City of Sacramento
City Council

915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: **2/21/2012** **Report Type:** Consent

Title: (Pass for Publication) Ordinance Amendment: Consolidation of the Design and Planning Commissions (M11-024)

Report ID: 2012-00002

Location: Citywide

Recommendation: 1) Review an Ordinance amending various sections of Title 2 and various other sections of the Sacramento City Code relating to the dissolution of the Design Commission and the establishment of the Planning and Design Commission; 2) review an Ordinance amending various sections of Title 17 (Zoning Code) relating to renaming the Planning Commission the Planning and Design Commission.; and 3) pass for publication the Ordinance titles as required by Sacramento City Charter 32(c) to be adopted on February 28, 2012.

Contact: Sandra Yope, Senior Planner, (916) 808-7158, Community Development Department; Greg Bitter, AICP, Principal Planner, 916-808-7816, Community Development Department

Presenter: None

Department: Community Development Dept
Division: Planning
Dept ID:

Attachments:

1-Description/Analysis
2-Background and Summary of Proposed Ordinances
3-Comparison of Design Review Process
4-Design Commission Comments
5-Public Workshop Notes
6-Title 2 Ordinance Redline
7-Title 2 Ordinance Clean
8-Title 17 Ordinance Redline
9-Title 17 Ordinance Clean

City Attorney Review

Approved as to Form
Sabina D. Gilbert
2/13/2012 2:51:33 PM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
2/7/2012 3:20:13 PM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 2/10/2012 2:43:46 PM

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Description/Analysis

Issue: In April 2010, Management Partners, Inc. recommended the City Council evaluate the City's advisory board system. The City Council delegated the broad task of evaluating the City's boards and commissions and providing recommendations regarding potential elimination and consolidation of these boards and commissions. In the summer of 2011, the City Council Personnel and Public Employees Committee (P&PE) directed staff to evaluate the feasibility of consolidating the Planning and Design Commissions. The City Clerk's Office and the Community Development Department proceeded to form a staff team to evaluate the consolidation of these commissions with the goal of better aligning the commission's functions with the current needs of the City.

Staff's evaluation began with a review of the Design Commission's workload since January 2007 (the first month the Design Commission became a stand-alone commission). The Design Commission's workload has dropped off since 2007 with only three (3) projects being heard in 2010 and only five (5) being heard in 2011. Staff also recognizes that private development applications heard by the Design Commission have always included entitlements that must be heard and approved by the Planning Commission. Staff also reviewed the commission make up of many similarly sized California cities. This review shows that Sacramento is the only large city with a stand-alone Design Commission (see Attachment 3).

Staff initiated outreach to the members of the Design and Planning Commissions, as well as various members of the development community and the community at large. Staff received many comments and concerns related to the potential consolidation. These comments can be summed up in four categories; 1) concern with the loss of design quality in approved projects, 2) concerns regarding the workload of a combined commission once the economy improves and the City begins processing more projects, 3) questions regarding the composition of a consolidated commission (i.e., professional requirements), and 4) concerns related to the logistics of a consolidation (e.g., details of ordinance amendments, revisions to project processing requirements, etc.) (see Attachments 4 and 5).

The proposed Ordinances would dissolve the existing Planning Commission and Design Commission and replace them with a newly constituted and appointed Planning and Design Commission upon the effective date of the Ordinance. Based upon staff's evaluation, the concerns regarding consolidation are addressed in the proposed ordinance language necessary to consolidate the commissions. The proposed ordinances make all the structural changes to Title 2 that creates the new "Planning and Design Commission" and include combining the responsibilities of the two commissions; establishing the length of terms, staggered at the initiation; increasing the commission size to 13 members; and establishing required qualifications for each member. The ordinances also change all references to the planning commission to planning and design commission for all Titles of the City Code.

Policy Considerations: The City Council adopted the 2030 General Plan on March 3, 2009. In recognition of their interdependence, policies addressing both land use and

urban design were combined into one element of the General Plan to ensure that the physical forms and patterns of future development advance the City's desire for a higher quality of life and a more sustainable future. Consolidating the Planning and Design Commissions provides an opportunity to more effectively and efficiently implement the Land Use and Urban Design Element of the General Plan.

Environmental Considerations: The proposed ordinance, which merges the Planning Commission and the Design Commission, is an administrative activity concerning general policy and procedure making and is not related to a specific development project. As such, the proposed ordinance is not a project under the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15378 (b)(2).

Sustainability: None.

Commission/Committee Action: On October 18, 2011, the P&PE directed staff to make the necessary code changes to consolidate the Planning Commission and the Design Commission and bring the proposed changes to the Law and Legislation Committee. The proposed code amendments were presented to the Law and Legislation Committee on December 6, 2011. The Committee forwarded the proposed ordinance to the City Council with its recommendation of approval. The Committee also directed staff to draft an ordinance making the necessary changes to Title 17 (Zoning Code) and take that ordinance directly to City Council. The proposed Title 17 ordinance was presented to the Planning Commission on December 8, 2011. The Planning Commission recommended approval of the proposed ordinance with a unanimous vote. The Planning Commission was also presented the proposed Title 2 changes as an informational item. The Commission indicated they thought the proposed member qualifications for the four at large positions were too prescriptive and that the language should be permissive with flexibility given to P&PE to balance the Commission based on need of special skills and/or education at the time of filling a vacancy.

Rationale for Recommendation: A consolidated Commission will be able to consider both land use and urban design issues in a more integrated manner than is possible with two separate commissions with differing responsibilities.

Financial Considerations: A consolidation of the Commissions is anticipated on savings of multiple departmental staff time and resources. Currently estimated staff time directly associated with staffing the Design Commission meeting calendar is approximately $25,000. This direct amount would be a General Fund savings in the consolidation.

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

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BACKGROUND:

In April 2010, Management Partners Inc. recommended the City Council evaluate the City's advisory board system. The City Council delegated the broad task of evaluating the City's boards and commissions and providing recommendations regarding potential elimination and consolidation of these boards and commissions. At their August 4, 2011 public hearing, the City Council Personnel and Public Employees Committee (P&PE) directed staff to evaluate the feasibility of consolidating the Planning and Design commissions. The City Clerk's Office and the Community Development Department proceeded to form a staff team to evaluate the consolidation of these commissions.

Staff initiated contact with the respective Chairs of the Planning and Design Commissions in order to gain initial feedback and concerns regarding the potential for consolidation. Staff also reached out to the local membership of the American Institute of Architects, Urban Land Institute, and Sacramento Region Builders.

