City of Sacramento
City Council

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Meeting Date: **10/25/2011** **Report Type:** Public Hearing

Title: 2011A Regulatory Improvement Code Changes (M11-002) (Noticed on 10-06-11; Passed for Publication of Title on 10-11-11, Published on 10-14-11)

Report ID: 2011-00730

Location: Citywide

Recommendation: Conduct a public hearing and upon conclusion adopt an Ordinance amending various sections of Title 17 of the Sacramento City Code (Zoning Code) and Title 8 of the Sacramento City Code relating to development application processing and code maintenance.

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Presenter: Sandra Yope, Senior Planner, (916) 808-7158, Community Development Department

Department: Community Development Dept
Division:
Dept ID:

Attachments:

1-Description/Analysis
2-Summary of Proposed Code Changes
3-Ordinance Process Streamlining 2011 090611 –Redline
4-Ordinance Process Streamlining 2011 090611-Clean Copy

City Attorney Review
Approved as to Form
Sabina D. Gilbert
10/17/2011 11:22:18 AM

City Treasurer Review
Reviewed for Impact on Cash and Debt
Russell Fehr
10/5/2011 11:55:26 AM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 10/13/2011 11:25:35 AM

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Description/Analysis

Issue: In establishing the Regulatory Improvement Team, the City Council directed staff to bring forward code changes that promote an appropriate regulatory environment, facilitate and streamline the development process, and create clear and consistent directives.

Staff has prepared an ordinance that amends numerous sections of the Zoning Code, Title 17 and one section of Title 8. This bundle of code changes streamlines land use entitlement processing, corrects previous omissions or errors in the code, and creates uniformity between processes. The most significant changes in the bundle include: removing the special permit requirement for gated alternative-ownership housing, multi-family development, and non-residential development; allowing the rebuilding, expansion, repair and relocation of non-conforming single-family, duplex, and half-plex structures and uses, including accessory structures, in the C-4, M-1, and M-2 zones by right (not subject to the non-conforming regulations); and changing the review process for apartments at the Planning Director level from Planning Director to Zoning Administrator. The remaining proposed changes eliminate or clarify confusing code language, correct errors, or ensure conformance with state law and other parts of the City Code.

Policy Considerations: The proposed ordinance is consistent with the Community Development Department's strategic areas to promote an appropriate regulatory environment and streamline the process. Additionally, updating the zoning ordinance facilitates implementation of the 2030 General Plan.

Environmental Considerations: The adoption of the ordinance would establish new and amend existing administrative processes for development entitlement applications, and would not result in a direct or reasonably foreseeable indirect physical effect on the environment. Therefore, the adoption of the ordinance is not a "project" covered by the California Environmental Quality Act (CEQA) under CEQA Section 21065 and CEQA Guidelines Section 15060(c)(2). Individual projects that may apply for entitlements under the ordinance would undergo separate environmental review.

Sustainability: The zoning code updates foster sustainability by encouraging economic development and infill development within the City.

Commission/Committee Action: The proposed code amendments were presented to the Law and Legislation Committee on September 20, 2011. The Committee forwarded the proposed ordinance to the City Council with its recommendation of approval. The proposed code amendment was presented to the Planning Commission on August 11, 2011. The Planning Commission recommended approval of the proposed ordinance with a unanimous vote. The ordinance is on the October 11, 2011 City Council agenda to be passed for publication.

Rationale for Recommendation: This furthers implementation of the 2030 General Plan by streamlining the Zoning Code. The proposed code amendment will clarify and further streamline entitlement processing by reducing redundant processes and clarifying confusing language found in the code. The proposed amendment also cleans up previous errors, omissions, and makes code language consistent with previously adopted ordinances.

Financial Considerations: None.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

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Summary of Proposed Code Changes

Staff has prepared an ordinance that amends numerous sections of the Zoning Code. All the proposed changes improve or streamline processes within the code, simplify and clarify sections of the code, or correct errors that are either administrative or due to changes in state law. The proposed changes that simplify the development process or requirements are considered streamlining. Those proposed changes that eliminate confusing code language, correct errors, or ensure conformance with state law and other parts of the City Code are considered clarifying. The final area is uniformity for those changes that create consistency between processes, requirements, or other codes.

Streamlining:

- Remove the requirement for a Planning Commission Special Permit for gated alternative-ownership housing, multi-family development, and non-residential development. The gate design, placement requirements, and review will be addressed with the special permit review under 17.24.050 Footnote 8 for alternative-ownership housing development and with the plan review under 17.24.050 Footnote 75 for multi-family development. The special permit requirement **remains** for a gated Single Family R-1 development. (Sections 17.24.050, 17.76.050, 17.76.060, 17.76.070)
- Allow the rebuilding, expansion, repair and relocation of non-conforming single-family, duplex, and half-plex structures and uses, including accessory structures, on lots in the C-4, M-1, and M-2 zones by right (not subject to the non-conforming regulations). Does not allow an increase in number of units. (Section 17.24.050 Footnote 13)
- Change the review process for apartments at the Planning Director level from Planning Director to Zoning Administrator. Most apartment projects require additional entitlements necessitating a Zoning Administrator action for the entire project. (Section 17.24.050 Footnote 75)
- Remove the specific maximum distance requirement for the location of trash enclosures as measured from individual units within a multi-family development. The location of the trash enclosures can be reviewed under the entitlement required for multi-family development without needing a specific distance that would require a variance if it is impractical to meet. (Section 17.72.040)

Clarifying/Administrative Clean-Up Language:

- Add a car wash and detailing services to the definition for “auto service or repair” as this element was inadvertently omitted from the revised definition completed in the 2010 code change bundle. (Section 17.16.010)
- Revise the definition for “child care-family day care home” to be consistent with the definition in state law. (Sections 17.16.010, 17.24.020)

- Amend the Commercial Land Use Chart to replace “penal institution” with “correctional facility,” and define “correctional facility” broadly to include alternative and neighborhood–based correctional facilities developed and utilized by the state. A Planning Commission Special Permit will still be required for “correctional facilities” in any zone. (Sections 17.16.010, 17.24.030)
- Revise and clarify the off-site parking exceptions. The distinction between and different permitting requirements for off-site parking locations “under same ownership” and “under different ownership” is eliminated. Also, make the distance requirement for off-site parking the same citywide. (Section 17.64.010)
- Correct several administrative errors in the land use charts. (Sections 17.24.020 Tables A and B, 17.24.030 Tables A and B, 17.24.040 Tables A and B,)
- Correct numerous grammatical errors or other administrative errors within the code. (Sections 17.24.050, 17.164.030, 17.190.110)
- Rewrote or add clarifying language to code sections to help clarify intent of the section. (Sections 17.24.050 Footnote 44, 17.64.020, 17.80.050)

<u>Uniformity:</u>

- Eliminate the fence material requirements of Footnote 41 to be consistent with fencing requirements in other sections of the code. (Section 17.24.050)
- Change the parking requirement for Manufacturing, Research and Development (MRD) zone to the standard parking requirements per use applied citywide. (Section 17.36.040)
- Change the parking requirement for beauty shop and spa to the same as retail store. The requirement previously matched retail but the retail requirement was changed several years ago and the corresponding change for beauty shops was not made. (Section 17.64.020)
- Added the Planning Director to the entities who can initiate the creation or dissolution of Design Review Districts. This is consistent with similar language elsewhere in the Zoning Code. (17.132.162)
- Require projects subject to design review or preservation review to file an application concurrently with any required planning entitlements application. . (Sections 17.132.310, 17.134.320)

- Change the appeal process language (noise variances) in Title 8 to reference and follow the appeal process for Title 17. (Section 8.68.270)

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ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTIONS 17.16.010, 17.24.020, 17.24.030, 17.24.050, 17.36.040, 17.64.010, 17.64.020, 17.72.040, 17.76.050, 17.76.060, 17.76.070, 17.80.050, 17.132.160, 17.132.310, 17.134.320, 17.164.030, AND 17.190.110 OF TITLE 17 (THE ZONING CODE) AND SECTION 8.68.270 0F TITLE 8 OF THE SACRAMENTO CITY CODE RELATING TO DEVELOPMENT APPLICATION PROCESSING AND CODE MAINTENANCE

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

SECTION 1. Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The definition for "auto service or repair" is amended to read as follows:

"Auto service or repair" means establishments primarily engaged in the maintenance, service, diagnosis, repair, or painting of automobiles, motorcycles, scooters, mopeds, light trucks, vans, trailers, and recreational vehicles subject to registration with the California Department of Motor Vehicles. Included in this definition are car wash and detailing services, body shops, automotive paint shops, tire stores, muffler shops, auto electric shops, van conversion shops, lubrication centers, auto-sound shops, auto-alarm shops, auto-upholstery shops, wheel alignment shops, and similar automotive-related service, repair, and installation businesses. "Auto service or repair" does not include service stations, as defined in this section, or automotive telecommunication or computer installers. "Auto service or repair" does not include auto parts stores with no service or repair, which are considered retail stores. Service and repair of heavy trucks and tractors are included within the category of truck and tractor sales, service, and repair.

