

MONO COUNTY PLANNING COMMISSION

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

AMENDED SPECIAL MEETING AGENDA

October 19, 2023 – 9:00 a.m.

Mono Lake Room-Mono County Civic Center
1290 Tavern Rd
Mammoth Lakes, CA

Bridgeport CAO conferences room
First floor Annex 1 74 N. School Street
Bridgeport CA, 93517

Members of the public may participate in person and via the Zoom Webinar, including listening to the meeting and providing comment, by following the instructions below.

TELECONFERENCE INFORMATION

1. Joining via Zoom

You may participate in the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below.

To join the meeting by computer

Visit: <https://monocounty.zoom.us/j/89213810181>

Or visit <https://www.zoom.us/> and click on "Join A Meeting." Use Zoom Meeting ID: 892 1381 0181 To provide public comment (at appropriate times) during the meeting, press the "Raise Hand" hand button on your screen and wait to be acknowledged by the Chair or staff. Please keep all comments to 3 minutes.

To join the meeting by telephone

Dial (669) 900-6833, then enter Webinar ID: 892 1381 0181

To provide public comment (at appropriate times) during the meeting, press *9 to raise your hand and wait to be acknowledged by the Chair or staff. Please keep all comments to 3 minutes.

**Agenda sequence (see note following agenda).*

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

2. **PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda.

3. MEETING MINUTES

A. Review and adopt minutes of September 21, 2023. (pg. 1)

DISTRICT #1
COMMISSIONER
Patricia Robertson

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Jora Fogg

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

4. PUBLIC HEARING

- A. 9:00 am – Appeal of application incomplete determination for the Rock Creek Ranch Tentative Tract Map application. (*Staff: Cecilia Jaroslowsky*) (pg. 4)

5. WORKSHOP

- A. Review Regional Transportation Plan (RTP) policies. (*Staff: Wendy Sugimura*) (pg. 32)
- B. Draft Regional Transportation Improvement Program (RTIP). (*Staff: Public Works*)

6. REPORTS

- A. Director (pg. 39)
- B. Commissioners

7. INFORMATIONAL

- A. Correspondence from Paula Richards dated October 9, 2023. (pg. 41)

8. ADJOURN to November 16, 2023

NOTE: Although the Planning Commission generally strives to follow the agenda sequence, it reserves the right to take any agenda item – other than a noticed public hearing – in any order, and at any time after its meeting starts. The Planning Commission encourages public attendance and participation.

In compliance with the Americans with Disabilities Act, anyone who needs special assistance to attend this meeting can contact the Commission secretary at 760-924-1804 within 48 hours prior to the meeting to ensure accessibility (see 42 USCS 12132, 28CFR 35.130).

*The public may participate in the meeting at the teleconference site, where attendees may address the Commission directly. Please be advised that Mono County does its best to ensure the reliability of videoconferencing but cannot guarantee that the system always works. If an agenda item is important to you, you might consider attending the meeting in Bridgeport.

Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available for public review at the Community Development offices in Bridgeport (Annex 1, 74 N. School St.) or Mammoth Lakes (1290 Tavern Rd, Mammoth Lakes, CA 93546). Agenda packets are also posted online at [www.monocounty.ca.gov / departments / community development / commissions & committees / planning commission](http://www.monocounty.ca.gov/departments/community-development/commissions-&-committees/planning-commission). For inclusion on the e-mail distribution list, send request to hwillson@mono.ca.gov

Commissioners may participate from a teleconference location. Interested persons may appear before the Commission to present testimony for public hearings, or prior to or at the hearing file written correspondence with the Commission secretary. Future court challenges to these items may be limited to those issues raised at the public hearing or provided in writing to the Mono County Planning Commission prior to or at the public hearing. Project proponents, agents or citizens who wish to speak are asked to be acknowledged by the Chair, print their names on the sign-in sheet, and address the Commission from the podium.

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Draft Minutes

September 21, 2023 – 9:00 a.m.

COMMISSIONERS: Chris Lizza, Scott Bush, Roberta Lagomarsini, Jora Fogg, Patricia Robertson

STAFF: Heidi Willson, planning commission clerk; Brent Calloway; principal planner, Rob Makoske, planning analyst; Erik Ramakrishnan, Counsel; Wendy Sugimura, director

PUBLIC: Clifford Beshers, Hailey, Heather Condon, Jim, Maria, Maxwell Allen, Michael Draper, Michael House, Shawna Brekke-Read, Stanleya Pinnata

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE-** Meeting called to order at 9:08 am and the Commission lead the Pledge of Allegiance.
2. **PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda
 - No public comment in relation to items not on the agenda.
3. **MEETING MINUTES**
 - A. Review and adopt minutes of August 17, 2023.
Commissioner Robertson requested that item 4, section 2, last bullet point, be edited to read “report includes research on how businesses license get issues and the requirements needed to obtain the business license”.

Motion: Approve the minutes from meeting on August 17, 2023 with the corrections noted above.
Robertson motion; Fogg second.
Roll-call vote – Ayes: Lizza, Fogg, Lagomarsini, Robertson. Abstain: Bush.
Motion passed 4-0 with one abstention.

4. PUBLIC HEARING

- A. 9:05 am – UP 23-005 Cervantes. Consider approval of a Use Permit for an accessory structure greater than 20’ in height at 29 Chase Ave, Chalfant APN 026-282-003-000.
 - Calloway gave a presentation and answered questions from the Commission.
 - Public Hearing opened at 9:57 am.
 - Applicant answered question from the Commission.
 - Public comment from Maria in support of the Use Permit.
 - Public Hearing Closed at 10:06 am.

Commissioner Deliberation:

- Commissioner Lizza concerned with the fact that the building department keeps issuing permits with mistake and causing hardship for the community. Also concerned with the building not being subordinate to the main use.

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Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

- Director Sugimura acknowledges that mistakes were made by the planning, not building, division and that it's not a continuation of mistakes but rather a mistake made at the same time with this project taking a bit more time to come to the Commission.
- Commissioner Robertson thanked the applicant for their patience.
- Commission Bush believes that the applicant has done all that they can to address the concerns apart from buying a new building which would be a hardship. The building should be approved.
- Commissioner Fogg suggested that the Commission take into consideration the Land use designation and not focus on the fact that the garage is not necessarily subordinate as the home on the parcel is a mobile home and not a stick built.
- Chair Lagomarsini agrees with Commissioner Bush in the fact that the applicant has done everything they can do and should allow for the building.

Motion:

Bush motion; Robertson second.

Roll-call vote – Ayes: Bush, Lizza, Fogg, Lagomarsini, Robertson.

Motion passed 5-0.

- B. 9:10 am – Appeal of application incompleteness determination for the Rock Creek Ranch Tentative Tract Map application.
- Sugimura presented that the Applicant's request to continue the public hearing as they are dealing with a family emergency. The applicant signed a tolling letter allowing the continuation.

Motion:

Lagomarsini motion; Bush second.

Roll-call vote – Ayes: Bush, Lizza, Fogg, Lagomarsini, Robertson.

Motion passed 5-0.

5. WORKSHOP

- Snow Storage Standards
 - Sugimura gave a brief overview of the Snow storage Standards, and the Commission gave direction to Staff to present to the June Lake CAC and return back to the Commission with the June Lake CAC feedback.
- Meeting locations
 - Sugimura spoke regarding the meeting location for Planning Commission meetings. Main meeting location is the Bridgeport Board Chambers with a satellite location in Mammoth, unless the majority of the projects are located in South County, in which case the main meeting location may be moved to Mammoth. Staff will try to advise the Commissioners in advance as much as possible.

6. REPORTS

- A. Director: Sugimura reviewed her report.
- B. Commissioners
- Commission Lizza gave a report.

- Commissioner Lagomarsini gave a report.

7. **INFORMATIONAL** – none

8. **ADJOURN at 10:58 am** to October 19, 2023.

Mono County Community Development Department

Planning Division

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October 19, 2023

To: Mono County Planning Commission

From: Cecilia Jaroslowsky, Contract Planner

Re: Appeal of Application Incompleteness Determination for the Rock Creek Ranch Tentative Tract Map (TTM) Application

RECOMMENDATION

Consider the appeal and either affirm, affirm in part, or reverse staff's determination that the Rock Creek Ranch Vesting Tentative Tract Map (TTM) Application, is incomplete and the application requires the submittal of the documents requested in the staff report.

FISCAL IMPACT

None.

APPEAL PROCESS

Mono County General Plan Land Use Element Chapter 47, Appeals, allows for an appeal of any determination by the Planning Division provided that written notice is submitted within 10 calendar days following the determination. The Planning Commission may affirm, affirm in part, or reverse staff's determination that is the subject of appeal, provided that an appeal is not to be granted when the relief sought should be granted through a variance or amendment. Chapter 47 specifies that appeals are de novo, meaning the Commission is not limited to a review of the record and may hear the matter over again (as if for the first time).

The Planning Division determination was emailed to the appellant on August 31, 2023 (Attachment 1). The appeal form and payment were received on September 5, 2023 (Attachment 2). Per Government Code §65943(c), a final written determination on the appeal must be made within 60 days after the appeal was filed. The appeal was originally scheduled for the September 21 Planning Commission meeting, but the applicant requested a continuance due to a family matter. She signed a tolling agreement extending the 60-day limit to allow for the appeal to be heard at the October 19 meeting.

PROJECT LOCATION/DESCRIPTION

The 54.64-acre project site is located at 9125 Lower Rock Creek Road, Assessor's Parcel Number (APN) 026-330-002-000, in the community of Paradise in southern Mono County (see Figure 1). The project site is zoned Estate Residential (ER) and Specific Plan (SP). The project includes the subdivision of one parcel into 10 lots and must comply with the previously approved Rock Creek Ranch Specific Plan (RCRSP), adopted in 2014, Resolution 14-65. RCRSP files are available at this link:

<https://www.monocounty.ca.gov/planning/page/rock-creek-ranch-specific-plan-draft-eir-and-final-eir-2008>.

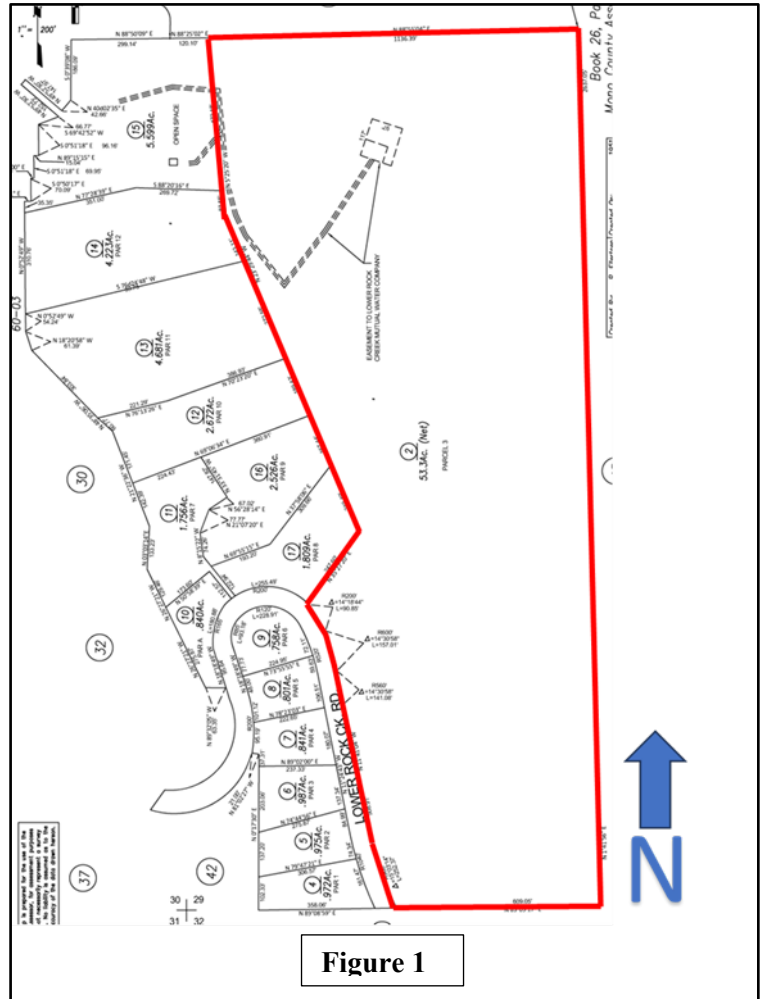
BACKGROUND

The purpose of the Rock Creek Ranch Specific Plan is to establish a formal link between implementing policies of the Mono County General Plan and the Rock Creek Ranch development proposal. The amended Specific Plan establishes all zoning regulations; governs all subdivisions, public works projects and development activity on the site; sets forth the distribution, location and extent of land uses and essential facilities and utilities to serve the site; defines the standards and criteria by which development will proceed; and identifies specific measures and enforcement responsibilities for implementing all applicable regulations, programs, public works projects and financing activities.

PLANNING DIVISION

DETERMINATION OF APPLICATION INCOMPLETE

All Community Development Department applications contain a checklist of items that must be received in order for the application to be deemed complete (Attachment 4 includes the complete checklist). The RCRSP applicant has submitted two TTM applications which have been deemed incomplete for various reasons.



The applicant submitted a Vesting Tentative Tract Map (TTM) application on March 31, 2023, to subdivide a parcel located within the RCRSP. Staff determined on April 21, 2023, that the application was incomplete and did not comply with the RCRSP, requiring a Specific Plan Amendment application. See Attachment 3.

The applicant resubmitted the application, dated August 7, 2023, which acknowledges (on page 5) the preliminary soils report, vegetation preservation/protection plan, and proposed drainage facilities reports were not included and were forthcoming. See Attachment 4. All applicable items on the application checklist are required for a complete application. Therefore, the following requirements must be submitted with the TTM application to be deemed complete:

- a. A preliminary soils report prepared by a civil engineer/engineering geologist, licensed to practice in the state of California, for the proposed subdivision addressing the unified soil classification of the soils, the depth of the water table, the degree of soil moisture from surface to a minimum depth of eight feet, the compaction of the soil at a minimum depth of two feet, and the expansive characteristics of the soil for the proposed project site. If this preliminary report indicates the presence of critically expansive soil or other soils or

geological problems that could lead to structural defects or any other hazards, a soils report for each parcel, together with the proposed mitigation measures to alleviate identified problems, shall be required.

- b. A vegetation preservation and protection plan showing which trees are to be removed, and the location and type of vegetation to be planted; and
- c. Information concerning the ability of the existing and proposed drainage facilities to handle the natural flows and the additional runoff that will be generated by the subdivision at ultimate development.

The applicant was notified in a status letter dated August 31, 2023, that the above requirements would need to be submitted before the application could be deemed complete. Also on August 31, the applicant responded that they could not complete any additional soils or drainage plans until the lot configuration was complete. On September 1, the applicant submitted an existing preliminary soils report that was associated with the 2014 approval process, which may satisfy "a" above, and re-stated that no additional work can be completed until the lot configuration is complete. Items b and c above remain deficient. The proposed lot configuration requires a modification to the Specific Plan (see below).

If a complete TTM application cannot be designed until the lot configuration is complete, then the applicant should seek approval of the lot configuration first, then complete the TTM design to submit a complete application. Alternatively, the applicant can assume the lot configuration will be approved and design the TTM application as if the approval had already been granted. The risk is that the lot configuration may not be approved as described and will necessitate modifications to the TTM application.

MODIFICATION TO THE SPECIFIC PLAN

Pursuant to the Specific Plan, minor modifications to the subdivision plan may be made when the Mono County Planning Director finds the modification is consistent with the general nature and intent of the RCRSP and shall not require a specific plan amendment. Minor modifications may include minor alterations to the street layout or public facility improvements, minor changes to utility placement or layout, minor changes to trail placement, as well as minor modifications to the subdivision plan (such as lot line adjustments and divisions) and other similar changes.

The applicant previously notified staff of the intention to submit a Director Review permit application for a minor modification to the RCRSP. Pursuant to the status letter dated August 31, 2023 (Attachment 3), staff provided feedback that the proposed modification to the RCRSP may require a specific plan amendment.

The applicant filed a Director Review permit application for a minor modification to the RCRSP, dated August 7, 2023, which is being processed separately from the TTM application and this appeal. Staff has provided feedback that the applicant should apply for a specific plan amendment, but the applicant has opted to proceed with the Director Review permit. Therefore, staff will process the Director Review permit and render a decision, which the applicant may appeal pursuant to Chapter 47 of the General Plan Land Use Element.

ADDITIONAL APPLICANT COMMUNICATIONS

This section is for informational purposes only and contains information that may come up at the hearing on the appeal that, in the opinion of staff, is not relevant to the appeal.

The applicant sent e-mails to Community Development beginning on September 12, 2023, stating the project would include affordable housing units that would warrant streamlining under SB 35 and SB 330, and a density bonus. Community Development responded that affordable housing units are not proposed in the originally submitted Director Review or TTM applications, and she may withdraw the applications, revise her project description, and resubmit to include the SB 35 and SB 330 requests. Community Development also noted that in order to be eligible for streamlining under SB 35, a project must be located within an incorporated area or in an urban area, and have urban uses along 75% of the parcel boundary. The applicant has not indicated she will withdraw the originally submitted applications and resubmit updated applications.

On September 29, 2023, the applicant submitted a preliminary application pursuant to Government Code Section 65941.1 (SB 330) and stated the project is subject to SB 35. The preliminary application did not contain all the information required under Section 65941.1, described a project that was different from the Director Review Permit and TTM applications, and was submitted subsequent to those applications. The preliminary application has since been completed, but does not apply to the Director Review or TTM application due to timing and project description inconsistencies, and is presumed to be for a future application.

SB 35, in addition to the eligibility requirements above, requires compliance with unique procedures, including completion of tribal consultation prior to submitting a formal application, as set forth in Government Code Section 65913.4(b). These procedures have not been complied with and therefore the Director Review Permit application cannot be treated as an SB 35 application.

PUBLIC NOTICING AND COMMENTS RECEIVED

Pursuant to Government Code §65091(a)(5)(B), notice of the project was posted at three locations in Mono County, one of which was a public place in the area directly affected by the project (the Lower Rock Creek trailhead), and mailed to property owners within 300 feet on September 8, 2023. Agencies that may provide essential facilities or services to the project, or whose essential facilities or services may be affected, were also notified. Three public comments were received and transmitted to the Planning Commission for the Oct. 19 meeting and are provided again in Attachment 5. A comment letter was received from the Applicant dated October 3, 2023, and is also included in Attachment 5.

CEQA COMPLIANCE

This appeal is not a project under CEQA. If the application is incomplete, then a new application would need to be submitted and accepted for CEQA to apply. If staff's determination is overturned and the application is deemed complete, then CEQA would apply to the TTM application and compliance would be handled during processing.

APPEAL DECISION

Although the Mono County General Plan provides the Commission 30 days to render a decision, the tolling agreement only extends the Limitation Period to November 15, 2023. In order to provide adequate time for a potential appeal of the Planning Commission's decision to the Board of

Supervisors, the Commission must make a final decision by October 27, 2023.

This staff report has been reviewed by the Community Development Director.

Attachments

Attachment 1 - August 31, 2023 Incomplete Letter

Attachment 2 - September 5, 2023 Applicant Appeal Letter

Attachment 3 – April 21, 2023 Incomplete Letter

Attachment 4 - August 7, 2023 Application Resubmittal: Entire checklist

Attachment 5 – Public Comments

Attachment 6 – Public Hearing Notice

Mono County Community Development

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August 31, 2023

Paula Richards, Chief Officer
Sierra del Oro Trading Company LLC
1532 S. Bentley Ave
Los Angeles, CA 90025

Via Email: paularichards@sierradeloro.biz

RE: Status of Application(s)
Rock Creek Ranch 10-Lot Subdivision – 54.64 Acres
APN: 026-330-002-000
Zone: Estate Residential (ER) and Specific Plan (SP)

Dear Ms. Richards:

The Mono County Planning Division has received the re-submitted application for the Vesting Tentative Map (VTM) application and Director Review (DR) application for a Minor Modification, dated August 7, 2023, for the proposed project located at the above-mentioned location. These are two distinct and separate applications.

The submitted **VTM application is incomplete**, as acknowledged by your notations, the application is pending the submittal of a preliminary soils report, a Vegetation/Preservation and Protection Plan and a Proposed Drainage Facilities plan. It is our understanding that in previous discussions, components of a proposed site drainage system that included altering the existing site drainage, including the development of artificial water courses, was discouraged from being included in the application as to fit within the confines of a minor modification. As such components are included in the submitted application materials, all the relevant soils reports, and drainage plans must also be included in the application as the entire project must be evaluated as a whole project.

While the submitted **DR application is complete**, please keep in mind that per the Rock Creek Ranch Specific Plan Section IX.B Minor Modifications to a Specific Plan that are subject to approval by the Community Development Director are limited to changes in architectural colors or details, minor modifications to the street layout or public facility improvements, minor changes to utility placement or layout, minor changes to trail placement, minor modifications to the subdivision plan (such as lot line adjustments and divisions), and other similar changes. It appears some components of the proposed project, for example the street layout, landscaping and site drainage, and adjustment of more than four lot lines likely exceeds the scope of a Minor Modification.

