EXHIBIT A

Chapter 10.83 By-Right Approvals

Sections

10.83.010 Purpose.

10.83.020 Definitions.

10.83.030 Eligibility for By-right Approval.

10.83.040 Permit Requirements.

10.83.050 Review of Application.

10.83.060 Required Findings.

10.83.070 Interpretation

10.83.010. Purpose.

This Article specifies the process for reviewing uses entitled to review as a "use by right" as defined in Government Code Section 65583.2. In enacting this Article, it is the intent of the City to implement State law as well as the goals, objectives, and policies of the City's Housing Element of the General Plan.

10.83.020. Definitions

A. "By-right" shall mean that the local government's review of the project may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" under the California Environmental Quality Act as defined in Government Code Section 65583.2.
B. "Permanent supportive housing" means housing as defined in Government Code Section 65650(a) serving the target population as defined in Government Code Section 65650(c) that meets all of the requirements of Government Code Sections 65650 et seq. or successor provision.
C. "Low barrier navigation center" means a facility as defined in Government Code Section 65660(a) that meets all of the requirements of Government Code Sections 65660 et seq.

10.83.030. Eligibility for By-right Approval.

The following uses are eligible for by-right approval:

A. Projects that satisfy the criteria outlined in subparagraphs (1) and (2) below:
    1. Are located on sites listed as lower-income sites in the adopted housing element site inventory pursuant to Government Code Section 65583.2 subdivision (c) that are shown to have been either:
        a. vacant and listed in two prior housing element site inventories, or
        b. non-vacant and listed in a previous housing element site inventory; and,
    2. Twenty percent of the total number of housing units in the project are proposed to be available to lower-income households at affordable rent or affordable housing cost, as applicable.
B. Permanent supportive housing as defined in Government Code Section 65660 that meets all of the requirements of Government Code Sections 65660 et seq.
C. Low barrier navigation centers as defined in Government Code Section 65660 that meets all of the requirements of Government Code Sections 65660 et seq.
D. One hundred percent affordable projects located on land that was owned by an independent institution of higher education or religious institution as described in Government Code Section 65913.16.
E. Other projects eligible under State law for by-right approval.

10.83.040. Permit Requirements.

An applicant for a project eligible for by-right zoning approval shall submit a ministerial plan permit for approval of the design. No discretionary permit or approval is required.

10.83.050. Review of Application.

A. For ministerial plan permit applications listed in this section, the Community Development Director, or designee, without notice or hearing, shall consider the application ministerially without discretionary review. When the application is in compliance with the relevant standards, the permit shall be issued. The decision may be appealed to Planning Commission only by the applicant or the owner of the subject property.
B. The application for the ministerial plan permit shall be reviewed for conformance with objective standards established by the General Plan, applicable Specific Plans, Development Ordinance, design standards, and other adopted standards.
C. As provided by Government Code Section 65583.2(i), an eligible project is exempt from the California Environmental Quality Act.
D. Permanent supportive housing shall be reviewed consistent with the provisions of Government Code Sections 65650 et seq.
E. Low barrier navigation centers shall be reviewed consistent with the provisions of Government Code Sections 65650 et seq.

10.83.060. Required Findings

A. In granting a ministerial plan permit, the Community Development Director, or designee, shall issue a letter of approval and shall make the following findings:

1. That the project is eligible for by-right approval under State law.
2. That the project complies with all applicable objective zoning and other adopted standards, including but not limited to design review standards.
3. That the project is granted subject to such applicable conditions as required to meet the standards of the use and zone in which it is located and to comply with applicable design standards.

10.83.070. Interpretation.

If any portion of this Article conflicts with any applicable State law, State law shall supersede this Article. Any ambiguities in this Article shall be interpreted to be consistent with State law. Statutory references in this Article include successor provisions.