



2024 Interim Zoning Code Guidance To Implement Changes in State Legislation

Overview

Over the past two years, Governor Newsom signed into law several bills related to zoning and land use resulting in portions of the Sacramento County Zoning Code (SZC) becoming outdated because of new State statutes. In addition, staff has identified other legislative changes previously signed into law that also affect minor components of the SZC. To remedy this situation, Sacramento County follows applicable State Government Code (CA GOV) sections where conflicts arise between State law and the SZC.

This document has been created to provide guidance for County staff, applicants, and the public in the interim period between adoption of legislation and the corresponding SZC updates. It temporarily incorporates the State statutory requirements and allowances into the current SZC until formal updates can be made. This document will be modified as guidance from the State or new information regarding implementation of various legislation becomes available. This document should be used in conjunction with the SZC as applicable until the SZC has been formally amended. **With the exception of the interim changes provided or referenced in this document all other provisions of the SZC shall continue to apply.**

The topics covered in the interim guidance include:

- Multifamily Development ([SZC 3.2.5. Table 3.1. and SZC 3.5.1.C.](#))
 - Properties Owned by Religious or Higher Education Institutions
 - Adaptive Reuse of Residential or Transient Occupancy Commercial Buildings
 - Multifamily Development in Zoning Districts that Allow for Parking, Retail, and Office Uses
- Density Bonus Law
 - Additional Density Bonuses and Concessions/Incentives ([SZC 6.5.4.D.](#))
 - Shared Housing Buildings ([SZC 6.5.4.B.25.](#))
 - Environmental Review ([SZC 5.2.3. Table 5.1., SZC 6.3.1.C., and SZC 6.5.4.C.2.](#))
 - Definitions ([SZC 6.5.4.B.](#))
 - Parking ([SZC 6.5.4.F. Table 6.5.](#))
- Transitional and Supportive Housing ([SZC 3.2.5. Table 3.1, SZC 3.5.1.G, and SZC 7.3](#))
- Shared Parking ([SZC 5.9.7.C.](#))
- Delivery of Medicinal Cannabis ([SZC 7.3](#))
- Electric Vehicle Charging Stations ([SZC 5.9.3.A. and SZC 6.3.2.A.](#))
- Hydrogen Fueling Stations ([SZC 3.2.5. Table 3.1, SZC 3.7.9.K., SZC 6.3.2.A., and SZC 7.3.](#))
- Temporary Concessions – Sidewalk Vendors ([SZC 3.10.3.E. and SZC 7.3](#))
- Family Day Cares ([SZC 3.5.1.F., SZC 5.9.2. Table 5.18, and SZC 7.3](#))
- Accessory Dwelling Units ([SZC 3.9.3.D., SZC 3.9.3.AA., SZC 5.4.5.B. – Table 5.11](#))
- Off-Street Parking ([SZC 5.9.5.](#))

Two Zoning Ordinance Amendment packages (Control Numbers PLNP2023-00106 and PLNP2023-00272) will be brought through the required public review process with a goal of adoption by end of year 2024.

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Multifamily Development

The following legislation passed in the two previous California State legislative sessions grants the ability to develop multifamily housing projects by right in various zoning districts in which multifamily residential development is currently prohibited or requires an entitlement. These projects may only be approved if they meet the specified criteria listed in the respective legislation. Summaries of each of these bills are provided below along with proposed Interim Language for affected Zoning Code Sections.

SB 4 (Wiener, 2023) – Properties Owned by Religious and Higher Education Institutions

This was signed into law October 11, 2023 and takes effect January 1, 2024. This bill requires that under the SB 35 streamlined approval process, a housing development project on any land owned by a higher education or religious institution by January 1, 2024, be considered a by-right permitted use if certain specified conditions are met.

The project must be 100% affordable, with up to 20% of units allowed for moderate income households and 5% of units allowed for staff of the institution.

CEQA would not apply as approval of projects must be ministerial.

Zoning Code Sections Impacted: SZC 3.2.5. Table 3.1. and SZC 3.5.1.C.

AB 1490 (Lee, 2023) – Extremely Affordable Adaptive Reuse Projects

This bill was signed into law October 11, 2023 and takes effect January 1, 2024. This bill establishes that an “extremely affordable adaptive reuse project” (as defined in CA GOV §65913.12) on an infill parcel that is not located on or adjoined to a site where more than 1/3 of the square footage on the site is dedicated to industrial use, is an allowable use. Additionally, this bill grants exemptions from certain local development standards as detailed below. The intent of the bill is to ease the ability to convert existing hotel, motel, or any other temporary occupancy building to long-term, affordable housing.

An “extremely affordable adaptive reuse project” is a housing development that meets the following criteria:

- The development is a multifamily project.
- The development involves the retrofitting and repurposing of a residential building or commercial building that currently allows for temporary dwelling or occupancy, to create new residential units.
- The development will be entirely within the envelope of the existing building.
- The development meets all the following affordability criteria:
 - 100% of the units, excluding manager’s units, are dedicated to lower income households.
 - At least 50% of the units are dedicated to very-low-income households.
 - The units are deed restricted for a period of 55 years for rentals and 45 years for owner-occupied units.

If a project qualifies under the provisions of this bill, the project is exempt from the following development standards:

- Maximum density requirements.
- Maximum floor area requirements.

- Requirement to add additional parking.
- Requirement to add additional open space.

Zoning Code Sections Impacted: [SZC 3.2.5. Table 3.1. and SZC 3.5.1.C.](#)

AB 2011 (Wicks, 2022) & SB 6 (Caballero, 2022) – Multifamily Development in Commercial Zones

SB 6 (Caballero) and AB 2011 (Wicks), both adopted and chaptered September 28, 2022, allow for multifamily developments by right in any zoning district that allows for office, retail, or parking as permitted uses provide certain eligibility criteria are met. Some of these criteria include, but are not limited to, the following:

- The project must be located in a zoning district that allows for office, retail, or parking uses by right.
- The project cannot be located on or adjacent to a parcel in which more than one-third of the parcel is dedicated to industrial uses.
- The project must be certified as either a public work, or if not a public, work, must certify that the workers on the project will be paid a prevailing wage.
- Certify that a skilled and trained workforce will be used.

Additionally, projects utilizing either of these bills may also qualify for streamlined, ministerial review if additional criteria are met. Criteria include, but are not limited to, the following:

- Units must be income restricted. AB 2011 requires 100 percent of units to be dedicated to lower income households, while SB 6 allows for a mix of lower-income and moderate-income units.
- Project must be located in an urban area or urban clusters, as designated by the U.S. Census Bureau.
- At least 75% of the project site adjoins parcels that are developed for urban uses.

Zoning Code Sections Impacted: [SZC 3.2.5. Table 3.1. and SZC 3.5.1.C.](#)

State Density Bonus Law

AB 323 (Holden, 2023), AB 1287 (Alvarez, 2023), and SB 713 (Padilla, 2023) – Additional Density Bonuses and Incentives/Concessions

The three referenced bills (all signed into law October 11, 2023 and taking effect January 1, 2024) all made amendments to the State Density Bonus Law (CA GOV §65915). Below is a list of the key impacts these amendments have on the Zoning Code:

- Increases the number of incentives or concessions for projects in proximity to transit from 4 to 5.
- Increases the number of incentives or concessions for projects with at least 16 percent very low-income units from 3 to 4.
- Increases the number of incentives or concessions for projects with at least 45 percent moderate income units available for sale from 3 to 4.
- Creates a new provision where you can “stack” two density bonuses if you meet certain eligibility criteria and income restricted unit count criteria.

- If a Density Bonus Project meets any of the following minimum unit counts, they are eligible for an additional density bonus as shown in Table 6.4.1:
 - At least 24 percent lower income units
 - At least 15 percent very low-income units
 - At least 44 percent moderate income units

Zoning Code Sections Impacted: SZC 6.5.4.D.

AB 682 (Bloom, 2022) – Shared Housing Buildings

This Bill was signed into law September 28, 2022 and took effect January 1, 2023. AB 682 allows shared housing buildings (co-living housing projects) to be eligible for the State Density Bonus. A shared housing building is defined as a residential or mixed-use structure with five or more shared housing units with one or more common kitchens and dining areas designated for permanent residents. A shared housing building can have ground floor commercial and may include other dwelling units that are not shared housing units as long as it does not exceed 25% of the floor area of the shared housing building. The new bill prohibits jurisdictions from requiring any minimum unit size or bedroom requirements for eligible shared housing projects.

A shared housing project will now qualify for State Density Bonus Law if it meets one of the following:

- Contains 10% low-income units
- Contains 5% very low-income units
- Contains 100% low-income units
- Is a senior housing development or a mobilehome park that limits residency based on age requirements
- 10% of the housing development will be available for public purchase and sold to persons or families of moderate income
- Contains 10% of units for transitional foster youth, disabled veterans, homeless persons
- Subject to recorded very low income affordability restriction of 55 years

Zoning Code Sections Impacted: SZC 6.5.4.B.25

CA GOV §65915 – Environmental Review, Definitions, and Parking

Several edits and amendments to State Density Bonus Law (CA GOV §65915) and related legislation have been made over the past several years. Below are summaries of changes to State Density Bonus Law that have caused the Zoning Code to become inconsistent with State statute.

Environmental Review

Currently, the Zoning Code requires Development Plan Review for all multifamily projects seeking approval through the State Density Bonus Law and the County Affordable Housing Incentive Program (AHIP). The Development Plan review process was required to ensure that these projects did not have an adverse impact on the physical environment as required by State law.

Staff became aware that the requirement that an affordable housing project not have an adverse impact on the physical environment was stricken from State Density Bonus Law. To remedy this, a Planning Director

Determination has been issued stating that only a Major Design Review is required for AHIP projects, unless the project requires other entitlements, such as a Conditional Use Permit.

Zoning Code Sections Impacted: [SZC 5.2.3. Table 5.1.](#), [SZC 6.3.1.C.](#), and [SZC 6.5.4.C.2.](#)

Definitions

Staff conducted a review of Section 6.5.4. “Affordable Housing Incentive Program” to identify any inconsistencies between the Zoning Code and current State statute. Several definitions included in Section 6.5.4.B. were identified as being inconsistent with State Density Bonus Law.

Zoning Code Sections Impacted: [SZC 6.5.4.B.](#)

Parking

Table 6.6 of the Zoning Code currently contains reduced parking requirements for eligible projects utilizing the Affordable Housing Incentive Program. As part of the consistency review discussed above, staff identified that Table 6.6 currently requires more parking spaces than required by State statute and is not in compliance with CA GOV §65915(p)(1).

Zoning Code Sections Impacted: [SZC 6.5.4.F. Table 6.5.](#)

Transitional and Supportive Housing

[CA GOV §65583 and §65651](#)

CA GOV §65583 requires local jurisdictions to treat transitional housing and supportive housing as residential uses and restrict them only as other residential uses of the same type are restricted in the same zones. Additionally, CA GOV §65651 requires supportive housing be permitted by right where multifamily and mixed uses are permitted by right, subject to certain requirements. Definitions for “transitional housing” and “supportive housing” that match State definitions were added to the Zoning Code in September of 2022 as part of the Senate Bill 2 Housing Production Streamlining and Acceleration Zoning Code Amendments (PLNP2020-00043). However, including only the transitional and supportive housing definitions in the 2022 Zoning Code update did not provide sufficient detail of how these uses are permitted under the law.

Zoning Code Sections Impacted: [SZC 3.2.5. Table 3.1.](#), [SZC 3.5.1.G.](#), and [SZC 7.3.](#)

Shared Parking

[AB 894 \(Friedman, 2023\) – Shared Parking](#)

This bill was signed into law October 11, 2023 and takes effect January 1, 2024. The provisions of this bill closely mirror the current requirements for Shared Parking in [SZC 5.9.7.C.](#) Currently the Zoning Code requires that the entities involved in the Shared Parking agreement must be on the same or adjoining parcels. This bill stipulates that entities involved in a shared parking agreement do not need to be on the same or an adjoining parcel, but must still meet one of the following locational requirements:

- The entities that will share parking are located on the same, or contiguous, parcels,
- The sites of the entities that will share parking are separated by no more than 2,000 feet of travel by the shortest walking route, or

- The sites of the entities that will share parking are separated by more than 2,000 feet of travel by the shortest walking route, but there is a plan for shuttles or other accommodations to move between parking and site.