B. The definition for "child care – family day care home" is amended to read as follows:

"Child care—family day care home" means ~~a home which regularly provides~~the provision of care, protection, and supervision of ~~fourteen (~~14~~)~~ or fewer children, for periods of less than 24 hours per day, in the provider's own home, while the children's parents or guardians are away. ~~,~~ Children under the age of 10 years who reside at the home shall be

counted in determining the number of children being served~~in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and includes large family and small family day care homes as defined below.~~ (Health and Safety Code Section 1596.78). See "child care center" for fifteen (15) or more children.

~~1. "Large family day care home" means a home which provides family day care to seven to fourteen (14) children, excluding children under the age of twelve (12) years who reside at the home, as defined in regulations.~~

~~2. "Small family day care home" means a home which provides family day care to six or fewer children, excluding children under the age of twelve (12) years who reside at the home, as defined in regulations~~.

C. A definition of "correctional facility" is added to Section 17.16.010 to read as follows:

"Correctional facility" means a place in which people are physically confined and deprived of a range of personal freedoms as a legal penalty for the commission of a crime, such as a jail, prison, prison camp, correctional institution, and penitentiary. "Correctional facility" also includes alternative and neighborhood-based correctional facilities for parolees and probationers, such as community correctional and re-entry centers, work furlough programs, restitution centers, and substance abuse community correctional centers.

D. Except as specifically amended by adding a definition for "correctional facility" and amending the definitions for ""auto service or repair" and "child care—family day care home" as set forth in subsections A, B, and C, above, Section 17.16.010 remains unchanged and in full force and effect.

SECTION 2. 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 "family day care home (child care)" 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-4A	R-5	RMX	RO	OB
~~Family day care home (child care)*~~Child care—family day care home*		42	42	42	42	42	42	42	42	42	42	42	42/69	42	42/18

B. The matrix for "family day care home" set forth in Table 17.24.020 B is amended to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
~~Family day care home*~~Child care—family day care home*		42/16	42/15	42	42	42	42	42	42/20	42	42/20	5/53	5/53	42	5/70		42/72	42/72		

C. Except as specifically amended for the uses indicated as set forth in Subsections A and B, Section 17.24.020 and Tables 17.24.020 A and 17.24.020 B remain unchanged and in full force and effect.

SECTION 3. 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 set forth in Table 17.24.030 A is amended to add "correctional facility" 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-4A	R-5	RMX	RO	OB
Correctional facility*		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18

B. The matrix set forth in Table 17.24.030 B is amended to add "correctional facility" to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Correctional facility*		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	

C. The matrix for "RV/mobilehome sales yard" 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-4A	R-5	RMX	RO	OB
~~RV/m~~Mobilehome sales yard															

D. The matrix for “RV/mobilehome sales yard” set forth in Table 17.24.030 B is amended to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
~~RV/m~~Mobilehome sales yard					10/79	10	10	10	10/20	10	10/20									

E. The matrix for “RV storage (commercial)” set forth in Table 17.24.030 A is deleted.

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-4A	R-5	RMX	RO	OB
~~RV storage (commercial)~~															

F. The matrix for “RV storage (commercial)” set forth in Table 17.24.030 B is deleted.

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
~~RV storage (commercial)~~					~~79~~		~~X~~	~~X~~	~~20~~	~~X~~	~~20~~									

G. The matrix for “penal institution” set forth in Table 17.24.030 A is deleted.

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-4A	R-5	RMX	RO	OB
~~Penal institution~~		~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5/69~~	~~5~~	~~5/18~~

H. The matrix for “penal institution” set forth in Table 17.24.030 B is deleted.

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
~~Penal institution~~		~~5/16~~	~~5/15~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5/20~~	~~5~~	~~5/20~~	~~5/53~~	~~5/53~~	~~5~~	~~5/70~~	~~5/71~~	~~5/72~~	~~5/72~~	~~5/19~~	

I. The matrix for “drive-through service facility” 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-4A	R-5	RMX	RO	OB
Drive-through service facility													~~44/69~~		44/18

J. The matrix for "drive-through service facility" set forth in Table 17.24.030 B is amended to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Drive-through service facility	44/63	44/16	44/15	~~44~~	44	44	44	44	44/20	44	44/20									

K. Except as specifically amended for the uses indicated as set forth in Subsections A, B, C, D, E, F, G, H, I, and J, above, Section 17.24.030 and Tables 17.24.030 A and 17.24.030 B remain unchanged and in full force and effect.

SECTION 4. 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 as follows:

1. Subsection a. of Footnote 8 is amended to read as follows:

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a. Special Permit Required. A zoning administrator special permit is required for alternative ownership housing projects comprised of four or fewer lots. A planning commission special permit is required for alternative ownership housing projects comprised of five or more lots. The special permit process will include review of setbacks, lot coverage, lot size and dimensions, public street frontage and access, and the overall design of the project; the unit design; the design and operation of project fencing and vehicular and pedestrian access gates pursuant to Section 17.76.070; 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, lot coverage, lot size and dimension, and public street frontage and access requirements of this title and Title 16.

2. Except as specifically amended by the amendment to Subsection a, Footnote 8 remains unchanged and in full force and effect.

B. Footnote 13 of Section 17.24.050 is amended to read as follows:

13. Residential Uses in the C-4, M-1, M-1 (S), M-2, and M-2(S) Zones.

Residential uses are ~~not~~ allowed in this zone ~~except~~ as provided below:

a. ~~Property zoned C-4, M-1, M-1(S), M-2, or M-2(S) on which~~ A~~a~~ building or structure that is located on a lot zoned C-4, M-1, M-1(S), M-2, or M-2(S) and that had been previously used for a lawful residential purpose~~s~~ may be restored to a residential use ~~pursuant to~~with a zoning administrator special permit ~~issued by the zoning administrator in~~

~~accordance with the requirements of~~under Chapter 17.212.

b. Nonconforming single-family, duplex, and halfplex structures and uses, including accessory structures and uses, that are located on lots zoned C-4, M-1, M-1(S), M-2, or M-2(S) may be added to, enlarged, repaired, reconstructed, or relocated on the same lot and shall not be subject to the regulations on nonconforming structures and uses in subsections (2), (3), and (4) of Section 17.88.030. The number of dwelling units on the lot may not be increased.

~~b~~c. Property located within the central city and zoned C-4, M-1, M-1 (S), M-2, or M-2(S) may be used for residential purposes ~~pursuant to~~with a zoning administrator special permit ~~issued by the zoning administrator in accordance with the requirements of~~under Chapter 17.212.

~~c~~d. Property located 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 closest to the station) and zoned C-4, M-1, M-1 (S), M-2, or M-2(S) may be used for apartments, duplexes, or halfplexes ~~pursuant to~~with a planning commission special permit ~~issued by the planning commission in accordance with the requirements of~~under Chapter 17.212. Notwithstanding the provisions of Chapter 17.64, projects that incorporate both residential uses authorized by this subsection (13)(~~c~~d) and commercial retail or commercial service uses may have the required off-street parking for the ground floor commercial retail or service use waived by ~~fifty (50) percent~~50% or less by a zoning administrator~~'s~~ special permit or by more than ~~fifty (50) percent~~50% by a planning commission special permit, ~~in accordance with the requirements of~~under Chapter 17.212.

C. Footnote 20 of Section 17.24.050 is amended to read as follows:

20. Development in the M-1S and M-2S Zones.

All uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six feet in height. No materials or supplies shall be stored within the required front or street side yard setback area, nor shall any building, parking stall, structure, fence, or wall extend into said area. All street frontages must have a ~~twenty-five (~~25~~)~~ foot setback which is to be developed and maintained as open landscaped area. The landscaped area shall include a combination of trees, mounded turf and/or live ground cover and shrubs. A fully automatic irrigation system shall be provided. The landscaped area must be ~~twenty-five (~~25~~)~~ feet clear, excluding curbs. Sidewalks are allowed in this area only when necessary for handicapped access. When vehicles overhang and no wheel stops are provided, the landscaped area must be increased to ~~twenty-seven (~~27~~)~~ feet. A six-inch raised concrete curb is required at the back of sidewalk; however, if turf is used and extends farther than ~~fifteen (~~15~~)~~ feet from the property line, this curb is not required. If there is less than ~~fifteen (~~15~~)~~ feet of turf, this requirement may be modified subject to the review and approval of the ~~development services department~~planning director.

