

Sacramento County, California County Code

Title 16 BUILDINGS AND CONSTRUCTION

Chapter 16.89 FEES ON NON-RESIDENTIAL CONSTRUCTION TO FUND VERY LOW INCOME HOUSING

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A. Construction of new office, hotel, commercial, research and development, manufacturing, warehouse and other special non-residential buildings or structures (hereinafter referred to as “non-residential construction”) in the County of Sacramento has been and continues to be a major factor in attracting new employees to the region. A substantial number of these employees and their families reside or will reside in the County of Sacramento. These new employees and their families create a need for additional housing in the County.

B. Traditionally non-residential construction has benefited from a supply of housing for the new employees available at competitive prices and locations close to the place of employment. However, in recent years the supply of housing has not kept pace with the demand for housing created by these new employees and their families. If this shortage were to grow or continue, employers would have increasing difficulty in locating in or near the County due to problems associated with attracting a labor force. Employees would be unable to find appropriate housing in the area, and accordingly would be forced to commute long distances. This situation would adversely affect their quality of life, consume limited energy resources, increase congestion on already overcrowded highways, and have a negative impact on air quality.

C. The competition for housing is especially acute with respect to low-income households. An identifiable portion of the new employees attracted to the County by new non-residential construction will live in low income households and will therefore compete with present residents for scarce affordable housing units in the County. Increasing the production and availability of low income housing is especially problematic. Prices and rents for housing affordable to households of low income remain below the level needed to attract new construction. Federal and State housing financing and subsidy programs are not sufficient by themselves to satisfy the low income housing requirements associated with this employment.

D. In 1990, the County of Sacramento, in cooperation with the City of Sacramento, created a City/County Housing Finance Task Force to examine housing needs and financial mechanisms to address those needs in the Sacramento area. The report of the Task Force (the "Nexus Report") examined the connection between new non-residential construction and housing needs, with special emphasis on very low income housing needs. The report concluded that a clear nexus can be established between the construction of various commercial and industrial buildings or land use types and the number of very low income employee households that are directly associated with such buildings or uses and will accordingly impact the Sacramento housing market. The report further quantified the share of this need represented by very low income households.

E. In 2020, the County of Sacramento contracted for preparation of a Housing Trust Fund Nexus Analysis and an Analysis, Context, and Recommendations Report (Studies). These studies evaluated conditions as of early 2021. The nexus analysis revealed that an appropriate maximum fee amount for Sacramento County would be in the range of \$15.40 to \$69.60 for low income housing. The analysis concludes that each additional square foot of non-residential construction contributes to the need for low income housing subsidy in the following amounts: office, \$47.60; research and development, \$15.40 manufacturing, \$38.90; warehouse, \$16.40; retail (commercial), \$69.60; and hotel, \$16.50.

F. It is clear that construction of new office, hotel, commercial, research and development, manufacturing, warehouse and other special non-residential buildings or structures brings in new employees, an estimable percentage of those employees will live in Sacramento County, and that this number yields a certain number of households from which a definable number will be of extremely low, very low and low income. Adjustments may be made to this number of households to take into account household size, and multiple earner households, previously housed employees, etc., to yield the approximate per square foot contribution each new non-residential construction activity contributes to the net new need for housing subsidy.

G. Accordingly, it is appropriate to impose some of the cost of the increased burden of providing housing for low income households necessitated by such construction directly upon the owners of the construction, and indirectly upon the occupiers. The imposition of a housing impact fee is an appropriate means to accomplish this purpose. In calculating the amount of such fee, the Board of Supervisors has taken into account other factors in addition to the simple calculation of contribution to the need for housing subsidy. These include impact of the fee on construction costs, special factors and hardships associated with certain types of development, and legal issues.

H. This chapter carries out provisions of the Sacramento County General Plan. The Housing Element of the County General Plan calls for the provision of housing for all sectors of the population to accommodate the demands of both existing and new residents attracted to the region by increased employment. The Housing Element also provides that the County should make special efforts to encourage an increased supply of housing affordable to low, very low and extremely low income housing households.

