

Exhibit R
17.104 – Ministerial Review

17.104.010 - Purpose

The purpose of this Chapter is to establish the procedures for approving or denying projects that qualify for ministerial review under state and local regulations in order to facilitate the development of affordable and supportive housing in the City.

17.104.020 – Definitions

- A. **Agricultural Employee Housing.** Private housing that houses five or more employees and where the housing is provided in connection with agricultural work.
- B. **Commercial Corridor.** A commercial corridor, pursuant to AB 2011, is a street or to highway with feet of right-of-way.
- C. **Higher Education Institution.** Independent institution of higher education means those nonpublic higher education institutions that grant undergraduate degrees, graduate degrees, or both, and that are formed as nonprofit corporations in this state and are accredited by an agency recognized by the United States Department of Education. (CA Education Code 66010).
- D. **Low Barrier Navigation Center.** A low barrier navigation center is a temporary shelter focused on helping homeless individuals and families obtain permanent housing.
- E. **Objective Design Standards.** The City’s Objective Design Standards adopted by the City Council on XX (Resolution XX) or as amended.
- F. **Religious Institution.** An institution owned, controlled, and operated, and maintained by a bona fide church, religious denomination, or religious organization composed of multid denominational members of the same well-recognized religion, lawfully operating as a nonprofit religious corporation or as a corporation sole pursuant to the Corporations Code.
- G. **Supportive Housing.** Housing, with no limit on the duration of the stay, that is occupied by the target population and is linked to on-site or off-site services that assist the supportive housing residents in retaining the housing, improving their health, and maximizing their ability to live and when possible work in the community.
- H. **Target Population.** Persons with low incomes who have one or more disabilities including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act, and may include, among other populations, adults, emancipated minors, families with children, elderly persons,

young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless persons.

- I. Transitional Housing. Dwelling units configured as rental housing for individuals or families experiencing homelessness and linked to supportive services , with stays limited to a maximum of 24 months.

17.104.030 – Eligible Projects

The following projects are eligible for ministerial review if the proposed project is located on land that is zoned for the development type and use proposed:

- A. **Agricultural Employee Housing.** Eligible agricultural housing consistent with Health and Safety Code Sections 17021.5 and 17021.6.
- B. **Emergency Residential Shelter.** A facility providing temporary, short-term housing for individuals and families experiencing homelessness.
- C. **Housing Element Sites.** Vacant housing sites identified on the City's Housing Element Inventory List and non-vacant housing sites that have been included for two years, with at least 20 percent of the units restricted to low income households in accordance with Government Code Section 655832.2(c).
- D. **Low Barrier Navigation Center.** Low Barrier Navigation Center (AB 101, Government Code Sections 65660, 65664 and 65666).
- E. **Housing on Educational or Religious Land (SB 4).** 100 percent affordable projects on land owned by an independent institution of higher education or by a religious institution (land must have been owned on or before January 1, 2024. Government Code Section 65913.16).
- F. **Residential on Commercial Properties (AB 2011).** Housing projects with 100 percent of the units restricted to low income households and are located on a site where office, retail or parking are permitted uses or a mixed-income housing project in a zone where office, retail or parking are permitted and abuts a commercial corridor. These projects are subject to a prevailing wage requirement (Government Code Section 65400).
- G. **Residential Projects Consistent with ODS.** Residential projects located in the Downtown Mixed-Use Zoning District or multifamily residential projects located where multifamily is a permitted use and which are consistent with all of the requirements of the City's adopted Objective Design Standards (Government Code Section 65913.4).

- H. **SB 423 (SB 35) Projects.** Qualifying projects (affordable projects with two or more residential dwellings and 2/3 residential in a mixed-use project) under Government Code 65913.4 (formerly known as SB 35).
- I. **Small Lot Subdivisions.** Housing projects with a parcel map or tentative map on land zoned for multi-family uses which will result in 10 or fewer residential units or lots (SB 684/1123).
- J. **Supportive Housing.** Supportive housing for target populations that are 100 percent affordable with at least 25% or 12 units (whichever is greater) of the total units dedicated to supportive housing (AB 2162).
- K. **State or Federal Law Required Projects.** Any other residential projects which are required to be reviewed ministerially pursuant to state or federal law.

17.104.040 - Application

- A. **Preliminary Application.** Where required by state law (Government Code Section 65913.4), a preliminary application (Notice of Intent/SB 330) shall be filed prior to the submittal of a formal application.
- B. **Application.** An application for a project that is to be reviewed ministerially shall be filed on the form prescribed by the City and filed with the Planning Division.
- C. **Fee.** The application for a project subject to ministerial review shall be accompanied by the fee for the project type (i.e. tentative map, Site and Architectural Review), as listed on the City's Fee Schedule.
- D. **Materials.** The Applicant shall submit the information and plans listed on the City's checklist and the appropriate Supplemental Information Form.

17.104.050– Review Procedures

- A. **Review.** Project applications which are eligible for ministerial review shall be reviewed in accordance with Section 17.74.060, Application Review. Review of the proposed project shall conform to any processing requirements for the application type required by state law.
- B. **CEQA.** No review under the California Environmental Quality Act is required for a ministerial review as they are statutorily exempt (CEQA Guidelines Section 15268).
- C. **Decision.** The Community Development Director will review the project application(s) and determine if the project is eligible for ministerial approval and if the required findings in Section 17.104.060 can be made. If the Community Development Director determines that the project is not eligible for ministerial

review or there are deficiencies that cannot be correct, the applicant may elect to submit a revised application for a discretionary review, instead of issuing a project denial.

- D. **Action Letter.** Based on their review of the project application, the Community Development Director will make a written decision on the project and transmit the decision to the applicant within the timeframe required by state law.
- E. **Conditions of Approval.** Standard conditions and conditions required to comply with Title 17, Zoning, or state or federal law may be imposed on the project and included in the Action Letter.

17.104.060 - Findings for Ministerial Review

In approving or denying a ministerial review, the decision maker shall make the following findings:

- A. The proposed project is consistent with the existing General Plan Land Use Designation, zoning designation, and density requirements of the subject property.
- B. The proposed project is eligible for ministerial approval under state or federal housing law.
- C. The proposed project is consistent with the requirements for the project type as outlined in Title 17, Zoning, and state law.
- D. The proposed project is consistent with the requirements of the City's adopted Objective Design Standards.
- E. As proposed or mitigated, the project would not have a specific adverse impact upon the public health or safety of persons living or residing in the area.