D. Footnote 41 of Section 17.24.050 is amended as follows:

1. Subsection d. viii. of Footnote 41 is amended to read as follows:

viii. Fencing shall be solid and a minimum of six feet in height ~~(maximum eight feet in height) and shall be either solid decorative masonry, solid wood, or shall be vinyl-coated chain link fencing with vinyl or redwood slats. Color of the slats shall be unobtrusive and subject to approval prior to installation~~. Fencing shall be installed behind the required landscaped area.

2. Except as specifically amended by the amendment to Subsection d. viii., Footnote 41 remains unchanged and in full force and effect.

E. Footnote 44 of Section 17.24.050 is amended to read as follows:

44. Drive-through service facility.

a. In the OB, EC-30, EC-40, or EC-45, HC, SC, C-2, C-3, C-4, M-1, M-1(S), M-2 and M-2(S) zones, a drive-through services facility shall be permitted when incidental to a permitted use in the underlying zone, subject to the granting of a planning commission special permit~~, only when incidental to a permitted use in the underlying zone~~.

b. A drive-through service facility is not permitted in the ~~In the RMX, C-1 and~~ C-2 NC zone or the EC-50 zone.

c. A drive-through service facility is not permitted in the ~~EC-50,~~ EC-65 and EC-80 zones, except ~~a drive-through facility is not permitted. Drive-through restaurant uses are prohibited from within 1/4 mile of a transit station in an EC zone. (Except~~ that if the EC-65 or EC-80 zone is within an employment center project in the North Natomas C~~c~~ommunity P~~p~~lan area which is the subject of a development agreement executed on or before July 1, 2001, then a drive-through service facility shall be permitted when incidental to a permitted use in the underlying zone, subject to the granting of a planning commission special permit.~~, only when incidental to a permitted use in the underlying zone.)~~

~~In the OB, EC-30, EC-40, or EC-45, HC, SC, C-2, C-3, C-4, M-1, M-1(S), M-2 and M-2(S) zones, a drive-through services facility shall be permitted, subject to the granting of a special permit, only when incidental to a permitted use in the underlying zone.~~

d~~a~~. Findings. A special permit shall not be granted for a drive-through service facility unless the planning commission, in addition to the findings required by Section 17.212.010 of this title, makes the following additional findings:

(i) The design and location of the facility will not contribute to increased congestion on public or private streets or alleys adjacent to the subject property.

(ii) The design and location of the facility will not impede access to or exit from

the parking lot serving the business, impair normal circulation within the parking lot or impede pedestrian movement.

(iii) The design and location of the facility will not create a nuisance for adjacent properties.

e~~b~~. Development Standards. The following standards shall be used by the planning commission in analyzing the adequacy of the design of the drive-through service facility. A variance in accordance with Chapter 17.216 of this title is required to modify the following standards:

i. A minimum stacking distance of ~~one hundred eighty (~~180~~)~~ feet shall be provided to each pick-up window or automated machine.

ii. A facility with a separate ordering point(s) and pick-up window(s) shall provide stacking space for at least four vehicles in advance of each ordering point and stacking space for at least four vehicles between each ordering point and pick-up window.

iii. Entrances to drive-through lanes shall be at least ~~twenty-five (~~25~~)~~ feet from driveways entering a public or private street or alley.

iv. Drive-through service facilities shall not be considered as justification for reducing the number of required parking spaces.

v. The minimum width of each drive-through lane shall be ~~eleven (~~11~~)~~ feet. The entrance to the lane and the direction of traffic flow shall be clearly designated by signs and pavement marking or raised curbs.

vi. A solid six-foot high masonry sound wall shall be constructed on the property boundary when the site is contiguous to residentially zoned or used property~~(ies)~~.

vii. Operation of the drive-through service facility shall be restricted to between the hours of seven a.m. and ten p.m. when the site is contiguous to residentially zoned or used property~~(ies)~~ unless the planning commission approves different hours of operation ~~during the review~~as a condition of approval of the special permit.

~~c~~f. Revocation of Special Permit. The special permit is revocable if congestion attributable to inadequate vehicle stacking space for the drive-through service facility regularly occurs on public or private streets or alleys, or the design of the facility creates a nuisance to adjacent properties and the management of the facility cannot alleviate the situation.

~~d~~g. Guidelines. The following guidelines shall be used ~~by the neighborhoods, planning and development services department~~ in analyzing the adequacy of the design of the facility. The planning commission may require redesign of a drive-through facility to comply with these guidelines.

i. Public address speakers, on-site lighting, and drive-through lanes shall be designed and located such that noise, exhaust fumes and stray light will not create a nuisance for adjacent properties.

ii. Placement of a canopy over the pick-up window is desirable to protect the customer from inclement weather. However, the canopy can not be used as justification to reduce the amount of required on-site shading.

iii. Interior landscaping shall be installed on the site to offset the extensive pavement area devoted to the drive-through lane(s).

F. Footnote 75 of Section 17.24.050 is amended to read as follows:

75. Apartments.

a. General Rule. Apartments are a permitted use in this zone, subject to plan review by either the ~~planning director~~zoning administrator or planning commission as specified below, except that a plan review shall not be required for an apartment project for which a special permit is required.

b. Plan Review by the ~~Planning Director~~Zoning Administrator or Planning Commission. Apartment projects of any size within a PUD and of ~~one hundred (~~100~~)~~ units or less not within a PUD shall be subject to plan review by the ~~planning director~~zoning administrator, pursuant to Chapter 17.220. Apartment projects of more than ~~one hundred (~~100~~)~~ units not within a PUD shall be subject to plan review by the planning commission pursuant to Chapter 17.220. Plan review under this Footnote 75 shall include the review of the design and operation of project fencing and vehicular and pedestrian access gates pursuant to Section 17.76.070. The decision of the zoning administrator ~~planning director~~ or the planning commission shall be subject to appeal in the manner specified in Chapter 17.200.

i. Required Application Information and Materials. The application for plan review of an apartment project shall include the information and materials required under Section 17.132.060 for an application for design review, in addition to the information and materials required for plan review.

ii. Projects within Design Review Districts—Recommendation on Design. Notwithstanding Chapter 17.132, prior to the hearing before the planning commission or zoning administrator~~consideration by the planning director~~, the design of an apartment project that is subject to design review under Chapter 17.132 and is located within a design review district for which design review guidelines have been adopted shall be heard and/or reviewed in the manner provided in Chapter 17.132, but the reviewing body shall forward a recommendation to the planning commission or the zoning administrator ~~planning director~~ on the project design, rather than take action as provided in Chapter 17.132.

iii. Projects Subject to Preservation Review—Recommendation on Design. Notwithstanding Chapter 17.134, prior to the hearing before the planning commission or

zoning administrator~~consideration by the planning director~~, the design of an apartment project that is subject to preservation review under Chapter 17.134 shall be heard and/or reviewed in the manner provided in Chapter 17.134, but the reviewing body shall forward a recommendation to the planning commission or the zoning administrator ~~planning director~~ on the project design, rather than take action as provided in Chapter 17.134.

c. Findings. In addition to the findings required by Chapter 17.220, no apartment project shall be approved unless the zoning administrator ~~planning director~~ or planning commission finds that the project is consistent with the multi-family residential design principles (Resolution No. 2000-487), as they may be amended from time to time; provided that, where the project is located within a design review district for which design guidelines have been adopted, the design guidelines shall apply, and the zoning administrator ~~planning director~~ or planning commission shall not approve a project unless, in addition to the findings required by Chapter 17.220, the zoning administrator ~~planning director~~ or planning commission finds that the project is consistent with the applicable design guidelines. Upon approval of a plan review of an apartment project by the zoning administrator ~~planning director~~ or planning commission, no further design review shall be required.

