

## **ORDINANCE 2025-0038**

Adopted by the Sacramento City Council

December 9, 2025

### **An Ordinance Amending Section 15.08.070 of and Adding Chapter 17.868 to the Sacramento City Code, Relating to Ministerial Approval of Development Projects of 10 or Fewer Dwelling Units on Urban Lots**

**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. Subsection D is hereby added to section 15.08.070 of the Sacramento City Code to read as follows:
  - D. Building permits for one or more residential dwelling units located in a subdivision approved under chapter 17.868 are subject to the following.
    1. A building permit will be issued prior to recording a subdivision map (a final map or parcel map) for one or more residential dwelling units located in a subdivision approved under chapter 17.868 if all the following requirements are met:
      - a. The applicant received approval of a tentative map and housing development pursuant to chapter 17.868.
      - b. The applicant submitted a building permit application deemed complete and compliant pursuant to section 65913.3 of the California Government Code.

- c. Before issuance of the permit, improvement plans are submitted and completed by the subdivider and accepted by the director of public works and the director of utilities.
  - d. Before issuance of the permit, as determined by the City, the applicant enters into an agreement with the city to construct any improvements, including sewer requirements identified in the tentative map approved under chapter 17.868. As determined by the city, the permittee shall provide a performance bond to secure the faithful performance of the contractual obligations to construct improvements in an amount not to exceed 300 percent of the total estimated costs of the improvements.
  - e. Before issuance of the permit, the applicant executes, and records irrevocable offers of dedication as determined by the city to guarantee any dedications identified in the approved tentative map.
- 2. The city shall condition the issuance of a permit on the applicant submitting proof to the satisfaction of the city of a recorded covenant and agreement enforceable by the city that the applicant and the applicant's successors and assignees agree that the permit is issued on the condition that a certificate of occupancy or final inspection will not be issued unless the final map or parcel map has been recorded. No residential dwelling unit can be occupied until such a certificate or inspection has been approved.
  - 3. Notwithstanding subsection 1, the city may deny issuance of a building permit if the building official makes a written finding, based upon a preponderance of the evidence, that construction of the proposed structure or structures before recordation of the final map or parcel map would have a specific adverse impact (as defined in California Government Code section 65589.5, subdivision (d)(2)) upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

B. Except as amended by subsection A above, all provisions of section 15.08.070 remain unchanged and in full effect.

### **SECTION 3.**

Chapter 17.868 is hereby added to division VIII of title 17 of the Sacramento City Code to read as follows:

## **Chapter 17.868 Ministerial Approval of Development Projects of 10 or Fewer Dwelling Units on Urban Lots**

### **17.868.010 Purpose and intent.**

The purpose of this chapter is to comply with California Government Code sections 65852.28 and 66499.41 related to housing developments and subdivision maps that are eligible for ministerial review.

### **17.868.020 Application requirements.**

- A. Administrative permit. A development project consisting of both a housing development and a subdivision map will be granted an administrative permit if it complies with the requirements of this chapter, except as provided in subsection F. An application made pursuant to this chapter must include both a housing development and subdivision map.
- B. Conflicting laws. In the case of a conflict between the standards in this chapter and standards set forth in California Government Code sections 65852.28 and 66499.41, the provisions of the California Government Code prevail.
- C. Approval or denial. An application submitted pursuant to this chapter must either be approved or denied within 60 days from the date the city receives a complete application. If denied, the city shall provide the applicant with a written list of items that are defective or deficient and a description of how the applicant can remedy the application.
- D. Deemed approval. If the city does not deny the application in accordance with subsection C above, the project will be deemed to satisfy the requirements of this chapter and will be granted an administrative permit and administratively-approved tentative map.
- E. Time to resubmit. Notwithstanding section 17.800.050, if an application for an administrative permit under this chapter is denied pursuant to subsection C above, a new application may be filed at any time.
- F. Findings for denial. An application made pursuant to this chapter may be denied for reasons unrelated to noncompliance with the requirements of this chapter if, based upon a preponderance of the evidence, the city determines the proposed housing development project or subdivision map would have a specific, adverse impact (as defined in California Government Code section 65589.5, subdivision (d)(2)), upon public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

### **17.868.030 General requirements.**

- A. An application under this chapter must be for a housing development and subdivision map located on a site that satisfies all the following—
1. The site is located within one or more of following—
    - a. R-1, R-1A, R-1B, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-5, RMX, RO, OB, OB-2, OB-3, EC, SC, C-1, C-2, C-3, or M-T zones;
    - b. C-4, M-1, M-1(S), M-2, or M-2(S) zones located within the central city; or
    - c. RE zone if the site is vacant (as defined in California Government Code section 66499.41, subdivision (a)(2));
  2. The site meets the locational criteria in California Government Code sections 65852.28 and 66499.41;
  3. The site was not established under this chapter, including a designated remainder parcel described in section 17.868.050.A.2, or section 17.864.030; and
  4. If located on a site identified in the city's 2021-2029 housing element, the site has a total capacity of 10 or fewer dwelling units, as shown in the housing element sites inventory table.

### **17.868.040 Housing developments eligible for ministerial review under California Government Code section 65852.28.**

- A. Development standards.
1. Height. The maximum height of the applicable zone applies, unless that requirement would physically preclude a housing development proposed to be built to the density of 30 dwelling units per acre.
  2. Density.
    - a. The maximum density is 10 dwelling units.
    - b. Accessory dwelling units and junior accessory dwelling units are not included in the calculation of density.

