



City of Sacramento Law and Legislation Committee

COMMITTEE MEMBERS:

LAUREN HAMMOND, Chairperson (D-5)

Patti Bisharat
Government Affairs

SANDY SHEEDY (D-2)
Councilmember

Yvette Rincon
Legislative Analyst

STEVE COHN (D-3)
Councilmember

ROBBIE WATERS (D-7)
Councilmember

City Hall
915 I Street
First Floor Council Chambers
May 4, 2006
12:30 P.M.

The Law and Legislation Committee is a Standing Committee, a permanent committee of the City Council, established to consider subjects of particular class.

Its purpose is to review proposed legislation, revisions to existing legislation, proposed city ordinance, and revisions to existing ordinances in order to make recommendation to the full City Council.

NOTICE IS HEREBY GIVEN that the Sacramento City Council will conduct concurrent meetings with the Council Committee(s) listed on this agenda which is incorporated herein by reference. The Special Meeting(s) are called to permit members who are not on the listed committees to attend the meetings and participate in the discussion. In the event five (5) or more members of the City Council are present at a committee meeting, only those items listed on the agenda can be acted upon or discussed.

All meetings will be held at the date, time and place indicated; and the subjects to be considered and acted upon shall be those as listed on the agenda. The numbered items listed on the agenda are a brief description of business to be transacted or discussed; the recommendations of the staff as shown, do not prevent the committee from taking other action.

This agenda may be amended up to 72 hours prior to the meeting being held. An Agenda is located in the posting cabinet on the I Street side of City Hall. Any item not addressed at this meeting may be continued, by motion, to a future afternoon or evening meeting.

Meeting facilities are accessible to persons with disabilities. Please notify the City Clerk's office at (916) 808-7200 at least 48 hours prior to the meeting if you require special assistance to participate in the meeting. The meeting is archived and accessible along with other meeting information on the City's website.

**Law and Legislation Committee
Agenda**

CALL TO ORDER

ROLL CALL

Consent Calendar

All items listed on the consent calendar are considered and acted upon by one motion. A member of the legislative body or staff may request an item be removed for separate consideration.

1.0 Approval of April 18, 2006 Minutes

RECOMMENDATION: Approve April 18, 2006 Minutes

2.0 Law and Legislation Log

RECOMMENDATION: Approve legislative log

Staff Reports

Each speaker is limited to a maximum of 3 minutes.

3.0 Proposed Legislation Relating to Minimum Wage Increases: SB 1162 and AB 1835

RECOMMENDATION: Discussion and direction on a City position.

4.0 AB 1556 Relating to the California Delta Trail

RECOMMENDATION: Adopt a support position on AB 1556.

5.0 AB 2465 Relating to Pedestrian-Bicyclist Safety; Vehicles; and School Zone Fines

RECOMMENDATION: Adopt a support position on AB 2465.

6.0 Proposed Firearm Legislation: AB 352, AB 2521, and SB 1545

RECOMMENDATION: Adopt a support position on AB 352, AB 2521, and SB 1545.

7.0 Northgate Boulevard Master Plan, Land Use Recommendations

RECOMMENDATION: Approve City code amendments and forward to full Council.

Citizens Addressing Council (Matters not on the Agenda)

Each speaker is limited to a maximum of 3 minutes.

7.0 To be announced

Adjournment

8.0 To be announced

LAW AND LEGISLATION COMMITTEE
Preliminary Calendar
As of April 25, 2006

DISCLAIMER: The following information is tentative as to dates and subjects.

Tuesday, May 16, 2006

AB 777 Relating to Tax Credits and Motion Picture Production – **City Manager's Office**
AB 2923 Relating to Graffiti – **Code Enforcement**
SB 1008 Relating to Enterprise Zones – **SHRA**
AB 2987 Cable & Video Service – **City Manager's Office**
Ordinance Amending Code Relating to Temporary Construction Zones- **Transportation**
Administrative Corrections to Implement New Specialty Construction Appeals Board - **DSD**

Thursday, June 8, 2006

Mobile Food Vendor Ordinance – **Finance**

Tuesday June 20, 2006

Amend City Code Regarding Animal Control – **General Services Dept.**
Solid Waste Facility Fee – **Utilities Department**

PENDING ORDINANCES/REPORTS:

Report Back on Contract Standards – **Finance/Procurement Department**
Report Back on Representation of Neighborhood Associations - **Development Svcs/NSD**
Contractual Conflict of Interest of City Employees – **Finance Department**
Drug & Gun Free Zones and Creation of Civil Exclusion - **Police**
Report Back on City-wide Sign Ordinance - **Development Svcs**
Illegal Dumping Vehicle Impound Ordinance – **Utilities Department**
Housing Trust Fund Nexus Study - **Development Svcs**
Amend Ordinance Regarding Reward Program – **Utilities Department**
Amend Tree Ordinance – **Parks & Rec**
Public Financing of Campaigns – **City Clerk**
Report Back on Rental Inspection Pilot Program – **Code Enforcement**
Report Back on City Infill Housing Project – **Development Svcs**
Amend Ordinance Relating to Recycling Centers – **Development Svcs**
Discussion paper on Truancy/Daytime Curfew for Teens – **Police Department**
Discussion paper on Trespassing Ordinance – **Code Enforcement & Police**
Amendments to Update Development Services Code – **Development Svcs**
Alcohol Use Permit Processing Ordinance – **Police Department**
Amendments to Marina Ordinance – **Convention Culture & Leisure**
R Street Urban Design Plan and SPD Amendments - **Development Svcs**
Front yard Landscaping – **Code Enforcement**
Ordinance to Regulate Valet Parking – **Transportation Dept.**



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REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

Consent
May 4, 2006

Honorable Members of the
Law and Legislation Committee

Subject: Approval of Minutes – April 18, 2006

Location/Council District: All

Recommendation: Approve the minutes for the Committee meeting of April 18, 2006.

Contact: Yvette Rincon, Legislative Analyst - 808-5827

Presenters: None

Department: City Manager's Office

Division: Legislative Affairs

Organization No: 0300

Summary: Staff is recommends the approval of the minutes for the Committee meeting of April 18, 2006.

Committee/Commission Action: None.

Financial Considerations: None.

Environmental Considerations: None.

Policy Considerations: None.

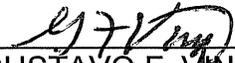
Emerging Small Business Development (ESBD): None.

Respectfully Submitted by:



Yvette Rincon, Legislative Analyst

Recommendation Approved:



GUSTAVO F. VINA
Assistant City Manager

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City of Sacramento Law and Legislation Committee MINUTES

COMMITTEE MEMBERS:

LAUREN HAMMOND, Chairperson (D-5)

Patti Bisharat
Government Affairs

SANDY SHEEDY (D-2)
Councilmember

Yvette Rincon
Legislative Analyst

STEVE COHN (D-3)
Councilmember

ROBBIE WATERS (D-7)
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City Hall
915 I Street
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April 18, 2006
12:30 P.M.

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**Law and Legislation Committee
MINUTES**

CALL TO ORDER - 12:40pm

ROLL CALL – All Present

Consent Calendar

All items listed on the consent calendar are considered and acted upon by one motion. A member of the legislative body or staff may request an item be removed for separate consideration.

1.0 Approval of April 4, 2006 Minutes

RECOMMENDATION: Approve April 4, 2006 Minutes

ACTION: Moved/Seconded/Carried (Sheedy/Hammond) approval of April 4, 2006 minutes.

2.0 Law and Legislation Log

RECOMMENDATION: Approve legislative log

ACTION: Moved/Seconded/Carried (Sheedy/Hammond) approval of legislative log

Staff Reports

Each speaker is limited to a maximum of 3 minutes.

3.0 SB 1404 Vehicles, Parking Violations, Street Cleaning.

RECOMMENDATION: Adopt an oppose position on SB 1404.

ACTION: Moved/Seconded/Carried (Waters/Cohn) approval of oppose position on SB 1404.

4.0 AB 32 Relating to Greenhouse Gas Emissions

RECOMMENDATION: Adopt a support position on AB 32.

ACTION: Moved/Seconded/Carried (Cohn/Sheedy) approval of support position on AB 32.

5.0 SB 1319 Relating to Homeless Dumping

RECOMMENDATION: Adopt a support position on SB 1319.
ACTION: Moved/Seconded/Carried (Sheedy/Hammond) approval of support position on SB 1319.

Citizens Addressing Council (Matters not on the Agenda)

Each speaker is limited to a maximum of 3 minutes.

6.0 To be announced

Adjournment

7.0 Adjourned – 12:48pm

Legislation Log

									25-Apr-06
Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date 1	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion 2	City Departments Possibly Affected		
				NEW OR UPDATED ITEMS					
1	Ordinance to Regulate Valet Parking Operations	DOT/Howard Chan	pending	Any valet parking operator who performs valet parking services at a restaurant or other place of public assembly will be required to have a valet parking permit.	TBD	TBD	DOT		
2	Admin Corrections to Specialty Construction Appeals Board	DSD/Karl Hefner	16-May-06	Staff will bring forward administrative corrections to help implement the new specialty construction appeals board.	No	Limited	DSD		
				SCHEDULED LAW & LEG ITEMS					
3	Amend Code Relating to Temporary Construction Zones	Transportation/ Parking/ Howard Chan	16-May-06	Amend Section 10.36.140 of Title 10 of City Code to delete the use of the cumbersome portable construction signs in favor of a monthly hangtag to improve staff efficiency and provide better customer service.	Unlikely	Moderate	Trans		
4	Mobile Food Vendor Ordinance	CM Tretheway/ Aaron Chong	8-Jun-06	The Law & Leg Committee heard a report on February 7, 2006 regarding revising the existing ordinance to address regulation of Mobile Food Vendor industry including hours of operation, locations, etc. The Committee directed staff to report back with a proposed ordinance that addressed a number of issues.	Potentially Yes	Moderate	Finance/Dev Svcs/Code		
5	Amend City Code related to Animal Control	CM Sheedy/DGS/ Hector Cazares	20-Jun-06	Amend City Code regarding: dog leash length and barking dog and anti-breeding citations and fees.	Yes	Limited	DGS		

1 Reflects atty drafting time only not time required for the leg. process, incl. staff direction, public outreach, comm. meetings, wkshps, formal noticed public hearings req. for adoptions.
 2 Limited =<10 hrs, Moderate =10-40 hrs, Sig. => 40 hrs

Legislation Log

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date ¹	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion ²	City Departments Possibly Affected
6	Solid Waste Facility Fee/ Host Benefit Fee	General Svcs/Harold Duffy	20-Jun-06	Ordinance to mitigate potential impacts to a geographic area relative to locating a solid waste facility. The Law & Leg Committee heard a staff report on this issue on November 4, 2004 and directed staff to get input from an advisory committee and report back to the L&L Committee with recommendations on fees.	To be Determined	To be Determined	Solid Waste/ Dev Svcs
7	Front yard Landscaping Ordinance	NSD/Max Fernandez	June/July	Amend City Code related to front yard landscaping to allow maintained garden vegetation. Committee directed staff to return with more restrictive language.	Possibly	Moderate	Dev Svcs / NSD
8	Update on Rental Inspection Program Pilot	L&L Committee/Code	Fall 06	At the meeting of January 17, 2006 the Law & Leg Committee requested a report back on the Rental Inspection Pilot Program after six months.	No	Not Applicable	Code
9	Report Back on City Infill Housing Project	L&L Committee/DSD/ Luncinda Wilcox	September 2006	The Law & Leg Committee heard this item on 3/7/06 and requested a report back in six months on the status of the project to include the housing plans that have been approved to date.	No	N/A	DSD
10	Amend Tree Ordinance	Parks & Rec/Joe Benassini	Fall 2006	Amend the City's Tree Ordinance to add section to: allow assessment of fees; prohibit topping of trees; and amend the tree permit appeals process.	To be Determined	To be determined	Parks & Rec
11	Public Campaign Financing	CMO/Clerk	Winter 2006	Staff returning to committee, per City Council direction, to review what other cities do regarding qualifications on use of public funds for campaigns and oversight.	Yes	Moderate	CMO/Clerk
				LAW AND LEG COMMITTEE ORDINANCE & REPORTS - DATE PENDING			

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Legislation Log

	Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date ¹	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion ²	City Departments Possibly Affected
12	3.04.3	Contractual Conflict of Interest of City Employees	Finance	Pending	Amendment of code related to prohibition on city employees having a financial interest in a city contract.	No	Limited	Citywide
13	11.04.2	Establish Drug & Gun Free Zones and Creation of Civil Exclusion	Police/Sherri Scruggs	Pending	Subject heard by Committee on 12/7/04. Staff met with Portland DA and federal agencies to share information. CAO reviewing information provided. There are concerns regarding the differences in the Oregon and California state constitutions which could impact the ordinance. Staff will follow-up with a date to return to the committee.	Possibly	Significant	Police/CAO
14	1.2	Update on Sign Ordinance and Sign Program	CM Waters/Dev Svcs/ NSD	Pending	Development Svcs staff will meet with CM Waters to provide an update. Report presented to Committee in January 2004. Committee provided feedback and directed staff to report back. Staff is reviewing the issue and preparing its report back to the Committee.	Yes	Significant	Dev Svcs/ NSD
15	09.04.02	Illegal Dumping Vehicle Impound Ordinance	CM Hammond Utilities/Harold Duffy	Pending	Provide for seizure and impound for a specified time for vehicles involved in illegal dumping. Code and CAO working on options. Pending court decision.	Potentially Yes	Significant	Utilities/Code
16	05.05.02	Housing Trust Fund Nexus Study	Dev Svcs	Pending	Item heard by Council on April 18 as part of the Affordable Housing Workshop. Based on the recommendations by Council, staff will bring this item to L&L.	Possibly	To Be Determined	Dev Svcs
17	08.05.1	Amend Ordinance Relating to Reward Program	Waters/Utilities/ Harold Duffy	Pending	Amend ordinance relating to reward program to allow payment of reward at arrest and prosecution.	Unlikely	Limited	Utilities

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Legislation Log

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date ¹	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion ²	City Departments Possibly Affected
18	Report Back on Representation of Neighborhood Associations	CM Sheedy/DSD/NSD	Pending	On June 3, 2003 the Law & Leg Committee requested a report back regarding the noticing process and reliance on Neighborhood Associations that do not always represent a majority of residence on an issue. Staff will update the Neighborhood Assc. list and discuss options to public outreach.	To Be Determined	To Be Determined	DSD/NSD
19	Report Back on Contract Standards	CM Sheedy/Finance/Procurement	Pending	Law & Leg Committee heard a report on SB163 on 5/20/03. Report back requested on what contract standards the city currently uses, an evaluation of the proposed standards of SB163 and how they may help the city improve its standards and a recommendation from staff for other contracting standards we should apply in the City.	Potentially	To Be Determined	Finance
20	Amend Ordinance relating to Recycling Centers	CM Hammond/DSD	Pending	Address design guidelines for recycling cubicles (dumpsters), definition of recycling and developing siting criteria.	TBD	TBD	DSD
21	Truancy/Daytime Curfew for Teens	CM McCarty/Police	Pending	Research possible ordinance regarding truancy/daytime curfew for teens.	TBD	TBD	Police
22	Amendments to Development Svcs code	DSD/Julia McGinnis	Pending	An Ordinance amendment updating various sections of chapters 3, 5, 12, 16, and 18 of the City Code referencing City Engineer and Director of Public Works and adding a definition for City Manager's Designee	No	Limited	Dev Svcs
23	Amendments to Marina Code	CC&L/Michelle Hoppner	Pending	Amendments to the Marina Code to update and address administrative processes.	Yes	Moderate	CC&L

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Legislation Log

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date ¹	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion ²	City Departments Possibly Affected
24	Approved Alcohol Use Permits Processing	CM Hammond/ Police/Sherri Scuggs	Pending	Amend Chapter 17 of the City Code regarding deemed approved alcohol use permits processing. Heard by the Law & Leg Committee on 9/20/05. Directed staff to report back with draft ordinance in 120 days.	Possibly	To be determined	Police/Code
25	Amendments to R Street SPD	Dev Svcs/Tara Goddard	16-May-06	Amendments to R Street Special Planning District to Facilitate Development	To be Determined	To be Determined	Dev Svcs
26	Discussion Paper on a Trespassing Ordinance	CM Tretheway/ Code & Police / Max Fernandez	Pending	Amend ordinance relating to trespassing on private property.	Possibly	TBD	Code/Police

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REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

3.0

STAFF REPORT
May 4, 2006

Honorable Members of the
Law and Legislation Committee

Subject: Legislative Position: SB 1162 and AB 1835 Relating to Minimum Wage
Increases

Location/Council District: Citywide

Recommendation:

This report is for the Law and Legislation Committee's discussion and direction on a
City position on SB 1162 and AB 1835 relating to state minimum wage increases.