The options for proceeding with the submitted DR application are as follows:

1. If requested by you, staff will process the Director Review Application as a Minor Modification, which may be denied by the Director; or,
2. You can provide a completed Specific Plan Amendment Application (attached) using application materials already submitted as a Director Review Application, which will be processed as a major amendment to the RCR Specific Plan.

Please note, an amendment to the RCR Specific Plan would require additional review under the California Environmental Quality Act (CEQA), therefore, an Initial Study, under Section 15063 of CEQA is required to be completed to determine whether the project might result in significant environmental effects. Based upon the result of the complete Initial Study, a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report may be required.

Staff is working diligently to progressing the project to the LDTAC for their review, therefore, please let me know how you would like to proceed regarding application options mentioned above. Once the application has been deemed complete, the project will be routed to relevant agencies for their review and comments.

Please feel free to contact me at cjaroslawsky@migcom.com, should you have any questions and/or concerns regarding this letter.

Thank you,
Cecilia Jaroslawsky
Contract Planner for Mono County

Notice of Decision by County Staff

Upon a final decision made by a Mono County hearing body, notice is hereby given pursuant to Code of Civil Procedure Section 1094.6 that the time within which to bring an action challenging the County's decision is 90 days from the date the decision becomes final. If no appeal is made to the Planning Commission, the staff decision shall become final on the expiration of the time to bring an appeal. Notice is also hereby given that failure to exhaust administrative remedies by filing an appeal to the Planning Commission may bar any action challenging the staff's decision.

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APPEAL APPLICATION

*** In order to be valid,
appeal must be filed **within**
10 days of action date.

APPLICATION # _____	FEE \$ _____
DATE RECEIVED _____	RECEIVED BY _____
RECEIPT # _____	CHECK # _____ (NO CASH)

APPELLANT Sierra del Oro Trading Company LLC/Paula Richards legal agent

ADDRESS 1532 S. Bentley Ave. CITY/STATE/ZIP Los Angeles, CA 90025

TELEPHONE (310) 869-8159 E-MAIL Paularichards@sierradeloro.biz

APPLICATION # BEING APPEALED _____

DATE OF ACTION August 31, 2023 **DATE OF APPEAL** September 6, 2023

NATURE OF APPEAL: Describe what is being appealed. If it is a condition of approval, attach a copy of the project conditions and indicate which conditions are being appealed.

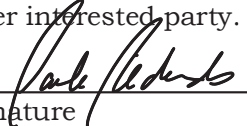
1. Preliminary Soils Report was deemed incomplete. The Environmental Documents provided to the County were complete per the 2014 Approved Amended Rock Creek Ranch Specific Plan (RCR SP) and include a soil report. See pages 19-23 in the VTTM application.
2. A preliminary Vegetation Preservation and Protection Plan was requested. The RCR SP includes a preliminary guideline for Soil Conservation, Landscaping Plan and other factors that would be included in the Plan. See pages 158, 168, 31, 32, 34, 42, 43, 46, 50 and 51 in the VTTM application.
3. A Proposed Drainage Facility Plan was requested. The RCR SP states (page 43 of the VTTM application) #12 of the Revised Conditions of Approval: "A drainage plan for the project shall be submitted prior to the approval of the Tract Map. The drainage plan shall include drainage easements, retention basins, as necessary, designed in conformance with the requirements of the Lahontan Water Quality Control Board."

All of the plans requested by the County can only be completed once the VTTM is approved. The engineers are unable to design any plans until then.

APPLICATION SHALL INCLUDE:

- A. Completed application form.
- B. Deposit for project processing: See Development Fee Schedule. Project Applicants are responsible costs incurred above deposit amount.

I CERTIFY UNDER PENALTY OF PERJURY THAT I am: legal owner(s) of the subject property, corporate officer(s) empowered to sign for the corporation or authorized legal agent, or other interested party.



Signature

Signature

9/6/2023

Date

From the Mono County Letter 8.31.2023: "The submitted VTM application is incomplete, as acknowledged by your notations, the application is pending the submittal of a preliminary soils report, a Vegetation/Preservation and Protection Plan and a Proposed Drainage Facilities plan. It is our understanding that in previous discussions, components of a proposed site drainage system that included altering the existing site drainage, including the development of artificial water courses, was discouraged from being included in the application as to fit within the confines of a minor modification. As such components are included in the submitted application materials, all the relevant soils reports, and drainage plans must also be included in the application as the entire project must be evaluated as a whole project.



Paula Richards

To: Cecilia Cc: Brent, Wendy >

Friday

Hello Cecilia/Brent-

With the preliminary Geo Tech reports included with the last email, is the Vesting TTM application now complete and can be submitted to LDTAC?

Altering the course of a drainage course has not been proposed in this application- it was a request from the community due to the damages sustained in the last storm. We are working with the state to review what can be done. The Vesting TTM only shows a proposed easement for drainage/ dry creek system which will be researched after the lot division is approved. We have no drainage plan at all.



Cecilia Jaroslowsky

To: Paula Cc: Wendy, Brent >

Friday

Hi Paula:

My responses to your items are below in **red**. Also, per Brent's email, today at 11:03 p.m. and to reiterate:

Regarding the Tract Map application, the application **cannot** be deemed complete until all the items on the checklist have been submitted. **You have submitted a geo report addressing the original TTM and not the proposed TTM, and is only one of three items required to be submitted for the submitted TTM application. Staff's application status letter dated 8.31.23 states a preliminary soils report, a Vegetation/Preservation and Protection Plan and a Proposed Drainage Facilities is required.**



Paula Richards

To: Cecilia Cc: Wendy, Brent >

Friday

Cecilia-

1. Preliminary Soils Report: the information emailed earlier today was used in the 2014 amended specific plan for the 10-lot subdivision. Please read application pages 21-23.
2. A preliminary Vegetation Preservation and Protection Plan is included in the RCR SP. See pages 31, 32, 34, 42 43, 46, 50, and 51 of the application for the description of for planning soil conservation, landscaping, open space and other components of a plan. A preliminary plan is built into the RCR SP. A detailed final plan can be designed after the approval of the Vesting TTM.

Pages 15 and 168 of the application describes the process that will taken after approval of the Vesting TTM. We are more than happen to begin a plan after the approval of the Vesting TTM.

The plan will incorporate the drainage of the lots, as well as the trails for slope stability.

3. The Proposed Drainage Facility can only be designed after approval of the Vesting TTM. The Geo Tech information sent earlier today makes it clear that the drainage facility design is dependent on placement of the buildings and the overall subdivision design.

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April 21, 2023

Paula Richards, Chief Officer
Sierra del Oro Trading Company LLC
1532 S. Bentley Ave
Los Angeles, CA 90025

Via Email: paularichards@sierradeloro.biz

**RE: Notice of Incomplete Application
Rock Creek Ranch 10-Lot Subdivision – 54.64 Acres
APN: 026-330-002-000
Zone: Estate Residential (ER) and Specific Plan (SP)**

Dear Ms. Richards:

The Mono County Planning Division has received the application for the proposed project located at the above-mentioned location; Staff has completed its review of the March 31, 2023 application and determined that your application is **incomplete**.

The proposed submitted project includes the subdivision of one parcel into 10 lots, under the previously approved Rock Creek Specific Plan (RCSP), adopted in 2014, Resolution 14-65. The Rock Creek Ranch project is located on a 54.64-acre parcel in the community of Paradise in southern Mono County. The purpose of the Rock Creek Ranch Specific Plan is to establish a formal link between implementing policies of the Mono County General Plan and the Rock Creek Ranch development proposal. The amended Specific Plan, establishes all zoning regulations, governs all subdivision, public works project and development activity on the site, sets forth the distribution, location and extent of land uses and essential facilities and utilities to serve the site, defines the standards and criteria by which development will proceed, and identifies specific measures and enforcement responsibilities for implementing all applicable regulations, programs, public works projects and financing activities.

The submitted project application cited the following as project "Minor Modifications" (page 58 of the application packet). Staff has determined where the submitted application does not comply with the approved RCSP.

Item	Submittal	Staff Comment/Specific Plan Compliance
1	Lot line adjustments and division.	Non-compliance. Lot adjustments do not meet GP standards.
2	Re-alignment of the Road, Driveways and Trails.	Non-compliance, road realignment does not meet county code.
3	Placement of Utility Infrastructure; extent of utility infrastructure; micro-grid substation; easements.	Non-compliance. No detail shown on submittal.

4	Design of homes from Mountain Ranch/Craftsman style to Modern Mountain with Gabion cladding, green roofs and more eco-green build. This will also mitigate less visual impact once built out.	Minor modification
5	Rock crushing moved to 4 from Lots 1-4.	Minor modification.
6	Community Service District to manage 30' ROW single access interior road; driveways; trails; water; fire; garbage; composting and others. Operations management; repairs and maintenance; and capital improvements and construction.	Non-Compliance (would require LAFCO action, and CEQA)
7	Cell Tower construction during Phase 1	Non Compliance, not part of SP requires Use Permit & CEQA
8	Rock Creek Ranch Mutual Water Company- CSD.	Minor modification.
9	Rock Creek Ranch Rural Electric Company: green energy micro-grid substation tied into Southern California Edison-CSD.	Non-Compliance. Large solar array not consistent with SP.
10	Intentional Community; 501(c)3 and 501(c)2; CC&R's, by-laws and governing body- Board of Directors that works in conjunction with Board of Directors from Sierra del Oro Trading Company LLC. And the Winuba Community Service District to be the governing body.	Complies.
11	Land trusts- easements	Non-Compliance, easements must be in accordance with SP, minor location change may be considered but functional change of easement is not minor.
12	Fire station to manage and protect the parcel, instead of the Paradise Fire Protection District.	Non-compliance. Not analyzed in SP.
13	SFR determined as 1 Duplex and 2 Accessory Dwelling Units. SB9 AND SB 10	Non-compliance. SB9 not applicable in fire zones.
14	Existing, Proposed and Pending easements for the benefit of the subdivision.	Non Compliance. Purpose of an easement is to allow necessary access to interests that are not necessarily part of the subdivision.
15	Governing Agencies.	Needs Clarification.
16	Removal of the inter-tie for LRCMWC.	Minor modification.
17	Fences and Gates, and MAIL ROOM at Lower Well Area.	Potential Minor modification, needs clarification.
18	Cell Tower/Water tank combination.	Non-compliance. Cell Tower not part of SP requires Use Permit and CEQA
19	Drainage system to incorporate dry creeks, creeks, ponds, dry wells, berms/swales and such to appear blended into the landscape.	Non Compliance, SP is intended to limit disturbance and retain existing natural drainage.

20	Conservation Action Plan (CAP)	Non Compliance, some items listed in CAP inconsistent with SP. The adopted SP is intended to limit site disturbance to existing natural vegetation to protect deer migration habitat.
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Pursuant to the RCSP, minor modifications to the subdivision plan may be made when the Mono County Planning Director finds the modification is consistent with the general nature and intent of the RCSP and shall not require an amendment to the RCSP. Minor modifications may include minor alterations to the street layout or public facility improvements, minor changes to utility placement or layout, minor changes to trail placement, as well as minor modifications to the subdivision plan (such as lot line adjustments and divisions) and other similar changes.

Pursuant to Mono County General Plan Section 31.030 Findings, in order to issue a Director Review permit, the Director must find that all of the following are true:

- A. All applicable provisions of Land Use Designations and Land Development Regulations are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features;
- B. The site for the proposed use relates to streets and highways adequate in width and type to carry the quantity and kind of traffic generated by the proposed use;
- C. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located;
- D. The proposed use is consistent with the map and text of this General Plan and any applicable area plan;
- E. That the improvements as indicated on the development plan are consistent with all adopted standards and policies as set forth in the Land Development Regulations, this General Plan and any applicable area plan; and
- F. That the project is exempt from CEQA.

Based upon staffs' analysis, several of the project modifications would not meet the criteria for a Directors' Review permit. Therefore, the proposed project, as submitted, requires the amendment of the previously approved RCSP. Please submit the following showing compliance with the RCSP and/or a brief explanation why compliance with the RCSP cannot be made:

1. Please show proposed lot configurations to be consistent with General Plan standards; the submitted lots do not comply with lot depth or width standards.
2. Please update the submittal to show placement of utility Infrastructure, extent of utility infrastructure, micro-grid substation and easements to be consistent with RCSP.
3. Please confirm the project would remain under the management and protection of the Paradise Fire Protection District.
4. Please update submittal to show one single-family structure per lot, to include accessory dwelling units as permitted by Mono County regulations and applicable state laws.

5. Please submit additional detail regarding the cell tower/water tank combination.
6. Upon resubmittal of a compliant project, please submit an application for a Director Review Permit for project elements considered minor modifications.

Please note, based upon staff's review of the resubmitted information, additional information may be required to continue review of the proposed project. Once the application has been deemed complete, the project will be routed to relevant agencies for their review and comments.

Notice of Decision by County Staff

Notice is hereby given pursuant to Code of Civil Procedure Section 1094.6 that the time within which to bring an action challenging the County's decision is 90 days from the date the decision becomes final. If no appeal is made to the Planning Commission, the staff decision shall become final on the expiration of the time to bring an appeal. Notice is also hereby given that failure to exhaust administrative remedies by filing an appeal to the Planning Commission may bar any action challenging the staff's decision.

The information listed above is provided to assist you in preparing a complete application submittal for review by the Land Development Technical Advisory Committee (LDTAC). Staff is working diligently to progressing the project to the LDTAC for their review and upon receipt of the revised application materials, staff will conduct further review and relay any additional comments as necessary.

Please feel free to contact me at cjaroslowsky@migcom.com, should you have any questions and/or concerns regarding this letter.

Thank you,
Cecilia Jaroslowsky
Contract Planner for Mono County

Mono County Community Development Department

PO Box 347
Mammoth Lakes, CA 93546
760-924-1800, fax 924-1801
commdev@mono.ca.gov

Planning Division

PO Box 8
Bridgeport, CA 93517
760-932-5420, fax 932-5431
www.monocounty.ca.gov

VESTING TENTATIVE TRACT MAP CHECKLIST

APPLICATION PACKET SHALL INCLUDE:

- A. Completed application form.
 - B. Completed Project Information form.
 - C. Copy of preliminary title report. APPENDIX 6
 - D. Environmental Processing & Review agreement. APPENDIX 2
 - E. Assessor's map with property of the proposed subdivision delineated.
 - F. Proposed means that will be used to assure the proper administration and maintenance of common areas and open space, including a statement of intent regarding proposed deed restrictions. APPENDIX 5
 - G. Preliminary soils report prepared by a civil engineer/engineering geologist, licensed to practice in the state of California, for the proposed subdivision addressing the unified soil classification of the soils, the depth of the water table, the degree of soil moisture from surface to a minimum depth of eight feet, the compaction of the soil at a minimum depth of two feet, and the expansive characteristics of the soil for the proposed project site. If this preliminary report indicates the presence of critically expansive soil or other soils or geological problems that could lead to structural defects or any other hazards, a soils report for each parcel, together with the proposed mitigation measures to alleviate identified problems, shall be required. PENDING
- Requirements of a preliminary soils report may be waived by the county engineer, if the project civil engineer/engineering geologist certifies that no soils problems exist on the site, and that such certification is based on sufficient soils reports prepared for the subdivision under consideration to demonstrate soil stability and the lack of soils problems on the proposed project site. The project proponent shall have the burden of demonstrating the required information. The decision to waive such requirements, based upon the certification of the project proponent's civil engineer/engineering geologist of the absence of any soils related problems, shall be solely within the discretion of the county engineer. The fee for review of soils reports or consideration of soils report waiver shall be set by resolution of the Board of Supervisors. PENDING
- H. Survey prepared by a qualified person identifying tree coverage within the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestations, vigor, density and spacing.
 - I. Vegetation preservation and protection plan showing which trees are to be removed, and the location and type of vegetation to be planted. PENDING-APPENDIX 13
 - J. Information concerning the ability of the existing and proposed drainage facilities to handle the natural flows and the additional runoff that will be generated by the subdivision at ultimate development. Methods to convey surface waters to the natural drainage courses or drainage system.
 - K. ~~Plot plans and elevations of proposed buildings in planned unit developments.~~ PENDING-APPENDIX 13

NOTE: Other information deemed necessary by the Land Development Technical Advisory Committee, including maps of adjoining land that may have been previously divided, may be requested and required. *More on back...*

REQUIREMENTS

The following information is essential to the processing of your application. The Tentative Tract Map shall be clearly and legibly drawn on sheets 18" x 26" in size, using an engineer's scale in all cases. A marginal line shall be drawn around each sheet leaving a blank margin of one inch. Twelve copies of the Tentative Tract Map and one reproducible copy of the map no larger than 11" x 17" shall be required at the time of project submittal. The Tentative Tract Map shall show the following:

APPENDIX 2

- Title box containing the tract number that may be obtained from the Planning Division and the name of the subdivision, if desired.
- Names and addresses of the property's legal owner, subdivider and civil engineer or licensed land surveyor who prepared the map.
- Vicinity map showing roads, adjoining subdivisions, towns, creeks, and other data sufficient to locate the proposed subdivision and show its relation to community development.
- Names of adjacent property owners or subdivisions.
- Existing and proposed use of the property.

<input type="checkbox"/> Existing and proposed use of all existing structures.	N/A
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- Description of the proposed subdivision, including the number of lots, their average and minimum size, and nature of development.
- Calculations needed for development as to density, open space, land coverage and parking, etc.
- North arrow and scale. An engineer's scale of not less than 1" = 50' shall be used for subdivisions with an average lot size of less than one acre, and an engineer's scale of not less than 1" = 100' shall be used for subdivisions with an average lot size of one acre or more.
- If the map contains more than one sheet, the sheets shall be numbered to show the relative position of each sheet.
- Contour intervals and contours showing accurately the existing terrain within the subdivision and adjacent area as required. The contour interval shall conform to the mapping standards for the scale used. Every fifth contour shall be of heavier weight and labeled. Care shall be exercised in labeling contours so that the elevation of any contour is readily discernible. Contours may be omitted when the lines fall closer than 10 contours per inch, provided that all contours at the bottom and top of slope changes are shown. In no event shall heavy contours be omitted.

NOTE: At least 90% of all contours shall be within one-half contour of true elevation. Where the ground is completely obscured by dense brush or timber, 90% of all contours shall be within one contour interval. Contours in obscured areas shall be indicated by dashed lines. Mapping not having this accuracy shall be rejected.

- Spot elevations expressed to the nearest one-tenth of a foot. On comparatively level terrain where contours are more than one hundred feet apart at map scale, spot elevations may be substituted for contours. Additional spot elevations shall be shown at intervals along the center of dikes, roads and ditches at summits, depressions, saddles or at other existing permanent installations.

- Outline of existing slides, slips, sump areas and areas subject to inundation or avalanche.
- Plans for drainage areas subject to inundation.
- Line of high and low water and flood plain on all lots abutting any lake, river, stream, reservoir or other body of water.

Will be done in separate application- pending further review, surveys and geotech tests.

- Approximate edges of pavement of existing roads and driveways within or adjacent to public rights of way and easements, or within private common rights of way.

N/A

- Approximate existing property lines and approximate boundaries of existing easements within the subdivision, with the names of owners of record.
- Proposed lot and street layout with scaled dimensions of the lots, and the minimum, maximum and average lot area.
- Approximate width, location and purpose of all existing and proposed easements. Easements shall be shown for utilities such as electric, telephone, cable television, sewer and water lines, and for drainage and access, when applicable.
- Street names, widths of streets and easements, approximate grade, approximate point of grade change, and radius of curves along centerlines of each street.
- Typical road sections may refer to county road standards.
- Approximate finish contour lines along roadways.

- Location, approximate grade, direction of flow and type of facility of existing drainage channels and storm drains.
- Plans for drainage areas subject to inundation.

Will be done in separate application- pending further review, surveys and geotech tests. See Appendix 13 for more information

- Approximate top of fills and top of cuts.
- Domestic water source including the name of supplier, quality and an estimate of available quantity. If individual wells are proposed, show the location of each well. Show also each existing well within 200 feet of the proposed map.

- Method of sewage disposal and name of sewage agency, if any. If individual septic disposal systems are proposed, show the location of leach field and replacement area. Show also each existing septic disposal system within 200 feet of the proposed map.

N/A

- Proposed or intended method of fire protection and, if applicable, approval of the fire district within which the subdivision is located.
- Approximate construction phasing so that each phase is completed within one construction season, if applicable.

- When part of a large single ownership area, a sketch showing proposed future development outside of the proposed subdivision.
- Areas designated for public and/or common purpose.
- Parking areas and access solutions for individual lots, if required.

Will be done in separate application- pending further review, surveys and geotech tests.

- Condominium parking plans in accordance with General Plan land use requirements and road department standards, when applicable.

Will also be done in separate application- pending further review, surveys and geotech tests. See Appendix 14 for water rights, and Appendix 13 for LID-Build

Other improvements proposed.

The items checked above have been included in the application package or are shown on the Tentative Tract Map.