~~D~~d. Management and Maintenance Requirements.

i. General Rule. All development standards and conditions of approval of plan review or a special permit for an apartment project shall be continuously met by that project. Buildings and premises, including paint, siding, roofs, windows, fences, parking lots and landscaping shall be kept in good repair. Premises shall be kept free of junk, debris and abandoned vehicles.

ii. Conditions of Approval. The following conditions apply to apartment projects subject to plan review or a special permit, provided that the zoning administrator ~~planning director~~ or planning commission has the authority to waive or modify the conditions, and provided further that nothing in this section alters, modifies or restricts the authority of the ~~planning director~~zoning administrator or planning commission to condition the project pursuant to Chapter 17.220:

(a) For projects of fifteen (15) or more dwelling units, the project has a manager that resides on-site;

(b) The owner/operator posts and maintains signage on the premises that provides the phone number to contact maintenance and management staff. Signage is subject to approval by the planning director;

(c) The owner/operator conducts periodic inspections, not less than monthly, of the exterior of all buildings, trash enclosures and recreation facilities;

(d) The owner/operator establishes and conducts a regular program of routine maintenance for the property. Such a program includes common areas and scheduled repainting, replanting and other similar activities that typically require attention at periodic

intervals but not necessarily continuously. The owner/operator repaints or retreats all painted or treated areas at least once every eight years, provided that the planning director may approve less frequent repainting or retreatment upon a determination that less frequent treatment is appropriate, given the nature of the materials used or other factors. The program is subject to review and approval by the planning director;

(e) The owner/operator maintains landscaping and irrigation in a healthy and serviceable condition; and

(f) The owner/operator indicates and maintains all locations of parking stalls for handicapped/disabled access and strictly enforces rules related thereto.

G. Except as specifically amended by the amendments to footnotes 8, 13, 20, 41, 44, and 75, as set forth in subsections A, B, C, D, E, and F, Section 17.24.050 remains unchanged and in full force and effect.

SECTION 5. Section 17.36.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection C of Section 17.36.040 is amended to read as follows:

C. Parking.

1. Off-street parking shall be provided in accordance with the provisions of Chapter 17.64.

~~of this title in order to accommodate all of the parking needs created by each parcel, including employees, visitors, company vehicle and loading activities, except that the following additional provisions shall apply to the use of parcels within the MRD zone:~~

~~1. The following off-street parking requirements are adopted:~~

~~**Land Use**~~	~~**Spaces Required for Each Land Use**~~
~~Research & development~~	~~1 space per 300 s.f. gross floor area~~
~~Manufacture, assembly, testing, repair~~	~~1 space per 350 s.f. gross floor area~~

~~Accessory uses as herein provided for shall be in accordance with parking standards established by the PUD guidelines for the area~~ 2. Except for driveways providing street access, parking stalls and vehicle maneuvering areas shall not be permitted in the required front and street side yard setbacks.

B. Except as specifically amended by the amendments to Subsection C, as set forth in subsection A, above, Section 17.36.040 remains unchanged and in full force and effect.

SECTION 6. Section 17.64.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection A.1. of Section 17.64.010 is amended to read as follows:

1. Off-Site Exceptions.

~~The following regulations pertain to the provision of required parking off-site:~~

~~a. Off-Site Parking Under Same Ownership.~~

~~A zoning administrator's special permit may be granted to locate required and nonrequired off-street vehicle parking on a parcel(s) within three hundred (300) feet radius of the subject site if the parcels designated for off-site parking are under the same ownership as the subject site. Under no circumstances shall the amount of parking approved by the zoning administrator exceed any maximum amount of allowable parking.~~

~~a~~b. Off-Site Parking ~~Under Different Ownership~~ Within a Specified Radius of the ~~Subject~~ Site Served.

i. Within the central city, a zoning administrator's special permit is required to locate required and non-required off-street vehicle parking on a parcel within a 1,000 foot radius of the site the parking will serve.

ii. For retail/ commercial uses o~~O~~utside the central city, a zoning administrator's special permit ~~may be granted~~is required to locate required and non-required off-street vehicle parking on a parcel~~(s)~~ within ~~three hundred (300)~~a 1,000 foot radius of the ~~subject~~ site the parking will serve. ~~if the parcels designated for off-site parking are under different ownership from the subject site.~~

iii. ~~Within~~ For all other uses outside the central city, ~~and for retail/ commercial uses,~~ a zoning administrator's special permit ~~may be granted~~is required to locate required and non-required off-street vehicle parking on a parcel~~(s)~~ within ~~one thousand (1,000)~~a 300 foot radius of the ~~subject site~~site the parking will serve. ~~if the parcels designated for off-site parking are under different ownership from the subject site. A zoning administrator's special permit may be granted only if the applicant provides written evidence that users of the subject site will have unrestricted exclusive right to use the other parcel(s) for required parking for a period of not less than ten (10) years, or otherwise provides an arrangement satisfactory to the zoning administrator. Under no circumstances shall the amount of parking approved by the zoning administrator exceed any maximum amount of allowable parking.~~

~~c~~b. Off-Site Parking ~~Under Different Ownership~~ Outside a Specified Radius from ~~Subject~~ the Site Served.

~~Outside the central city, a~~A planning commission special permit is required ~~may be granted~~ to locate required and non-required off-street vehicle parking on a parcel~~(s)~~ outside

of ~~a three hundred (300) foot radius~~the distances specified in subsection a, above, from ~~of~~ the ~~subject~~ site the parking will serve. ~~if the parcels designated for off-site parking are under different ownership from the subject site. Within the central city, a special permit may be granted to locate required and nonrequired off-street vehicle parking for retail/commercial uses on a parcel(s) outside of a one thousand (1,000) foot radius of the subject site if the parcels designated for off-site parking are under different ownership from the subject site. A special permit may be granted only if the applicant provides written evidence that users of the subject site will have unrestricted exclusive right to use the other parcel(s) for required parking for a period of not less than ten (10) years, or otherwise provides an arrangement satisfactory to the planning commission. Under no circumstances shall the amount of parking approved by the planning commission exceed any maximum amount of allowable parking.~~

c. Under no circumstances shall the amount of parking approved by the zoning administrator or planning commission exceed the maximum amount of allowable parking.

d. If the parcel designated for off-site parking is under different ownership from the site the parking will serve, the special permit may be granted only if the applicant provides written evidence that users of the site that the offsite parking will serve will have unrestricted exclusive rights to use the offsite parking parcel(s) for required parking for a period of not less than 10 years, or otherwise provides an arrangement satisfactory to the decision-maker.

B. Except as specifically amended by the amendment to Subsection A.1., as set forth in subsection A, above, Section 17.64.010 remains unchanged and in full force and effect.

SECTION 7. Section 17.64.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The line for "single-family/halfplex/duplex" under "1. Residential Uses" in the Table set out in Section 17.64.020 is amended to read as follows:

Single-family/ halfplex/ duplex (lot ~~<~~<3,200 sf in central city)	0 spaces per dwelling unit

B. The line for "Beauty shop" under "2. Commercial Uses" in the Table set out in Section 17.64.020 is amended to read as follows:

Beauty shop, spa	Same ratio as "retail store, shopping center" below ~~1 space per 250 gross sq. ft.~~

C. Except as specifically amended by the amendment to the lines for "single-family/ halfplex/ duplex" and "beauty shop" as set forth in subsections A and B, above,

Section 17.64.020 remains unchanged and in full force and effect.

SECTION 8. Section 17.72.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection F of Section 17.72.040 is amended to read as follows:

F. Convenient Access for Multi-Family Residents.

Each recycling and trash enclosure within a multi-family residential development shall be ~~no greater than two hundred fifty (250) feet from the nearest point of each unit. Each recycling and trash enclosure or receptacle within a multi-family residential development shall be~~located and designed to allow the convenient disposal of recyclable materials and trash by residents without having to open the main enclosure gates.

B. Except as specifically amended by the amendment to Subsection F, as set forth in subsection A, above, Section 17.72.040 remains unchanged and in full force and effect.

SECTION 9. Section 17.76.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.76.050 General requirements.

The~~se~~ regulations in this Article II establish permit requirements and design and operational standards for ~~a supplemental review and approval procedure for placing~~ gated residential communities and gates at vehicular entrances to residential ~~and nonresidential~~ developments. The regulations established under this~~e~~ Article shall not supersede the provisions of Article I of this chapter.

~~A. Single-Family and Two-Family Residential Development. Single- and two-family dwelling units located on one parcel are permitted to construct gates across driveways provided that the gates are located a minimum of twenty (20) feet behind the public right-of-way, will not swing into a public or private street or alley and are constructed consistent with Chapter 12.04 of this code, relating to streets and sidewalks.~~

~~B. Multi-Family Residential Development (Three or More Units). Except as provided under Section 17.76.060, Exceptions, of this chapter, a special permit shall be required to establish gates at private vehicular entrances.~~

~~C. Nonresidential Development. Except as provided in Section 17.76.060, Exceptions, of this chapter, all nonresidential developments shall obtain a special permit to establish gate(s) at private vehicular entrances that will be closed during business hours, will result in a fully enclosed development (i.e., gates and fencing around the perimeter of~~

~~the development), or will close off access to public streets.~~

SECTION 10. Section 17.76.060 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.76.060 ~~Exceptions~~Gated single-family and two-family residential developments.