Zoning Code Sections Impacted: **SZC 5.9.7.C.**

Delivery of Medicinal Cannabis

SB 1186 (Wiener, 2022) – Medicinal Cannabis Patients’ Right of Access Act

The Bill, adopted September 18, 2022 and effective January 1, 2023, amends CA BPC §26200 and adds CA BPC §2632, relating to cannabis. The Bill on and after January 1, 2024, prohibits local jurisdictions from adopting or enforcing any regulation that prohibits the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers by medicinal cannabis businesses, as defined, or that has the effect of prohibiting the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers in a timely and readily accessible manner and in types and quantities that are sufficient to meet demand from medicinal cannabis patients within the local jurisdiction, as specified.

Electric Vehicle Charging Stations

AB 970 (McCarty, 2021)

Existing law requires a local agency to administratively approve an application to install an electric vehicle charging station (EVCS). **Existing law also exempts EVCS projects from local codes and ordinances, including applicable Zoning Code development standards (e.g., landscaping requirements, setbacks, etc.) and Design Review.** A local agency may only review the project for health and safety requirements.

AB 970, adopted and chaptered October 8, 2021, amends existing law to implement a streamlined ministerial review for EVCS projects. Currently, the review process for EVCS projects is managed by Building Permits and Inspection (BPI). However, staff propose amendments to the Zoning Code codifying the exempt status of EVCS projects so that regulations are clear for applicants and staff, ensuring new state mandates review timelines can be met.

Zoning Code Sections Impacted: **SZC 5.9.3.A. and SZC 6.3.2.A.**

AB 1100 (Kamlager-Dove, 2019)

AB 1100, adopted and chaptered October 12, 2019, mandates that a parking space served by an EVCS shall count as at least one parking space for the purpose of complying with applicable minimum parking space requirements established by a local jurisdiction.

Additionally, an accessible parking space with an access aisle served by an EVCS shall count as at least two parking spaces for the purpose of complying with applicable minimum parking space requirements.

Zoning Code Sections Impacted: **SZC 5.9.3.A.**

Hydrogen Fueling Stations

SB 1291 (Archuleta, 2022)

SB 1291 (Archuleta), adopted and chaptered September 16, 2022, applies a similar regular standard for ECVS projects to hydrogen fueling stations. In an effort to expedite the adoption of alternative fuels, this bill requires a local agency to administratively approve an application for a hydrogen fueling station if the project site meets one of the following criteria:

- The site is zoned for industrial or commercial development and does not contain any residential units.
- The site was previously developed with a service station. For the purposes of this provision, the state defines a “service station” as any establishment which offers for sale or sells gasoline or other moto fuel to the public.

The bill exempts qualifying hydrogen fueling stations from local codes and ordinances, including applicable Zoning Code development standards (e.g., landscaping requirements, setbacks, etc.). A local agency may only review the project for health and safety requirements.

Zoning Code Sections Impacted: **SZC 3.2.5. Table 3.1., SZC 3.7.9.K., SZC 6.3.2.A., and SZC 7.3.**

Temporary Concessions

SB 946 (Lara, 2018): Sidewalk Vendors

This Bill was signed into law on September 17, 2018 and took effect on January 1, 2019. The Bill prevents cities and counties from restricting sidewalk vendors as defined in GOV Section 51036 from operating within public rights of ways outside of residential zone districts or within public parks owned by the city or county unless certain findings can be made related to public health and safety or where there is an exclusive concession agreements within a park.

Zoning Code Sections Impacted: **SZC 3.10.3.E. and SZC 7.3.**

Large Family Day Cares

SB 234 (Skinner, 2019): Family Daycare Homes

This Bill was signed into law on September 5, 2019 and took effect on January 1, 2020 with fire regulations applicable by no later than January 1, 2023 (when State Codes updated). The Bill requires cities and counties to treat small and large family day care homes as a residential use subject to the same standards applied to other residences with the same zoning designation. Prior legislation, only applied to small family day care homes (dwellings providing care for up to eight children for periods less than 24 hours per day). A Large family dare care may provide care for up to 14 children (CA PRC §1596.78).

Zoning Code Sections Impacted: **SZC 3.2.5. Table 3.1., SZC 3.5.1.F., SZC 5.9.2. Table 5.18., and SZC 7.3.**

Accessory Dwelling Units

AB 2221 (Quirk-Silva, 2022) and SB 897 (Wieckowski, 2022) – Accessory Dwelling Units (ADU)

These bills were signed into law September 28, 2022 and took effect on January 1, 2023. Because SB 897 was chaptered after AB221 (since 664 appears after 650 in the statute): (i) Section 1 of AB2221 is operative and

Section 1.5 is not; and (ii) Section 2.5 of SB 897 is operative and Section 2 is not. The new legislation allows for ADUs taller than 16 feet in height in certain circumstances; includes clarification that Junior ADUs (JADU) can be built within the walls of a proposed or existing primary dwelling (this includes attached garages and similar spaces); clarifies that in stances where a JADU shares a bathroom with the primary dwelling there must be interior access; and allows for deviations to front and street side yard setbacks or open space requirements (multifamily projects) in instances where an 800 square foot ADU cannot be accommodated within the buildable area of the lot.

Zoning Code Sections Impacted: **SZC 5.4.5.B. Table 5.11.**

CA GOV §65852.2 – Short Term Rentals in ADUs and JADUs

Existing law states that cities and counties who establish their own ordinance regulating the creation of ADUs and JADUs may require that ADUs be used for rentals longer than 30 days (CA GOV §65852.2(a)(8)(C)). This statute has been in effect since the earliest iterations of California ADU law. Effective January 1, 2020, State statute was amended to allow for the creation of JADUs and states that all ADUs and JADUs created from January 1, 2020 on shall be used for rentals longer than 30 days. As the state mandate for long-term rentals in ADUs was not established until January 1, 2020, this left local agencies with the discretion to allow or not allow for ADUs legally permitted prior to January 1, 2020 to be used for short-term rental activity.

As the Zoning Code is currently silent on short-term rental activity in ADUs, staff defer to State statute and will allow for short-term rentals to be permitted in ADUs that were legally permitted before January 1, 2020.

Zoning Code Sections Impacted: **SZC 3.9.3.D. and 3.9.3.AA.**

Off-Street Parking

AB 2097 (Friedman, 2022) – Residential, Commercial, or Other Development Types: Parking Requirements

This Bill was signed into law on September 22, 2022 and took effect January 1, 2023. AB 2097 applies to certain, residential, mixed-use and commercial projects located within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon of the adopted 2020 MTP/SCS (Metropolitan Transportation Plan/Sustainable Community Strategy). A major transit stop is defined in Section 21064.3 of the Public Resources Code, as a site containing a rail transit station or bus rapid transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. Eligible projects are not required to provide automobile parking spaces with exception of any required electric vehicle spaces or space accessible to persons with disabilities. Eligible projects that voluntarily provide parking shall comply with the standards provided in the local zoning code. Eligible projects include:

- Residential (housing) projects that contain less than 20 units or at least 20 percent of the total units are restricted to lower income households, students, elderly or persons with disabilities as further defined in GOV 65863.2.
- Commercial and mixed-use projects with the exception of event centers, hotels, motels, bed and breakfast, inn or other transient lodging. Projects subject to a contractual parking agreement with a

public agency executed before January 1, 2023 where all provided parking is shared with public are not considered a project under AB 2097.

Zoning Code Sections Impacted: SZC 5.9.5.

AB 2244 (Wicks, 2022) Parking for Religious Institution – Affiliated Housing

This Bill was signed into law on July 19, 2022. The purpose of the bill is to clarify provisions of AB 1851. The Bill prohibits a local agency from requiring replacement parking when a religious institution (place of worship) removes existing or required parking spaces to build affiliated housing so long as no more than 50 percent of the existing spaces are removed. The local agency may require one parking space for each dwelling unit along with any required Electrical Vehicle or Accessible spaces required for the entire project. A religious institution housing development project means a housing development project that meets all of the following criteria:

- The housing development project is located on one or more contiguous parcels that are owned entirely, whether directly or through a wholly owned company or corporation, by a religious institution.
- The housing development project qualifies as being near collocated religious-use parking spaces by being any of the following:
 - Located on one or more parcels that collectively contain religious-use parking spaces.
 - Located adjacent to a parcel owned by the religious institution that contains religious-use parking spaces.
 - Located on one or more parcels separated by no more than 0.1 miles from a parcel owned by the religious institution that contains religious-use parking spaces.
- The housing development project qualifies for a density bonus under GOV Section 65915

Zoning Code Sections Impacted: SZC 5.9.5.

Zoning Code Interim Guidance

The following Interim Guidance address changes to State legislation regarding the discussed topics while also correcting inconsistencies identified in the Zoning Code by staff.

CHAPTER 1: GENERAL PROVISIONS

There is no Interim Guidance for Chapter 1 of the Zoning Code.

CHAPTER 2: ZONING DISTRICTS

There is no Interim Guidance for Chapter 2 of the Zoning Code.

CHAPTER 3: USE REGULATIONS

3.1. PURPOSE AND ORGANIZATION

No changes

3.2. TABLES OF ALLOWED USES

3.2.1. – 3.2.4.

No changes

3.2.5. Allowed Uses in All Zoning Districts [AMENDED 09-09-2022]

TABLE 3.1: ALLOWED USES [AMENDED 06-22-2017][AMENDED 12-01-2017][AMENDED 01-12-2019][AMENDED 07-16-2020][AMENDED 02-25-2021][AMENDED 09-09-2022]

KEY

P = Permitted Primary Use
 UPM = Minor Use Permit
 UPZ = Conditional Use Permit by the Zoning Administrator
 UPB = Conditional Use Permit by the Board of Supervisors
 TUZ = Temporary Use Permit by the Zoning Administrator
 UP = Conditional Use Permit by the Planning Commission
 A = Permitted Accessory Use
 Grey Boxes – Refer to Applicable Use Standards in Sections Identified

Zoning Districts Use, Service or Facility	Agricultural			Agricultural Residential		Residential					Recreation			Mixed Use			Commercial			Industrial			Use Standard	
	AG-20 through AG-160	UR	IR	AR-10 AR-5	AR-2 AR-1	RD-1 RD-2	RD-3 RD-4	RD-5 RD-7 RD-10	RD-15 through RD-40	RM-2	RR	O	C-O	NMC	CMC	CMZ	BP	LC	GC	MP	M-1	M-2		
RESIDENTIAL USES																								
A. Household Living Uses¹⁰																								
3. Dwelling, Multifamily-10 or fewer units	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	UPZ ¹¹	P	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	P	P	P	UPM ¹¹	P	P	<u>P11</u>	<u>P11</u>	<u>P11</u>	3.5.1.C	
4. Dwelling, Multifamily-more than 10 units	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	UPZ ¹¹	P	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	P	P	P	UPZ ¹¹	P	P	<u>P11</u>	<u>P11</u>	<u>P11</u>	3.5.1.C	
8. Family Day Care Home ¹²	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	3.5.1.F.	
9. <u>Transitional Housing. Supportive Housing¹³</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P/UPZ</u>	<u>P/UPZ</u>	<u>P</u>	<u>P/UPM/UPZ</u>	<u>P</u>	<u>UPP</u>		<u>P</u>	<u>P/UPM</u>	<u>P</u>	<u>UPM/UPZ</u>	<u>P</u>	<u>P</u>				<u>3.5.1.G.</u>	
COMMERCIAL USES																								
A. Vehicle Related Uses																								
19. <u>Hydrogen Fueling Station</u>																		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>3.7.9.K.</u>

¹⁰ See "Accessory Uses" (Table 3.2) for accessory dwelling units and guest houses.

