

ORDINANCE NO. 2009-007

Adopted by the Sacramento City Council

January 27, 2009

PERTAINING TO THE EXTENSION OF CERTAIN LAND USE ENTITLEMENTS AND BUILDING PERMITS ON PROPERTIES WITHIN THE NATOMAS BASIN IN THE CITY OF SACRAMENTO WHILE AREA IS DESIGNATED ZONE AE ON FLOOD INSURANCE RATE MAPS (M08-048)

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

BACKGROUND

Section 1. The City Council of the City of Sacramento finds and declares as follows:

- A. The recent re-designation of land within the Natomas Basin to Zone AE on the Flood Insurance Rate Maps for the City of Sacramento requires new and substantially improved residential buildings to be elevated to or above the base flood elevation of 33 feet, and non-residential buildings to be elevated or flood-proofed to that elevation. These restrictions, effective December 8, 2008, make construction economically infeasible.
- B. Certain development projects within the Natomas Basin have received approval of land use entitlements and/or building permits but, because of the new flood-related restrictions, cannot proceed with construction, and the land use entitlements and building permits for these projects are at risk of expiring. Because the processing, approval, and issuance of land use entitlements and building permits represent a substantial investment of money, time, and effort toward the successful completion of these projects, expiration of these entitlements and permits represents a significant loss for the owners and the City. The City Council desires to protect against this potential loss and preserve "shovel-ready" development opportunities by granting additional time to the term of these entitlements and permits.

Section 2. This Ordinance shall apply only in the geographic areas within the City of Sacramento shown on the attached Exhibit A and referred to herein as the Natomas Basin.

Section 3. Notwithstanding the provisions of Title 17 of the Sacramento City Code (the Zoning Code) to the contrary, for properties located within the Natomas Basin, the period of time within which to obtain a building permit and commence construction, or to establish a use, under sections 17.132.320 (design review), 17.134.340 (preservation certificate of appropriateness), 17.212.100 (special permit), 17.216.050 (variance), and 17.220.060 (plan review) of the Zoning Code, including any extensions thereof, shall not include the period of time that

this Ordinance is in effect. This section shall apply to design review approvals, certificates of appropriateness, special permits, variances, and plan reviews that are valid and not expired as of the effective date of this Ordinance and to those that are approved during the period of time this Ordinance is in effect.

- Section 4. Notwithstanding the provisions of Title 15 of the Sacramento City Code to the contrary, for sites located within the Natomas Basin, any building permit that was valid and not expired as of the effective date of this Ordinance and under which the actual start of permanent construction, within the meaning of 44 Code of Federal Regulations section 59.1, does not occur within 180 days of the date of issuance of the building permit, may be re-activated at any time up to 180 days following the repeal of this Ordinance. This Section 4 shall not apply to demolition permits, permits for fire equipment, minor permits, swimming pool permits, sign permits, and permits related to a City code enforcement action.
- Section 5. Notwithstanding the provisions of Title 15 of the Sacramento City Code to the contrary, for sites located within the Natomas Basin, any building permit application that was valid and not expired as of the effective date of this Ordinance may be reactivated at any time up to 180 days following the repeal of this Ordinance. This Section 5 shall not apply to demolition permits, permits for fire equipment, minor permits, swimming pool permits, sign permits, and permits related to a City code enforcement action.
- Section 6. A fee in an amount established by resolution of the City Council shall be charged to any person who submits a request to the City to reactivate a building permit under Section 4 of this Ordinance or a building permit application under Section 5 of this Ordinance. A building permit issued under a building permit application that is re-activated under Section 5 of this Ordinance shall be subject to all City fees and charges that are payable upon issuance of building permit in the amount in effect upon issuance of the building permit.
- Section 7. This Ordinance is enacted by the City Council as an interim ordinance, without notice and hearing before the Planning Commission and City Council as otherwise required by Section 17.208.010 of the City's Zoning Code. It is anticipated that the Natomas Basin will be re-designated on the Flood Insurance Rate Maps for the City of Sacramento and the related flood-related restrictions on construction in the Natomas Basin will be lifted within a period of three to five years from the date of adoption of this Ordinance, and that this interim Ordinance will be repealed at that time.

