

Ryan Safty

From: Terence J. Szewczyk [REDACTED]
Sent: Wednesday, April 10, 2024 3:28 PM
To: Jennifer Armer
Cc: Ryan Safty
Subject: Desk Item for SB9 modifications

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[EXTERNAL SENDER]

Jennifer, Thank you for your capable management of the SB9 applications to date. I think we have collaborated on six approvals to date. I have just one concern:

SB9 is a ministerial application, and the Town planning staff struggles with that definition, having been indoctrinated with broad and unchecked discretion in the review of applications. The CA Legislature dealt with these issues and intentionally removed the neighborhood opposition by removing noticing requirements. Why does the Town persist in the unlawful notification of neighbors? Should we elevate this to mail fraud since staff sends notices that conflict with California law? This noticing requirement was added as a great notion by one council member without advice from silent senior staff.

~~(3) Neighbor Notification. In addition to the standard application materials, the applicant must submit one (1) set of stamped, addressed envelopes to neighbors. The Planning Department will assist the applicant in determining the properties to be notified (which will consist of all properties abutting the applicant's property, the street and the two (2) parcels on each side of the properties).~~

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DEFINITION OF MINISTERIAL

Cal. Code Regs. tit. 14

Current through Register 2024 Notice Reg. No. 13, March 29, 2024

Section 15369 - Ministerial

"Ministerial" describes a governmental decision involving little or no personal judgment by public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. Common examples of ministerial permits include automobile registrations, dog licenses, and marriage licenses. A building permit is ministerial if the ordinance requiring the permit limits the public official to determining whether the zoning allows the structure to be built in the requested location, the structure would meet strength requirements in the Uniform Building Code, and the applicant has paid his fee.

Cal. Code Regs. Tit. 14, § 15369

Best regards, Terry
Terence J. Szewczyk, P.E.