Contact: Yvette Rincon, Legislative Analyst, 808-5827

Presenters: Yvette Rincon, Legislative Analyst

Department: City Manager's Office

Division: Government Affairs

Organization No: 0310

Summary:

Councilmember McCarty requested that the City consider supporting SB 1162 and AB
1835. This report provides information on SB 1162 and AB 1835 relating to state
minimum wage increases.

Committee/Commission Action:

None.

Background Information:

Under existing law, the Industrial Welfare Commission is authorized to set a higher
minimum wage in accordance with a prescribed procedure that includes the selection of
wage boards to consider and make recommendations regarding wage issues. The
current minimum wage for all industries, as established by the commission, is \$6.75 per
hour as of January 1, 2002.

SB 1162 (Cedillo) Major Provisions

This bill would increase the minimum wage from \$6.75 to \$7.25 per hour, effective 60 days after enactment. It would again increase the minimum wage from \$7.25 to \$7.75 per hour on July 1, 2007. The minimum wage would be automatically adjusted every January 1 by an indexing method. The indexing method means the wage would be adjusted by the percentage of inflation that occurred during the previous year.

AB 1835 (Lieber) Major Provisions

This bill would increase the minimum wage to \$7.25 per hour effective July 1, 2007 and to \$7.75 per hour effective July 1, 2008. It would also provide for the automatic adjustment of the wage every January 1 based on the previous year's rate of inflation.

Before a state bill is analyzed by the policy committee staff, the author and the opponent of the bill are allowed to submit information to be included in the analysis. The following are comments submitted by both the proponents and opponents relating to increasing the minimum wage in California.

Proponents Comments

Supporters of SB1162 argue that California's current minimum wage has lost significant value since it was last raised. In January of 2006, the California Budget Project (CBP) reported that a full-time, single adult in California needs to earn \$12.44 per hour to cover the cost of basic necessities. Yet, without indexing, even if the minimum wage is increased \$1.00 by 2007, it will have fallen more than 10 cents behind its 2002 purchasing power.

According to a 2005 publication of the California Budget Project (CBP), "more than half the jobs in the California economy provide full-time, year round wages that are below twice the federal poverty level." A recent University of California, Berkeley study on jobs and wages in California, 2000 - 2005 shows the fastest area of net job growth has been in jobs that pay under \$12 per hour. The CBP states, "Forecasts suggest that for the coming decade and beyond, low-skill, low-wage jobs will continue to dominate the California economy. California policy makers must ensure that the workers in those jobs are able to provide their families with a decent standard of living."

The California Budget Project reports there are 1.4 million California workers earning at or near the state minimum wage. 58.1% are 25 years of age and older. 50.7% of the women and more than 69% of the men work 35 hours or more per week. Even though 32.1 % of the California workforce is Latino, 57.1 % of low wage workers are Latino.

According to a May 2004 report by the Center for Labor Research & Education at the University of California Berkeley, and the National Economic Development and Law Center, California families relying on publicly funded safety net programs, even though one or more family members work, cost the public over \$10 billion a year. Low-wage workers are relying on public assistance to make ends meet and, therefore, low-wage employers are essentially shifting their labor costs onto the public. The report notes that

if all workers in the state earned a minimum wage of \$ 8.00 per hour, public assistance program costs would be reduced by \$2.7 billion.

Once the highest, California's minimum wage is now the lowest on the West Coast. In 1998, by ballot initiative, the state of Washington indexed its minimum wage, and today it is \$7.63 per hour. In 2002, Oregon increased and indexed its minimum wage which is currently \$7.50 an hour. Alaska recently increased its minimum wage to \$7.15 an hour.

In 2006, CBP also reported that contrary to opponents' contention that an increase in the minimum wage would result in fewer jobs in low wage industries, such as food service and retail, employment in these sectors actually outpaced the average annual increase in total employment.

A 1998 Economic Policy Institute (EPI) study failed to find any systematic, significant job loss associated with minimum wage increases. In fact, following the most recent increases in the minimum wage, the low-wage labor market performed better than it had in decades (e.g., lower unemployment rates, increased average hourly wages, increased family income, decreased poverty rates). Studies of federal minimum wage increases, as well as studies by David Card and Alan Krueger of several state minimum wage increases also found no measurable negative impact on employment.

Finally, a recent Fiscal Policy Institute (FPI) study of state minimum wages found no evidence of negative employment effects on small businesses.

Supporters of SB 1162 state that many minimum wage workers in the hospitality industry must rely on "tips" to make ends meet, exposing them to unpredictable seasonal fluctuations in income. Meanwhile, the restaurant industry has seen a 158% increase in profits since 1968. They cite the California Restaurant Association's own publications showing the number of restaurants and the number of employees growing dramatically over the past ten years despite increases in the minimum wage.

The California Labor Federation, AFL-CIO, a co-sponsor of this bill argues that the impact of a raise in the minimum wage on the state budget would be an economic stimulus as workers spend their new disposable income on taxable merchandise and services. The costs to the state of increased wages will be offset by newly generated tax revenue and decreased use of public assistance programs.

The California Association of Public Authorities (CAPA) for In-Home Support Services (IHSS) notes that increasing the minimum wage would not only benefit IHSS workers but would generate higher federal financial participation in Public Authority Services.

Opponents Comments

Those opposed to SB 1162 state that it will make California home to the highest minimum wage rate in the country, hurting businesses already paying the highest energy costs and the highest workers' compensation premiums. Workers'

compensation and health care premiums, as well as other employment related taxes would also increase because they are affected by increases in payroll costs.

The California Restaurant Association (CRA) argues that automatic increases tied to inflation do not consider other economic factors, such as the strength of the job market, when it may not be advisable to increase wages. They believe that minimum wage increases should be subject to the public hearing process employed through the Industrial Wage Commission, not through the legislative process and certainly not through an automatic cost of living adjustment formula.

CRA states that since "back-of-the-house employees", like cooks and dishwashers may make slightly more than minimum wage, they won't benefit from the minimum wage increase. Only wait staff, paid minimum wage, will receive an increase and many of them often make \$15 to \$30 an hour in tips, alone.

Western Growers believe that an increase in the minimum wage would have a detrimental effect upon the agricultural industry. They argue that farmers operate with a small profit margin already and are unable to set the price received for their crops and that since farmers cannot pass any increase along to the consumer they would have to absorb the financial increase placed upon them.

Opponents contend that most of today's minimum wage earners are teenagers, young adults and adult women who are relatively unskilled, have limited work experience or work part time. Once these entry-level employees get a foot on the employment ladder, they'll find hard work and new abilities are quickly rewarded. The minimum wage should not be perceived or expected to provide a long-term wage solution for any employee.

The California Chamber of Commerce points out that SB 1162 would also affect the status of employees currently exempt from overtime provisions under California law, since the wage test requires that executive, administrative and professional employees must earn at least two times the state minimum wage for full time employment. This would increase an exempt employee's salary from \$28,080 to \$32,240 per year by 2008 and with indexing, increase employers' costs by an unknown amount each year thereafter.

Opponents contend that increasing the minimum wage will dramatically increase employer costs. In order to account for these unanticipated costs, employers will have no choice but to make cuts, resulting in a loss of jobs among the lowest paid.

Financial Considerations:

Currently, the City of Sacramento does not have any staff positions at minimum wage. If this bill is approved, the impact on the City will be minimal.

Environmental Considerations:

None.

Policy Considerations:

Supporting the increase of the minimum wage is a policy decision for the Law and Legislation Committee's consideration.

Emerging Small Business Development (ESBD):

None.

Respectfully Submitted by: 
Yvette Rincon, Legislative Analyst

Approved by: 
Patti Bisharat,
Director of Government Affairs

Recommendation Approved:


GUSTAVO F. VINA
Assistant City Manager

Table of Contents:

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Pg	24	AB 1835
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3.0 Proposed Legislation Relating to Minimum Wage Increase: SB 1162 and AB 1835

Attachments were too large to include, they are on file with the City Clerk's Office.



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
May 4, 2006

Honorable Members
of the Law & Legislation Committee

Subject: Legislative Position: Support Senate Bill 1556 – The California Delta Trail

Location/Council District: Citywide, All Council Districts

Recommendation:

Staff recommends that the Law and Legislation Committee: 1) Adopt a support position on Senate Bill 1556, authorizing development of the California Delta Trail; and 2) Initiate efforts to amend Senate Bill 1556 to include the east side of the Sacramento River and connections to other trail systems within the City of Sacramento limits.

Contact: Robert G. Overstreet, Parks and Recreation Director, 808 -1190
Lori Harder, Support Services Manager, 808-5172

Presenter: Jennifer Ragsdale, Administrative Officer, 808-1956

Department: Parks and Recreation

Division: Administration

Organization No: 4511

Summary:

This bill would require the Delta Protection Commission to establish a continuous recreation corridor, including a bicycle and hiking trail, around the perimeter of the Sacramento-San Joaquin Delta, linking the San Francisco Bay Trail System to present and future trailways in Contra Costa, San Joaquin, Solano, Sacramento and Yolo Counties. As currently drafted, the Trail/recreation corridor described in SB 1556 would include the west bank of the Sacramento River, north to the "I" Street Bridge.

Committee/Commission Action: None.

Background Information:

Senate Bill 1556 would require the Delta Protection Commission to plan an approximately 1,000 mile recreation corridor around the perimeter of the Sacramento-San Joaquin Delta, as defined in Water Code Section 12220. This new recreation opportunity will be called the California Delta Trail and would travel through Contra Costa, San Joaquin, Solano, Sacramento, and Yolo Counties. It will be required to relate to existing park and recreational facilities, existing and proposed public transportation facilities, and existing land and water trail systems, including the San Francisco Bay Trail System.

Currently, much of the Delta is inaccessible except by boat, or in some cases, by car. Delta Protection Commission surveys over the past 10 years have found that there are many unmet recreational needs for the Delta region, including trails for hiking and bicycling, facilities for wildlife observation and education, water sports access, bank fishing areas, and improved historic and cultural sites with interpretive information. The plan for the California Delta Trail would be submitted to the Legislature and each of the involved counties by July 1, 2008. The Delta Protection Commission unanimously supports SB 1556 because the Trail system will bring opportunities for regional recognition of the unique natural and cultural resources of the Sacramento-San Joaquin Delta.

Local transportation planning agencies are required by law to allocate funds in the local transportation fund for establishing and maintaining pedestrian and bicycle trails. The Metropolitan Transportation Commission is similarly authorized to allocate funds to establish a recreation corridor, including a bicycle and hiking trail, around the perimeter of the San Francisco and San Pablo Bays. This bill would authorize the transportation planning agencies that allocate funds to the cities and counties with jurisdiction or a sphere of influence within the Sacramento-San Joaquin Delta to allocate funds to the Delta Protection Commission for development of the Trail.

The California Delta Trail would provide new recreational opportunities and connect the region to many of the existing and planned trail systems developed by cities, counties, and recreation agencies in the region. In addition, the west bank of the Sacramento River north to the "I" Street Bridge is included in the development of this Trail. Similar plans for a recreation corridor on both the east and west sides of the Sacramento River are detailed in the *2003 Riverfront Master Plan*, which was accepted by the Cities of Sacramento and West Sacramento in July 2003.

Organizations formally supporting the SB 1556 include:

- California Parks and Recreation Society
- City of West Sacramento, California
- The Delta Protection Commission
- City of Pittsburg, California
- East Bay Regional Park District
- Audubon California

There has been no opposition to the bill registered as of this date.

Financial Considerations:

Senate Bill 1556 allows transportation planning agencies having jurisdiction within the Sacramento-San Joaquin Delta to allocate funds for plan development and program implementation for the California Delta Trail.

Environmental Considerations:

This activity does not constitute a "project" and is therefore exempt from the California Environmental Quality Act (CEQA), per CEQA Guidelines Sections 15061(B) and 15378(b)(3).

Policy Considerations:

During a joint meeting on July 31, 2003, the City Councils of Sacramento and West Sacramento accepted the *2003 Master Plan* as the vision for the future of the urbanized areas of the Sacramento Riverfront. On May 4, 2004, the City Council approved a work program for implementing the *2003 Master Plan*. The work program included the development of both sides of the Sacramento River as envisioned in the *2003 Master Plan*, as well as collaborative legislative efforts to secure funding.

As described in Senate Bill 1556, the California Delta Trail includes development of a recreation corridor along the west side of the Sacramento River. The City of Sacramento could work to amend SB 1556 during this legislative session to add development of a consistent recreation corridor on the east side of the Sacramento River, as well as connections to other trail systems within the City of Sacramento.

Emerging Small Business Development (ESBD):

Not applicable, as no goods or services are being purchased as part of this report.

Respectfully Submitted by: 
Robert G. Overstreet
Director of Parks and Recreation

Recommendation Approved:

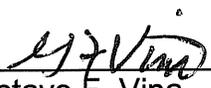

Gustavo F. Vina
Assistant City Manager

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May 4, 2006

The Honorable Tom Torlakson
Senate District 7
California State Senate
State Capitol, Room 4032
Sacramento, CA 95814

Support: Senate Bill 1556 – The California Delta Trail

Dear Senator Torlakson:

On behalf of the City of Sacramento, I am pleased to express the City's support of Senate Bill 1556 – The California Delta Trail. We must create innovative recreation access opportunities for our families and future generations to truly achieve sustainability and enhance livability in the Sacramento-San Joaquin Delta region. The California Delta Trail will be a tremendous step forward to accomplishing this goal.

