

**SPECIAL CITY COUNCIL /PLANNING COMMISSION
MEETING/WORKSHOP AGENDA
TUESDAY, MAY 26, 2020 at 6:00 p.m.**

In order to minimize the spread of the COVID 19 virus Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act. Please be advised that the Council Chambers are closed to the public and that some, or all, of the City of Nevada City, City Council Members and Planning Commissioners may attend this meeting telephonically.

- 1. You are strongly encouraged to observe the public meeting live on PUBLIC TELEVISION CHANNEL 17, ONLINE AT THE CITY'S WEBSITE WWW.NEVADACITYCA.GOV. or [Nevada City Public Meetings-YouTube Channel](https://www.youtube.com/channel/UCvC0GK1v1v1v1v1v1v1v1v1) or at [HTTP://NEVCO.GRANICUS.COM/PLAYER/CAMERA/2?PUBLISH_ID=7](http://NEVCO.GRANICUS.COM/PLAYER/CAMERA/2?PUBLISH_ID=7)*
- 2. If you wish to make a comment before the meeting to be read into the record, please submit your comment via email to the City Manager at NEVADACITY.OLSON@GMAIL.COM no later than 2pm the day of the meeting. PLEASE INCLUDE REFERENCE TO "170 RIDGE ROAD AFFODABLE HOUSING PROJECT" IN YOUR SUBJECT LINE.*
- 3. If you wish to comment live during the meeting, subscribe to the City's YouTube channel Nevada City Public Meetings and submit your comments in the YouTube chat box during the meeting. Please limit to 200 words or less. Every effort will be made to read your comment into the record, but some comments may not be read due to time constraints.*
- 4. In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in this meeting, please contact the Deputy City Clerk at (530) 265-2496 x133. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II]. Language translation services are available for this meeting by calling (714) 754-5225 at least 48 hours in advance.*

The City of Nevada City thanks you in advance for taking all precautions to prevent spreading the COVID 19 virus.

Application material for the affordable housing project known as proposed at 170 Ridge Road can be found at the following link:

<https://nevadacity.municipalcms.com/pview.aspx?id=20900&catid=564>

- 1. MAYOR SENUM**
 - a. Call Meeting to Order**
- 2. CITY STAFF**
 - a. Welcome**
 - b. Public comment procedure**
 - c. Overview of SB 35 – City Attorney**
 - d. Site introduction and introduction of development partners**
- 3. MIKE DENT, HOUSING AND COMMUNITY SERVICES DIRECTOR**
 - a. Overview of County's involvement**
 - b. Project goals for providing affordable housing options**
- 4. GUS BECCERA, REGIONAL HOUSING AUTHORITY EXECUTIVE DIRECTOR**

AND

LAURIE DOYLE, AFFORDABLE HOUSING DEVELOPMENT CORPORATION EXECUTIVE VICE PRESIDENT
 - a. Project Scope**
 - b. Overview of recently passed affordable housing legislation**
 - c. Project timeline constraints**
- 5. DAVID MOGAVERO, PROJECT ARCHITECT**
 - a. Site Plan Analysis (tree preservation, slope, constraints, project goals)**
 - b. Architectural Motivation**
 - c. Typical Elevations**
- 6. QUESTIONS**
- 7. ADJOURNMENT**

Certification of Posting of Agenda

I, Gabrielle Christakes, Administrative Service Technician/Deputy City Clerk for the City of Nevada City, declare that the foregoing agenda for the May 27th, 2020 Regular Meeting of the Nevada City City Council was posted May 22nd, 2020 at the entrance of City Hall. The agenda is also posted on the City's website www.nevadacityca.gov.

Signed May 22nd, 2020, at Nevada City, California

MEMORANDUM

To: City Council Members and Planning Commissioners

From: Crystal V. Hodgson, City Attorney
Amy Wolfson, City Planner

Date: May 22, 2020

Subject: Cashin's Field Project's Eligibility for Streamlined, Ministerial Approval Under California State (SB 35 (2017))

I. **Overview: Streamlined Ministerial Review of Affordable Housing Project under SB 35**

Among the plethora of state laws adopted in 2017 to encourage the provision of more affordable housing, SB 35 was enacted to require cities and counties to streamline review and approval of eligible affordable housing projects through a ministerial approval process. This process does not allow public hearings to consider the merits of the project; rather, only the application of objective criteria, and review strictly focused on assessing compliance with criteria required for streamlined projects as well as objective design review of the project are permitted under the new state law.¹ Projects subject to nondiscretionary review under SB 35 are not subject to review under the California Environmental Quality Act ("CEQA").

If the jurisdiction is subject to SB 35, and the project is eligible for the streamlined processing, SB 35 specifies the timeframes within which the jurisdiction has to make a final decision on the application. Cashin's Field is proposed at 56 units, so the City has only 90 days under SB 35 to make a final determination on the application.

II. **When SB 35 Applies**

Both the jurisdiction and the project must qualify under SB 35's requirements for it to apply.