Signature

Aug 7, 2023
Date

Environmental Review (CEQA): See Development Fee Schedule for Negative Declaration and Environmental Impact Report (deposit for initial study only).

**CEQA/EIR ROCK CREEK RANCH APPROVED 2014 AMENDED SPECIFIC PLAN
CEOA PROVISIONS FOR PREPARING AN ADDENDUM TO A FINAL EIR**

The California Environmental Quality Act (CEQA §15164[a]) states:

"(a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section § 15162 calling for preparation of a subsequent EIR have occurred."

In turn, §15162 states that preparation of a subsequent EIR is required where one or more of the following occurs:

"(a)J When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - c. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - d. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - e. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."

MODIFIED MITIGATION MEASURE: UTIL 5.8-3a (WATER SYSTEM INERTIE): The water system shall have an onsite inertie point, located in the vicinity of the LRCMWC storage tank, if and as determined in consultation with the Paradise Fire Protection District.

Based on the considerations and analyses presented above, and based on the provisions contained in CEOA §15164[a]) as presented in its entirety in this Addendum, it is concluded that none of the conditions calling for preparation of a subsequent EIR have occurred. The County of Mono, acting as Lead Agency, has therefore determined that an Addendum to the certified 2008 Final EIR for Rock Creek Ranch is the appropriate CEOA document for the proposed second amendment to the Rock Creek Ranch Specific Plan.

CEQA §15164(c-e) states that "an Addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration. The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project. A brief explanation of the decision not to prepare a subsequent EIR pursuant to §15162 shall be included in an addendum to an EIR, the lead agency's findings on the project, or else where in the record. The explanation must be supported by substantial evidence."

All of the mitigation measures adopted by the Mono County Board of Supervisors as part of the May 2009 Final EIR certification remain in full force and effect, with the exception of (a) Mitigation Measure UTIL 5/8-3a (Water System Intertie) which has been modified as shown above, and (b) the four adopted mitigation measures (listed below in Table 3) that are rendered inapplicable to the Rock Creek Ranch project with approval of the second amendment.

The Vesting Tentative Tract Map and Minor Modification follow the general intent of the Rock Creek Ranch Specific Plan.

From: [Brett Hannah](#)
To: [CDD Comments](#)
Subject: Mono County Planning Commission public hearing on 9/21/2023
Date: Wednesday, September 20, 2023 10:51:27 PM

You don't often get email from brett.hannah@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

To the Secretary of the Planning Commission,

I'm interested in the Mono County Planning Commission public hearing on 9/21/2023. I continue to read about the Sierra del Oro company and their persistent attempts to bully the LRCMWC. How is Mono County allowing a Beverly Hills company to block the water company's ability to provide water to local residents of Paradise?

The Final Rock Creek Ranch Specific Plan clearly has access in the tract maps for LRCMWC to get to and service the water tanks/equipment. The wording in the Specific Plan allows for "operation and maintenance of a water reservoir site and access thereto". The proposed deletion of water company access by Sierra del Oro is unacceptable. I strongly encourage Mono County to strike down any change to the Rock Creek Ranch Specific Plan that would restrict access to LRCMWC.

-Brett Hannah

Wednesday September 20, 2023

To: Secretary of the Planning Commission

Re: Appeal of Community Development Department Staff Decision of Incomplete Application [Appeal concerns staff decision by the Community Development Department that an application for a Tentative Tract Map at parcel 026-330-002- 000 in the Rock Creek Ranch Specific Plan in the community of Paradise Estates has been deemed incomplete and is unable to be accepted for processing without the submission of additional documentation.

Dear Secretary of the Planning Commission,

Please honor the decision of the Community Development Department and uphold their decision of incomplete application and thus unacceptable for processing.

The development of Rock Creek Ranch land will affect the residents and visitors to Paradise Estates and Mono county for the next 50 to 100+ years. An application for review for such a large piece of developable land should not contain a single missing element. The county staff and local residents should have all information necessary at one time to make informed decisions about the scope and compliance of the entire project.

The county has developed rules and processes over time to safeguard the development of parcels. We have faith that these processes are in place to provide for the safety of future residents, protect the environment both physically and visually and ensure that the county has a full picture of what will be taking place during and after development. We support these safeguards and feel strongly that if the application is not complete, these safeguards cannot be assured.

Please hold all applicants to the same set of rules and stipulate that an application must be fully complete to be considered for review. We implore the planning commission to uphold the county's decision of incomplete application status and please require the applicant to provide all information necessary at one time.

Thank you for your time and consideration,
Patricia Barni and Christopher Hrabak
115 Eagle Vista
Paradise Estates

From: Cecilia Jaroslowsky <cjaroslowsky@migcom.com>
Sent: Thursday, September 21, 2023 4:33 PM
To: Roger Smith <rogersmithcg@earthlink.net>
Cc: Brent Calloway <bcalloway@mono.ca.gov>; Wendy Sugimura <wsugimura@mono.ca.gov>
Subject: Re: Sierra del Oro Development.

[EXTERNAL EMAIL]

Hi Roger;

Thank you for your concerns/communications, which will be reviewed and incorporated into the project consideration and part of the project file. Please don't hesitate to reach out regarding any additional comments and/or concerns that arise.

On Thu, Sep 21, 2023 at 2:40 PM Roger Smith <rogersmithcg@earthlink.net> wrote:

Sent from [Mail](#) for Windows

Hello Cecilia,

I live part time and my wife lives full time in Paradise across from the Sierra del Oro development project. We were never noticed about this Board of directors meeting that occurred today, except at about 5 am this morning and I was not given the necessary time to review the plans or Planning dept. comments.

While in general I do not oppose this development, as I supervised the drilling and construction of the water wells, I do have concerns about the developer's plans.

To wit: I do not think that this area is appropriate for large animal ranching. The smell, the flies and the general degradation and erosion of the thin soils and the influx of animal waste (explained below) is inappropriate.

The hostility that the developer has demonstrated towards the existing community. Especially regarding the easement for the water company to reach its water storage tanks.

The fact that the soils are so thin to nonexistent and the Bishop Tuff is right at the surface. The Bishop Tuff is highly fractured and while impermeable when solid, the fractures run very deep, are

open (some you can drive a semi into) and will allow the direct flow of septic waste into the aquifer that is supplying the Paradise community and would supply the Sierra del Oro development. This should be of huge concern, as, if the County allows this to happen they would be liable for damages to the water supply.

The soils report and percolation testing does not take this regional geology into consideration. I discovered this phenomena while drilling the water wells for Matt Lehmann when he was trying to develop the property and I believe this is one reason that he proposed the community septic system as opposed to leach fields.

While drilling the water wells, when we hit one of these fractures/caverns, we would lose all of our drilling fluids (water and clay based) into the hole and then would have to pump truck loads of filler or cement into the void to plug it so that we could regain circulation of our drill fluids and removal of the cuttings. During this project I also mapped several earthquake faults crossing the property and figured out how these fractures and voids were connected. While I don't think that these faults would be considered active by the State of California (they may be as they have not been studied), they still represent a hazard if a house were built on them (differential movement due to hard shaking on the active Sierra frontal fault system), and the fractures they created that will allow septic effluent to percolate into our groundwater. I have seen the results of both of these scenarios in the past. I also want to mention that this septic effluent could and in some cases already does, in Paradise, find a fracture and flow out of the slope into Rock Creek.

This property really needs a full geotechnical evaluation before it should be allowed to proceed.

Sincerely,
Roger Smith
Consulting Geologist and Groundwater Geologist
4917 Westridge Road
Bishop, CA 93514
(760) 387-9121

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Cecilia Jaroslowsky
Senior Planner
MIG, Inc.
800 Hearst Avenue
Berkeley, CA 94710
[510 845 7549](tel:5108457549) | www.migcom.com



Cecilia Jaroslowsky <cjaroslowsky@migcom.com>

Information for LDTAC Oct 2 and Planning Commission Appeal Hearing Oct 19

4 messages

Paula Richards <paularichards@sierradeloro.biz>

Sat, Sep 30, 2023 at 1:51 PM

To: Cecilia Jaroslowsky <cjaroslowsky@migcom.com>

Cc: Brent Calloway <bcalloway@mono.ca.gov>, Wendy Sugimura <wsugimura@mono.ca.gov>, Heidi Willson <hwillson@mono.ca.gov>, tim richards <timirichards@sierradeloro.biz>, Peter Templeton <ptempleton@templetonplanning.com>

Hello Cecilia-

I will be out of the office most of Monday morning dealing with my father's medical procedures.

I will be attending the meeting via the Zoom link at 1:30pm.

The attached packets are for Monday's LDTAC meeting for the committee to review after the acceptance of the Director Review for the Minor Modification to the approved 2014 Amended Rock Creek Ranch Specific Plan. Specifically, the "Rock Creek Ranch Time frame" document contains information explaining the need for the proposed Vesting TTM which may assist the representatives from Public Works, Community Development (Building, Planning and Compliance) and Environmental Health, in their technical review and recommendations on the land development Rock Creek Ranch 10-lot subdivision project, specifically for the Minor Modification to the Specific Plan. We know that LDTAC's purpose is to include coordination among County departments, efficient and timely permit processing, and informing applicants of County requirements early in the development review process. All the material attached will assist in their determination that the Vesting TTM application and the Director Review for the Minor Modification to the Specific Plan application is COMPLETE and should be streamlined under SB 35 and the SB 330 Preliminary Application. **Again, this is to determine the Minor Modification to the 2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN with an expired TTM to Table 2 10-Lot subdivision acres/square feet per lot.**

Per the **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN 2014 2014** Minor Modifications to the Specific Plan may be approved by the Community Development Director (Wendy Sugimura). Minor Modifications may include:

- changes in architectural colors or details
- minor modifications to the street layout or public facility improvements
- minor changes to utility placement or layout
- minor changes to trail placement
- minor modifications to the subdivision plan (such as lot line adjustments and divisions) and **other similar changes. Minor modifications to the subdivision plan, such as lot line adjustments and divisions, shall not require an amendment to the Specific Plan provided the Mono County Planning Director finds the modification is consistent with the general nature and intent of this Plan.**

SB 35 and SB 330 Preliminary Application support the Minor Modification to the Specific Plan is consistent with the general nature and intent, as can be seen with the Vesting Tentative Tract Map application.

The SB 330 Preliminary Application form serves as a template for the preliminary application for housing development projects seeking vesting rights pursuant to SB 330, the Housing Crisis Act of 2019. Although the Preliminary Application is not required for housing development projects, an agency must accept it if submitted. Agencies may customize this application; however, any revised form must include only the 17 provisions as required by the Housing Crisis Act. The Preliminary Application must be made available in print and on the agency's website.

Under SB 330, applicants have the absolute and unqualified right to submit a preliminary application, pursuant to Government Code section 65941.1, containing seventeen statutorily prescribed pieces of information, along with payment of the applicable permit processing fee. The act of doing so automatically renders the relevant project "deemed complete" and protects the project against changes in ordinances, policies, and standards in effect on the day the preliminary application was submitted with certain limited exceptions. Cities and counties may not add to the list of required information and have no authority over any part of the process.

SB 330 does not authorize or allow a city or county to affirmatively determine whether a preliminary application is complete, nor does it peg the time of vesting to any date other than the date the applicant submits a preliminary application that contains the information prescribed in the statute. What's more, the 30-day deadline to act does not relate to a preliminary application at all. Rather, it relates to the traditional "final" application process that is already established in Government Code section 65943 in the Permit Streamlining Act.

With respect to the term "deemed complete," new Government Code section 65589.5(h)(5) of the Housing Accountability Act expressly provides that "Notwithstanding any other law, until January 1, 2025, 'deemed complete' means that the applicant has submitted a preliminary application pursuant to Section 65941.1." Similarly, new Government Code section 65941.1(a) of the Permit Streamlining Act provides that an applicant for a housing development project "shall be deemed to have submitted a preliminary application" upon providing all of the statutorily prescribed information and upon payment of the applicable permit processing fee. And new Government Code section 65941.1(d)(3) of the Permit Streamlining Act provides that "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."

These provisions make clear that for purposes of a “preliminary application” under SB 330, an applicant’s submittal of such an application is automatically “deemed complete” by operation of law.

The applicant thus plainly controls the filing of a “preliminary application” under SB 330, and the mere act of doing so provides the earliest form of vested rights available under California law. SB 330 provides no role for cities or counties in that process. There is no requirement that a city or county review the preliminary application and make a determination regarding its completeness in order for an applicant’s statutory rights to vest, and there is no authority for a city or county to do so. In this way, SB 330’s statutory vesting mechanism differs fundamentally from the longstanding vesting tentative map procedures of Government Code sections 66474.2 and 66498.1 in the Subdivision Map Act, which peg the date of a project’s vesting to the date the local agency “has determined that the application is complete.” Under SB 330, if a preliminary application contains the information prescribed in the statute itself then the date of the submittal automatically triggers the early statutory vesting.

Importantly, even after establishing vested rights through submittal of a “preliminary application” the applicant still must submit a traditional “complete application” that includes all of the information required to process the development application, consistent with Government Code sections 65940, 65941, and 65941.5. The applicant must submit such a “complete application” within 180 days of submittal of a “preliminary application.” The Vesting TTM application and the Director Review application have been submitted.

*Upon submittal of the information intended to establish a “complete application,” the city or county has 30 days to consider the completeness of the final application, and if the city or county determines that the application for the housing development project is still not complete pursuant to Government Code section 65943, the applicant must submit the specific information needed to complete the application within 90 days of receiving the agency’s written identification of the necessary information. **Once the applicant has provided the required information to complete an application, the application is “determined to be complete.”** The information required information to complete the application was submitted in the Geo Tech reports and the 2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN. The applications must be considered COMPLETE.*

Consistent with this revised process, SB 330 now defines “determined to be complete” in new Government Code section 65589.5(h)(9) in the Housing Accountability Act to mean that “the applicant has submitted a complete application pursuant to Section 65943.” SB 330 is a complicated new law on many levels, but it has applicant-friendly provisions intended to increase housing production by appropriately reducing local control over new housing development projects, including at the beginning of the application process, by establishing an early NIMBY-proof form of vested rights that project applicants control.

It is also important to understand that it is only this submittal of a “complete application” that triggers the separate 30-or 60-day deadlines for a city or county to provide the applicant with notice and documentation of any alleged inconsistencies with applicable planning and zoning rules. A city’s or county’s failure to provide such notice and documentation within the specified time results in the project being deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as a matter of law, as provided in Government Code section 65589.5(j)(2) of the Housing Accountability Act. - Miller Starr Regalia

The FEIR for the project was approved in 2009. An Addendum to the FEIR was approved in 2014. None of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred. There is no amendment to the 2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN. All of the mitigation measures adopted by the Mono County Board of Supervisors as part of the May 2009 Final EIR certification and the October 2014 Final EIR Addendum, remain in full force and effect- with the exception of the Mitigation Measure UTIL Water System Interim which was removed by the Paradise Fire Protection District.

Key Aspects of SB 35

- **Project approval is streamlined and ministerial (not subject to discretionary review or approval)**
- **If project qualifies, approval in 90 or 180 days or less. 60 days if using Tax Credits and Public Funding.**
- **Extremely limited public review opportunities**
- **Exempt from CEQA because CEQA only applies to “discretionary” actions**

Is the Project Eligible?

- **Project must be located in a jurisdiction that HCD has determined has issued less than its share of building permits to meet its regional housing needs, by income category within a “reporting period.”** HCD link: chrome-extension://efaidnbmninnibpcapjpcglclefindmkaj/https://www.hcd.ca.gov/sites/default/files/2022-06/sb35_statewidedeterminationsummary.pdf

Please see: **SB 35 Statewide Determination Summary Cities and Counties Subject to SB 35 Streamlining Provisions When Proposed Developments Include ≥ 50% Affordability.** These 238 jurisdictions have insufficient progress toward their Lower income RHNA (Very Low and Low income) and are therefore subject to the streamlined ministerial approval process (SB 35 (Chapter 366, Statutes of 2017) streamlining) for proposed developments with at least 50% affordability. If the jurisdiction also has insufficient progress toward their Above Moderate income RHNA, then they are subject to the more inclusive streamlining for developments with at least 50% affordability.

APPLICATION ACCEPTANCE A. DR 23-00X Sierra Del Oro – Director Review application for a minor modification of the 2014 Rock Creek Ranch Specific Plan per the provisions of a minor modification allowed by the Director in the adopted Specific Plan. The proposed minor modification is intended to facilitate a Tentative Tract Map application. APN 026-033-002-000 (Cecilia Jaroslowsky & Brent Calloway)

The attached packets are also for the Planning Commission Appeal Hearing for October 19. The Planning Commission serves as both an advisory and decision-making body and deals with a variety of planning permits and issues. The Planning Commission is responsible for directing the Planning Division on areas of emphasis- which needs to correlate with SB 35 and the SB 330 Preliminary Application for the appeal of the staff's determination that the Vesting Tentative Tract Map application was determined to be incomplete. We have repeatedly emphasized that because the Vesting TTM application is part of the 2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN- it is by that alone it should be considered COMPLETE. This is substantiated in the attached documents.

Please confirm that you have received ALL the information packets and that ALL the information will be included in the report distributed to the Planning Commission.

Again, this is to determine the Vesting Tentative Tract Map for a 2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN as COMPLETE.

Project is deemed consistent if there is substantial evidence in the entire record that allows a reasonable person to conclude consistency, NOT the usual standard of review which is whether the agency's decision is supported by substantial evidence. GC §65589.5(f)(4).

Also, Mono County Code allows that Preliminary Drainage Plan and Vegetative Preservation Plan to be completed after the acceptance as complete the Vesting Tentative Tract Map application but before any grading or construction work.

Mono County Code Chapter 17.12 - SUBDIVISIONS—PRELIMINARY APPROVAL AND TENTATIVE MAPS

17.12.010 - Preliminary acceptance.

[SHAREPRINTS@CFR.DIVISIONS.CDP](#)

Each proposed subdivision shall be submitted to the planning department for preliminary consideration in map form. The tentative map shall be prepared in accordance with the Subdivision Map Act and the provisions of this title. Such submittal may be prior to the completion of final surveys, but shall be prior to the start of any grading or construction work within the proposed subdivision.

In this case, the Preliminary Drainage Plan and Vegetative Preservation Plan are part of the Geo Tech information packets that were part of the FEIR and also in wording of the 2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN.

To complete all the surveys and plans, both the Vesting Tentative Tract Map application and the Director Review for Minor Modification to the Specific Plan application must be accepted as COMPLETE to enable the topographic survey to begin.



Geo-Tech Report incl in draft eir.pdf
dropbox.com

Cc: Brent Calloway <bcalloway@mono.ca.gov>, Wendy Sugimura <wsugimura@mono.ca.gov>, Heidi Willson <hwillson@mono.ca.gov>, tim richards <timrichards@sierradeloro.biz>, Peter Templeton <ptempleton@templetonplanning.com>

Please confirm as received and that the information will be included in the information for the Planning Commission Appeal Hearing and it will also be given to the LDTAC for their review after they ACCEPT AS COMPLETE the Director Review Application for the Minor Modification.

Again- Mono County Code states that the tentative map shall be prepared in accordance with the Subdivision Map Act and the provisions of **17.12.010 - Preliminary acceptance. Such submittal may be prior to the completion of final surveys but shall be prior to the start of any grading or construction work within the proposed subdivision.** The Preliminary Drainage Plan, The Preliminary Soil Survey and the Vegetative Preservation Plan are all included in the Geo Tech Reports for the FEIR and the **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN** which was approved October 21, 2014, by the Board of Supervisors. The requested information to "complete" the application was submitted and identified as having been submitted per the Geo-Tech reports and the **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN.** Under SB 330 and SB 35, the application is **determined to be complete.** And the fact that Mono County needs more affordable housing, should speed this process along to accept the VTTM application- please review AB 215.

Paula Richards

Sierra del Oro Trading Company LLC
Rock Creek Ranch Mutual Water Corp
Rock Creek Ranch Rural Electric Corp

paularichards@sierradeloro.biz
(310)869-8159

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<za2j7iqxpp5s58bqyuty3.png>

Geo-Tech Report incl in draft eir.pdf
dropbox.com

<myeikdmvx1rdz2q72df2q.png>

SGSI Geotechnical
Investigation_Sierra Paradise TTM
37-56_052004_3.02215.pdf
dropbox.com

<fx2cmepi16hgby5ct9rg2.png>

VTTM and DR Submission.pdf
dropbox.com

<6oudqxi0rczwm8h24q5.png>

Rock Creek Ranch 10-LOT
Subdivision.pdf
dropbox.com

<oqynktvim6olkaiaulti1.png>

Rock Creek Ranch Time frame.pdf
dropbox.com

[Quoted text hidden]

Paula Richards <paularichards@sierradeloro.biz>

Tue, Oct 3, 2023 at 10:24 AM

To: Cecilia Jaroslowsky <cjaroslowsky@migcom.com>

Cc: Brent Calloway <bcalloway@mono.ca.gov>, Wendy Sugimura <wsugimura@mono.ca.gov>, Heidi Willson <hwillson@mono.ca.gov>, tim richards <timrichards@sierradeloro.biz>, Peter Templeton <ptempleton@templetonplanning.com>

Cecilia-

Thank you for accepting the Director Review Application for the Minor Modification.
Please confirm as received and that the information will be used in the review process for the Minor Modification:

The Minor Modification to the 2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN is Table 2 acres/sq ft per lot. PLEASE NOTE THAT THE 2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN TTM IS EXPIRED.

