

## **ORDINANCE 2024-0017**

Adopted by the Sacramento City Council

June 25, 2024

### **An Ordinance Amending Section 15.148.920, Various Provisions of Title 17, and Sections 18.52.010, 18.56.810, and 18.56.830 of the Sacramento City Code, Relating to Planning and Development**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

#### **SECTION 1.**

The city council finds the following:

1. As amended by this ordinance, the Planning and Development Code complements, supports, and facilitates the implementation of the goals, policies, and other provisions of the general plan and the city's specific plans and transit village plans; and
2. The amendments in this ordinance promote the public health, safety, convenience, and welfare of the city.

#### **SECTION 2.**

A. Section 15.148.920 of the Sacramento City Code is hereby amended as follows:

1. Subsection A.4 is amended to read as follows:
  4. "Large entertainment venue" means a permanent building or structure that is used primarily for entertainment (including sporting, cultural, and performing arts events); is the primary use of the site; and has either:
    - a. A maximum occupant load determined by the chief building official to be at least 2,000 persons and fewer than 10,000 fixed permanent seats; or
    - b. 10,000 or more fixed permanent seats within a single auditorium, arena, or stadium.
2. Subsection B.1 is amended to read as follows:

B. Large entertainment venues that fall within the parameters of subsection A.4.a above are allowed the following signage:

1. Digital Displays.

- a. A digital display must be a permanently attached sign.
- b. One digital display is allowed on interior lots.
- c. One digital display per street frontage is allowed on corner lots.
- d. Digital display signs are for primary users only. No digital signs are allowed for secondary users.
- e. The maximum display area is 150 square feet.
- f. General advertising for hire is allowed.
- g. No digital display may be located on a site within a historic district or on a site containing a landmark or contributing resource.
- h. If more than one digital display is allowed by this section, at least one of the digital displays must be located adjacent to the primary public entrance.
- i. Digital displays must meet the following criteria:
  - i. A digital display may show only a series of still images, each displayed for at least eight seconds. The still images may not be animated (i.e., move or present the appearance of motion) and may not use flashing, scintillating, blinking, or traveling lights or any other means not providing constant illumination.
  - ii. Digital displays must use either an instant transition between still images or a fading transition with a transition time between still images of not less than one second and not more than two seconds. A digital display must not go blank during a transition.

- iii. The maximum pixel pitch of a digital display is 16 millimeters.
- iv. Digital displays must be equipped with a sensor or other device that automatically adjusts the brightness of the display according to changes in ambient lighting to comply with a brightness limitation of 0.3 foot-candles above ambient lighting. Digital displays must transition smoothly at a consistent rate from the allowed daytime brightness to the allowed nighttime brightness levels, beginning 45 minutes before sunset and ending 45 minutes after sunset. An automatic photometric sensor must be provided for automatic dimming.
- v. Upon the request of the chief building official or designee, the display owner, at the owner's expense, shall have a city-approved testing agency measure the brightness of a digital display as follows:

Step One. Measure the display's brightness at night and during the day by focusing on the direct center of the display from a point that is six feet above grade and 20 feet away from the plane of the display (determined by a line that is within six degrees of a line perpendicular to the plane of the display). If brightness so measured exceeds 450 candelas per square meter during the night or 7,500 candelas per square meter during the day, then the display's illumination must be adjusted so that it does not exceed 450 or 7,500 candelas, as applicable.

Step Two. Determine the "measurement distance" using the following formula (the "display area" in the radicand is the area of the display in square feet):

$$\text{Measurement Distance (in feet)} = \sqrt{\text{Display Area} \times 100}$$

Step Three. Use the following formulas to calculate the display's maximum allowed brightness at night and during the day:

### Nighttime Maximum Brightness

$$B_n = 180,000 \div D^2$$

$B_n$  = the maximum brightness allowed at night

$D$  = the measurement distance calculated in Step Two

### Daytime Maximum Brightness

$$B_d = 3,000,000 \div D^2$$

$B_d$  = the maximum brightness allowed during the day

$D$  = the measurement distance calculated in Step Two

Step Four. Measure the display's brightness at night and during the day by focusing on the direct center of the display from a point that is six feet above grade and  $D$  feet away (i.e., the measurement distance calculated in Step Two) from the plane of the display as determined by a line that is within six degrees of a line perpendicular to the plane of the display. If a brightness so measured exceeds the applicable maximum brightness calculated in Step Three, then the display's illumination must be adjusted so that it does not exceed that maximum brightness.

- j. The hours of operation for digital displays are from dawn to 10:00 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday and from dawn to midnight on Friday and Saturday.
- k. Based on new or updated information or studies, the city council may amend the standards and other provisions in this section to mitigate effects on the visual environment or on residential properties or other sensitive receptors; to reduce driver distractions or other hazards to traffic; or to otherwise protect and promote the public health, safety, and welfare. The city council may apply the amended standards to existing signs and digital displays.
- l. Digital displays are subject to approval by the director. As part of this process, the director shall consult with the chief building official on the design and operational elements of any digital

display. When deciding whether to approve the drawings, the director: (i) shall consider all of the factors relating to the proposed digital display and, based on the evidence submitted, make the findings set forth in subsections (E)(1) through (E)(8) of section 15.148.1110 that apply to the digital display; and (ii) shall not consider the content or graphic design of messages other than to determine legality under federal or state law. A permit issued for a digital display under this subsection (B)(1)(h) expires 10 years after the date of issuance, and upon expiration of the permit the digital display must be removed unless a new permit has been obtained for the continued use of the digital display.

- B. Except as amended above, all provisions of section 15.148.920 remain unchanged and in full effect.

### **SECTION 3.**

- A. Subsection B of section 17.104.020.B of the Sacramento City Code is hereby amended to read as follows:

- B. Development and design standards control the height, bulk, location, and appearance of structures on development sites. Development standards pertaining to height and density; lot width, area, and coverage; setbacks and open space; and architectural design standards are located in the individual zoning chapters in division II. Generally applicable development standards pertaining to parking; landscaping and paving; recycling and solid waste; walls, fences, and gates; and accessory structures are located in division VI. Development standards for development projects within a PUD are set forth in the project's PUD development guidelines, separate from this title.

- B. Except as amended by subsection A above, all provisions of section 17.104.020 remain unchanged and in full effect.

### **SECTION 4.**

- A. Subsection C of section 17.104.050 of the Sacramento City Code is hereby amended to read as follows

- C. Number of parking spaces. When the calculation of the number of vehicle parking spaces required for a given land use results in a fraction, the number shall be rounded down to the next whole number. When the calculation of the number of

bicycle parking spaces required for a given land use results in a fraction, the number shall be rounded up to the next whole number.

- B. Except as amended by subsection A above, all provisions of section 17.104.050 remain unchanged and in full effect.

**SECTION 5.**

- A. Section 17.108.050 of the Sacramento City Code is hereby amended as follows:

- 1. The definition of “drive-through restaurant” is hereby amended to read as follows:

“Drive-through restaurant” means a restaurant that is designed to encourage or permit customers to receive their food or drink while remaining in their motor vehicles.

- 2. The definition of “dwelling unit, accessory” is hereby amended to read as follows:

“Dwelling unit, accessory” means an accessory dwelling unit as defined in California Government Code section 65852.2, an efficiency unit as defined in California Health and Safety Code section 17958.1, or a manufactured home as defined in California Health and Safety Code section 18007.

- B. Except as amended by subsection A above, all provisions of section 17.108.050 remain unchanged and in full effect.

**SECTION 6.**

- A. Section 17.108.070 of the Sacramento City Code is hereby amended as follows:

- 1. The definition of “flag lot” is hereby amended to read as follows:

“Flag lot.” See “Lot.”

