



# City of Encinitas Development Services Department

## HOUSING CRISIS ACT (SB 330 and SB 8)

May 2022

### WHAT IS THE HOUSING CRISIS ACT?

California Senate Bill 330 (SB 330), the Housing Crisis Act (HCA), was signed by Governor Gavin Newsom, and became effective on January 1, 2020.

SB 330 is based on the idea that needed housing has largely already been planned for by local communities. According to a 2019 report prepared by UCLA Lewis Center for Regional Policy Studies, cities and counties in the State have collectively approved zoning for 2.8 million new housing units. However, the housing is not getting built.

Developers contribute the lack of housing production to growing regulatory requirements, permit processing delays, and excessive impact and service fees. In response, the HCA was designed to help streamline the entitlement process by requiring cities and counties to slash the time and costs it takes to process permits for housing that meets the local government's existing rules. SB 8 was approved in 2021, extending the effective period of the provisions from 2025 to 2030.

### WHAT ARE THE HOUSING CRISIS ACT STREAMLINING BENEFITS?

The HCA established a "preliminary application process" where a housing development will be eligible for streamlined review, subject only to those ordinances, policies, and fees in effect when a completed preliminary application is submitted.

SB 330 shortens the permit processing timeframes for housing developments beyond those under the state's existing Permit Streamlining Act when the project is located outside of California Department of Forestry and Fire Protection's (CALFIRE) mapped "Very-High Fire Severity" zones. Jurisdictions now have 90 days, instead of 120 days, following certification of the environmental document, to approve the project. For low-income projects seeking tax credits or other public funding, that time frame is 60 days.

Lastly, SB 330 also prohibits a jurisdiction from holding more than five "hearings" when reviewing a housing project that complies with the general plan and zoning code.

### WHAT PROJECTS ARE ELIGIBLE FOR SB 330 PROCESSING?

Projects that meet the following criteria are eligible for benefits afforded under SB 330.

- Residential projects, excluding hotels, assisted living or other commercial dwelling units. Single-family, Accessory and/or Junior Accessory Dwelling Units are excluded from dwelling unit count;

- Mixed-use development consisting of residential and nonresidential uses with at least two-thirds of the square footage of the project designated for residential use (not including hotels, assisted living or other commercial dwelling units); or
- Transitional Housing or Supportive Housing project (see definitions of each term in Chapter 30.04 of the Encinitas Municipal Code).

Applicants seeking the benefits under SB 330 will need to complete the application and schedule an appointment to submit an [SB 330 Preliminary Planning Application and Checklist](#):

### WHAT IS THE SB330 PRELIMINARY APPLICATION PROCESS?

Pursuant to SB 330, the City created an [SB 330 Preliminary Planning Application and Checklist](#) for eligible housing development projects. Although this application process is not required for all housing development permits, it is required for applicants with eligible projects that seek the vesting and processing benefits offered under the State law. The application must include the following:

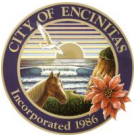
- Completed SB 330 Preliminary Application signed by the owner(s) of the property unless applicant has legal interest in the property or authorization from the owner(s) of the property;
- Appropriate Fee (See fee on the application form);
- Digital copies of plans, information and supporting documentation required within the application.

The application materials are reviewed by City staff at the filing appointment to determine whether the required submittal items are present and complete, so the City can accept the submittal and "deem submitted" the preliminary application. An SB 330 Preliminary Application is deemed submitted at the time that all required forms, documents and materials are submitted, the invoice has been issued and the processing fee has been paid.

An SB 330 Preliminary Application must be filed by appointment. Appointments will be scheduled based on the availability of the Planning staff assigned to review and accept these applications; same-day appointments are not available.

To schedule an appointment, please contact the Planning Division at 760-633-2710 or [planning@encinitasca.gov](mailto:planning@encinitasca.gov) and state that you are requesting a "service request for an SB 330 application" filing appointment with a planner. Applications are submitted through the City's [Customer Self Service \(CSS\)](#) portal (registration required) and the appointment is held virtually. The planner assigned will provide the information to join the meeting.

Please note that the SB 330 Preliminary Application does not represent an in-depth analysis of your project and does not take the place of required discretionary applications and approvals. The



# FAQ SHEET

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proposed project is still subject to all required processing procedures, hearings and timelines governed by State law, including the California Environmental Quality Act (CEQA) and the Coastal Act. The subsequent project submittal will be reviewed per the formal application checklist; it may be determined incomplete for additional information, and issues of concern may be raised after your application is formally submitted during the detailed review of the project.