A. Jurisdictions Subject to SB 35

SB 35 applies to jurisdictions that are unable to issue a sufficient number of building permits to meet their Regional Housing Needs Allocation ("RHNA") goals for both above income and low income units. The California Department of Housing and Community Development ("HCD") was authorized by SB 35 to develop development guidelines implementing SB 35 and to determine if a locality is subject to SB 35.²

¹ Section 65913.4, subd. (c)(1).

² Section 65913.4, subd. (j).

Nevada City has not met its current RHNA goals for either moderate or low income housing, so HCD has determined that it is subject to SB 35 for projects that have at least 10% affordability. HCD's latest chart of jurisdiction subject to SB 35 can be found at the website footnoted here.³

Therefore, Nevada City is subject to SB 35, and must process projects with at least 10% affordability that meet SB 35's project specific criteria under the streamlined, ministerial review process set forth in SB 35.

Cashin's Field is proposed as a 100% affordable housing project, so the City must process Cashin's Field under SB 35's streamlined, ministerial review process if the project meets the criteria set forth therein.

B. Projects Eligible for SB 35 Processing

If a jurisdiction is subject to SB 35, then it must process affordable housing projects under the non-discretionary process set forth in the law⁴ when all the following criteria are met:

(1) Urban Infill. Are located in an urban area, with 75% of the site's perimeter already developed with urban uses.⁵

Projects sites are located "urban areas" if the project site is located on a parcel within an urbanized area or urban cluster, as designated by the United States Census Bureau. Nevada City is a part of the 2010 "Grass Valley" Urbanized Cluster as indicated on the following United States Census map:

https://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/uc/uc34597_grass_valley_ca/DC10UC34597.pdf. Since the project is located with Nevada City, which is part of the Grass Valley Urbanized Cluster, as designated by the United States Census Bureau, it is located within an "urban area."

Cashin's Field is located at 170 Ridge Road, Nevada City, CA, with 100% of the site's perimeter already developed as urban uses. "Urban uses" are any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.⁶ Surrounding uses include a church across Ridge Road to the south, office uses to the north and across Zion Street to the west, and Searls Avenue and State Highway 20/49 to the east. A church use is considered a public institutional use and the office uses are commercial uses. Local streets and highways can be classified as either public institutional use or classified under the umbrella of "transit or transportation passenger facility."

³ See January 2018 table of jurisdictions subject to SB 35, set to be updated in July 1, 2020. https://www.hcd.ca.gov/community-development/housing-element/docs/SB35_StatewideDeterminationSummary01312018.pdf?source=post_page----- and see Letter from HCD dated _____.

⁴ Government Code Section 65913.4. All statutory references hereinafter are to the Government Code unless otherwise indicated.

⁵ Government Code Section 65913.4, subds. (a)(2)(A) and (B).

⁶ Section 65913.4, subd. (i)(12).

Since the project site is located within an urban area with more than 75% of the perimeter sites developed as urban uses, this criteria is met.

(2) Number of Units. Propose at least two residential units (Section 65913.4(a)(1)).

Cashin's Field is proposed as a 56-unit residential affordable rental housing project. Fifty-five of the units will be income restricted to low income residents, and one unit will serve as the manager's unit. Since the unit count exceeds the minimum of 2, this criteria is met.

(3) Designated for Residential Uses. Have a general plan and/or zoning designation that allows residential or mixed-use with at least 2/3 of the square footage as residential use.⁷

Cashin's Field is located on a lot zoned as "Service Lodge" which allows for residential uses, and the project is proposed as a 100% affordable residential rental housing project. Since the project exceeds minimum residential square footage requirement, this criteria is met.

(4) Location. Cannot be located on property within any of the following areas: a coastal zone, prime farmland, wetlands, hazardous waste site, delineated earthquake fault zone, flood plain, floodway, community conservation plan area, habitat for protected species, under a conservation easement, or located on a qualifying mobile home site.⁸ The project cannot be located on property within a very high fire hazard severity zone, unless the jurisdiction where the project is located has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.⁹

Cashin's Field is not located on a coastal zone, prime farmland, wetlands, hazardous waste site, delineated earthquake fault zone, flood plain, floodway, community conservation plan area, habitat for protected species, under a conservation easement, or located on a qualifying mobile home site.

The City of Nevada City is designated as being within the Very High Fire Hazard Severity Zone as identified by the California Department of Forestry and Fire Protection District (CalFire). The City Council adopted Ordinance 2008-06 designating the Building Official to enforce the requirements and provisions contained in Section 3203 of Title 24 California Code of Regulations in such designated zones, and all properties within Nevada City are provided fire protection. The City of Nevada City City Council adopted the most current versions of the state Building and Fire Codes (2019 versions) by Ordinance No. 2020-02, which was effective March 12, 2020. The Cashin's Field project is conditioned on meeting all requirements in the California Building Code including the specific requirements applicable to housing projects constructed within Very High Fire Hazard Severity Zones. These adopted ordinances are adequate "fire mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development" under the letter of the law and HCD's Guidelines interpreting SB 35 (<https://www.hcd.ca.gov/policy-research/docs/SB-35-Guidelines-final.pdf>); Therefore, the

⁷ Section 65913.4, subd. (a)(2)(C).