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Exhibit A – Map of Natomas Basin

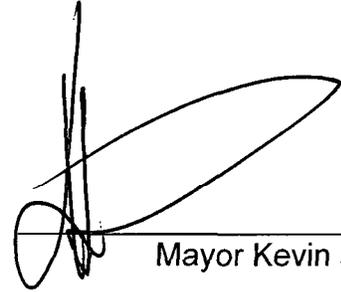
Adopted by the City of Sacramento City Council on January 27, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



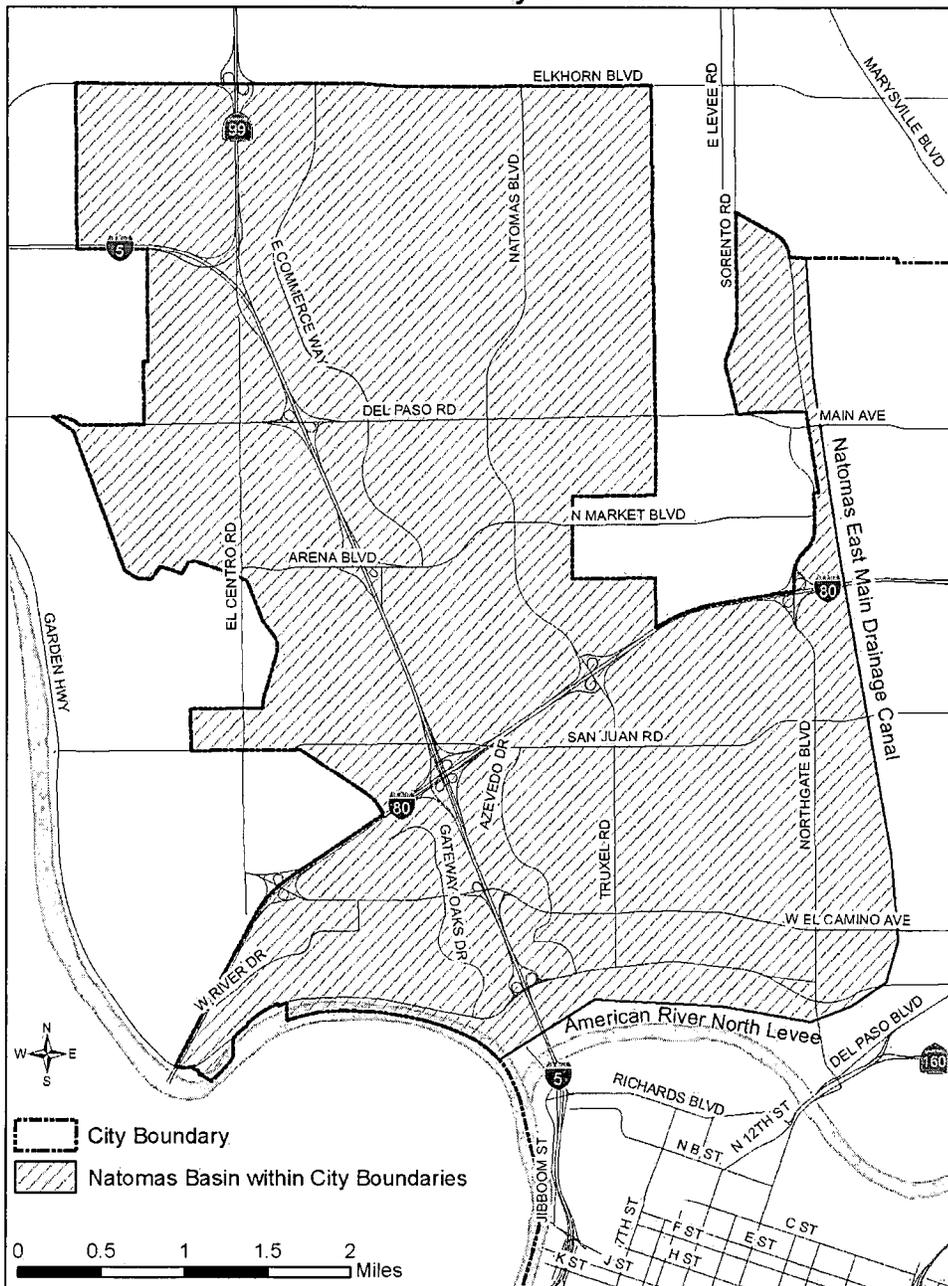
Shirley Concolino, City Clerk

Passed for Publication: January 13, 2009

Published: January 16, 2009

Effective: February 16, 2009

EXHIBIT A - Natomas Basin within City of Sacramento



As used herein, the "Natomas Basin" means the area within the Sacramento City limits bounded on the south by the north levee of the American River, on the west by the east levee of the Sacramento River, on the north by the south levee of the Natomas Cross Canal and on the east by the west levee of Steelhead Creek (Natomas East Main Drainage Canal).

December 12, 2008