The City of Sacramento is actively working to link innovative recreational opportunities with flood control solutions, brownfields site clean-up, alternative transportation choices, and habitat restoration along the east and west sides of the Sacramento River in downtown. The *2003 Riverfront Master Plan* is the vision for the future of the urbanized areas of the Sacramento Riverfront, as co-authored by the Cities of Sacramento and West Sacramento, Sacramento and Yolo Counties, and the Sacramento Area Flood Control Agency. As planned by the partnering jurisdictions, mixed-use neighborhoods, destination attractions, public gathering places, street circulation, bicycle/pedestrian connectivity, and new public recreation access points will become regional jewels on the Sacramento Riverfront. The Riverfront project will bring mixed-income housing for 30,000 new residents and 110,000 new jobs to the region.

We request your assistance in amending SB 1556 to include development of a recreation corridor on the east side of the Sacramento River to visually complement the west side recreation corridor constructed as part of the California Delta Trail.

Thank you for introducing this important piece of legislation.

Sincerely,

Lauren Hammond, Chair
Law and Legislation Committee

CC: Mayor Fargo and Members of the City Council
Senator Dave Cox
Senator Deborah Ortiz
Assembly Member Dave Jones
Assembly Member Alan Nakanishi
Assembly Member Roger Neillo

AMENDED IN SENATE MARCH 27, 2006

SENATE BILL

No. 1556

Introduced by Senator Torlakson
(Principal coauthor: Assembly Member Wolk)
(Coauthors: Senators Chesbro, Machado, and Ortiz)
(Coauthor: Assembly Member Jones)

February 23, 2006

~~An act to amend Section 99234 of the Public Utilities Code, and to add Chapter 12 (commencing with Section 5852) to Division 5 of the Public Resources Code; add Chapter 12 (commencing with Section 5852) to Division 5 of the Public Resources Code, and to amend Section 99234 of the Public Utilities Code, relating to parks and recreation, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1556, as amended, Torlakson. Parks: The Great California Delta Trail System.

Existing law establishes the Delta Protection Commission to preserve, protect, maintain, and enhance the Sacramento-San Joaquin Delta region's environmental resources and quality, including preserving and protecting agriculture, wildlife habitats, open spaces, outdoor recreational activities, public access, and use of public lands.

This bill would additionally require the Delta Protection Commission to establish a continuous recreation corridor, including a bicycle and hiking trail, around the perimeter of the Delta, as defined.

Existing law requires local transportation planning agencies to allocate funds *in the local transportation fund, as defined*, for establishing and maintaining pedestrian and bicycle trails, ~~and~~.

Existing law authorizes the Metropolitan Transportation Commission to allocate those funds to establish a recreation corridor, including a bicycle and hiking trail, around the perimeter of the San Francisco and San Pablo Bays.

This bill would authorize the transportation planning agencies that allocate those funds to the cities and counties with jurisdiction or a sphere of influence within the Delta, to ~~instead allocate these fund those funds~~ to the Delta Protection Commission for specified activities around the Delta.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature hereby finds all of the
2 following:
- 3 (1) The Great California Delta region is a wondrous state and
4 national treasure, with its natural resources and fertile soils for
5 agriculture, its access to recreation and science research, and its
6 rich history and beauty.
- 7 (2) The California Delta provides two-thirds of the state's
8 drinking and irrigation water, ~~which that~~ flows through the
9 Delta's over 1,000 miles of waterways, levees, and shoreline.
- 10 (3) The California Delta is of great ecological significance,
11 with its two most prominent waterways, the Sacramento and the
12 San Joaquin Rivers, carrying fresh water from the Sierra Nevada
13 Range and the Central Valley to the San Francisco Bay.
- 14 (4) The California Delta is a key part of the Pacific Flyway,
15 and its rich ecosystem serves as home to thousands of unique
16 birds, fish, animals, and plants, and is enjoyed by outdoor
17 enthusiasts, water-sport fans, hunters, fishermen and naturalists.
- 18 (5) The California Delta is a complicated and fragile system
19 ~~which that~~ needs the appreciation and protection of future
20 generations of Californians.
- 21 (6) The California Delta is characterized by its numerous
22 scenic waterways, levee-top roadways, historic towns, idyllic
23 marinas, and eucalyptus tree windrows.

1 (7) There are 22 public recreation areas in the Sacramento-San
2 Joaquin Delta region, with fishing, park day use facilities,
3 campgrounds, trails and boating access—~~which~~ *that* support
4 numerous recreational activities including boating, water skiing,
5 jet skiing, windsurfing, sailing, fishing, relaxing, hiking and
6 jogging, horseback riding, swimming, picnicking, and cycling.

7 (8) California is challenged by a growing obesity crisis and
8 state and local leaders must address the need for more
9 opportunities for exercise, movement, and recreation in public
10 settings.

11 (9) The Delta Protection Commission surveys have found that
12 there are unmet recreational needs in the Delta region, including
13 a trail for bicycling and hiking, around the perimeter of the
14 Sacramento-San Joaquin Delta.

15 (10) A ~~Bicycle~~ *bicycle* and pedestrian trail along the perimeter
16 would provide an important link between the people of California
17 and one of our most precious natural resources.

18 (11) A bicycle and pedestrian trail connecting the Delta
19 region, with adjacent areas, would provide a great link between
20 our fascinating Delta communities and foster a connection
21 between our rich histories and present challenges.

22 (b) The Legislature declares its support for the creation of a
23 California Delta Trail, linking the San Francisco Bay Trail
24 system to the present and future trailways around the ~~parameter~~
25 *perimeter* of the Delta, including but not limited to, the Delta's
26 shorelines in Contra Costa, San Joaquin, Solano, Sacramento and
27 Yolo counties.

28 SEC. 2. Chapter 12 (commencing with Section 5852) is
29 added to Division 5 of the Public Resources Code, to read:

30
31 CHAPTER 12. THE GREAT CALIFORNIA DELTA TRAIL SYSTEM

32
33 5852. "Delta" means the Sacramento-San Joaquin Delta, as
34 defined in Section 12220 of the Water Code minus the area
35 contained in Alameda County.

36 5853. "Commission" means Delta Protection Commission
37 as defined in Section 29721.

38 5854. (a) The Commission shall develop and adopt a plan
39 and implementation program, including a ~~financing~~ *finance and*
40 *maintenance* plan, for a continuous *regional* recreational corridor

1 that will extend around the perimeter of the Delta, including but
2 not limited to, the Delta's shorelines in Contra Costa, Solano,
3 San Joaquin, Sacramento and Yolo Counties. This plan shall
4 include a specific route of a bicycling and hiking trail, the
5 relationship of the route to existing park and recreational
6 facilities and *land and water* trail systems, and links to existing
7 and proposed public transportation facilities. The continuous
8 *regional* recreational corridor planned and executed pursuant to
9 this chapter shall be called the Great California Delta Trail.

10 (b) The Great California Delta Trail plan shall do all of the
11 following:

12 (1) Provide that designated environmentally sensitive areas,
13 including wildlife habitats and wetlands, shall not be adversely
14 affected by the trail.

15 (2) Provide for appropriate buffer zones along those portions
16 of the bikeway system adjacent to designated environmentally
17 sensitive areas *and areas with private uses, when appropriate.*

18 (3) Provide that the land and funds used for ~~trail construction~~
19 ~~and planning~~ *any purposes under this chapter* are not considered
20 mitigation for wetlands losses.

21 (4) Provide alternative routes to avoid impingement on
22 environmentally sensitive areas.

23 (5) Provide that no motorized vehicles, except to the extent
24 necessary for emergency services, be allowed on the trail.

25 (6) *Provide an alternate, non-motorized commute option for*
26 *Delta residents.*

27 (c) The Commission shall submit the plan to the Legislature
28 and each of the counties within the Commission's service area
29 not later than July 1, 2008.

30 5855. (a) The Commission shall establish a policy committee
31 *that shall provide oversight for the trail's planning,*
32 *implementation, and funding.* The committee shall include
33 members *and staff* of appropriate regional government
34 associations and environmental and recreation organizations.

35 (b) A cooperative working relationship shall be established
36 with state and federal agencies, and all other cities, counties,
37 districts, including school districts, and regional government
38 associations that are affected by the proposed trail.

39 (c) The Commission shall establish an advisory committee
40 representing groups concerned with environmental and

1 ecological protection of the Delta, groups representing
2 agricultural, private, and other business uses of the Delta's
3 surrounding land, and groups representing bicycling, *horseback*
4 *riding*, walking, boating, and other relevant recreational
5 activities.

6 SEC. 3. Section 99234 of the Public Utilities Code is
7 amended to read:

8 99234. (a) Claims for facilities provided for the exclusive use
9 of pedestrians and bicycles or for bicycle safety education
10 programs shall be filed according to the rules and regulations
11 adopted by the transportation planning agency.

12 (b) The money shall be allocated for the construction,
13 including related engineering expenses, of those facilities
14 pursuant to procedures or criteria established by the
15 transportation planning agency for the area within its jurisdiction,
16 or for bicycle safety education programs.

17 (c) The money may be allocated for the maintenance of
18 bicycling trails—~~which~~ *that* are closed to motorized traffic
19 pursuant to procedures or criteria established by the
20 transportation planning agency for the area within its jurisdiction.

21 (d) The money may be allocated without respect to Section
22 99231 and shall not be included in determining the
23 apportionments to a city or county for purposes of Sections
24 99233.7 to 99233.9, inclusive.

25 (e) Facilities provided for the use of bicycles may include
26 projects that serve the needs of commuting bicyclists, including,
27 but not limited to, new trails serving major transportation
28 corridors, secure bicycle parking at employment centers, park
29 and ride lots, and transit terminals where other funds are
30 unavailable.

31 (f) Notwithstanding any other provision of this section, a
32 planning agency established in Title 7.1 (commencing with
33 Section 66500) of the Government Code may allocate the money
34 to the Association of Bay Area Governments for activities
35 required by Chapter 11 (commencing with Section 5850) of
36 Division 5 of the Public Resources Code.

37 (g) Notwithstanding any other provision of this section, the
38 transportation planning agencies that allocate funds, pursuant to
39 this section, to the cities and counties with jurisdiction or a
40 sphere of influence within the Delta, as defined in Section 5852

1 of the Public Resources Code, may allocate the money to the
2 Delta Protection Commission for activities required by Chapter
3 12 (commencing with Section 5852) of Division 5 of the Public
4 Resources Code.

5 (h) Within 30 days after receiving a request for a review from
6 any city or county, the transportation planning agency shall
7 review its allocations made pursuant to Section 99233.3.

8 (i) In addition to the purposes authorized in this section, a
9 portion of the amount available to a city or county pursuant to
10 Section 99233.3 may be allocated to develop a comprehensive
11 bicycle and pedestrian facilities plan, with an emphasis on
12 bicycle projects intended to accommodate bicycle commuters
13 rather than recreational bicycle users. An allocation under this
14 subdivision may not be made more than once every five years.

15 (j) Up to 20 percent of the amount available each year to a city
16 or county pursuant to Section 99233.3 may be allocated to
17 restripe class II bicycle lanes.

18 SEC. 4. This act is an urgency statute necessary for the
19 immediate preservation of the public peace, health or safety
20 within the meaning of Article IV of the Constitution and shall go
21 into immediate effect. The facts constituting necessity are:

22 In order to permit the development of a continuous recreational
23 corridor around the perimeter of the California Delta, to provide
24 urgently needed recreational facilities at the earliest possible
25 time, and to allow the Delta Protection Commission sufficient
26 time to prepare the required plan, it is necessary that this act take
27 effect immediately.

O

SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Sheila Kuehl, Chair
2005-2006 Regular Session

BILL NO: SB 1556
AUTHOR: Torlakson
AMENDED: March 27, 2006
FISCAL: Yes HEARING DATE: March 28, 2006
URGENCY: Yes CONSULTANT: Marie Liu
SUBJECT: Parks: The Great California Delta Trail System.

Summary: This bill would require the Delta Protection Commission to develop and implement the Great California Delta Trail around the perimeter of the Delta.

Existing Law: Current law establishes the Delta Protection Commission in Section 29735 of the Public Resources Code. The Commission is charged with, among other things, reviewing and maintaining a resource management plan for land use within the primary zone of the Delta.

Section 5850 of the Public Resources Code directs the Association of Bay Area Governments (ABAG) to develop a plan and implementation program for a continuous recreation corridor around the perimeter of the San Francisco Bay and the San Pablo Bay. The plan was adopted by the ABAG Executive Board in July 1989.

Proposed Law: This bill would require the Delta Protection Commission (Commission) to plan a recreation corridor along more than 1,000 miles of Delta waterfront in Contra Costa, San Joaquin, Solano, Sacramento, and Yolo counties. The trail will be called the Great California Delta Trail. The trail is to relate to existing park and recreational facilities, existing and proposed public transportation facilities, and existing land and water trail systems, including the San Francisco Bay Trail System. The plan for

□

the Delta Trail is to be submitted to the Legislature and each of the involved counties by July 1, 2008.

SB 1556 would also allow transportation planning agencies having jurisdiction within the Delta to allocate funds for the development of the plan and for the implementation program for the Great California Delta Trail.

Arguments in Support: The author states, "Currently, much of the Delta is inaccessible except by boat, or in some cases, by car. Delta Protection Commission surveys over the past 10 years have found that there are many unmet recreational needs for the Delta region including trails for hiking and bicycling, facilities for wildlife observation and education, water sports access, bank fishing areas, and improved historic and cultural sites with interpretive information."

The Delta Protection Commission unanimously supported the efforts of this bill because the trail system will bring opportunities for regional recognition of the unique natural and cultural resources of the Delta. The Dangermond Group states, "[The Delta] is one of the most unique aquatic environments in the country but from a landside perspective it allows little opportunity for the public to even recognize its presence let alone appreciate its extraordinary recreation potential?[the Delta] is rapidly urbanizing and, as development occurs, opportunities for such an initiative will diminish."

Arguments in Opposition: None received.

Comments: (1) SAN FRANCISCO BAY TRAIL AS A MODEL - The author states that the vision for the Delta Trail was inspired by the San Francisco Bay Trail, which plans to create a continuous 500 mile path around the Bay that passes through 47 cities, passes through all nine Bay Area counties, and crosses seven toll bridges. According to a study commissioned by the ABAG Bay Trail Project and the California Coastal Conservancy, the Bay Trail is accessible within five miles of 54 cities. Over 75% of the Bay Area population lives within 20 miles of the Bay Trail. As of late 2005, slightly more than half of the Bay Trail has

□

been developed.

The development of the Bay Trail has been achieved with a mixture of financing and money from local government

14

general funds, Coastal Conservancy grants, and direct contributions from the Council of Governments.

SUPPORT:

Audubon California
California Park and Recreation Society
City of Pittsburg, CA
City of West Sacramento, CA
Discover the Delta Foundation
East Bay Regional Park District
Houseboats.com
Knightsen Town Advisory Council
Save Mt. Diablo
The Dangermound Group
The Delta Protection Commission
Greg Enholm, Ambrose Recreation & Park District Board member (individual)
Christine Ganser (individual)

OPPOSITION:

None received



5.0

REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
May 4, 2006

Honorable Members of the
Law and Legislation Committee

Subject: Assembly Bill 2465 – Pedestrian-bicyclist safety; vehicles; school zone fines.