¹¹ ~~[DELETED] Multifamily development is permitted by right only when specified eligibility criteria is met as described in Section 3.5.1.C. Otherwise, multifamily development is conditionally permitted in the RD-10 and BP zones and prohibited in all other referenced zoning districts. Use is conditionally permitted, as noted, only in the RD-10 zoning district. Not permitted in the other referenced zoning districts.~~

¹² Permitted by right **when conducted in a legally permitted and occupied dwelling unit by the day care provider.** In the Agricultural, Agricultural Residential, and Recreation zoning districts, where it does not exceed a total of eight persons for small family day care homes and 14 persons for large family day care homes, including children 10 years of age or younger who reside in the home.

¹³ **Transitional and/or Supportive Housing Projects are permitted and conditionally permitted only in the zoning districts where other residential uses of the same type are permitted and conditionally permitted. The Transitional and/or Supportive Housing Project is subject only to the restrictions and regulations for the same residential type for the zoning district in which the Project is proposed. See Use Standard for additional information.**

Table 3.2. No changes

Table 3.3. No changes

3.3. USE STANDARDS, GENERALLY

No changes

3.4. AGRICULTURAL USE STANDARDS

No changes

3.5. RESIDENTIAL USE STANDARDS

3.5.1. Household Living Uses

3.5.1.A. Residential Uses, not otherwise listed [AMENDED 06-07-2018]

No changes

3.5.1.B. Dwelling, Duplex or Halfplex [AMENDED 04-07-2016][AMENDED 07-16-2020] [AMENDED 09-09-2022]

No changes

3.5.1.C. Dwelling, Multifamily [AMENDED 04-07-2016][AMENDED 07-16-2020][AMENDED 09-09-2020]

1. In the AG and AR zoning districts:

a. Multifamily projects are prohibited, except the following types of multifamily projects shall be permitted by right:

i. Projects developed in compliance with all provisions of the Affordable Housing on Faith and Higher Education Lands Act of 2023 (CA GOV §65913.16) and are located on a property owned by one of the following types of institutions (as defined in CA GOV §65913.16) on or before January 1, 2024:

1. Institution of higher education

2. Religious institution

3. One of the above owned through an affiliated or associated nonprofit public benefit corporation organized pursuant to the Nonprofit Corporation Law

ii. Extremely affordable adaptive reuse projects developed in compliance with all provisions of in CA GOV §65913.12.

2. In the RD-1 through RD-7 zoning districts:

a. Multifamily projects are prohibited, except the following types of multifamily projects shall be permitted by right:

i. Projects developed in compliance with all provisions of the Affordable Housing on Faith and Higher Education Lands Act of 2023 (CA GOV §65913.16) and are located on a property owned by one of the following types of institutions (as defined in CA GOV §65913.16) on or before January 1, 2024:

1. Institution of higher education

2. Religious institution

3. One of the above owned through an affiliated or associated nonprofit public benefit corporation organized pursuant to the Nonprofit Corporation Law

ii. Extremely affordable adaptive reuse projects developed in compliance with all provisions of in CA GOV §65913.12.

3. In the RD-10 zoning district:

- a. Multifamily projects shall be developed at residential densities allowed by the zoning district, **unless otherwise specified in Section 3.5.1.C.3.c.**
- b. Multifamily projects developed as a stand-alone project or part of a mixed residential product type development require a Conditional Use Permit by the Zoning Administrator, unless **otherwise specified in Section 3.5.1.C.3.c.**
- c. **The following types of multifamily projects shall be permitted by right and shall be developed at the residential densities allowed by applicable State statute:**
 - i. **Projects developed in compliance with all provisions of the Affordable Housing on Faith and Higher Education Lands Act of 2023 (CA GOV §65913.16) and are located on a property owned by one of the following types of institutions (as defined in CA GOV §65913.16) on or before January 1, 2024:**
 - 1. **Institution of higher education**
 - 2. **Religious institution**
 - 3. **One of the above owned through an affiliated or associated nonprofit public benefit corporation organized pursuant to the Nonprofit Corporation Law**
 - ii. **Extremely affordable adaptive reuse projects developed in compliance with all provisions of CA GOV §65913.12.**

4. In the RD-15 through RD-40 zoning districts:

- i. Multifamily projects shall be developed at residential densities allowed by the zoning **district, unless otherwise specified in Section 3.5.1.C.4.d.**
- b. Multifamily projects of 150 units or less are permitted by right.
- c. Multifamily projects of greater than 150 dwelling units are permitted with approval of a Minor Use Permit, **unless otherwise specified in Section 3.5.1.C.4.d.**
 - i. **The project types specified in Section 3.5.1.C.4.d. and** Affordable Housing development consistent with Section 6.5.4 – Affordable Housing Incentive Programs are not subject to this requirement.
- d. **The following types of multifamily projects shall be permitted by right and shall be developed at the residential densities allowed by applicable State statute:**
 - i. **Projects developed in compliance with all provisions of the Affordable Housing on Faith and Higher Education Lands Act of 2023 (CA GOV §65913.16) and are located on a property owned by one of the following types of institutions (as defined in CA GOV §65913.16) on or before January 1, 2024:**
 - 1. **Institution of higher education**
 - 2. **Religious institution**
 - 3. **One of the above owned through an affiliated or associated nonprofit public benefit corporation organized pursuant to the Nonprofit Corporation Law**
 - ii. **Extremely affordable adaptive reuse projects developed in compliance with all provisions of CA GOV §65913.12.**

5. In the Recreation zoning districts:

- a. **Multifamily projects are prohibited, except the following types of multifamily projects shall be permitted by right:**

- i. Projects developed in compliance with all provisions of the Affordable Housing on Faith and Higher Education Lands Act of 2023 (CA GOV §65913.16) and are located on a property owned by one of the following types of institutions (as defined in CA GOV §65913.16) on or before January 1, 2024:
 - 1. Institution of higher education
 - 2. Religious institution
 - 3. One of the above owned through an affiliated or associated nonprofit public benefit corporation organized pursuant to the Nonprofit Corporation Law
 - ii. Extremely affordable adaptive reuse projects developed in compliance with all provisions of in CA GOV §65913.12.
6. In the BP zoning district:
- a. Multifamily projects shall be developed at a minimum density of ten dwelling units per acre and maximum density of 20 dwelling units per acre, unless otherwise specified in Section 3.5.1.C.6.d.
 - b. Multifamily projects of 10 or fewer units are permitted with approval of a Minor Use Permit, unless otherwise specified in Section 3.5.1.C.6.d.
 - c. Multifamily projects of greater than 10 units are permitted with approval of a Conditional Use Permit by the Zoning Administrator, unless otherwise specified in Section 3.5.1.C.6.d.
 - d. The following types of multifamily projects shall be permitted by right and shall be developed at the residential densities allowed by applicable State statute:
 - i. Projects developed in compliance with all provisions of the Affordable Housing on Faith and Higher Education Lands Act of 2023 (CA GOV §65913.16) and are located on a property owned by one of the following types of institutions (as defined in CA GOV §65913.16) on or before January 1, 2024:
 - 1. Institution of higher education
 - 2. Religious institution
 - 3. One of the above owned through an affiliated or associated nonprofit public benefit corporation organized pursuant to the Nonprofit Corporation Law
 - ii. Extremely affordable adaptive reuse projects developed in compliance with all provisions of CA GOV §65913.12.
 - iii. Projects developed in compliance with all provisions of the Middle Class Housing Act of 2022 (CA GOV §65852.24 and §65913.4), or in compliance with all provisions of the Affordable Housing and High Road Jobs Act of 2022 (CA GOV §65912.100 - §65912.105, §65912.110 - §65912.114, §65912.120 - §65912.124, and §65912.130 - §65912.131).
7. In the LC, GC, NMC, CMC, and CMZ zoning districts:
- a. Density.
 - i. Multifamily projects shall be developed at a minimum density of 20 dwelling units per acre and a maximum density of 30 dwelling units per acre.
 - ii. If the property is located within one-quarter mile of a transit stop, as defined in Chapter 7, maximum density can increase to 40 dwelling units per acre.
 - iii. Higher densities than allowed by “i” and “ii” may be permitted, subject to a Conditional Use Permit from the Planning Commission.

- iv. The project types specified in Section 3.5.1.C.7.c. shall be developed subject to the density allowed by applicable State statute.
 - b. Project size.
 - i. Multifamily projects of up to 150 dwelling units are permitted by right at the densities listed above.
 - ii. Multifamily projects of greater than 150 dwelling units are permitted with approval of a Minor Use Permit at the densities listed above.
 - 1. The project types specified in Section 3.5.1.C.7.c. and Affordable Housing developments consistent with Section 6.5.4 - Affordable Housing Incentive Programs are not subject to this requirement.
 - c. The following types of multifamily projects shall be permitted by right and shall be developed at the residential densities allowed by applicable State statute:
 - i. Projects developed in compliance with all provisions of the Affordable Housing on Faith and Higher Education Lands Act of 2023 (CA GOV §65913.16) and are located on a property owned by one of the following types of institutions (as defined in CA GOV §65913.16) on or before January 1, 2024:
 - 1. Institution of higher education
 - 2. Religious institution
 - 3. One of the above owned through an affiliated or associated nonprofit public benefit corporation organized pursuant to the Nonprofit Corporation Law
 - ii. Extremely affordable adaptive reuse projects developed in compliance with all provisions of CA GOV §65913.12.
 - iii. Projects developed in compliance with all provisions of the Middle Class Housing Act of 2022 (CA GOV §65852.24 and §65913.4), or in compliance with all provisions of the Affordable Housing and High Road Jobs Act of 2022 (CA GOV §65912.100 - §65912.105, §65912.110 - §65912.114, §65912.120 - §65912.124, and §65912.130 - §65912.131).
8. In the Industrial zoning districts:
- a. Multifamily projects are prohibited, except the following types of multifamily projects shall be permitted by right:
 - i. Projects developed in compliance with all provisions of the Affordable Housing on Faith and Higher Education Lands Act of 2023 (CA GOV §65913.16) and are located on a property owned by one of the following types of institutions (as defined in CA GOV §65913.16) on or before January 1, 2024:
 - 1. Institution of higher education
 - 2. Religious institution
 - 3. One of the above owned through an affiliated or associated nonprofit public benefit corporation organized pursuant to the Nonprofit Corporation Law
 - ii. Extremely affordable adaptive reuse projects developed in compliance with all provisions of in CA GOV §65913.12.
 - iii. Projects developed in compliance with all provisions of the Middle Class Housing Act of 2022 (CA GOV §65852.24 and §65913.4), or in compliance with all provisions of the Affordable Housing and High Road Jobs Act of 2022 (CA GOV §65912.100 - §65912.105, §65912.110 - §65912.114, §65912.120 - §65912.124, and §65912.130 - §65912.131).

3.5.1.D. – 3.5.1.E.