Gated single-family and two-family residential developments that are not subject to Section 17.24.050 Footnote 8 or 75 require a planning commission special permit.

~~A. No special permit shall be required to establish gates on a Sacramento housing and redevelopment agency (SHRA) project, or on projects where the requirement for gates is initiated by the city council or a city department.~~

~~B. Nonresidential developments are permitted to construct gates, posts and cable or other equipment across driveways to prevent vehicular access provided the entire property is not enclosed by fencing. To meet this exception, the following standards shall be complied with:~~

~~1. Gate designs shall include emergency hardware to ensure proper emergency access to the satisfaction of the city fire and police departments.~~

~~2. "Anti-directional" devices (i.e., metal spikes that can cause tire damage) at entrances and exits are prohibited.~~

~~3. Driveways shall not be blocked by gates, cables or other devices during business hours.~~

SECTION 11.

Section 17.76.070 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.76.070 ~~Special permit procedure~~Design and operational standards for gated residential developments.

~~A planning commission special permit shall be required to establish gated development projects as described above. Planning staff and the planning commission shall use the following information in reviewing all gated development requests:~~

~~A. Findings. A special permit to establish gates shall not be approved unless the planning commission finds that:~~

~~1. The project will not impede public access to a public resource or interfere with existing or planned traffic circulation patterns.~~

~~2. The project is consistent with city regulations and guidelines relating to the establishment of gated developments.~~

~~3. The project is consistent with the objectives of the general plan, community plan, or other local plan for the area in which the project is to be located.~~

~~4. The project will not be detrimental to the public health, safety or welfare, or result in the creation of a nuisance.~~

~~B. Standards.~~ The following ~~standards~~ design and operational standards shall be ~~used~~ applied~~by the planning commission in analyzing the design~~ when reviewing a special permit or plan review application for ~~of~~ a gated residential development~~s~~ under Section 17.24.050 Footnote 8 or 75 or Section 17.76.060:~~.~~ ~~Deviation from these standards shall require a variance pursuant to Chapter 17.216 of this title in addition to the special permit.~~

~~1~~A. Design and location of gates shall ~~be consistent with~~conform to the requirements of Chapter ~~12.40~~18.08 ~~-~~of this code~~, relating to streets and sidewalks~~.

~~2~~B. Gated entrances shall be designed to allow vehicles to turn around within the driveway, without backing into the adjacent street (except on minor local streets).

~~3~~C. Gates shall be designed to provide twenty-four (24) hour access by authorized maintenance and service providers (such as utilities, mail, parcel delivery, and cable).

~~4~~D. Gate designs shall include emergency hardware to ensure proper emergency access to the satisfaction of the city fire, police, transportation, and utilities departments.

~~5~~E. One pedestrian access gate shall be provided at each gated driveway entrance.

~~6~~F. “Anti-directional” devices (i.e., metal spikes that can cause tire damage) at entrances and exits are prohibited.

~~7~~G. Covenants, conditions and restrictions (CC&Rs) shall be established and recorded for the gated development. The CC&Rs shall identify, and at all times keep in effect, a legal entity responsible for maintaining the gates and associated features.

~~C. Guidelines. The following guidelines shall be used by the planning division in analyzing the adequacy of the design of gates placed at entrances to development projects. Noncompliance with these guidelines will not require a variance. However, noncompliance may be grounds to require redesign of the project.~~

~~1. Entrances must meet the following width requirements unless otherwise approved by the fire department. Dual gates should be at least sixteen (16) feet wide on each side; single gates should be at least twenty (20) feet wide.~~

~~2. Adequate stacking room should be provided between the gated entrance and the gate controller to avoid vehicular stacking across sidewalks, streets, bike paths and~~

~~similar facilities.~~

~~3. Gates should be constructed of decorative, ornamental iron.~~

~~4. The style and color of gates and other enclosures should be coordinated with nearby structures.~~

~~5. Swing gates are encouraged. Gate hinges may be located on one or both sides of the driveway.~~

~~6. Sliding gates are discouraged.~~

SECTION 12. Section 17.80.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 5 of Section 17.80.050 is amended to read as follows:

5. Maximum Height of a Detached Accessory Structure:

a. Maximum Overall Height. Eighteen ~~(18)~~ feet to the highest point on the roof. Dormers are permitted as a decorative feature and/or to admit daylight to the structure if they meet the following criteria:

i. No part of the dormer(s) shall be located on the same plane as the wall~~(s)~~ below;

ii. The combined width of all dormers on a single roof plane shall not exceed one-fourth of the width of the roof plane where the dormers are located;

iii. Variations or waivers of the criteria in this subsection 17.80.050(5)(a)(i) and (ii) may be approved with a zoning administrator's special permit under Chapter 17.212.

b. Maximum Wall Height. Ten ~~(10)~~ feet. The wall height is the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the plate line, where the roof meets the wall.

B. Except as specifically amended by the amendment to Footnote 5, as set forth in subsection A, above, Section 17.80.050 remains unchanged and in full force and effect.

SECTION 13. Section 17.132.160 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection B.1. of Section 17.132.160 is amended to read as follows:

1. The city council, ~~and~~ the design commission, and the planning director each shall have the authority to initiate the establishment of a new design review district and the amendment or dissolution of an existing design review district by filing a statement of

initiation describing the proposed new district or the proposed amendment or dissolution of an existing district with the secretary of the design commission.

B. Except as specifically amended by the amendment to Subsection B.1., as set forth in subsection A, above, Section 17.132.160 remains unchanged and in full force and effect.

SECTION 14. Section 17.132.310 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection A of Section 17.132.310 is amended to read as follows:

A. Design Review Applications.

Any person proposing a development project subject to design review under the provisions of this chapter or any other provision of this code shall file an application for design review with the director concurrent with the filing of an application for any required discretionary entitlement for the development project or, if no discretionary entitlement is required, prior to filing for a building permit ~~or entitlement of use~~. Such application shall be in the form as required by the director.

B. Except as specifically amended by the amendments to Subsection A as set forth in subsection A, above, Section 17.132.310 remains unchanged and in full force and effect.

SECTION 15. Section 17.134.320 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection A of Section 17.134.320 is amended to read as follows:

A. Preservation Review Applications.

Any person proposing a development project subject to preservation review under the provisions of this chapter or any other provision of this code shall file an application for preservation review with the preservation director~~,~~ concurrent with the filing of an application for any required discretionary entitlement for the development project or, if no discretionary entitlement is required, prior to filing for a building permit or, if no building permit is required, ~~or entitlement of use, and~~ prior to commencing the development project.~~, whether or not a building permit or other entitlement of use is required, shall file an application for preservation review with the preservation director.~~ Such application shall be in the form as required by the preservation director.

B. Except as specifically amended by the amendment to Subsection A, as set forth in subsection A, above, Section 17.134.320 remains unchanged and in full force and effect.

SECTION 16. Section 17.164.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection 17.164.030 B.20. is deleted.

~~20. Sidewalk cafe (zoning administrator special p~~B. Except as specifically amended by the deletion of Subsection B.20, as set forth in subsection A, above, Section 17.164.030 remains unchanged and in full force and effect.

SECTION 17. Section 17.190.110 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection B.1.b. of Section 17.190.110 is amended to read as follows:

b. Planning Commission or Zoning Administrator Approval of Inclusionary Housing Plan.

The inclusionary housing plan for development projects requiring only non-legislative, adjudicatory entitlements subject to planning commission or zoning administrator approval shall be noticed and heard in the same manner as the non-legislative, adjudicatory entitlements. The decision of the planning commission or zoning administrator approving or denying the inclusionary housing plan shall be subject to appeal to, and call-up by, the city council pursuant to Sections 17.200.030 and 17.200.040. Notwithstanding any other provision of this code to the contrary, an appeal or call-up of the decision of the planning commission or zoning administrator on the housing plan for a project shall also constitute the appeal or call-up of the decision of the planning commission or zoning administrator on each adjudicatory entitlement considered by the planning commission or zoning administrator for that project.

B. Except as specifically amended by the amendment to Subsection B.1.b, as set forth in subsection A, above, Section 17.190.110 remains unchanged and in full force and effect.