Location/Council District: All Districts

Recommendation:

Support AB 2465 (Assembly Member De La Torre) which proposes to amend the following: Section 45452 of the Education Code, Section 1463.21 of the Penal Code and Section 42011 of the Vehicle Code. These amendments will expand the existing law in order to give authority to any city and/or county to establish a school pedestrian-bicyclist safety program to increase traffic violation fines within school zones.

Contact: Azadeh Doherty, Staff Aide, 808-3137

Presenters: Angela Bales, Program Analyst, Kate Binning, Program Specialist

Department: Transportation

Division: Engineering Services

Organization No: 3439

Summary: Existing law doubles the fine for misdemeanor traffic violations and increases the fine for other traffic infractions if the violation is committed within a designated school zone. Existing law authorizes only Alameda County, Santa Barbara County, Ventura County or any city within those counties to establish a school pedestrian-bicyclist safety program permitting increased traffic violation fines within school zones. Program adoption is subject to a vote of the city council or the county board of supervisors where appropriate. The revenues collected from these violations will be used to implement the pedestrian and bicyclist safety enhancements in school zones. Passage of this bill will give the City of Sacramento the flexibility to implement a similar program if deemed appropriate by the City Council. The City's Police Department supports AB 2465 and is willing to participate if the program is approved and implemented by the City Council.

Committee/Commission Action: None.

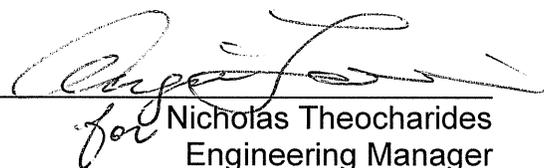
Background Information: The existing law will repeal the school pedestrian –bicyclist safety program by January 1, 2007. The amended bill will extend the expiration date of the program and allow any jurisdiction in California to adopt a program.

Financial Considerations: None at this time. If this bill is passed and the City of Sacramento chooses to implement this program, there will be some cost associated with the enforcement of this program. However, the costs are expected to be offset by the fine revenues generated by this program.

Environmental Considerations: This report is not considered a project and therefore has no environmental impact as stated by the California Environmental Quality Act (Section 15061 (b) (3)).

Policy Considerations: n/a

Emerging Small Business Development (ESBD): Not applicable. No goods or services are being purchased.

Respectfully Submitted by: 
for Nicholas Theocharides
Engineering Manager

Approved by: 
Jerry Way
Interim Director, Department of Transportation

Recommendation Approved:


GUSTAVO F. VINA
Assistant City Manager

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May 5, 2006

The Honorable Jenny Oropeza
Member, California State Assembly
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0055

**Subject: AB 2465 (De La Torre): Pedestrian-bicyclist Safety, vehicles,
school zone fines.**

Dear Assembly Member Oropeza:

On behalf of the City of Sacramento, I write in support of AB 2465. This legislation will expand the existing law in order to give authority to any city and/or county to establish a school pedestrian-bicyclist safety program to increase traffic violation fines within school zones.

I understand that adoption of this program is subject to a vote of a city council or a county board of supervisors where appropriate and the revenues collected from these violations will be used to implement the pedestrian and bicyclist safety enhancements in school zones. Passage of this bill will give the City of Sacramento the flexibility to implement a similar program if deemed appropriate by the City Council.

Thank you for your attention to the City of Sacramento's support of AB 2465.

Sincerely,

Lauren Hammond
Councilmember

cc: Senator Dave Cox
Senator Deborah Ortiz
Assembly Member Dave Jones
Assembly Member Alan Nakanishi
Assembly Member Roger Niello
Members of the City Council
League of California Cities
Emanuel and Jones

ASSEMBLY BILL

No. 2465

Introduced by Assembly Member De La Torre

February 23, 2006

An act to amend Section 45452 of the Education Code, to amend Section 1463.21 of the Penal Code, and to amend Section 42011 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2465, as introduced, De La Torre. Pedestrian-bicyclist safety: vehicles: school zone fines.

Existing law, in the case of specified violations relating to rules of the road and driving under the influence, doubles the fine in the case of misdemeanors, and increases the fine, as specified, in the case of infractions, if the violation is committed by the driver of a vehicle within a highway construction or maintenance area during any time when traffic is regulated or restricted by the Department of Transportation or local authorities pursuant to existing law or is committed within a designated Safety Enhancement Double Fine Zone.

Existing law authorizes Alameda County, Santa Barbara County, Ventura County, or any city within those counties, in collaboration with a school district within their jurisdiction, to establish a school pedestrian-bicyclist safety program by a vote of the city council, or the county board of supervisors, as appropriate. Existing law requires a city or county that adopts the program to promptly notify specified law enforcement agencies and requires the county treasurer to deposit the amount of the enhanced portion of the fine in a special account in the county treasury to be used exclusively to pay for the cost of school pedestrian-bicyclist safety programs administered as provided.

Existing law repeals those provisions on January 1, 2007.

This bill would expand the authority to establish a school pedestrian-bicyclist safety program to any city, county, or city and county.

The bill would also delete the repeal date of the program and related provisions of law.

By expanding the authority to adopt a pedestrian-bicyclist safety program to any city, county, or city and county, and extending the date on which those entities may establish a program indefinitely, the bill would increase the duties of a county treasurer and would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 45452 of the Education Code is
2 amended to read:
3 45452. (a) ~~The County of Alameda, the County of Santa~~
4 ~~Barbara, the County of Ventura, or any city within any of these~~
5 ~~counties.~~*A city, county, or city and county*, in collaboration with
6 ~~local~~ school districts within those jurisdictions, may establish a
7 school pedestrian-bicyclist safety program and receive funds
8 from a special account in the county treasury established
9 pursuant to Section 1463.21 of the Penal Code if those funds are
10 used to fund programs that enhance the safety of ~~students~~ *pupils*
11 traveling to and from school on foot or by bicycle. Any funds
12 obtained by a city ~~or~~, county, *or city and county* from ~~this source~~
13 ~~are that special account shall be used~~ to supplement any funds
14 already expended by that ~~agency~~ *city, county, or city and county*
15 for pedestrian or bicycle safety programs and may not be used to
16 supplant any existing expenditures for those purposes.

1 (b) If a program is established pursuant to subdivision (a) and
2 the services of a law enforcement agency are requested by the
3 program administrator, those services shall be provided by the
4 law enforcement agency having primary traffic investigative
5 authority.

6 ~~(c) This section shall remain in effect only until January 1,~~
7 ~~2007, and as of that date is repealed, unless a later enacted~~
8 ~~statute, that is enacted before January 1, 2007, deletes or extends~~
9 ~~that date.~~

10 SEC. 2. Section 1463.21 of the Penal Code is amended to
11 read:

12 1463.21. (a) Notwithstanding Section 1463.001, out of
13 moneys deposited with the county treasurer pursuant to Section
14 1463.001, the enhanced portion of the fine imposed pursuant to
15 Section 42011 of the Vehicle Code shall be deposited in a special
16 account in the county treasury which shall be used exclusively to
17 pay for the cost of school pedestrian-bicyclist safety programs
18 administered in accordance with Section 45452 of the Education
19 Code by a city or, county, or *city and county* that has adopted in
20 *which* Section 42011 of the Vehicle Code *is applicable*.

21 ~~(b) This section shall remain in effect only until January 1,~~
22 ~~2007, and as of that date is repealed, unless a later enacted~~
23 ~~statute, that is enacted before January 1, 2007, deletes or extends~~
24 ~~that date.~~

25 SEC. 3. Section 42011 of the Vehicle Code is amended to
26 read:

27 42011. (a) For any offense specified in subdivision (b) that is
28 committed by the driver of a vehicle under either of the following
29 conditions, the fine in a misdemeanor case shall be double the
30 base amount otherwise prescribed, not including any penalty
31 assessments or other fees or additions, and in an infraction case,
32 the fine shall be one category higher than the penalty otherwise
33 prescribed by the uniform traffic penalty schedule established
34 pursuant to Section 40310, not including any penalty assessments
35 or other fees or additions:

36 (1) When passing a school building or the grounds thereof, if
37 the building or grounds are contiguous to a highway and posted
38 with a standard "SCHOOL" warning sign and an accompanying
39 sign notifying motorists that increased penalties apply for traffic
40 violations that are committed within that school zone, and

1 children are going to or leaving the school either during school
2 hours or during the noon recess period.

3 (2) When passing any school grounds that are not separated
4 from the highway by a fence, gate, or other physical barrier while
5 the grounds are in use by children, and the highway is posted
6 with a standard “SCHOOL” warning sign and an accompanying
7 sign notifying motorists that increased penalties apply for traffic
8 violations that are committed within that school zone.

9 (b) A violation of any of the following provisions is an offense
10 that is subject to subdivision (a):

11 (1) Article 3 (commencing with Section 21450) of Chapter 2
12 of Division 11, relating to obedience to traffic devices.

13 (2) Chapter 3 (commencing with Section 21650) of Division
14 11, relating to driving, overtaking, and passing.

15 (3) Chapter 4 (commencing with Section 21800) of Division
16 11, relating to yielding the right-of-way.

17 (4) Chapter 6 (commencing with Section 22100) of Division
18 11, relating to turning and stopping and turn signals.

19 (5) Chapter 7 (commencing with Section 22348) of Division
20 11, relating to speed limits.

21 (6) Chapter 8 (commencing with Section 22450) of Division
22 11, relating to special traffic stops.

23 (7) Section 23103, relating to reckless driving.

24 (8) Section 23104, relating to reckless driving which results in
25 bodily injury to another.

26 (9) Section 23109, relating to speed contests.

27 (10) Section 23152, relating to driving under the influence of
28 alcohol or a controlled substance, or a violation of Section
29 23103, as specified in Section 23103.5, relating to alcohol-related
30 reckless driving.

31 (11) Section 23153, relating to driving under the influence of
32 alcohol or a controlled substance, which results in bodily injury
33 to another.

34 (12) Section 23220, relating to drinking while driving.

35 (13) Section 23221, relating to drinking in a motor vehicle
36 while on the highway.

37 (14) Section 23222, relating to driving while possessing
38 marijuana or an open alcoholic beverage container.

39 (15) Section 23223, relating to being in a vehicle on the
40 highway while possessing an open alcoholic beverage container.

1 (16) Section 23224, relating to being a driver or passenger
2 under the age of 21 years possessing an open alcoholic beverage
3 container.

4 (17) Section 23225, relating to being the owner or driver of a
5 vehicle in which there is an open alcoholic beverage container.

6 (18) Section 23226, relating to being a passenger in a vehicle
7 in which there is an open alcoholic beverage container.

8 (c) (1) This section applies ~~only in Alameda County, Santa~~
9 ~~Barbara County, Ventura County, or in a city or county in any of~~
10 ~~these counties, and only if that jurisdiction has adopted this~~
11 ~~section by a vote of the respective city council or county board of~~
12 ~~supervisors, as appropriate votes to implement this section.~~

13 (2) The increased fines authorized by subdivision (a) may only
14 be imposed and collected once per offense notwithstanding the
15 fact that the offense occurred within more than one jurisdiction
16 all of which have ~~adopted~~ *voted to implement* this section.
17 Furthermore, no increased fine shall be imposed if an increased
18 fine is imposed under Section 42009 or 42010 because the
19 offense occurred within a highway construction or maintenance
20 area or safety enhancement area.

21 (d) ~~Any~~ *A* city or county that ~~adopts~~ *votes to implement* this
22 section shall promptly notify the California Highway Patrol and
23 the law enforcement agency having the primary traffic
24 investigative authority of that fact.

25 (e) ~~This section shall remain in effect only until January 1,~~
26 ~~2007, and as of that date is repealed, unless a later enacted~~
27 ~~statute, that is enacted before January 1, 2007, deletes or extends~~
28 ~~that date.~~

29 SEC. 4. If the Commission on State Mandates determines that
30 this act contains costs mandated by the state, reimbursement to
31 local agencies and school districts for those costs shall be made
32 pursuant to Part 7 (commencing with Section 17500) of Division
33 4 of Title 2 of the Government Code.

O



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

6.0

STAFF
May 4, 2006

Honorable Members of the
Law and Legislation Committee

Subject: Legislative Position: Support 1) AB 352 relating to the microstamping of firearms, 2) AB 2521 relating to increased accountability for federal firearms licensees (FFL), and 3) SB 1545 relating to increased penalties for felons carrying firearms.

Location/Council District: Citywide

Recommendation:

Staff recommends that the Law & Legislation Committee adopt a support position on the following firearm-related bills: AB 352 (microstamping), AB 2521 (federal firearms licensees), and SB 1545 (felons with firearms).

Contact: Kimberly Riley, Administrative Officer, 433-0826
Genna Tanner, Administrative Technician, 433-0823

Presenters: Kimberly Riley, Administrative Officer

Department: Police

Division: Office of the Chief

Organization No: 2111

Summary:

This report provides information on the following 3 legislative bills pertaining to firearms:

- A. AB 352, authored by Assembly Member Koretz and co-authored by Assembly Members Klehs, Pavley, Ridley-Thomas, and Yee, would impose a microstamping requirement for all unsafe handguns manufactured after January 1, 2009.
- B. AB 2521, authored by Assembly Member Jones and co-authored by Assembly Members Cohn, Koretz, and Leno, authorizes the California Department of Justice (DOJ) to create a centralized list of exempt FFLs and place certain responsibilities on federally licensed firearms dealers and exempt FFLs, as specified.
- C. SB 1545, authored by Senator Poochigian and co-authored by Senators Battin, Cox, and Margett and Assembly Members Benoit, Bogh, Cogdill, Daucher,

DeVore, Shirley Horton, Karnette, La Suer, Mountjoy, Nakanishi, and Spitzer, would impose a sentence of 10 years in the state prison for carrying a concealed or loaded firearm if the person has previously been convicted of a felony and certain other convictions or circumstances exist, as specified.

Committee/Commission Action: None

Background Information:

A. AB 352 (Koretz):

Under existing law, unsafe handguns are defined by failing to pass certain tests, or lacking certain features, as specified. Existing law requires the submission of handguns by manufacturers for determining if the handguns are unsafe, as specified.

Major Provisions:

AB 352 requires the definition of an unsafe handgun to be expanded, thus providing all newly designed semiautomatic pistols, sold in California after January 1, 2009, to have a microscopic array of characters that could identify the make, model, and serial number of the pistol. The characters must be etched onto the pistol's internal working parts, such as the firing pin. The characters on the new semiautomatic handgun will be transferred onto each cartridge case when the handgun is fired. Commencing January 1, 2009, no handgun may be submitted for the testing absent the microscopic array of characters.

B. AB 2521 (Jones):

Existing law allows persons holding a federal firearms license to either obtain a verification number from the Department of Justice when delivering, transferring, or selling a firearm to another federal firearms licensee in California, or show proof of exemption from local licensing requirements. Violation of these provisions is a misdemeanor.

In addition, the existing law requires a person who as a dealer, importer, manufacturer, or collector of firearms hold a federal firearms license, and whose licensed premises are within the state, to provide a copy of the license to the Department of Justice, as specified. A violation of these provisions is an infraction.

Major Provisions:

AB 2521 would remove the option of showing proof of exemption from local licensing and would require a FFL to obtain a unique verification number from the California Department of Justice (DOJ) before delivering a firearm to a FFL in California beginning July 1, 2008. DOJ would then determine if an exemption applies, as specified. This bill would expand the use of the verification number

for certain purposes and violation of these provisions would be punishable as a misdemeanor.