No changes

3.5.1.F. Family Day Care Homes

1. **Small and Large Family Day Care Homes.** The use of a **legally permitted and** lawfully occupied ~~single family~~ dwelling as a small **or large** family day care home shall be a permitted use in all zoning districts and shall not require any permit pursuant to this ordinance.
- ~~2. **Large Family Day Care Homes.** The use of a lawfully occupied single family dwelling as a large family day care home must comply with the following standards. In the event that these standards cannot be met, a Minor Use Permit shall be required.~~
 - ~~a. Provide a certified copy of the state license to operate a large family day care home on the property.~~
 - ~~b. The use shall not be located within 300 feet of any other existing or approved large family day care home, small family day care home, group home, or halfway house, measured property line to property line.~~
 - ~~c. The property shall provide at least two off-street parking spaces for use by customers. These parking spaces may include spaces provided to meet residential parking requirements, such as the driveway, provided these spaces are available for customers during normal business hours.~~
 - ~~d. The loading/unloading of vehicle occupants shall only occur on the driveway, a parking area approved by the Planning Director, or the area directly in front of the residence, and shall not unduly restrict traffic flows, or result in pedestrian hazards.~~
 - ~~e. If the property contains a swimming pool or spa, the pool or spa shall meet all current code regulations for fencing, gate latches, and alarms.~~
 - ~~f. Comply with all applicable State Fire Marshall regulations.~~
 - ~~g. No more than 14 children, including children under the age of 10 years who reside at the home, shall be cared for at any large family day care home. Only one large family day care home may be located on any parcel.~~
 - ~~h. On-site identification signage is permitted in accordance with the provisions of this ordinance.~~

3.5.1.G. Mobile/Manufactured Home Transitional Housing, Supportive Housing
[DELETED 09-09-2022]

1. **Transitional Housing and Supportive Housing, as defined in Chapter 7, shall be considered residential uses and are subject only to the restrictions that apply to other residential dwellings of the same type in the same zone per CA GOV §65583, Subdivision (c)(3).**
2. **Where residential dwellings are permitted and conditionally permitted, Transitional Housing and Supportive Housing of the same type are permitted and conditionally permitted in the same zoning districts, subject to applicable standards of this Code and pursuant to CA GOV §65583, Subdivision (c)(3).**
 - a. **For the purposes of this Section, “housing of the same type” means one of the following types of residential structures as provided in Section 3.2.5, Table 3.1, Residential Uses:**
 - i. **Dwelling, Duplex – 5 or fewer lots or Halfplex – 10 or fewer lots**
 - ii. **Dwelling, Duplex – more than 5 lots or Halfplex – more than 10 lots**
 - iii. **Dwelling, Multifamily – 10 or fewer units**
 - iv. **Dwelling, Multifamily – more than 10 units**
 - v. **Dwelling, Single-family Attached – 10 or fewer lots**

- vi. Dwelling, Single-family Attached – more than 10 lots
 - vii. Dwelling, Single-family Detached
3. Supportive Housing is permitted by right where Multifamily and Mixed-Use Projects are permitted by right, if the proposed Supportive Housing Project satisfies all of the requirements of this Section. Supportive Housing shall be developed at densities allowed by the underlying zoning district, but is not precluded from seeking a density bonus, including concessions, incentives, or waivers of development standards pursuant to Section 6.5.4.
- a. Units within the development are subject to a recorded affordability restriction for 55 years.
 - b. One hundred percent of the units, excluding managers' units, within the development are restricted to lower income households and are or will be receiving public funding to ensure affordability of the housing to lower income Californians. See CA HSC §50079.5 for the definition of "lower income households". The rents in the development shall be set at an amount consistent with the rent limits stipulated by the public program providing financing for the development.
 - c. At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population, as defined in CA HSC §50675.14. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.
 - d. The developer shall provide Planning and Environmental Review with the information required by CA GOV §65652 upon submittal of Design Review application.
 - e. Nonresidential floor area shall be used for onsite supportive services in the following amounts:
 - i. For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.
 - ii. For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
 - f. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Section 65915.
 - g. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.
 - h. The project shall comply with all written, objective development standards and policies that apply to other multifamily development projects within the same zone.
 - i. The project developer shall submit a plan for providing supportive services, with documentation demonstrating that supportive services will be provided onsite to residents in the project, as required by CA GOV §65651, and describing those services, which shall include all of the following:
 - i. The name of the proposed entity or entities that will provide supportive services;
 - ii. The proposed funding source or sources for the provided onsite supportive services; and
 - iii. Proposed staffing levels.
4. Examples of Permitting Requirements for Transitional and Supportive Housing (pursuant to Section 3.2.5, Table 3.1, Residential Uses) may be, but are not limited to:

- a. Transitional Housing in a 6-Duplex Project (12 units total) in the Residential-7 (RD-7) zoning district requires a UPZ.
- b. Supportive Housing in one Single-family, Detached dwelling in the Agricultural-Residential 5 (AR-5) zoning district is permitted by right.
- c. Transitional Housing in one Single-family, Detached dwelling in the Business Professional (BP) zoning district requires a UPM.
- d. Supportive Housing in a 20-unit Multifamily Project in the Limited Commercial (LC) zoning district is permitted by right, subject to the requirements of Section 3.5.1.G.3.

3.5.1.H. – 3.5.1.J.

No changes

3.5.2. Group Living Uses [AMENDED 09-09-2022]

No changes

3.6. PUBLIC, CIVIC, AND INSTITUTIONAL USE STANDARDS

No changes

3.7. COMMERCIAL USE STANDARDS

3.7.1. – 3.7.8.

No changes

3.7.9. Vehicle-Related Uses

3.7.9.A. – 3.7.9.B.

No changes

3.7.9.C. Automobile Service Station

1. Procedures

No changes

2. Special Requirements – Primary Automobile Service Station

a. – d. *No changes*

e. Allowed Uses and Limitations

i. – vi. *No changes*

vii. Hydrogen Fueling Stations shall be permitted subject to the regulations of Section 3.7.9.K.

f. – m. *No changes*

3. – 5. *No changes*

3.7.9.D. – 3.7.9.J.

No changes

3.7.9.K. Hydrogen Fueling Station

1. On sites previously developed with an Automobile Service Station or in a commercial or industrial zone, Hydrogen Fueling Stations, as defined, and in compliance with CA GOV §65850.7, shall be exempt from all provisions of the Sacramento County Zoning Code. Review of a hydrogen fueling station shall be limited to those standards and regulations necessary to

ensure the fueling station will not have a specific, adverse impact upon the public health or safety.

2. Minor accessory uses and amenities commonly associated with automobile service stations may also be permitted, subject to applicable development standards and Design Review approval, in connection with a hydrogen fueling station. These uses and amenities may include, but are not limited to:
 - a. Manned or unmanned payment kiosks, booth, or station
 - b. Canopy
 - c. Restrooms
 - d. Air and water dispensers
 - e. Any signage permitted in the zoning district in which the Hydrogen Fueling Station is located
3. All other development (such as, but not limited to, the sale of gasoline or other motor fuels, convenience store, automobile wash facility, automobile repair) proposed in conjunction with a hydrogen fueling station must abide by all applicable Zoning Code regulations and may be subject to a Conditional Use Permit per Table 3.1.
4. This section shall expire on January 1, 2030 unless further extended by CA State statute.

3.8. INDUSTRIAL USE STANDARDS

No changes

3.9. ACCESSORY USE STANDARDS

3.9.1. – 3.9.2.

No changes

3.9.3. Use Specific Standards for Accessory Uses [AMENDED 05-11-2018]

3.9.3.A. – 3.9.3.C.

No changes

3.9.3.D. Accessory Dwelling Units and Junior Accessory Dwelling Units

1. Accessory Dwelling Units (ADUs) are residential units intended for ongoing habitation, independent of the primary residential dwelling.
2. Junior Accessory Dwellings (JADUs) are residential units intended for ongoing habitation, located completely within the primary dwelling and sharing some cooking, common area, and/or sanitary facilities with the primary dwelling.
3. A property developed with a Single-Family Dwelling of Halfplex Unit may have:
 - a. One ADU, either attached or detached, and,
 - b. One JADU, within the existing space of the primary dwelling.
4. A property developed as Multifamily Residential or Duplex may have:
 - a. Up to two new-construction detached ADUs, and ,
 - b. Up to 25 percent of the total unit count in ADUs converted from existing non-living space. Non-living space can include storage rooms, boiler rooms, passageways, attics, basements, or garages.
5. An ADU or JADU shall comply with the Development Standards of Section 5.4.5.B of this Code or request a Special Development Permit for deviations, as allowed by that Section.

6. A structure used as an ADU or JADU shall meet the requirements of ~~California Government Code Sections~~ **CA GOV §65852.2** and **§65852.22**, as those sections may be amended time to time.
7. **An ADU shall not be used for short-term rental/lodging purposes (30 days or less) unless it was legally permitted as an ADU prior to January 1, 2020.**
8. **JADUs shall not be used for short-term rental/lodging purposes (30 days or less) in any circumstance.**

3.9.3.E. – 3.9.3.Z.

No changes

3.9.3.AA. Short-Term Rentals [AMENDED 06-20-2019]

1. To be considered an accessory use, the homeowner or long-term renter (with lease) shall live on-site a minimum of 6 months per year.
2. The rental of homes for transient occupancy shall require a valid business license and a Short-Term Rental Permit from the Zoning Administrator.
3. Short-Term rentals are subject to the Transient Occupancy Tax.
4. No short-term rental shall exceed 20 consecutive days per stay.
5. Personal gatherings that include individuals not staying overnight at the rental are allowed, provided the gathering is accessory to use of the rental as short-term lodging. Gatherings shall not result in noise exceeding normal residential levels. Personal gatherings can include barbeques, family reunions, baby showers, and other similar private events.
6. Maximum occupancy shall not exceed more than two adults per bedroom, shown in the floor plan of the approved Short-Term Rental Permit.
7. Each short-term rental shall have the approved Short-Term Rental Permit and house rules posted in a visible location within the unit.
8. Each short-term rental shall have their approved Short-Term Rental Permit number visible on all advertisements used to obtain short-term renters.
9. The property owner shall be available by telephone on a 24-hour basis to respond to calls regarding the condition or operation of the short-term rental unit. Failure to respond to calls may result in revocation of the Short-Term Rental Permit.
10. **An ADU shall not be used for short-term rental activity unless it was legally permitted as an ADU prior to January 1, 2020.**
11. **JADUs shall not be used for short-term rental activities in any circumstance.**

3.9.3.BB. Cannabis, Personal Cultivation [ADDED 05-11-2017][AMENDED 007-16-2020]

No changes

3.9.4. Prohibited Accessory Uses

[DELETED 07-16-2020]

3.10. TEMPORARY USE STANDARDS

3.10.1. – 3.10.2.

No changes

3.10.3. Additional Standards for Specific Temporary Uses

3.10.3.A. – 3.10.3.D.

No changes

3.10.3.E. Temporary Concessions [AMENDED 02-24-2017][AMENDED 06-22-2017]

Excluding sidewalk vendors as defined in CA GOV §51036 that operate within County rights-of-way (ROW) (including sidewalk) or within public parks, tTemporary concessions shall comply with the standards of this Section. Temporary concessions are allowed only in specified commercial and industrial zoning districts subject to the conditional approval of a Temporary Use Permit by the Zoning Administrator. The permit shall include any conditions appropriate to assure compliance of the requirements of this Section, shall include time limits as to when the Temporary Use Permit is valid, and may include additional conditions and requirements that are found appropriate to assure the use will not be detrimental to health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood.

1. – 15. *No changes*

3.10.3.F. – 3.10.3.L.

No changes

CHAPTER 4: SPECIAL AND COMBINING ZONING DISTRICTS

There is no Interim Guidance for Chapter 4 of the Zoning Code.

CHAPTER 5: DEVELOPMENT STANDARDS

5.1. INTRODUCTION

No changes

5.2. GENERAL STANDARDS AND EXCEPTIONS

5.2.0. – 5.2.2.

No changes

5.2.3. Density Bonuses and Intensity Increases [AMENDED 09-09-2022]

In addition to the development standards and associated tables for each land use Section in this Chapter, the maximum density and intensity requirements may be increases for the following types of projects as outlined in Table 5.1.

Table 5.1

Type of Increase	Maximum Increase	Approval Authority	Zoning Code Section
Affordable Housing Incentive Program	See-Section 6.5.4. 80%	Development Plan Review by Planning Director unless combined and processed concurrently with discretionary entitlement.	Section 6.5.4.
Housing Incentive for Special Needs Groups	15%	Minor Special Development Permit	Section 6.4.6.G.
Density Increase for Preservation of Environmentally Sensitive Physical Features	50%	Special Development Permit by the Planning Commission	Section 6.4.6.G.
Density Increase for Energy Conservation Design	25%	Special Development Permit by the Planning Commission	Section 6.4.6.G. and Section 3.6.6.C
Mobile Home Parks with single-wide mobile homes	15%	Special Development Permit by the Planning Commission	Section 4.5.5.B.

5.2.4. – 5.2.6.