Staff reported out on this initial outreach at the P&PE's September 6, 2011 meeting. At that time the P&PE directed staff to provide additional outreach opportunities for the general public, as well as various members of the development community.

The potential consolidation was placed on the agenda of the September 21, 2011 Design Commission meeting. The Design Commission provided a list of issues they wanted the P&PE to consider (see Attachment 4).

The potential consolidation was also placed on the Planning Commission agendas on July 28, September 8, September 22, October 13, October 27 and November 17, 2011. The Planning Commission's concerns were similar to those presented previously in this report; 1) concern with the loss of design quality in approved projects, 2) concerns regarding the workload of a combined commission once the economy improves and the City begins processing more projects, 3) questions regarding the composition of a consolidated commission (i.e. professional requirements), and 4) concerns related to the logistics of a consolidation (i.e., details of ordinance amendments, revisions to project processing requirements, etc.). One significant difference of opinion between the Planning Commission and Design Commission relates to the membership requirements of a consolidated commission. The Design Commission would like the "at-large" positions to have required experience and or qualifications, while the Planning Commission believes less prescriptive membership requirements are appropriate.

Staff has also held a public workshop regarding the potential consolidation, on October 5, 2011. This workshop was held at Historic City Hall in the former Council Chambers. The Neighborhood Services Department helped to provide notice of this workshop by sending the notice to their neighborhood e-mail list, included the notice in their newsletter and provided hardcopies of the notice at two neighborhood meetings the week of September 26, 2011. Although the workshop was not well attended, there was

a robust discussion of the advantages and disadvantages of consolidating the Commissions. The logistics of a consolidation was also discussed. Notes from this workshop are provided in Attachment 5.

In addition to outreach, staff has also looked at the recent workload of the Design Commission and the practices of other similarly sized cities. The Design Commission's workload has dropped off considerably since 2007, when they took action on 19 projects. Only three (3) projects were heard in 2010 and only five (5) were heard in 2011. Staff also recognizes that the majority of private development applications heard by the Design Commission include entitlements that must be heard and approved by the Planning Commission. Staff also reviewed the commission make up of many similarly sized California cities. This review shows that Sacramento is the only large city with a stand-alone Design Commission (see Attachment 3).

PROPOSED ORDINANCES:

The proposed Ordinances would dissolve the existing Planning Commission and Design Commission and replace them with a newly constituted and appointed Planning and Design Commission upon the effective date of the Ordinance. Currently, the Planning Commission consists of 11 members, 1 commissioner nominated by each member of the Council, and 2 commissioners nominated by the Personnel and Public Employees Committee (P&PE). The new Commission would consist of 13 members, 1 commissioner nominated by each member of the Council, and 4 members nominated by the P&PE Committee. The makeup of the four P&PE nominated members will mostly reflect the qualifications of the Design Commission. Specifically: 1) one shall have a demonstrated interest, training or experience in master planning; land use or land use policy; housing policy; large scale construction; urban planning; urban design; or mid- and high-rise urban, commercial, institutional, and mixed use projects; and 2) three shall have a demonstrated interest in urban design, landscape or architectural design, or physical development of the City and be qualified by reason of training or professional experience and demonstrated leadership in any of the following categories: a licensed architect; a licensed LEED (or equivalent) architect; a licensed landscape architect; a licensed contractor or a licensed engineer. A minimum of two members shall be of different disciplines from this category. This new makeup will merge the expertise of the separate Commissions into the new Planning and Design Commission.

As directed by the City Council's Law and Legislation Committee, the new Planning and Design Commission member terms are also being addressed in this proposal. The terms will remain at four years with initial terms being staggered. The change is in the manner of staggering the terms. Each commission member's term will run concurrently with the term of the Council member who nominated that commission member. However, there is one exception. To address a potential Brown Act compliance issue, the term of the Mayor's nominee is being set to expire six months after the Mayor's term expires, so that not more than four members of the City Council will be reviewing applications for the Planning and Design Commission at any one time. If the Mayor's nominee's term were to expire with the terms of the even numbered council districts,

five members of Council (a quorum) would be involved in selecting nominees at the same time, which would require the review of applications to be placed on an agenda and considered by the full City Council. To standardize the review process for all nominees, the simplest approach is to modify the term expiration of the Mayor's nominee to expire six months later. Additionally, the terms of the four P&PE nominated members are staggered to avoid expiring all of the design professionals at the same time.

In order to provide the members of the City Council with flexibility in making their recommendations for appointment to the newly established Planning and Design Commission, the proposed Ordinance provides that any term served on the Planning Commission or Design Commission existing prior to the effective date of the proposed Ordinance shall not be counted for purposes of applying the limitations on the number of consecutive terms a person may serve under City Code Section 2.40.120.

If this proposal is approved by the City Council the recruitment process for seating the new commission will take approximately three months from approval date. The current Design Commission and Planning Commission will remain in place until the new commission is ready to begin in order to allow for a smooth transition and no disruption to development projects.

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Comparison of Design Review Process
Large California Cities

City	Informal Design Review Process by staff and/or consultants to advise Planning Commission	Formal Design Review Sub-committee advises Planning Commission	Stand-alone Design Commission
Los Angeles	Yes	No	No
Long Beach	Yes	No	No
Santa Ana	Yes	No	No
San Francisco	Yes	No	No
Oakland	Yes	Yes	No
San Diego	Yes	No	No
Riverside	Yes	No	No
Fresno	Yes	No	No
Mission Viejo	Yes	Yes	No
San Jose	Yes	No	No
Sacramento	Yes	No	Yes

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Comments provided by Design Commission at 9/21/2011 meeting

- Suggest higher Thresholds for Staff Level/ Director Level approvals for ZA and Design Director to push more projects down to staff and away from Commission.
- Whatever organizational structure is adopted, staff should ensure a continuing standard for quality Design Review in the City.
- Is the combining of Commissions a permanent solution to a temporary condition? Will there be unintended consequences?
- Chair wants to know if other options besides consolidation are being considered. Are there alternative means to create efficiencies through this tough period.
- Will we need to re-constitute a separate Design Commission when the economy finally turns around?
- Is there an easier solution other than combining the Commissions, something that will not require a re-write of City Code?
- For instance, can the Design Commission become a standing Sub-Committee to advise the Planning Commission?
- Can we create some emergency / temporary hold on current roles/procedures of Design Commission until the economy rebounds?
- Prefer temporary emergency measures rather than permanent changes.
- How will CPC be organized to retain the professional experience and qualifications of the existing Design Commission?
- If a 13 member Planning Commission is suggested can 9 members have preferred qualifications/experience and 4 have required qualifications/experience?
- Would a 9 member CPC of suitably qualifications/experience Commissioners work better for a newly constituted Planning Commission?
- A larger Planning Commission seems counter-productive to the efficiencies we are trying to achieve.
- Will a larger Planning Commission become structurally encumbered and inefficient, especially when the economy returns?
- There is concern that the Planning Commission will become over-loaded when the business cycle returns, with a corresponding decrease in the quality of the Design Review component.
- Concern expressed relative to the disparity of review thresholds that currently exists between Design and Planning Commissions.