This bill would also require DOJ to maintain a centralized list of exempt federal firearms licensees (CLEFFL) as of January 1, 2008, and would set forth requirements for dealers to be included on the CLEFFL. Commencing January 1, 2008, the DOJ would be allowed to assess an annual fee upon those licensees for purposes of maintaining the list and for other enforcement and compliance costs, and licensees may not import or receive firearms unless they are listed on the CLEFFL or exempted firearms manufacturers. A violation of that requirement would be punishable as a misdemeanor.

Finally, this bill would require certain records be kept for specified periods of time by the exempted federal licensees. A violation of those provisions would be punishable as a misdemeanor.

History

AB 2521 is a revised version of AB 754, which was vetoed by Governor Schwarzenegger on October 7, 2005. The Governor expressed concern about the creation of duplicative requirements on the state level, since federal authorities already have the ability to check transactions between federally licensed firearms dealers.

After the California Attorney General's Office met with the Governor to address his concerns, this current version of the bill, AB 2521, was revised accordingly. The bill's author added language to ensure the FFLs maintain a California Certificate of Eligibility to possess and/or receive firearms in the state. They also added a requirement for DOJ to work with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to ensure the FFLs are not subject to duplicative regulations or inspections.

C. SB 1545 (Poochigian):

Existing law makes it an offense to carry a concealed firearm, as specified. Existing law imposes various penalties for this offense, based on prior criminal history and other circumstances.

Major Provisions:

Under SB 1545, upon conviction of carrying a concealed or loaded firearm by a person prohibited from possessing a firearm because of a previous felony conviction, a person shall be punished by an additional and consecutive term of 10 years in state prison if any of the following circumstances are met.

- (1) The offender was previously convicted of any one of the following: (a) felonious possession of a firearm (b) felonious controlled substance charge (c) felonious assault or battery of a peace officer (d) violent felony (e) felony

gang offense that violates PC 186.22 (Participation in Criminal Street Gang);
or

- (2) If, at the time of the offense for carrying a concealed or loaded firearm, any of the following occurred: (a) offender was on probation, parole, free on bail, awaiting sentencing, or subject to a felony arrest warrant (b) offender possessed a controlled substance (c) offender feloniously assaulted or battered a peace officer by means other than a firearm.

Financial Considerations:

These bills would not result in any costs to the City; however, the following costs are applicable:

- A. As a result of AB 352 (Koretz), manufacturers will incur modest costs to adopt the new technology. If the cost of the technology is passed on to the customer, it is expected to be less than one percent of the cost of the handgun.
- B. AB 2521 (Jones) would authorize, commencing January 1, 2008, the DOJ to assess an annual fee upon licensees for purposes of maintaining the CLEFFL and for other enforcement and compliance costs.
- C. No financial considerations are applicable to SB 1545 (Poochigian).

Environmental Considerations: None

Policy Considerations:

These bills are consistent with the City of Sacramento's goal to improve and expand public safety.

- A. AB 352 (Koretz): Time is of the essence in criminal investigations; thus, the ability to identify the legal owner of a semi-automatic pistol as quickly as possible is imperative to law enforcement's investigative efforts to locate a starting point and to then trace the possession of the firearm to the suspect.
- B. AB 2521 (Jones): There is a growing problem with illegal firearms trafficking throughout the state of California; this bill will hopefully provide the necessary tools to counter that growth, and permit the Department of Justice to track gun shipments into California and monitor businesses that are licensed as FFLs but not as licensed California gun dealers. Additionally, the creation of a centralized list of all FFLs will assist the DOJ in monitoring gun sales, which will hopefully assist with the control of illegal firearms trafficking.
- C. SB 1545 (Poochigian): A national FBI study from 1995 to 2004 reveals approximately two-thirds of all on-duty law enforcement officers killed with firearms were killed by felons. It is imperative we provide the necessary tools to prosecute dangerous and repeat felons posing a threat to law enforcement and society at large. It is clear we must act now to protect our peace officers.

Emerging Small Business Development (ESBD): Not applicable

Respectfully Submitted by: Kimberly Riley
Kimberly Riley
Administrative Officer

Approved by: Albert Nájera
Albert Nájera
Chief of Police

Recommendation Approved:

Gustavo F. Vina
Gustavo F. Vina
Assistant City Manager

Ref: COP 4-19

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6.0 Proposed Firearm Legislation: AB 352, AB 2521, and SB 1545

Attachments were too large to include, they are on file with the City Clerk's Office.



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

7.0

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
May 4, 2006

Honorable Members of the
Law and Legislation Committee

Subject: Northgate Boulevard Master Plan, Land Use Recommendations (M03-191)

Location/Council District: Northgate Boulevard between Rosin Court and Garden Highway/Council District 1

Recommendation: The Development Services Department and the City Planning Commission recommend that the Law and Legislation Committee recommend approval of the attached City Code amendments and forward to City Council.

Contact: Susanne Cook, Associate Planner, (916) 808-5375
Tom Pace, Senior Planner (916) 808-6848

Presenters: Susanne Cook, Associate Planner, (916) 808-5375

Department: Development Services

Division: Planning Division

Organization No: 4827

Summary: The proposed ordinance would amend sections 17.24.020, 17.24.030, 17.24.050, 17.28.020, 17.28.030 and various sections of Chapter 17.100 of Title 17 of the Sacramento City Code (the Zoning Code) relating to The Residential Mixed Use (RMX) Zone and The Northgate Special Planning District. The proposed ordinance would also amend Chapter 17.100 of Title 17 of the Sacramento City Code to expand the boundaries of The Northgate Boulevard Special Planning District by 8.85± acres. The purpose of these amendments is to simplify the code and to support the community's vision for a pedestrian friendly street environment, re-investment along the existing corridor, additional opportunities for housing, and beautification and modernization of the boulevard to better serve the surrounding neighborhoods.

Amendments to the RMX and
Northgate Special Planning District
(M03-191)

Committee/Commission Action:

The Planning Commission hearing to discuss the proposed amendments was held on April 13, 2006. The Planning Commission voted to recommend approval to the City Council.

Background Information:

Northgate Boulevard is an older South Natomas commercial corridor that is the primary retail area for the Gardenland and Northgate neighborhoods. It is presently a four-lane major arterial that stretches from Patio Avenue to the north to Garden Highway to the south. The corridor is characterized by small, shallow parcels and has a high concentration of auto-related commercial uses.

The eastern side and portions of the western side of Northgate Boulevard are within the Northgate Boulevard Special Planning District (SPD). This SPD, adopted in June 1989, establishes land use development standards for commercial properties along the corridor. The purpose of the SPD is to recognize the area as one requiring unique guidance to revitalize commercial areas, protect viable residential sites, and to limit commercial development to those properties that front Northgate Boulevard that have historically had commercial zoning. The SPD is included in the South Natomas Community Plan for implementing policies to revitalize Northgate Boulevard.

Northgate Boulevard Special Planning District Ordinance Amendments: The amendments to the Northgate Boulevard Special Planning District include simplifying the language in the ordinance through deletion and clarification and adding language to support the community's vision for the corridor. Amendments to the Northgate Boulevard Special Planning District chapter include:

1. Allowed and Prohibited Uses: Separating the allowed and prohibited uses for both the RMX and the C-2 zones. Generally, uses allowed outside of the SPD would be allowed inside the SPD. The amendments to the prohibited uses within the SPD include several new uses: auto sales, RV mobile home sales yard, RV storage (commercial), check cashing center/facility, pawn shops, and money lenders.
2. Height and area regulations: Specifying the height, minimum yard, and open space requirements for both the RMX and the C-2 zones. The amendments will include different requirements from what is currently specified in the SPD. Specifically, the amendments include:
 - a. The height limit would be higher for buildings in the RMX zone with the exception of buildings located 100 feet or less from R-zoned lots.
 - b. The front yard, street side yard, and interior side yard setback will be less than what is required for both RMX and C-2 zones.

Amendments to the RMX and
Northgate Special Planning District
(M03-191)

3. Density: Specifying density requirements for the RMX zone will be what is existing outside of the SPD with the exception that in the Northgate Boulevard SPD, density could be increased with a Planning Commission special permit.
4. Open space: Adding an open space requirement to the SPD for either residential or residential portion of mixed use projects.
5. Parking and Circulation: Requiring that parking shall be located at the rear for mixed-use developments.
6. Design standards: Explaining that the SPD is within the Expanded North Area Design Review District and is subject to provisions of the design review district.

Changes also include replacing all references to the Zoning Administrator with “design review authority” to reflect that design would be reviewed by design review rather than the zoning administrator.

The existing SPD limits the type of wording allowed on signs. This was eliminated as the City cannot require the type of wording allowed or prohibited on signs.

Finally, the amendments include prohibiting cabinet signs.

RMX Zone Amendments: The amendments to the RMX zone include removing existing inconsistencies within Title 17. Specifically, amendments to the RMX zone include:

1. Land use charts: Adding footnote 75 to the RMX zone for apartments use. Deleting footnote 7 from the RMX zone for barber/beauty shop, copy shop, dance/music/voice/martial arts school, and diet center/tanning center.
2. Footnotes: Footnote 8 has been amended so that a zoning administrator special permit for alternative ownership housing projects apply to four or fewer lots and that a planning commission special permit for alternative housing types is required for projects comprised of five or more lots. Footnote 8 has also been amended to indicate that this applies to all areas within the city and in all zones.

Footnote 69 has been amended to indicate that with this particular footnote, the use is allowed in the RMX zone.

3. RMX Chapter: Clarifying that new nonresidential development in the RMX zone would apply to lots greater than 3,200 square feet in area and limited to the ground floor only (where nonresidential development would occur).

Amendments to the RMX and
Northgate Special Planning District
(M03-191)

Financial Considerations: None.

Environmental Considerations:

Staff has determined that the project, as proposed, will not have a significant impact to the environment; therefore, a Mitigated Negative Declaration has been prepared. In compliance with Section 15070(B)1 of the California Environmental Quality Act Guidelines, the Applicant has incorporated mandatory mitigation measures into the project plans to avoid identified impacts or to mitigate such impacts to a point where clearly no significant impacts will occur. These mitigation measures address Biological, Noise, and Cultural Resources.

The Mitigated Negative Declaration was available for public review during the period of Monday, October 24, 2005 through Wednesday, November 16, 2005. No comments were received during the public review period.

Policy Considerations:

General Plan: There are a few goals in the City of Sacramento's General Plan that support the project. These goals include: "Promote a variety of housing types within neighborhoods to encourage economic diversity and housing choice." (GP 3.10-13); "Promote mixed use development of neighborhood/community commercial districts through new construction and revitalization." (GP 4-17); "Increase the use of the pedestrian mode as a mode of choice for all areas of the city." (GP 5-28)

The City General Plan establishes policy to "Promote the rehabilitation and revitalization of existing commercial centers" (GP 4-17), "allow mixed use development" (GP 4-18), "promote the development of mixed use local commercial/office and high density residential projects" (GP 4-18), and "encourage mixed use developments to generate greater pedestrian activity." (GP 5-28).

In addition, the adopted Vision and Guiding Principles for the City General Plan Update includes principles that support this project. These include "focus higher density developments and mixed-use projects in areas adjacent to transit stations, along transit corridors and commercial corridors, near job centers, and in strategic opportunity areas throughout the city", "promote livable and well-designed neighborhoods that are walkable and complete, with a mix of uses and services to support improved health and the needs of families, youth, seniors, and a growing population", "locate and design buildings, streetscapes, and public spaces that contribute to walkable neighborhoods", "promote strategic development of vacant, underutilized, and infill land, especially along transportation and commercial corridors to improve the city's economic outlook", and "focus investment and revitalization in distressed neighborhoods."

Smart Growth Principles – City Council adopted a set of Smart Growth Principles in

Amendments to the RMX and
Northgate Special Planning District
(M03-191)

December 2001 to promote growth or sustain existing development that is economically sound, environmentally friendly, and supportive of community livability. The proposed project is consistent with the Smart Growth Principles in that it will help to promote a mix of land uses, create a range of housing opportunities and choices, foster walkable, close-knit neighborhoods, promote distinctive, attractive communities with a strong sense of place, and to concentrate new development and target investments within an existing community to allow for efficient use of existing facilities.

Sacramento Area Council of Governments (SACOG) Blueprint -- The proposed project is also consistent with the SACOG Blueprint in that this proposal encourages walking by creating a more pedestrian friendly environment and a mix of uses.

Emerging Small Business Development (ESBD):

No goods or services would be purchased under this report.

Respectfully Submitted by: 
Steve Peterson, Principal Planner

Approved by: 
Carol Shearly, Planning Director

Recommendation Approved:

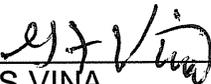

GUS VINA
Assistant City Manager

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Redlined

ORDINANCE NO.

Adopted by the Sacramento Council

AN ORDINANCE AMENDING SECTIONS 17.24.020, 17.24.030, 17.24.050, 17.28.020, 17.28.030, AND VARIOUS SECTIONS OF CHAPTER 17.100 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO THE RMX ZONE AND THE NORTHGATE SPECIAL PLANNING DISTRICT (M03-191)

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

SECTION 1. Section 17.24.020 Residential Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The matrix for “apartments” set forth in Table 17.24.020 A is amended to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-5	RMX	RO	OB
Apartments*						75	75	75	75	75	75	69 /75	75	

B. Except as specifically amended for the uses indicated, all other provisions of section 17.24.020 and Table 17.24.020 A remain unchanged and in full force and effect.

SECTION 2. Section 17.24.030 Commercial Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The matrix for “Barber, beauty shop” set forth in Table 17.24.030 A is amended to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-5	RMX	RO	OB
Barber, beauty shop											7	7 /69		64/18

B. The matrix for “Copy shop” set forth in Table 17.24.030 A is amended to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-5	RMX	RO	OB
Copy shop											7	7 69		64/18

C. The matrix for “Dance, music, voice, martial arts school” set forth in Table 17.24.030 A is amended to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-5	RMX	RO	OB
Dance, music, voice, martial arts school											7	7 69		

D. The matrix for “Diet center, tanning center” set forth in Table 17.24.030 A is amended to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-5	RMX	RO	OB
Diet center, tanning center											7	7 69		18

E. Except as specifically amended for the uses indicated, all other provisions of section 17.24.030 and Table 17.24.030 A remain unchanged and in full force and effect.