- 2. The definition of “flood hazard zone” is hereby added to read as follows:

“Flood hazard zone” means an area subject to flooding that is delineated as either a special hazard area or an area of moderate hazard on an official flood insurance rate map issued by FEMA. The identification of flood hazard zones does not imply that areas outside the flood hazard zones, or uses permitted within flood hazard zones, will be free from flooding or flood damage.

- B. Except as amended by subsection A above, all provisions of section 17.108.070 remain unchanged and in full effect.

**SECTION 7.**

- A. The definition of “lot” in section 17.108.130 of the Sacramento City Code is hereby amended to read as follows:

“Lot” means a parcel of land shown on a subdivision map or a record of survey map recorded in the office of the county recorder with a separate and distinct number or letter, or a parcel described by metes and bounds, or a building site in one ownership having an area for each main building as hereinafter required in each zone.

1. “Corner lot” means a lot situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees.
2. “Flag lot” means a parcel of land often shaped like a flag and the pole to which it is attached, with a narrow strip providing access to a public street and the bulk of the property that usually has no frontage that is visible from the public street because it may lie behind residences, buildings, or open land.
3. “Interior lot” means a lot other than a corner lot.
4. “Key lot” means the first interior lot to the rear of a reversed corner lot.
5. “Reversed corner lot” means a corner lot, the rear of which abuts upon the side of another lot.
6. “Through lot” means a lot having frontage and public access on two parallel public streets.

- B. Except as amended by subsection A above, all provisions of section 17.108.130 remain unchanged and in full effect.

**SECTION 8.**

- A. The definition of “residential hotel” in section 17.108.190 of the Sacramento City Code is hereby amended to read as follows:

“Residential hotel” means a building containing six or more guestrooms or efficiency units intended or designed to be used, rented, or occupied for sleeping or living purposes by guests, and that is the primary residence of the guests. An “efficiency unit” means an

“efficiency living unit” as defined in California Health and Safety Code section 17958.1, subdivision (b).

- B. Except as amended by subsection A above, all provisions of section 17.108.190 remain unchanged and in full effect.

**SECTION 9.**

- A. The definition of “temporary commercial use” in section 17.108.210 of the Sacramento City Code is hereby deleted.
- B. Except as amended by subsection A above, all provisions of section 17.108.190 remain unchanged and in full effect.

**SECTION 10.**

- A. The definition of “urban level of flood protection” is hereby added to section 17.108.220 of the Sacramento City Code to read as follows:

“Urban level of flood protection” means the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the California Department of Water Resources. “Urban level of flood protection” shall not mean shallow flooding or flooding from local drainage that meets the criteria of the national FEMA standard of flood protection.

- B. Except as amended by subsection A above, all provisions of section 17.108.220 remain unchanged and in full effect.

**SECTION 11.**

- A. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C of section 17.200.110 (A zone; accessory uses) of the Sacramento City Code to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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- B. Except as amended by subsection A above, all provisions of section 17.200.110 remain unchanged and in full effect.

**SECTION 12.**

A. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C of section 17.200.210 (A-OS zone; accessory uses) of the Sacramento City Code to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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B. Except as amended by subsection A above, all provisions of section 17.200.210 remain unchanged and in full effect.

**SECTION 13.**

A. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C of section 17.204.110 (RE zone; accessory uses) of the Sacramento City Code to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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B. Except as amended by subsection A above, all provisions of section 17.204.110 remain unchanged and in full effect.

**SECTION 14.**

A. Section 17.204.210 (R-1 zone) of the Sacramento City Code is hereby amended as follows:

1. The “Temporary residential shelter” row in subsection B.1 (conditional uses; residential uses) is hereby amended to read as follows:

Temporary residential shelter	Subject to special use regulations in section 17.228.620	PDC
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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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B. Except as amended by subsection A above, all provisions of section 17.204.210 remain unchanged and in full effect.

**SECTION 15.**

A. Section 17.204.310 (R-1A zone) of the Sacramento City Code is hereby amended as follows:

1. The “Temporary residential shelter” row in subsection B.1 (conditional uses; residential uses) is hereby amended to read as follows:

Temporary residential shelter	Subject to special use regulations in section 17.228.620	PDC
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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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B. Except as amended by subsection A above, all provisions of section 17.204.310 remain unchanged and in full effect.

**SECTION 16.**

A. Section 17.204.410 (R-1B zone) of the Sacramento City Code is hereby amended as follows:

1. The “Temporary residential shelter” row in subsection B.1 (conditional uses; residential uses) is amended to read as follows:

Temporary residential shelter	Subject to special use regulations in section 17.228.620	PDC
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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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B. Except as amended by subsection A above, all provisions of section 17.204.410 remain unchanged and in full effect.

**SECTION 17.**

A. Section 17.204.510 (R-2 zone) of the Sacramento City Code is hereby amended as follows:

1. The “Temporary residential shelter” row in subsection B.1 (conditional uses; residential uses) is hereby amended to read as follows:

Temporary residential shelter	Subject to special use regulations in section 17.228.620	PDC
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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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B. Except as amended by subsection A above, all provisions of section 17.204.510 remain unchanged and in full effect.

**SECTION 18.**

A. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C of section 17.208.110 (R-2A zone; accessory uses) of the Sacramento City Code to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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B. Except as amended by subsection A above, all provisions of section 17.208.110 remain unchanged and in full effect.

**SECTION 19.**

A. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C of section 17.208.210 (R-2B zone; accessory uses) of the Sacramento City Code to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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B. Except as amended by subsection A above, all provisions of section 17.208.210 remain unchanged and in full effect.

**SECTION 20.**

A. Section 17.208.310 (R-3 zone) of the Sacramento City Code is hereby amended as follows:

1. The “Assembly – cultural, religious, social” row in subsection B.2 of section 17.208.310 (permitted uses; commercial and institutional uses) is hereby amended to read as follows.

Assembly-cultural, religious, social	Subject to the special use regulations in section 17.228.128	ZA
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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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B. Except as amended by subsection A above, all provisions of section 17.208.310 remain unchanged and in full effect.

**SECTION 21.**

A. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C of section 17.208.410 (R-3A zone; accessory uses) of the Sacramento City Code to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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B. Except as amended by subsection A above, all provisions of section 17.208.410 remain unchanged and in full effect.

**SECTION 22.**

- A. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C of section 17.208.510 (R-4 zone; accessory uses) of the Sacramento City Code to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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- B. Except as amended by subsection A above, all provisions of section 17.208.510 remain unchanged and in full effect.

**SECTION 23.**

- A. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C of section 17.208.610 (R-4A zone; accessory uses) of the Sacramento City Code to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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- B. Except as amended by subsection A above, all provisions of section 17.208.610 remain unchanged and in full effect.

**SECTION 24.**

- A. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C of section 17.208.710 (R-5 zone; accessory uses) of the Sacramento City Code to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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- B. Except as amended by subsection A above, all provisions of section 17.208.710 remain unchanged and in full effect.

**SECTION 25.**

- A. Section 17.212.110 (RMX zone) of the Sacramento City Code is hereby amended as follows:

- 1. The “Temporary commercial building” row in subsection A.2 (permitted uses; commercial and institutional uses) is hereby deleted.

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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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- B. Except as amended by subsection A above, all provisions of section 17.212.110 remain unchanged and in full effect.

**SECTION 26.**

- A. Section 17.212.210 (RO zone) of the Sacramento City Code is hereby amended as follows:

1. The “Temporary commercial building” row in subsection A.2 (permitted uses; commercial and institutional uses) is hereby deleted.

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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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- B. Except as amended by subsection A above, all provisions of section 17.212.210 remain unchanged and in full effect.