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Planning and Design Commission Consolidations
Public Meeting
October 5, 2011

Attendees

- *Public Members: Bruce Monighan, Craig M. Hausuan*
- *Commissioners: David Nybo, Edmonds Chandler, Joe Yee, Mike Notestine; Joe Contreras*

Staff: David Kwong, Gregory Bitter, Tom Pace, Teresa Haenggi, Evan Compton, Maurice Chaney, Stephanie Mizuno (City Clerk's Office)

Introduction

David Kwong explained that the proposed consolidation of the Planning and Design Commissions was initiated by the Office of the City Clerk. The commission consolidation is one of several commission and committee consolidations proposed by the Clerk. David provided a presentation about the reasoning and financial figures behind consolidating the hearing bodies, including the following:

- Cost of staffing and administering the commissions can be reduced;
- Relatively few projects were reviewed by the Design Commission;
- Projects were often heard at the Design and Planning Commissions.

The new Commission is proposed to have a total of 13 members which includes nine members selected by each Councilmember and four members with specific expertise selected by the Personnel and Public Employees Committee (P&PE). The P&PE appointments would include expertise in architecture, landscape architecture, structural engineering, contracting and/or other planning and development related professions.

This community meeting was advertised with the help of Neighborhood Services who sent out flyers to their e-mail routing list (approximately 6,000 contacts), placed the meeting date and time in the Neighborhood Services newsletter, and passed out the information at two community meetings.

Next steps for the consolidation process include a meeting on October 18, 2011 in front of the P&PE. A hearing at Law and Legislation (L&L) will follow. Assuming the item passes, an Ordinance could be at City Council in December 2011 or January 2012.

<u>Discussion, Questions, and Comments</u>

Budget

- Question: Is the $25,000 saved the budget amount or the actual cost? [The figure is based on direct costs for 12 scheduled meeting dates.]

Commission Input on Proposed Consolidation

- A request was made for the Commissions to have the ability to provide input at the future L&L meeting and also for staff to provide more time for this input besides a brief period before the staff report is due.
- Question: Will the Planning Commission have the opportunity to make a formal recommendation on the consolidation? [Yes, Zoning Code changes are heard by the Planning Commission before begin forwarded to City Council.]

Information on Existing Design Commission

- Question: How many members are on the Design Commission? [There are seven members appointed by City Council.]

Purpose of the Commission

- A public member initiated a discussion on the purpose of the Commission: Why are Commissions necessary? Couldn't the City Council act as the Commission? Couldn't projects be handled at staff level and be appealable directly to City Council? [It was indicated that by law, a Preservation Commission is required. Also, a Planning Commission is needed in some form. The direction provided to staff was not to eliminate Commissions but to consolidate the hearing bodies. The Commission acts as a buffer to the City Council and allows for more manageable agendas.]

How Design will be Addressed at Commission Meetings

- Question: For future staff reports to a consolidated Commission, a thorough discussion about design will be included? [Yes]
- Comment: There was concern that each item will take longer since there will be a discussion about design. Can the hearing agendas be scheduled to keep meetings at a reasonable length?
- Comment: No matter how much staff work is completed, there always will be items that are controversial with longer hearing times.
- Staff noted that for controversial projects, a subcommittee could be formed if there are significant issues that need to be worked out.
- Comment: Subcommittees need to be formed carefully to ensure there are no Brown Act violations.
- Comment: No two architects agree. The Commissions debate too much. They should only review exceptions or what doesn't meet the code versus every project.
- Comment: Part of the process is to allow public input. The process cannot be simplified to checklists. A Planning Commission needs to justify how and why they are making decisions.
- Comment: Continue to straighten out the code and expectations. Note where we are and where we are going. Some people may be hurt. Planning Commission should be more policy oriented and not just attack each project individually.
- Comment: Design Commission has specific thresholds for projects. It seems like Planning Commission has smaller triggers.
- Comment: It is important to work out all the details. For example, what happens if

there is only a planning issue? Will there be no comments on the design?

- Comment: The Design Commission goes into more detail during the hearing. For example, the orientation of the sun and its effect on interior spaces. It will be a shame to lose these discussions. [Staff questioned that although the discussions are important, is it necessary to occur in a public forum?]

Pre-Meeting Process

- Comment: A more detailed staff report will help cut down on the time needed at hearings.
- Comment: More projects should be heard at a lower level. Applicants prefer to work at staff level. Going to the Commission and then to the City Council can feel like starting over. Compromises should be formed at a lower level.
- Comment: The quality of a project should not be crafted at a hearing. If it is unacceptable or incomplete, the item should not be heard.
- Comment: Some projects do not require Design Review or have an architect on board and this can complicate the review process.
- Comment: Staff should tell the applicant that the project is not good enough before scheduling the item for a hearing. Empower staff to tell the applicant to seek a design professional.
- Comment: Empowerment to staff can be difficult if the City Council is involved, staff is not trained, or if the staff member is afraid to tell a big developer to start over.
- Comment: Seek help from the AIA if the project is off the wall.

Implementation of Design Goals

- Comment: The 2030 General Plan, Green Policies, and Infill goals sound great in general. But when it happens next door, then there is an impact.

Public Input to Projects

- Comment: For controversial projects, some may just be uninformed or emotional. But how can it be avoided? It is a dangerous path to suggest not involving the public at all.
- Comment: Sacramento is a city that encourages the public to be involved and have the entitlement process be transparent.
- Comment: Send out notices to <u>all</u> addresses including residents, not just property owners and this may be a reasonable compromise to eliminating the Design Commission notices.
- Comment: Early notices should be sent out and the site should be posted earlier.
- Comment: Not all Commissioners have formal degrees and this should not exclude them from future hearing bodies.