SECTION 3. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows;

A. Footnote 8 of section 17.24.050 is amended to read as follows:

8. Alternative Ownership Housing Types.

a. Special Permit Required. A zoning administrator special permit is required for alternative ownership housing projects located within the central city and in the C-1 and C-2 zone city-wide, comprised of four (4) or fewer lots. A planning commission special permit is required for alternative ownership housing projects located outside the central city in zones other than C-1 and C-2, comprised of five (5) or more lots. The special permit process will include review of setbacks, lot coverage, and the

overall design of the project, the unit design, and the design of any accessory structures or features, as defined in subsections (8)(b) and (8)(c) of this section. In approving a special permit, the planning commission and zoning administrator shall have the authority to vary setback and lot coverage requirements.

b. Design. The proposed site development plan must integrate structures, common and private open spaces, pedestrian and vehicular circulation, parking, and other site features so as to produce a development that provides for all desirable residential features and environmental amenities. Further, the proposed development shall not adversely affect the existing or proposed future development of the surrounding areas.

c. Accessory Structures. Accessory structures and uses are those designed and constructed for the exclusive use of the residents of the project, including recreational facilities, such as a playground, swimming pool, or clubhouse, and service facilities, such as garages, carports, parking areas, laundry facilities and other similar accessory features.

d. Limitation on Use in M-1, M-1 (S), M-2, and M-2(S) Zones. In the M-1, M-1(S), M-2, and M-2(S) zones, this use may be permitted only with a planning commission special permit and only where located on a ~~parcel~~ lot within a quarter-mile radius of a light rail station (measured from the center of the platform, as determined by the planning director, to the edge of the ~~parcel~~ lot closest to the station).

B. Footnote 69 of section 17.24.050 is amended to read as follows:

69. Development in the RMX Zone.

This use is allowed in the RMX zone subject toSee Chapter 17.28 of this title.

C. Except as specifically amended by the amendment to footnote 8 and 69, all other provisions of section 17.24.050 remain unchanged and in full force and effect.

SECTION 4. Section 17.28.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.28.020 Use regulations.

A. ~~The following uses are permitted as a matter of right in the RMX zone:~~Except as provided in subsection (B), below, sections 17.24.020, 17.24.030, 17.24.040 and 17.24.050 shall govern the uses in the RMX zone.

B. The following use is allowed subject to a special permit:

1. Restaurant or coffee house greater than six thousand four hundred (6,400) square feet in area. Residential (single and two family houses, apartments, condominiums, townhomes);

~~2. Bed and breakfast inn;~~

~~3. The following commercial uses, provided that on sites greater than three thousand two hundred (3,200) square feet in area, such commercial uses shall be limited to the ground floor only, and not exceed fifty (50) percent of the building square footage:~~

~~a. Appliance repair shop,~~

~~b. Art gallery,~~

~~c. Athletic club, fitness center,~~

~~d. Bakery or bakery goods store,~~

~~e. Bank, savings and loan,~~

~~f. Barber, beauty shop,~~

~~g. Book, stationery store,~~

~~h. Clothing store,~~

~~i. Convenience market (see also Section 17.24.050(34) of this title),~~

~~j. Dry cleaners, laundry agency,~~

~~k. Diet center, tanning center,~~

~~l. Florist,~~

~~m. Food store, grocery/deli,~~

~~n. Jewelry, gift store,~~

~~o. Laundromat,~~

~~p. Medical office or clinic,~~

~~q. Offices,~~

~~r. Photography studio,~~

~~_____ s. Prescription pharmacy, optician,~~

~~_____ t. Restaurant or coffee house having not more than six thousand four hundred (6,400) square feet in area,~~

~~_____ u. Shoe repair,~~

~~_____ v. Somatic practitioner,~~

~~_____ w. Travel agency,~~

~~_____ x. Tutoring center.~~

~~_____ B. The following uses are allowed subject to a special permit:~~

~~_____ 1. Child care center (pursuant to Section 17.24.050(52) of this title);~~

~~_____ 2. Church and allied facilities;~~

~~_____ 3. Residential care facility;~~

~~_____ 4. Nonresidential care facility;~~

~~_____ 5. Residential hotel—SRO;~~

~~_____ 6. Residential or mixed use structures over thirty-five (35) feet in height (not to exceed forty-five (45) feet);~~

~~_____ 7. Restaurant or coffee house greater than six thousand four hundred (6,400) square feet in area;~~

~~_____ 8. Room and boarding house;~~

~~_____ 9. School—public, private, nonprofit.~~

SECTION 5. Section 17.28.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.28.030 Development standards.

~~_____ Notwithstanding the provisions of Chapter 17.60 of this title, Height and Area Regulations, the following development standards shall apply~~

~~A. Building Height. Building heights in the RMX zone shall not exceed thirty-five (35) feet, however, the planning commission shall have the authority to issue a special permit for a residential or residential mixed-use building up to forty-five (45) feet in height.~~

~~B. Nonresidential Development Limitations.~~

~~1. For new development in the RMX zone, ground-floor on lots greater than three thousand two hundred (3,200) square feet in area, commercial or and office uses are limited to the ground floor only and may occupy up to a maximum of fifty (50) percent of the building square footage.~~

~~2. For new development in the RMX zone on lots having three thousand two hundred (3,200) square feet or less in area, commercial and office uses are limited to the ground floor only and may occupy up to a maximum of fifty (50) percent of the building square footage on sites greater than three thousand two hundred (3,200) square feet in area.~~

~~1. Exception—Parcels of Three Thousand Two Hundred Square Feet or Less in Size. On properties having three thousand two hundred (3,200) square feet or less in area, the ; provided, that the percentage of commercial or office use may be increased up to one hundred (100) percent of the building square footage, subject to approval of a zoning administrator's special permit.~~

~~2. Exception—Conversion of Architecturally or Historically Significant Structure to Commercial/Office. 3. An architecturally or historically significant structure of any size may be converted entirely to commercial or office uses, subject to approval of a zoning administrator's special permit, in order to ensure preservation and maintenance of the structure. The intent of this provision is to make structural repair and restoration economically viable, and ensure the community's continued benefit from the preservation of the significant structure.~~

~~3. Exception—Buildings Occupied by Community or Neighborhood-Based Organizations. 4. The percentage of nonresidential use may be increased up to one hundred (100) percent of the building square footage if the building is occupied by a community or neighborhood-based nonprofit organization, subject to approval of a zoning administrator's special permit.~~

CB. Off-Street Parking Reduction.

Notwithstanding the provisions of Chapter 17.64 of this title related to off-street parking and Chapter 17.184 related to transportation systems management for new nonresidential development, for new mixed-use projects which incorporate both residential and neighborhood-serving commercial retail or service uses, listed in Section 17.28.020(A)(3) of this chapter, the zoning administrator may reduce or waive up to fifty (50) percent of the required off-street parking requirement for the ground-floor commercial retail or service uses, subject to a zoning administrator's special permit. The

special permit may only be granted if a finding can be made that the parking reduction or waiver will not be detrimental to the surrounding neighborhood, and that sufficient on-street parking is available.

DC. Noise Standards.

As some sites zoned RMX (or other zones where residential uses are permitted) may be located on heavily-traveled streets or near railroad lines or freeways, certain noise attenuation measures must be incorporated into the building design. Accordingly, the building design of all new residential structures within an area of the city above sixty (60) dB Ldn shall incorporate the following construction standards in order to reduce interior noise levels:

1. All penetrations of exterior walls shall include a one-half inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.
2. The roof shall be finished with a minimum seven-sixteenths inch OSB or plyboard of equivalent surface weight, minimum thirty (30) lb. felt paper and minimum two hundred forty (240) lb/square foot composition shingles or equivalent.
3. Skylights shall not be used unless they have an STC rating of twenty-nine (29) or better.
4. Windows shall have a minimum STC rating of twenty-eight (28).
5. Windows shall have an air filtration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a twenty-five (25) mile per hour wind per ASTM standards.
6. Sliding glass doors shall have a minimum STC rating of twenty-nine (29).
7. An HVAC system shall be installed which will provide minimum air circulation and fresh air supply requirements as specified in the Uniform Building Code (UBC).
8. Gravity vent openings in attic space shall not exceed code minimum in size and number.
9. Alternative methods and materials may be used to achieve an interior noise level of forty-five (45) dB Ldn or less, subject to the approval by the environmental coordinator.

SECTION 6. Section 17.100.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.100.010 Purpose and intent.

A. The designation of the Northgate SPD zone recognizes the area as one requiring unique guidance to revitalize commercial areas and protect viable residential sites located to the east. The zone will encourage upgrading and reuse of commercial development along the east side of Northgate Boulevard, while providing for local serving commercial and business opportunities that are compatible with adjacent residential uses. The intent of the zone is to retain and encourage commercial and neighborhood office uses that serve the surrounding area and through-traffic to maintain the district's importance to the community. The goals of the Northgate SPD are to:

A.1. Upgrade and revitalize existing commercial developments on the east and west sides of Northgate Boulevard;

B.2. Ensure that new commercial and office developments are compatible with adjacent residential uses;

C.3. Ensure well balanced local serving office and commercial uses in the special planning district zone; and

D.4. Encourage new commercial and office uses at focused commercial centers located at the intersection of West El Camino Avenue and Northgate Boulevard and the intersection of San Juan Road and Northgate Boulevard, to attract a number of patrons at one time and encourage interaction between the public and the service or product provider.

5. Encourage both vertical and horizontal mixed use development along Northgate Boulevard.

B. Development within the Northgate Special Planning District shall be subject to the special rules and regulations contained in this chapter in addition to the other regulations of this title. In the event of a conflict between the provisions of this chapter and other provisions of this title, the provisions of this chapter shall prevail.

SECTION 7. Section 17.100.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.100.020 Northgate SPD boundaries.

The Northgate special planning district zone applies to that area of South Natomas located on the east and portions of the west sides of Northgate Boulevard south of Patio Avenue and north of East Levee Road-Garden Highway. The zone is depicted on the map in Appendix A, set out at the end of this chapter.

SECTION 8. Section 17.100.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.100.030 ~~Allowed/ and prohibited uses.~~

~~Uses permitted in the Northgate SPD shall be those allowed in the C-2 zone, except the following are prohibited:~~

- ~~A. — Drive-throughs; RMX Zone in the Northgate SPD.~~
- ~~B. — Mini-storage; and~~
- ~~C. — Vehicle storage, unless as an incidental use to a use otherwise permitted.~~

1. Except as provided in subsections (A)(2) and (C) of this section, uses permitted in the RMX zone outside of the Northgate SPD shall be permitted in the RMX zone inside of the Northgate SPD. If this title requires the approval of a special permit or other discretionary entitlement(s) or imposes other restrictions or requirements on the establishment of a particular use in the RMX zone outside of the Northgate SPD, approval of the same discretionary entitlements and compliance with the same restrictions or requirements shall be required to establish the use within the RMX zone inside of the Northgate SPD.

2. On lots greater than three thousand two hundred (3,200) square feet in size, a commercial use allowed in the RMX zone may occupy up to one hundred percent (100%) of the building square footage subject to approval of a planning commission special permit. In granting the special permit for commercial use under this subsection (A)(2) and in addition to the findings required by chapter 17.212, the planning commission shall find the following:

a. The design of the proposed commercial or office development conforms to the commercial corridor design principles adopted under section 17.132.035(C) as they may be amended from time to time. The commercial corridor design principles shall be applied in addition to the design guidelines applicable under chapter 17.132 Design Review. In the event of a conflict, the design guidelines applicable under chapter 17.132 shall take precedence over the commercial corridor design principles.

b. The proposed use supports the surrounding residential mixed-use development and the existing residential neighborhood.

- ~~B. C-2 Zone in the Northgate SPD.~~

Except as provided in subsection (C) of this section, uses permitted in the C-2 zone outside of the Northgate SPD shall be permitted in the C-2 zone inside of the Northgate SPD. If this title requires the approval of a special permit or other discretionary entitlement(s) or imposes other restrictions or requirements on the

establishment of a particular use in the C-1 zone outside of the Northgate SPD, approval of the same discretionary entitlements and compliance with the same restrictions or requirements shall be required to establish the use within the C-2 zone inside of the Northgate SPD.

C. Prohibited uses.

Notwithstanding the provisions of sections (A) and (B) of this section, and in addition to all other uses prohibited in the RMX and C-2 zones under this title, the following uses are prohibited in the RMX zone and the C-2 zone in the Northgate SPD:

1. Drive-through service facility;
2. Mini-storage/locker building;
3. Auto sales (new or used), service, repair, storage, or rental; except that vehicle storage is permitted if incidental to a use that is otherwise permitted;
4. Towing service and vehicle storage yard;
5. RV mobile home sales yard;
6. RV storage (commercial);
7. Check cashing center and check cashing facility;
8. Pawn shops; and
9. Money lenders.

SECTION 9. Section 17.100.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.100.040 Performance and development standards.

A. Landscaping Height and area regulations.

~~1. A minimum ten (10) foot wide landscaped area shall be provided along the Northgate Boulevard frontage except at approved driveway entrances, exits, and walkways. A five-foot wide landscaped area shall be provided along street side yards, except for property siding on collector streets where the landscaped area shall be ten (10) feet wide. An additional two feet depth of landscaping is required if parking areas are designed such that the front of vehicles overhang into the landscaped setback.~~

~~The use of berms or raised planters is permitted provided that the height of the berm or planter does not exceed the height of the monument sign structure or four feet (if the monument sign is located on the berm or planter), whichever is~~

less. The maximum slope of the berm shall not exceed a 1:3 ratio of height to width (measured from the highest point to the lowest point). If a reverse landscaped half-berm is used, a three-foot landscaped setback of shrubs must be provided between the retaining wall and public right-of-way. In addition, the retaining wall of the reversed half-berm shall be constructed of brick or slumpstone.

2. The landscaped area shall be irrigated to city standards and be planted with multi-tiered vegetation including trees, low shrubs, and ground covers chosen from the list prepared by the city landscape architect. Shrubs shall be planted from a mixture of one and five gallon containers, while trees are to be planted from a mixture of five gallon, fifteen (15) gallon and twenty four (24) inch box containers. Vegetation planted in the "clear-zones" shall not exceed thirty (30) inches in height when fully grown.

3. Parking lots shall be shaded pursuant to the requirements set forth in Section 17.64.030(H) of this title. Species are to be chosen from a list prepared by the city landscape architect. The size of the landscaped area and type of irrigating system will be reviewed by the city landscape architect prior to approval of the building permit.

4. Landscaped areas shall be properly maintained through periodic weeding, irrigation, and replacement of dead vegetation. In addition, planted vegetation adjacent to public rights-of-way shall be pruned so as not to create a public nuisance and/or hazard to pedestrian and/or vehicle traffic along Northgate Boulevard. No bark, mulch, rocks, or organic matter shall be used in planters adjacent to public rights-of-way.

B. Height, Setback and Area.

1. Buildings shall have a maximum height limit of thirty-five (35) feet.

2. No new structures exceeding forty thousand (40,000) square feet in size are allowed.

3. Parcels with a lot depth of less than one hundred (100) feet shall have a minimum building setback of ten (10) feet from Northgate Boulevard. A one foot increase in building setback shall be allowed for each additional three feet of lot depth. Lots greater than one hundred forty five (145) feet in depth shall have a minimum building setback of twenty five (25) feet from Northgate Boulevard.

4. Street side yard building setbacks shall be a minimum of five feet. Parcels siding on collector streets shall have a building setback of ten (10) feet if the lot depth is less than one hundred (100) feet. A one foot increase in building setback shall be allowed for each additional three feet of lot depth. Lots greater than one hundred forty five (145) feet in depth shall have a minimum building setback of twenty five (25) feet.

~~5. The building setback separating structures in the SPD from adjacent residential (R) zoned properties shall be fifteen (15) feet.~~

~~6. A solid decorative masonry wall six feet in height shall be provided on the property line between all commercial development and residential (R) zoned lots.~~

Parking

Except as specifically set forth in this section, the provisions of this title relating to height, yard, court, lot coverage/building size, and lot area per dwelling unit requirements for the RMX and C-2 zones shall apply in the Northgate SPD.

