


[Cal Gov Code § 65941.1](#)

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Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 7 Planning and Land Use (Divs. 1 — 3) > Division 1 Planning and Zoning (Chs. 1 — 13) > Chapter 4.5 Review and Approval of Development Projects (Arts. 1 — 6) > Article 3 Applications for Development Projects (§§ 65940 — 65945.9)

Notice

 This section has more than one version with varying effective dates.

§ 65941.1. Information required for preliminary application to be deemed submitted; Checklist and form; Timelines [Repealed effective January 1, 2030]

(a) An applicant for a housing development project, as defined in paragraph (3) of subdivision (b) of Section 65905.5, shall be deemed to have submitted a preliminary application upon providing all of the following information about the proposed project to the city, county, or city 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 on which the project is to be located.
- (3) 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.
- (4) The proposed land uses by number of units and square feet of residential and nonresidential development using the 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 fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to 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 that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Article 5 (commencing with Section 78760) of Chapter 4 of Part 2 of Division 45 of the Health and Safety Code.

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- (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 requested pursuant to Section 65915.
- (12)** Whether any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a tentative map, or a condominium map, are being requested.
- (13)** The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application.
- (14)** For a housing development project 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.
 - (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 each existing 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.
- (b)**
- (1)** A development proponent that submits a preliminary application providing the information required by subdivision (a) may include in its preliminary application a request for a preliminary fee and exaction estimate, which the city, county, or city and county shall provide within 30 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 fees levied by a school district or a special district, the development proponent shall request the fee schedule from the agency that imposes the fee, and the agency that imposes the fee shall provide the fee schedule to the development proponent without delay.

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(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 66000), Chapter 6 (commencing with Section 66010), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020)).

(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 (Division 13 (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 expected to be imposed in connection with the project.

(4) Except for the provision of the fee and exaction estimate by the local agency, nothing in this subdivision shall create or affect any rights or 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 or otherwise affect the scope, 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 described in Chapter 7 (commencing with Section 66012), or for the cost of providing electrical or gas service from a local publicly owned utility. The city, county, special district, or 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 projects may use for the purpose of satisfying the requirements for submittal of a preliminary application.

(2) The Department of Housing and Community Development shall adopt 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 pursuant to paragraph (1). Adoption of the standardized form shall not be subject to Chapter 3.5 (commencing with [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 subdivision (a).

(d) After submittal of all of the information required by subdivision (a), if the development proponent revises the project such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, the housing development project shall not be deemed to have submitted a preliminary application that satisfies this section until the development proponent resubmits the information required by subdivision (a) so that it reflects the revisions. For purposes of this subdivision, “square footage of construction” means the building area, as defined by the California 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

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an application for a development project that includes all of the information required to 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 Section 65943, the development proponent shall submit the specific information needed to complete the application within 90 days of receiving the agency's written identification of the necessary information. If the development proponent does not submit this information within the 90-day period, 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 preclude the listing of a tribal cultural resource on a national, state, tribal, or local historic register list on or after the date that the preliminary application is 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 on or after the date the preliminary application was submitted shall not be deemed to be a change to the ordinances, policies, and standards adopted and in effect at the time that the preliminary application was submitted.

(g) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

History

Added [Stats 2019 ch 654 § 8 \(SB 330\)](#), effective January 1, 2020, repealed January 1, 2025. Amended [Stats 2020 ch 166 § 4 \(AB 168\)](#), effective September 25, 2020, repealed January 1, 2025; [Stats 2020 ch 165 § 9 \(SB 1030\)](#), effective September 25, 2020, repealed January 1, 2025 (ch 166 prevails); [Stats 2021 ch 161 § 6 \(SB 8\)](#), effective January 1, 2022, repealed January 1, 2030; [Stats 2022 ch 258 § 27 \(AB 2327\)](#), effective January 1, 2023, operative January 1, 2024, repealed January 1, 2030; [Stats 2024 ch 358 § 2 \(AB 1820\)](#), effective January 1, 2025, repealed January 1, 2030.

Annotations

Notes

Editor's Notes—

Amendments:

Note—

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For citation of act and legislative findings & declarations and intent, see the 2019 Note following [Gov C § 65589.5](#).

For legislative findings & declarations, see the 2020 Note following [Gov C § 65400](#).

Amendments:

2020 Amendment (ch 166):

Added (e) and redesignated former (e) as (f).

2021 Amendment (ch 161):

Substituted “paragraph (3) of subdivision (b) of Section 65905.5” for “paragraph (2) of subdivision (h) of Section 65589.5” in the introductory language of (a); and substituted “January 1, 2030” for “January 1, 2025” in (f).

2022 Amendment (ch 258):

Substituted “Article 5 (commencing with Section 78760) of Chapter 4 of Part 2 of Division 45 of” for “Section 25356 of” in (a)(8)(C).

2024 Amendment (ch 358):

Added (b); and redesignated former (b) through (f) as (c) through (g).

Note—

[Stats 2024 ch 358](#) provides:

SEC. 4. The Legislature finds and declares all of the following:

(a) A recent study conducted by the Turner Center for Housing Innovation at the University of California, Berkeley, found that fees and exactions can amount to up to 18 percent of the median home price, that these fees and exactions are extremely difficult to estimate, and that fees and exactions continue to rise in California while decreasing nationally.

(b) Increasing housing production is a matter of statewide concern rather than a municipal affair as that term is used in [Section 5 of Article XI of the California Constitution](#), and one of the impediments to housing production is a lack of predictability and transparency when assessing impact fees. Therefore, Section 2 of this act amending [Section 65941.1 of the Government Code](#), and Section 3 of this act adding [Section 65943.1 to the Government Code](#), both of which increase impact fee transparency, apply to all cities, including charter cities.

[Stats 2022 ch 258](#) provides:

SEC. 131. Any section of any act enacted by the Legislature during the 2022 calendar year, other than a section of the annual maintenance of the codes bill or another bill with a subordination clause, that takes effect on or before January 1, 2023, and that amends, amends and renumbers, amends and repeals, adds, repeals and adds, or repeals a section that is amended, amended and renumbered, amended and repealed, added, repealed and added, or repealed by this act, shall prevail over this act, whether that act is chaptered before or after this act.

Commentary

Law Revision Commission Comments

2022—

[Section 65941.1\(a\)\(8\)\(C\)](#) is amended to update a cross-reference in accordance with the nonsubstantive recodification of Chapter 6.8 (commencing with [Section 25300 of Division 20 of the Health and Safety Code](#)).

Research References & Practice Aids

Hierarchy Notes:

[Cal Gov Code Title 7, Div. 1](#)

[Cal Gov Code Title 7, Div. 1, Ch. 4.5](#)

[Cal Gov Code Title 7, Div. 1, Ch. 4.5, Art. 3](#)

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