- c. If located on a site not identified in the city's 2021-2029 housing element—
  - i. If the applicable zone includes a maximum density, the minimum density is the greater of the following—
    - (A) 66% of the maximum allowable residential density; or
    - (B) 19.8 dwelling units per acre;
  - ii. If the applicable zone does not include a maximum density, the minimum density is 19.8 dwelling units per acre; and
  - iii. The area of any designated remainder parcel described in section 17.868.050.A.2 is excluded from the calculation of residential density under this subsection.
- d. If located on a site identified in the city's 2021-2029 housing element—
  - i. The minimum density is equal to the total capacity of dwelling units, as shown in the housing element site inventory table; and
  - ii. All low or very low-income units specified in the city's 2021-2029 housing element for that site are required for a period of at least 45 years.

3. Floor area ratio.

- a. If there are fewer than 3 dwelling units, the maximum floor area ratio standards established in the general plan apply, unless that requirement would physically preclude a housing development proposed to be built to the density of 30 dwelling units per acre.
- b. If there are 3 to 7 dwelling units, the maximum floor area ratio is 1.0, or the maximum floor area ratio established in the general plan, whichever is greater.
- c. If there are 8 to 10 dwelling units, the maximum floor area ratio is 1.25, or the maximum floor area ratio established in the general plan, whichever is greater.

4. Maximum area. The average floor area of dwelling units may not exceed 1,750 net habitable square feet (as defined in Government Code section 66499.41, subdivision (a)(6)).
  5. Lot coverage. The lot coverage of the applicable zone applies, unless that requirement would physically preclude a housing development proposed to be built to the density of 30 dwelling units per acre.
  6. Setbacks.
    - a. Front-yard setback. The front-yard setback of the applicable zone applies, unless that requirement would physically preclude a housing development proposed to be built to the density of 30 dwelling units per net acre.
    - b. Interior side-yard setback. The minimum interior side-yard setback is four feet unless a less restrictive setback is required by the applicable zone.
    - c. Street side-yard setback. The minimum street side-yard setback is four feet unless a less restrictive setback is required by the applicable zone.
    - d. Rear-yard setback. The minimum rear-yard setback is four feet unless a less restrictive setback is required by the applicable zone.
    - e. Notwithstanding subsections 6.a, 6.b, 6.c, and 6.d above—
      - i. No setback is required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.
      - ii. No setback is required between dwelling units. All dwelling units must comply with the applicable standards in title 15 of the Sacramento City Code.
- B. Design standards.

The city's objective design standards apply as provided for in California Government Code section 65852.28 and as set forth in the Citywide Infill Housing Design Standards.

C. Parking.

No vehicle parking spaces are required. If any vehicle parking spaces are provided, they must comply with the applicable objective standards set forth in chapter 17.608.

D. Other standards.

1. Before issuance of a certificate of occupancy or final inspection for any dwelling unit with alley access, the alley must be named as required by the city and a street sign must be installed as required by the city.
2. All other applicable city objective standards apply.
3. All requirements of California Government Code sections 65852.28 and 66499.41 apply.
4. All objective standards set forth in an applicable Airport Land Use Compatibility Plan, adopted pursuant to California Public Utilities Code sections 21670 through 21679.5, apply.

**17.868.050 Subdivision maps eligible for ministerial review under California Government Code section 66499.41.**

A. An application made pursuant to this chapter must include a subdivision map that satisfies all the requirements in California Government Code section 66499.41 and is subject to all the following:

1. The site proposed to be subdivided must be—
  - i. 5 acres or less; or
  - ii. 1.5 acres or less if located within the RE zone.
2. The proposed subdivision must result in 10 or fewer parcels, not including a designated remainder parcel, as defined in California Government Code section 66424.6, that—
  - i. Retains existing land uses or structures;
  - ii. Does not contain any new dwelling units; and

- iii. Is not exclusively dedicated to serving the housing development project
- 3. The minimum parcel size is—
  - i. 600 square feet; or
  - ii. 1,200 square feet if located in the RE zone.
- 4. There is no minimum or maximum standard for lot width, lot depth, or frontage.
- 5. All applicable objective Subdivision Map Act and city map requirements apply.
- 6. All parcels will be served by the city's water and sewer systems in accordance with title 13 of the Sacramento City Code.
- 7. The California Building Standards Code, as set forth in title 24 of the California Code of Regulations and title 15 of the Sacramento City Code apply.
- 8. The subdivision will not result in any existing dwelling unit being alienable separate from the title to any other existing dwelling unit on the site.
- B. The subdivider may sell, lease, or finance any parcel resulting from a subdivision under this section if the parcel is the subject of a valid or expired administrative permit for a housing development that complies with section 17.868.040. This does not apply to a designated remainder parcel described in section 17.868.050.A.2.
- C. A remainder parcel designated on a map for a subdivision under this section may not be sold until after—
  - 1. The final map for the subdivision approved under this section is recorded;  
and
  - 2. A certificate of compliance for the remainder parcel is recorded; provided, however, no application for the certificate of compliance for the remainder parcel may be filed before the final map is recorded.



- D. Subdivisions created in accordance with this chapter that result in four or more lots, not including a designated remainder parcel described in section 17.868.050.A.2, may be further subdivided under section 17.864.030.


Adopted by the City of Sacramento City Council on December 9, 2025, by the following vote:

Ayes: Members Dickinson, Guerra, Jennings, Kaplan, Maple, Pluckebaum, Talamantes, Vang, and Mayor McCarty

Noes: None

Abstain: None

Absent: None

Attest:  01/05/2026  
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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