**SECTION 27.**

- A. Section 17.216.110 (OB zone) of the Sacramento City Code is hereby amended as follows:

1. The “Temporary commercial building” row in subsection A.2 (permitted uses; commercial and institutional uses) is hereby deleted.

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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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- B. Except as amended by subsection A above, all provisions of section 17.216.110 remain unchanged and in full effect.

**SECTION 28.**

- A. Section 17.216.210 (OB-2 zone) of the Sacramento City Code is hereby amended as follows:

1. The “Temporary commercial building” row is in subsection A.2 in section 17.216.210 (permitted uses; commercial and institutional uses) is hereby deleted.

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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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- B. Except as amended by subsection A above, all provisions of section 17.216.210 remain unchanged and in full effect.

**SECTION 29.**

- A. Section 17.216.310 (OB-3 zone) of the Sacramento City Code is hereby amended as follows:

1. The “Temporary commercial building” row in subsection A.2 (permitted uses; commercial and institutional uses) is hereby deleted.

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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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- B. Except as amended by subsection A above, all provisions of section 17.216.310 remain unchanged and in full effect.

**SECTION 30.**

- A. The “residential” row in the table set forth in section 17.216.420.B (EC zone; permitted uses) of the Sacramento City Code is hereby amended to read as follows:

Residential	Multi-unit dwelling Dormitory Accessory dwelling unit, subject to special use regulations in section 17.228.105. Junior accessory dwelling unit, subject to special use regulations in section 17.228.105
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- B. Except as amended by subsection A above, all provisions of section 17.216.420 remain unchanged and in full effect.

**SECTION 31.**

- A. Section 17.216.510 (SC zone) of the Sacramento City Code is hereby amended as follows:

1. The “Temporary commercial building” row in subsection A.2 of section 17.216.510 (permitted uses; commercial and institutional uses) is hereby deleted.

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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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B. Except as amended by subsection A above, all provisions of section 17.216.510 remain unchanged and in full effect.

**SECTION 32.**

A. Section 17.216.610 (C-1 zone) of the Sacramento City Code is hereby amended as follows:

1. The “Temporary commercial building” row in subsection A.2 (permitted uses; commercial and institutional uses) is hereby deleted.

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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) of the Sacramento City Code to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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B. Except as amended by subsection A above, all provisions of section 17.216.610 remain unchanged and in full effect.

**SECTION 33.**

A. Section 17.216.710 (C-2 zone) of the Sacramento City Code is hereby amended as follows:

1. The “Temporary commercial building” row in subsection A.2 (permitted uses; commercial and institutional uses) is hereby deleted.

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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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B. Except as amended by subsection A above, all provisions of section 17.216.710 remain unchanged and in full effect.

**SECTION 34.**

A. Section 17.216.810 (C-3 zone) of the Sacramento City Code is hereby amended as follows:

1. The “Temporary commercial building” row in subsection A.2 (permitted uses; commercial and institutional uses) of the Sacramento City Code is hereby deleted.

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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) of the Sacramento City Code to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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B. Except as amended by subsection A above, all provisions of section 17.216.810 remain unchanged and in full effect.

**SECTION 35.**

A. Section 17.216.910 (C-4 zone) of the Sacramento City Code is hereby amended as follows:

1. The “Temporary commercial building” row in subsection A.2 (permitted uses; commercial and institutional uses) is hereby deleted.

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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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B. Except as amended by subsection A above, all provisions of section 17.216.910 remain unchanged and in full effect.

**SECTION 36.**

A. Section 17.220.110 (M-1 zone) of the Sacramento City Code is hereby amended as follows:

1. The “Temporary commercial building” row in subsection A.2 (permitted uses; commercial and institutional uses) is hereby deleted.

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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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B. Except as amended by subsection A above, all provisions of section 17.220.110 remain unchanged and in full effect.

**SECTION 37.**

A. Section 17.220.210 (M-1(S) zone) of the Sacramento City Code is hereby amended as follows:

1. The “Temporary commercial building” row in subsection A.2 (permitted uses; commercial and institutional uses) is hereby deleted.

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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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B. Except as amended by subsection A above, all provisions of section 17.220.210 remain unchanged and in full effect.

**SECTION 38.**

A. Section 17.220.310 (M-2 zone) of the Sacramento City Code is hereby amended as follows:

1. The “Temporary commercial building” row in subsection A.2 (permitted uses; commercial and institutional uses) is hereby deleted.

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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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B. Except as amended by subsection A above, all provisions of section 17.220.310 remain unchanged and in full effect.

**SECTION 39.**

A. Section 17.220.410 (M-2(S) zone) of the Sacramento City Code is hereby amended as follows:

1. The “Temporary commercial building” row in subsection A.2 (permitted uses; commercial and institutional uses) is hereby deleted.

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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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B. Except as amended by subsection A above, all provisions of section 17.220.410 remain unchanged and in full effect.

**SECTION 40.**

- A. The “Temporary commercial building” row in subsection A.1 of section 17.220.510 (MIP zone) of the Sacramento City Code is hereby deleted.

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- B. Except as amended by subsection A above, all provisions of section 17.220.510 remain unchanged and in full effect.

**SECTION 41.**

- A. Section 17.220.610 (MRD zone) of the Sacramento City Code is hereby amended as follows:

- 1. The “Temporary commercial building” row in subsection A.2 (permitted uses; commercial and institutional uses) is hereby deleted.

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- 2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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- B. Except as amended by subsection A above, all provisions of section 17.220.610 remain unchanged and in full effect.

**SECTION 42.**

- A. Section 17.220.710 (M-T zone) of the Sacramento City Code is hereby amended as follows:

- 1. The “Temporary commercial building” row in subsection A.2 (permitted uses; commercial and institutional uses) is hereby deleted.

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2. A row for “dwelling unit, junior accessory” is hereby added to the table set forth in subsection C (accessory uses) to read as follows:

Dwelling unit, junior accessory	Subject to special use regulations in section 17.228.105
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- B. Except as amended by subsection A above, all provisions of section 17.220.710 remain unchanged and in full effect.

**SECTION 43.**

- A. The “Temporary commercial building” row in subsection A.1 of section 17.224.110 (H zone; permitted uses; commercial and institutional uses) of the Sacramento City Code is hereby deleted.

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- B. Except as amended by subsection A above, all provisions of section 17.224.110 remain unchanged and in full effect.

**SECTION 44.**

- A. The “Temporary commercial building” row in subsection A.1 of section 17.224.310 (TC zone; permitted uses; commercial and institutional uses) of the Sacramento City Code is hereby deleted.

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- B. Except as amended by subsection A above, all provisions of section 17.224.310 remain unchanged and in full effect.

**SECTION 45.**

- A. The “Temporary commercial building” row in subsection A.2 of section 17.224.410 (HC zone; permitted uses; commercial and institutional uses) of the Sacramento City Code is hereby deleted.

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- B. Except as amended by subsection A above, all provisions of section 17.224.410 remain unchanged and in full effect.

**SECTION 46.**

Section 17.228.105 of the Sacramento City Code is hereby amended to read as follows:

**17.228.105 Accessory dwelling units and junior accessory dwelling units.**

- A. Purpose and options. The purpose of this section is to set forth the regulations governing the creation of accessory dwelling units and junior accessory dwelling units. An applicant may choose to proceed under subsection B, which sets forth the city’s local development options, consistent with California Government Code sections 65852.2 and 65852.22. Or the applicant may choose to proceed under subsection C below, which sets forth an alternative development option, consistent with California Government Code section 65852.2, subdivision (e). The two options may not be combined.
- B. City’s local development option.
  - 1. Generally.
    - a. A lot developed with a single-unit dwelling may have a maximum of two accessory dwelling units, one accessory dwelling unit and one junior accessory dwelling unit, or two junior accessory dwelling units. A lot developed with a duplex or multi-unit dwelling may have a maximum of two accessory dwelling units.
    - b. Accessory dwelling units and junior accessory dwelling units shall not be included in the calculation of density of the lot on which the dwelling units are located. Accessory dwelling units and junior accessory dwelling units are residential uses that are consistent with the general plan and zoning designation for the lot on which the dwelling units are located.
    - c. An accessory dwelling unit or junior accessory dwelling unit that is approved under this subsection B may be rented for a term less than 30 days in accordance with section 17.228.104.C.
  - 2. Accessory dwelling units.
    - a. General requirements.