1. Height - RMX Zone.

a. The height limit in the RMX zone for buildings or portions of buildings located more than one hundred (100) feet from an R-zoned lot is forty-five (45) feet, except if the building has twenty-five (25) percent or more square feet of gross floor area in residential use, the height limit is fifty-five (55) feet.

b. The height limit for buildings or portions of buildings located one hundred (100) feet or less from an R-zoned lot is thirty-five (35) feet.

c. The planning commission has the authority to issue a special permit to allow an increase in the maximum height limit.

2. Minimum yard requirements – RMX and C-2 Zones.

The following yard requirements shall apply in the RMX and C-2 zone in the Northgate SPD.

a. The minimum front yard setback for lots fronting on Northgate Boulevard shall be four (4) feet.

b. The minimum street side yard and interior side yard setback shall be four (4) feet.

3. Density – RMX Zone.

The maximum density in the RMX zone in the Northgate SPD shall be as provided in section 17.60.020(12) and chapter 17.28; provided, that the planning commission shall have the authority to issue a special permit to allow an increase in the maximum density.

B. Open Space.

Residential projects and the residential portion of mixed-use projects shall provide a minimum of fifty (50) square feet of usable private open space for each residential unit. The private open space shall be specifically designed for recreational or passive enjoyment of the outdoors and may be comprised of yards, decks, patios, or balconies. Private usable open space shall be directly accessible from the dwelling unit it serves.

C. Parking and Circulation.

Parking requirements shall meet be placed at the standards set forth in Chapter 17.64 rear of this title mixed-use developments.

SECTION 10. Section 17.100.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.100.050 Design standards.

A. — Overall Northgate SPD Design Theme Review.

The territory within the Northgate SPD is within the Expanded North Area Design Review District and is subject to the provisions of chapter 17.132 of this title. It is the intent of the design standards for structures in the Northgate SPD to provide residents and passersby with an aesthetically pleasing and functionally efficient commercial strip. This should be achieved through the use of common architectural and development styles, as well as similar building materials, coordinated signage, and landscape treatment.

B. Facade Treatments.

1. Appropriate exterior wall finishing for the Northgate SPD shall be applied to all sides of the building, including trash enclosures and other accessory structures. Appropriate wall finishings include the following:

- a. Decorative masonry;
- b. Finished anodized metal;
- c. Horizontal lap siding;
- d. Board and batten siding; and
- e. Stucco.

2. Inappropriate wall finishings include the following:

- a. Standard concrete block;

b. Grooved plywood sheets, unless used for a board and batten pattern with twelve (12) inch maximum distance between battens;

c. Corrugated metal; and

d. Reflective glass.

3. ~~The zoning administrator may issue~~ design review authority reviewing a zoning administrator's special permit to proposed project may authorize the use of materials otherwise considered inappropriate, or additional materials not specified above, ~~provided~~ based on the zoning administrator finds following findings:

a. The material in the particular application proposed will result in a building that will blend in well with the existing and future buildings that use appropriate materials;

b. Other appropriate materials would not achieve the same desired theme of the proposed use; and,

c. The overall architectural design and detailing is of such quality as to justify its use.

C. Colors.

One or more major body colors with two or more trim colors shall be included in each building with the major colors chosen from the earth tone ranges. A color scheme shall be identified on the building elevations plan.

D. Roof Projections and Design.

1. All air conditioning units, ventilating equipment, other mechanical equipment and communications equipment shall be completely screened or enclosed with materials compatible with the exterior building material so as not to be visible off-site.

2. Roof projections shall be painted to match the roof or major building color.

E. ~~Security and Lighting.~~

~~1. Lighting shall be designed in such a manner as to provide safety, comfort and security for occupants of the development and the general public.~~

~~2. Lighting design shall be such as not to produce hazardous and annoying glare to motorists and building occupants, adjacent residents or the general public.~~

~~3. Lighting shall be oriented away from the residential properties adjacent to or within the SPD.~~

~~F. Public Address Systems.~~

~~Public address systems shall not be allowed unless for emergency purposes.~~

~~GF. Signage.~~

The following sign criteria will aid in eliminating excessive and confusing sign displays, enhance the appearance of Northgate Boulevard, safeguard and enhance property values, and will encourage signage which by good design is integrated with and is harmonious to the buildings and sites that it occupies. These sign regulations are intended to complement the city sign ordinance, Ordinance No. 2868, Fourth Series, chapter 15.148 of this code. In all cases, the more restrictive regulations shall apply.

~~1. General Requirements.~~

~~a. The wording of signs shall be limited to the occupant's name and/or insignia. Words describing the type of commercial use (e.g., meat market, barber shop, etc.) are permitted.~~

~~b. Prohibited elements of attached and detached signs shall be as outlined in Division 7 of the city sign ordinance, and shall include the following:~~

~~i. Words describing products sold, prices, or other types of advertising (excluding requirements for state gas pricing); and~~

~~ii. Signs painted directly on buildings.~~

~~c. Abandoned signs shall be treated as defined by Section 3.171 of the city sign ordinance.~~

~~2. Design Requirements.~~

~~Sign designs shall meet the requirements set forth in Division 5 of the city sign ordinance, and shall include the following:~~

~~1. Design Requirements.~~

~~Sign designs shall meet the requirements set forth in sections 15.148.125 for the RMX zone and 15.148.160 for the C-2 zone of this code, and the following:~~

a. All exterior letters on signs exposed to the weather shall be mounted at least three-fourths inch from the building surface to permit dirt and water drainage; and

b. No signmaker's labels or other identification will be permitted on the exposed surface of signs, except those required by ordinance, which shall be located in an inconspicuous location.

32. Location and Size.

a. Detached Signs.

All new detached signs shall be of a monument type and shall conform to the provisions outlined below. ~~Signs erected for new developments, abandoned signs (as defined by Section 3.171 of the sign ordinance), and destroyed signs (as defined by Sections 3.171 and 3.40 of the city sign ordinance, respectively) shall comply with the following standards:~~

i. Sign Area. The monument sign face shall not exceed twenty-five (25) square feet except that one additional square foot of signage is allowed for each three lineal feet of street frontage above the first one hundred (100) lineal feet, and shall not exceed an absolute maximum of fifty (50) square feet.

ii. Location. One monument sign will be allowed per ~~parcel~~ lot located along the Northgate frontage. No monument signs shall be oriented towards, or located along, noncollector side streets. Monument signs shall be located so that the part of the sign located closest to Northgate Boulevard shall be set back as follows:

(A) Clear Zone--Driveways. A monument sign (sign support plus sign face) may not exceed three feet in height above the nearest public right-of-way within the triangular area next to the intersection of the driveway and the ten (10) foot setback. This triangular area is defined as for fences in Section 17.76.010(B)(1) of this title.

(B) Clear Zone--Corner Lots. A monument sign (sign support plus sign face) may not exceed three feet in height above the nearest public right-of-way within the triangular area next to the intersection of two public streets. This triangular area is defined as for fences in Section 17.76.010(B)(1) of this title.

(C) Monument signs located outside of the clear zone must be set back at least five feet from the property line.

iii. Height. Monument signs setback five feet from property lines shall have height limits of five feet above the nearest public right-of-way. An additional one foot height increase for each additional foot setback will be allowed, provided that the maximum height of the monument signs shall not exceed ten (10) feet above the nearest public right-of-way.

iv. Height/Width Proportions. The monument sign face height shall not exceed two times the sign face width for vertically oriented signs, and the sign face height shall be at least one-third the sign face width for horizontally oriented signs.

The monument sign structure height shall not exceed three times the sign structure width for vertically oriented signs, and the sign structure height shall be at least one-half the sign structure width for horizontally oriented signs.

v. Sign Support. The width of the monument sign support shall be at least seventy-five (75) percent the width of the sign face and shall not exceed one hundred twenty-five (125) percent of the sign face. The total height of the support shall not exceed one-half the total height of the monument sign structure. The monument sign support shall not exceed four feet in height as measured from the lowest point of the exposed base.

vi. Landscaping. Two feet of landscaping is required in every direction from the exterior portions of any part of the monument sign. The landscaped area shall be treated pursuant to the requirements in Section 17.100.040(A) of this chapter.

vii. Illumination. Illumination shall meet requirements pursuant to Section 3.87 of the city sign ordinance.

~~viii. Directional~~ b. Attached Signs. ~~Directional~~

~~Attached signs shall be allowed pursuant to Section 3.140 of the city sign ordinance, provided that they are oriented away from R-zoned lots and towards Northgate Boulevard or collector streets.~~

~~b. Attached Signs.~~

~~All new attached signs shall number one per tenant street frontage. Signs for new developments, abandoned signs (as defined by Section 3.171 of the sign ordinance), and destroyed signs (as defined by Sections 3.171 and 3.40 of the city sign ordinance, respectively) shall comply with the following three standards:~~

i. Sign Area. Attached signs shall be allowed a maximum aggregate area of two square feet of sign area for each front foot of building occupancy provided that the width does not exceed seventy (70) percent of the shops' width.

ii. Height. The maximum height of attached signs shall be thirty (30) inches for cabinet signs with letters in a single row, and thirty-four (34) inches for cabinet signs containing a double row of letters. ~~A single row of letters on cabinet signs shall have a height maximum of twenty four (24) inches, while double rows will be allowed a twenty eight (28) inch height maximum. Letters mounted directly to the building face shall have a height maximum of twenty four (24) inches. The maximum height of logos or insignias shall be twenty four (24)~~ The maximum height of logos or insignias shall be thirty-four (34) inches.

iii. Location. ~~The location of attached~~Attached signs shall meet the requirements set forth in Section 3.106 of the city sign ordinance, in addition to the following: in no instance shall a sign~~not~~ be erected on top of architectural projections.

~~H. Residential/Office Conversions.~~

~~The following criteria will be used at the plan check stage to review conversions of residential structures to nonresidential uses:~~

~~1. All modifications shall meet the following design criteria:~~

~~a. Exterior colors shall meet the requirements set forth in subsection C of this section;~~

~~b. Landscaped areas shall meet the requirements set forth in Section 17.100.040(A) of this chapter;~~

~~c. All signs shall meet the requirements of subsection G of this section; and~~

~~d. Parking shall meet the requirements set forth in Chapter 17.76 of this title.~~

~~_____~~

iv. Design. All attached signs shall consist of individual letters. Cabinet signs are prohibited.

G. Multifamily Residential Design Principles.

Residential and the residential portion of mixed-use projects shall meet the multi-family residential design principles adopted by City Council Resolution No. 2000-487 and as they may be amended from time to time. The multi-family residential design principles shall be applied in addition to the design guidelines applicable under chapter 17.132 Design Review. In the event of a conflict, the design guidelines applicable under chapter 17.132 shall take precedence over the multi-family residential design principles.

SECTION 11. Chapter 17.100 of Title 17 of the Sacramento City Code (the Zoning Code) is amended by replacing the appendix set forth at the end of the chapter entitled "Appendix A Northgate Blvd. Special Planning District" with the diagram attached as Exhibit A to this ordinance.

Adopted by the City of Sacramento City Council on

by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Attest:

MAYOR

City Clerk

Passed for Publication:

Published:

Effective:

ORDINANCE NO.

Adopted by the Sacramento Council

AN ORDINANCE AMENDING SECTIONS 17.24.020, 17.24.030, 17.24.050, 17.28.020, 17.28.030, AND VARIOUS SECTIONS OF CHAPTER 17.100 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO THE RMX ZONE AND THE NORTHGATE SPECIAL PLANNING DISTRICT (M03-191)

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

SECTION 1. Section 17.24.020 Residential Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The matrix for “apartments” set forth in Table 17.24.020 A is amended to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-5	RMX	RO	OB
Apartments*						75	75	75	75	75	75	69/75	75	

B. Except as specifically amended for the uses indicated, all other provisions of section 17.24.020 and Table 17.24.020 A remain unchanged and in full force and effect.

SECTION 2. Section 17.24.030 Commercial Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The matrix for “Barber, beauty shop” set forth in Table 17.24.030 A is amended to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-5	RMX	RO	OB
Barber, beauty shop											7	69		64/18

B. The matrix for “Copy shop” set forth in Table 17.24.030 A is amended to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-5	RMX	RO	OB
Copy shop											7	69		64/18

C. The matrix for “Dance, music, voice, martial arts school” set forth in Table 17.24.030 A is amended to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-5	RMX	RO	OB
Dance, music, voice, martial arts school											7	69		

D. The matrix for “Diet center, tanning center” set forth in Table 17.24.030 A is amended to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-5	RMX	RO	OB
Diet center, tanning center											7	69		18

E. Except as specifically amended for the uses indicated, all other provisions of section 17.24.030 and Table 17.24.030 A remain unchanged and in full force and effect.

SECTION 3. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows;

A. Footnote 8 of section 17.24.050 is amended to read as follows:

8. Alternative Ownership Housing Types.

a. Special Permit Required. A zoning administrator special permit is required for alternative ownership housing projects comprised of four (4) or fewer lots. A planning commission special permit is required for alternative ownership housing projects comprised of five (5) or more lots. The special permit process will include review of setbacks, lot coverage, and the overall design of the project, the unit design, and the design of any accessory structures or features, as defined in subsections (8)(b) and (8)(c) of this section. In approving a special permit, the planning commission and

zoning administrator shall have the authority to vary setback and lot coverage requirements.

b. Design. The proposed site development plan must integrate structures, common and private open spaces, pedestrian and vehicular circulation, parking, and other site features so as to produce a development that provides for all desirable residential features and environmental amenities. Further, the proposed development shall not adversely affect the existing or proposed future development of the surrounding areas.

c. Accessory Structures. Accessory structures and uses are those designed and constructed for the exclusive use of the residents of the project, including recreational facilities, such as a playground, swimming pool, or clubhouse, and service facilities, such as garages, carports, parking areas, laundry facilities and other similar accessory features.

d. Limitation on Use in M-1, M-1 (S), M-2, and M-2(S) Zones. In the M-1, M-1(S), M-2, and M-2(S) zones, this use may be permitted only with a planning commission special permit and only where located on a lot within a quarter-mile radius of a light rail station (measured from the center of the platform, as determined by the planning director, to the edge of the lot closest to the station).

B. Footnote 69 of section 17.24.050 is amended to read as follows:

69. Development in the RMX Zone.

This use is allowed in the RMX zone subject to Chapter 17.28 of this title.

C. Except as specifically amended by the amendment to footnote 8 and 69, all other provisions of section 17.24.050 remain unchanged and in full force and effect.

SECTION 4. Section 17.28.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.28.020 Use regulations.

A. Except as provided in subsection (B), below, sections 17.24.020, 17.24.030, 17.24.040 and 17.24.050 shall govern the uses in the RMX zone.

B. The following use is allowed subject to a special permit:

1. Restaurant or coffee house greater than six thousand four hundred (6,400) square feet in area.

SECTION 5. Section 17.28.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.28.030 Development standards.

A. Nonresidential Development Limitations.

1. For new development in the RMX zone on lots greater than three thousand two hundred (3,200) square feet in area, commercial and office uses are limited to the ground floor only and may occupy up to a maximum of fifty (50) percent of the building square footage.