I. Various elements of the Sacramento County General Plan, including, but not limited to, the Land Use Element, and the Open Space, Conservation and Resource Management Element require the promotion of in-fill development and the discouragement of urban sprawl in order to preserve agricultural lands, reduce air pollution, minimize commute distances and traffic-related impacts, and avoid undue increases in the cost of urban services. In the absence of sufficient subsidy, low income families would be forced to find housing, if at all, in areas far removed from employment centers, thus increasing urban sprawl and its associated impacts. The creation of a housing fund is designed to reduce this impetus for urban sprawl and its associated impacts.

J. Most land uses in the County clearly fall within one of the six basic use types studied in the Nexus Analysis and are charged a fee accordingly in this ordinance. In a limited number of situations, the fee must be based on a project-by-project determination due to insufficient information as to the general characteristics of that type of use or special attributes of the use which make building size an inappropriate determinant of employee density.

K. It is recognized that it is inappropriate to impose a fee requirement on certain individual new construction because the fee would violate previous development agreements, other quasi-contractual agreements, or is preempted by state law; or because special characteristics of the use otherwise address the needs of the same low income population to which this ordinance is addressed, and such contributions would be adversely affected by the fee; or because it can be determined that the use categorically will have few or no employees.

L. The County-wide housing fee update on new non-residential construction is based upon the Sacramento General Plan, the Sacramento General Plan Environmental Impact Report, the Housing Trust Fund Nexus Analysis and Analysis, Context, and Recommendations Report quantifying the nexus between new non-residential construction and low, very low, and extremely low income housing need. In view of the numerous assumptions and potential inexactitudes which must attend any such studies and recommendations, the Board of Supervisors has determined that the fees and unit requirements will be set well below the calculated cost of providing low, very low and extremely low income housing to persons attracted to the County by these employment opportunities. (SCC 1686 § 1, 2022; SCC 0801 § 1, 1990.)

Article 1 General Provisions

16.89.100 Limitation.

The provisions of this chapter are the exclusive procedures and rules relating to housing impact fees unless explicitly stated otherwise in another Code Section policy, or regulation. Except as stated in the prior sentence, this chapter shall prevail over any other provisions of the County Code. (SCC 0801 § 1, 1990.)

Article 2 Definitions

Note

For purposes of this chapter, the following definitions shall apply:

16.89.200 Addition.

“Addition” means construction which adds gross square feet to an existing non-residential building or structure subject to this chapter. (SCC 0801 § 1, 1990.)

16.89.205 Board.

“Board” means the Board of Supervisors of the County of Sacramento. (SCC 0801 § 1, 1990.)

16.89.210 Building Permit.

“Building permit” means the permit issued or required by the County for the construction, improvement or remodeling of any structure pursuant to and as defined by the Sacramento County Buildings and Construction Code. (SCC 0801 § 1, 1990.)

16.89.211 Capitol Commerce Center.

“Capitol Commerce Center” means the real property comprising the former Campbell Soup Company factory site (APN No. 036-0010-008). (SCC 1603 § 3, 2016.)

16.89.212 Chief Building Inspector.

“Chief Building Inspector” means the Chief of the Building Inspection Division of the County of Sacramento, Department of Public Works, or the Chief Building Inspector’s designee. (SCC 0903 § 1, 1992; SCC 0801 § 1, 1990.)

16.89.213 Extremely-Low Income Households.

“Extremely–Low Income Households” means those households with incomes of thirty (30) percent or below the median income in the County of Sacramento as set forth from time to time by the U.S. Department of Housing and Urban Development. (SCC 1686 § 2, 2021.)

16.89.215 Gross Square Feet.

“Gross square feet” means the floor area of the building or structure comprising the proposed non-residential construction as determined by the Chief Building Inspector. The terms “floor area,” “building” and “structure” mean the same as defined in the Uniform Building Code as adopted by the County of Sacramento, with the exception that this area does not include parking garages or carports or canopies that do not cover a specific occupancy. (SCC 0903 § 2, 1992; SCC 0801 § 1, 1990.)

16.89.220 Housing Unit.

“Housing unit” means a new dwelling unit of any tenure, type or price, including the rehabilitation of dangerous residential buildings as defined in Chapter 16.22 of the County Code. (SCC 0801 § 1, 1990.)

16.89.225 Interior Remodel.

“Interior remodel” means construction of a tenant improvement or alteration which results in a change in the use type listed in Article 8 of an existing building or structure, or portion thereof, and that increases the employee density of such building or structure, or portion thereof, as determined by the Chief Building Inspector or the Planning Director, and is thereby subject to this chapter. (SCC 0903 § 3, 1992; SCC 0801 § 1, 1990.)