No changes

5.3. AGRICULTURAL, AGRICULTURAL-RESIDENTIAL, AND RECREATIONAL ZONING DISTRICTS [AMENDED 05-11-2018][AMENDED 07-16-2020]

No changes

5.4. RESIDENTIAL ZONING DISTRICTS

5.4.1. – 5.4.4.

No changes

5.4.5. Residential Accessory Structures and Accessory Dwelling Units

5.4.5.A. Development Standards for Residential Accessory Structures

No changes

5.4.5.B. Development Standards for Accessory Dwelling Units and Junior Accessory Dwelling Units in All Zoning Districts [AMENDED 09-09-2022]

1. The development standards in Table 5.11 apply to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) that are constructed, enlarged, or otherwise modified in all zoning districts, where permitted.
2. **With the exception of maximum size**, requests for deviations from development standards listed in this Section may be permitted with **either** a Minor Special Development Permit **or Planning Director Determination**, subject to the General Findings in **Section Chapter 6.4.6.H and compliance with State regulations (denoted in Table 5.11)**.

Table 5.11 Development Standards for ADUs and JADUs in All Zoning Districts Where Permitted [AMENDED 09-09-2022]

General Standards	
Number of ADUs and JADUs Per Single-Family or Halfplex [1]	1 ADU and 1 JADU
Number of ADUs Per Multifamily Project [+][2][3]	New Construction: Properties developed as multifamily may have up to two new construction detached ADUs. <u>Except as provided in this table, new construction shall meet the multifamily development standards in Section 5.4.3 and the Countywide Design Standards for Multifamily Chapter 3.</u> Conversion: Properties developed as multifamily may have to 25 percent of total unit count in ADUs converted from existing non-living space. [2][4]
<u>Bathroom Facilities [2]</u>	<u>Attached and detached ADUs are required to have separate bathroom facilities from the primary dwelling.</u> <u>JADUs may have separate bathroom facilities or shared facilities with the primary dwelling. If the JADU does not include a separate bathroom from the primary dwelling, the JADU shall have both a separate entrance from the primary dwelling as well as an interior entry to the main living area of the primary dwelling to access the shared bathroom facilities.</u>
Kitchen Requirement [2]	All ADUs are required to have a kitchen that includes a cooktop/stove and over or range. JADUs shall have at least an efficiency kitchen.
Minimum ADU or JADU Size (Habitable Square Feet)	150 <u>sq. ft. square-feet</u>
Minimum Building Width	N/A
Equipment Encroachment	Encroachment Allowances as Listed in Section 5.4.5.A, Table 5.10.A.
Access [2]	Exterior access separate from the primary dwelling is required.
Owner-occupancy – JADU [2]	The property owner must occupy either the primary dwelling or JADU. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.

Recordation of Deed Restriction – JADU	A Deed Restriction shall be recorded that prohibits sale of the JADU separate from the sale of the single-family residence and restricts the size and attributes of the JADU to conformance with California Government Code Section CA GOV §65852.22 , as amended from time to time.
Dwelling Unit Separation Requirements	ADU: For purposes of any fire or life protection ordinance or regulation, an Accessory Dwelling Unit shall be considered a separate or new dwelling unit. JADU: For purposes of any fire or life protection ordinance or regulation, a Junior Accessory Dwelling Unit shall <u>not</u> be considered a separate or new dwelling unit.
Minimum Parking	For ADUs, one (+) parking space shall be provided, except that parking is not required where: (i) The accessory dwelling unit is located within ½ mile walking distance of public transit. (ii) The accessory dwelling unit is located within an architecturally and historically significant historic district. (iii) The accessory dwelling unit is part of the proposed or existing primary residence or an existing accessory structure. (iv) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit. (v) Where there is a car share vehicle located within one block of the accessory dwelling unit. (vi) <u>When a building permit application for an ADU is submitted concurrently with a permit to build a new single-family (primary) dwelling or new multifamily dwelling on the same lot, this parking requirement waiver is only applicable to the ADU.</u>
Additional Standards – New Construction	
Maximum Size – ADU [3][4] [5][6]	<u>Detached</u> 1,200 sq. ft. <u>Attached</u> 50% of the habitable sq. ft. of the primary dwelling, or 800 sq. ft., whichever is greater.
Maximum Size – JADU [2][5] [7]	500 sq. ft. of space within proposed primary dwelling (including attached garages or attached storage areas), plus 150 sq. ft. for ingress/egress.
Maximum Building Height to peak [6] [8]	Detached (i) 16 ft. (ii) 18 ft. when located within ½ mile of a major transit stop pursuant to CA PRC §21155, or to allow a roof pitch consistent with the primary dwelling. (iii) 20 ft. if setback a minimum of 10 ft. from rear property line and 5 ft. from side property line. Attached (i) 25 ft. ADU in Multifamily (ii) 18 ft.
Foundation	All ADUs shall be constructed on a permanent foundation.
Setbacks [7][8] [9][10]	Front Yard: 20 ft. [[+]] [6][12] Side-Street Yard (corner): 12.5 ft. [[+]] [6][12] Side and Rear Yard: 4 ft.
Maximum Non-Habitable	Maximum shall be as listed for Residential Accessory Structures in Table

Square Footage Attached to Detached ADU [9] [11]	5.10.A, and shall be counted towards that square footage limit.
Additional Standards – Conversion of Existing Space/Structure [10][13]	
Existing Space/Structure	Existing space/structure is limited to permitted space or structures on the subject parcel.
Maximum Size – ADU [2]	Area of existing space/structure, plus 150 sq. ft. for ingress/egress.
Maximum Size – JADU [5][2][6]	500 sq. ft. of existing space within primary dwelling (including attached garages or attached storage areas) , plus 150 sq. ft. for ingress/egress.
Setbacks	Ingress/egress additions shall meet setbacks for new construction ADUs or JADUs. Existing space/structures may remain at setbacks originally permitted.
Conversion of Covered Parking	When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement parking shall not be required and may be located in any configuration on the same lot as the accessory dwelling unit.
<p><u>[1] ADU/JADU units cannot be combined with SB 9 projects to increase the number of allowed dwellings. SB 9 projects are limited to two dwelling units (Primary plus either an SDU, ADU, or JADU) per parcel.</u></p> <p><u>[2] Mandated by State statute. A Minor Special Development Permit or minor deviation from the Planning Director cannot be applied for to deviate from this standard.</u></p> <p>[1][3] “Multifamily for purposes of compliance with State ADU regulations shall mean two or more units on a parcel.</p> <p>[2][4] Non-livable space can include storage rooms, boiler rooms, passageways, attics, basements, or garages.</p> <p>[3][5] Maximum size limit of a detached ADU is 1,200 sq. ft. for new construction, no further increases allowed.</p> <p>[4][6] <u>If the applicable Zoning Category includes limits on lot coverage or floor area ratios, an ADU where allowed not to exceed 800 sq. ft. may be allowed that deviates from these standards. Minor deviations to this standard (i.e., front or streetside setback; lot coverage; or open space requirements) may be approved administratively by the Planning Director pursuant to Section 6.5.8 (Planning Director Determination) when it can be demonstrated that full implementation of the standard would physically prevent the ability to develop up to an 800 square foot attached or detached ADU within the buildable area of the lot. Deviations to this standard to allow for dwellings larger than 800 square feet and up to 1,200 square feet require approval of a Minor Special Development Permit.</u></p> <p>[5][7] Deviations from maximum JADU size are not permitted.</p> <p>[6][8] Detached or attached ADUs greater than 16 feet in height may only be a single story. ADUs attached to a two-story primary dwelling may match the roofline of the primary dwelling so long as they are single story and maintain a minimum of a five foot side yard setback and 10 foot rear yard setback. <u>Detached ADUs requesting a height above 16 feet up to 18 feet in height (peak) due to proximity to major transit pursuant to CA PRC §21155 or to match the roof pitch of the primary dwelling may be approved by the Planning Director pursuant to Section 6.5.8 (Planning Director Determination). For height increases to accommodate roof pitch alignment with primary dwelling, documentation shall be provided demonstrating both the existing roof pitch of primary dwelling and proposed ADU. Height requests above those provided in the table may be approved through a Minor Special Development Permit.</u></p> <p>[7][9] Setbacks less than 5 ft from property line or other structures may require fire walls and/or restrictions on non-protected openings as determined by Fire and Building Permits and Inspection.</p> <p>[8][10] Attached and Detached ADU setbacks are both measured from the wall of the unit to the property lines. Up to a 24” overhang into the required setback area is allowed.</p> <p>[9][11] Habitable square footage of an ADU shall not be counted towards the Accessory Structure space maximum of Table 5.10.A.</p>	

- ~~111~~[12] Properties located within area-specific zoning ordinances such as but not limited to Special Planning Areas, Neighborhood Preservation Areas or Planned Developments shall utilize the front yard and side street yard (corner) setbacks specified in the applicable ordinance.
- ~~110~~[13] Conversions of existing dwellings to Accessory Dwelling Units in conjunction with development of a new primary dwelling may utilize these standards.

5.4.6. [DELETED 12-01-2017]

5.5. COMMERCIAL ZONING DISTRICTS [AMENDED 07-16-2020]

No changes

5.6. INDUSTRIAL AND INDUSTRIAL PARK ZONING DISTRICTS [AMENDED 07-16-2020]

No changes

5.7. MIXED-USE ZONING DISTRICTS

No changes

5.8. INSTITUTIONAL USES [DELETED 07-16-2020]

No changes

5.9. OFF-STREET PARKING [AMENDED 09-09-2022]

5.9.1. General Provisions

No changes

5.9.2. Vehicle Parking Requirements

No changes

5.9.2.A. Residential Uses [AMENDED 12-01-2017][AMENDED 09-09-2022]

Vehicular parking requirements for residential uses are provided in Table 5.18. See Section 5.9.5 for parking reduction allowances.

Table 5.18 Vehicle Parking Amounts for Residential Uses [1] [AMENDED 09-09-2022]

Residential Use	Minimum Parking Amounts		
Single-Family, Detached	2 spaces per dwelling unit (DU)		
Single-Family, Attached, density of less than 10 units per acre			
Duplex or Halfplex			
Multifamily Dwelling Project, Non-Age-Restricted	Studio/One Bed: 1 space per DU	Two + Bed: 2 spaces per DU	Visitor [3]: 0.5 spaces per DU
Multifamily Dwelling Project, Age-Restricted	0.5 spaces per DU (fully improved); or 0.5 spaces per unit overflow or future parking reserve [2]		
Mobile Home Park	Two spaces for each travel trailer and mobile-home space, plus one additional guest space for each eight mobilehome spaces within the park.		
Group Living Facilities [4]	One space for every two occupants based on the maximum occupant load of the sleeping or dining area, whichever is greater,		

	as determined from the California Building Standards Code (CBS), except that fraternity or sorority houses and dormitories located within one-half (1/2) mile of the property line of the institution they use shall provide at least one parking space for every four (4) occupants based on the maximum occupant load of the sleeping or dining area, whichever is greater, as determined from the CBS.
Residential Unit Used As Residential Care Home	Two spaces per dwelling unit, plus 1 additional space for every six adults receiving care in the home.
Residential Unit Used As Family Day Care Home or Foster Home	The number of spaces as required for the dwelling unit type as provided for in Table 5.18.
Residential Unit Used As Foster Home	Two spaces per dwelling unit, plus one additional space for every 10 or more persons receiving care in the home.
Emergency Shelter and Low Barrier Navigation Centers	Minimum of one space for every staff person.
<p>[1] Motorcycle and bicycle parking spaces shall also be required, and provided in accordance with Sections 5.9.8. and 5.9.9., respectively.</p> <p>[2] Overflow parking shall be used for additional parking for peak demand periods, i.e., Christmas, Easter, Mother's Day and other major religious or secular holidays, while maintaining a landscaped atmosphere with usable open space. Overflow parking shall be designed to support passenger vehicles, may be sodded or surfaced with permeable paving, and properly signed. The Director, based on valid complaints by neighbors, Fire or Sheriff personnel, or other agencies concerned with health and welfare issues may, at any time, request that future parking areas be fully improved for use by project residents and visitors.</p> <p>[3] Visitor parking may be satisfied with on-street parking spaces on the property or on adjacent street frontages, at a 1:1 ratio.</p> <p>[4] This category includes Boarding Houses, Fraternity or Sorority Houses, Dormitories, and similar.</p>	

Table 5.19 [DELETED 09-09-2022]

5.9.2.B. – 5.9.2.D.