⁸ Section 65913.4, subd. (a)(6).

⁹ Section 65913.4, subd. (a)(6)(D).

project's location within a Very High Fire Hazard Severity Zone does not make it ineligible for processing under SB 35. Therefore, the project complies with this criteria.

(5) Demolition of Residential Units. The development would require the demolishing/removal of any housing units that have been occupied by tenants in the last 10 years; are subject to any form of rent or price control, or are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes.¹⁰

Cashin's Field is located on a vacant lot, so no housing units will be demolished in order to develop the affordable housing project. Therefore, this criteria is met.

(6) Historic Buildings. The development would not demolish a historic structure that is on a national, state, or local historic register.¹¹

Cashin's Field is located on a vacant lot, so no historic structure will be demolished in order to develop the affordable housing project. Therefore, this criteria is met.

(7) Consistent with Objective Planning Standards. Must meet all objective general plan, zoning, subdivision and design review standards in effect at the time the application is submitted. Objective standards are those that require no personal or subjective (discretionary) judgment, and must be verifiable by reference to an external and uniform source available prior to submittal.¹²

Staff is reviewing the project to determine if it meets all of the City's current general plan, zoning, subdivision and design review standards that were in effect at the time the application for the project was submitted. The applicant has requested two incentives under California Density Bonus Law as follows:

(a) Increase in building height from the standard maximum of 40 feet to 46 feet in the areas indicated on the project's elevation details; and

(b) Incursion on required setbacks, to allow for up to an 8-foot encroachment within the standard 10-foot corner street- side setback and within the standard 25-foot front yard setback in some areas of the project.

The City must approve these incentives (except in limited circumstances determined inapplicable by the City Attorney and City Planner), under the Density Bonus Law.

A final determination of this criteria must be completed by the City within the statutory deadline.

8) Prevailing Wages. If the development is not in its entirety a public work, as defined in Government Code Section 65913.4(a)(8)(A), all construction workers employed in the execution

¹⁰ Section 65913.4, subd. (a)(7).

¹¹ Section 65913.4, subd. (a)(7)(C).

¹² Section 65913.4, subd. (a)(5).

of the development must be paid at least the general prevailing rate of per diem wages for the type of work and geographic area.¹³

Pursuant to SB 35 the applicant must certify to compliance with this requirement before approval of the project.

(9) Skilled and Trained Workforce Provisions. A skilled and trained workforce must complete the development if the project consists of 50 or more units that are not 100 percent subsidized affordable housing.¹⁴

The project consists of 56 affordable residential units, but is 100% affordable, so this provision is inapplicable.

(10) Subdivisions. Does not involve a subdivision subject to the Subdivision Map Act, unless the development either (i) receives a low-income housing tax credit and is subject to the requirement that prevailing wages be paid, or (ii) is subject to the requirements to pay prevailing wages and to use a skilled and trained workforce.¹⁵

The application for Cashin's Field does not include a subdivision of the property, so this provision is inapplicable.

(11) Parking. The project must provide at least one parking space per unit; however, no parking may be required if 1) the project is located within a) one half mile of a public transit stop, b) an architecturally and historically significant historic district, c) one block of a car share vehicle station, or 2) on-street parking permits are required but not offered to the development occupants.¹⁶

The Cashin's Field project is 56 units, therefore, a minimum of 56 parking spaces must be provided. The applicant has proposed to provide 81 parking spaces with the project, which exceeds the minimum 56 spaces required, so, this criteria is met.

(12) Mobilehome Site. The project site cannot be governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.¹⁷

Cashin's Field is not located on a site governed by the Mobilehome Residency Law, Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act. Therefore, this criteria is met.

Conclusion

HCD has determined that Nevada City is subject to SB 35 for housing projects proposed to include at least 10% affordable units. Staff is continuing to review the project for consistency with general

¹³ Section 65913.4, subd. (a)(8)(A).

¹⁴ Section 65913.4, subd. (a)(8)(B).

¹⁵ Section 65913.4, subd. (a)(9).

¹⁶ Section 65913.4, subd. (d).

¹⁷ Section 65913.4, subd. (a)(10).

plan, zoning, subdivision and design review standards, and with the exception of this ongoing review, staff has determined that Cashin's Field meets all of SB 35's project specific criteria.

If the project is determined to be subject to SB 35 processing, the City is not permitted under state law to apply any nondiscretionary criteria, or to subject the project to a discretionary entitlement, such as conditional use permit or discretionary architectural review. CEQA does not apply to projects subject to SB 35 processing, because the review process under SB 35 is ministerial.