Per the **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN 2014 2014** Minor Modifications to the Specific Plan may be approved by the Community Development Director (Wendy Sugimura). Minor Modifications may include:

- changes in architectural colors or details
- minor modifications to the street layout or public facility improvements
- minor changes to utility placement or layout
- minor changes to trail placement
- minor modifications to the subdivision plan (such as lot line adjustments and divisions) and **other similar changes.**

Minor modifications to the subdivision plan, such as lot line adjustments and divisions, shall not require an amendment to the Specific Plan provided the Mono County Planning Director finds the modification is consistent with the general nature and intent of this Plan.

Please confirm as received and the information will be included in the packet to be submitted to the Planning Commission Appeal Hearing that the **VESTING TTM APPLICATION IS COMPLETE.**

SB 35 Government Code §65913.4- Creates a ministerial review and approval process to streamline certain qualifying affordable housing projects. Mono County is subject to SB 35 streamlining for proposed developments with ≥ 50% affordability.

Per SB 330 Preliminary Application: **Consistent with this revised process, SB 330 now defines “determined to be complete” in new Government Code section 65589.5(h)(9) in the Housing Accountability Act to mean that “the applicant has submitted a complete application pursuant to Section 65943.** Under SB 330, a city’s or county’s limited discretion kicks in only at this more traditional post-vesting stage. In particular, upon submittal of the information intended to establish a “complete application,” the city or county has 30 days to consider the completeness of the final application, and if the city or county determines that the application for the housing development project is still **not complete pursuant to Government Code section 65943, the applicant must submit the specific information needed to complete the application within 90 days of receiving the agency’s written identification of the necessary information. Once the applicant has provided the required information to complete an application, the application is “determined to be complete.**

The Minor Modification to the Specific Plan is consistent with the general nature and intent, as can be seen with the Vesting Tentative Tract Map application.

APPLICATION ACCEPTANCE A. DR 23-00X Sierra Del Oro – Director Review application for a minor modification of the 2014 Rock Creek Ranch Specific Plan per the provisions of a minor modification allowed by the Director in the adopted Specific Plan. The proposed minor modification is intended to facilitate a Tentative Tract Map application. APN 026-033-002-000 (Cecilia Jaroslowsky & Brent Calloway).

All planning and development actions in Rock Creek Ranch 10-lot subdivision are required to be consistent with the conditions outlined in the 2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN. This requirement applies to initial site preparation as well as subsequent development and redevelopment of individual residential lots, roads, open space lands, utilities, and infrastructure improvements including the LRCMWC facilities located on the site but serving areas outside of the Rock Creek Ranch 10-lot subdivision.

Mono County Code Chapter 17.12 - SUBDIVISIONS—PRELIMINARY APPROVAL AND TENTATIVE MAPS. 17.12.010 - Preliminary acceptance.

Mono County Code allows that the tentative map shall be prepared in accordance with the Subdivision Map Act and the provisions of **17.12.010 - Preliminary acceptance.** Such submittal may be prior to the completion of final surveys but shall be prior to the start of any grading or construction work within the proposed subdivision. The Preliminary Drainage Plan, The Preliminary Soil Survey and the Vegetative Preservation Plan are all included in the Geo Tech Reports for the FEIR and the **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN** which was approved October 21, 2014, by the Board of Supervisors

The information requested has been submitted to **COMPLETE THE VESTING TTM APPLICATION.** Per SB 330 Preliminary Application, the Vesting TTM application is **DETERMINED TO BE COMPLETE.**

Again, please confirm received and that they will be included in the packets for review.

Thank you,

Paula Richards

Sierra del Oro Trading Company LLC
Rock Creek Ranch Mutual Water Corp
Rock Creek Ranch Rural Electric Corp

paularichards@sierradeloro.biz
(310)869-8159

[Quoted text hidden]

Cecilia Jaroslowsky <cjaroslowsky@migcom.com> Tue, Oct 3, 2023 at 10:40 AM
To: Paula Richards <paularichards@sierradeloro.biz>
Cc: Brent Calloway <bcalloway@mono.ca.gov>, Wendy Sugimura <wsugimura@mono.ca.gov>, Heidi Willson <hwillson@mono.ca.gov>, tim richards <timrichards@sierradeloro.biz>, Peter Templeton <ptempleton@templetonplanning.com>

Good Morning Paula;

Thank you for the additional information; the review for the DR Permit is in progress. I will create your communication as an additional attachment for the 10.19.23 PC Appeal.

Thanks.

[Quoted text hidden]

--

Cecilia Jaroslowsky
Senior Planner
MIG, Inc.
800 Hearst Avenue
Berkeley, CA 94710
510 845 7549 | www.migcom.com

MONO COUNTY PLANNING COMMISSION

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **September 21, 2023**. The meeting will be accessible remotely by livecast at <https://monocounty.zoom.us/j/88523032176> or in-person at the Mono Lake Room of the Mono County Civic Center, First Floor, 1290 Tavern Road, Mammoth Lakes, CA. 93546, where members of the public shall have the right to observe and offer public comment and to consider the following: **9:10 am – Appeal of Community Development Department Staff Decision of Incomplete Application.** The appellant has appealed a staff decision by the Community Development Department that an application for a Tentative Tract Map at parcel 026-330-002-000 in the Rock Creek Ranch Specific Plan in the community of Paradise Estates has been deemed incomplete and is unable to be accepted for processing without the submission of additional documentation. Project materials are available for public review online at <https://monocounty.ca.gov/planning-commission> and hard copies are available for the cost of reproduction by calling 760-924-1800. INTERESTED PERSONS are strongly encouraged to attend the meeting in-person; and to submit comments to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA 93546 or by email at cddcomments@mono.ca.gov, by **8 am on Thursday, September 21, 2023**. If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Secretary to the Planning Commission at, or prior to, the public hearing.

Mono County Community Development Department

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

October 19, 2023

To: Mono County Planning Commission

From: Wendy Sugimura, Director

Re: WORKSHOP: Regional Transportation Plan

RECOMMENDATION

Receive report and provide any desired direction to staff.

FISCAL IMPACT

None.

BACKGROUND

The Local Transportation Commission (LTC) is adopting new projects under a funding cycle available every two years called the Regional Transportation Improvement Program (RTIP). Once all transportation agencies in the state adopt an RTIP, they are combined into a single project programming document called the State Transportation Improvement Program (STIP). The terms STIP and RTIP are often used interchangeably.

The adoption of the RTIP also necessitates updates of the Regional Transportation Plan (RTP) which is not only a required planning document for the LTC, but serves as the majority of the Mono County General Plan Circulation Element. The RTP is a long-range planning document that sets forth a vision, goals, and policies for the transportation system throughout the county.

The updates caused by the RTIP are typically limited in nature, requiring the updating of various tables and financial programs to be consistent with the proposed RTIP. However, the Planning Division takes this opportunity to also review transportation policies as it is an easy time to make noncontroversial edits or updates.

DISCUSSION

The currently adopted RTP is available at

https://www.monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/9617/rtp_w-appdx_2015_final.pdf.

A presentation providing an overview of the RTP will be given at the meeting. Regional Planning Advisory Committees (RPACs) are reviewing the community policies and recommending any updates. These policy edits need not be adopted at the same time as the RTIP, particularly if additional policy development is needed.

The state deadline for the RTIP is December 15. The LTC is planning to adopt the RTIP and any simple updates to the RTP at the November 13, 2023, meeting.

Please contact Wendy Sugimura (wsugimura@mono.ca.gov, 760-924-1814) with any questions.

Attachment: Presentation slides

Mono County Planning Commission

Regional Transportation Plan (RTP) workshop

October 19, 2023

Overview and Purpose of the Regional Transportation Plan

- Provide a clear vision of the regional transportation goals, policies, objectives and strategies for the Regional Transportation Planning Agencies (RTPAs)
- Provide an assessment of the current modes of transportation and the potential of new travel options within the region.
- Identify and document specific actions necessary to address the region's mobility and accessibility needs.
- For Mono Co, serves two purposes as required by state law – Regional Transportation Planning Agency (RTPA or LTC) and the circulation element of the General Plan – one document for both
- RTP is linked with TOML & Mono Co Housing Elements
- CA Transportation Commission is updating RTP Guidelines

Regional Transportation Plan Workshop

Regional Transportation Plan – Elements

- 1) Planning Process
- 2) Needs Assessment
- 3) Regional Policy Element
- 4) Community Policy Element
- 5) Action Element
- 6) Financial Element



Regional Transportation Plan Workshop

3) Regional Policy Element – Goals, Policies and Objectives for the following areas:

Land use issues

Economic factors

Resource Efficiency

Environmental issues

Livable communities

Operational Improvements

Non-motorized transportation (ATP)

Transit

Parking

Aviation

Plan Consistency

Public Participation

Performance Measures (STIP, Rural Performance Measures, Qualitative vs. Quantitative, Asset Management/SWITRS)



Regional Transportation Plan Workshop

4) Community Policy Elements - review with communities for any updates

Antelope Valley

Swauger Creek/Devils Gate

Bridgeport Valley

Bodie Hills

Mono Basin

Yosemite

June Lake

Mammoth Vicinity/Upper Owens

Long Valley

Wheeler Crest

Paradise

Tri-Valley

Oasis

Town of Mammoth Lakes – Mobility Element

Regional Transportation Plan Workshop

5) Action Element

2024 Regional Transportation Improvement Program

6) Financial Element

2024 RTIP and data updates
(tables)



Regional Transportation Plan Workshop

What happens next?

RTP update

- Coincide with the 2024 Regional Transportation Improvement Program
- CTC updating guidelines
- Update any community policies, and
- Any technical corrections

Comments/Questions?



Mono County Planning Division*: Current Projects

October 12, 2023

*Does not include transportation, LAFCO, building, code compliance, etc. projects

Completed		
Housing	Lee Vining, June Lk	Responded to policy questions regarding RVs as residences
Rock Creek Ranch	Swall Meadows	Significant time on reviewing and understanding applicant information
Wheeler Crest Design Review Committee	Swall Meadows	Continue to hold regular meetings to approve projects and set up administration
Short-Term Rental Moratorium on multi-family residential units	Countywide	Board adopted 45-day moratorium on Oct. 10.
Study of Short-Term Rental Impacts on workforce housing initiated	Countywide	Board adopted contract on Oct. 10. Meetings with consultant have been initiated.
Walker Main Street	Walker	Follow up meeting with Caltrans on 10/16, potential grant application.
Tribal Consultation initiated	Lee Vining	Consultant scope of work for tribal cultural resources analysis and assistance with consultation secured, awaiting decision from applicant

Active Planning Permit Applications		
Permit Type	Community	Description
GPA/SP	Mono Basin	STRs & campground, awaiting applicant approval of CEQA costs
GPA/SP	Sonora Junction	Permit existing nonconforming campground, change LUD from RM to SP
GPA/SP	Tri-Valley	Cannabis cultivation, approved by PC in Nov. 2022, awaiting fee payments before going to Board, issued 30-day Inactive Projects notice
UP	June Lake	New RV Park (Bear Paw)
UP	Walker	RV Storage facility
UP	June Lake	Year-round food truck at Ohana's lot
DR	June Lake	Convert existing building to club house with minor retail
DR	Crowley	Trailer during construction
DR	Paradise	Minor modification to specific plan
LLA	Coleville	adjust lot line - awaiting response to cxs
LLA	Bridgeport	LLA
LM	Swall Meadows	merger - filing appeal for prop taxes
LM	June Lake	merger - final docs on way

Active Policy/Planning Projects		
Name	Community	Description
Biomass Facility	Mammoth Area	Assist with land use planning issues as necessary; project site proposed at Ormat geothermal plant
Review State Minimum Fire Safe Standards and update General Plan regulations	Countywide	Will be a separate GPA; workshop later in year
Housing Policy	Countywide	Housing Element tracking and policy development per Board's direction
Special District Study	Countywide	underway
Multi-Jurisdictional Hazard Mitigation Plan Update	Countywide	underway; in collaboration with the Town of Mammoth Lakes
US 395 Wildlife Crossings	Long Valley	Project committee to construct wildlife crossings on US 395; Caltrans lead

Active Policy/Planning Projects		
Wheeler Crest Design Review	Swall Meadows	Convert to Brown Act body
Towns to Trails Planning	Countywide	Participate in effort by ESCOG/MLTPA
RVs as residences	Countywide	Determine if or under what circumstances an RV may be permitted as a residential use, Board has requested another workshop
Revision to Chapter 11	Countywide; Antelope Valley	on hold pending staffing resources
Cannabis Odor Standards	Countywide	Low priority, readings to be taken with Nasal Ranger this spring and fall
Update General Plan Map Layers	Countywide	Update online
Sage grouse conservation	countywide	update of Bi-State Action Plan, monitor and comment on USFWS listing in progress, collaborate with DWP on habitat conservation
CEC Renewable Energy Policy	Countywide	CEC policy identifying areas in Mono County for wind and solar energy development

Acronyms:

AG	Agriculture
BOS	Board of Supervisors
CEQA	California Environmental Quality Act
DR	Director Review
ESCOG	Eastern Sierra Council of Governments
GHG	Greenhouse Gas
GPA	General Plan Amendment
LLA	Lot Line Adjustment
LTC	Local Transportation Commission
LUD	Land Use Designation
MFR-M	Multi-Family Residential - Medium
MLTPA	Mammoth Lakes Trails and Public Access
MU	Mixed Use
PC	Planning Commission
RR	Rural Residential
SP	Specific Plan
STR	Short-Term Rental
UP	Use Permit
VHR	Vacation Home Rental
VMT	Vehicle Miles Traveled

From: Brent Calloway
To: [Heidi Willson](#)
Cc: [Wendy Sugimura](#)
Subject: FW: SB 330 and SB 35 Proposed Timeline and Fees
Date: Wednesday, October 11, 2023 1:40:20 PM
Attachments: [SB 35 Guidelines Updated.pdf](#)
[HCD Summary Determination.pdf](#)
[SB 330 and SB 35 Proposed Timeframe.pdf](#)
[fx2cmepi16hgby5ct9g2.png](#)
[myeikdmvx1rdz2q72df2q.png](#)
[za2j7lqxpp5s58bguty3.png](#)
[ab7nkiqepnczaz28tt2cc.png](#)

From: Paula Richards <paularichards@sierradeloro.biz>
Sent: Monday, October 9, 2023 7:22 AM
To: Brent Calloway <bcalloway@mono.ca.gov>
Cc: Cecilia Jaroslowsky <cjaroslowsky@migcom.com>; Paul Roten <proten@mono.ca.gov>; Louis Molina <lmolina@mono.ca.gov>; Wendy Sugimura <wsugimura@mono.ca.gov>; patricia@mammothlakeshousing.org; Robert Lawton <rlawton@mono.ca.gov>; Jora Fogg <jfogg@mono.ca.gov>; jbush@mono.ca.gov; Chris Lizza <clizza@mono.ca.gov>; Heidi Willson <hwillson@mono.ca.gov>; Gerry LeFrancois <glefrancois@mono.ca.gov>; Rhonda Duggan <rduggan@mono.ca.gov>; Jennifer Kreitz <jkreitz@mono.ca.gov>; rgrable@oclandlaw.com
Subject: SB 330 and SB 35 Proposed Timeline and Fees

[EXTERNAL EMAIL]

Hello-

Thank you for the confirmation of the SB 330 Preliminary Application and Notice of Intent for SB 35.

Purpose in Filing a SB 330 Preliminary Application:

1. Creates new vested right –deemed complete upon submission of a preliminary application.

- Earlier than common law
- Earlier than vesting tentative map
- Earlier than development agreement

SB 330 Highlights the following:

- New, earlier path to obtain vested rights by filing an “SB 330 Preliminary Application”
- **Limits public hearings to five on all housing projects**
- Precludes local governments (and the electorate exercising its initiative or referendum power) from enacting policies that reduce density or place a limitation on housing
- Only allows local agencies to apply only objective, written development rules and policies.

2. Is the “Notice of Intent” for SB 35 for Rock Creek Ranch 10-lot subdivision. *A jurisdiction with insufficient progress toward its Lower Income RHNA goal is subject to SB 35 for*

developments with at least 50% affordability.

- Project approval is streamlined and ministerial (not subject to discretionary review or approval)
- If project qualifies, approval in 90 or 180 days or less
- Extremely limited public review opportunities
- Exempt from CEQA because CEQA only applies to “discretionary” actions
- Public Hearings not required because a ministerial process
- Public Hearings can permit “design review or public oversight”
- Public Hearings can be conducted by Planning Commission or equivalent board responsible for approval of development projects, including the city council.
- Public Hearings must be “objective and strictly focus on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards” in effect before application is submitted.
- Public Hearings cannot in any way “inhibit, chill, or preclude the ministerial approval” allowed by SB 35.

Key Aspects of SB 35:

- Project approval is streamlined and ministerial (not subject to discretionary review or approval)
- If project qualifies, approval in 90 or 180 days or less
- **Extremely limited public review opportunities**
- Exempt from CEQA because CEQA only applies to “discretionary” actions

SB 35 as codified under Government Code §65913.4 requires cities and counties to streamline review and approval of eligible affordable housing projects by providing a ministerial approval process, exempting such projects from environmental review under the California Environmental Quality Act (“CEQA”). This process does not allow discretionary public hearings; only design review or public oversight is allowed, which must be objective and strictly focused on assessing compliance with criteria required for streamlined projects as well as objective design review of the project.

The SB 35 bill created a streamlined approval process for infill developments in localities that have failed to meet their regional housing needs allocation (RHNA). The bill amends Government Code Section §65913.4 to require local entities to streamline the approval of certain housing projects by providing a ministerial approval process, removing the requirement for CEQA analysis, and removing the requirement for discretionary entitlements granted by the Planning Commission.

Mono County has been determined to be subject to SB 35 streamlining. To be eligible, SB 35 Project must be located in a jurisdiction that HCD has determined has issued less than its share of building permits to meet its regional housing needs, by income category within a “reporting period.”.

Please reference the 2023 HCD Summary Determination and Updated Streamlined Approval Process SB 35.

SB 35 Statewide Determination Summary

Cities and Counties Subject to SB 35 Streamlining Provisions

When Proposed Developments Include ≥ 50% Affordability.

Mono County has insufficient progress toward their Lower income RHNA (Very Low and Low income) and is

therefore subject to the streamlined ministerial approval process (SB 35 (Chapter 366,

Statutes of 2017) streamlining) for proposed developments with at least 50% affordability. SB 35 Government Code §65913.4 Targets jurisdictions that have not yet made sufficient progress towards their allocation of regional housing needs.

Per Mono County General Plan Countywide Land Use Policies and the 2014 Approved Rock Creek Ranch Amended Specific Plan, the 10-lot subdivision is considered an infill project.

Mono County General Plan: Countywide Land Use Policies

GOAL 1. Maintain and enhance the environmental and economic integrity of Mono County while providing for the land use needs of residents and visitors.

Objective 1.A.

Accommodate future growth in a manner that preserves and protects the area's scenic, agricultural, natural, cultural and recreational resources and that is consistent with the capacities of public facilities and services.

Policy 1.A.1. Contain growth in and adjacent to existing community areas.

Action 1.A.1.a. Encourage infill development in existing communities and subdivisions. New residential subdivision should occur within or immediately adjacent to existing community areas.

2014 Approved Rock Creek Ranch Amended Specific Plan

The primary objective of the Rock Creek Ranch Specific Plan is to fulfill the General Plan vision for ultimate development of the Paradise community through a plan that protects the scenic, recreational and natural resources of the area while sustaining the small-town atmosphere and rural-residential character and quality of life that characterizes Mono County. An important secondary objective is to allow for enhanced reliability and fire safety to the Rock Creek Ranch project and the community of Paradise.

CA Code Regs. tit. 14 § 15183.3

(a) Purpose. The purpose of this section is to streamline the environmental review process for eligible infill projects by limiting the topics subject to review at the project level where the effects of infill development have been addressed in a planning level decision or by uniformly applicable development policies.

Streamlined Review. CEQA does not apply to the effects of an eligible infill project under two circumstances. First, if an effect was addressed as a significant effect in a prior EIR for a planning level decision, then, with some exceptions, that effect need not be analyzed again for an individual infill project even when that effect was not reduced to a less than significant level in the prior EIR. Second, an effect need not be analyzed, even if it was not analyzed in a prior EIR or is more significant than previously analyzed, if the lead agency makes a finding that uniformly applicable development policies or standards, adopted by the lead agency or a city or county, apply to the infill project and would substantially mitigate that effect. Depending on the effects addressed in the prior EIR and the availability of uniformly applicable development policies or standards that apply to the eligible infill project, streamlining under this section will range from a complete exemption to an obligation to prepare a narrowed, project-specific environmental document. A prior EIR will be most helpful in dealing with later infill projects if it deals with the effects of infill development as specifically and comprehensively as possible. With a good and detailed analysis of such development, the effects of many infill projects could be found to have been addressed in the prior EIR, and no further environmental documents would be required.