2. For new development in the RMX zone on lots having three thousand two hundred (3,200) square feet or less in area, commercial and office uses are limited to the ground floor only and may occupy up to a maximum of fifty (50) percent of the building square footage; provided, that the percentage of commercial or office use may be increased up to one hundred (100) percent of the building square footage, subject to approval of a zoning administrator's special permit.

3. An architecturally or historically significant structure of any size may be converted entirely to commercial or office uses, subject to approval of a zoning administrator's special permit, in order to ensure preservation and maintenance of the structure. The intent of this provision is to make structural repair and restoration economically viable, and ensure the community's continued benefit from the preservation of the significant structure.

4. The percentage of nonresidential use may be increased up to one hundred (100) percent of the building square footage if the building is occupied by a community or neighborhood-based nonprofit organization, subject to approval of a zoning administrator's special permit.

B. Off-Street Parking Reduction.

Notwithstanding the provisions of Chapter 17.64 of this title related to off-street parking and Chapter 17.184 related to transportation systems management for new nonresidential development, for new mixed-use projects which incorporate both residential and neighborhood-serving commercial retail or service uses, the zoning administrator may reduce or waive up to fifty (50) percent of the required off-street parking requirement for the ground-floor commercial retail or service uses, subject to a zoning administrator's special permit. The special permit may only be granted if a finding can be made that the parking reduction or waiver will not be detrimental to the surrounding neighborhood, and that sufficient on-street parking is available.

C. Noise Standards.

As some sites zoned RMX (or other zones where residential uses are permitted) may be located on heavily-traveled streets or near railroad lines or freeways, certain noise attenuation measures must be incorporated into the building design. Accordingly, the building design of all new residential structures within an area of the city above sixty

(60) dB Ldn shall incorporate the following construction standards in order to reduce interior noise levels:

1. All penetrations of exterior walls shall include a one-half inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.
2. The roof shall be finished with a minimum seven-sixteenths inch OSB or plywood of equivalent surface weight, minimum thirty (30) lb. felt paper and minimum two hundred forty (240) lb/square foot composition shingles or equivalent.
3. Skylights shall not be used unless they have an STC rating of twenty-nine (29) or better.
4. Windows shall have a minimum STC rating of twenty-eight (28).
5. Windows shall have an air filtration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a twenty-five (25) mile per hour wind per ASTM standards.
6. Sliding glass doors shall have a minimum STC rating of twenty-nine (29).
7. An HVAC system shall be installed which will provide minimum air circulation and fresh air supply requirements as specified in the Uniform Building Code (UBC).
8. Gravity vent openings in attic space shall not exceed code minimum in size and number.
9. Alternative methods and materials may be used to achieve an interior noise level of forty-five (45) dB Ldn or less, subject to the approval by the environmental coordinator.

SECTION 6. Section 17.100.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.100.010 Purpose and intent.

A. The designation of the Northgate SPD zone recognizes the area as one requiring unique guidance to revitalize commercial areas and protect viable residential sites located to the east. The zone will encourage upgrading and reuse of commercial development along the east side of Northgate Boulevard, while providing for local serving commercial and business opportunities that are compatible with adjacent residential uses. The intent of the zone is to retain and encourage commercial and neighborhood office uses that serve the surrounding area and through-traffic to maintain the district's importance to the community. The goals of the Northgate SPD are to:

1. Upgrade and revitalize existing commercial developments on the east and west sides of Northgate Boulevard;
2. Ensure that new commercial and office developments are compatible with adjacent residential uses;
3. Ensure well balanced local serving office and commercial uses in the special planning district zone; and
4. Encourage new commercial and office uses at focused commercial centers located at the intersection of West El Camino Avenue and Northgate Boulevard and the intersection of San Juan Road and Northgate Boulevard, to attract a number of patrons at one time and encourage interaction between the public and the service or product provider.
5. Encourage both vertical and horizontal mixed use development along Northgate Boulevard.

B. Development within the Northgate Special Planning District shall be subject to the special rules and regulations contained in this chapter in addition to the other regulations of this title. In the event of a conflict between the provisions of this chapter and other provisions of this title, the provisions of this chapter shall prevail.

SECTION 7. Section 17.100.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.100.020 Northgate SPD boundaries.

The Northgate special planning district zone applies to that area of South Natomas located on the east and portions of the west sides of Northgate Boulevard south of Patio Avenue and north of Garden Highway. The zone is depicted on the map in Appendix A, set out at the end of this chapter.

SECTION 8. Section 17.100.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.100.030 Allowed and prohibited uses.

A. RMX Zone in the Northgate SPD.

1. Except as provided in subsections (A)(2) and (C) of this section, uses permitted in the RMX zone outside of the Northgate SPD shall be permitted in the RMX zone inside of the Northgate SPD. If this title requires the approval of a special permit or other discretionary entitlement(s) or imposes other restrictions or requirements on the establishment of a particular use in the RMX zone outside of the Northgate SPD, approval of the same discretionary entitlements and compliance with the same

restrictions or requirements shall be required to establish the use within the RMX zone inside of the Northgate SPD.

2. On lots greater than three thousand two hundred (3,200) square feet in size, a commercial use allowed in the RMX zone may occupy up to one hundred percent (100%) of the building square footage subject to approval of a planning commission special permit. In granting the special permit for commercial use under this subsection (A)(2) and in addition to the findings required by chapter 17.212, the planning commission shall find the following:

a. The design of the proposed commercial or office development conforms to the commercial corridor design principles adopted under section 17.132.035(C) as they may be amended from time to time. The commercial corridor design principles shall be applied in addition to the design guidelines applicable under chapter 17.132 Design Review. In the event of a conflict, the design guidelines applicable under chapter 17.132 shall take precedence over the commercial corridor design principles.

b. The proposed use supports the surrounding residential mixed-use development and the existing residential neighborhood.

B. C-2 Zone in the Northgate SPD.

Except as provided in subsection (C) of this section, uses permitted in the C-2 zone outside of the Northgate SPD shall be permitted in the C-2 zone inside of the Northgate SPD. If this title requires the approval of a special permit or other discretionary entitlement(s) or imposes other restrictions or requirements on the establishment of a particular use in the C-1 zone outside of the Northgate SPD, approval of the same discretionary entitlements and compliance with the same restrictions or requirements shall be required to establish the use within the C-2 zone inside of the Northgate SPD.

C. Prohibited uses.

Notwithstanding the provisions of subsections (A) and (B) of this section, and in addition to all other uses prohibited in the RMX and C-2 zones under this title, the following uses are prohibited in the RMX zone and the C-2 zone in the Northgate SPD:

1. Drive-through service facility;
2. Mini-storage/locker building;
3. Auto sales (new or used), service, repair, storage, or rental; except that vehicle storage is permitted if incidental to a use that is otherwise permitted;
4. Towing service and vehicle storage yard;

5. RV mobile home sales yard;
6. RV storage (commercial);
7. Check cashing center and check cashing facility;
8. Pawn shops; and
9. Money lenders.

SECTION 9. Section 17.100.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.100.040 Performance and development standards.

A. Height and area regulations.

Except as specifically set forth in this section, the provisions of this title relating to height, yard, court, lot coverage/building size, and lot area per dwelling unit requirements for the RMX and C-2 zones shall apply in the Northgate SPD.

1. Height - RMX Zone.

a. The height limit in the RMX zone for buildings or portions of buildings located more than one hundred (100) feet from an R-zoned lot is forty-five (45) feet, except if the building has twenty-five (25) percent or more square feet of gross floor area in residential use, the height limit is fifty-five (55) feet.

b. The height limit for buildings or portions of buildings located one hundred (100) feet or less from an R-zoned lot is thirty-five (35) feet.

c. The planning commission has the authority to issue a special permit to allow an increase in the maximum height limit.

2. Minimum yard requirements – RMX and C-2 Zones.

The following yard requirements shall apply in the RMX and C-2 zone in the Northgate SPD.

a. The minimum front yard setback for lots fronting on Northgate Boulevard shall be four (4) feet.

b. The minimum street side yard and interior side yard setback shall be four (4) feet.

3. Density – RMX Zone.

The maximum density in the RMX zone in the Northgate SPD shall be as provided in section 17.60.020(12) and chapter 17.28; provided, that the planning commission shall have the authority to issue a special permit to allow an increase in the maximum density.

B. Open Space.

Residential projects and the residential portion of mixed-use projects shall provide a minimum of fifty (50) square feet of usable private open space for each residential unit. The private open space shall be specifically designed for recreational or passive enjoyment of the outdoors and may be comprised of yards, decks, patios, or balconies. Private usable open space shall be directly accessible from the dwelling unit it serves.

C. Parking and Circulation.

Parking lots shall be placed at the rear of mixed-use developments.

SECTION 10. Section 17.100.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.100.050 Design standards.

A. Northgate SPD Design Review.

The territory within the Northgate SPD is within the Expanded North Area Design Review District and is subject to the provisions of chapter 17.132 of this title. It is the intent of the design standards for structures in the Northgate SPD to provide residents and passersby with an aesthetically pleasing and functionally efficient commercial strip. This should be achieved through the use of common architectural and development styles, as well as similar building materials, coordinated signage, and landscape treatment.

B. Facade Treatments.

1. Appropriate exterior wall finishing for the Northgate SPD shall be applied to all sides of the building, including trash enclosures and other accessory structures. Appropriate wall finishings include the following:

- a. Decorative masonry;
- b. Finished anodized metal;
- c. Horizontal lap siding;
- d. Board and batten siding; and

e. Stucco.

2. Inappropriate wall finishings include the following:

a. Standard concrete block;

b. Grooved plywood sheets, unless used for a board and batten pattern with twelve (12) inch maximum distance between battens;

c. Corrugated metal; and

d. Reflective glass.

3. The design review authority reviewing a proposed project may authorize the use of materials otherwise considered inappropriate, or additional materials not specified above, based on the following findings:

a. The material in the particular application proposed will result in a building that will blend in well with the existing and future buildings that use appropriate materials;

b. Other appropriate materials would not achieve the same desired theme of the proposed use; and,

c. The overall architectural design and detailing is of such quality as to justify its use.

C. Colors.

One or more major body colors with two or more trim colors shall be included in each building with the major colors chosen from the earth tone ranges. A color scheme shall be identified on the building elevations plan.

D. Roof Projections and Design.

1. All air conditioning units, ventilating equipment, other mechanical equipment and communications equipment shall be completely screened or enclosed with materials compatible with the exterior building material so as not to be visible off-site.

2. Roof projections shall be painted to match the roof or major building color.

E. Public Address Systems.

Public address systems shall not be allowed.

F. Signage.

The following sign criteria will aid in eliminating excessive and confusing sign displays, enhance the appearance of Northgate Boulevard, safeguard and enhance property values, and encourage signage which by good design is integrated with and is harmonious to the buildings and sites that it occupies. These sign regulations are intended to complement chapter 15.148 of this code. In all cases, the more restrictive regulations shall apply.

1. Design Requirements.

Sign designs shall meet the requirements set forth in sections 15.148.125 for the RMX zone and 15.148.160 for the C-2 zone of this code, and the following:

a. All exterior letters on signs exposed to the weather shall be mounted at least three-fourths inch from the building surface to permit dirt and water drainage; and

b. No signmaker's labels or other identification will be permitted on the exposed surface of signs, except those required by ordinance, which shall be located in an inconspicuous location.

2. Location and Size.

a. Detached Signs.

All new detached signs shall be of a monument type and shall conform to the following standards:

i. Sign Area. The monument sign face shall not exceed twenty-five (25) square feet except that one additional square foot of signage is allowed for each three lineal feet of street frontage above the first one hundred (100) lineal feet, and shall not exceed an absolute maximum of fifty (50) square feet.

ii. Location. One monument sign will be allowed per lot located along the Northgate frontage. No monument signs shall be oriented towards, or located along, noncollector side streets. Monument signs shall be located so that the part of the sign located closest to Northgate Boulevard shall be set back as follows:

(A) Clear Zone--Driveways. A monument sign (sign support plus sign face) may not exceed three feet in height above the nearest public right-of-way within the triangular area next to the intersection of the driveway and the ten (10) foot setback. This triangular area is defined as for fences in Section 17.76.010(B)(1) of this title.

(B) Clear Zone--Corner Lots. A monument sign (sign support plus sign face) may not exceed three feet in height above the nearest public right-of-way within the triangular area next to the intersection of two public streets. This triangular area is defined as for fences in Section 17.76.010(B)(1) of this title.

(C) Monument signs located outside of the clear zone must be set back at least five feet from the property line.

iii. Height. Monument signs setback five feet from property lines shall have height limits of five feet above the nearest public right-of-way. An additional one foot height increase for each additional foot setback will be allowed, provided that the maximum height of the monument signs shall not exceed ten (10) feet above the nearest public right-of-way.

iv. Height/Width Proportions. The monument sign face height shall not exceed two times the sign face width for vertically oriented signs, and the sign face height shall be at least one-third the sign face width for horizontally oriented signs.

The monument sign structure height shall not exceed three times the sign structure width for vertically oriented signs, and the sign structure height shall be at least one-half the sign structure width for horizontally oriented signs.

v. Sign Support. The width of the monument sign support shall be at least seventy-five (75) percent the width of the sign face and shall not exceed one hundred twenty-five (125) percent of the sign face. The total height of the support shall not exceed one-half the total height of the monument sign structure. The monument sign support shall not exceed four feet in height as measured from the lowest point of the exposed base.

vi. Landscaping. Two feet of landscaping is required in every direction from the exterior portions of any part of the monument sign. The landscaped area shall be treated pursuant to the requirements in Section 17.100.040(A) of this chapter.

vii. Illumination. Illumination shall meet requirements pursuant to Section 3.87 of the city sign ordinance.

b. Attached Signs.

Attached signs shall comply with the following standards:

i. Sign Area. Attached signs shall be allowed a maximum aggregate area of two square feet of sign area for each front foot of building occupancy provided that the width does not exceed seventy (70) percent of the shops' width.

ii. Height. The maximum height of attached signs shall be thirty (30) inches for signs with letters in a single row, and thirty-four (34) inches for signs

containing a double row of letters. The maximum height of logos or insignias shall be thirty-four (34) inches.

iii. Location. Attached signs shall not be erected on top of architectural projections.

iv. Design. All attached signs shall consist of individual letters. Cabinet signs are prohibited.

G. Multifamily Residential Design Principles.

Residential and the residential portion of mixed-use projects shall meet the multi-family residential design principles adopted by City Council Resolution No. 2000-487 and as they may be amended from time to time. The multi-family residential design principles shall be applied in addition to the design guidelines applicable under chapter 17.132 Design Review. In the event of a conflict, the design guidelines applicable under chapter 17.132 shall take precedence over the multi-family residential design principles.

SECTION 11. Chapter 17.100 of Title 17 of the Sacramento City Code (the Zoning Code) is amended by replacing the appendix set forth at the end of the chapter entitled "Appendix A Northgate Blvd. Special Planning District" with the diagram attached as Exhibit A to this ordinance.

Adopted by the City of Sacramento City Council on _____ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Attest:

MAYOR

City Clerk

Passed for Publication:

Published:

Effective:

