



Understanding Objective Development Standards and Ministerial Permits for Housing Development

County of Ventura • Resource Management Agency • Planning Division

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In recent years, the State of California has passed several laws, such as SB 35, AB 2162, AB 1783, and SB 9, that are intended to ‘streamline’ the approval process for qualifying housing projects. Such projects may qualify for approval with a ministerial permit and may only be evaluated, reviewed, or denied according to objective standards. Ministerial projects are not subject to environmental review under the California Environmental Quality Act (CEQA).

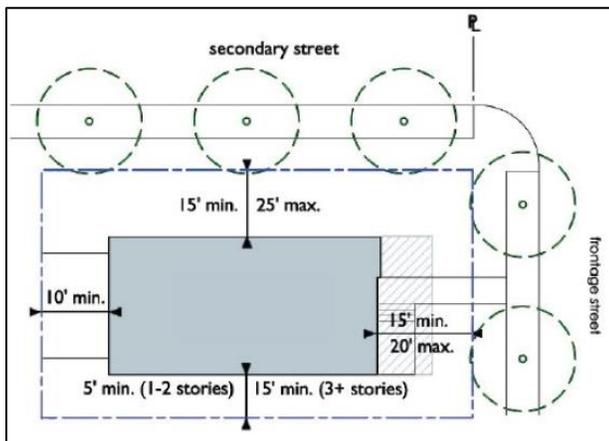
WHAT ARE OBJECTIVE STANDARDS?

Objective standards are, “...standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal.”

(See, e.g., Government Code Section 65913.4)

Some examples of **objective standards** include:

- **10-foot** front yard setback
- Maximum height of **15 feet**
- Provide a **minimum of 20 percent** of a project area for common open space



(Source: HCD Objective Design Standards Toolkit)

WHAT ARE NOT OBJECTIVE STANDARDS?

Standards that include personal judgement or an official interpretation by a decision-maker are not objective standards. These are known as **subjective standards**.

The following is an example of a subjective standard (Sec. 8109-1.2.4(c) of the Non-Coastal Zoning Ordinance), which states:

Common open space shall be **suitably improved** for its intended purpose and **generally accessible** to all the residential areas of the development.

The standard would involve personal judgement to determine what is ‘**suitably improved**’ and ‘**generally accessible**,’ and therefore, would not be an objective standard.

WHAT IS A MINISTERIAL PERMIT?

A **ministerial permit** is a permit that is granted based upon determinations that the proposed project complies with established standards and criteria set forth in either the Coastal Zoning Ordinance or Non-Coastal Zoning Ordinance, and/or state law. These determinations are arrived at objectively by the County Planning Director or his/her designee.

A ministerial permit does not include discretionary review, i.e., it is not open to personal interpretation or preference. Additionally, such projects do not require environmental analysis (CEQA) or public hearings.

Common ministerial permits in the County include Zoning Clearances for certain:

- Single family homes
- Accessory Dwelling Units
- Home Occupation permits
- Tree removal permits

ARE MINISTERIAL PERMITS APPROVED AUTOMATICALLY?

No. Projects approved with a ministerial permit must be reviewed by the County’s Planning Division to ensure it meets all the applicable zoning requirements, state law, and the objective standards of the County. Even then, projects must still meet requirements from other agencies such as Environmental Health Division, Building and Safety Division, and the Fire Department.

HELPFUL REFERENCES ON THE PLANNING DIVISION WEBSITE

- Streamlined Affordable Housing Development: vcrma.org/streamlined-multifamily-housing
- Housing Development through Senate Bill 9 (SB 9): vcrma.org/senate-bill-9
- Ministerial Permit Application Requirements and Process: vcrma.org/ministerial-permits
- Planning Division Ordinances: vcrma.org/planning-division-ordinances