CA Govt. Code Section §65915 Projects

State Density Bonus Projects under CA Govt. Code Section §65915 Projects that use the State Density Bonus Program and meet all other eligibility requirements above qualify for streamlining under SB-35. Any waivers, concessions, or incentives, conferred through the State Density Bonus

Law are considered code-complying, and therefore are consistent with the objective standards of the Zoning Code. In addition, qualifying 100% affordable projects may qualify for the State Density Bonus set forth in CA Govt. Code Section §65915.

Proposed Timeline:

1. **October 19-** Vesting Tentative Tract Map shall be “determined COMPLETE” by the Planning Commission. 90- 180 days to APPROVE VESTING TENTATIVE TRACT MAP. All documents have been satisfied for the **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN and vested rights to the SB 330 Preliminary Application. Project is deemed consistent if there is substantial evidence in the entire record that allows a reasonable person to conclude consistency, (Vesting TTM applications: March 31 and August 7 are the same except for the CAL Fire exemption. Please review Submittals of March 31 Vesting TTM) NOT the usual standard of review which is whether the agency’s decision is supported by substantial evidence. GC §65589.5(f)(4). SB 35 Creates a ministerial review and approval process to streamline certain qualifying affordable housing projects. SB 35 Government Code §65913.4 Targets jurisdictions that have not yet made sufficient progress towards their allocation of regional housing needs. Public Hearings are not required because a ministerial process.** Public Hearings can be conducted by Planning Commission or equivalent board responsible for approval of development projects. Public Hearings must be “objective and strictly focus on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards” in effect before application submitted. Public Hearings cannot in any way “inhibit, chill, or preclude the ministerial approval” allowed by SB 35. At the completion of the surveys, all plans will be engineered to be submitted prior to development of Phase 1. **(Balance of \$160 to be paid)**
2. **October 19-** Minor Modification to the **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN** is deemed to be consistent with the general nature and intent of the Specific Plan and approved by the **Planning Director. (\$825 to be paid)**
3. **November 4-** Tribal Consultation with Lead Agency for SB 35 Notice of Intent SB 330 Preliminary Application.
4. **November 18-** Thirty days after the application (Vesting TTM application included in the SB 330 PA) for the ministerial project is accepted as complete or “deemed complete,” the lead agency (CDD) must complete its initial environmental study to determine Negative Declaration and CEQA EXEMPT. Public Resources Code § 21080.2; 14 California Code of Regulations (“CEQA Guidelines”) § 15102.
5. **November 20-** Planning Commission meeting review of Vesting Tentative Tract Map-CEQA Exempt. **(\$815 to be paid)**
6. **November 30-** Completion of Surveys: Topographical Survey; Parcel Map/Subdivision Survey; and Boundary Line Survey w/100 feet over line.
7. **December 15-** Completion of Engineering plans.
8. **December 21-** Planning Commission meeting to review engineering plans. **(\$815 to be paid)**
9. **January 18, 2024-** Planning Commission meeting to approve the Vesting TTM application. **(\$815 to be paid)**
10. **February 5, 2024-** Submission of Building Permits and Grading Permits for Phase 1 Infrastructure.
11. **April 5, 2024-** 180-day deadline for submission of Subdivision Map with all Residential Buildings deadline. Submission of SB 35 Application: Subdivision Map with all Dwelling Units/Project description; SB 35 Supplemental; State Density Bonus Application; and Architectural plans. **(\$815 to be paid)**
12. **May 5, 2024-** 30-day review of SB 35 Project- Subdivision Map Application to

DETERMINE COMPLETE.

13. **May 15, 2024**- Building Season starts. Phase 1 Infrastructure begins.
14. **May 16, 2024**- Planning Commission ACCEPTS COMPLETE SUBDIVISION MAP APPLICATION with all Dwelling Units. **(\$815 to be paid)**
15. **July 18, 2024**- Planning Commission APPROVES SUBDIVISION MAP APPLICATION with all Dwelling Units. **(\$815 to be paid)**
16. **October 1, 2024**- Building Season ends.
17. **May 15, 2025**- Building Season starts. Lots 1, 2, 3, 4 and 10. Phase 2

SB 330 and SB 35 are flat rate Ministerial Review fees. SB 330 Preliminary Application is a flat processing and filing fee. Mono County does not have a listing for Ministerial Review or a processing/filing fee. The closest fee would be the "Director Review- Large \$815". The Planning Commission Appeal Hearing is a deposit of \$655. Please apply this towards the SB 330 Submittal Ministerial Review fee. The balance of \$160, to be paid if the Proposed Timeline is agreed to by Mono County.

SB 330 Submittal Fee \$4,075 (5x \$815), within the limit of five public hearings max
SB 35 Submittal Fee \$2,445 (3x \$815), within the sixty-days limit of projects seeking public funding or tax credits

Again, a site visit is recommended for the County to review the project and at the very least an in-person meeting to review the entire breath of the applications to answer any questions the County may have for the development and phases. Early consultation with Planning, Building & Safety and Housing & Community Investment staff is strongly recommended since zoning and housing requirements may apply that could affect the anticipated scope of a project and its ability to remain vested after a Preliminary Application is submitted.

Both are suggestions from HCD to assist the CDD to process the application within the required timeframes.

Attached below: SB 330 Preliminary Application and SB 35 Notice of Intent; Vesting TTM application and Minor Modification Director Review application; Geo Tech reports; and a letter containing the information of this email.

Please confirm acceptance of the Proposed Timeline with Submittal and Review Fees.

ROCK CREEK RANCH SPECIFIC PLAN AND DRAFT EIR



APPENDIX K

NOTICE OF EIR PREPARATION

ROCK CREEK RANCH SPECIFIC PLAN & DRAFT EIR

[Geo-Tech Report incl in draft eir.pdf](#)
[dropbox.com](#)

ROCK CREEK RANCH 15-LOT SUBDIVISION
INTENTIONAL COMMUNITY



SB 330 PRELIMINARY APPLICATION
SUBMITTAL
OCTOBER 10, 2003

[Preliminary Application SB 330.pdf](#)
[dropbox.com](#)

Thank you,

Paula Richards

Sierra del Oro Trading Company LLC
Rock Creek Ranch Mutual Water Corp

Rock Creek Ranch Rural Electric Corp

paularichards@sierradeloro.biz

(310)869-8159

Proposed Timeline for Rock Creek Ranch 10-Lot Subdivision Intentional Community

To:

Mono County Planning Commission

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Mono County Environmental Health

Louis Molina, Director lmolina@mono.ca.gov

October 9, 2023

Thank you for the confirmation for the SB 330 Preliminary Application and Notice of Intent for SB 35.

Purpose in Filing a SB 330 Preliminary Application:

Creates new vested right –deemed complete upon submission of a preliminary application.

- Earlier than common law
- Earlier than vesting tentative map
- Earlier than development agreement

Senate Bill 330 Highlights the following:

- New, earlier path to obtain vested rights by filing an “SB 330 Preliminary Application”
- **Limits public hearings to five on all housing projects**
- Precludes local governments (and the electorate exercising its initiative or referendum power) from enacting policies that reduce density or place a limitation on housing
- Only allows local agencies to apply only objective, written development rules and policies.

Is the “Notice of Intent” for SB 35 for Rock Creek Ranch 10-lot subdivision. *A jurisdiction with insufficient progress toward its Lower Income RHNA goal is subject to SB 35 for developments with at least 50% affordability.*

- Project approval is streamlined and ministerial (not subject to discretionary review or approval)
- If project qualifies, approval in 90 or 180 days or less
- Extremely limited public review opportunities
- Exempt from CEQA because CEQA only applies to “discretionary” actions
- Public Hearings not required because a ministerial process
- Public Hearings can permit “design review or public oversight”
- Public Hearings can be conducted by Planning Commission or equivalent board responsible for approval of development projects, including the city council.
- Public Hearings must be “objective and strictly focus on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards” in effect before application is submitted.
- Public Hearings cannot in any way “inhibit, chill, or preclude the ministerial approval” allowed by SB 35.

Key Aspects of SB 35:

- Project approval is streamlined and ministerial (not subject to discretionary review or approval)
- If project qualifies, approval in 90 or 180 days or less
- **Extremely limited public review opportunities**
- Exempt from CEQA because CEQA only applies to “discretionary” actions

Proposed Timeline for Rock Creek Ranch 10-Lot Subdivision Intentional Community

SB 35 as codified under Government Code §65913.4 requires cities and counties to streamline review and approval of eligible affordable housing projects by providing a ministerial approval process, exempting such projects from environmental review under the California Environmental Quality Act (“CEQA”). This process does not allow discretionary public hearings; only design review or public oversight is allowed, which must be objective and strictly focused on assessing compliance with criteria required for streamlined projects as well as objective design review of the project.

The SB 35 bill created a streamlined approval process for infill developments in localities that have failed to meet their regional housing needs allocation (RHNA). The bill amends Government Code Section §65913.4 to require local entities to streamline the approval of certain housing projects by providing a ministerial approval process, removing the requirement for CEQA analysis, and removing the requirement for discretionary entitlements granted by the Planning Commission.

Mono County has been determined to be subject to SB 35 streamlining. To be eligible, SB 35 Project must be located in a jurisdiction that HCD has determined has issued less than its share of building permits to meet its regional housing needs, by income category within a “reporting period.”.

Please reference the 2023 HCD Summary Determination.

SB 35 Statewide Determination Summary

Cities and Counties Subject to SB 35 Streamlining Provisions

When Proposed Developments Include \geq 50% Affordability.

Mono County has insufficient progress toward their Lower income RHNA (Very Low and Low income) and is therefore subject to the streamlined ministerial approval process (SB 35 (Chapter 366, Statutes of 2017) streamlining) for proposed developments with at least 50% affordability. SB 35 Government Code §65913.4 Targets jurisdictions that have not yet made sufficient progress towards their allocation of regional housing needs.

Per Mono County General Plan Countywide Land Use Policies and the 2014 Approved Rock Creek Ranch Amended Specific Plan, the 10-lot subdivision is considered an infill project.

Mono County General Plan: Countywide Land Use Policies

GOAL 1. Maintain and enhance the environmental and economic integrity of Mono County while providing for the land use needs of residents and visitors.

Objective 1.A.

Accommodate future growth in a manner that preserves and protects the area's scenic, agricultural, natural, cultural and recreational resources and that is consistent with the capacities of public facilities and services.

Policy 1.A.1. Contain growth in and adjacent to existing community areas.

Action 1.A.1.a. Encourage infill development in existing communities and subdivisions. New residential subdivision should occur within or immediately adjacent to existing community areas.

2014 Approved Rock Creek Ranch Amended Specific Plan

The primary objective of the Rock Creek Ranch Specific Plan is to fulfill the General Plan vision for ultimate development of the Paradise community through a plan that protects the scenic, recreational and natural resources of the area while sustaining the small-town atmosphere and rural-residential character and quality of life that characterizes Mono County. An important secondary objective is to allow for enhanced reliability and fire safety to the Rock Creek Ranch project and the community of Paradise.

CA Code Regs. tit. 14 § 15183.3

(a) Purpose. The purpose of this section is to streamline the environmental review process for eligible infill projects by limiting the topics subject to review at the project level where the effects of infill development have been addressed in a planning level decision or by uniformly applicable development policies.

Streamlined Review. CEQA does not apply to the effects of an eligible infill project under two circumstances. First, if an effect was addressed as a significant effect in a prior EIR for a planning level decision, then, with some exceptions, that effect need not be analyzed again for an individual infill project even when that effect was not reduced to a less than significant level in the prior EIR. Second, an effect need not be analyzed, even if it was not analyzed in a prior EIR or is more significant than previously analyzed, if the lead agency makes a finding that uniformly applicable development policies or standards, adopted by the lead agency or a city or county, apply to the infill project and would substantially mitigate that effect. Depending on the effects addressed in the prior EIR and the availability of uniformly applicable development policies or standards that apply to the eligible infill project,

Proposed Timeline for Rock Creek Ranch 10-Lot Subdivision Intentional Community

streamlining under this section will range from a complete exemption to an obligation to prepare a narrowed, project-specific environmental document. A prior EIR will be most helpful in dealing with later infill projects if it deals with the effects of infill development as specifically and comprehensively as possible. With a good and detailed analysis of such development, the effects of many infill projects could be found to have been addressed in the prior EIR, and no further environmental documents would be required.

CA Govt. Code Section §65915 Projects

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Proposed Timeline:

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- 14. May 16, 2024-** Planning Commission ACCEPTS COMPLETE SUBDIVISION MAP APPLICATION with all Dwelling Units. (\$815 to be paid)

Proposed Timeline for Rock Creek Ranch 10-Lot Subdivision Intentional Community

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- 17. May 15, 2025-** Building Season starts. Lots 1, 2, 3, 4 and 10. Phase 2

SB 330 and SB 35 are flat rate Ministerial Review fees. SB 330 Preliminary Application is a flat processing and filing fee. Mono County does not have a listing for Ministerial Review or a processing/filing fee. The closest fee would be the "Director Review- Large \$815". The Planning Commission Appeal Hearing is a deposit of \$655. Please apply this towards the SB 330 Submittal Ministerial Review fee. The balance of \$160, to be paid if the Proposed Timeline is agreed to by Mono County.

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Again, a site visit is recommended for the County to review the project and at the very least an in-person meeting to review the entire breath of the applications to answer any questions the County may have for the development and phases. Early consultation with Planning, Building & Safety and Housing & Community Investment staff is strongly recommended since zoning and housing requirements may apply that could affect the anticipated scope of a project and its ability to remain vested after a Preliminary Application is submitted.

Both are suggestions from HCD to assist the CDD to process the application within the required timeframes.

Thank you,

Paula Richards

Updated Streamlined Ministerial Approval Process

Government Code Section 65913.4 Guidelines



**State of California
Governor Gavin Newsom**

**Lourdes M. Castro Ramírez, Secretary
Business, Consumer Services and Housing Agency**

**Gustavo Velasquez, Director
California Department of Housing and Community Development**

**Megan Kirkeby, Deputy Director
Division of Housing Policy Development**

Division of Housing Policy Development
2020 West El Camino Avenue, Suite 500
Sacramento, CA 95833

Originally issued November 29, 2018
March 30, 2021

The matters set forth herein are regulatory mandates, and are adopted in accordance with the authorities set forth below:

Quasi-legislative regulations ... have the dignity of statutes ... [and]... delegation of legislative authority includes the power to elaborate the meaning of key statutory terms...

Ramirez v. Yosemite Water Co., 20 Cal. 4th 785, 800 (1999)

The Department may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section. Any guidelines or terms adopted pursuant to this subdivision 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.

Government Code section 65913.4, subdivision (j)

Government Code section 65913.4 relates to the resolution of a statewide concern and is narrowly tailored to limit any incursion into any legitimate municipal interests, and therefore the provisions of Government Code section 65913.4, as supplemented and clarified by these Guidelines, are constitutional in all respects and preempt any and all inconsistent laws, ordinances, regulations, policies or other legal requirements imposed by any locality.

Streamlined Ministerial Approval Process Program Guidelines

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INTRODUCTION

Chapter 366, Statutes of 2017 (SB 35, Wiener) was part of a 15-bill housing package aimed at addressing the state's housing shortage and high housing costs. Specifically, it requires the availability of a Streamlined Ministerial Approval Process for developments in localities that have not yet made sufficient progress towards their allocation of the regional housing need. Eligible developments must include a specified level of affordability, be on an infill site, comply with existing residential and mixed-use general plan or zoning provisions, and comply with other requirements such as locational and demolition restrictions. The intent of the legislation is to facilitate and expedite the construction of housing. In addition, as part of the legislation, the Legislature found ensuring access to affordable housing is a matter of statewide concern and declared that the provisions of SB 35 would apply to all cities and counties, including a charter city, a charter county, or a charter city and county. Please note, the California Department of Housing and Community Development (Department) may take action in cases where these Guidelines are not adhered to under its existing accountability and enforcement authority. In addition, please also be aware that these Guidelines do not fully incorporate statutory changes to the law made by Chapter 166, Statutes of 2020 (AB 168) and Chapter 194, Statutes of 2020 (AB 831) at this time, which require, among other things, pre-application tribal scoping consultation. Changes required by AB 168 and AB 831 will be more fully incorporated in a subsequent version of these Guidelines, which are expected to be prepared and circulated in 2021. Developers and local governments using these Guidelines should refer to Government Code section 65913.4 to comply with these new mandates.

Guidelines for the Streamlined Ministerial Approval Process are organized into five Articles, as follows:

Article I. General Provisions: This article includes information on the purpose of the Guidelines, applicability, and definitions used throughout the document.

Article II. Determination Methodology: This article describes the methodology for which the Department shall determine which localities are subject to the Streamlined Ministerial Approval Process.

Article III. Approval Process: This article describes the parameters of the approval process, including local government responsibilities, approval processes, and general provisions.

- 1) **Local Government Responsibility** – This section specifies the types of requirements localities may require a development to adhere to in order to determine consistency with general plan and zoning standards, including objective standards, controlling planning documents, and parking.
- 2) **Development Review and Approval** – This section details the types of hearings and review allowed under the Streamlined Ministerial Approval Process, timing provisions for processing and approving an application, denial requirements, and timeframes related to the longevity of the approval.

Article IV. Development Eligibility: This article describes the requirements for developments in order to apply for streamlining, including type of housing, site requirements, affordability provisions, and labor provisions.

Article V. Reporting: This article describes reporting requirements specific to the Streamlined Ministerial Approval Process in the locality's Annual Progress Report on the general plan.

ARTICLE I. GENERAL PROVISIONS**Section 100. Purpose and Scope**

- (a) These Guidelines (hereinafter “Guidelines”) implement, interpret, and make specific the Chapter 366, Statutes of 2017 (SB 35, Wiener), and subsequent amendments (hereinafter “Streamlined Ministerial Approval Process”) as authorized by Government Code section 65913.4.
- (b) These Guidelines establish terms, conditions, and procedures for a development proponent to submit an application for a development to a locality that is subject to the Streamlined Ministerial Approval Process provided by Government Code section 65913.4. Nothing in these Guidelines relieves a local government from the obligation to follow state law relating to the availability of the Streamlined Ministerial Approval Process.
- (c) It is the intent of the Legislature to provide reforms and incentives to facilitate and expedite the construction of affordable housing. Therefore, these Guidelines shall be interpreted and implemented in a manner to afford the fullest possible weight to the interest of increasing housing supply.
- (d) These Guidelines shall remain in effect until January 1, 2026, and as of that date are repealed.

NOTE: Authority cited: Government Code section 65913.4(l). Reference cited: Government Code section 65582.1 and 65913.4(n) and (o).

Section 101. Applicability

- (a) The provisions of Government Code section 65913.4 are effective as of January 1, 2018.
- (b) These Guidelines are applicable to applications submitted on or after January 1, 2019, including applications submitted for modification to a development per Section 301(c). Subsequent updates to the Guidelines are applicable to applications submitted on or after the date adopted as shown on the cover page. Nothing in these Guidelines may be used to invalidate or require a modification to a development approved through the Streamlined Ministerial Approval Process prior to the effective date.
- (c) These Guidelines are applicable to counties and cities, including both general law and charter cities, including a charter city and county.

NOTE: Authority cited: Government Code section 65913.4(l). Reference cited: Government Code section 65913.4(k)(6).

Section 102. Definitions

All terms not defined below shall, unless their context suggests otherwise, be interpreted in accordance with the meaning of terms described in Government Code section 65913.4

- (a) “Annual Progress Report (APR)” means the housing element Annual Progress Report required by Government Code section 65400, and due to the Department April 1 of each year, reporting on the prior calendar year’s permitting activities and implementation of the programs in a local government’s housing element.