No changes

5.9.3. Parking Size, Location, and Configuration

5.9.3.A. Off-Street Parking Space and Driveway Sizes [AMENDED 12-01-2017][AMENDED 09-09-2022]

1. – 7. *No changes*

8. Electric Vehicle Parking. Electric vehicle parking spaces shall be provided as required by the California Green Building Standards Code (Green Building Code) and subject to approval by the Chief Building Inspector. Electric vehicle charging stations above the number required by the Green Building Code may qualify for parking reductions, as addressed in Section 5.9.5.C.1.

a. Parking spaces designated for electric vehicle charging stations shall be counted toward meeting the minimum parking requirement.

b. Accessible parking spaces with an access aisle designated for electric vehicle charging stations shall be counted as two parking spaces toward meeting the minimum parking requirement.

c. Electric vehicle charging stations, as defined in CA GOV §65850.7, shall be exempt from all provisions of the Sacramento Zoning Code and County Code, except for standards and regulations necessary to ensure that the charging station will not have a specific, adverse impact upon the public health or safety as determined by the Chief Building Inspector.

9. Designated Parking for Clean Air Vehicles

No changes

5.9.3.B. – 5.9.3.F.

No changes

5.9.4. Improvement Requirements for Parking and Loading Areas [AMENDED 09-09-2022]

No changes

5.9.5. Parking Reductions

This Section provides the criteria, measures, and requirements for the reduction of off- street parking. Automatic parking reductions and those reductions approved through Design Review, either individually or on a cumulative basis, shall not exceed **the reduction provisions provided in Table 5.2625 percent of the required parking for the development.** Greater overall parking reductions may be approved by a Special Development Permit.

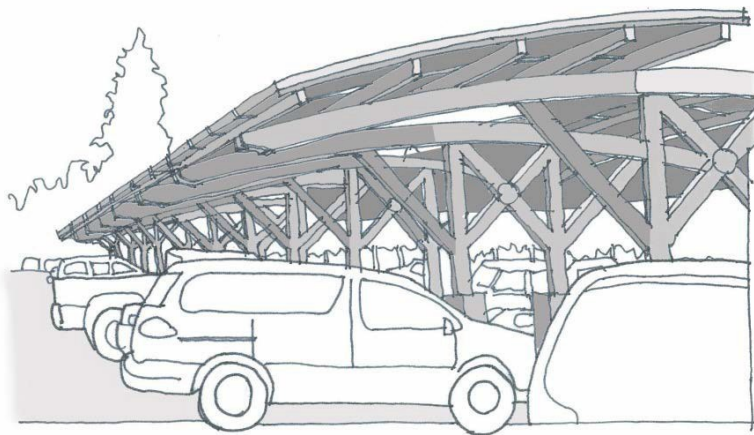


Figure 5-16: Solar Roof

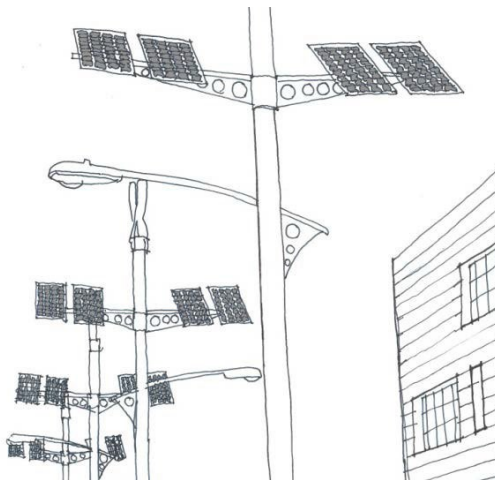


Figure 5-17: Solar and Wind-Powered Lights

5.9.5.A. Criteria

Required parking may be reduced through the Design Review process, subject to complying with the following requirements:

1. Project conditions such as proximity to frequent transit service; special characteristics of the population residing, working, or visiting the facility; or parking reduction measures in Section 5.9.5.C justify the reductions.

2. Parking demand generated by the project satisfies the requirements for the uses served and does not result in a negative impact on the supply of off-street parking in the surrounding area. **Projects utilizing the provisions of Section 5.9.5.C.1.b. Transit Accessibility or Section 5.9.5.C.4. Places of Worship Affiliated Housing Parking Reductions are not subject to this finding.**
3. **Parking Management Plan.** A parking management plan may be required as evidence or documentation necessary to demonstrate the conditions that warrant a parking reduction and should include:
 - a. Parking demand information that documents the need for fewer spaces (e.g. sales receipts, records of customer visits, information on parking use for similar facilities in the region, etc.);
 - b. Floor plans indicating the typical uses of the buildings; and
 - c. Programs that may be implemented that would reduce parking demand.
4. If a parking reduction is based on specified uses, then those uses may not be replaced with an alternative use unless either additional parking is provided or a finding can be made that the alternative use has an equivalent or lower parking demand.

5.9.5.B. Review of Parking

No changes

5.9.5.C. Parking Reduction Measures

The number of off-street parking spaces may be reduced ~~to a maximum of 25 percent,~~ **administratively (staff level) as provided in Table 5.26** subject to meeting the criteria in Section **5.9.5.A above** and the following provisions. ~~Table 5.26 provides a summary of allowable staff level parking reductions.~~

Table 5.26 MAXIMUM STAFF-LEVEL ADMINISTRATIVE PARKING REDUCTIONS	
Type	Maximum Reduction
<u>The Items below can be combined up to a maximum of a 25% administrative parking reduction</u>	
Maximum Parking Reduction	25%
Shared Parking	25%
Transit Accessibility	10%
<u>Proximity to Class II or Class III bike lanes</u>	<u>10%</u>
Transit Supportive Plazas	10%
Tree Preservation	10% (not more than 6 spaces total)
Bicycle Parking (non-required)	10%
Provision of Electric Vehicle Charging Station above the number of spaces required by the California Green Building Standards Code	10%
Preferential Parking for Carpool/Vanpool	5%
Shower/Locker Facilities	5%
Transit Waiting Shelter	10%
Motorcycle Parking	1:1 (one space can be reduced for each motorcycle space provided)

Table 5.26 MAXIMUM STAFF-LEVEL ADMINISTRATIVE PARKING REDUCTIONS	
Type	Maximum Reduction
Available on-street parking	1:1 (one space can be reduced for each available on-street parking)
<u>Allowable Administrative Parking Reductions in Excess of 25 % (cannot be combined with other administrative parking reductions listed above)</u>	
<u>Transit Accessibility</u>	<u>100%</u>
<u>Places of Worship Affiliated Housing</u>	<u>50% (of required parking for place of worship)</u>

1. Multifamily Residential, Mixed-Use, and Non-Residential Projects

a. Shared Parking

No changes

b. Transit Accessibility. ~~For development proposed within a one-quarter (1/4) mile of an existing or planned major transit stop as defined in CA PRC §21064.3 is not required to provide parking subject to the following:~~ ~~station or stop for enhanced transit service as defined in Section 5.2.3.C, the following parking reductions may be granted:~~

i. For purposes of this section, a planned stop, is a major transit stop that is scheduled to be completed within the planning horizon of the adopted SACOG MTP/SCS (Sacramento Area Council of Governments Metropolitan Transportation Plan/Sustainable Community Strategy) and meets the service requirements listed in CA PRC §21064.3.

~~For all projects within one-quarter mile (1,320 linear feet) of a transit station or stop, or proximity to Class II or Class III bike lanes, a maximum 10 percent reduction in parking requirements may be granted when the reviewing authority determines that the parking management plan submitted by the applicant, justifies the parking reduction.~~

~~For mixed-use or non-residential development, adjacent to a transit station, a project proponent may request that some or all of the required off-street parking spaces be provided at the adjacent station, or that in-lieu fees or facilities be provided for use at the station. The request may be granted, subject to submittal of a parking management plan and the finding from the approval authority that the substitution will be an incentive to, and a benefit for, the project, and will facilitate access to the development by patrons of the adjacent transit services.~~

ii. Eligible Projects Include:

1. Residential (housing) projects that contain less than 20 units or at least 20 percent of the total units are restricted to lower income households, students, elderly, or persons with disabilities as further defined in CA GOV §65863.2.

2. Commercial and mixed-use projects with the exception of event centers, hotels, motels, bed and breakfast, inn, or other transient lodging.

3. Projects subject to a contractual parking agreement with a public agency executed before January 1, 2023 where all provided parking is shared with the public are not considered an eligible project under CA GOV §65863.2.

iii. Eligible projects shall provide the required electric vehicle spaces and space accessible to persons with disabilities based on the number of spaces typically required for the proposed use to the application California Building Code as referenced in County Code Chapter 16.

- iv. Eligible projects that voluntarily provide parking shall comply with the standards provided in Chapter 5.9.
- c. Proximity to Class II or Class III bike lanes. For all projects within one-quarter mile (1,320 linear feet) to Class II or Class III bike lanes, a maximum 10 percent reduction in parking requirements may be granted when the reviewing authority determines that the parking management plan submitted by the applicant justifies the parking reduction.
- d. – g. *No changes*
- 2. – 3. *No changes*
- 4. Places of Worship Affiliated Housing Parking Reductions. Replacement parking shall not be required when a place of worship removes up to 50 percent of the existing or required parking spaces (excluding any required electric vehicle or accessible parking spaces) to build affiliated housing subject to the following criteria:
 - a. The housing development project is located on one or more contiguous parcels that are owned entirely, whether directly or through a wholly owned company or corporation, by the place of worship.
 - b. The housing development project qualifies as being near collocated religious-use parking spaces by being any of the following:
 - i. Located one or more parcels that collectively contain religious-use parking spaces.
 - ii. Located adjacent to a parcel owned by the place of worship that contains religious-use parking spaces.
 - iii. Located on one or more parcels separated by no more than 0.1 miles from a parcel owned by the place of worship that contains religious-use parking spaces.
 - c. The housing development project qualifies for a density bonus under CA GOV §65915 and as allowed pursuant to Section 6.5.4.
 - d. A minimum of one parking space shall be required for each dwelling unit and any required electric vehicle or accessible spaces required by the California Building Code for the housing development.

5.9.6. Trip Reduction Measures

No changes

5.9.7. Off-Site Parking Requirements

5.9.7.A. – 5.9.7.B.

No changes

5.9.7.C. Shared Parking

Shared parking allows reduction of parking spaces for ~~any site development or adjacent parcel proposing~~ two or more land uses where the hours of operation for the uses allows shared use of parking spaces to occur without conflict or when it can be demonstrated that a development's parking spaces are underutilized, as defined in CA GOV §65863.1 and Section 7.3 of this Code. Parking reductions are permitted, subject to the following standards.

- 1. Location. The entities that will share parking must meet one of the following locational criteria:
 - a. Located on the same or contiguous parcels,
 - b. Separated by no more than 2,000 feet of travel by the shortest walking route, or

- c. Separated by more than 2,000 feet of travel by the shortest walking route, but there is a plan for shuttles or other accommodations to move between the parking and site, including a demonstrated commitment to sustain such transportation accommodations.

2. – 4. *No changes*

5.10. SIGN REGULATIONS

No changes

5.11. FINDINGS FOR PROJECTS IN FLOOD HAZARD ZONES [ADDED 01-12-2017]

No changes

CHAPTER 6: ADMINISTRATION

6.1. GENERAL PROVISIONS

No changes

6.2. ZONING AMENDMENTS

No changes

6.3. DESIGN AND SITE PLAN

6.3.1. Development Plan Review

6.3.1.A. General

Where a Development Plan Review is required by provisions of this Code or by the action of the Board of Supervisors, Planning Commission, Zoning Administrator, Planning Director, or Board of Zoning Appeals, the procedures in this Section shall apply. The review shall not be used to change existing Code regulations or conditions of approval by granting authorities, nor may the reviewing authority impose conditions of approval unrelated to elements reviewed pursuant to this Section.