Community Representation on Commission

- Comment: Community representation is very important. It will largely depend on the City Council selections.
- Comment: A generalist is needed on the hearing body.
- Comment: Too many generalists can be scary for developers but they should not be

excluded.

- Comment: District oriented commissioners may not have a citywide view and could pit neighborhoods against each other.
- Comment: Several people noted that the current Planning Commission has not acted according to districts and decisions have been based on policies.
- A request was made to staff to send out the P&PE date and time.

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ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE REPEALING AND ADDING CHAPTER 2.60 TO TITLE 2 AND AMENDING VARIOUS OTHER SECTIONS OF THE SACRAMENTO CITY CODE, RELATING TO THE DISSOLUTION OF THE PLANNING COMMISSION AND THE ESTABLISHMENT OF THE PLANNING AND DESIGN COMMISSION

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

SECTION 1

Chapter 2.60 of Title 2 of the Sacramento City Code is repealed.

SECTION 2

Chapter 2.60 is added to Title 2 of the Sacramento City Code to read as follows:

Chapter 2.60 PLANNING AND DESIGN COMMISSION

2.60.010 Commission—Established.

The planning and design commission is established.

2.60.020 Appointment of members and qualifications.

A. Members of the planning and design commission shall be appointed by the mayor, with the concurrence of the city council. The requirements of Article XV of the City Charter, and Chapter 2.40 of this code governing appointment procedures (Article I), attendance at board and commission meetings (Article II), voting (Article III), and limitation on consecutive terms (Article IV), shall apply to the planning and design commission as provided in this chapter. ~~A~~ The terms established ~~of one, two, or three years~~ for initial appointees under Section 2.60.030 shall constitute a full term for purposes of calculating the two-consecutive term limit under Section 2.40.120. A member is subject to removal for good cause, neglect of duty, or misconduct as provided in City Charter Section 232.

B. The planning and design commission shall consist of ~~eleven (11)~~ 13 members. One member shall be recommended for appointment by each ~~of the~~ member~~s~~ of the city council, including the mayor, and ~~two members~~four members shall be recommended for appointment by the personnel and public employees committee pursuant to Article I of Chapter 2.40.

1. The four individuals recommended by the personnel and public employees committee shall be residents of the city and shall have the following qualifications:

a) One shall have a demonstrated interest, training, or experience in master planning; land use or land use policy; housing policy; large scale construction; urban planning; urban design; or mid- and high-rise urban, commercial, institutional, and mixed use projects.

b) Three shall have (i) demonstrated interest in urban design, landscape or architectural design, or physical development of the City, and (ii) shall be qualified by training or professional experience and demonstrated leadership in any of the following categories: a licensed architect; a licensed LEED (or equivalent) architect; a licensed landscape architect; a licensed contractor; or a licensed engineer. A minimum of two of these members shall be qualified in different categories.

2. The nine individuals recommended, one by each member of the city council, including the mayor, shall be residents of the city who have an expressed interest, training, or experience in master planning; land use or land use policy; housing policy; large scale construction; urban planning; urban design; or mid- and high-rise urban, commercial, institutional, and mixed use projects.

C. Each member of the planning and design commission ~~shall be a resident of the city and may be appointed and~~ shall serve only so long as he or she is a resident of the city. If a member of the planning and design commission ceases to be a resident of the city, that member's seat shall automatically become vacant.

2.60.030 Term of office—Vacancy.

Except as provided in this section for the length of the terms of the initial appointees, the term of office for each member of the planning and design commission shall be four years. If a member's successor is not appointed upon the expiration of the member's term, that member's term shall continue until the successor is appointed. The successor's term will be the remaining balance of the new term. ~~and until his or her successor is appointed.~~

Terms shall be staggered. Of ~~The~~ the initial appointees recommended by the personnel and public employees committee, two shall serve a term expiring on July 1, 2014 and two shall serve a term expiring on December 31, 2015.~~of one two and one-half years each and two shall serve a term of four years each with terms expiring 7/1/14 and 12/31/15 respectively.~~ The initial appointees recommended by the council members from the First, ~~Second, and~~ ~~Third~~ Third, Fifth, and Seventh council districts shall serve ~~a~~ terms ~~of two three years each with terms~~ expiring on December 31, 2014. The initial appointees recommended by the council members from the Second, Fourth, ~~Fifth, and~~ Sixth, and Eighth council districts shall serve ~~a~~ terms ~~of three one years each with terms~~ expiring on December 31, 2012. The initial appointee~~s~~ recommended ~~by the council members from the Seventh and Eighth council districts and~~ by the mayor shall serve a term ~~of four years each one and one-half years~~ expiring on July 1, 2013~~7/1/13~~. Thereafter, all members shall be appointed to serve four year terms. If a vacancy occurs during the term of any member, the mayor shall appoint, with the concurrence of the council, a successor to serve during the remainder of the unexpired term for the vacant position. The successor shall be recommended in the same manner as the seat being filled.

2.60.040 Conflict of interest and financial disclosure statements.

All appointees to the planning and design commission shall be subject to Chapter 2.16 of this code relating to conflicts of interest and shall be required to file statements disclosing financial interests pursuant to the city's conflict of interest code.

2.60.050 Compensation.

Each member of the planning and design commission shall receive compensation as determined by the compensation commission under Section 29 of the City Charter.

2.60.060 Organization and procedures.

A. Annually, the planning and design commission shall elect from among its membership a planning and design commission chairperson and a vice chairperson, who shall each hold those positions at the pleasure of the planning and design commission. When there is a vacancy in the office of chairperson or vice chairperson, the planning and design commission shall fill that position from among its members.

B. The planning and design commission shall establish a time and place for regular meetings to be held not less frequently than monthly. Each meeting shall be noticed and held in accordance with the Ralph M. Brown Act (Government Code Section 54950 et seq.). The planning and design commission chairperson shall have the authority to notice and hold special meetings in the manner specified in the Ralph M. Brown Act.

C. A quorum comprised of planning and design commission members present and qualified to act shall be required for the planning and design commission to conduct a meeting and take action. A quorum shall consist of a majority of members of the planning and design commission then in office.

D. The planning and design commission shall act only by motion. An affirmative vote of ~~six~~ seven planning and design commission members present and qualified to vote shall be necessary to pass any motion.

E. The planning and design commission shall adopt such rules and regulations as it shall deem necessary, and consistent with the provisions of this chapter, for the conduct of its business.