16.89.230 Low Income Households.

“Low income households” means those households with incomes of eighty (80) percent or below the median income in the County of Sacramento as set forth from time to time by the U.S. Department of Housing and Urban Development. It includes “very low income households.” (SCC 0801 § 1, 1990.)

16.89.235 Non-Residential Construction.

“Non-residential construction” means fabricating or erecting any building or structure designed to be used for any specific use types set forth in Article 8 and includes any other use that is determined by the Planning Director to impact housing demand pursuant to Section 16.89.710. (SCC 0801 § 1, 1990.)

16.89.240 Planning Director.

“Planning Director” means the Director of the County of Sacramento’s Planning and Environmental Review Division. (SCC 1686 § 3, 2022; SCC 0801 § 1, 1990.)

16.89.245 SHRA Director.

“SHRA Director” means the Executive Director of the Sacramento Housing and Redevelopment Agency. (SCC 0801 § 1, 1990.)

16.89.250 Very Low Income Households.

“Very low income households” means those households with incomes of fifty (50) percent or below the median income in the County of Sacramento as set forth from time to time by the U.S. Department of Housing and Urban Development. (SCC 0801 § 1, 1990.)

Article 3 Very Low Income Housing Fund

16.89.300 Establishment and Definition.

There is hereby established a Sacramento County Low Income Housing Fund (“Fund”) by the Office of the County Auditor—Controller in the County Treasury. The Fund shall be a special interest—bearing trust fund. The Fund shall receive all monies contributed pursuant to Section 16.89.500. The Fund may receive monies from other sources. (SCC 1686 § 4, 2022; SCC 0801 § 1, 1990.)

16.89.305 Purposes and Limitations.

Monies deposited in the Fund shall be used to increase and improve the supply of housing units affordable to households of low incomes. Monies placed in this fund shall be held in trust until disbursed as provided in Section 16.89.315. Monies may also be used to cover reasonable administrative expense not reimbursed through processing fees. No portion of the Fund may be diverted to other purposes by way of loan or otherwise. (SCC 1686 § 4, 2022; SCC 0801 § 1, 1990.)

16.89.310 Administration.

This fund shall be administered by the SHRA Director who shall have the authority to govern the Fund consistent with this chapter and to prescribe procedures to carry out these purposes, subject to Board of Supervisors approval by resolution. (SCC 1686 § 4, 2022; SCC 0801 § 1, 1990.)

16.89.315 Use and Disbursement of Monies in the Fund.

Monies in the Fund shall be used in accordance with the adopted Housing Element of the County General Plan, the Housing Assistance Plan Program and Financing Strategy, (dated June 6, 1988) and the criteria in Section 16.89.320 to construct, rehabilitate, subsidize, or assist other governmental entities, private organizations or individuals in the construction of low income housing units. Monies in the Fund may be disbursed, hypothecated, collateralized, or otherwise employed for these purposes from time to time as the SHRA Director so determines is appropriate to accomplish the purposes of the Fund. These uses include, but are not limited to, assistance to housing development corporations, equity participation loans, grants, pre-home ownership co-investment, pre-development loan funds, participation leases, or other public/private partnership arrangements, construction loans or permanent financings. The Funds may be extended for the benefit of both rental or owner occupied housing. (SCC 1686 § 4, 2022; SCC 0801 § 1, 1990.)

16.89.320 Location of Housing Units to Be Assisted with Fund Monies.

To the extent possible, the SHRA Director shall use the Housing Trust Fund monies to affirmatively further fair housing. The SHRA Director shall give priority to funding low income housing units in areas: (1) experiencing overpayment, overcrowding and displacement risk; and (2) areas identified as moderate, high, and highest resource. (SCC 1686 § 4, 2022; SCC 0801 § 1, 1990.)

16.89.325 Annual Evaluation.

A. Commencing one year after the effective date of this chapter, and annually thereafter, the SHRA Director and Planning Director shall report to the Board on the status of the Fund.

