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**GOVERNMENT CODE - GOV**

**TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]** ( *Heading of Title 7 amended by Stats. 1974, Ch*

**DIVISION 1. PLANNING AND ZONING [65000 - 66342]** ( *Heading of Division 1 added by Stats. 1974*

**CHAPTER 4.5. Review and Approval of Development Projects [65920 - 65964.5]** ( *Chapter 4.5 added b*

**ARTICLE 3. Applications for Development Projects [65940 - 65945.7]** ( *Article 3 added by Stats. 1977, Ch. 12*

**65941.1.** (a) An applicant for a housing development project, as defined in paragraph (3) of subdivision (l) to have submitted a preliminary application upon providing all of the following information about the project and county from which approval for the project is being sought and upon payment of the permit processing fee:

- (1) The specific location, including parcel numbers, a legal description, and site address, if applicable.
- (2) The existing uses on the project site and identification of major physical alterations to the property.
- (3) A site plan showing the location on the property, elevations showing design, color, and material, and approximate square footage, of each building that is to be occupied.
- (4) The proposed land uses by number of units and square feet of residential and nonresidential development, and 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 fire hazard severity zone, as determined by the Department of Forestry and Fire Protection.
  - (B) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 1983).
  - (C) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated pursuant to Article 5 (commencing with Section 78760) of Chapter 4 of Part 2 of the Code.
  - (D) A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as shown on maps published 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, and the development complies with applicable seismic protection building code standards adopted by the Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 2 of the Code), and by any local building department under Chapter 12.2 (commencing with Section 18901) of Division 2 of the Code.
  - (F) A stream or other resource that may be subject to a streambed alteration agreement pursuant to Article 5 (commencing with Section 78760) of Chapter 4 of Part 2 of the 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 requested.
- (12) Whether any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, map, are being requested.
- (13) The applicant's contact information and, if the applicant does not own the property, consent from the owner.
- (14) For a housing development project proposed to be located within the coastal zone, whether any project complies with the following:
- (A) Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations.
  - (B) Environmentally sensitive habitat areas, as defined in Section 30240 of the Public Resources Code.
  - (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 existing units are currently unoccupied.
- (16) A site map showing a stream or other resource that may be subject to a streambed alteration agreement (commencing with Section 1600) of Division 2 of the Fish and Game Code and an aerial site photograph showing environmental site features that would be subject to regulations by a public agency, including creeks and streams.
- (17) The location of any recorded public easement, such as easements for storm drains, water lines, or other utilities.
- (b) (1) A development proponent that submits a preliminary application providing the information required by this subdivision shall submit a preliminary application a request for a preliminary fee and exaction estimate, which the city, county, or city and county shall provide within 15 business days of the submission of the preliminary application.
- (2) For development fees imposed by an agency other than a city, county, or city and county, including a special district, the development proponent shall request the fee schedule from the agency that imposes the fee. The agency shall provide the fee schedule to the development proponent without delay.
- (3) For purposes of this subdivision:
- (A) "Exaction" has the same meaning as defined in Section 65940.1.
  - (B) (i) "Fee" means a fee or charge described in the Mitigation Fee Act (Chapter 5 (commencing with Section 66009), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66017) of the Government Code).
  - (ii) Notwithstanding clause (i), "fee" does not include either of the following:
    - (I) The cost of providing electrical or gas service from a local publicly owned utility.
    - (II) A charge imposed on a housing development project to comply with the California Environmental Quality Act (commencing with Section 21000) of the Public Resources Code).
  - (C) "Fee and exaction estimate" means a good faith estimate of the total amount of fees and exactions associated with the project.
- (4) Except for the provision of the fee and exaction estimate by the local agency, nothing in this subdivision shall be construed to require a development proponent to pay a fee or exaction estimate.

obligations with respect to fees or exactions.

(5) The fee and exaction estimate shall be for informational purposes only and shall not be legally binding amount, or time of payment of any fee or exaction that is determined by other provisions of law.

(6) A development proponent may request a fee schedule from a city, county, or special district for fees with Section 66012), or for the cost of providing electrical or gas service from a local publicly owned utility. A local publicly owned utility shall provide the fee schedule upon request.

(c) (1) Each local agency shall compile a checklist and application form that applicants for housing development shall use to satisfy the requirements for submittal of a preliminary application.

(2) The Department of Housing and Community Development shall adopt a standardized form that applicants may use for the purpose of satisfying the requirements for submittal of a preliminary application. A local agency may use its own application form pursuant to paragraph (1). Adoption of the standardized form shall not be subject to Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(3) A checklist or form shall not require or request any information beyond that expressly identified in the checklist or form.

(d) After submittal of all of the information required by subdivision (a), if the development proponent revises the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase in density bonus, incentive, concession, waiver, or similar provision, the housing development project shall submit a new preliminary application that satisfies this section until the development proponent resubmits the information that reflects the revisions. For purposes of this subdivision, "square footage of construction" means the built area as defined in the Building Standards Code (Title 24 of the California Code of Regulations).

(e) (1) Within 180 calendar days after submitting a preliminary application with all of the information required by subdivision (a) to a city, county, or city and county, the development proponent shall submit an application for a development project. The city, county, or city and county shall process the development application consistent with Sections 65940, 65941, and 65941.5.

(2) If the public agency determines that the application for the development project is not complete pursuant to subdivision (1), the development proponent shall submit the specific information needed to complete the application within the time specified in the written identification of the necessary information. If the development proponent does not submit this information within the time specified, then the preliminary application shall expire and have no further force or effect.

(3) This section shall not require an affirmative determination by a city, county, or city and county regarding the completeness of a preliminary application or a development application for purposes of compliance with this section.

(f) Notwithstanding any other law, submission of a preliminary application in accordance with this section shall not constitute a change to the listing of a cultural resource on a national, state, tribal, or local historic register list on or after the date that the preliminary application was submitted for purposes of Section 65589.5 or any other law, the listing of a tribal cultural site on a national, state, tribal, or local historic register list on or after the date the preliminary application was submitted shall not be deemed to be a change to the ordinances in effect at the time that the preliminary application was submitted.

*(Amended by Stats. 2025, Ch. 22, Sec. 18. (AB 130) Effective June 30, 2025.)*