Department of Housing and Community Development

- (b) “Application” means a submission requesting Streamlined Ministerial Approval pursuant to Government Code section 65913.4 and these Guidelines, which contains information pursuant to Section 300(b) describing the development’s compliance with the criteria outlined in Article IV of these Guidelines.
- (c) “Area Median Income (AMI)” means the median family income of a geographic area of the state, as determined annually by the Department within the state income limits: <http://www.hcd.ca.gov/grants-funding/income-limits/index.shtml>.
- (d) “Car share vehicle” is an automobile rental model where people rent cars from a car-sharing network, or an exclusive car provided by the project, to be located in a designated area within the project, for roundtrip or one-way, where vehicles are returned to a dedicated or reserved parking location. An example of such a service is Zipcar or car(s) provided by the project. If the project provides an exclusive car, it shall do so at a ratio of at least one car per every 50 units.
- (e) “Density Bonus” has the same meaning as set forth in Government Code section 65915.
- (f) “Department” means the California Department of Housing and Community Development.
- (g) “Determination” means the published identification, periodically updated, by the Department of those local governments that are required to make the Streamlined Ministerial Approval Process available per these Guidelines.
- (h) “Development proponent” or “applicant” means the owner of the property, or person or entity with the written authority of the owner, that submits an application for streamlined approval.
- (i) “Fifth housing element planning period” means the five or eight-year time period between the due date for the fifth revision of the housing element and the due date for the sixth revision of the housing element pursuant to Government Code section 65588(f).
- (j) “Infill” means at least 75 percent of the linear measurement of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this definition, parcels that are only separated by a street or highway shall be considered to be adjoined.
- (k) “Locality” or “local government” means a city, including a charter city, a county, including a charter county, or a city and county, including a charter city and county.
- (l) “Low-income” means households earning 50 to 80 percent of AMI.
- (m) “Lower-income” means households earning 80 percent or less of AMI pursuant to Health and Safety Code section 50079.5.
- (n) “Ministerial processing” or “ministerial approval” means a process for development approval involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely ensures that the proposed development meets all the "objective zoning standards," "objective subdivision standards," and "objective design review standards" in effect at the time that the application is submitted to the local government, but uses no special discretion or judgment in reaching a decision.

Department of Housing and Community Development

- (o) “Moderate-income housing units” means housing units with an affordable housing cost or affordable rent for persons and families of moderate income pursuant to Health and Safety Code section 50093.
- (p) “Multifamily” means a housing development with two or more attached residential units. This includes mixed-use projects as stated in Section 400(a). The definition does not include accessory dwelling units unless the project is for new construction of a single-family home with attached accessory dwelling units. Please note, accessory dwelling units have a separate permitting process pursuant to Government Code section 65852.2.
- (q) “Objective standards” or “objective planning standards” means an objective zoning, objective subdivision and objective design review standard as those terms are defined in Section 102(r).
- (r) “Objective zoning standard”, “objective subdivision standard”, and “objective design review standard” means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the applicant or development proponent and the public official prior to submittal, and includes only such standards as are published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application.
- (s) “Project labor agreement” has the same meaning as set forth in paragraph (1) of subdivision (b) of section 2500 of the Public Contract Code.
- (t) “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge a set fare, run on fixed routes, and are available to the public.
- (u) “Public works project” means developments which meet the criteria of Chapter 1 (commencing with section 1720) of Part 7 of Division 2 of the Labor Code.
- (v) “Regional housing need” means the local government’s share of the regional housing need allocation as determined by Article 10.6 of the Government Code.
- (w) “Related facilities” means any manager’s units and any and all common area spaces that are included within the physical boundaries of the housing development, including, but not limited to, common area space, walkways, balconies, patios, clubhouse space, meeting rooms, laundry facilities, and parking areas that are exclusively available to residential users, except any portions of the overall development that are specifically commercial space.
- (x) “Reporting period” means the timeframe for which APRs are utilized to create the determination for which a locality is subject to the Streamlined Ministerial Approval Process. The timeframes are calculated in relationship to the planning period of the housing element pursuant to Government Code section 65588 and are cumulative through the most recent calendar year.
- (y) “San Francisco Bay Area” means the entire area within the territorial boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, and the City and County of San Francisco.

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- (z) “Skilled and trained workforce” has the same meaning as provided in Chapter 2.9 (commencing with section 2600) of Part 1 of Division 2 of the Public Contract Code.
- (aa) “Subsequent permit” means any permit required subsequent to receiving approval under Section 301, and includes, but is not limited to, demolition, grading, encroachment permits, approval of sign programs, and tree removal permits, building permits, and final maps, as necessary.
- (bb) “Subsidized” means units that are price or rent restricted such that the units are affordable to households meeting the definitions of very low and lower income, as defined in Sections 50079.5 and 50105 of the Health and Safety Code. A local agency shall not reduce maximum rent below that specified in Health and Safety Code sections 50079.5 and 50105.
- (cc) “Tenant” means a person who occupies land or property rented or leased for use as a residence.
- (dd) “Urban uses” means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.
- (ee) “Very low-income” means households earning less than 50 percent or less of AMI pursuant to Health and Safety Code section 50105.

NOTE: Authority cited: Government Code section 65913.4(l). Reference cited: Government Code section 65913.4.

ARTICLE II. STREAMLINED MINISTERIAL APPROVAL PROCESS DETERMINATION

Section 200. Methodology

- (a) The Department will calculate the determination, as defined in Section 102(g), based on permit data received through the most recent APRs provided to the Department for the mid-point of the housing element planning period pursuant to Government Code section 65488 and at the end point of the planning period.
 - (1) APRs, as defined in Section 102(a), report on calendar years, while housing element planning periods may begin and end at various times throughout the year. When a planning period begins after July, the APR for that year is attributed to the prior housing element planning period. When the planning period ends before July 1, the APR for that year will be attributed to the following housing element planning period.
- (b) The determination is based on permitting progress toward a pro-rata share of the regional housing need for the reporting period.
 - (1) Determinations calculated at the mid-point of the planning period are based upon permitting progress toward a pro-rata share of half (50 percent) of the regional housing need, while determinations calculated at the end of the planning period are based upon permitting progress towards the entirety (100 percent) of the regional housing need.

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- (2) For localities, as defined in Section 102(k), on a 5-year planning period, the mid-point determination is based upon a pro-rata share of the regional housing need for the first three years in the planning period, and 60 percent of the regional housing need.
- (3) The determination applies to all localities beginning January 1, 2018, regardless of whether a locality has reached the mid-point of the fifth housing element planning period. For those local governments that have achieved the mid-point of the fifth housing element planning period, the reporting period includes the start of the planning period until the mid-point, and the next determination reporting period includes the start of the planning period until the end point of the planning period. In the interim period between the effective date of the Streamlined Ministerial Approval Process, until a locality reaches the mid-point in the fifth housing element planning period, the Department will calculate the determination yearly. This formula is based upon the permitting progress towards a pro-rata share of the regional housing need, dependent on how far the locality is in the planning period, until the mid-point of the fifth housing element planning period is reached. See example below.

Example Calculation
<p>For a locality two years into the reporting period, the determination is calculated at two out of eight years of the planning period and will be based upon a pro-rata share of two-eighths, or 25 percent, of the regional housing need, and the following year, for the same locality, the determination will be calculated at three out of eight years of the planning period based upon a pro-rata share of three-eighths, or 37.5 percent, of the regional housing need, and the following year for the same locality the determination will be calculated at four out of eight years of the planning period based upon a pro-rata share of four-eighths, or 50 percent, of the regional housing need. At that point, the locality will reach its mid-point of the planning period and the determination, the pro-rata share, and the permitting progress toward the pro-rata share will hold until the locality reaches the end-point of the planning period.</p>

- (c) To determine if a locality is subject to the Streamlined Ministerial Approval Process for developments with 10 percent of units affordable to lower-income households, or the 20 percent moderate income option if the site is located in the San Francisco Bay Area as defined in Section 102(y), the Department shall compare the permit data received through the APR to the pro-rata share of their above-moderate income regional housing need for the current housing element planning period. If a local government has permitted less than the pro-rata share of their above-moderate income regional housing need, then the jurisdiction will be subject to the Streamlined Ministerial Approval Process for developments with 10 percent affordability or the 20 percent moderate income option if the site is located in the San Francisco Bay Area.
- (d) Local governments that do not submit their latest required APR prior to the Department's determination are subject to the Streamlined Ministerial Approval Process for developments with 10 percent of units affordable to lower-income households or the 20 percent moderate income option if the site is located in the San Francisco Bay Area.
- (e) To determine if a locality is subject to the Streamlined Ministerial Approval Process for developments with 50 percent of units affordable to lower-income households, the Department shall compare the permit data received through the APR to the pro-rata share of their independent very low- and low-income regional housing need for the

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current housing element planning period. If a local government has permitted the pro-rata share of their above-moderate income regional housing need, and submitted their latest required APR, but has permitted less than the pro-rata share of their very low- and lower-income regional housing need, they will be subject to the Streamlined Ministerial Approval Process for developments with 50 percent affordability. For purposes of these Guidelines, as the definition of lower-income is inclusive of very low-income units, very low-income units permitted in excess of the very low-income need may be applied to demonstrate progress towards the lower-income need. However, as the definition of very low-income units does not include low-income units, low-income units permitted in excess of the low-income need shall not be applied to demonstrate progress towards the very low-income need.

- (f) To determine if a locality is not subject to the Streamlined Ministerial Approval Process, the permit data from the APR shall demonstrate that the locality has permitted the entirety of the pro-rata share of units for the above moderate-, low-, and very low-income categories of the regional housing need for the relevant reporting period, and has submitted the latest APR.
- (g) The Department's determination will be in effect until the Department calculates the determination for the next reporting period, unless updated pursuant to Section 201. A locality's status on the date the application is submitted determines whether an application is subject to the Streamlined Ministerial Approval Process, and also determines which level of affordability (10 or 50 percent) an applicant must provide to be eligible for streamlined ministerial permitting.

NOTE: Authority cited: Government Code section 65913.4(l). Reference cited: Government Code section 65913.4(a)(4).

Section 201. Timing and Publication Requirements

The Department shall publish the determination by June 30 of each year, accounting for the APR due April 1 of each year, though this determination may be updated more frequently based on the availability of data, data corrections, or the receipt of new information. The Department shall publish the determination on the Department's website.

NOTE: Authority cited: Government Code section 65913.4(l). Reference cited: Government Code section 65913.4(a)(4).

ARTICLE III. APPROVAL PROCESS

Section 300. Local Government Responsibility

- (a) After receiving a notice of intent to submit an application for a Streamlined Ministerial Approval Process, and prior to accepting an application for a Streamlined Ministerial Approval process, the local government must complete the tribal consultation process outlined in Government Code section 65913.4(b). The notice of intent shall be in the form of a preliminary application that includes all of the information described in Government Code section 65941.1.

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(b) A local government that has been designated as subject to the Streamlined Ministerial Approval Process by the Department shall provide information, in a manner readily accessible to the general public, about the locality’s process for applying and receiving ministerial approval, materials required for an application as defined in Section 102(b), and relevant objective standards to be used to evaluate the application. In no case shall a local government impose application requirements that are more stringent than required for a final multifamily entitlement or standard design review in its jurisdiction. The information provided may include reference documents and lists of other information needed to enable the local government to determine if the application is consistent with objective standards as defined by Section 102(q). A local government may only require information that is relevant to and required to determine compliance with objective standards and criteria outlined in Article IV of these Guidelines. This may be achieved through the use of checklists, maps, diagrams, flow charts, or other formats. The locality’s process and application requirements shall not in any way inhibit, chill, or preclude the Streamlined Ministerial Approval Process, which must be strictly focused on assessing compliance with the criteria required for streamlined projects in Article IV of these Guidelines.

(1) Where a local government has failed to provide information pursuant to subsection (a) about the locality’s process for applying and receiving ministerial approval, the local government shall accept any application that meets the requirements for a standard multifamily entitlement submittal and that contains information showing how the development complies with the requirements of Article IV. The application may include use of a list of the standards, maps, diagrams, flow charts, or other formats to meet these requirements.

(c) Determination of consistency

(1) When determining consistency with objective zoning, subdivision, or design review standards, the local government shall only use those standards that meet the definition referenced in Section 102(q). For example, design review standards that require subjective decision-making, such as consistency with “neighborhood character,” shall not be applied as an objective standard unless “neighborhood character” is defined in such a manner that is non-discretionary.

Example Objective Design Review
Objective design review could include use of specific materials or styles, such as Spanish-style tile roofs or roof pitches with a slope of 1:5. Architectural design requirements such as “craftsman style architecture” could be used so long as the elements of “craftsman style architecture” are clearly defined (e.g., “porches with thick round or square columns and low-pitched roofs with wide eaves”), ideally with illustrations.

(2) A standard that requires a general plan amendment, the adoption of a specific plan, planned development zoning, or another discretionary permit or approval does not constitute an objective standard. A locality shall not require a development proponent to meet any standard for which the locality typically exercises subjective discretion, on a case-by-case basis.

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- (3) Modifications to objective standards granted as part of a density bonus, concession, incentive, parking reduction, or waiver of development standards pursuant to Density Bonus Law Government Code section 65915, or a local density bonus ordinance, shall be considered consistent with objective standards.
- (4) Project eligibility for a density bonus concession, incentive, parking reduction, or waiver of development standards shall be determined consistent with Density Bonus Law.
- (5) Objective standards may include objective land use specifications adopted by a city or county, including, but not limited to, the general plan, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.
- (6) In the event that objective zoning, general plan, subdivision, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective standards pursuant to Section 400(c) of these Guidelines if the development is consistent with the standards set forth in the general plan.

(A) In no way should this paragraph be used to deem an application ineligible for the Streamlined Ministerial Approval Process when the project's use is consistent with Section 401(a)(3).

- (7) Developments are only subject to objective zoning standards, objective subdivision standards, and objective design review standards enacted and in effect at the time that the application is submitted to the local government.
- (8) Determination of consistency with objective standards shall be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, increased housing supply. For example, design review standards or other objective standards that serve to inhibit, chill, or preclude the development of housing under the Streamlined Ministerial Approval Process are inconsistent with the application of state law.

(d) Density calculation

- (1) When determining consistency with density requirements, a development that is compliant with up to the maximum density allowed within the land use element designation of the parcel in the general plan is considered consistent with objective standards. For example, a development on a parcel that has a multifamily land use designation allowing up to 45 units per acre is allowed up to 45 units per acre regardless of the density allowed pursuant to the zoning code. In addition, the development may request a density of greater than 45 units per acre if eligible for a density bonus under Density Bonus Law.
- (2) Growth, unit, or other caps that restrict the number of units allowed in the proposed development or that expressly restricts the timing of development may be applied only to the extent that those caps do not inhibit the development's ability to achieve the maximum density allowed by the land use designation, and any density bonus the project is eligible for, and do not restrict the issuance of building permits for the project.

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- (3) Additional density, floor area, or units granted as a density bonus shall be considered consistent with maximum allowable densities.
- (4) Development applications are only subject to the density standards in effect at the time that the development is submitted to the local government.

(e) Parking requirements

- (1) Automobile parking standards shall not be imposed on a development that meets any of the following criteria:
 - (A) The development is located where any part of the parcel or parcels on which the development is located is within one-half mile of any part of the parcel or parcels of public transit, as defined by Section 102(t) of these Guidelines.
 - (B) The development is located within a district designated as architecturally or historically significant under local, state, or federal standards.
 - (C) When on-street parking permits are required, but not made available to the occupants of the development.
 - (D) When there is a car share vehicle, (i.e., a designated location to pick up or drop off a car share vehicle as defined by Section 102(d),) within one block of the development. A block can be up to 1,000 linear feet of pedestrian travel along a public street from the development.
- (2) For all other developments, the local government shall not impose automobile parking requirements for streamlined developments approved pursuant to this section that exceed one parking space per unit.

(f) A local government shall not adopt or impose any requirement, including, but not limited to, increased fees or inclusionary housing requirements, or rent levels other than what is defined for very-low income, lower-income, and moderate-income in Section 102, that applies to a project solely or partially on the basis that the project is eligible to receive streamlined processing.

- (1) A local government shall not deny a project access to local housing funds, including housing trust funds, or state housing funds solely on the basis that the project is eligible to receive streamlined processing.
- (2) This section should not be construed to preclude a jurisdiction from waving, reducing, or otherwise reducing fees and other costs for the project in an effort to facilitate lower project costs.

NOTE: Authority cited: Government Code section 65913.4(l). Reference cited: Government Code section 65913.4(a), (e), and (n).

Section 301. Development Review and Approval

(a) Ministerial processing

- (1) Ministerial approval, as defined in Section 102(n), of a project that complies with Article IV of these Guidelines shall be non-discretionary and cannot require a conditional use permit or other discretionary local government review or approval.
- (2) Ministerial design review or public oversight of the application, if any is conducted, may be conducted by the local government's planning commission or any equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate.
 - (A) Design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local government before submission of the development application, and shall be broadly applicable to development within the locality.
 - (B) If a local government determines that a development submitted pursuant to this section is in conflict with any of the objective planning standards, it shall provide the development proponent, as defined in Section 102(h), written documentation in support of its denial identifying with specificity the standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, within the timeframe specified in Section 301(b)(2) below. If the application can be brought into compliance with minor changes to the proposal, the local government may, in lieu of making the detailed findings referenced above, allow the development proponent to correct any deficiencies within the timeframes for determining project consistency specified in Section 301(b)(4) below.
 - (C) When determining consistency, a local government shall find that a development is consistent with the objective planning standards if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective standards. The local government may only find that a development is inconsistent with one or more objective planning standards, if the local government finds no substantial evidence in favor of consistency and that, based on the entire record, no reasonable person could conclude that the development is consistent with the objective standards.
- (3) A determination of inconsistency with objective planning standards in Section 301(b)(3)(A) does not preclude the development proponent from correcting any deficiencies and resubmitting an application for streamlined review, or from applying for the project under other local government processes. If the development proponent elects to resubmit its application for streamlined review under that Section, the timeframes specified in Section 301(b) below shall commence on the date of resubmittal.

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- (4) Approval of ministerial processing does not preclude imposing standard conditions of approval as long as those conditions are objective and broadly applicable to development within the locality, regardless of streamlined approval, and such conditions implement objective standards that had been adopted prior to submission of a development application. This includes any objective process requirements related to the issuance of a building permit. However, any further approvals, such as demolition, grading and building permits or, if required, final map, shall be issued on a ministerial basis subject to the objective standards.
- (A) Notwithstanding Paragraph (5), standard conditions that specifically implement the provisions of these Guidelines, such as commitment for recording covenant and restrictions and provision of prevailing wage, may be included in the conditions of approval.
- (5) The California Environmental Quality Act (Division 13 (commencing with section 21000) of the Public Resources Code) does not apply to the following in connection with projects qualifying for the Streamlined Ministerial Approval Process:
- (A) Actions taken by a state agency, local government, or the San Francisco Bay Area Rapid Transit District to lease, convey, or encumber land or to facilitate the lease, conveyance, or encumbrance of land owned by the local government, or for the lease of land owned by the San Francisco Bay Area Rapid Transit District in association with an eligible transit oriented development project, as defined pursuant to section 29010.1 of the Public Utilities Code, nor to any decisions associated with that lease.
- (B) Actions taken by a state agency or local government to provide financial assistance to a development that receives streamlined approval pursuant to this section that is to be used for housing for persons and families of very low, low, or moderate income.
- (C) Approval of improvements located on land owned by the local government or the San Francisco Bay Area Rapid Transit District that are necessary to implement a development that receives streamlined approval pursuant to this section where such development is to be used for housing for persons and families of very low, low, or moderate income, as defined in section 50093 of the Health and Safety Code.
- (D) The determination of whether an application for a development is subject to the Streamlined Ministerial Approval Process.
- (b) Upon a receipt of an application, the local government shall adhere to the following:
- (1) An application submitted hereunder shall be reviewed by the agency within the timeframes required under paragraph (2) below whether or not it contains all materials required by the agency for the proposed project, and it is not a basis to deny the project if either:
- (A) The application contains sufficient information for a reasonable person to determine whether the development is consistent, compliant, or in conformity with the requisite objective standards (outlined in Article IV of these Guidelines); or

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- (B) The application contains all documents and other information required by the local government as referenced in Section 300(a) of these Guidelines.
- (2) Local governments shall make a determination of consistency, as described in Section 301(a)(3), as follows:
- (A) Within 60 calendar days of submittal of the application to the local government pursuant to this section if the development contains 150 or fewer housing units.
 - (B) Within 90 calendar days of submittal of the application to the local government pursuant to this section if the development contains more than 150 housing units.
 - (C) Documentation of inconsistency(ies) with objective standards must be provided to the development proponent within these timeframes. If the local government fails to provide the required documentation determining consistency within these timeframes, the development shall be deemed to satisfy the objective planning standards and shall be deemed consistent.
- (3) Notwithstanding Section 301(b)(2), design review or public oversight may be conducted by the local government's city council, board of supervisors, planning commission, or any equivalent board or commission, as described in Section 301(a)(2), and shall be completed as follows:
- (A) Within 90 calendar days of submittal of the application to the local government pursuant to this section if the development contains 150 or fewer housing units.
 - (B) Within 180 calendar days of submittal of the application to the local government pursuant to this section if the development contains more than 150 housing units.
 - (C) Although design review may occur in parallel with or as part of the consistency determination set forth in paragraphs (1) and (2) above, failure to meet subjective design review standards or obtain design review approval from the oversight board shall not in any way inhibit, chill, stall, delay, or preclude a project from being approved for development pursuant to these Guidelines if objective design review standards are met. This means that discussion or consideration of the application shall only relate to design standards that meet the definition of objective pursuant to Section 102(r). If the local government fails to complete design review within the timeframes provided above, the project is deemed consistent with objective design review standards.
- (4) Approval timelines: Local government must determine if an application for a Streamlined Ministerial Approval complies with requirements and approve or deny the application pursuant to these Guidelines as follows:
- (A) Within 90 calendar days of submittal of the application to the local government pursuant to this section if the development contains 150 or fewer housing units.
 - (B) Within 180 calendar days of submittal of the application to the local government pursuant to this section if the development contains more than 150 housing units.

