



# City of Sacramento City Council

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915 I Street, Sacramento, CA, 95814  
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**Meeting Date:** 1/24/2012

**Report Type:** Public Hearing

**Title:** Shovel Ready Development Investment Protection Extension 2012 (M11-029) (Passed for Publication on 1-17-12, Published on 7-20-12)

**Report ID:** 2012-00021

**Location:** Citywide

**Recommendation:** Conduct a public hearing and upon conclusion, pass an Ordinance granting a three year extension of certain land use entitlements.

**Contact:** Sandra Yope, Senior Planner, (916) 808-7158, Community Development Department  
Joy Patterson, Principal Planner (916) 808-5607, Community Development Department

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

**Department:** Community Development Dept

**Division:** Planning

**Dept ID:** 21001221

## **Attachments:**

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- 1-Description/Analysis
- 2- Entitlement Extension Citywide Ordinance Amendment

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### **City Attorney Review**

Approved as to Form  
Sabina D. Gilbert  
1/13/2012 11:45:12 AM

### **City Treasurer Review**

Reviewed for Impact on Cash and Debt  
Russell Fehr  
1/12/2012 3:55:06 PM

### **Approvals/Acknowledgements**

Department Director or Designee: Max Fernandez - 1/12/2012 4:03:22 PM

## Description/Analysis

**Issue:** On January 27, 2009, the City Council adopted an ordinance that granted a three-year extension to all active planning entitlements, including Design Review and Preservation approvals, due to the economic conditions at the time. That ordinance is due to expire later this year. There are many projects that will face expiration of their entitlement approvals in the near future. The economic conditions still have not improved. Land development in the City continues to be negatively impacted by the persistent nationwide economic recession.

The proposed ordinance applies citywide and grants another three-year extension from February 24, 2012, to all planning entitlements, except subdivision and parcel maps, that are valid and unexpired as of that date. This will grant a further extension to previously approved entitlements in order to preserve the financial investment expended on proposed projects until economic conditions favor completion.

**Policy Considerations:** This ordinance is consistent with the City Council focus areas of Economic Development and Sustainability and Livability.

**Environmental Considerations:** The proposed ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b) (3).

**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 January 5, 2012. The Committee forwarded the proposed ordinance to the City Council with its recommendation of approval by a vote of 3 ayes and one absent. The ordinance was passed for publication on January 17, 2012.

**Rationale for Recommendation:** Approving an extension of all planning entitlements for three years citywide will be a citywide economic incentive. Adoption of the ordinance preserves development costs already expended by applicants, such as design and engineering work and fees, until a more favorable economy allows completion of a project. Additionally, the extension will allow a shorter time to resume work once conditions change, as previous entitlements will not need to be either extended or resubmitted for a new approval.

**Financial Considerations:** None.

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



**ORDINANCE NO.**

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE GRANTING A THREE YEAR EXTENSION OF CERTAIN LAND USE ENTITLEMENTS (M11-029)**

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

SECTION 1.

The City Council finds and declares as follows:

- A. In response to the negative effects of the economic downturn and the constriction of the credit market on land development within the City, the City Council adopted Ordinance No. 2009-008 and Ordinance No. 2011-001 to grant additional time to the term of land use entitlements that were valid and not expired as of the effective date of Ordinance 2009-008, thereby preserving the “shovel-ready” development opportunities created by these entitlements. Ordinance No. 2011-001 shall expire by its own terms on August 26, 2012, three years and six months from the effective date of Ordinance No. 2009-008.
- B. Land development in the City continues to be negatively impacted by the persistent nationwide economic recession. The City Council desires to protect against the potential loss of the “shovel ready” development opportunities were these entitlements to expire, and so adopts this Ordinance to again grant additional time to the term of these entitlements.

SECTION 2.

Notwithstanding the provisions of Title 17 of the Sacramento City Code (the Zoning Code) to the contrary, 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 from February 24, 2012, to February 23, 2015. This section shall apply only to design review approvals, certificates of appropriateness, special permits, variances, and plan reviews that were valid and not expired as of February 24, 2012.

SECTION 3.

This Ordinance is enacted by the City Council as an interim ordinance, without notice and hearing before the Planning Commission and City Council as otherwise required by Section 17.208.010 of the City’s Zoning Code. It is anticipated that the economic conditions that are impacting land development will improve within the three year period from the effective date of this Ordinance.

Therefore, this Ordinance shall remain in effect for a three year period ending February 23, 2015, after which time it shall expire and shall be of no further force or effect.

SECTION 4.

Ordinance No. 2011-001 shall be repealed on the effective date of this Ordinance.