2.60.070 Powers and duties.

The planning and design commission shall have the necessary powers and duties to carry out the State Planning and Zoning Law (Government Code Section 65000 et seq.), subject to the provisions of this code, including, but not limited to, the following:

A. Chapter 2.112 relating to city planning;

B. Title 16 relating to subdivisions;

C. Title 17 relating to zoning and design review;~~.~~

D. Recommend to the city council policies and programs in support of the urban design program established under Chapter 17.132, including but not limited to urban design policies appropriate for inclusion in the general plan and other regulatory plans and programs of the city;

E. Evaluate and submit comments and recommendations on proposed plans, public and private development projects, and environmental reviews that are not subject to review under Chapter 17.132 and that may affect the physical development of and urban design in the city, in coordination with the review and action by the city council, or other public agencies on the plan, project or environmental review.

2.60.080 Administrative support.

The planning director, or designee, shall provide administrative support to the planning and design commission.

SECTION 3

Section 1.24.040 of the Sacramento City Code is amended to read as follows:

1.24.040 Applicability.

The provisions contained in this chapter shall not apply to appeals from any decision or action taken by the planning and design commission, ~~design commission~~ or the preservation commission, or any appeal taken wherein the council is itself required by a statute of the state of California to conduct the appellate hearing.

SECTION 4

Section 1.24.050 of the Sacramento City Code is amended to read as follows:

1.24.050 Appointment of hearing examiner.

In lieu of hearing any appeal filed pursuant to Section 1.24.010 of this chapter, the city council, upon making the determination set forth in Section 1.24.060(A) of this chapter, may cause the appeal to be heard by a hearing examiner designated by the council. This section shall not apply to any appeal to the city council from a decision or action taken by the planning and design commission, ~~the design commission~~ or the preservation commission, or any appeal taken wherein the council is required by a statute of the state of California to conduct the appellate hearing itself.

SECTION 5

Section 2.16.100 of the Sacramento City Code is amended to read as follows:

2.16.100 Applicability.

The provisions of Sections 2.16.110 through 2.16.150 of this article shall apply to members of the city council and members of the following boards, commissions, and bodies:

Administration, investment and fiscal management board of the Sacramento city retirement system

Board of plumbing examiners

Building and fire code advisory and appeals board

Civil service board

~~Design commission~~Design director

Electrical code advisory and appeals board

Housing code advisory and appeals board

Mechanical and plumbing code advisory and appeals board

Old Sacramento variance appeals board

Planning and design c~~C~~ommission

Planning director

Preservation commission

Preservation director

Retirement hearing commission

Sacramento city public facilities financing corporation

Sacramento city financing authority

Utilities rate advisory commission

Zoning administrator

SECTION 6

Section 2.36.040 of the Sacramento City Code is amended to read as follows:

2.36.040 Secretary.

The planning director, or a member of his or her department whom he or she shall designate, shall serve as the secretary to the planning and design commission.

SECTION 7

Section 2.40.030 of the Sacramento City Code is amended to read as follows:

2.40.030 Applicability.

The provisions of this article shall apply to persons recommended to the mayor by the personnel and public employees committee as appointees for positions on the city council and the following boards and commissions:

Administration, investment and fiscal management board of the city retirement system

Board of plumbing examiners

Building and fire code advisory and appeals board

Civil service board

~~Design commission~~

Electrical code advisory and appeals board

Housing code advisory and appeals board

Mechanical and plumbing code advisory and appeals board

Old Sacramento variance appeals board

Parks and recreation commission (two seats)

Planning and design commission (four~~two~~ seats)

Preservation commission

Retirement hearing commission

Sacramento city public facilities financing corporation

Utilities rate advisory commission

SECTION 8

A. Subdivision G, of section 2.84.080 of the Sacramento City Code is amended to read as follows:

G. To review and make recommendations upon the program development and budget, master planning site development and building design of any local government public building project

during the preliminary stages. Actions of the council, planning and design commission, ~~design commission~~ and preservation commission shall not be delayed by such review;

B. Except as specifically amended in subsection A, section 2.84.080 remains unchanged and in full force and effect.

SECTION 9

Section 2.104.020 of the Sacramento City Code is amended to read as follows:

2.104.020 Duties.

As required by Health and Safety Code Section 25199.7(d), the committee shall do the following:

A. As its primary function, advise the city planning and design commission in considering an application for a land use decision for a specified hazardous waste facility project of the terms and conditions under which the proposed hazardous waste facility project may be acceptable to the community;

B. Enter into a dialogue with the proponent for the proposed specified hazardous waste facility project to reach an understanding with the proponent on both of the following:

1. The measures that should be taken by the proponent in connection with the operation of the proposed hazardous waste facility project to protect the public health, safety, and welfare, and the environment of the city,

2. The special benefits and remuneration the facility proponent will provide the city as compensation for the local costs associated with the operation of the facility;

C. Represent the interests of the residents of the surrounding community and city;

D. Advise the city planning and design commission of the terms, provisions, and conditions for project approval which have been agreed upon by the committee and the proponent, and any additional information which the committee deems appropriate.

SECTION 10

Section 2.104.060 of the Sacramento City Code is amended to read as follows:

2.104.060 Records.

A. Minutes. The secretary shall prepare official minutes of each regular meeting, indicating attendance and whether absences were previously cleared with the chair of the committee, and recording actions taken at each meeting. The minutes for each meeting shall be submitted to the city council and/or the city planning and design commission once approved by the committee and duly signed by the secretary and attested to by the chair.

B. Progress Reports. The committee may submit progress reports and recommendations to the city planning and design commission at any time.

SECTION 11

Section 2.112.030 of the Sacramento City Code is amended to read as follows:

2.112.030 Preparation—Contents.

The planning and design commission, with the assistance of the planning director, shall prepare a general plan for the city. The mandatory elements of such general plan shall be those specified in Section 65302 of the Planning and Zone Law. The discretionary elements of such plan shall be determined by resolution adopted by the city council.

SECTION 12

Section 2.112.040 of the Sacramento City Code is amended to read as follows:

2.112.040 Adoption.

Except as provided herein, the general plan shall be adopted in accordance with the procedure prescribed in Article VI, Chapter 3, of the Planning and Zoning Law. The provisions of Section 65352 (pertaining to referral of general plans), Section 65356 (pertaining to referral of changes by the city council back to the planning and design commission), Section 65357 (pertaining to copies of the general plan), and Section 65358(b) (pertaining to the number of times a general plan may be amended within a calendar year), shall not be applicable to the city.