6.3.1.B. Department Regulations

The Planning Director is authorized to issue regulations to implement the requirements of this Section. Copies of the regulations shall be made available to the public for a reasonable charge. Copies shall also be available at the Planning Department Office and the Office of the Secretary of the Planning Commission.

6.3.1.C. Waiver [AMENDED 12-01-2017][AMENDED 09-09-2022]

~~With exception of Housing Developments regulated by Section 6.5.4 (Affordable Housing Incentive Program),~~ ~~†~~The Planning Director may waive the requirement for Development Plan Review, and instead require Design Review, as provided in Section 6.3.2 of this Code, subject to approval by the same hearing authority required by other provisions of this Code or by the action of the Board of Supervisors, County Planning Commission, Zoning Administrator, Planning Director, or Board of Zoning Appeals.

6.3.1.D. Revisions

A revision to an approved development plan shall be accomplished in the same manner as the initial approval thereof.

6.3.2. Design Review [AMENDED 06-07-2018]

6.3.2.A. General [AMENDED 04-07-2016][AMENDED 12-01-2017][AMENDED 06-07-2018]

- 1. Discretionary Projects:** Any commercial, industrial, residential, mixed-use, institutional, or public works project, regardless of zoning district, requiring discretionary entitlement(s) or approval(s) is subject to Design Review. *Please see exceptions in Section 6.3.2.A.3.*
- 2. Non-Discretionary Projects:** Non-discretionary projects are those projects not requiring discretionary entitlements or approvals including Building Permits and Sign Permits, staff level Development Plan Approvals and other non-discretionary projects reviewed by the Planning Commission and Board of Supervisors, and Improvement Plans involving the construction or reconstruction of parking lots and new use of land for commercial and industrial purposes.

Any commercial, industrial, residential, mixed-use, institutional, or public works projects regardless of zoning district, requiring non-discretionary approval(s) is subject to Design Review. *Please see exceptions in Section 6.3.2.A.3*

- 3. Exceptions:** The following projects do not require Design Review.
- a. New single-family residential and lot division requests as described in Table 6.2.
 - b. Projects requiring only a Minor Use Permit, Rezone, Community Plan Amendment, or General Plan Amendment.
 - c. Wall signs and modifications to existing signs provided that the sign conforms to current standards for the zoning district in which it is located.
 - d. Non-discretionary projects proposing only interior improvements.
 - e. Non-discretionary projects proposing only mechanical equipment replacement where mechanical equipment is appropriately screened and no other site or landscape improvements area required pursuant to this Code.
 - f. Non-discretionary projects involving improvements required to be in compliance with the American Disabilities Act except where such improvements will have significant impact on the site and landscape configuration and/or building facades.
 - g. All Accessory I solar facilities. **[ADDED 07-16-2020]**
 - h. Accessory II solar facilities when placed on the roof of an existing permitted building. **[ADDED 07-16-2020]**
 - i. **All electric vehicle charging stations, as defined in CA GOV §65850.7.**
 - j. **All hydrogen fueling stations, as defined and in compliance with CA GOV §65850.7. This provision shall expire on January 1, 2030 unless further extended by CA State statute.**

6.3.2.B. – 6.3.2.H.

No changes

6.4. SPECIAL PERMITS

No changes

6.5. OTHER APPLICATIONS

6.5.1. – 6.5.3.

No changes

6.5.4. Affordable Housing Incentive Program

6.5.4.A. Purpose and Intent **[AMENDED 09-09-2022]**

This section is intended to provide incentives for the production of housing **including projects with shared housing buildings** for very low, low, and moderate income households, senior citizen households; and, Housing Developments that include child care facilities in accordance with ~~Government Code Sections~~ **CA GOV §65915** through **§65917 (State Density Bonus Law)**. In enacting this Section, it is the intent of the Board of Supervisors to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the County's Housing Element.

6.5.4.B. Definitions **[AMENDED 09-09-2022]**

As used in this Section, the following words and phrases shall have the meanings set forth herein:

1. "Affordable Rent" means monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for Very Low or Low Income Households, as set forth in the ~~California Health and Safety Code~~ **CA HSC §**Section 50053, not exceeding the following calculations.
 - a. Very low income: 50 percent of the area median income for Sacramento County, adjusted for household size, multiplied by 30 percent and divided by 12.

- b. Low income: ~~80~~ **60** percent of the area median income for Sacramento County, adjusted for household size, multiplied by 30 percent and divided by 12.
 - c. **Moderate income: 110 percent of the area median income, adjusted for household size, multiplied by 30 percent and divided by 12.**
 - d. For projects that are 100 percent affordable (excluding managers unit), the affordable rent will be calculated in accordance with Government Code Section CA GOV §65915(c)(1)(B)(ii).
 - e. For projects providing housing for low income college students, income eligibility and affordable rent will be calculated in accordance Government Code Section CA GOV §65915(b)(1)(f)(ii) and (iii).
2. "Affordable Sales Price" means a sales price at which Moderate, Low or Very Low Income Households can qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing available for the development.
 3. **"Area median income" means the median family income applicable to Sacramento County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section CA HSC §50093.**
 4. "Childcare facility" means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age childcare centers.
 5. "Common Interest Development" is defined in ~~Civil Code Section CA CIV §4100 1351~~. In order to qualify for a density bonus, all units in the development must be offered to the public for purchase.
 6. "Density Bonus" means a density increase over the otherwise maximum residential density under the applicable zoning code, master plan or specific plan provisions and the land use element of the general plan as of the date of application to the County.
 7. "Density Bonus Housing Agreement" means a legally binding agreement between a developer and the County to ensure that the requirements of this Section are satisfied.
 8. "Density Bonus Units" means those residential units granted pursuant to the provisions of this Section which exceed the otherwise Maximum Residential Density for the development site.
 9. "Disabled veteran" has the definition set forth in ~~California Government Code Section CA GOV §18541~~.
 10. "Homeless person" has the definition set forth in 42 U.S.C. Section 11301 and following.
 11. "Homeless service provider" has the definition set forth in ~~California Health and Safety Code Section CA HSC §103577(d-e)(3)~~.
 12. "Housing Cost" means the sum of actual or projected monthly payments for all of the following associated with for-sale target units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowner association fees, and a reasonable allowance for utilities. Adjustments should be made as necessary for down payment assistance.
 13. "Housing Development" means development projects consisting of five or more residential units, including single-family, multifamily, mixed-use, and mobile homes for sale or rent, and as further defined in ~~Government Code Section CA GOV §65915(i)~~.
 14. "Incentive" or "concession" means a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission and other such regulatory concessions as specified in ~~subdivision (k) of Government Code Section CA GOV §65915(k)~~ which would result in identifiable and actual cost reductions to provide for affordable housing.

15. "Low Income Household" means households whose income does not exceed the lower income limits applicable to Sacramento County, as published and periodically updated by the State Department of **Housing and** Community Development pursuant to ~~Health and Safety Code Section~~ **CA HSC §50079.5**.
16. "Lower Income Student" means a student who has a household income and asset level that does not exceed the level for a Cal Grant A or Cal Grant B award recipient as set forth in **Section CA EDC §69432.7** ~~of the California Education Code~~. The eligibility of a student under this income level shall be verified as specified in **Section CA GOV §65915(b)(1)(F)(i)** ~~of the California Government Code~~.
17. "Major Transit Stop" for purposes of the Affordable Housing Incentive Program and State Density bonus means a transit stop as defined in **Section CA PRC §21064.3** ~~of the California Public Resources Code~~ and shall also include major transit stops that are included in the applicable regional transportation plan. Distance from a major transit stop shall be measured from any point of the proposed eligible development project as defined in Section 6.5.4.B.22 that is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or local agency operating the major transit stop.
18. "Maximum Residential Density" means the density allowed under the Zoning Ordinance (includes project specific zoning ordinances) at the time of the application. If the Housing Development is within a planned development overlay zoning district, the maximum residential density shall be determined on the basis of the general plan and the maximum density of the underlying zoning district. If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.
19. **"Moderate Income Household" or "Middle-Income Household" means households of low or moderate income whose income exceeds the lower income limits, but does not exceed 120 percent of the median income, applicable to Sacramento County, as published and periodically updated by the State Department of Housing and Community Development pursuant to HSC §50093.**
20. "Non-regulated Unit" means all units within a Housing Development excluding the target units.
21. "Planned Development" is defined in ~~Civil Code Section~~ **CA CIV §4175.1351(k)**.
22. "Replace or Replacement Unit" has the definition as set forth in ~~California Government Code Section~~ **CA GOV §65915(c)(3)(B)**.
23. "Qualifying Resident" means senior citizens or other persons eligible to reside in a Senior Citizen Housing Development.
24. "Senior Citizen Housing Development" means a housing development as defined in ~~Civil Code Sections~~ **CA CIV §51.3** and ~~51.12~~ or mobile home park that limits residency based on age requirements for housing for older persons pursuant to ~~Civil Code Section~~ **CA CIV §798.76** or **§799.5**.
25. **"Shared Housing Building" is a residential or mixed-use structure with five or more shared housing units with one or more common kitchens and dining areas designated for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be adequate to accommodate all residents.**
 - a. **A shared housing building may include other dwelling units that are not shared housing units provided that those dwelling units (unshared units) do not occupy more than 25 percent of the floor area of the shared housing building.**
 - b. **A shared housing building may include incidental commercial uses, provided those uses are otherwise allowable in the zone district and are located only on the ground floor or the level of the shared housing building closest to the public street or sidewalk.**
 - c. **A shared housing unit means one or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent**

residence, that meets the “minimum room area” specific to §R304 of the California Residential Code and is part of the shared housing building with access to common kitchens and dining areas of other common amenities of the shared housing building.

26. “Specific Adverse Impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date of the application was deemed complete and as set forth in ~~California Government Code Section~~ CA GOV §65589.5(d)(2).
27. “Special Needs Housing” means any housing, including supportive housing, intended to benefit, in whole or in part, transitional foster youth, disabled veterans, homeless persons, or other persons identified as having special needs as further defined in ~~California Health and Safety Code Section~~ CA HSC §51312.
28. “Student Housing Unit” has the same meaning as set forth in ~~California Government Code Section~~ CA GOV §654915(b)(1)(F)(ii).
29. “Target Unit” means a dwelling unit within a Housing Development which will be reserved for sale or rent to, and affordable to Very Low, Low or Moderate Income Households, or Qualifying Residents.
30. “Transitional Foster Youth” means a person in California whose dependency was established or continued by the court on or after the youth’s 13⁶th birthday and who is no older than 25 years of age as further defined in the ~~California Education Code Section~~ CA EDC §66025.9.
31. “Very Low Income Household” means households whose income does not exceed the very low income limits applicable to Sacramento County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section CA HSC §50105 ~~of the California Health and Safety Code~~.
32. “Waiver” means a reduction or elimination of a development standard that if imposed would result in physically precluding the development of the proposed affordable Housing Development.

6.5.4.C. Eligibility Criteria [AMENDED 09-09-2022]

1. The County shall consider a density bonus and/or provide incentives/concessions or waivers, as described in this Section, when an applicant for a Housing Development (including shared housing buildings) of five or more units seeks and agrees to construct a project that will contain at least one of the following:

a. – k. *No changes*

2. Application

A developer seeking approval of a Housing Development pursuant to this Section shall file an application with Planning and Environmental Review which shall be processed concurrently with any other application(s) required for the Housing Development. ~~If environmental review is not required pursuant to another entitlement (such as but not limited to Nondiscretionary Design Review), the Housing Developments shall be processed as a Development Plan Review when seeking incentives, waivers, and/or a density bonus pursuant to this Section.~~ Such application shall be on a form as prescribed by the Planning Director that shall include but not be limited to, the following:

- a. **Project Description.** A brief description of the proposed Housing Development including but not limited to, the total number of units; number of target units and eligibility criteria; and number of requested density bonus units.
- b. **Incentives/Concessions.** A list of requested incentives as provided in Section 6.5.4.D.2. along with a description on how the incentives will result in an identifiable and actual cost reduction to provide affordable housing.
- c. **Waivers.** A of requested waivers to development standards as provided in Section 6.5.4.D.3. along with a brief description or documentation on how imposition of said development

standard would result in physically precluding the development of the proposed affordable Housing Development project.

