted Dwelling Units” are residential units for which the rent/price is set by the real estate market and not limited to certain household incomes.

“Restricted Dwelling Units” are residential units for which the rent/price is legally restricted to households earning a certain income expressed as a percentage of the Area Median Income or AMI. For more information, visit the Housing and Community Development Department’s website at <https://www.oaklandca.gov/services/housing-index-a-z/housing-policies-plans-and-data/rent-and-income-limits-for-affordable-housing>

“Setback Slope” means the slope between edge of pavement and the front setback line, at the midpoint and perpendicular to the front property line.

“Structure Slope” means the steepest slope across building footprint measured from one side of the building to another.

4. SB 330 CHECKLIST

SB 330 Submittal Requirement	Yes	No	Attachment Provided
a. Is the project site located wholly or partially within:			
i. A Very High Fire Hazard Severity Zone (VHFHSZ), as determined by the Department of Forestry and Fire Protection?			
ii. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)?			
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?			
iv. A special flood hazard area subject to inundation by the 1 percent annual chance floor (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA?			
v. A delineated earthquake fault zone a determined by the State Geologist in any official maps published b the State Geologist?			
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 California Fish and Game Code, including creeks and wetlands? If yes, provide a site map showing any stream or other resource that may be subject to a streambed alteration agreement 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.			
b. Does the project site contain any historic and/or cultural resource?			
c. Does the project contain any species of special concern such as special status flora or fauna, protected trees, or wildlife?			
d. 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 describe in an attachment to this application.			
e. Does the project include any proposed point sources of air or water pollutants?			
f. Does the project site contain any recorded public easement, such as easements for storm drains, water lines, and other public rights of way?			
g. Attach plans showing:			
i. The specific location, including parcel numbers, a legal description, and site address, if applicable;			
ii. The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.			
iii. 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.			
h. Does the project include a request for bonus units and any incentives, concessions, waivers, or parking reduction requested pursuant to Section 65915? If yes, please include attachment describing the number of bonus units and requested incentives, concessions, waivers, or parking reductions.			
i. Does the project include requests for any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a tentative map, or a condominium map?.			

If you answered yes to any of the questions above, include attachments further illustrating each site condition at issue.

For any questions regarding this application, visit the Zoning Counter, call the Zoning Information Line, or submit your questions to the Permit Questions Portal.

Current hours of operations for the Zoning Counter are on the Planning & Building Department website at <https://www.oaklandca.gov/departments/planning-and-building>.

The Permit Counter is located at:

250 Frank H. Ogawa Plaza,
2nd Floor Oakland CA 94612

Zoning Information Line:

(510) 238-3911

Phone calls are answered: Monday, Tuesday, Thursday & Friday: 9am-Noon & 1pm-4pm

Wednesday 9:30am-Noon & 1pm-4pm

Questions may be submitted to the Permit Questions portal at: <https://www.oaklandca.gov/services/permit-questions>

To obtain an electronic PDF fillable copy of this form please visit

<https://www.oaklandca.gov/resources/planning-and-building-forms-planning-and-building-applications>