SECTION 13

Section 2.112.060 of the Sacramento City Code is amended to read as follows:

2.112.060 Review of public works projects.

A. Adoption of Capital Improvement Program. Not less than every five years, the council shall adopt a capital improvement program, which shall set forth the program of capital improvement projects for planning, initiation or construction during the next five years.

B. Review of Proposed Capital Improvement Program. Prior to consideration by the council of the capital improvement program required by subsection A of this section, the city manager shall submit the program to the planning and design commission for its review. Within sixty (60) days of receipt of the proposed program of capital improvement projects, the planning and

design commission shall review and report to the council on the conformity of the program with the adopted general plan or part thereof and any applicable specific plan or part thereof.

C. Amendments to the Capital Improvement Program. Prior to the council or authorized designee authorizing the initiation or construction of a project not contained in the then applicable capital improvement program, the city manager shall submit the proposed project to the planning director for review for consistency with the adopted general plan or part thereof and any applicable specific plan or part thereof. The planning director shall review and report to the council or authorized decision-maker on the consistency of the proposed project within thirty (30) days of the date of submittal of the project; provided that the planning director may submit the proposed project to the planning and design commission for consistency review if the planning director, in his or her sole discretion, determines that the proposed project presents policy issues that warrant review for consistency by the planning and design commission. The planning and design commission shall provide its report on consistency within the thirty (30) day time period.

SECTION 14

A. Subsection A, of section 2.112.070 of the Sacramento City Code, is amended to read as follows:

A. Except as modified below, the provisions of Section 65402 of the Government Code concerning restrictions on the acquisition and disposal of real estate, abandonment and vacation of streets, and authorization and construction of public buildings and structures are adopted by the city and shall be followed in the administration of the general plan. The acquisition or disposal of real estate, abandonment or vacation of streets or authorization or construction of public buildings and structures which is included in a capital improvement project reviewed by the planning and design commission or planning director pursuant to Section 2.112.060 of this chapter shall not be subject to further review pursuant to this section.

B. Except as specifically amended in subsection A, section 2.112.070 remains unchanged and in full force and effect.

SECTION 15

A. Subsection A, of section 2.112.080 of the Sacramento City Code, is amended to read as follows:

A. The planning and design commission shall serve as the planning agency for purposes of reviewing the acquisition and disposal of real estate, abandonment and vacation of streets, and authorization and construction of public buildings and structures by the county, districts, school districts and other local agencies for consistency with the city's general plan pursuant to Section 2.112.070, Government Code Sections 65402 and 65403, and other applicable statutory provisions.

B. Except as specifically amended in subsection A, section 2.112.080 remains unchanged and in full force and effect.

SECTION 16

Section 2.112.090 of the Sacramento City Code is amended to read as follows:

2.112.090 Generally.

The planning and design commission may, or if directed by the city council shall, prepare specific plans (which may be described as community plans) based upon the general plan and drafts of such regulations, programs and legislation as may, in the judgment of the commission, be required for the systematic execution of the general plan. The planning and design commission may recommend such plans and measures to the city council for adoption.

SECTION 17

Section 2.112.110 of the Sacramento City Code is amended to read as follows:

2.112.110 Adoption.

Except as provided herein, any specific plan shall be adopted in accordance with the procedure prescribed in Article 6, Chapter 3, of the Planning and Zoning Law (commencing with Government Code Sections 65000 et seq.). It shall be the general policy of the city council to refer back to the planning and design commission, substantial modifications of specific plans proposed by the council which were not previously considered by the planning and design commission during its hearings. However, the council reserves the discretion to determine whether such referral to the planning and design commission will be made and to determine other matters, including but not limited to, the following:

A. What constitutes a substantial modification of a specific plan;

B. The number of days within which the planning and design commission has to consider the referral; and

C. Whether or not a public hearing is to be held by the planning and design commission on the referral.

Therefore, the provisions of Government Code Section 65356 (pertaining to referral of changes by the city council back to the planning and design commission) shall not be applicable to the city. In addition, the provisions of Section 65352 (pertaining to referral of general plans) and Section 65357 (pertaining to copies of the general plan), shall not be applicable to the city.

SECTION 18

Section 2.112.130 of the Sacramento City Code is amended to read as follows:

2.112.130 Interim specific plans.

Notwithstanding the provisions of this chapter to the contrary, the planning and design commission may, or if directed by the city council shall, prepare interim specific plans as may, in

the judgment of the planning and design commission be necessary for effective land use planning and regulation. Such interim specific plans may be adopted by resolution of the planning and design commission and shall be effective for sixty (60) days following the passage of said resolution or until such time as the city council may direct. The planning and design commission may hold a public hearing on any proposed interim specific plan.

SECTION 19

Section 5.08.020 of the Sacramento City Code is amended to read as follows:

5.08.020 Definitions.

For purposes of this chapter, the following definitions apply:

"Applicant" means any person, business or entity applying to the chief of police for a letter of public convenience or necessity. The applicant shall be the same person(s), business or entity which has applied for a liquor license with the alcoholic beverage control board.

"Chief of police" means the chief of police of the city of Sacramento or his or her designee. For purposes of this chapter, the chief of police is the designated officer for the purposes of issuance or denial of a request for a letter of public convenience or necessity.

"Letter of public convenience or necessity" means a letter written, pursuant to Business and Professions Code Sections 23817.7 and 23958.4, to the state Department of Alcoholic Beverage Control by the chief of police setting forth that the city of Sacramento has determined that the public convenience or necessity would be served by the issuance of a license to sell alcoholic beverages at the requested location.

"Planning and design commission" means the planning and design commission established pursuant to Chapter 2.60 of this code. For purposes of this chapter, the planning and design commission is the designated subordinate body to the city council to hear appeals for the decision of the chief of police relating to issuance or denial of a letter of public convenience or necessity.

SECTION 20

Section 5.08.080 of the Sacramento City Code is amended to read as follows:

5.08.080 Appeal of the issuance or denial of the decision of the chief of police to issue a letter of public convenience or necessity.

A. Appeal to the Planning and Design Commission.

1. The decision of the chief of police whether to approve or deny the application for a letter of public convenience or necessity or to impose additional conditions pursuant to Section 5.08.100(B) of this chapter shall be appealable to the planning and design commission by the applicant, an owner of property in the city, or any resident of the city. At any proceeding before the planning and design commission, the applicant shall have the burden of demonstrating the

public convenience or necessity is served by issuance of a license, and that issuance of the license does not pose any threat to the health, safety or welfare of the community in which the license would be located. The planning and design commission shall consider the factors set forth in Section 5.08.060(A)(2) of this chapter, and make findings as to those factors in rendering its decision.