SECTION 18. Section 8.68.270 of Title 8 of the Sacramento City Code is amended to read as follows:

8.68.270 Appeals**.**

~~A. General. Any person dissatisfied with the~~ The decision of the zoning administrator on a variance under this chapter ~~may~~ shall be subject to appeal as provided in Section 17.200.030 of this code. ~~appeal that decision to the planning commission by filing a notice of appeal in the manner specified in Chapter 17.200 of this code. Any appeal of the zoning administrator's decision shall be filed within ten (10) days after the date of the decision. Notice of the hearing before the planning commission on appeal shall be given by~~

~~publishing notice of the decision in at least one newspaper of general circulation at least seven days prior to the hearing and by sending written notice by mail to appellant(s) and the applicant at least seven days prior to the date of the hearing of the appeal.~~

~~B. Exception. Except as otherwise expressly allowed in this subsection, no appeal of a planning commission decision on appeal of a zoning administrator's decision on a variance under this chapter shall be allowed. Whenever an environmental impact report (EIR) has been prepared for an application for a variance pursuant to this chapter, the decision of the planning commission on an appeal from the zoning administrator shall be subject to appeal to the city council. Such appeal shall be filed, noticed and heard in the same manner as an appeal of a planning commission decision under Section 8.68.170 of this chapter.~~

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ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTIONS 17.16.010, 17.24.020, 17.24.030, 17.24.050, 17.36.040, 17.64.010, 17.64.020, 17.72.040, 17.76.050, 17.76.060, 17.76.070, 17.80.050, 17.132.160, 17.132.310, 17.134.320, 17.164.030, AND 17.190.110 OF TITLE 17 (THE ZONING CODE) AND SECTION 8.68.270 0F TITLE 8 OF THE SACRAMENTO CITY CODE RELATING TO DEVELOPMENT APPLICATION PROCESSING AND CODE MAINTENANCE

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

SECTION 1. Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The definition for "auto service or repair" is amended to read as follows:

"Auto service or repair" means establishments primarily engaged in the maintenance, service, diagnosis, repair, or painting of automobiles, motorcycles, scooters, mopeds, light trucks, vans, trailers, and recreational vehicles subject to registration with the California Department of Motor Vehicles. Included in this definition are car wash and detailing services, body shops, automotive paint shops, tire stores, muffler shops, auto electric shops, van conversion shops, lubrication centers, auto-sound shops, auto-alarm shops, auto-upholstery shops, wheel alignment shops, and similar automotive-related service, repair, and installation businesses. "Auto service or repair" does not include service stations, as defined in this section, or automotive telecommunication or computer installers. "Auto service or repair" does not include auto parts stores with no service or repair, which are considered retail stores. Service and repair of heavy trucks and tractors are included within the category of truck and tractor sales, service, and repair.

B. The definition for "child care – family day care home" is amended to read as follows:

"Child care—family day care home" means the provision of care, protection, and supervision of 14 or fewer children, for periods of less than 24 hours per day, in the provider's own home, while the children's parents or guardians are away. Children under the age of 10 years who reside at the home shall be counted in determining the number of

children being served (Health and Safety Code Section 1596.78). See “child care center” for fifteen (15) or more children.

C. A definition of “correctional facility” is added to Section 17.16.010 to read as follows:

“Correctional facility” means a place in which people are physically confined and deprived of a range of personal freedoms as a legal penalty for the commission of a crime, such as a jail, prison, prison camp, correctional institution, and penitentiary. “Correctional facility” also includes alternative and neighborhood-based correctional facilities for parolees and probationers, such as community correctional and re-entry centers, work furlough programs, restitution centers, and substance abuse community correctional centers.

D. Except as specifically amended by adding a definition for “correctional facility” and amending the definitions for ““auto service or repair” and “child care—family day care home” as set forth in subsections A, B, and C, above, Section 17.16.010 remains unchanged and in full force and effect.

SECTION 2. 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 “family day care home (child care)” 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-4A	R-5	RMX	RO	OB
Child care—family day care home*		42	42	42	42	42	42	42	42	42	42	42	42/69	42	42/18

B. The matrix for “family day care home” set forth in Table 17.24.020 B is amended to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Child care—family day care home*		42/16	42/15	42	42	42	42	42	42 /20	42	42 /20	5 /53	5 /53	42	5 /70		42 /72	42 /72		

C. Except as specifically amended for the uses indicated as set forth in Subsections A and B, Section 17.24.020 and Tables 17.24.020 A and 17.24.020 B remain unchanged and in full force and effect.

SECTION 3. 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 set forth in Table 17.24.030 A is amended to add "correctional facility" 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-4A	R-5	RMX	RO	OB
Correctional facility*		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18

B. The matrix set forth in Table 17.24.030 B is amended to add "correctional facility" to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Correctional facility*		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	

C. The matrix for "RV/mobilehome sales yard" 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-4A	R-5	RMX	RO	OB
Mobilehome sales yard															

D. The matrix for "RV/mobilehome sales yard" set forth in Table 17.24.030 B is amended to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Mobilehome sales yard					10/79	10	10	10	10/20	10	10/20									

E. The matrix for "RV storage (commercial)" set forth in Table 17.24.030 A is deleted.

F. The matrix for "RV storage (commercial)" set forth in Table 17.24.030 B is deleted.

G. The matrix for "penal institution" set forth in Table 17.24.030 A is deleted.

H. The matrix for "penal institution" set forth in Table 17.24.030 B is deleted.

I. The matrix for “drive-through service facility” 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-4A	R-5	RMX	RO	OB
Drive-through service facility															44/18

J. The matrix for “drive-through service facility” set forth in Table 17.24.030 B is amended to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Drive-through service facility	44/63	44/16	44/15		44	44	44	44	44/20	44	44/20									

K. Except as specifically amended for the uses indicated as set forth in Subsections A, B, C, D, E, F, G, H, I, and J, above, Section 17.24.030 and Tables 17.24.030 A and 17.24.030 B remain unchanged and in full force and effect.

SECTION 4. 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 as follows:

1. Subsection a. of Footnote 8 is amended to read as follows:

a. Special Permit Required. A zoning administrator special permit is required for alternative ownership housing projects comprised of four or fewer lots. A planning commission special permit is required for alternative ownership housing projects comprised of five or more lots. The special permit process will include review of setbacks, lot coverage, lot size and dimensions, public street frontage and access, and the overall design of the project; the unit design; the design and operation of project fencing and vehicular and pedestrian access gates pursuant to Section 17.76.070; 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, lot coverage, lot size and dimension, and public street frontage and access requirements of this title and Title 16.

2. Except as specifically amended by the amendment to Subsection a, Footnote 8 remains unchanged and in full force and effect.

B. Footnote 13 of Section 17.24.050 is amended to read as follows:

13. Residential Uses in the C-4, M-1, M-1 (S), M-2, and M-2(S) Zones.

Residential uses are allowed in this zone as provided below:

a. A building or structure that is located on a lot zoned C-4, M-1, M-1(S), M-2, or M-2(S) and that had been previously used for a lawful residential purpose may be restored to a residential use with a zoning administrator special permit under Chapter 17.212.

b. Nonconforming single-family, duplex, and halfplex structures and uses, including accessory structures and uses, that are located on lots zoned C-4, M-1, M-1(S), M-2, or M-2(S) may be added to, enlarged, repaired, reconstructed, or relocated on the same lot and shall not be subject to the regulations on nonconforming structures and uses in subsections (2), (3), and (4) of Section 17.88.030. The number of dwelling units on the lot may not be increased.

c. Property located within the central city and zoned C-4, M-1, M-1 (S), M-2, or M-2(S) may be used for residential purposes with a zoning administrator special permit under Chapter 17.212.

d. Property located 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 closest to the station) and zoned C-4, M-1, M-1 (S), M-2, or M-2(S) may be used for apartments, duplexes, or halfplexes with a planning commission special permit under Chapter 17.212. Notwithstanding the provisions of Chapter 17.64, projects that incorporate both residential uses authorized by this subsection (13)(d) and commercial retail or commercial service uses may have the required off-street parking for the ground floor commercial retail or service use waived by 50% or less by a zoning administrator special permit or by more than 50% by a planning commission special permit, under Chapter 17.212.

C. Footnote 20 of Section 17.24.050 is amended to read as follows:

20. Development in the M-1S and M-2S Zones.

All uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six feet in height. No materials or supplies shall be stored within the required front or street side yard setback area, nor shall any building, parking stall, structure, fence, or wall extend into said area. All street frontages must have a 25 foot setback which is to be developed and maintained as open landscaped area. The landscaped area shall include a combination of trees, mounded turf and/or live ground cover and shrubs. A fully automatic irrigation system shall be provided. The landscaped area must be 25 feet clear, excluding curbs. Sidewalks are allowed in this area only when necessary for handicapped access. When vehicles overhang and no wheel stops are provided, the landscaped area must be increased to 27 feet. A six-inch raised

concrete curb is required at the back of sidewalk; however, if turf is used and extends farther than 15 feet from the property line, this curb is not required. If there is less than 15 feet of turf, this requirement may be modified subject to the review and approval of the planning director.