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- (5) Timeframes for determining project eligibility for a density bonus concession, incentive, parking reduction, or waiver of development standards or protections of the Housing Accountability Act (Government Code section 65589.5) shall be subject to the timeframes outlined in paragraph (2) and (3) above.
- (c) Modifications to the development subsequent to the approval of the ministerial review, but prior to issuance of a final building permit, shall be granted in the following circumstances:
- (1) For modification initiated by the development proponent.
- (A) Following approval of an application under the Streamlined Ministerial Approval Review Process, but prior to issuance of the final building permit required for construction of the development, an applicant may submit a written request to modify the development. The modification must conform with the following:
- i. The change is consistent with the Streamlined Ministerial Approval Process Guidelines.
 - ii. The change is consistent with the objective planning standards specified in subdivision (a) that were in effect when the original development application was first submitted.
 - iii. The change will not conflict with a plan, ordinance or policy addressing community health and safety.
 - iv. If the change results in modifications to the concessions, incentives or waivers to development standards approved pursuant to Density Bonus Law, then the modified concession, incentive, or waiver must continue to meet the standards of the Density Bonus Law.
 - v. The local government may apply objective planning standards adopted after the development application was first submitted to the requested modification in any of the following instances:
 - I. The development is revised such that the total number of residential units or total square footage of construction changes by 15 percent or more.
 - II. The development is revised such that the total number of residential units or total square footage of construction changes by 5 percent or more, and it is necessary to subject the development to an objective standard beyond those in effect when the development application was submitted in order to mitigate or avoid a specific, adverse impact, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (j) of Section 65589.5, upon the public health or safety, and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact.
 - III. Objective building standards contained in the California Building Standards Code (Title 24 of the California Code of Regulations), including, but not limited to, building plumbing, electrical, fire, and grading codes, may be applied to all modifications.

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- (B) Upon receipt of the request, the local agency shall determine if the requested modification is consistent with the local agency's objective standards in effect when the original application for the development was submitted. The local agency shall not reconsider consistency with objective planning standards that are not affected by the proposed modification. Approval of the modification request must be completed within 60 days of submittal of the modification or 90 days if design review is required. A proposed modification shall not cause the original approval to terminate.
 - (C) The local government's review of a modification request pursuant to this subdivision shall be strictly limited to determining whether the modification, including any modification to previously approved density bonus concessions or waivers, modify the development's consistency with the objective planning standards and shall not reconsider prior determinations that are not affected by the modification.
- (2) For modification initiated by the local agency.
- (A) Following approval of an application under the Streamlined Ministerial Approval Process, but prior to issuance of a building permit for the development, a local agency may require one-time changes to the development that are necessary to comply with the objective building standards contained in the California Building Standards Code (Title 24 of the California Code of Regulations), including, but not limited to, building plumbing, electrical, fire, and grading codes, or to mitigate a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without modifying the development. A "specific, adverse impact" has the meaning defined in Government Code section 65589.5(d)(2). Any local standard adopted after submission of a development application, including locally adopted construction codes, shall not be considered an "objective zoning standard," "objective subdivision standard," or "objective design review standard" that is applicable to a development application.
 - (B) A determination that a change is required is a ministerial action. If a revised application is required to address these modifications, the application shall be reviewed as a ministerial approval within 60 days of re-submittal of the application.
- (d) If a local government approves a development under the Streamlined Ministerial Approval Process, notwithstanding any other law, the following expiration of approval timeframes apply:
- (1) If the project includes public investment in housing affordability, beyond tax credits, where 50 percent of the units are affordable to households making at or below 80 percent of the AMI, then that approval shall not expire.
 - (2) If the project does not include public investment in housing affordability (including local, state, or federal government assistance) beyond tax credits, and at least 50 percent of the units are not affordable to households making at or below 80 percent of the AMI, that approval shall remain valid for three years from the date of the final action establishing that approval, or if litigation is filed challenging that approval,

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from the date of the final judgment upholding that approval. Approval shall remain valid for a project provided that vertical construction of the development has begun and is in progress. "In progress" means one of the following:

- (A) The construction has begun and has not ceased for more than 180 days.
 - (B) If the development requires multiple building permits, an initial phase has been completed, and the project proponent has applied for and is diligently pursuing a building permit for a subsequent phase, provided that once it has been issued, the building permit for the subsequent phase does not lapse.
- (3) The development may receive a one-time, one-year extension if the project proponent provides documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application. The local government's action and discretion in determining whether to grant the foregoing extension shall be limited to considerations and processes set forth in this section.
- (e) A local government shall issue subsequent permits as defined in Section 102(aa) required for a development approved under the Streamlined Ministerial Approval Process if the application for those permits substantially complies with the development as it was approved. Upon receipt of an application for a subsequent permit, the local government shall process the permit without unreasonable delay and shall not impose any procedure or requirement that is not imposed on projects that are not approved using the Streamlined Ministerial Approval Process. Issuance of subsequent permits shall implement the approved development, and review of the permit application shall not inhibit, chill, or preclude the development. For purposes of this subsection "unreasonable delay" means permit processing times that are longer than other similar permit requests for projects not approved using the Streamlined Ministerial Approval Process.

NOTE: Authority cited: Government Code section 65913.4(-l). Reference cited: Government Code section 65913.4(a), (b), (c), (d), (g), (h), (j), and (m).

ARTICLE IV. DEVELOPMENT ELIGIBILITY

Section 400. Housing Type Requirements

To qualify to apply for the Streamlined Ministerial Approval Process, the development proponent shall demonstrate the development meets the following criteria:

- (a) Prior to submitting an application for the Streamlined Ministerial Approval Process, the development proponent must submit to the local government a notice of intent to submit an application and the local government must have completed the tribal consultation process outlined in Government Code section 65913.4(b). The notice of intent shall be in the form of a preliminary application that includes all of the information described in Government Code section 65941.1.
- (b) Is a multifamily housing development. This includes mixed-use projects when the project satisfied the requirement under subsection (b). The development offers units for rental or for-sale.

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- (c) At least two-thirds of the square footage of the development shall be designated for residential use:
 - (1) For purposes of these Guidelines, the two-thirds calculation is based upon the proportion of gross square footage of residential space and related facilities, as defined in Section 102(w), to gross development building square footage for an unrelated use such as commercial. Structures utilized by both residential and non-residential uses shall be credited proportionally to intended use.
 - (A) Additional density, floor area, and units, and any other concession, incentive, or waiver of development standards granted pursuant to the Density Bonus Law shall be included in the square footage calculation.
 - (B) The square footage of the development shall not include non-habitable underground space, such as basements or underground parking garages.
 - (2) Both residential and non-residential components of a qualified mixed-use development are eligible for the Streamlined Ministerial Approval Process. Additional permitting requirements pertaining to the individual business located in the commercial component (e.g., alcohol use permit or adult business permit) are subject to local government processes.
 - (3) When the commercial component is not part of a vertical mixed-use structure, construction of the residential component of a mixed-use development shall be completed prior to, or concurrent with, the commercial component.
- (d) The development is consistent with objective zoning standards, objective subdivision standards, and objective design review standards in effect at the time of the development application submittal per Section 300 of these Guidelines, provided that any modifications to density or other concessions, incentives, or waivers granted pursuant to the Density Bonus Law shall be considered consistent with such objective zoning standards, objective subdivision standards, and objective design review standards.

NOTE: Authority cited: Government Code section 65913.4(l). Reference cited: Government Code section 65913.4(a) and (b).

Section 401. Site Requirements

- (a) The development proponent shall demonstrate in the application that, as of the date the application is submitted, the proposed development is located on a site that meets the following criteria:
 - (1) The site is a legal parcel, or parcels, located in either:
 - (A) A city where the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or
 - (B) An unincorporated area where the area boundaries are wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
 - (2) The site meets the definition of infill as defined by Section 102(j) of these Guidelines.

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- (3) The site must be zoned for residential use or residential mixed-use development or have a general plan designation that allows residential use or a mix of residential and nonresidential uses.
 - (A) To qualify for the Streamlined Ministerial Approval Process, the site's zoning designation, applicable specific plan or master plan designation, or general plan designation must permit residential or a mix of residential and nonresidential uses by right or with a use permit.
- (b) The development proponent shall demonstrate that, as of the date the application is submitted, the development is not located on a legal parcel(s) that is any of the following:
 - (1) Within a coastal zone, as defined in Division 20 (commencing with section 30000) of the Public Resources Code.
 - (2) Prime farmland or farmland of statewide importance, as defined pursuant to the United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that locality.
 - (3) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - (4) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Public Resources Code section 4202.
 - (A) This restriction does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to Government Code section 51179(b), or sites that are subject to adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
 - (B) This restriction does not apply to sites that have been locally identified as fire hazard areas, but are not identified by the Department of Forestry and Fire Protection pursuant to Government Code section 51178 or Public Resources Code section 4202.
 - (5) A hazardous waste site that is currently listed pursuant to Government Code section 65962.5, or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code section 25356.
 - (A) This restriction does not apply to sites the California Department of Public Health, California State Water Resources Control Board, or the Department of Toxic Substances Control has cleared for residential use or residential mixed uses.

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- (6) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist.
 - (A) This restriction does not apply if 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.

- (7) Within 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.
 - (A) This restriction does not apply if the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local government.
 - (B) This restriction does not apply if the development proponent can demonstrate that they will be able to meet the minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
 - i. If the development proponent demonstrates that the development satisfies either subsection (A) or (B) above, and that the development is otherwise eligible for the Streamlined Ministerial Approval Process, the local government shall not deny the application for the development on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site related to special flood hazard areas.
 - ii. If the development proponent is seeking a floodplain development permit from the local government, the development proponent must describe in detail in the application for the Streamlined Ministerial Approval Process how the development will satisfy the applicable federal qualifying criteria necessary to obtain the floodplain development permit. Construction plans demonstrating these details shall be provided to the locality before the time of building permit issuance, however construction plans shall not be required for the local jurisdiction to take action on the application under the Streamlined Ministerial Approval Process.

- (8) Within a regulatory floodway, as determined by the Federal Emergency Management Agency, in any official maps published by the Federal Emergency Management Agency.
 - (A) This restriction does not apply if the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

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- (B) If the development proponent demonstrates that the development satisfies subsection (A) above and that the development is otherwise eligible for the Streamlined Ministerial Approval Process, the local government shall not deny the application for development on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site related to regulatory floodways.
- (9) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), a habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or another adopted natural resource protection plan.
- (10) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
- (A) The identification of habitat for protected species discussed above may be based upon information identified in underlying environmental review documents for the general plan, zoning ordinance, specific plan, or other planning documents associated with that parcel that require environmental review pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).
- (11) Lands under conservation easement.
- (12) An existing parcel of land or site that is governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).
- (c) The development proponent shall demonstrate that, as of the date the application is submitted, the development is not located on a site where any of the following apply:
- (1) The development would require the demolition of the following types of housing:
- (A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
- (B) Housing that is subject to any form of rent or price control through a locality's valid exercise of its police power.
- (C) Housing that has been occupied by tenants, as defined by Section 102(cc), within the past 10 years.

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- (2) The site was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application under the Streamlined Ministerial Approval Process.
 - (A) When property with a building that was demolished in the past 10 years has been zoned for exclusively residential use, there is a presumption that it was occupied by tenants, unless the development proponent provides verifiable documentary evidence from a government or independent third party source to rebut the presumption for each of the 10 years prior to the application date.
 - (B) When property with a building that was demolished in the past 10 years has been zoned to allow residential use in addition to other uses, the developer proponent shall include in its application a description of the previous use and verification it was not occupied by residential tenants.
 - (3) The development would require the demolition of a historic structure that was placed on a national, state, or local historic register prior to the submission of an application.
 - (4) The property contains housing units that are occupied by tenants and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.
- (d) A development that involves a subdivision of a parcel that is, or, notwithstanding the Streamlined Ministerial Approval Process, would otherwise be, subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land is not eligible for the Streamlined Ministerial Approval Process.
- (1) Subdivision (d) does not apply if the development is consistent with all objective subdivision standards in the local subdivision ordinance, and either of the following apply:
 - (A) The development has received, or will receive, financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to Section 403 of these Guidelines.
 - (B) The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used.
 - (2) An application for a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410)) for a development that meets the provisions in (1) shall be exempt from the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). Such an application shall be subject to a ministerial process as part of the Streamlined Ministerial Approval Process.

NOTE: Authority cited: Government Code section 65913.4(l). Reference cited: Government Code section 65913.4(a), (c), (d).

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Section 402. Affordability Provisions

- (a) A development shall be subject to a requirement mandating a minimum percentage of units be affordable to households making at or below 80 percent Area Median Income (AMI), based on one of the following categories:
- (1) In a locality that the Department has determined is subject to the Streamlined Ministerial Approval Process pursuant to Section 200(c), the development shall dedicate either:
 - (A) A minimum of 10 percent of the total number of units prior to calculating any density bonus to housing affordable to households making at or below 80 percent of the AMI. If the locality has adopted a local ordinance that requires greater than 10 percent of the units be dedicated to housing affordable to households making at or below 80 percent of the AMI, that local affordable housing requirement applies.
 - (B) Or, if located in the San Francisco Bay Area pursuant to Section 200 (x), the project may elect to dedicate 20 percent of the total number of units to housing affordable to households making below 120 percent of the AMI. However, to satisfy this requirement and be eligible to proceed under these provisions, the average income of the tenant income restrictions for those units must equal at or below 100 percent of the AMI. A local ordinance adopted by the locality applies if it requires greater than 20 percent of the units be dedicated to housing affordable to households making at or below 120 percent of the AMI, or requires that any of the units be dedicated at a level less than 120 percent.
 - (i) In order to comply with subparagraph (A), the rent or sale price charged for units that are dedicated to housing affordable to households between 80 percent and 120 percent of the AMI shall not exceed 30 percent of the gross income of the household.
 - (C) Developments of 10 units or less are not subject to either affordability provision outlined in subparagraphs (A) and (B), above.
 - (D) A development proponent may satisfy the affordability requirements of this subsection with a unit that is restricted to households with incomes lower than those prescribed under subparagraph (A) and (B).
 - (2) In a locality that the Department has determined is subject to the Streamlined Ministerial Approval Process pursuant to Section 200, subparagraph (e), the development shall dedicate a minimum of 50 percent of the total number of units prior to calculating any density bonus to housing affordable to households making at or below 80 percent of the AMI.
 - (A) If the locality has adopted a local ordinance that requires greater than 50 percent of the units be dedicated to housing affordable to households making at or below 80 percent of the AMI, that local affordable housing requirement applies.

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- (3) In a locality that the Department has determined is subject to the Streamlined Ministerial Approval Process pursuant to Section 200, subparagraph (d), the development shall dedicate a minimum of 10 percent of the total number of units to housing affordable to households making at or below 80 percent of the AMI.
 - (A) If the locality has adopted a local ordinance that requires greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the AMI, that local affordable housing requirement applies.
 - (B) A development proponent may satisfy the affordability requirements of this subsection with a unit that is restricted to households with incomes lower than 80 percent of AMI.
- (b) A covenant or restriction shall be recorded against the development dedicating the minimum percentage of units to housing affordable to households making at or below 80 percent of the AMI pursuant to Section 402 (a)(1-3).
 - (1) The recorded covenant or restriction shall remain an encumbrance on the development for a minimum of either:
 - (A) 55 years for rental developments or
 - (B) 45 years for owner-occupied properties.
 - (2) The development proponent shall commit to record a covenant or restriction dedicating the required minimum percentage of units to below market housing prior to the issuance of the first building permit.
 - (3) The percentage of units affordable to households making at or below 80 percent of the AMI per this section is calculated based on the total number of units in the development exclusive of additional units provided by a density bonus.
 - (4) The percentage of units affordable to households making at or below 80 percent of the AMI per this section shall be built on-site as part of the development.
- (c) The percentage of units affordable to households making at or below 80 percent of the AMI per this section is calculated based on the total number of units in the development exclusive of additional units provided by a density bonus.
- (d) The percentage of units affordable to households making at or below 80 percent of the AMI per this section shall be built on-site as part of the development.
- (e) If the locality has adopted an inclusionary ordinance, the objective standards contained in that ordinance apply to the development under the Streamlined Ministerial Approval Process. For example, if the locality's adopted ordinance requires a certain percentage of the units in the development to be affordable to very low-income units, the development would need to provide that percentage of very low-income units to be eligible to use the Streamlined Ministerial Approval Process.
- (f) All affordability calculations resulting in fractional units shall be rounded up to the next whole number. Affordable units shall be distributed throughout the development, unless otherwise necessary for state or local funding programs, and have access to the same

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common areas and amenities as the market rate units. Identification in the development application of the location of the individual affordable units is not required for ministerial approval but distribution of units per this subsection can be included as a condition of approval per Section 301(a)(5), and the methods to achieve distribution is recorded through an affordable housing agreement or as part of a recorded covenant or restriction, unless providing location of affordable units at time of application is required by ordinance or as an adopted objective standard.

- (g) Affordability of units to households at or below 80 percent of the AMI per this Section is calculated based on the following:
 - (1) For owner-occupied units, affordable housing cost is calculated pursuant to Health and Safety Code Section 50052.5.
 - (2) For rental units, affordable rent is calculated pursuant to Health and Safety Code Section 50053.
- (h) Units used to satisfy the affordability requirements pursuant to this Section may be used to satisfy the requirements of other local or state requirements for affordable housing, including local ordinances or the Density Bonus Law, provided that the development proponent complies with the applicable requirements in the other state or local laws. Similarly, units used to satisfy other local or state requirements for affordable housing may be used to satisfy the affordability requirements of this Section provided that the development proponent complies with all applicable requirements of this Section.

NOTE: Authority cited: Government Code section 65913.4(l). Reference cited: Government Code section 65913.4(a).

Section 403. Labor Provisions

The Labor Provisions in the Streamlined Ministerial Approval Process, located in paragraph (8) of subdivision (a) of Government Code section 65913.4, contain requirements regarding payment of prevailing wages and use of a skilled and trained workforce in the construction of the development.

The development proponent shall certify both of the following to the locality to which the development application is submitted:

- (a) The entirety of the development is a public work project, as defined in Section 102(s) above, or if the development is not in its entirety a public work, that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area.
 - (1) The Department of Industrial Relations posts on its website letters and decisions on administrative appeal issued by the Department in response to requests to determine whether a specific project or type of work is a “public work” covered under the state’s Prevailing Wage Laws. These coverage determinations, which are advisory only, are indexed by date and project and available at: <https://www.dir.ca.gov/OPRL/pwdecision.asp>

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- (2) The general prevailing rate is determined by the Department of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code. General prevailing wage rate determinations are posted on the Department of Industrial Relations' website at: <https://www.dir.ca.gov/oprl/DPreWageDetermination.htm>.
- (3) Apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. To find out if an apprentice is registered in an approved program, please consult the Division of Apprenticeship Standards' "Apprenticeship Status and Safety Training Certification" database at <https://www.dir.ca.gov/das/appcertpw/appcertsearch.asp>.
- (4) To find the apprentice prevailing wage rates, please visit the Department of Industrial Relations' website at: <https://www.dir.ca.gov/OPRL/PWAppWage/PWAppWageStart.asp>. If you are interested in requesting an apprentice, a list of approved programs is available at: <https://www.dir.ca.gov/databases/das/aigstart.asp>. General information regarding the state's Prevailing Wage Laws is available in the Department of Industrial Relations' Public Works website (<https://www.dir.ca.gov/Public-Works/PublicWorks.html>) and the Division of Labor Standards Enforcement Public Works Manual (<https://www.dir.ca.gov/dlse/PWManualCombined.pdf>).
- (5) For those portions of the development that are not a public work, all of the following shall apply:
 - (A) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.
 - (B) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.
 - (C) All contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided therein.
 - i. The obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

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- ii. The payroll record and Labor Commissioner enforcement provisions in (C) and (C)(i), above, shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement, as defined in Section 102(r) above, that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure.

- (D) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Sections 511 or 514 of the Labor Code.

- (b) For developments for which any of the following conditions in the charts below apply, that a skilled and trained workforce, as defined in Section 102(y) above, shall be used to complete the development if the application is approved.

Developments Located in Coastal or Bay Counties

Date	Population of Locality to which Development Submitted pursuant to the last Centennial Census	Number of Housing Units in Development
January 1, 2018, until December 31, 2021	225,000 or more	75 or more
January 1, 2022, until December 31, 2025	225,000 or more	50 or more

Developments Located in Non-Coastal or Non-Bay Counties

Date	Population of Locality to which Development Submitted pursuant to the last Centennial Census	Number of Housing Units in Development
January 1, 2018, until December 31, 2019	Fewer than 550,000	75 or more
January 1, 2020, until December 31, 2021	Fewer than 550,000	More than 50
January 1, 2022, until December 31, 2025	Fewer than 550,000	More than 25

- (1) Coastal and Bay Counties include: Alameda, Contra Costa, Del Norte, Humboldt, Los Angeles, Marin, Mendocino, Monterey, Napa, Orange, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma and Ventura.