2. The request for an appeal of the decision of the chief of police shall be made in writing and delivered to the planning and development department within fifteen (15) days of the date of mailing the decision of the chief of police. Any request for an appeal to the planning and design commission must be accompanied by a nonrefundable appeal fee to be set by resolution of the city council. The appeal request shall be denied if the request is not made in a timely manner and accompanied by the appeal fee.

3. The hearing before the planning and design commission on the denial or approval of the application shall be held within sixty (60) days of the denial or approval of the application by the chief of police. The planning and design commission shall issue a written decision affirming or reversing the decision of the chief of police to deny the application.

4. No letter of public convenience or necessity shall be issued if a timely appeal to the planning and design commission decision has been requested.

5. The decision of the planning and design commission is final and nonappealable. The decision shall be in the form of a resolution containing findings of fact related to public convenience or necessity.

6. If the planning and design commission votes to approve the issuance of a letter of public convenience or necessity, it may do so conditioned on the applicant agreeing to comply with additional reasonable conditions pertaining to the operation of the business. Any additional reasonable conditions may be imposed if warranted to promote the health, safety or welfare of the community in which the proposed license is to be located. If the planning and design commission votes to approve a letter of public convenience or necessity with additional conditions, then such conditions shall be set forth in the letter.

7. The decision of the planning and design commission shall be served upon the applicant by first-class mail within five business days of issuance of its written decision. A copy of the decision shall be provided, within five business days of issuance of the decision, to the mayor and to the councilmember in whose district the proposed license would be located.

8. No letter of public convenience or necessity shall be issued until twenty (20) days following service of the decision of the planning and design commission.

SECTION 21

A. Subsection A, of section 5.08.090 of the Sacramento City Code, is amended to read as follows:

A. Any decision of the planning and design commission on an appeal pursuant to Section 5.08.080 of this chapter may be called up for city council review by the mayor or councilmember

in whose district the proposed license would be located. To initiate a call-up of a decision, the mayor or councilmember in whose district the project is located shall file a written request with the planning director within ten (10) days of the date of the decision of the planning and design commission. Upon the filing of a request by the mayor or the city councilmember in whose district the project is located, the city clerk shall notice and set the matter for the hearing before the council. Notice of the hearing shall be given, and the hearing shall be conducted, in the same manner as if it were an appeal of a planning and design commission decision on approval or denial of a special permit.

B. Except as specifically amended in subsection A, section 5.08.090 remains unchanged and in full force and effect.

SECTION 22

A. Subsection D, of section 5.88.200 of the Sacramento City Code, is amended to read as follows:

D. Fruit and vegetable stands possessing a valid special permit from the city planning and design commission and authorization from the California Department of Agriculture;

B. Except as specifically amended in subsection A, section 5.88.200 remains unchanged and in full force and effect.

SECTION 23

Section 8.68.170 of the Sacramento City Code is amended to read as follows:

8.68.170 Deviation from the sound limits, time limits and place of sound measurement requirements of Section 8.68.160—Planning and design commission approval.

In addition to the special condition permits authorized by Section 8.68.250 of this chapter and the variances authorized by Section 8.68.260 of this chapter, the operator of any outdoor activity may seek approval to deviate from any or all of the following: (a) the maximum sound limits, (b) the time limits, or (c) the requirement for the place of sound measurement as set forth in Section 8.68.160 of this chapter, on the grounds that due to the nature or design of the operator's facility or its location, it is capable of handling a higher sound level or amplified sound ending at a later time without substantially increasing the likelihood that violations of any other standards set forth in this chapter will occur. As part of the application, the applicant shall submit a report of the sound-related characteristics of the facility prepared by an acoustical engineer, and shall pay an application fee set by resolution of the city council.

A. Applications Filed after July 1, 1995. Applications filed after July 1, 1995 shall be heard and decided pursuant to the following procedures:

1. Applications. An application to deviate from the foregoing requirements of Section 8.68.160 of this chapter which is filed after July 1, 1995 shall be heard and decided by the

planning and design commission, and shall be subject to the general requirements applicable to applications for planning and design commission special permits as set forth in Chapter 17.212 of this code.

2. Hearing Procedure. A public hearing shall be held by the planning and design commission. Notice of the public hearing shall be given in the same manner as notice is given of a hearing on a planning and design commission special permit. Notice of the hearing shall also be given by publication in at least one newspaper of general circulation at least ten (10) days prior to the date of the hearing.

3. Approval. The planning and design commission may approve an application to deviate from the maximum sound limit, time limits, or place of sound measurement requirements if it finds that, due to the nature, design or location of the operator's facility, it is capable of handling a higher sound level or an amplified sound ending at a later time or having the sound measured at a different location without substantially increasing the likelihood that violations of any other standards set forth in this chapter will occur and that approval of the application will not be detrimental to the public health, safety or welfare as it relates to noise. The planning and design commission may impose such conditions as may be necessary to carry out the intent and purpose of this chapter and to protect the public health, safety or welfare at it relates to noise. The planning and design commission shall adopt findings and render its decision in the same manner that it decides applications for special permits.

4. Appeal. Any person dissatisfied with the decision of the planning and design commission on an application to deviate from the maximum sound limit, time limits or place of sound measurement requirements of Section 8.68.160 of this chapter may appeal that decision to the city council by filing a notice of appeal with the city clerk pursuant to Section 1.24.010 of this code. Any appeal shall be filed within ten (10) days of the date of the planning and design commission decision. The city clerk shall thereafter notice the matter for hearing before the city council by publishing notice of the hearing on the appeal 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.

5. Modification or Revocation of Approval of Deviation. An approval to deviate from the requirements of Section 8.68.160 of this chapter shall be subject to modification or revocation by the planning and design commission in the same manner
as a special permit pursuant to the provisions of Chapter 17.212 of this code.

B. Applications Filed on or Before July 1, 1995. An application to deviate from the requirements of Section 8.68.160 of this chapter filed on or before July 1, 1995 shall be heard and decided by the city manager pursuant to the following procedures:

1. Procedure. No public hearing by the city manager shall be required. The city manager may approve an application to deviate from the maximum sound limit, time limits, or place of sound measurement requirements if the manager finds that, due to the nature, design or location of the operator's facility, it is capable of handling a higher sound level or an amplified sound ending at a later time or having the sound measured at a different location without substantially increasing the likelihood that violations of any other standards set forth in this chapter will occur and that approval of the application will not be detrimental to the public health, safety or welfare as it

relates to noise. The city manager may impose such conditions as may be necessary to carry out the intent and purpose of this chapter and to protect the public health, safety or welfare as it relates to noise.