- i. The lot on which an accessory dwelling unit is located must be improved with a single-unit, duplex, or multi-unit dwelling before or at the same time as the construction of the accessory dwelling unit.
  - ii. An accessory dwelling unit may not be sold or otherwise conveyed separately from the primary residence, except as provided in California Government Code section 65852.26.
  - iii. No passageway is required in conjunction with the construction of an accessory dwelling unit.
- b. Maximum area.
- i. Calculation. The calculation of floor area for an accessory dwelling unit includes all floor area within the accessory dwelling unit building envelope, excluding garages and accessory structures.
  - ii. Attached accessory dwelling units. The total floor area for each attached accessory dwelling unit on a lot shall not exceed the greater of the following:
    - 1. 50% of the existing floor area of the primary dwelling; or
    - 2. 850 square feet if the accessory dwelling unit has one bedroom or less, or 1,000 square feet if the accessory dwelling unit has more than one bedroom.
  - iii. Detached accessory dwelling units. The floor area of one detached accessory dwelling unit may not exceed 1,200 square feet. In the case of two detached accessory dwelling units on one lot, the combined floor area of both detached accessory dwelling units may not exceed 1,200 square feet.
- c. Development standards.
- i. The minimum distance between the primary dwelling and a detached accessory dwelling unit is 4 feet. The minimum distance between two detached accessory dwelling units is 4 feet.
  - ii. Height, lot coverage, and open space.

1. General rule. Except as provided below, the height, lot coverage, and minimum open-space requirements applicable to the lot on which the accessory dwelling unit is located apply to the accessory dwelling unit.
  2. Exception. Accessory dwelling units that occupy less than 800 square feet total in lot coverage are exempt from maximum lot coverage and minimum open-space requirements.
- iii. Setbacks. All accessory dwelling units must comply with the street side-yard setbacks applicable to the lot on which the accessory dwelling unit is located. The other setback requirements are as follows:
1. If any portion of an accessory dwelling unit is within 60 feet of the front property line, the accessory dwelling unit must comply with the front-yard setback requirements applicable to the lot on which the accessory dwelling unit is located and maintain minimum interior side-yard and rear-yard setbacks as required by the zoning designation for the primary dwelling or 3 feet each, whichever is less.
  2. For an accessory dwelling unit that is further than 60 feet from the front property line, the unit must comply with the following:
    - a. First floor. No setback is required for a single-story accessory dwelling unit or the first floor of a multistory accessory dwelling unit.
    - b. Second floor and above. The second floor and above of a multistory accessory dwelling unit must have minimum interior side-yard and rear-yard setbacks as required by the zoning designation for the primary dwelling or 3 feet each, whichever is less.
  3. Notwithstanding subsections B.2.c.iii.(1) and B.2.c.iii.(2) above—
    - a. No setback is required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory

dwelling unit or to a portion of an accessory dwelling unit.

b. An accessory dwelling unit may not project into the required setback from the landside toe of a levee.

4. One accessory dwelling unit that does not exceed 800 square feet and complies with all the standards set forth in this subsection B may be constructed within the front-yard setback if:

a. The lot area in the rear and side yards does not permit the construction of a detached accessory dwelling unit that is two stories in height and at least 800 square feet; and

b. The lot area in the rear and side yards does not permit the construction of an attached accessory dwelling unit that is at least 800 square feet.

iv. The design of the accessory dwelling unit must conform to the objective design standards applicable to the lot on which the accessory dwelling unit is located.

v. No portion of an accessory dwelling unit balcony, deck, or open-stair landing within 10 feet of the rear lot line or side lot line may be higher than three feet from the ground unless the rear lot line or side lot line abuts a nonresidential use, alley, public street, or approved private street.

3. Junior accessory dwelling units.

a. Maximum area. The floor area of one junior accessory dwelling unit may not exceed 500 square feet.

b. Owner occupancy. Unless owned by a government agency, land trust, or housing organization, the property owner must reside onsite.

c. Deed restriction. A deed restriction must be recorded before final building permit inspection, in accordance with California Government Code section 65852.22, and state the following:

- i. Sale of the junior accessory dwelling unit separate from the sale of the single-unit dwelling is prohibited;
    - ii. The deed restriction may be enforced against future purchasers; and
    - iii. The size and attributes of the junior accessory dwelling unit may not deviate from the building permit under which the unit was constructed.
  - d. Location. Junior accessory dwelling units must be constructed within the walls of a single-unit dwelling, which may include an attached garage.
  - e. Entrance. The junior accessory dwelling unit must have an entrance that is separate from the main entrance to the proposed or existing single-unit dwelling.
  - f. Bathroom. If the junior accessory dwelling unit does not include a separate bathroom, the junior accessory dwelling unit must include both the entrance required under subsection e above and an interior entry to the main living area of the single-unit dwelling.
  - g. Kitchen. The junior accessory dwelling unit must include an efficiency kitchen with:
    - i. Cooking appliances; and
    - ii. A food preparation counter and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit.
4. Ministerial review.
- a. Unless subsection B.5, below, applies, the city shall ministerially review all applications for accessory dwelling units and junior accessory dwelling units submitted under this section through the building permit process set forth in chapter 15.08.
  - b. The city shall approve or deny a building permit application to create an accessory dwelling unit or junior accessory dwelling unit under this section within 60 days of receipt of a complete application if there is an existing residential use on the lot.
  - c. If the building permit application to create an accessory dwelling unit or junior accessory dwelling unit is submitted with a building permit application

to create a new residential development on the lot, the city may delay approving or denying the building permit application for the accessory dwelling unit or junior accessory dwelling unit until the building permit application to create the residential development is approved. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the city has not approved or denied the completed application within 60 days, the application shall be deemed approved.

5. Deviations from development and design standards. A request to deviate from the development standards contained in subsection B.2.c above may be made by application for site plan and design review under chapter 17.808.

C. Accessory dwelling units and junior accessory dwelling units eligible for ministerial review under California Government Code section 65852.2, subdivision (e).

1. Notwithstanding subsection B, above, the city shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following, as set forth in California Government Code section 65852.2, subdivision (e):

- a. One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-unit dwelling if all the following are met:

- i. The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-unit dwelling or existing space of a single-unit dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

- ii. The space has exterior access from the proposed or existing single-family dwelling.

- iii. The side-yard and rear-yard setbacks are sufficient for fire and safety.

- iv. The junior accessory dwelling unit complies with California Government Code section 65852.22.

- b. One detached, new construction, accessory dwelling unit that does not exceed 4-foot side-yard and rear-yard setbacks for a lot with a proposed or existing single-unit dwelling. The accessory dwelling unit may be combined

with a junior accessory dwelling unit that meets the requirements set forth in California Government Code section 65852.22. The accessory dwelling unit may not exceed a floor area of 800 square feet and a height of 18 feet unless additional height is needed to align the roof pitch of the accessory dwelling unit with the roof pitch of the primary dwelling unit. In that instance, the accessory dwelling unit may not exceed a height of 20 feet.