### CAN I MEET WITH THE CITY BEFORE SUBMITTING A PRELIMINARY APPLICATION?

Yes, early consultation with the City is strongly recommended since codes, standards and housing requirements may apply to your project that could affect the anticipated scope of a project. Although it is not required, applicants may still wish to submit a preliminary

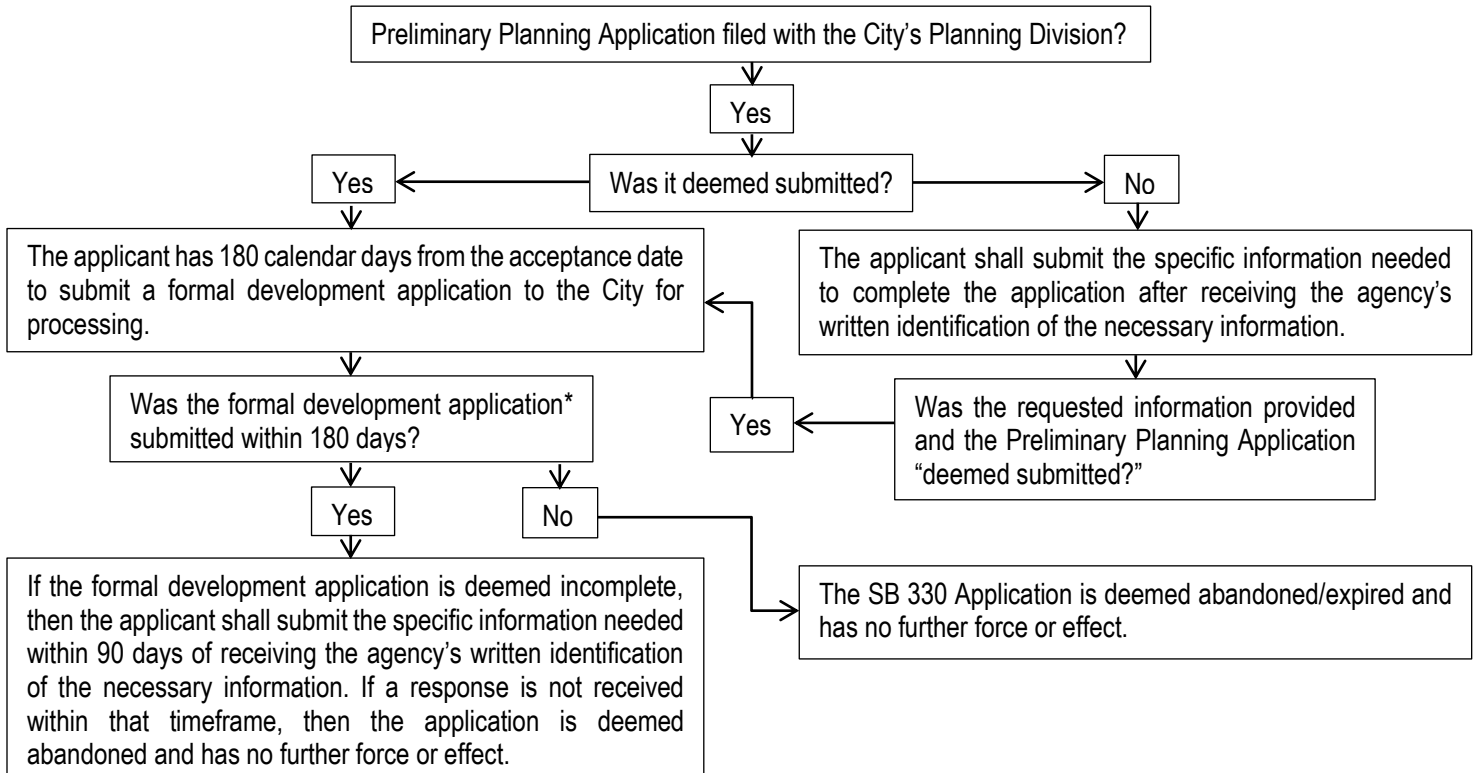
review application to obtain input from staff PRIOR to filing a SB 330 Preliminary Application. This review could assist in scoping the development project, may provide a road map for what discretionary applications will be required, and may raise important issues of concern as the project design is developed.

### WHERE CAN I LEARN MORE?

Information on submittal requirements can be found on the City's [Applications & Information](#) webpage, or by contacting Planning Services at 760-633-2710 or [planning@encinitasca.gov](mailto:planning@encinitasca.gov). Please note that the State Housing Crisis Act is complex, and this FAQ sheet only summarizes major provisions. Applicants should also review the specific provisions of Government Code Sections 65589.5, 65905.5, 65913.10, 65940, 65941.1, 65943, 65950, 66300 and 66301 before making an application.

## SB 330 WORKFLOW WITH IMPORTANT TIMELINES AND ADDITIONAL INFORMATION

To retain the benefits granted through the SB 330 Streamline Application process, the project must meet the following:



\*The project proposed in the formal application can deviate by no more than 20 percent from the project reflected in the SB 330 Preliminary Planning Application (exclusive of any increase resulting from the receipt of a density bonus, concession, waiver, or similar provision), otherwise a new application is required.

Construction of the project must commence within three and one-half (3½) years following the date that the formal discretionary project receives final approval. "Final approval" includes all necessary approvals (including other agencies' approvals and permits) to be eligible to apply for and obtain construction permits, and all appeal periods or statutes of limitations have been exhausted or resolved in favor of the housing development project.