

Executive Summary and Comparison Table: Ministerial Approval of Infill Housing



Ministerial Approval of Infill Housing – Updated July 6, 2020

On May 28, 2019, City Council adopted a Resolution (2019-0206) directing staff to implement the [Housing Streamlining Menu of Options](#). Which includes the creation of a ministerial approval of infill housing permit process.

Background:

State of California ministerial permit (required)

The State of California mandated a ministerial approval process (previously known as SB 35) for certain infill housing projects, effective January 1, 2018:

- Project is approved if it meets “objective standards”
- Public hearing not required
- Environmental review not required (no CEQA)
- Affordable housing required (10% of total units)
- Prevailing wage and skilled workforce required

City of Sacramento ministerial permit (proposed)

The City of Sacramento proposes to create a ministerial permit, like the State of California ministerial permit, to further encourage housing production. The City permit would not require affordable housing or prevailing wages. See the comparison table below for other differences.

The City permit would expedite the planning approval process to less than 90 days for qualifying multi-unit housing projects, provide more certainty and clarity on the planning approval process, and deliver tangible savings to the cost of housing projects.

Applicants of infill housing projects will effectively have three options for housing development projects:

- City of Sacramento discretionary review process (existing)
- State of California ministerial review process (required by the State of California)
- City of Sacramento ministerial review process (proposed)

Website:

More information can be found on following webpage:

<https://www.cityofsacramento.org/Community-Development/Planning/Major-Projects/Ministerial-Housing>

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State of California Ministerial Approval of Infill Housing (Gov't Code 65913.4) (State Requirement)	City's Ministerial Approval of Infill Housing (Proposed by City of Sacramento)
Status	
<ul style="list-style-type: none"> • <u>Effective Dates:</u> <ul style="list-style-type: none"> ○ January 1, 2018 – January 1, 2026 • <u>Applications Received:</u> <ul style="list-style-type: none"> ○ Two (as of July 6, 2020) 	<ul style="list-style-type: none"> • Anticipated final public hearing date: <ul style="list-style-type: none"> ○ July 28, 2020 – City Council
Planning Review and Streamlining Provisions	
<ul style="list-style-type: none"> • Eligible projects that are consistent with the General Plan and meet objective zoning and adopted design review standards are subject to Ministerial review • Projects eligible for Ministerial approval are not subject to California Environmental Quality Act (CEQA) review • Maximum density determined by the General Plan if it is greater than the maximum density for the Zone • No required parking within ½ mile of transit (includes frequent bus routes) or within an architecturally and historically significant district, and overall cannot exceed one space per unit 	<ul style="list-style-type: none"> • Eligible projects that are consistent with the General Plan and meet objective zoning and Citywide Design Guidelines Design Principles are subject to Ministerial review • Projects eligible for Ministerial approval are not subject to California Environmental Quality Act (CEQA) review • No changes to maximum density. Maximum density determined by the City's Planning and Development Code. • No changes to parking requirements. Projects are eligible for the City's existing reduced parking requirements near transit stations including: <ul style="list-style-type: none"> ○ ¼ mile of a light rail station: no minimum required off-street vehicle parking ○ ½ mile of a light rail station: required off-street vehicle parking reduced by 50% on top of other existing reductions in the code
Eligible Projects	
<ul style="list-style-type: none"> • <u>Type:</u> <ul style="list-style-type: none"> ○ Residential or mixed-use (residential must be at least 2/3 of building square footage) • <u>Number of Housing Units:</u> <ul style="list-style-type: none"> ○ 2+ Units • <u>Affordability Requirements:</u> <ul style="list-style-type: none"> ○ 2-10 Units: None ○ 11+ Units: 10% of units affordable to lower-income households • <u>Prevailing Wage and Labor Requirements:</u> <ul style="list-style-type: none"> ○ Required for 11+ Units • <u>Infill Requirements (SB 35 Definition):</u> <ul style="list-style-type: none"> ○ At least 75 percent of the linear measurement of the perimeter of the site adjoins parcels (including those only separated by a street). 	<ul style="list-style-type: none"> • <u>Type:</u> <ul style="list-style-type: none"> ○ Residential or mixed-use (residential must be at least 2/3 of building square footage) • <u>Number of Housing Units:</u> <ul style="list-style-type: none"> ○ 2-200 Units • <u>Affordability Requirements:</u> <ul style="list-style-type: none"> ○ No specific requirement • <u>Prevailing Wage and Labor Requirements:</u> <ul style="list-style-type: none"> ○ No specific requirement • <u>Infill Requirements (City Code Definition):</u> <ul style="list-style-type: none"> ○ A site that has been previously developed, or development on a vacant site, where at least 75% of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with existing uses.

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Ineligible Projects	
<ul style="list-style-type: none"> • <u>Historic Considerations:</u> <ul style="list-style-type: none"> ○ Project cannot demolish a historic structure • <u>Demolition Considerations:</u> <ul style="list-style-type: none"> ○ Project cannot demolish units: <ul style="list-style-type: none"> ▪ Occupied by tenants within last 10 years ▪ Subject to an affordable housing regulatory agreement ▪ Subject to any form of local rent or price control • <u>Environmental Considerations:</u> <ul style="list-style-type: none"> ○ Project cannot be on a site: <ul style="list-style-type: none"> ▪ With prime farmland ▪ Designated as a hazardous waste site ▪ With a mobile home park ▪ With conservation areas/easement or protected species ▪ With wetlands ▪ With a floodplain or floodway • <u>Planning Considerations:</u> <ul style="list-style-type: none"> ○ Projects cannot include: <ul style="list-style-type: none"> ▪ A variance, deviation, or conditional use permit (CUP) 	<ul style="list-style-type: none"> • <u>Historic Considerations:</u> <ul style="list-style-type: none"> ○ Project cannot be in a historic district or be a historic or cultural resource ○ Project cannot be on a site known to contain archaeological or paleontological resources, or human remains • <u>Demolition Considerations:</u> <ul style="list-style-type: none"> ○ The project cannot reduce the total number of dwelling units on the site ○ Project cannot demolish units: <ul style="list-style-type: none"> ▪ Occupied by tenants in a multi-unit dwelling (3+ units) within the last year ▪ Subject to an affordable housing regulatory agreement • <u>Environmental Considerations:</u> <ul style="list-style-type: none"> ○ Project cannot be on a site: <ul style="list-style-type: none"> ▪ With prime farmland ▪ Designated as a hazardous waste site ▪ With a mobile home park ▪ With conservation areas/easement or protected species ▪ With wetlands ▪ With floodplain or floodway ▪ Within 1,000 feet of an existing or former landfill • <u>Planning Considerations:</u> <ul style="list-style-type: none"> ○ Projects cannot include: <ul style="list-style-type: none"> ▪ A variance, deviation, conditional use permit (CUP), legislative change request, or any other discretionary entitlement or request under Title 17 of the Sacramento City Code ▪ A site in a planned unit development (PUD)
Project Review Timelines	
<ul style="list-style-type: none"> • From date of submittal, provide written notice of any objective development standards not satisfied: <ul style="list-style-type: none"> ○ ≤ 150 Units: 60 days ○ > 150 Units: 90 days 	<ul style="list-style-type: none"> • From date of submittal, provide written notice of any objective development standards not satisfied: <ul style="list-style-type: none"> ○ ≤ 150 Units: 60 days ○ > 150 Units: 90 days

Bolded items highlight how the proposed City of Sacramento Ministerial Approval of Infill Housing process differs from State of California requirements.