D. Footnote 41 of Section 17.24.050 is amended as follows:

1. Subsection d. viii. of Footnote 41 is amended to read as follows:

viii. Fencing shall be solid and a minimum of six feet in height. Fencing shall be installed behind the required landscaped area.

2. Except as specifically amended by the amendment to Subsection d. viii., Footnote 41 remains unchanged and in full force and effect.

E. Footnote 44 of Section 17.24.050 is amended to read as follows:

44. Drive-through service facility.

a. In the OB, EC-30, EC-40, or EC-45, HC, SC, C-2, C-3, C-4, M-1, M-1(S), M-2 and M-2(S) zones, a drive-through services facility shall be permitted when incidental to a permitted use in the underlying zone, subject to the granting of a planning commission special permit.

b. A drive-through service facility is not permitted in the C-2 NC zone or the EC-50 zone.

c. A drive-through service facility is not permitted in the EC-65 and EC-80 zones, except that if the EC-65 or EC-80 zone is within an employment center project in the North Natomas Community Plan area which is the subject of a development agreement executed on or before July 1, 2001, then a drive-through service facility shall be permitted when incidental to a permitted use in the underlying zone, subject to the granting of a planning commission special permit..

d. Findings. A special permit shall not be granted for a drive-through service facility unless the planning commission, in addition to the findings required by Section 17.212.010 of this title, makes the following additional findings:

(i) The design and location of the facility will not contribute to increased congestion on public or private streets or alleys adjacent to the subject property.

(ii) The design and location of the facility will not impede access to or exit from the parking lot serving the business, impair normal circulation within the parking lot or impede pedestrian movement.

(iii) The design and location of the facility will not create a nuisance for adjacent properties.

e. Development Standards. The following standards shall be used by the planning commission in analyzing the adequacy of the design of the drive-through service facility. A variance in accordance with Chapter 17.216 of this title is required to modify the following standards:

i. A minimum stacking distance of 180 feet shall be provided to each pick-up window or automated machine.

ii. A facility with a separate ordering point(s) and pick-up window(s) shall provide stacking space for at least four vehicles in advance of each ordering point and stacking space for at least four vehicles between each ordering point and pick-up window.

iii. Entrances to drive-through lanes shall be at least 25 feet from driveways entering a public or private street or alley.

iv. Drive-through service facilities shall not be considered as justification for reducing the number of required parking spaces.

v. The minimum width of each drive-through lane shall be 11 feet. The entrance to the lane and the direction of traffic flow shall be clearly designated by signs and pavement marking or raised curbs.

vi. A solid six-foot high masonry sound wall shall be constructed on the property boundary when the site is contiguous to residentially zoned or used property.

vii. Operation of the drive-through service facility shall be restricted to between the hours of seven a.m. and ten p.m. when the site is contiguous to residentially zoned or used property unless the planning commission approves different hours of operation as a condition of approval of the special permit.

f. Revocation of Special Permit. The special permit is revocable if congestion attributable to inadequate vehicle stacking space for the drive-through service facility regularly occurs on public or private streets or alleys, or the design of the facility creates a nuisance to adjacent properties and the management of the facility cannot alleviate the situation.

g. Guidelines. The following guidelines shall be used in analyzing the adequacy of the design of the facility. The planning commission may require redesign of a drive-through facility to comply with these guidelines.

i. Public address speakers, on-site lighting, and drive-through lanes shall be designed and located such that noise, exhaust fumes and stray light will not create a nuisance for adjacent properties.

ii. Placement of a canopy over the pick-up window is desirable to protect the customer from inclement weather. However, the canopy can not be used as justification to reduce the amount of required on-site shading.

iii. Interior landscaping shall be installed on the site to offset the extensive pavement area devoted to the drive-through lane(s).

F. Footnote 75 of Section 17.24.050 is amended to read as follows:

75. Apartments.

a. General Rule. Apartments are a permitted use in this zone, subject to plan review by either the zoning administrator or planning commission as specified below, except that a plan review shall not be required for an apartment project for which a special permit is required.

b. Plan Review by the Zoning Administrator or Planning Commission. Apartment projects of any size within a PUD and of 100 units or less not within a PUD shall be subject to plan review by the zoning administrator, pursuant to Chapter 17.220. Apartment projects of more than 100 units not within a PUD shall be subject to plan review by the planning commission pursuant to Chapter 17.220. Plan review under this Footnote 75 shall include the review of the design and operation of project fencing and vehicular and pedestrian access gates pursuant to Section 17.76.070. The decision of the zoning administrator or the planning commission shall be subject to appeal in the manner specified in Chapter 17.200.

i. Required Application Information and Materials. The application for plan review of an apartment project shall include the information and materials required under Section 17.132.060 for an application for design review, in addition to the information and materials required for plan review.

ii. Projects within Design Review Districts—Recommendation on Design. Notwithstanding Chapter 17.132, prior to the hearing before the planning commission or zoning administrator, the design of an apartment project that is subject to design review under Chapter 17.132 and is located within a design review district for which design review guidelines have been adopted shall be heard and/or reviewed in the manner provided in Chapter 17.132, but the reviewing body shall forward a recommendation to the planning commission or the zoning administrator on the project design, rather than take action as provided in Chapter 17.132.

iii. Projects Subject to Preservation Review—Recommendation on Design. Notwithstanding Chapter 17.134, prior to the hearing before the planning commission or zoning administrator, the design of an apartment project that is subject to preservation review under Chapter 17.134 shall be heard and/or reviewed in the manner provided in Chapter 17.134, but the reviewing body shall forward a recommendation to the planning commission or the zoning administrator on the project design, rather than take action as

provided in Chapter 17.134.

c. Findings. In addition to the findings required by Chapter 17.220, no apartment project shall be approved unless the zoning administrator or planning commission finds that the project is consistent with the multi-family residential design principles (Resolution No. 2000-487), as they may be amended from time to time; provided that, where the project is located within a design review district for which design guidelines have been adopted, the design guidelines shall apply, and the zoning administrator or planning commission shall not approve a project unless, in addition to the findings required by Chapter 17.220, the zoning administrator or planning commission finds that the project is consistent with the applicable design guidelines. Upon approval of a plan review of an apartment project by the zoning administrator or planning commission, no further design review shall be required.

d. Management and Maintenance Requirements.

i. General Rule. All development standards and conditions of approval of plan review or a special permit for an apartment project shall be continuously met by that project. Buildings and premises, including paint, siding, roofs, windows, fences, parking lots and landscaping shall be kept in good repair. Premises shall be kept free of junk, debris and abandoned vehicles.

ii. Conditions of Approval. The following conditions apply to apartment projects subject to plan review or a special permit, provided that the zoning administrator or planning commission has the authority to waive or modify the conditions, and provided further that nothing in this section alters, modifies or restricts the authority of the zoning administrator or planning commission to condition the project pursuant to Chapter 17.220:

(a) For projects of fifteen (15) or more dwelling units, the project has a manager that resides on-site;

(b) The owner/operator posts and maintains signage on the premises that provides the phone number to contact maintenance and management staff. Signage is subject to approval by the planning director;

(c) The owner/operator conducts periodic inspections, not less than monthly, of the exterior of all buildings, trash enclosures and recreation facilities;

(d) The owner/operator establishes and conducts a regular program of routine maintenance for the property. Such a program includes common areas and scheduled repainting, replanting and other similar activities that typically require attention at periodic intervals but not necessarily continuously. The owner/operator repaints or retreats all painted or treated areas at least once every eight years, provided that the planning director may approve less frequent repainting or retreatment upon a determination that less frequent treatment is appropriate, given the nature of the materials used or other factors. The program is subject to review and approval by the planning director;

(e) The owner/operator maintains landscaping and irrigation in a healthy and serviceable condition; and

(f) The owner/operator indicates and maintains all locations of parking stalls for handicapped/disabled access and strictly enforces rules related thereto.

G. Except as specifically amended by the amendments to footnotes 8, 13, 20, 41, 44, and 75, as set forth in subsections A, B, C, D, E, and F, Section 17.24.050 remains unchanged and in full force and effect.

SECTION 5. Section 17.36.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection C of Section 17.36.040 is amended to read as follows:

C. Parking.

1. Off-street parking shall be provided in accordance with the provisions of Chapter 17.64.

2. Except for driveways providing street access, parking stalls and vehicle maneuvering areas shall not be permitted in the required front and street side yard setbacks.