- c. Multiple accessory dwelling units within the portions of existing multi-unit dwellings that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. The number of accessory dwelling units shall not exceed one or 25% of the existing multi-unit dwellings, whichever is greater.
  - d. Not more than two accessory dwelling units that are located on a lot that has an existing or proposed multi-unit dwelling, but are detached from that multi-unit dwelling, maintain 4-foot rear-yard and side-yard setbacks, and do not exceed 18 feet in height unless additional height is needed to align the roof pitch of the accessory dwelling unit with the roof pitch of the primary dwelling unit. In that instance, the accessory dwelling unit may not exceed a height of 20 feet.
2. An accessory dwelling unit or junior accessory dwelling unit approved under this subsection C may not be rented for a term less than 30 days.

## **SECTION 47.**

Section 17.228.126 of the Sacramento City Code is hereby amended to read as follows:

### **17.228.126 Temporary nonresidential use.**

- A. Purpose and scope. The purpose of this section is to set standards for the establishment of a temporary nonresidential use under limited circumstances as set forth in this section. This section does not apply to temporary residential shelters, which are regulated by article VI of chapter 17.228, or to model home temporary sales offices, which are regulated by section 17.228.125.
- B. Administrative permit requirement. A temporary nonresidential use requires the issuance of an administrative permit. The administrative permit must be obtained before issuance of a building permit, if one is needed, for the temporary nonresidential use.

- C. Standards for granting an administrative permit. An administrative permit for a temporary nonresidential use will be granted if the use complies with all of subsections C.1 through C.6 below.
1. One of the following circumstances exist –
    - a. A proposed permanent use on the site (i) has received all necessary planning permits or the proposed permanent use is allowed by right; and (ii) there is an active building permit for the proposed permanent use; or
    - b. A local emergency has been declared pursuant to section 2.116.060 and the temporary use supports recovery and the recommencement of economic activities.
  2. The temporary nonresidential use, if permanent, would be allowed by right on the site.
  3. The project site is located –
    - a. In the RMX zone (chapter 17.212), any zone codified in chapter 17.216 (i.e., commercial, office, and mixed-use zones), any zone codified in chapter 17.220 (i.e., industrial and manufacturing zones), or any zone codified in chapter 17.224 (miscellaneous zones); and
    - b. Not more than 300 feet from the nearest existing water supply source for fire-fighting purposes.
  4. If parking is provided to serve the temporary nonresidential use, all off-street parking facilities –
    - a. Comply with section 17.608.040 (development standards for off-street parking facilities); and
    - b. Are surfaced in accordance with section 17.612.020 or are surfaced with a temporary but durable material that prevents trackout (i.e., tracking dirt, mud, or other debris onto a public street).
  5. Outdoor storage is screened from public view by landscaping, fencing, or a structure.
  6. Bathroom and sanitation facilities are provided in accordance with title 15 (buildings and construction).

- D. The parking lot tree shading requirements in section 17.612.040 do not apply to temporary nonresidential uses that comply with this section.
- E. Term. Notwithstanding section 17.808.470, an administrative permit issued pursuant to this section expires one year from the date the permit is issued. A permit-holder may request, before the expiration of the permit, a one-time extension of up to one year, which may be approved at the director level if there are exceptional circumstances preventing completion of the permanent facilities for the nonresidential use.
- F. Restoration. Upon expiration of the administrative permit, all temporary facilities (e.g., building, trailer, parking area, signage, etc.) must be removed and the site must be restored to its previous condition.
- G. Permit attributes. Permits issued under this section are not property, have no value, do not create vested rights, and do not create legal nonconforming status.

**SECTION 48.**

- A. Subsection G is hereby added to section 17.228.240 of the Sacramento City Code to read as follows:
  - G. A home occupation that involves cannabis products, including industrial hemp as defined in section 8.134.020.
- B. Except as amended by subsection A above, all provisions of section 17.228.240 remain unchanged and in full effect.

**SECTION 49.**

- A. Subsection I of section 17.228.900 of the Sacramento City Code is hereby amended to read as follows:
  - I. Procedures for call-up review. The mayor or the councilmember in whose district the project is located may call up for city council review any decision described in subsection H by filing a written request with the planning director within 10 business days of the zoning administrator's or planning and design commission's decision. If both a council member call-up and director-level decision appeal are pending on the same project, the city council will consider both at the same time. Notice of the city council hearing shall be given in the manner provided in section 17.812.010.A.2.a. The hearing before the city council shall be de novo.
- B. Except as amended by subsection A above, all provisions of section 17.228.900 remain unchanged and in full effect.

**SECTION 50.**

- A. Section 17.228.920 of the Sacramento City Code is hereby amended as follows:
  - 1. Subsection B is hereby amended to read as follows:
    - B. A conditional use permit is required to establish a cannabis dispensary in the C-2, C-4, M-1, M-1(S), M-2, M-2(S), M-T, and SC zones.
  - 2. Subsection G is hereby amended to read as follows:
    - G. Procedures for call-up review. The mayor or the councilmember in whose district the project is located may call up for city council review any decision described in subsection F by filing a written request with the planning director within 10 business days of the zoning administrator's or planning and design commission's decision. If both a council member call-up and director-level decision appeal are pending on the same project, the city council will consider both at the same time. Notice of the city council hearing shall be given in the manner provided in section 17.812.010.A.2.a. The hearing before the city council shall be de novo.
- B. Except as amended by subsection A above, all provisions of section 17.228.920 remain unchanged and in full effect.

**SECTION 51.**

Chapter 17.316 (Interstate 5 Corridor (I-5) Overlay Zone) of the Sacramento City Code is hereby deleted.

**SECTION 52.**

- A. Subsection A of section 17.340.060 of the Sacramento City Code is hereby amended to read as follows:
  - A. Residential density. The minimum density is 15 dwelling units per net acre. The maximum density is established in the General Plan.
- B. Except as amended by subsection A above, all provisions of section 17.340.060 remain unchanged and in full effect.

### **SECTION 53.**

- A. Subsection C of section 17.444.050 of the Sacramento City Code is hereby amended to read as follows:
  - C. Notwithstanding subsection B of this section, open space is not required for projects consisting of the conversion of either—
    1. A nonresidential building to a multi-unit dwelling; or
    2. A multi-unit dwelling to a duplex with one or more accessory dwelling units or junior accessory dwelling units.
- B. Except as amended by subsection A above, all provisions of section 17.444.050 remain unchanged and in full effect.

### **SECTION 54.**

- A. Subsection C of section 17.600.110 of the Sacramento City Code is hereby amended to read as follows:
  - C. Open space in the R-1B zone only. In the R-1B zone, each dwelling unit in a newly constructed building shall have a minimum of 150 square feet of private open space beyond the minimum required front-yard, rear-yard, and side-yard setbacks.
- B. Except as amended by subsection A above, all provisions of section 17.600.110 remain unchanged and in full effect.

### **SECTION 55.**

Section 17.604.250 of the Sacramento City Code is hereby amended to read as follows:

#### **17.604.250 Frequency of nominations.**

When a nomination for listing of a resource on the register is denied, no new nomination for listing of the same or substantially the same resource may be filed or submitted for a period of one year from the effective date of the final denial of the nomination. Where a nomination for deletion of a listed historic resource from the register has been denied, no new application to delete the same listed historic resource may be filed or submitted for a period of one year from the effective date of the final denial.

## **SECTION 56.**

Section 17.608.010 of the Sacramento City Code is hereby amended to read as follows:

### **17.608.010 Purpose.**

The purpose of this chapter is to establish off-street vehicle and bicycle parking requirements that balance the city's goal to encourage walking, bicycling, and transit use with the goal to provide adequate off-street parking to meet the needs of shoppers, visitors, residents, and employees and other workers, and reduce on-street parking demand on nearby residential streets. Off-street parking requirements are based on the needs of the community and consider the context of the neighborhood, transit availability, on-street parking availability, density and mix of uses, walkability, and the use of alternative modes of transportation. Parking requirements are designed to accommodate average day-to-day demand, as opposed to peak demand, to reduce excessive off-street parking and free up land for more economically productive uses. It is also the purpose of this chapter to provide flexibility and allow alternative means of addressing parking demand.