B. The report shall include: (1) a statement of income to the Fund from all sources and a statement of expenses and disbursements, and other uses of the Fund; (2) a statement of the number of low income housing units constructed or assisted during that year and the amount of such assistance; (3) an evaluation of the efficiency and effectiveness of this chapter in mitigating the County's shortage of low income housing available to employees at the non-residential construction subject to this chapter; (4) recommendations of any changes to this chapter necessary to carry out its purposes, including any adjustments necessary to the fee (beyond the annual revisions done pursuant to Section 16.89.715(b)) appropriate in light of changes in the supply of low income housing, the cost of housing, the characteristics of employment, or other factors. Any such recommended changes in fee levels or coverage shall be accompanied by a supplemental nexus report. This report shall contain the findings required by [Government Code](#) Section 66001(d). (SCC 1686 § 4, 2022; SCC 0801 § 1, 1990.)

Article 4 Housing Fee Requirement

16.89.400 Payment of Fee as a Condition of Issuance of a Building Permit.

There is hereby established, levied and imposed a housing fee on the development of real property in the unincorporated territory of the County of Sacramento. No building permit shall be approved to construct, expand, improve or remodel structures on real property designed to be used for a non-exempt use type designated in Article 8 unless the housing fees for that property are paid as required by this chapter or the fee is inapplicable according to the terms of Article 5. For each development site composed of a single parcel of land/or multiple parcels in common ownership, the housing fee shall be paid by the building permit applicant to the Building Permits and Inspection Division, in an amount calculated using the following formula:

$$(S \times U) + (EF \times (U - ET)) - (D \times ET) = F$$

where:

S = Gross square feet of new non-residential buildings or structures, or additions thereto that are proposed to be constructed by the building permit for which application has been made.

EF = Gross square feet of non-residential buildings or structures in existence at the time the application is made that are proposed to be improved or remodeled by the building permit requested, and for which footage a housing fee either has been previously paid (if a building permit for the building or structure was issued after the effective date of this chapter) or would have been paid (if a building permit for the building or structure was issued prior to the effective date of this chapter).

U = Applicable housing fee per square foot by use type for the proposed new non-residential construction (as pertains to either new or existing buildings or structures), as determined by the Chief Building Inspector or the Planning Director by application of Articles 7 and 8, or by the Planning Commission by application of Article 6.

ET = Applicable housing fee per square foot by use type for the non-residential construction in existence at the time the application is made (as determined for "U") for which use a housing fee either has been paid (if a building permit was issued for the existing building or structure after the effective date of this chapter), or for the use types most recently occupying the building or structure for which a housing fee would have been paid (if a building permit was issued for the existing building or structure prior to the effective date of this chapter).

D = Gross square feet of non-residential buildings or structures either recently removed or to be removed from the development site in conjunction with the building permit application. Only buildings or structures previously removed by authorized demolition, authorized removal, accidental destruction, or natural disaster may qualify for this credit provided that the prior removal has occurred no earlier than one year prior to the filing of the building permit application. "D" shall be presumed to be zero unless the applicant presents substantial evidence with the filing to the Chief Building Inspector indicating the floor area and most recent use of the building or structure to be removed or previously removed by accident or authorized demolition or relocation, and, in cases of demolition or removal, has obtained or made application to obtain a valid demolition permit or a permit to move the building or structure to another site; and

F = Total Housing Fee to be paid.

Whenever "ET" is greater than "U" as a result of a proposed change in use type reducing potential employment density, the second term of the formula shall be considered to be zero rather than negative. Whenever "F" is calculated to be a negative number as a result of a non-residential building demolition or removal from the site, the Total Housing Fee shall be zero. For a case in which maintaining the continuity of employment requires that demolition be postponed until after construction of the new non-residential building on the site, the Director shall have the authority to give credit for the pending demolition in computation of the housing fee for the new building.

(SCC 1686 § 5, 2022; SCC 0903 § 4, 1992; SCC 0801 § 1, 1990.)

Article 5 Applicability of the Housing Fee Requirement

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16.89.500 Applicability.

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This chapter shall apply to new non-residential construction, including, but not limited to, any addition or interior remodeling of any non-residential building or structure which either would add additional square feet to that building or structure, or would result in change of use type listed in Article 8, or both. This chapter shall apply to mixed or combined use construction. (SCC 1686 § 6, 2022; SCC 1603 § 4, 2016; SCC 0903 § 6, 1992; SCC 0801 § 1, 1990.)

