

10.08.3950 – Approval Authority.

Each development review application will be considered in one of three tiers, depending on the nature of the application, as follows:

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- (c) Tier 3. A Tier 3 application is reviewed by the Director and occurs when not covered by Tier 1 or Tier 2, above. The Director may refer review and approval of an application to the Planning Commission, unless the application qualifies for a streamlined ministerial approval without discretionary review, as permitted in Chapter 10.10, Housing Regulations.

The Director will consider a development review permit application after notice and a public hearing, unless the application qualifies for a streamlined ministerial approval without discretionary review, as permitted in Chapter 10.10, Housing Regulations.

10.08.3960 – Decision and findings.

The reviewing body will consider the following factors: general site considerations including height, bulk, and size of buildings; physical and architectural relationship with the existing and proposed structures; site layout, orientation, and location of the buildings and relationships with open areas and topography; location and type of landscaping; off-street parking areas; height, materials, colors and variations in boundary walls, fences, and screen plantings; appropriateness of the sign design and exterior lighting; and appropriate City utilities, public infrastructure, circulation, and roadway access.

Before approving a development review permit, the reviewing body (under section 10.08.3950) must make written findings that:

- (1) the proposal increases the quality of the project site, and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy.
- (2) the proposal conforms to this chapter, the general plan, any applicable specific plan, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations.

Qualifying projects subject to streamlined review shall only be subject to objective design standards, in which case the proposal shall conform to applicable objective standards and policies per Tracy's Title 10 Planning and Zoning Code and the City's General Plan, any applicable Infrastructure Master Plans, and other City regulations.

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Chapter 10.10 – HOUSING REGULATIONS

Article 1- Qualifying Housing Streamlined Review

Sections:

10.10.010 – Purpose and Intent

10.10.020 – Objective Zoning and Design Standards

10.10.030 – Exceptions Prohibited

10.10.040 – Review Process

10.10.010 – Purpose and Intent

- (a) *Purpose and Intent.* The purpose of this Article is to implement a streamlined application review process for “qualifying streamlined housing projects”, consistent with the requirements of state law. It is intended that the provisions of this Article be interpreted, as needed, to comply with the requirements of Government Code Section 65913.4.
- (b) *Applicability.* The provisions of this Article apply to applications deemed complete before January 1, 2036, that meet the criteria for “qualifying streamlined housing projects”. The City will not accept any application under this Article after January 1, 2036, unless the State extends Government Code Section 65913.4. This Article shall not apply if the state has determined that the City is not subject to the streamlined ministerial approval process based on its housing element annual progress report or shall apply only to projects with specific affordability restrictions under specific circumstances as described in Government Code Section 65913.4(a)(4). The provisions of this Article 1 will become null and void, and are repealed, once the last application deemed completed before January 1, 2036 is fully processed.
- (c) *Qualifying Streamlined Housing Projects.* For purposes of this Chapter, “qualifying streamlined housing projects” means housing development projects that satisfy all of the standards set forth in Government Code Section 65913.4(a).

10.10.020 – Objective Zoning and Design Standards

Qualifying streamlined housing projects must comply with all objective land use regulations, development standards, and design review standards including but not limited to objective design standards provided in Article 2, Multiple-Unit and Mixed-Use Housing Objective Design Standards, of Chapter 10.10, Housing Regulations. The objective standards applied to the project shall be those in effect at the time a notice of intent in the form of a complete preliminary application is submitted pursuant to Subsection 10.10.040(a). Qualifying streamlined housing projects are eligible for parking exemptions under certain circumstances as described in Government Code Section 65913.4(e)(1). Qualifying streamlined housing projects do not require a conditional use permit or other discretionary review or approval.

10.10.030 – Exceptions Prohibited

Qualifying streamlined housing projects may not include a request for an exception to objective standards by applying for a variance, modification, exception, waiver, or other discretionary approval for height, density, setbacks, open yard, land use, development plan approval, or similar development standard, other than modifications granted as part of a density bonus concession or incentive pursuant to Article 36.5 – Density Bonus or State Density Bonus Law.

10.10.040 – Review Process

- (a) *Preliminary Application/Notice of Intent.* Before submitting an application for a development subject to this Section, the applicant must submit a notice of intent in the form of a preliminary application that includes all of the information described in Government Code Section 65941.1.
- (b) *Public Meeting.* Public meetings are required following submittal of a notice of intent for certain projects. See Government Code Section 65913.4(q) for definitions and implementation requirements.
- (c) *Scoping Consultation.* Upon receipt of a notice of intent, the City will engage in a scoping consultation with any California Native American tribe that is traditionally and culturally affiliated with the geographic area, as described in Public Resources Code Section 21080.3.1, according to the timelines and procedures established by state law and described in Government Code Section 65913.4(b). After concluding the scoping consultation as described in Government Code Section 65913.4(b)(2)(D), the applicant and any California Native American tribe that is a party to that scoping consultation will be notified as follows:
 - (1) The applicant may submit an application for review if it is either determined that no potential tribal cultural resource could be affected by the proposed development, or if all parties enter into an enforceable agreement establishing the methods, measures, and conditions for treatment of the tribal cultural resource. The agreement shall be included in the requirements and conditions for the proposed development.
 - (2) The development is not eligible for approval under this Section if it is determined that a potential tribal cultural resource could be affected by the proposed development, and all parties do not reach an enforceable agreement on methods, measures, and conditions to avoid or address impacts to tribal cultural resources. Additionally, the development is not eligible if any of the reasons included in Government Code Section 65913.4(b)(5)(A) apply.

If the development or environmental setting substantially changes after the completion of the scoping consultation, the Department shall notify the California Native American tribes that were party to the original scoping consultation of the changes and engage in a subsequent scoping consultation if requested by the California Native American tribes.

- (d) *Consistency Determination.* After receiving notification pursuant to Subsection (c)(1) above, the applicant may submit a complete application. After an application is determined to be complete, the Director will review the application for consistency with the applicable criteria required for streamlined housing projects and for compliance with

applicable objective zoning, subdivision, and design review standards. If it is determined that the project is in conflict with any of the applicable objective standards, the applicant will be provided with written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards. This notification will be issued within 60 days of a complete application submittal if the development contains 150 or fewer housing units or within 90 days of a complete application submittal if the development contains more than 150 housing units. Notification will be issued within 30 days of a submittal that was resubmitted to address written feedback provided by the Director.

- (e) *Design Review.* Design review will be completed within the scope of the Director's review and shall not be subject to separate design review approval.
- (f) *Project Approval.* The Director must approve a project that meets all the requirements of state law and this Section, and complies with all applicable objective standards within 90 days of a complete application submittal if the development contains 150 or fewer housing units, or within 180 days of a complete application submittal if the project contains more than 150 housing units.
- (g) *Subdivision Application.* An application for a subdivision pursuant to the Subdivision Map Act shall be exempt from the requirements of the California Environmental Quality Act and shall be subject to the timelines set forth in Section 10.10.040(f) above, so long as the development is consistent with the requirements of this section and all objective subdivision standards.
- (h) *Expiration.* Projects approved pursuant to this Section shall not have that approval expire as long as the project includes public investment in housing affordability beyond tax credits and at least 50 percent of the project units are affordable to households making at or below 80 percent of the area median income. For projects that do not meet these requirements, the project approval shall remain valid for three years from the date of final action subject to the limitations and allowances under Government Code Section 65913.4(g).
- (i) *Modifications.* An applicant may request a modification to a development that has been approved under the streamlined, ministerial approval process if that request is submitted before the issuance of the final building permit required for the construction of the development. Modifications will be considered in accordance with Government Code Section 65913.4(h).