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- (2) Non-Coastal and Non-Bay Counties include: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Imperial, Inyo, Kern, Kings, Lake, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba.
- (3) The skilled and trained workforce requirement in this subparagraph is not applicable to developments with a residential component that is 100 percent subsidized affordable housing.
- (4) If the development proponent has certified that a skilled and trained workforce will be used to complete the development and the application is approved, the following shall apply:
 - (A) The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.
 - (B) Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.
 - (C) The applicant shall provide to the locality, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.
 - i. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. An applicant that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided.
 - ii. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.
 - iii. The requirements in (C), (C)(i), and (C)(ii), above, do not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure.

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- (c) Notwithstanding subsections (a) and (b), a development is exempt from any requirement to pay prevailing wages or use a skilled and trained workforce if it meets both of the following:
- (1) The project includes 10 or fewer housing units.
 - (2) The project is not a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.
- (d) Offsite fabrication is not subject to this Section if it takes place at a permanent, offsite manufacturing facility and the location and existence of that facility is determined wholly without regard to the particular development. However, offsite fabrication performed at a temporary facility that is dedicated to the development is subject to Section 403.

NOTE: Authority cited: Government Code section 65913.4(l). Reference cited: Government Code section 65913.4(a), Subdivision (d) of Section 2601 of the Public Contract Code, *Sheet Metal Workers' International Association, Local 104, v. John C. Duncan* (2014) 229 Cal.App.4th 192 [176 Cal.Rptr.3d 634].

Section 404. Additional Provisions

- (a) A local government subject to the Streamlined Ministerial Approval Process shall allow for a development proponent's use of this process. However, the ability for a development proponent to apply for the Streamlined Ministerial Approval Process shall not affect a development proponent's ability to use any alternative streamlined by right permit processing adopted by a local government, including, but not limited to, the use by right provisions of Housing Element Law Government Code section 65583.2(i), local overlays, or ministerial provisions associated with specific housing types.
- (b) A development qualifying for the Streamlined Ministerial Approval Project does not prevent a development from also qualifying as a housing development project entitled to the protections of the Housing Accountability Act (Government Code section 65589.5).

NOTE: Authority cited: Government Code section 65913.4(l). Reference cited: Government Code section 65913.4(i).

ARTICLE V. REPORTING

Section 500. Reporting Requirements

As part of the APR due April 1 of each year, local governments shall include the following information. This information shall be reported on the forms provided by the Department. For forms and more specific information on how to report the following, please refer to the Department's Annual Progress Report Guidelines at <http://www.hcd.ca.gov/community-development/housing-element/index.shtml>

- (a) Number of applications submitted under the Streamlined Ministerial Approval Process.
- (b) Location and number of developments approved using the Streamlined Ministerial Approval Process.

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- (c) Total number of building permits issued using the Streamlined Ministerial Approval Process.
- (d) Total number of units constructed using the Streamlined Ministerial Approval Process by tenure (renter and owner) and income category.

NOTE: Authority cited: Government Code section 65400(a)(2)(B). Reference cited: Government Code section 65400(a)(2)(E).

SB 35 Statewide Determination Summary

Cities and Counties Not Currently Subject to SB 35 Streamlining Provisions

This determination represents Housing Element Annual Progress Report (APR) data received as of June 1, 2022. The following 38 jurisdictions have met their prorated Lower (Very-Low and Low) and Above-Moderate Income Regional Housing Needs Assessment (RHNA) for the Reporting Period and submitted their latest APR (2021).

These jurisdictions are not currently subject to the streamlined ministerial approval process (SB 35 (Chapter 366, Statutes of 2017) streamlining), but the jurisdictions are still encouraged to promote streamlining. **All other cities and counties beyond these 38 are subject to at least some form of SB 35 streamlining, as indicated on the following pages.**

For more detail on the proration methodology or background data see the SB 35 Determination Methodology.

	JURISDICTION		JURISDICTION
1	ATHERTON	20	MILL VALLEY
2	BELL	21	MONTE SERENO
3	BELLFLOWER	22	NEWPORT BEACH
4	BEVERLY HILLS	23	NORWALK
5	BUENA PARK	24	PLUMAS COUNTY
6	CALISTOGA	25	ROHNERT PARK
7	CARPINTERIA	26	ROLLING HILLS ESTATES
8	CORTE MADERA	27	SAINT HELENA
9	EL CERRITO	28	SAN BERNARDINO COUNTY
10	FOSTER CITY	29	SANTA ANA
11	FOUNTAIN VALLEY	30	SANTA CLARA COUNTY
12	GUADALUPE	31	SANTA MONICA
13	HILLSBOROUGH	32	SIERRA COUNTY
14	INDUSTRY	33	SOLVANG
15	LA HABRA	34	SONOMA COUNTY
16	LA QUINTA	35	UKIAH
17	LAGUNA NIGUEL	36	VILLA PARK
18	MENDOCINO COUNTY	37	WESTMINSTER
19	MENLO PARK	38	WOODSIDE

SB 35 Statewide Determination Summary
Cities and Counties Subject to SB 35 Streamlining Provisions
When Proposed Developments Include ≥10% Affordability

These 263 jurisdictions have insufficient progress toward their Above Moderate income RHNA and/or have not submitted the latest Housing Element Annual Progress Report (APR) (2021) and therefore are subject to the streamlined ministerial approval process (SB 35 (Chapter 366, Statutes of 2017) streamlining) for proposed developments with at least 10% affordability.

	JURISDICTION		JURISDICTION		JURISDICTION
1	ADELANTO	37	CITRUS HEIGHTS	73	FERNDALE
2	ALAMEDA COUNTY	38	CLAYTON	74	FILLMORE
3	ALISO VIEJO	39	CLEARLAKE	75	FIREBAUGH
4	ALTURAS	40	CLOVERDALE	76	FORT JONES
5	AMADOR	41	COACHELLA	77	FORTUNA
6	AMADOR COUNTY	42	COLMA	78	FRESNO COUNTY
7	APPLE VALLEY	43	COLTON	79	GLENN COUNTY
8	ARCADIA	44	COLUSA	80	GONZALES
9	ARCATA	45	COLUSA COUNTY	81	GRASS VALLEY
10	ARROYO GRANDE	46	COMMERCE	82	GREENFIELD
11	ARVIN	47	COMPTON	83	GRIDLEY
12	AUBURN	48	CONCORD	84	GUSTINE
13	AVALON	49	CORCORAN	85	HALF MOON BAY
14	AVENAL	50	CORNING	86	HANFORD
15	AZUSA	51	COSTA MESA	87	HAWAIIAN GARDENS
16	BAKERSFIELD	52	CRESCENT CITY	88	HAYWARD
17	BANNING	53	CUDAHY	89	HESPERIA
18	BARSTOW	54	DEL NORTE COUNTY	90	HIGHLAND
19	BEAUMONT	55	DEL REY OAKS	91	HOLTVILLE
20	BELVEDERE	56	DELANO	92	HUGHSON
21	BENICIA	57	DESERT HOT SPRINGS	93	HUMBOLDT COUNTY
22	BIGGS	58	DIAMOND BAR	94	HUNTINGTON BEACH
23	BISHOP	59	DORRIS	95	HUNTINGTON PARK
24	BLUE LAKE	60	DOS PALOS	96	HURON
25	BLYTHE	61	DUNSMUIR	97	IMPERIAL
26	BRADBURY	62	EAST PALO ALTO	98	IMPERIAL COUNTY
27	BRAWLEY	63	EL CAJON	99	INGLEWOOD
28	BURBANK	64	EL CENTRO	100	INYO COUNTY
29	BUTTE COUNTY	65	EL MONTE	101	IRWINDALE
30	CALAVERAS COUNTY	66	ESCALON	102	ISLETON
31	CALEXICO	67	ESCONDIDO	103	KERMAN
32	CALIFORNIA CITY	68	ETNA	104	KERN COUNTY
33	CALIPATRIA	69	EUREKA	105	KINGS COUNTY
34	CARSON	70	EXETER	106	KINGSBURG
35	CERES	71	FAIRFAX	107	LA HABRA HEIGHTS
36	CHOWCHILLA	72	FARMERSVILLE	108	LA MIRADA

SB 35 Statewide Determination Summary
Cities and Counties Subject to SB 35 Streamlining Provisions
When Proposed Developments Include ≥10% Affordability

These 263 jurisdictions have insufficient progress toward their Above Moderate income RHNA and/or have not submitted the latest APR (2021) and therefore are subject to the streamlined ministerial approval process (SB 35 (Chapter 366, Statutes of 2017) streamlining) for proposed developments with at least 10% affordability.

	JURISDICTION		JURISDICTION		JURISDICTION
109	LA PUENTE	144	MORRO BAY	179	RICHMOND
110	LAKE COUNTY	145	MOUNT SHASTA	180	RIDGECREST
111	LAKE ELSINORE	146	NATIONAL CITY	181	RIO DELL
112	LAKEPORT	147	NEEDLES	182	RIPON
113	LAKEWOOD	148	NEVADA CITY	183	RIVERBANK
114	LANCASTER	149	NEVADA COUNTY	184	RIVERSIDE
115	LASSEN COUNTY	150	NEWMAN	185	RIVERSIDE COUNTY
116	LAWNDALE	151	NORCO	186	ROLLING HILLS
117	LEMON GROVE	152	NOVATO	187	ROSS
118	LEMOORE	153	OCEANSIDE	188	SACRAMENTO
119	LINCOLN	154	OJAI	189	SACRAMENTO COUNTY
120	LINDSAY	155	ORANGE COVE	190	SALINAS
121	LIVINGSTON	156	ORLAND	191	SAN BERNARDINO
122	LOMA LINDA	157	OROVILLE	192	SAN BRUNO
123	LOMPOC	158	OXNARD	193	SAN DIEGO COUNTY
124	LOOMIS	159	PACIFICA	194	SAN DIMAS
125	LOS ANGELES COUNTY	160	PALMDALE	195	SAN FERNANDO
126	LOS GATOS	161	PARLIER	196	SAN GABRIEL
127	LYNWOOD	162	PASO ROBLES	197	SAN JACINTO
128	MADERA	163	PATTERSON	198	SAN JOAQUIN
129	MADERA COUNTY	164	PERRIS	199	SAN JOAQUIN COUNTY
130	MARICOPA	165	PICO RIVERA	200	SAN JUAN BAUTISTA
131	MARTINEZ	166	PINOLE	201	SAN LEANDRO
132	MARYSVILLE	167	PLACERVILLE	202	SAN MARINO
133	MAYWOOD	168	PLEASANT HILL	203	SAN MATEO COUNTY
134	MCFARLAND	169	POMONA	204	SAN PABLO
135	MENDOTA	170	PORTERVILLE	205	SAN RAFAEL
136	MERCED COUNTY	171	PORTOLA	206	SAND CITY
137	MILLBRAE	172	POWAY	207	SANGER
138	MODESTO	173	RANCHO CORDOVA	208	SANTA CLARITA
139	MONTAGUE	174	RED BLUFF	209	SANTA CRUZ COUNTY
140	MONTEBELLO	175	REDLANDS	210	SANTA MARIA
141	MONTEREY	176	REDONDO BEACH	211	SANTA PAULA
142	MONTEREY PARK	177	REEDLEY	212	SANTA ROSA
143	MORENO VALLEY	178	RIALTO	213	SANTEE

SB 35 Statewide Determination Summary
Cities and Counties Subject to SB 35 Streamlining Provisions
When Proposed Developments Include $\geq 10\%$ Affordability

These 263 jurisdictions have insufficient progress toward their Above Moderate income RHNA and/or have not submitted the latest APR (2021) and therefore are subject to the streamlined ministerial approval process (SB 35 (Chapter 366, Statutes of 2017) streamlining) for proposed developments with at least 10% affordability.

	JURISDICTION		JURISDICTION
214	SARATOGA	249	WEST SACRAMENTO
215	SAUSALITO	250	WESTLAKE VILLAGE
216	SEASIDE	251	WESTMORLAND
217	SEBASTOPOL	252	WHEATLAND
218	SELMA	253	WILDOMAR
219	SHAFTER	254	WILLIAMS
220	SHASTA COUNTY	255	WILLITS
221	SHASTA LAKE	256	WILLOWS
222	SIGNAL HILL	257	WINDSOR
223	SISKIYOU COUNTY	258	WOODLAKE
224	SOLANA BEACH	259	YOLO COUNTY
225	SONORA	260	YREKA
226	SOUTH GATE	261	YUBA CITY
227	SOUTH LAKE TAHOE	262	YUCAIPA
228	STANISLAUS COUNTY	263	YUCCA VALLEY
229	STOCKTON		
230	SUISUN CITY		
231	SUTTER COUNTY		
232	TAFT		
233	TEHACHAPI		
234	TEHAMA		
235	TEHAMA COUNTY		
236	TORRANCE		
237	TULARE COUNTY		
238	TULELAKE		
239	TUOLUMNE COUNTY		
240	TURLOCK		
241	TWENTYNINE PALMS		
242	VALLEJO		
243	VENTURA COUNTY		
244	VICTORVILLE		
245	VISALIA		
246	WATERFORD		
247	WEED		
248	WEST HOLLYWOOD		

SB 35 Statewide Determination Summary
Cities and Counties Subject to SB 35 Streamlining Provisions
When Proposed Developments Include \geq 50% Affordability

These 238 jurisdictions have insufficient progress toward their Lower income RHNA (Very Low and Low income) and are therefore subject to the streamlined ministerial approval process (SB 35 (Chapter 366, Statutes of 2017) streamlining) for proposed developments with at least 50% affordability. If the jurisdiction also has insufficient progress toward their Above Moderate income RHNA, then they are subject to the more inclusive streamlining for developments with at least 50% affordability.

	JURISDICTION		JURISDICTION		JURISDICTION
1	AGOURA HILLS	36	CHINO HILLS	71	FREMONT
2	ALAMEDA	37	CHULA VISTA	72	FRESNO
3	ALBANY	38	CLAREMONT	73	FULLERTON
4	ALHAMBRA	39	CLOVIS	74	GALT
5	ALPINE COUNTY	40	COALINGA	75	GARDEN GROVE
6	AMERICAN CANYON	41	COLFAX	76	GARDENA
7	ANAHEIM	42	CONTRA COSTA COUNTY	77	GILROY
8	ANDERSON	43	CORONA	78	GLENDALE
9	ANGELS CAMP	44	CORONADO	79	GLENDORA
10	ANTIOCH	45	COTATI	80	GOLETA
11	ARTESIA	46	COVINA	81	GRAND TERRACE
12	ATASCADERO	47	CULVER CITY	82	GROVER BEACH
13	ATWATER	48	CUPERTINO	83	HAWTHORNE
14	BALDWIN PARK	49	CYPRESS	84	HEALDSBURG
15	BELL GARDENS	50	DALY CITY	85	HEMET
16	BELMONT	51	DANA POINT	86	HERCULES
17	BERKELEY	52	DANVILLE	87	HERMOSA BEACH
18	BIG BEAR LAKE	53	DAVIS	88	HIDDEN HILLS
19	BREA	54	DEL MAR	89	HOLLISTER
20	BRENTWOOD	55	DINUBA	90	IMPERIAL BEACH
21	BRISBANE	56	DIXON	91	INDIAN WELLS
22	BUELLTON	57	DOWNEY	92	INDIO
23	BURLINGAME	58	DUARTE	93	IONE
24	CALABASAS	59	DUBLIN	94	IRVINE
25	CALIMESA	60	EASTVALE	95	JACKSON
26	CAMARILLO	61	EL DORADO COUNTY	96	JURUPA VALLEY
27	CAMPBELL	62	EL SEGUNDO	97	KING CITY
28	CANYON LAKE	63	ELK GROVE	98	LA CANADA FLINTRIDGE
29	CAPITOLA	64	EMERYVILLE	99	LA MESA
30	CARLSBAD	65	ENCINITAS	100	LA PALMA
31	CARMEL	66	FAIRFIELD	101	LA VERNE
32	CATHEDRAL	67	FOLSOM	102	LAFAYETTE
33	CERRITOS	68	FONTANA	103	LAGUNA BEACH
34	CHICO	69	FORT BRAGG	104	LAGUNA HILLS
35	CHINO	70	FOWLER	105	LAGUNA WOODS

SB 35 Statewide Determination Summary
Cities and Counties Subject to SB 35 Streamlining Provisions
When Proposed Developments Include \geq 50% Affordability

These 238 jurisdictions have insufficient progress toward their Lower income RHNA (Very Low and Low income) and are therefore subject to the streamlined ministerial approval process (SB 35 (Chapter 366, Statutes of 2017) streamlining) for proposed developments with at least 50% affordability. If the jurisdiction also has insufficient progress toward their Above Moderate income RHNA, then they are subject to the more inclusive streamlining for developments with at least 50% affordability.

	JURISDICTION		JURISDICTION		JURISDICTION
106	LAKE FOREST	139	MOUNTAIN VIEW	172	RANCHO PALOS VERDES
107	LARKSPUR	140	MURRIETA	173	RANCHO SANTA MARGARITA
108	LATHROP	141	NAPA	174	REDDING
109	LIVE OAK	142	NAPA COUNTY	175	REDWOOD CITY
110	LIVERMORE	143	NEWARK	176	RIO VISTA
111	LODI	144	OAKDALE	177	ROCKLIN
112	LOMITA	145	OAKLAND	178	ROSEMEAD
113	LONG BEACH	146	OAKLEY	179	ROSEVILLE
114	LOS ALAMITOS	147	ONTARIO	180	SAN ANSELMO
115	LOS ALTOS	148	ORANGE	181	SAN BENITO COUNTY
116	LOS ALTOS HILLS	149	ORANGE COUNTY	182	SAN CARLOS
117	LOS ANGELES	150	ORINDA	183	SAN CLEMENTE
118	LOS BANOS	151	PACIFIC GROVE	184	SAN DIEGO
119	LOYALTON	152	PALM DESERT	185	SAN FRANCISCO
120	MALIBU	153	PALM SPRINGS	186	SAN JOSE
121	MAMMOTH LAKES	154	PALO ALTO	187	SAN JUAN CAPISTRANO
122	MANHATTAN BEACH	155	PALOS VERDES ESTATES	188	SAN LUIS OBISPO
123	MANTECA	156	PARADISE	189	SAN LUIS OBISPO COUNTY
124	MARIN COUNTY	157	PARAMOUNT	190	SAN MARCOS
125	MARINA	158	PASADENA	191	SAN MATEO
126	MARIPOSA COUNTY	159	PETALUMA	192	SAN RAMON
127	MENIFEE	160	PIEDMONT	193	SANTA BARBARA
128	MERCED	161	PISMO BEACH	194	SANTA BARBARA COUNTY
129	MILPITAS	162	PITTSBURG	195	SANTA CLARA
130	MISSION VIEJO	163	PLACENTIA	196	SANTA CRUZ
131	MODOC COUNTY	164	PLACER COUNTY	197	SANTA FE SPRINGS
132	MONO COUNTY	165	PLEASANTON	198	SCOTTS VALLEY
133	MONROVIA	166	PLYMOUTH	199	SEAL BEACH
134	MONTCLAIR	167	POINT ARENA	200	SIERRA MADRE
135	MONTEREY COUNTY	168	PORT HUENEME	201	SIMI VALLEY
136	MOORPARK	169	PORTOLA VALLEY	202	SOLANO COUNTY
137	MORAGA	170	RANCHO CUCAMONGA	203	SOLEDAD
138	MORGAN HILL	171	RANCHO MIRAGE	204	SONOMA

SB 35 Statewide Determination Summary

Cities and Counties Subject to SB 35 Streamlining Provisions When Proposed Developments Include \geq 50% Affordability

These 238 jurisdictions have insufficient progress toward their Lower income RHNA (Very-Low and Low income) and are therefore subject to the streamlined ministerial approval process (SB 35 (Chapter 366, Statutes of 2017) streamlining) for proposed developments with at least 50% affordability. If the jurisdiction also has insufficient progress toward their Above Moderate income RHNA, then they are subject to the more inclusive streamlining for developments with at least 10% affordability.

	JURISDICTION		JURISDICTION
205	SOUTH EL MONTE	235	WOODLAND
206	SOUTH PASADENA	236	YORBA LINDA
207	SOUTH SAN FRANCISCO	237	YOUNTVILLE
208	STANTON	238	YUBA COUNTY
209	SUNNYVALE		
210	SUSANVILLE		
211	SUTTER CREEK		
212	TEMECULA		
213	TEMPLE CITY		
214	THOUSAND OAKS		
215	TIBURON		
216	TRACY		
217	TRINIDAD		
218	TRINITY COUNTY		
219	TRUCKEE		
220	TULARE		
221	TUSTIN		
222	UNION CITY		
223	UPLAND		
224	VACAVILLE		
225	VENTURA		
226	VERNON		
227	VISTA		
228	WALNUT		
229	WALNUT CREEK		
230	WASCO		
231	WATSONVILLE		
232	WEST COVINA		
233	WHITTIER		
234	WINTERS		