16.89.505 Exemptions.

The following are exempt from the requirements of this chapter:

A. Construction which is the subject of Development Agreements currently in effect with the County of Sacramento, or of Disposition Agreements, Owner Participation Agreements, or Memoranda of Understanding with the Redevelopment Agency of the County of Sacramento, approved prior to the effective date of this ordinance, only where such agreements or memoranda specifically preclude the fees which would otherwise be imposed by this chapter; or

B. Any non-residential construction located on property owned by the United States of America or any of its agencies, the State of California, the County of Sacramento, public school districts, or other special purpose local government agencies, with the exception of such property not used exclusively for federal, state, or local governmental or educational purposes; or

C. Activities not requiring a building permit; or

D. In cases of extreme hardship, duly established by the applicant presenting substantial evidence to the Board, whereupon the Board, acting by resolution in its legislative capacity, may grant an exemption from any or all of the provisions of this chapter if it makes all of the following determinations: (1) Special circumstances of the proposed construction (and not generally applicable to other construction) justify the grant of the exemption, so that the same determination would be appropriate for any applicant facing similar circumstances; and (2) The construction would not be objectively feasible without the modification in the fee; and (3) A specific and substantial financial hardship would occur if the exemption were not granted; and (4) No alternative means of compliance are available which would be more effective in attaining the purposes of this chapter than the relief requested;

E. The issuance of building permits for which a complete application was filed with the Building Permits and Inspection Division prior to the effective date of the ordinance first adding this chapter; or

F. Agricultural buildings, barns, greenhouses, stables (not part of an equestrian facility), storage, on-site packing buildings, or roadside crop sale buildings 1,500 square feet or less in size. This does not include buildings used for public assembly, event center/banquet hall and agritourism uses (i.e. wineries, craft breweries, equestrian facilities); or

G. Construction not exceeding 1,000 gross square feet which is determined by the Planning Director to be suitable solely for a specific use that will generate no increase in employment; or

- H. Self Service Auto Wash; or
- I. Automobile Storage; or
- J. Recreational Vehicle Storage; or
- K. Mini-Storage Building; or
- L. Private Parking Garage; or
- M. Places of Worship or Other Religious Institutions; or
- N. Private Social Center, Social Club, Fraternal Hall/Lodge or non-profit membership organizations;
or
- O. Boat Dock, Berths or Launches; or
- P. A use operated by a nonprofit organization that provides food storage, meal service, or temporary shelter to the homeless; or
- Q. A use operated by a nonprofit organization that provides essential services (such as medical or emergency care) without cost to the recipient and serves primarily low-income households. (SCC 1686 § 6, 2022; SCC 0903 § 7, 1992; SCC 0801 § 1, 1990.)

Article 6 Appeal

16.89.600 Appeal.

An applicant may file an appeal of the determination made by the Chief Building Inspector or the Planning Director of the “U” or “ET” factor of that applicant’s proposed non-residential construction pursuant to Section [16.89.710](#). The applicant must file an appeal with the Secretary of the Planning Commission within ten days of the date the applicant is notified in writing of the “U” and “ET” factors of the fee. Such an appeal shall be heard by the Project Planning Commission, which may grant or deny the appeal. The appeal shall be applied for in the manner prescribed in, and be considered by the Project Planning Commission at a noticed public hearing governed by Title 1 of the Zoning Code, and shall be subject to the fee applicable to the appeal of a Planning Director’s decision as established by resolution by the Board of Supervisors. (SCC 0903 § 8, 1992; SCC 0801 § 1, 1990.)

16.89.605 Application.

The application for an appeal shall include financial and other information that the Planning Director determines is necessary for staff to perform an independent evaluation of the applicants’ rationale for the appeal and shall be a matter of public record. (SCC 0801 § 1, 1990.)

16.89.610 Standards.

No appeal shall be granted to an applicant unless the Commission finds in writing that:

A. The fee determined by the application of Section [16.89.400](#) and [16.89.715](#) is not reasonably related to the need for low income housing associated with the proposed non-residential construction for the use type determined to be appropriate by the Chief Building Inspector or the Planning Director in accord with Article 8; or

B. The non-residential construction is proposed to be built for and suitable solely for a specific use involving few or no employees. (SCC 1686 § 7, 2022; SCC 0903 § 9, 1992; SCC 0801 § 1, 1990.)

