

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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August 27, 2025

Greg Sandlund, Planning Director
Tom Pace, Director of Community Development
Sacramento City Hall
915 I Street
Sacramento, CA 95814

Dear Greg Sandlund and Tom Pace:

RE: City of Sacramento – 2341 Omaha Beach Avenue – Letter of Technical Assistance

The California Department of Housing and Community Development (HCD) is aware of the controversy regarding the City of Sacramento's (City) denial of a proposed rezoning within the Curtis Park Village Planned Unit Development (PUD) and, after meeting with the parties involved, wishes to provide technical assistance, specifically as it relates to the Housing Accountability Act (HAA).¹ The applicant seeks to amend the applicable PUD in order to allow single-unit dwellings on a parcel located at 2341 Omaha Beach Avenue, which is currently zoned for multi-family residential use. HCD understands that the City Planning Commission denied the request and the applicant is appealing the decision to the City Council, claiming that the denial violates the HAA. The purpose of this letter is to provide technical assistance on the applicability of Government Code section 65589.5 as it pertains to the City's denial of the project.

Background

HCD understands that on May 22, 2025, the Planning Commission followed staff's recommendation and voted to deny the applicant's request to amend the Curtis Park Village PUD to allow single-unit dwellings on a 2.37-acre site that is zoned for multi-family use. This request was accompanied by a tentative subdivision map to subdivide the site into 30 residential parcels and five common parcels, and a site plan and design review for the construction of 30 single-unit dwellings.

HCD understands that the project is currently zoned R-4A-PUD, which under the Curtis Park Village PUD allows for multi-family residential uses but not single-family residential uses. HCD also understands that the site has a land use designation of Neighborhood (N) under the Sacramento 2040 General Plan, which allows for "detached and attached residential dwelling units." Further, HCD understands that the applicant disagrees with

¹ Gov. Code, § 65589.5.

the City's decision to deny the resolution amending the PUD, and the related tentative subdivision map and site plan and design review ("Project"). The applicant believes that the land uses permitted under the PUD are inconsistent with the General Plan and that the City's denial of its request violates the HAA under Government Code section 65589.5, subdivision (j).

Analysis

A city's general plan and zoning ordinances do not need to be identical. Zoning must be consistent with the general plan in that the permitted land uses under the zoning ordinance are compatible with, and do not fall outside of, the broader goals, policies, and land use designations outlined in the general plan.² As such, a zoning ordinance is considered consistent with the general plan if it advances the general plan's objectives and does not obstruct their attainment.³

The City's R-4A-PUD zoning designation for the subject parcel is consistent with its 2040 General Plan. The General Plan's "Neighborhood" designation allows for a range of residential uses, but it is explicitly subject to more detailed regulatory tools, including zoning ordinances and PUDs. The General Plan includes policies that support infill, mixed-income, and transit-oriented development. The PUD serves as a site-specific mechanism to implement these policies by requiring multi-family housing on the subject parcel and operates within the framework of the General Plan. Maintaining the multi-family designation at this location, therefore, is consistent with the General Plan's "Neighborhood" designation and vision of promoting infill housing near transit, expanding housing choice, and advancing equitable land use planning.

Housing Accountability Act (HAA)

The HAA limits a local agency's ability to deny housing development projects that comply with applicable objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time the application was deemed complete. Government Code section 65589.5, subdivision (j)(1), applies only where the proposed housing development complies with these standards. In such cases, the local agency may only deny the project or reduce its density if it makes written findings supported by a preponderance of the evidence that the project would have a specific, adverse impact upon public health or safety, and that there is no feasible method to mitigate or avoid the impact.

² Gov. Code, § 65860, subd. (a)(2).

³ This interpretation is consistent with *Snowball West Investments L.P. v City of Los Angeles* (2023) 96 Cal.App.5th 1054. The Second District Court of Appeal determined that the HAA does not apply when a project is inconsistent with applicable objective development standards. Further, the Court ruled that zoning is not necessarily considered inconsistent with the general plan merely because it is more restrictive.

The applicant requests to amend the Curtis Park Village PUD to allow a housing development project that is not currently permitted by the zoning. Specifically, the applicant proposes single-family residential in a multi-family zone. The applicant's request for legislative action does not comply with the applicable zoning standards in effect at the time its application was deemed complete. As such, the project is not eligible for the protections provided by Government Code section 65589.5, subdivision (j)(1), and the City is not required to make written findings under this section to deny the project.

Moreover, Government Code section 65589.5, subdivision (j)(4), applies in situations where a project is consistent with the general plan, but the zoning is not consistent with the general plan. This provision deems a project consistent with the zoning if it is consistent with the objective general plan standards and criteria, and if the jurisdiction has failed to adopt zoning consistent with the general plan. In such cases, a jurisdiction shall not require a rezoning and must only apply local zoning standards that facilitate development allowed under the general plan.

In this case, however, the City's zoning of the subject parcel is consistent with its 2040 General Plan and implements it. The 2040 General Plan expressly states that the land use designations allow for a range of activities that are implemented through and subject to more specific regulations such as planned unit developments, special plans, overlay zones, and other applicable provisions of the Sacramento City Code. The Curtis Park Village PUD functions as an overlay that tailors development standards to specific sites and, in this case, designates the subject parcel for multi-family housing. In addition, City Code section 17.452.040(B)(2)(d) states that only uses authorized by the underlying zone and the Schematic Plan and Development guidelines may be permitted. The applicant's request to introduce single-family housing directly conflicts with these adopted standards.

Accordingly, Government Code section 65589.5, subdivision (j)(4), does not apply, and the City's denial of the applicant's request to amend the Curtis Park Village PUD is in compliance with, and not in violation of, the HAA.

Conclusion

In sum, the City's decision to deny the amendment to the PUD and rezone of the subject parcel is in accordance with state housing law. The proposed project does not comply with applicable zoning and objective standards, and the City's zoning is consistent with the 2040 General Plan. Accordingly, there is no obligation under the HAA to approve the applicant's request for a zoning amendment.

If you have any questions or need additional information, please contact Mackenzie Goldberg at mackenzie.goldberg@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Zisser', with a long horizontal stroke extending to the right.

David Zisser
Assistant Deputy Director
Local Government Relations and Accountability

cc: Stacia Cosgrove, Senior Planner, scosgrove@cityofsacramento.org
Leslie Walker, Senior Deputy City Attorney, walker@cityofsacramento.org