## **SECTION 57.**

A. Section 17.608.020 of the Sacramento City Code is hereby amended as follows:

1. Subsection C is hereby amended to read as follows:

C. Calculation of the off-street parking requirement. The required number of off-street vehicle and bicycle parking spaces shall be rounded in accordance with section 17.104.050.C.

2. Subsection D is hereby amended to read as follows:

D. Expansion or change in use of existing buildings and structures that do not meet current parking requirements. The following rules apply to buildings and uses that met all applicable parking requirements when initially constructed or established, but that do not meet current parking requirements due to changes to the building or use.

1. Increases in building size.

a. Additional vehicle and bicycle parking is required in accordance with chapter 17.608 only when there is an increase in gross building square footage of 15% or more or, in the case of a residential project, an increase in the number of residential units by 15% or more.

- b. When there is an increase in gross building square footage of less than 15% or, in the case of a residential project, an increase in the number of residential units of less than 15%, no vehicle parking is required, and bicycle parking shall be provided in accordance with chapter 17.608 unless it is physically infeasible to accommodate the additional bicycle spaces.
      - c. When additional parking is required by this subsection D.1, it is required only for the additional gross building square footage or residential units.
- 2. Change in use.
  - a. When a conditional use permit is required for a new use, both vehicle and bicycle parking shall be provided in accordance with chapter 17.608.
  - b. When a conditional use permit is not required, no additional offstreet vehicle or bicycle parking is required.
- 3. Subsection L is hereby amended to read as follows:
  - L. Exemptions for accessory dwelling units and junior accessory dwelling units. When parking is removed in conjunction with the construction of an accessory dwelling unit or junior accessory dwelling unit, no replacement parking is required for the accessory dwelling unit or other dwelling units on the same lot.
- 4. Subsection M is hereby amended as to read as follows:
  - M. Authority to require greater or fewer off-street parking spaces. The zoning administrator, planning director, planning and design commission, or city council may require greater or fewer off-street parking spaces than required by this chapter, or may impose other parking-related requirements, as a condition of a conditional use permit, variance, or site plan and design review, unless prohibited from doing so by California Government Code section 65863.2.
- 5. Subsection N is hereby added to read as follows:

N. Exemptions for development near a major transit stop. Off-street vehicle parking is not required for development on sites located within one-half mile of a major transit stop as defined in California Public Resources Code section 21155, subdivision (b). In the case of a conflict between the city’s standards set forth in this subsection and the requirements set forth in California Government Code section 65863.2, the provisions of the California Government Code prevail.

B. Except as amended by subsection A above, all provisions of section 17.608.020 remain unchanged and in full effect.

**SECTION 58.**

A. Section 17.608.030 of the Sacramento City Code is hereby amended as follows:

1. A row is hereby added to subsection B.1 of the table (Vehicle Parking Requirements by Parking Districts; Residential uses) to read as follows:

Junior accessory dwelling unit	No minimum requirements	No minimum requirements	No minimum requirements
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2. A row is hereby added to subsection C.1 of the table (Bicycle Parking Requirements by Parking Districts; Residential uses) to read as follows:

Junior accessory dwelling unit	No minimum requirements	No minimum requirements	No minimum requirements
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B. Except as amended by subsection A above, all provisions of section 17.608.030 remain unchanged and in full effect.

**SECTION 59.**

A. Subsection D.1 of section 17.608.040 of the Sacramento City Code is hereby amended to read as follows:

1. Tandem parking spaces. Off-street vehicle parking facilities that serve a single-unit dwelling, duplex dwelling, or multi-unit dwelling, or off-street vehicle parking facilities that are designated by posted sign as parking exclusively for office employees, may utilize tandem parking spaces.

- B. Except as amended by subsection A above, all provisions of section 17.608.040 remain unchanged and in full effect.

**SECTION 60.**

- A. Subsection A.1.c of section 17.612.010 of the Sacramento City Code is hereby amended to read as follows:

Height restrictions for landscaping located in the clear zone. All landscaping located within the clear zone for driveways and corner lots, as described in section 17.620.100, shall not exceed 3.5 feet in height, except trees that are maintained free of branches 5 feet above the finish grade, as defined in section 15.88.050, are allowed.

- B. Except as amended by subsection A above, all provisions of section 17.612.010 remain unchanged and in full effect.

**SECTION 61.**

- A. Section 17.620.120 of the Sacramento City Code is hereby amended as follows:

- 1. Subsection C is hereby deleted.
- 2. Subsection D is hereby deleted.

- B. Except as amended by subsection A above, all provisions of section 17.620.120 remain unchanged and in full effect.

**SECTION 62.**

Section 17.620.130 is hereby added to the Sacramento City Code to read as follows:

**17.620.130 Special fencing.**

- A. Purpose. The purpose of this section is to—
  - 1. Protect private property from trespass and theft;
  - 2. Ensure the public is not physically injured by fence materials; and
  - 3. Maintain or improve the aesthetic quality and character of neighborhoods by establishing appropriate locations for fence and wall materials that, by functional design, are prominently visible.

- B. Barbed wire, concertina wire, woven wire, and other similar materials.
1. Barbed wire, concertina wire, woven wire, and other similar fencing materials capable of inflicting significant physical injury, excluding electrified fencing (which is addressed in subsection C below), are allowed only in the M-1, M-1(S), M-2, and M-2(S) zones, if they are located at a height of 6 feet or more above grade. These fence materials are prohibited in all other zones.
  2. Site plan and design review shall not be granted for a deviation from the height standard set forth in this subsection B unless the decisionmaker finds the property has unique physical characteristics that prevent strict compliance with this section.
- C. Electrified fencing. An administrative permit for electrified fencing will be granted if it complies with the following:
1. Location. Electrified fencing is allowed only in the M-1, M-1(S), M-2, and M-2(S) zones.
  2. Standards. Electrified fencing must comply with the following:
    - a. Electric fence height. Maximum height is 10 feet.
    - b. Perimeter fence or wall.
      - i. Height. Except as required by subsection C.2.c below, and for vehicle access gates along roadways, electrified fencing must be surrounded by a non-electrified fence or wall at least 6 feet in height.
      - ii. Setback.
        1. An electric fence must be set back a minimum of 12 inches from any opening of 3 inches or less in the perimeter fence or wall.
        2. An electric fence must be set back a minimum of 36 inches from any opening greater than 3 inches in the perimeter fence or wall.
    - c. Adjacent to residential zones or uses or schools. When abutting residentially-zoned property, residential uses, or school uses, a solid masonry, brick, or similar material perimeter wall of 8 feet in height is required.