16.89.615 Conditions and Expiration.

The grant of the appeal may specify a reduced fee, a higher fee, no fee, or appropriate conditions applicable to such construction. Any appeal granted under this section shall not apply to the issuance of any building permit other than those requested by and described in the building permit application that is the subject of the appeal. (SCC 0903 § 10, 1992; SCC 0801 § 1, 1990.)

Article 7 Administration

16.89.700 Applicability to Special Permits and Other Projects.

Compliance with this chapter shall also be made a condition of approval of each County special permit, permit or rezoning approving a non-residential use or uses listed in Article 8. (SCC 0801 § 1, 1990.)

16.89.705 Application Procedures for Building Permits Subject to This Chapter.

An application for a building permit for any non-residential construction subject to the provisions of this chapter shall not be deemed complete unless the application contains: (1) a statement of the number of gross square feet of non-residential construction proposed to be constructed, added or remodeled and the number of gross square feet of non-residential buildings or structures to be or previously removed that are subject to the requirements of this chapter, together with documentation sufficient to support the application; and (2) the previous and intended use or uses for the non-residential buildings or structures by gross square feet. (SCC 1686 § 8, 2022; SCC 0903 § 11, 1992; SCC 0801 § 1, 1990.)

16.89.710 Determination of Fee.

A. The Chief Building Inspector shall: (i) determine the amount of the “U” and “ET” factors of the fee (except as provided in paragraph C of this section); (ii) inform the applicant of those per square foot amounts in writing; (iii) determine the “S” and “EF” factors, (iv) calculate the total fee; (v) collect the fee; and (vi) transmit it to the Fund.

B. In determining the amount of the “U” and “ET” factors the Chief Building Inspector or the Planning Director, as provided by this section, shall utilize Article 8 to: (i) relate the intended use of the non-residential construction to a land use category in Section [16.89.715](#), and identify the resulting fee per square foot; or (ii) identify the use as exempt.

C. Whenever the intended use category is uncertain, the Planning Director shall determine the appropriate amount of the “U” and “ET” factors, based on the potential employment density and impact on low income housing demand associated with the proposed use. In the case of large, mixed-use development projects (defined as the simultaneous construction of one or more structures with different uses), the Planning Director may utilize the land use categories in Section 16.89.715 and the use types in Article 8 to create a mixed fee to be collected for all building permits in the project. In that case, the mixed fee shall be designed to approximate the revenue which would have been collected had the fees been determined for each individual structure. The Planning Director shall inform the Chief Building Inspector of its determination of the “U” and “ET” factors. (SCC 1686 § 8, 2022; SCC 0903 § 12, 1992; SCC 0801 § 1, 1990.)

16.89.715 Housing Fee.

A. The Housing Fee listed in this subdivision in effect at the time the building permit is to be issued shall be used to calculate the total housing fee payable prior to issuance of such building permit.

Housing fee

Land Use Category	Land Use Category Abbreviation	Fee per Gross Square Foot of Building or Structure
Office	O	\$ 3.00
Hotel	H	\$ 3.00
Research and Development	R	\$ 2.00
Commercial	C	\$ 2.00
Manufacturing	M	\$ 1.00
Warehouse	W	\$ 1.00

B. The fees set forth in this section, including the maximum amount of the fee, shall be adjusted annually based upon a weighted blend of the Engineering News-Record Construction Cost Index, McGraw Hill Consumer Index, local home prices, and rents. Following each adjustment, the County shall publish an updated fee schedule. (SCC 1695 § 1, 2022; SCC 1686 § 8, 2022; SCC 0903 § 13, 1992; SCC 0801 § 1, 1990.)

16.89.716 Processing Fees.

The Building Permits and Inspection Division shall collect a processing fee from each applicant for a building permit for non-residential construction subject to this chapter to administer the Housing Trust Fund Ordinance. This fee or fees shall be established by a Board of Supervisors’ resolution. (SCC 1686 § 8, 2022; SCC 0807 § 1, 1990; SCC 0801 § 1, 1990.)

16.89.720 Building Permit Expirations, Renewals, and Refunds.

A. In the event a building permit for non-residential construction, issued without compliance with this chapter, expires pursuant to the County Buildings and Construction Code before such work may be commenced or recommenced, a new permit shall be obtained to do so, and such permit shall be issued only if the fees required by this chapter are paid.