B. Except as specifically amended by the amendments to Subsection C, as set forth in subsection A, above, Section 17.36.040 remains unchanged and in full force and effect.

SECTION 6. Section 17.64.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection A.1. of Section 17.64.010 is amended to read as follows:

1. Off-Site Exceptions.

a. Off-Site Parking Within a Specified Radius of the Site Served.

i. Within the central city, a zoning administrator's special permit is required to locate required and non-required off-street vehicle parking on a parcel within a 1,000 foot radius of the site the parking will serve.

ii. For retail/ commercial uses outside the central city, a zoning administrator's special permit is required to locate required and non-required off-street vehicle parking on a parcel within a 1,000 foot radius of the site the parking will serve.

iii. For all other uses outside the central city, a zoning administrator's special

permit is required to locate required and non-required off-street vehicle parking on a parcel within a 300 foot radius of the site the parking will serve.

b. Off-Site Parking Outside a Specified Radius from the Site Served.

A planning commission special permit is required to locate required and non-required off-street vehicle parking on a parcel outside of the distances specified in subsection a, above, from the site the parking will serve.

c. Under no circumstances shall the amount of parking approved by the zoning administrator or planning commission exceed the maximum amount of allowable parking.

d. If the parcel designated for off-site parking is under different ownership from the site the parking will serve, the special permit may be granted only if the applicant provides written evidence that users of the site that the offsite parking will serve will have unrestricted exclusive rights to use the offsite parking parcel(s) for required parking for a period of not less than 10 years, or otherwise provides an arrangement satisfactory to the decision-maker.

B. Except as specifically amended by the amendment to Subsection A.1., as set forth in subsection A, above, Section 17.64.010 remains unchanged and in full force and effect.

SECTION 7. Section 17.64.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The line for "single-family/halfplex/duplex" under "1. Residential Uses" in the Table set out in Section 17.64.020 is amended to read as follows:

Single-family/ halfplex/ duplex (lot ≤3,200 sf in central city)	0 spaces per dwelling unit

B. The line for "Beauty shop" under "2. Commercial Uses" in the Table set out in Section 17.64.020 is amended to read as follows:

Beauty shop, spa	Same ratio as "retail store, shopping center" below

C. Except as specifically amended by the amendment to the lines for "single-family/ halfplex/ duplex" and "beauty shop" as set forth in subsections A and B, above, Section 17.64.020 remains unchanged and in full force and effect.

SECTION 8. Section 17.72.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection F of Section 17.72.040 is amended to read as follows:

F. Convenient Access for Multi-Family Residents.

Each recycling and trash enclosure within a multi-family residential development shall be located and designed to allow the convenient disposal of recyclable materials and trash by residents without having to open the main enclosure gates.

B. Except as specifically amended by the amendment to Subsection F, as set forth in subsection A, above, Section 17.72.040 remains unchanged and in full force and effect.

SECTION 9. Section 17.76.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.76.050 General requirements.

The regulations in this Article II establish permit requirements and design and operational standards for gated residential communities and gates at vehicular entrances to residential developments. The regulations established under this Article shall not supersede the provisions of Article I of this chapter.

SECTION 10. Section 17.76.060 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.76.060 Gated single-family and two-family residential developments.

Gated single-family and two-family residential developments that are not subject to Section 17.24.050 Footnote 8 or 75 require a planning commission special permit.

SECTION 11. Section 17.76.070 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.76.070 Design and operational standards for gated residential developments.

The following design and operational standards shall be applied when reviewing a special permit or plan review application for a gated residential development under Section 17.24.050 Footnote 8 or 75 or Section 17.76.060:

A. Design and location of gates shall conform to the requirements of Chapter 18.08 of this code.

B. Gated entrances shall be designed to allow vehicles to turn around within the driveway, without backing into the adjacent street (except on minor local streets).

C. Gates shall be designed to provide twenty-four (24) hour access by authorized maintenance and service providers (such as utilities, mail, parcel delivery, and cable).

D. Gate designs shall include emergency hardware to ensure proper emergency access to the satisfaction of the city fire, police, transportation, and utilities departments.

E. One pedestrian access gate shall be provided at each gated driveway entrance.

F. "Anti-directional" devices (i.e., metal spikes that can cause tire damage) at entrances and exits are prohibited.

G. Covenants, conditions and restrictions (CC&Rs) shall be established and recorded for the gated development. The CC&Rs shall identify, and at all times keep in effect, a legal entity responsible for maintaining the gates and associated features.

SECTION 12. Section 17.80.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 5 of Section 17.80.050 is amended to read as follows:

5. Maximum Height of a Detached Accessory Structure:

a. Maximum Overall Height. Eighteen feet to the highest point on the roof. Dormers are permitted as a decorative feature and/or to admit daylight to the structure if they meet the following criteria:

i. No part of the dormer(s) shall be located on the same plane as the wall below;

ii. The combined width of all dormers on a single roof plane shall not exceed one-fourth of the width of the roof plane where the dormers are located;

iii. Variations or waivers of the criteria in this subsection 17.80.050(5)(a)(i) and (ii) may be approved with a zoning administrator's special permit under Chapter 17.212.

b. Maximum Wall Height. Ten feet. The wall height is the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the plate line, where the roof meets the wall.

B. Except as specifically amended by the amendment to Footnote 5, as set forth in subsection A, above, Section 17.80.050 remains unchanged and in full force and effect.

SECTION 13. Section 17.132.160 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection B.1. of Section 17.132.160 is amended to read as follows:

1. The city council, the design commission, and the planning director each shall have the authority to initiate the establishment of a new design review district and the amendment or dissolution of an existing design review district by filing a statement of initiation describing the proposed new district or the proposed amendment or dissolution of an existing district with the secretary of the design commission.

B. Except as specifically amended by the amendment to Subsection B.1., as set forth in subsection A, above, Section 17.132.160 remains unchanged and in full force and effect.

SECTION 14. Section 17.132.310 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection A of Section 17.132.310 is amended to read as follows:

A. Design Review Applications.

Any person proposing a development project subject to design review under the provisions of this chapter or any other provision of this code shall file an application for design review with the director concurrent with the filing of an application for any required discretionary entitlement for the development project or, if no discretionary entitlement is required, prior to filing for a building permit. Such application shall be in the form as required by the director.

B. Except as specifically amended by the amendments to Subsection A as set forth in subsection A, above, Section 17.132.310 remains unchanged and in full force and effect.

SECTION 15. Section 17.134.320 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection A of Section 17.134.320 is amended to read as follows:

A. Preservation Review Applications.

Any person proposing a development project subject to preservation review under the provisions of this chapter or any other provision of this code shall file an application for preservation review with the preservation director concurrent with the filing of an application for any required discretionary entitlement for the development project or, if no discretionary entitlement is required, prior to filing for a building permit or, if no building permit is

required, prior to commencing the development project. Such application shall be in the form as required by the preservation director.

B. Except as specifically amended by the amendment to Subsection A, as set forth in subsection A, above, Section 17.134.320 remains unchanged and in full force and effect.

SECTION 16. Section 17.164.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection 17.164.030 B.20. is deleted.

B. Except as specifically amended by the deletion of Subsection B.20, as set forth in subsection A, above, Section 17.164.030 remains unchanged and in full force and effect.

SECTION 17. Section 17.190.110 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection B.1.b. of Section 17.190.110 is amended to read as follows:

b. Planning Commission or Zoning Administrator Approval of Inclusionary Housing Plan.

The inclusionary housing plan for development projects requiring only non-legislative, adjudicatory entitlements subject to planning commission or zoning administrator approval shall be noticed and heard in the same manner as the non-legislative, adjudicatory entitlements. The decision of the planning commission or zoning administrator approving or denying the inclusionary housing plan shall be subject to appeal to, and call-up by, the city council pursuant to Sections 17.200.030 and 17.200.040. Notwithstanding any other provision of this code to the contrary, an appeal or call-up of the decision of the planning commission or zoning administrator on the housing plan for a project shall also constitute the appeal or call-up of the decision of the planning commission or zoning administrator on each adjudicatory entitlement considered by the planning commission or zoning administrator for that project.

B. Except as specifically amended by the amendment to Subsection B.1.b, as set forth in subsection A, above, Section 17.190.110 remains unchanged and in full force and effect.

SECTION 18. Section 8.68.270 of Title 8 of the Sacramento City Code is amended to read as follows:

8.68.270 Appeals**.**

The decision of the zoning administrator on a variance under this chapter shall be subject to appeal as provided in Section 17.200.030 of this code.