- d. Existing barbed wire, concertina wire, and other similar fencing materials capable of inflicting significant physical injury must be removed before completing installation of an electrified fence.
- e. Electrical standards. All electrified fences must conform to the following standards:
  - i. International Electrotechnical Commission (IEC) standards for electric fence energizers; and
  - ii. California Electrical Code (CEC).
- f. Electrification.
  - i. Energizers for electrified fences must be powered by a commercial storage battery not to exceed 12 volts DC. The building official may approve a source of equal or less power.
  - ii. Electric charges produced by electrified fencing must not, upon contact, exceed the energizer characteristics set forth in the IEC standard for electric fence energizers.
  - iii. Non-low voltage electrical components (e.g., controllers, transformers) of the electric fencing system must be approved and listed by an Occupational Safety and Health Act (OSHA) Nationally Recognized Testing Laboratory (NRTL).
- g. Warning signs. Electrified fencing must be identified with signage conforming to the following:
  - i. Have a minimum dimension of 9 inches by 12 inches;
  - ii. Be placed at intervals not greater than 30 feet on both the inside and outside of the fence; and
  - iii. Read "Warning! Electric Fence" in English along with the international electrical safety symbol for voltage or shock hazard. Sign content may, in addition to English, also be provided in other languages.
- h. Emergency access. Access through the electrified fencing must be provided to first responders (e.g., police, fire, etc.) as follows:

- i. A “Knox Box” or other similar approved device must be installed in locations approved by the building official;
  - ii. A means to disconnect electrical power to the fence must be readily available, as determined by the building official;
  - iii. Disconnect switches and controls must be in an accessible location on the property and may not be obscured in any manner from the street or private driveway access;
  - iv. Signage must be provided identifying disconnect switches and controls in addition to instructions for disabling the electrical system; and
- i. Access By First Responders.
    - i. By accepting a permit for an electrified fence, the owner and its assigns agree to the following: If emergency access features required by Sacramento City Code section 17.620.130 are absent or non-functional, and an owner, manager, employee, custodian, or any other person with control over the property is not present, or refuses to or is unable to disable the electrified fence, the permittee authorizes first responders, including the police and fire departments, to disable the electric fence to gain access to the property. Permittee further agrees to waive all claims for damages to the electrified fence against the city and its personnel under such circumstances.
    - ii. The language in subsection C.2.i.i above will be stated on the permit.

**SECTION 63.**

- A. Footnote 6.a in section 17.624.040 of the Sacramento City Code is hereby amended to read as follows:

Attached covered patios and covered decks may be partially enclosed. The area of the longer wall and one additional wall must be 65% open. The openings may be enclosed with insect screening or removable translucent or transparent material.

- B. Except as amended by subsection A above, all provisions of section 17.624.040 remain unchanged and in full effect.

**SECTION 64.**

- A. Subsection A of section 17.704.070 of the Sacramento City Code is hereby amended to read as follows:
  - A. As a condition to approval of any density bonus pursuant to this chapter, the applicant shall agree to enter into a density bonus housing agreement with the city, the housing authority acting on behalf of the city, or the Capitol Area Development Authority that shall be binding upon the applicant and all successors in interest. The executed density bonus housing agreement shall be recorded on the parcel or parcels designated for the construction of target units. The approval and recordation shall take place prior to final map approval or, where a map is not being processed, prior to issuance of building permits for the parcels or units.
- B. Except as amended by subsection A above, all provisions of section 17.704.070 remain unchanged and in full effect.

**SECTION 65.**

- A. Subsection D of section 17.712.040 of the Sacramento City Code is hereby amended to read as follows:
  - D. Accessory dwelling units and junior accessory dwelling units.
- B. Except as amended by subsection A above, all provisions of section 17.712.040 remain unchanged and in full effect.

**SECTION 66.**

Section 17.722.050 of the Sacramento City Code is hereby amended to read as follows:

**17.722.050 Sunset provision.**

The city shall not enter into a new contract or renew an existing contract after January 1, 2029, unless the Urban Agriculture Incentive Zones Act is amended to authorize contracts after that date. Any contract entered into pursuant to the Urban Agriculture Incentive Zones Act and this chapter on or before January 1, 2019, will be valid and enforceable for the duration of the contract.

**SECTION 67.**

- A. Subsection C of section 17.800.010 of the Sacramento City Code is hereby amended to read as follows:

The applicant and its successors in interest shall agree, in a form acceptable to the city attorney, to defend, indemnify, and hold harmless the city, its council members, boards, commissions, officers, employees, and agents from and against all damages, costs, and attorneys' fees that may arise in connection with the city's processing, issuance, or denial of a permit under this title, excluding the City's staff attorney fees. The city, in its sole discretion, may utilize outside counsel to defend any claim.

- B. Except as amended by subsection A above, all provisions of section 17.800.010 remain unchanged and in full effect.

### **SECTION 68.**

- A. Subsection C of section 17.800.020 of the Sacramento City Code is hereby amended to read as follows:

Fee waiver or reduction. The planning director, in the director's sole discretion, may waive or reduce an application fee for residential developments assisted by the federal or state governments or by a local public entity, as defined in California Health and Safety Code section 50079, or other residential developments intended for occupancy by persons and families of low and moderate income, as defined in California Health and Safety Code section 50093, or persons and families of middle income, as defined in California Government Code section 65008, subdivision (c).

- B. Except as amended by subsection A above, all provisions of section 17.800.020 remain unchanged and in full effect.

### **SECTION 69.**

Section 17.860.010 of the Sacramento City Code is hereby amended to read as follows:

#### **17.860.010 Purpose.**

The purpose of this chapter is to streamline the permitting process for infill housing projects, including mixed-use projects, that comply with specific development options set forth in California Government Code sections 65852.24, 65912.100– 65912.105, and 65913.4; or the city's local ministerial development option as set forth in section 17.860.030. Nothing in this chapter precludes an applicant from applying for discretionary site plan and design review.

### **SECTION 70.**

- A. The title of section 17.860.020 of the Sacramento City Code is hereby amended to read as follows:

**17.860.020 Infill housing projects eligible for streamlined, ministerial approval process under Government Code section 65913.4 (otherwise known as SB 35 projects).**

- B. Except as amended by subsection A above, all provisions of section 17.860.020 remain unchanged and in full effect.

**SECTION 71.**

Section 17.860.021 is hereby added to the Sacramento City Code to read as follows:

**17.860.021 Residential development on commercially-zoned lands consistent with Government Code chapter 4.1 (Affordable Housing and High Road Jobs Act of 2022).**

- A. Administrative permit. A housing project will be granted an administrative permit if it—
1. Qualifies for streamlined, ministerial approval under California Government Code chapter 4.1;
  2. Complies with the city’s objective zoning standards and objective subdivision standards, as defined in California Government Code chapter 4.1 and as set forth in this code; and
  3. Complies with the city’s objective design review standards, as defined in California Government Code chapter 4.1 and as set forth in the Citywide Infill Housing Design Standards.
  4. Complies with the objective standards set forth in an applicable Airport Land Use Compatibility Plan adopted pursuant to California Public Utilities Code sections 21670 through 21679.5
- B. Conflicting laws. In the case of a conflict between the city’s standards set forth in subsection A above and the standards set forth in California Government Code chapter 4.1, the provisions of the California Government Code prevail.
- C. Notification of compliance with the standards. If the city determines a project submitted under this section conflicts with any of the requirements set forth in subsection A above, it shall inform the applicant, in writing, of the requirement or requirements the project conflicts with, along with an explanation of all conflicts, in the following timeframes:
1. Within 60 days of submittal of the application if the project contains 150 or fewer dwelling units; or

2. Within 90 days of submittal of the application if the project contains more than 150 dwelling units.
- D. Deemed approval. If the city does not provide written notice as required by subsection C above, the project will be deemed to satisfy the requirements specified in subsection A above and must be granted an administrative permit.
- E. Establishment and expiration of the permit. Section 17.808.470 governs the establishment and expiration of an administrative permit granted under this section, except when that section conflicts with California Government Code section 65913.4, subdivision (f), in which case the provisions of the California Government Code prevail.

## **SECTION 72.**

Section 17.860.022 is hereby added to the Sacramento City Code to read as follows:

### **17.860.022 Residential development on land zoned for office, retail, or parking consistent with California Government Code section 65852.24 (Middle Class Housing Act of 2022)**

- A. Deemed allowable use. A housing development project, as defined in California Government Code section 65852.24, is deemed an allowable use on land zoned for office, retail, or parking and shall not require a rezone, if it—
  1. Complies with California Government Code section 65852.24;
  2. Is not within a special planning district, overlay zone, or planned unit development that prohibits office, retail, or stand-alone surface parking as permitted uses; and
  3. Complies with the city’s development standards and guidelines.
- B. Conflicting laws. In the case of a conflict between the city’s development standards and guidelines and the standards set forth in California Government Code section 65852.24, the provisions of the California Government Code prevail.

