Supplemental Agenda Item No. 26-2

Supplemental Material

For

City of Sacramento

City Council
Financing Authority
Housing Authority
Redevelopment Agency

Agenda Packet

Submitted: October 27, 2009

For the Meeting of: October 27, 2009

☐ Additional Material

X Revised Material

Title: **INTERIM ORDINANCE FOR BEVERAGE BOTTLING PLANTS**

The ordinance text is revised to establish a special permit requirement for beverage bottling plants without a formal codified amendment to the Zoning Code, and to clarify the emergency adoption determination by reference to the City Charter.

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Please include this supplemental material in your agenda packet. This material will also be published to the City's Internet. For additional information, contact the City Clerk Department at Historic City Hall, 915 I Street, First Floor, Sacramento, CA 95814-2604, (916) 808-7200.

Attachment 3

ORDINANCE NO.

Adopted by the Sacramento City Council

AN INTERIM ORDINANCE AMENDING TABLE 17.24.040B OF SECTION 17.24.040 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO ESTABLISHING A SPECIAL PERMIT REQUIREMENT FOR BEVERAGE BOTTLING PLANTS AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO

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

A. There has been some concerns raised by community members that the large consumption of water by beverage bottling plants may adversely affect the City's existing and future supplies of water in light of the fact that:

(i) The City is currently requesting its water consumers to conserve their water usage;

(ii) The planned growth of the City under the 2030 General Plan will require construction of additional facilities to increase the quantity of water needed to serve City residents and businesses;

(iii) Global warming and climate change could affect the future supply of water available to the City to serve its customers;

(iv) The City's current water rates are comparatively low for large water consumers, making bottling plants cost competitive because the manufacturer can resell the water for roughly 10 times more than the what it cost to purchase;

(v) It is difficult under Proposition 218 to increase the City's water rates;

(vi) Some community members have claimed that the three existing beverage bottling plants are among the top 20 water consumers in Sacramento, and that they have all increased their water usage between 2006 and 2008;

(vii) The City's current Zoning Code does not require beverage bottling plants to obtain any discretionary permits, which would subject such uses to environmental review;

(viii) Due to these favorable water supply, water rate and Zoning Code conditions, Nestle has applied for building permits to establish a new beverage bottling plant in the City that would consume 250 acre feet of water per year. The existing beverage bottling plants in the City may also desire to expand their operations as consumers increase their demand for bottled water and other beverage products that rely on the supply of large quantities of City water. In addition, other beverage bottling companies may desire to locate manufacturing plants in the City; and

(ix) Additional bottling plants and expansion of existing plant operations could create potential cumulative impacts on the City's water supply. Such cumulative effects may trigger the need for building new water intake facilities and/or new groundwater wells to increase the supply of water to serve the City's customers, and/or the need for imposition of additional water conservation measures and water restrictions in the future.

B. The City needs to evaluate the potential for expansion of existing beverage bottling plants and the potential for establishment of new bottling manufacturers in the City to properly evaluate whether such cumulative effects on the City's water supply could materialize in the future.

C. The City needs to evaluate whether beverage bottling plants may have other affects on the environment based on: (i) their location, site development, or conduct of operations; (ii) if there would be a distinct impact on an area in which the use was located; or (iii) if the use was capable of creating special problems for bordering properties unless given special attention.

D. For all of the foregoing reasons, the City Council desires to impose a special permit requirement before a beverage bottling plant may be developed or expanded in order to study the need for a permanent change to the Zoning Code in regards to the review and approval, or conditional approval, of beverage bottling plants.

E. ~~The City Council finds that it is urgent that this amendment to the Zoning Code take effect immediately so that all beverage bottling plants will be subject to discretionary review by the Planning Commission or City Council before establishment or expansion. Section 17.212.020 of the Zoning Code provides that building permits may not be issued for uses that require a special permit until such permit is granted and during the period of any appeal therefrom is pending, unless the provisions of Section 17.212.100.B apply.~~

SECTION 2. ~~Section 17.24.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:~~

~~A. Table 17.24.040B of Section 17.24.040 is amended by changing the footnote from X to 5, thereby imposing a requirement to obtain a special permit to locate a beverage bottling plant in the particular zone as follows:~~

~~Use~~	~~EC~~	~~HC~~	~~SC~~	~~C-1~~	~~C-2~~	~~C-3~~	~~C-4~~	~~M-1~~	~~M-1 (S)~~	~~M-2~~	~~M-2 (S)~~	~~M-1P~~	~~MRD~~	~~H~~	~~SPX~~	~~TC~~	~~A~~	~~AOS~~	~~F~~	~~ARP-F~~
~~Beverage bottling plant~~							~~5~~	~~5~~	~~5/20~~	~~5~~	~~5/20~~									

~~B. Except as specifically amended by the change in footnotes for a beverage bottling plant in Table 17.24.040B, all other provisions of Section 17.24.040 remain unchanged and in full force and effect.~~

Notwithstanding the provisions of Title 17 (the Zoning Code) and any other provisions of the Sacramento City Code, a planning commission special permit shall be required to establish a beverage bottling plant in the C-4, M-1, M-1S, M-2, and M-2S zones. The requirement for a special permit shall apply to the construction of new buildings and structures for a beverage bottling plant and to the use, remodeling, or expansion of an existing building or structure for a beverage bottling plant. A planning commission special permit for a beverage bottling plant under this Ordinance shall be governed in all respects by the provisions of Chapter 17.212 and all other applicable provisions of Title 17 of the Sacramento City Code.

SECTION 3. 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 permanent, comprehensive regulations governing beverage bottling plants, consisting of amendments to the Zoning Code, will be processed in the manner required by Section 17.208.010 within 365 days, and this interim ordinance will be repealed at that time.

SECTION 4. This ordinance is declared to be an emergency ordinance ~~shall~~ to take effect immediately ~~after enactment~~ upon adoption by the City Council pursuant to Sacramento City Charter Section 32(g)(2). The facts constituting the emergency are as follows:

Based on the findings and determinations set forth in Section 1 of this Ordinance, in order for the City to properly evaluate the potentially serious cumulative effects on the City's water supply that could materialize in the future from the establishment of new and the expansion of existing beverage bottling plants, it is necessary that this Ordinance establishing a special permit requirement for beverage bottling plants take effect immediately, so that all beverage bottling plants will be subject to environmental and discretionary review by the Planning Commission. It is appropriate that this

Ordinance take effect immediately to ensure that beverage bottling plants are not established or expanded during the thirty day period that would otherwise elapse before this Ordinance would take effect.