

ORDINANCE NO. 2011- 021

Adopted by the Sacramento City Council

April 12, 2011

AN ORDINANCE RELATING 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 AND REPEALING ORDINANCE NO. 2009-007(M11-005)

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. On January 27, 2009, the City Council adopted Ordinance No. 2009-007 in response to the re-designation of land within the Natomas Basin to Zone AE on the Flood Insurance Rate Maps for the City of Sacramento. The re-designation 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, making construction economically infeasible until these restrictions are lifted. In the meantime, previously approved land use entitlements and building permits for projects within the Natomas Basin 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 these projects, expiration of these entitlements and permits represents a significant loss for the owners and the City. The City Council adopted Ordinance No. 2009-007 to protect against this potential loss and preserve "shovel-ready" development opportunities by granting additional time to the term of these entitlements and permits.
- B. Ordinance No. 2009-007 does not apply to special permits that are at risk of revocation due to the voluntary or involuntary interruption of the use for a period of two years under Section 17.212.100(G) of the Sacramento City Code. Construction activity on projects with special permits has been interrupted due to the downturn in the economy, and construction cannot now resume due to the flood-related restrictions. The City Council adopts this Ordinance to refine and expand the scope of Ordinance No. 2009-007 to address this issue.

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 were valid and not expired as of February 26, 2009, and to those approved after February 26, 2009, and during the period of time this Ordinance is in effect.

- Section 4. 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 determination of the period of time that a special permit is voluntarily or involuntarily interrupted for purposes of applying Section 17.212.100(G) shall not include the period of time that this Ordinance is in effect. This section shall apply only if the special permit was valid and not expired as of February 26, 2009.
- 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 that was valid and not expired as of February 26, 2009, and under which the actual start of permanent construction, within the meaning of 44 Code of Federal Regulations section 59.1, did 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 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. 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 February 26, 2009, may be reactivated at any time up to 180 days following the repeal of this Ordinance. This Section 6 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 7. 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 5 of this Ordinance or a building permit application under Section 6 of this Ordinance. A building permit issued under a building permit application that is re-activated under Section 6 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 8. 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 one to three years from the date of adoption of this Ordinance, and that this interim Ordinance will be repealed at that time.

Section 9. Ordinance No. 2009-007 shall be repealed on the effective date of this Ordinance.

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Exhibit A – Map of Natomas Basin

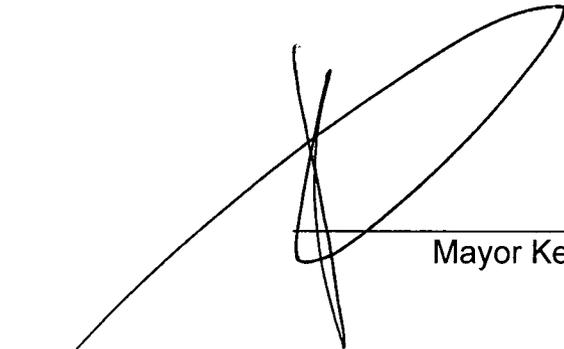
Adopted by the City of Sacramento City Council on April 12, 2011 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk

Passed for Publication: April 5, 2011
Published: April 8, 2011
Effective: May 11, 2011

EXHIBIT A - Natomas Basin within City of Sacramento



December 1, 2008