## **SECTION 73.**

- A. The title of section 17.860.030 of the Sacramento City Code is hereby amended to read as follows:

### **17.860.030 City of Sacramento ministerial review option for infill housing projects.**

- B. Except as amended by subsection A above, all provisions of section 17.860.030 remain unchanged and in full effect.

**SECTION 74.**

A. Subsection A.2.d of section 17.864.020 of the Sacramento City Code is hereby amended to read as follows:

d. Bulk control.

i. Except as provided in subsection ii below, all dwelling units, excluding accessory dwelling units, must be contained within the base building envelope, which may not exceed a height of 35 feet. The base building envelope is the three-dimensional air space contained between the front-yard, side-yard, and rear-yard setbacks of a lot and conforming to the following planes:

1. Side planes and roofline planes. The side planes of the envelope begin at the side property lines at the average elevation of the finished lot grade at the front setback line and rise directly vertical and perpendicular to each side property line to a height of 12 feet; at this point, the envelope slopes inward from each side at a 45 degree angle to form the roofline planes that continue inward until the roofline planes intersect or until these planes reach a height of 35 feet, whichever is shorter.

2. Front plane. The front plane of the base building envelope starts at a line equal to the shortest setback of the adjacent residences on the same side of the street, or across the street if there are not two typical adjacent residences, and rise directly vertical and perpendicular to the front property line to a height of 14 feet; at this point, the envelope slopes towards the rear property line at a 45-degree angle to a height no greater than 35 feet above the average elevation of the finished lot grade at the front setback.

3. Dormers and other extensions.

a. Dormers and other extensions may extend beyond the base building envelope as follows:

i. Side dormers and other extensions. The two-dimensional visible area (when viewed from the front elevation of the dwelling unit) of all dormers and other extensions that extend from the roof line planes must not exceed 40 square feet outside the base building

envelope on each side. See Figure A in subsection A.2.d.(3)(b) below for illustration of the visible area.

- ii. Front dormers and other extensions. The two-dimensional visible area (when viewed from one side elevation of the dwelling unit) of all dormers and other extensions that extend from the front plane must not exceed 40 square feet outside the base building envelope. See Figure B in subsection A.2.d.(3)(b) below for illustration of the visible area.
- iii. The aggregate length of the dormers and other extensions that extend beyond the base building envelope must not exceed 15 feet on each side of the dwelling unit(s). See Figure C in subsection A.2.d.(3)(b) below for illustration of the length.

b. Figures.

- B. Except as amended by subsection A above, all provisions of section 17.864.020 remain unchanged and in full effect.

**SECTION 75.**

Section 18.52.010 of the Sacramento City Code is hereby amended to read as follows:

**18.52.010 Definitions.**

The following definitions apply in this chapter:

- A. "City attorney" means the city attorney or designee.
- B. "City fee" means any of the following fees:
  - 1. Railyards transportation fee (section 18.36.040.A.1).
  - 2. Richards Boulevard transportation fee (section 18.36.040.A.1).
  - 3. Railyards public facilities fee (section 18.36.040.A.2).
  - 4. Richards Boulevard public facilities fee (section 18.36.040.A.3).
  - 5. Jacinto Creek facilities fee (sections 18.28.050.A.1 and 18.28.110.B).

6. North Natomas public facilities fee (section 18.24.050.A.1).
  7. North Natomas transit fee (section 18.24.050.A.2).
  8. North Natomas public land acquisition fee (section 18.24.280.A).
  9. North Natomas Regional Park land acquisition fee (section 18.24.280.B).
  10. Park development impact fee (section 18.44.030.A).
  11. Building excise tax (section 3.36.010).
  12. Willowcreek fee (section 18.32.050.A.1).
  13. Sewer development fee (section 13.08.480).
  14. Combined sewer development fee (section 13.08.490).
  15. Water system development fee (section 13.04.820).
  16. Storm drainage development fee (section 13.10.125).
  17. Mixed income housing fee (chapter 17.712).
  18. Transportation development impact fee for citywide benefit district (chapter 18.48).
  19. I-5 subregional corridor mitigation fee (Resolution No. 2016-0109).
  20. Any fee adopted by the city council pursuant to chapter 18.56.
- C. "City manager" means the city manager or designee.
- D. "City treasurer" means the city treasurer or designee.
- E. "Deferral agreement" means an agreement that meets the criteria set forth in section 18.52.030.
- F. "Developer" means a person undertaking a project.
- G. "Program" means the program established by this chapter to defer payment of city fees.
- H. "Project" means any of the following:

1. A dwelling with five or more dwelling units and at least 50% of the building's square footage devoted to residential uses.
2. A commercial or industrial use with a project value totaling \$1,000,000 or more, as determined by the chief building official in accordance with section 15.08.110.
3. A new or existing residential subdivision of five or more lots.

#### **SECTION 76.**

- A. A definition for "dwelling unit, junior accessory" is hereby added to section 18.56.810 of the Sacramento City Code to read as follows:

"Dwelling unit, junior accessory" has the same meaning as in section 17.108.050.

- B. Except as amended by subsection A above, all provisions of section 18.56.810 remain unchanged and in full effect.

#### **SECTION 77.**

Section 18.56.830 of the Sacramento City Code is hereby amended to read as follows:

##### **18.56.830 Exemption for accessory dwelling units.**

In addition to the exemptions set forth in section 18.56.125.C, accessory dwelling unit and junior accessory dwelling unit projects are exempt from the provisions of this article.

#### **SECTION 78.**

Section 17.228.230 of the Sacramento City Code is hereby amended to read as follows:

##### **17.228.230 Requirements applicable to all home occupations.**

- A. Requirements. In addition to the special conditions and other provisions in sections 17.228.210 and 17.228.220, all home occupations shall satisfy all of the following requirements:
1. All of the requirements stated in this section 17.228.230 shall apply to each permitted residence without regard to the number of home occupation permits issued for the residence.

2. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. The home occupation may be conducted in the principal dwelling or accessory structures on the subject property.
  3. No more than one person who is not a resident of the permitted residence may engage in home occupations at that residence. The home occupation may have more than one off-site employee or partner if that person does not work at the permitted residence.
  4. Unless prohibited by a special condition under section 17.228.210, or by a condition of approval of a home occupation conditional use permit under section 17.228.220, clients or customers are permitted to visit the permitted residence; provided, that on any single day there shall be no more than one client or customer per hour and no more than eight customers or clients visiting the residence in a day. A family unit, such as a parent and one or more children, is considered one client or customer for purposes of this restriction.
  5. The permitted residence shall comply with all building code standards made applicable to the residence because of the operation of the home occupation.
  6. Only one vehicle of a size no larger than one ton shall be permitted in conjunction with a home occupation.
  7. There shall be no sign, nameplate, or any other form of advertising displayed at the permitted residence.
- B. Waiver of requirements. The zoning administrator shall have the authority to issue a home occupation conditional use permit under section 17.228.220 to waive the requirements set forth in subsection A of this section.

Adopted by the City of Sacramento City Council on June 25, 2024, by the following vote:

Ayes: Members Jennings, Kaplan, Maple, Talamantes, Thao, Valenzuela, and Vang

Noes: None

Abstain: None

Absent: Member Guerra and Mayor Steinberg

Attest:  07/10/2024  

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Mindy Cuppy, City Clerk

*The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.*

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