B. In the event a building permit for non-residential construction, whether issued before or after the effective date of this chapter, is sought to be renewed pursuant to the County Building and Construction Code, such permit may be renewed only if any new or additional fees in effect on the date of issuance of the renewed permit is paid.

C. In the event a building permit for non-residential construction expires pursuant to the County Building and Construction Code, a claim for refund may be filed by the applicant who paid the fee with the Director of Public Works within one year of the date of expiration of the permit. Such a claim shall be granted, whereupon some or all of the amount previously paid, excluding the processing fee, shall be refunded to that applicant, or his or her written designee, on a prorated basis determined by the associated use types and the percentage of the gross square footage of buildings or structures which cannot be used or occupied without the issuance of a subsequent non-residential permit subject to this chapter. Such a refund shall not be granted until the Department of Public Works verifies that the building permit is void. (SCC 0903 § 14, 1992; SCC 0801 § 1, 1990.)

Article 8 Use Types

16.89.800 Determination of Use Types.

The following specific use types shall be utilized by the Chief Building Inspector and the Planning Director to determine what land use category in Section 16.89.715 the Building Permits and Inspection Division shall use to determine the housing fee to be paid prior to the issuance of a particular building permit for non-residential construction. The land use categories were determined by the Nexus Report and are based upon the estimated employee density and potential effect on the demand for low income housing associated with the use types.

“Office” encompasses the full range of office uses from financial and professional services sectors to medical and dental offices, including outpatient medical facilities.

“Retail/commercial” includes retail, restaurants, dry cleaners, health clubs and other personal care and service uses that commonly occupy retail space. This category also includes all institutional and social care uses that are not exempt per Section 16.59.505 and all “Commercial Uses” listed in the Zoning Code use tables that are not classified under the use table subcategories of office, financial institution, lodging, or vehicle related uses.

“Hotel/Lodging” covers the range from full service hotels to limited service accommodations, such as, resorts and farm stays.

“Industrial/Manufacturing” covers a broad range of manufacturing and processing uses; vehicle related uses (auto repair and service, service stations, and vehicle sales); and a range of other uses of an industrial or semi-industrial character. This also includes Agritourism/Rural Commercial uses such as agricultural sales and services, wineries/special craft breweries, and other rural commercial or agritourism uses as listed in the “Agricultural Use” category of the Zoning Code that are located on lands designated as Agricultural or Agricultural Residential. Does not include agricultural buildings and uses exempt under Section 16.59.505.

“Research and Development (R&D)” covers facilities for scientific or medical research, product design, prototype production, development and testing, and data centers.

“Warehouse”, or large structures primarily devoted to storage and logistics activities, typically with a small amount of office space. (SCC 1686 § 9, 2022; SCC 0903 § 15, 1992; SCC 0801 § 1, 1990.)

Article 9 Land/or Air Rights

16.89.900 Land/or Air Rights in Lieu of Fee.

The Board may permit an applicant for a building permit for nonresidential construction subject to this chapter to dedicate air rights or land to the County in lieu of payment of the fee required by this chapter. Such land/or air rights shall be suitable for development of housing eligible for the Housing Trust Fund assistance as provided in Article 3. Such air rights or land shall be dedicated or irrevocably offered for dedication to the County. The fair market value of such land/or air rights shall be equal to or greater than the amount of the fee otherwise required under Section 16.39.400. (SCC 0801 § 1, 1990.)

16.89.905 Administration of Land/or Air Right Dedication.

An applicant for a building permit for nonresidential construction subject to this chapter who elects to proceed under Section 16.89.900 in lieu of payment of a fee under Section 16.89.400 shall apply to the Board for a certificate of in lieu housing impact fee payment. The application shall describe the proposed land/or air rights to be dedicated, the factors which render the land/or air rights suitable for use for Housing Trust Fund purposes, an independent appraisal of the fair market value of the property, and an irrevocable offer of dedication of such land/or air rights or an equivalent document. The Board shall conduct an evaluation of the application including a second appraisal if appropriate.

Upon a determination by the Board that the proposed dedication meets the requirements of Section 16.89.900, the Board may issue a certification of in lieu of impact fee payment. After verification of compliance with the certificate, the Public Works Department shall accept such certificate as the required compliance with this chapter. (SCC 0801 § 1, 1990.)

Contact:

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