

ORDINANCE NO. 2009-030

Adopted by the Sacramento City Council

June 2, 2009

AMENDING SECTIONS 12.56.120 AND 12.64.060 OF THE SACRAMENTO CITY CODE RELATING TO APPEALS OF DECISIONS ON TREE REMOVAL AND MAINTENANCE PERMITS

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

BACKGROUND

Section 1. Section 12.56.120 of the Sacramento City Code is amended to read as follows;

12.56.120 Appeals.

A. Appeal to Parks and Recreation Commission.

Any person who is denied a permit to remove or maintain a city street tree pursuant to Section 12.56.070 or who objects to the removal of a street tree pursuant to Section 12.56.040 shall be entitled to meet personally with the director to review the permit application or the proposed work. Except as provided in subsection (B), below, any person aggrieved by the director's decision may appeal such decision to the parks and recreation commission by filing a written notice of appeal with the secretary of the commission within ten (10) days of the date of the director's final decision. The notice shall clearly specify the action or determination appealed from, and the reasons for which a hearing is requested. The decision of the commission shall be final and shall not be subject to appeal, but shall be reported to and shall be subject to call-up for consideration by the city council as provided in Section 17.200.040.

B. Appeal to City Planning Commission.

1. If the subject of the director's decision under subsection (A), above, is a tree located on property for which an application for a discretionary development entitlement under Title 16 or Title 17 of this code is then currently pending or has been approved and is not expired, and the purpose of the proposed maintenance or removal is to facilitate development of the property consistent with the pending application or approved entitlement, then any person aggrieved by the director's decision may appeal such decision to the city planning commission by filing a written notice of appeal with the secretary of the planning commission within ten (10) days of the date of the director's final decision. The notice shall clearly specify the action or determination appealed from, and the reasons for which a hearing is requested. The filing of the notice of appeal shall be accompanied by the fee specified in

the city fee and charge report. The director shall determine whether the appeal shall be heard by the planning commission under this subsection (B)(1), and the director's decision on this issue shall be final and shall not be subject to appeal.

2. Notice of the appeal hearing shall be given by posting and by mail pursuant to subsection (C)(2)(d) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(d)(ii)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property.
3. The decision of the city planning commission shall be final and shall not be subject to appeal, but shall be reported to and shall be subject to call-up for consideration by the city council as provided in Section 17.200.040.
4. Except as otherwise specified in this section, the hearing before, and the decision of, the city planning commission on an appeal under this chapter shall be governed in all respects by Chapter 17.200 of this code.

Section 2. Section 12.64.060 of the Sacramento City Code is amended to read as follows:

12.64.060 Appeal of decision of director.

A. Appeal to Parks and Recreation Commission.

1. Except as provided in subsection (B), below, any person dissatisfied with the decision of the director taken under this chapter may appeal such decision to the parks and recreation commission. Such appeal shall be in writing, stating the reasons therefore, and shall be filed with the secretary of the commission not later than ten (10) calendar days after the date of the director's decision. The secretary shall set the appeal for hearing at the next regular commission meeting that is no less than fifteen (15) business days after the appeal is filed. Notice of time and place of the hearing shall be given to the appellant at least ten (10) calendar days in advance thereof by mail, postage prepaid. The decision of the commission shall be final and shall not be subject to appeal, but shall be reported to and shall be subject to call-up for consideration by the city council as provided in Section 17.200.040.

B. Appeal to City Planning Commission.

1. If the subject of the director's decision under subsection (A), above, is a tree located on a property for which an application for a discretionary development entitlement under Title 16 or Title 17 of this code is then currently pending or has been approved and is not expired, and the purpose of the proposed maintenance or removal is to facilitate development of the property consistent with the pending application or approved entitlement, then any person aggrieved by the director's

decision may appeal such decision to the city planning commission by filing a written notice of appeal with the secretary of the planning commission within ten (10) days of the date of the director's final decision. The notice shall clearly specify the action or determination appealed from, and the reasons for which a hearing is requested. The filing of the notice of appeal shall be accompanied by the fee specified in the city fee and charge report. The director shall determine whether the appeal shall be heard by the planning commission under this subsection (B)(1), and the director's decision on this issue shall be final and shall not be subject to appeal.

2. Notice of Appeal Hearing.
 - a. Notice of an appeal hearing on a decision of the director for a tree removal permit under section 12.64.050(C)(1) shall be given by posting and by mail pursuant to subsection (C)(2)(d) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(d)(ii)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property.
 - b. Notice of an appeal hearing on a decision of the director not subject to subsection (C)(1), above, shall be given by mail pursuant to subsection (C)(2)(d)(ii) of Section 17.200.010, except that notice shall be given only to the appellant, the owner of the property affected where the owner is not the appellant, those persons who appeared and identified themselves to the person before which the original proceeding was held, and those persons who request in writing to be notified of any further proceedings on the matter or who otherwise have requested notice in writing of the hearing.
3. The decision of the city planning commission shall be final and shall not be subject to appeal, but shall be reported to and shall be subject to call-up for consideration by the city council as provided in Section 17.200.040.
4. Except as otherwise specified in this section, the hearing before, and the decision of, the city planning commission on an appeal under this chapter shall be governed in all respects by Chapter 17.200 of this code.

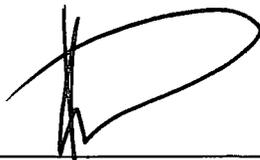
Adopted by the City of Sacramento City Council on June 2, 2009 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Councilmember Hammond.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk

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