~~d. **Environmental Determination.** All Housing Development shall be evaluated to determine if the proposed project will have a specific adverse impact upon the physical environment pursuant to the California Environmental Quality Act (CEQA), unless exempt.~~

e. **Affordable Housing Strategies Memorandum.** An executed memorandum of understating in such form as is reasonably satisfactory to the County acknowledging the basic terms of the Affordable Housing Agreement, including but not limited to the number of Affordable Units required under this Section, as well as the unit type and Affordable Rent or Affordable Housing Cost, as applicable, for such units. Approval of the memorandum by the Planning Director shall be a prerequisite to final action on the Housing Development application. Rough grading and/or building permits shall not be issued until such time that the Affordable Housing Strategies Memorandum has been executed by the Hearing Body or, for ministerial approvals, by the Planning Director or Design Review Administrator and the final Affordable Housing Agreement has been recorded.

6.5.4.D. Density Bonus Criteria and Number of Incentives [AMENDED 12-01-2017][AMENDED 09-09-2022]

1. **Density Bonus.** The maximum amount of density bonus to which the applicant is entitled shall be calculated according to Table 6.4.

a. An applicant may elect a lesser percentage of a density increase, including no increase in density. In cases where the applicant requests a density bonus increase less than identified in Table 6.4, no reduction in the number of target units will be allowed.

b. Multiple types of affordable units. If a Housing Development includes multiple types of affordable units, the applicant shall choose a single type of affordable unit (level of affordability such as extremely low, or moderate) to calculate the allowable density bonus.

c. Provided that a Housing Development would not restrict more than 50 percent of the total units to moderate income, lower income, or very low income; an additional density bonus pursuant to Table 6.4.1 shall be allowable to projects which provide any of the following number of target units:

i. At least 15 percent very low income units

ii. At least 24 percent lower income units

iii. At least 44 percent moderate income units

Table 6.4 Density Bonus Chart

No changes

Table 6.4.1 Additional Density Bonus Chart		
<u>Additional Affordable Unit Percentage</u>	<u>Density Bonus Increase</u>	
	<u>Very Low Income</u>	<u>Moderate-Income</u>
<u>5</u>	<u>20</u>	<u>20</u>
<u>6</u>	<u>23.75</u>	<u>22.5</u>
<u>7</u>	<u>27.5</u>	<u>25</u>
<u>8</u>	<u>31.25</u>	<u>27.5</u>

Table 6.4.1 Additional Density Bonus Chart

<u>Additional Affordable Unit Percentage</u>	<u>Density Bonus Increase</u>	
	<u>Very Low Income</u>	<u>Moderate-Income</u>
<u>9</u>	<u>35</u>	<u>30</u>
<u>10</u>	<u>38.75</u>	<u>32.5</u>
<u>11</u>	<u>X</u>	<u>35</u>
<u>12</u>	<u>X</u>	<u>38.75</u>
<u>13</u>		<u>42.5</u>
<u>14</u>		<u>46.25</u>
<u>15</u>		<u>50</u>

2. Incentives and Concessions. An applicant for an affordable housing project may submit a proposal for the specific incentives or concessions that the applicant requests pursuant to Government Code Section 65915(d) subdivision (d).

- a. The applicant shall receive up to a maximum of ~~four~~ **five** incentives (concessions) based on the level and amount of affordability provided by the Housing Development as indicated in Table 6.5.

Table 6.5 Maximum Number of Incentives (Concessions)

Type of Housing Unit	Amount of Housing Units Required for Concession/ Incentive	Number of Concessions/Incentives
Very Low Income (VLI)	5% but less than 10%	1
	10% but less than 15%	2
	15%	3
	16% but less than 100%	4
Lower Income (LI)	10% but less than 17%	1
	17% but less than 24%	2
	24% but less than 100%	3
Moderate Income (MI) common interest development	10% but less than 20%	1
	20% but less than 30%	2
	30% but less than 45%	3
	45% but less than 100%	4
One of the above plus child care facility	No threshold	1 additional concession or additional square footage

Table 6.5 Maximum Number of Incentives (Concessions)		
Type of Housing Unit	Amount of Housing Units Required for Concession/ Incentive	Number of Concessions/Incentives
100% affordable housing	100%, exclusive of manager's unit(s) are for lower income, except 20% may be for moderate income.	4 5
100% affordable and located within 1/2 mile of major transit stop		4 plus a height increase of three additional stories or 33 feet
Senior Citizen Housing	Market rate – no affordable limit	0
	Income restricted units	1-4 incentives based on level of affordability listed above (VLI, LI, or MI)
Special Needs Housing (transitional foster youth, disabled veterans, homeless persons)	Units shall be provided as very low income units per Government Code 65915(b)(1)(E).	1-4 incentives based on level of affordability listed above (VLI or LI)
Low Income College Students	Units shall be provided as lower income units per Government Code 65915(b)(1)(F)(i)(II).	1-4 incentives based on level of affordability listed above (VLI or LI)

b. Incentives or concessions requested may include:

i. – x. *No changes*

xi. Waiving the use permit requirement for multifamily housing projects ~~that are over 150 units in the RD-15 through RD-40, LC, GC, NMC, CMC, and CMZ zones and multifamily projects over 10 units~~ in the BP zone.

xii. – xiii. *No changes*

6.5.4.E. Development Standards [AMENDED 09-09-2022]

No changes

6.5.4.F. Parking Standards for Affordable Housing Projects [AMENDED 12-01-2017] [AMENDED 09-09-2022]

Upon the request of the applicant, the vehicular parking ratio, inclusive of parking for guests and people with disabilities, of a development meeting the eligibility criteria of Section 6.5.4.C., shall not be required to exceed the ratios in Table 6.6 and 6.7. An applicant may request additional parking reductions as an incentive pursuant to Section 6.5.4.D.2.

Table 6.6. Parking Requirements [1][2]	
Number of Bedrooms	Number of Parking Spaces
Studio	1
1 Bedroom	1

Table 6.6. Parking Requirements [1][2]

Number of Bedrooms	Number of Parking Spaces
2 Bedroom	2 <u>1.5</u>
3 Bedroom	2 <u>1.5</u>
4 Bedroom	2.5

[1] If the total number of parking spaces required is other than a whole number, the number shall be rounded up to a whole number.

[2] On-site parking may be provided through tandem parking or uncovered parking, but not through on-street parking.

Table 6.7. *No changes*

6.5.4.G. – 6.5.4.L.

No changes

6.5.4.M. Hearing Authority and Findings [ADDED 09-09-2022]

1. The application shall be heard by the same authority as the Housing Development’s other required entitlements. The hearing body shall approve the density bonus and requested incentive(s) for Qualified Housing Developments unless it makes any of the following written findings:
 - a. The incentive is not required in order to provide for affordable housing costs as defined in ~~Health and Safety Code Section~~ **CA HSC §50052.5** or for rents for Targeted Units to be set as specified in ~~Government Code Section~~ **CA GOV §65915(c)**.
 - b. The incentive would have a specific adverse impact, as defined in Government Code Section CA GOV §65589.5(d)(2), ~~upon public health and safety or the physical environment or on any other real property that is listed in the California Register of Historic Resources~~, and for which there is not feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.
 - c. The incentive would be contrary to state or federal law.

6.5.5. – 6.5.8.

No changes to Sections 6.5.1 through 6.5.7

Please note that Section 6.5.8 is being amended by SB9 to allow for Minor Administrative Approvals and Determinations by the Planning Director. This legislative update package will further amend Section 6.5.8 to include administrative deviations to ADU standards as provided in Table 5.11 and State law. Waiting on finalization/adoption of the SB 9 language in order to draft these provision.

6.6. ENFORCEMENT

No changes

6.7. FAIR OAKS BOULEVARD CORRIDOR PLAN

No changes

CHAPTER 7: DEFINITIONS AND ACRONYMS

This section clarifies interpretation of common wording and language issues that may occur in this Code.

7.1. WORD USAGE AND CONSTRUCTION OF LANGUAGE

No changes

7.2. INTERPRETATIONS

No changes

7.3. CODE TERMS AND USE DEFINITIONS

Only those definitions of Section 7.3 that are proposed to be added or amended are shown below.

This Section defines the terms used in this Code and the uses contained in Chapter 3, Use Regulations.

Cannabis, Commercial Activities [ADDED 05-11-2017][AMENDED 07-16-2020]

Includes all commercial activities as set forth in Business and Professions Code sections 19300.5 and 26001, including, but not limited to the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, **delivery** or sale of cannabis or cannabis products.

Family Day Care Home

As defined by ~~Health and Safety Code Section~~ **CA HSC § 1596.78**, a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home. **A Family Day Care Home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses.**

- **Large Family Day Care Home**

A home where the occupant of the residence provides family day care for seven to 14 children, inclusive, including children under the age of 10 years who reside in the home.

- **Small Family Day Care Home**

A home where the occupant of the residence provides family day care for **8 eight** or fewer children, including children under the age of 10 years who reside in the home.

Hydrogen Fueling Station

The equipment used to store and dispense hydrogen fuel to vehicles according to industry codes and standards that is open to the public, pursuant to CA GOV §65850.7(i)(4). The term shall not include any other structures or uses associated with the development. This definition shall expire on January 1, 2030, unless further extended by CA State statute.

Parking, Underutilized

Where 20 percent or more of a development's parking spaces are not occupied during the period that the parking is proposed to be shared by another user, group, development, or the public (CA GOV §65863.1).

Short-Term Rental [ADDED 06-20-2019]

Rental of all or a portion of a primary dwelling or of an accessory dwelling unit **(that was legally permitted prior to January 1, 2020)** for transient occupancy. Transient Occupancy is defined as the use of any room or rooms for lodging or sleeping purposes for a period of time not to exceed 29 consecutive days per stay. Short-term rentals may occur year-round, but are limited to no more than 29 total days per rental party per year. Short-term rental differs from a bed and breakfast inn in that the short-term rental is limited to one rental party at a time.

Supportive Housing [ADDED 09-09-2022]

Housing with no limit on length of stay, that is occupied by the target population **as defined in CA GOV §65582**

and that is linked to onsite or offsite service that assists the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community (~~Gov. Code, CA GOV~~ §65582, subdivision (g)). Supportive services include, but are not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy. Supportive housing is considered a residential use and is subject to the same restrictions that apply to ~~the applicable same~~ housing types ~~and zone district. in the same zone.~~

Temporary Concession [AMENDED 06-22-2017]

Any individual retail sales operation from a location not involving a permanent building for the purpose of housing or conducting sales, distributions or transactions, to make goods or services available to the general public using a temporary table, stand, cart, or similar equipment; but not including a mobile vending vehicle licensed and operated pursuant to the provisions of the Sacramento County Code. ~~The sale of food for on-site consumption is prohibited.~~

Transitional Housing [ADDED 09-09-2022]

Buildings configured as rental housing developments, but operate under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance (~~Gov. Code, CA GOV~~ §-65582, subdivision (i)). Transitional housing is considered a residential use and is subject to the same restrictions that apply to the same housing types in the same zone.

7.4. ACRONYMS

[CA BPC – California Business and Professions Code](#)

[CA CIV – California Civil Code](#)

[CA EDC – California Education Code](#)

[CA GOV – California Government Code](#)

[CA HSD – California Health and Safety Code](#)

[CA PRC – California Public Resources Code](#)

[CA PUC – California Public Utilities Code](#)

[CA VEH – California Vehicle Code](#)

I Have More Questions

No problem! Please email us at SacPlan@saccounty.gov for any Planning and Zoning questions.