2. Notice. After the city manager's decision on the application, the city manager shall provide written notice by mail to all owners of real property shown on the latest equalized assessment roll within a radius of three hundred (300) feet of the real property which is the subject of the application. In lieu of the assessment roll, the city manager may utilize records of the county assessor or tax collector which contains more recent information that the assessment roll. The notice shall advise the owners of the nature of the deviation sought and the decision of the city manager, and of the owner's right to appeal the decision of the city manager to the city council within ten (10) days of the date of the notice. The city manager shall also publish notice of the decision in at least one newspaper of general circulation.

3. Appeal. Any person dissatisfied with the decision of the city manager on an application to deviate from the maximum sound limit, time limits or place of sound measurement requirements of Section 8.68.160 of this chapter may appeal that decision to the city council by filing a notice of appeal with the city clerk pursuant to Section 1.24.010 of this code. Any appeal shall be filed within ten (10) days of the date of the city manager's decision. The city clerk shall thereafter notice the matter for hearing before the city council by publishing notice of the hearing on the appeal 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.

4. Modification or Revocation of Approval of Deviation. An approval to deviate from the requirements of Section 8.68.160 of this chapter shall be subject to modification or revocation by the planning and design commission in the same manner as a special permit pursuant to the provisions of Chapter 17.212 of this code.

SECTION 24

Section 10.44.160 of the Sacramento City Code is amended to read as follows:

10.44.160 Off-street parking permit required.

Every person desiring to establish an off-street parking area, off-street loading or unloading area or storage, sale, rental or service area for any type of equipment, goods, materials or objects shall make an application to the community development department~~zoning administrator~~~~city planning commission~~ for a permit for the establishment of such facilities. Such application shall be accompanied by three copies of the layout, grading and paving plans. No permit shall be issued by the community development department~~zoning administrator~~~~city planning commission~~ unless it shall appear from the application and plans so submitted that the safety of pedestrians on the sidewalk or sidewalk area adjacent to such facilities has been adequately provided for by the proposed erection and maintenance of bumpers or barriers; that the proposed use of the land shall be confined to the property in its entirety and will not encroach onto the sidewalk or sidewalk area and that the area proposed for such use will be adequately surfaced with asphalt or concrete.

It is the duty of the community development department~~planning director of the zoning administrator~~~~city planning commission~~ to enforce the provisions of Sections 10.44.140, 10.44.150, 10.44.160, 10.44.170 and 10.44.180 of this chapter.

SECTION 25

Section 10.44.200 of the Sacramento City Code is amended to read as follows:

10.44.200 Enforcement of Sections 10.44.140 through 10.44.180.

It is the duty of the community development department~~zoning administrator~~~~planning director of the city planning commission~~ to enforce the provisions of Sections 10.44.140, 10.44.150, 10.44.160, 10.44.170 and 10.44.180 of this chapter.

SECTION 26

Section 12.04.040 of the Sacramento City Code is amended to read as follows:

12.04.040 Naming and designation of streets—Changes.

All applications for changes in the names of streets shall be made to the planning and design commission, which shall consider the matter according to the procedures adopted pursuant to Section 2.60.060 of this code. The application shall include such fees as are necessary to cover the costs of processing the application. Such fees shall be set by resolution of the city council. Upon consideration thereof the planning and design commission shall, by resolution, grant, deny or modify the application, as is deemed necessary or appropriate to the public safety and welfare and in accord with Section 12.04.030 of this chapter, the general plan and applicable specific plans.

Any person aggrieved by the decision of the planning and design commission in granting, denying or modifying a street name change application may appeal to the city council pursuant to Sections 1.24.010 through 1.24.100 of this code, provided that notice of appeal specified therein must be filed within thirty (30) days of the decision sought to be appealed and said notice must specify the grounds upon which the decision is challenged.

A copy of all resolutions or orders providing for a street name change shall be forwarded to the Sacramento county clerk and county surveyor.

SECTION 27

Section 12.56.120 of the Sacramento City Code is amended to read as follows:

12.56.120 Appeals.

A. Appeal to Parks and Recreation Commission. Any person who is denied a permit to remove or maintain a city street tree pursuant to Section 12.56.070 or who objects to the removal of a street tree pursuant to Section 12.56.040 shall be entitled to meet personally with the director to review the permit application or the proposed work. Except as provided in subsection (B) of

this section, any person aggrieved by the director's decision may appeal such decision to the parks and recreation commission by filing a written notice of appeal with the secretary of the commission within ten (10) days of the date of the director's final decision. The notice shall clearly specify the action or determination appealed from, and the reasons for which a hearing is requested. The decision of the commission shall be final and shall not be subject to appeal, but shall be reported to and shall be subject to call-up for consideration by the city council as provided in Section 17.200.040.

B. Appeal to City Planning and Design Commission.

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

2. Notice of the appeal hearing shall be given by posting and by mail pursuant to subsection (C)(2)(d) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(d)(ii)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property.

3. The decision of the city planning and design commission shall be final and shall not be subject to appeal, but shall be reported to and shall be subject to call-up for consideration by the city council as provided in Section 17.200.040.

4. Except as otherwise specified in this section, the hearing before, and the decision of, the city planning and design commission on an appeal under this chapter shall be governed in all respects by Chapter 17.200 of this code.

SECTION 28

A. Subsection B, of section 12.64.060 of the Sacramento City Code, is amended to read as follows:

B. Appeal to City Planning and Design Commission.

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

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

2. Notice of Appeal Hearing.

a. Notice of an appeal hearing on a decision of the director for a tree removal permit under Section 12.64.050(C)(1) shall be given by posting and by mail pursuant to subsection (C)(2)(d) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(d)(ii)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property.

b. Notice of an appeal hearing on a decision of the director not subject to subsection (C)(1) of this section, shall be given by mail pursuant to subsection (C)(2)(d)(ii) of Section 17.200.010, except that notice shall be given only to the appellant, the owner of the property affected where the owner is not the appellant, those persons who appeared and identified themselves to the person before which the original proceeding was held, and those persons who request in writing to be notified of any further proceedings on the matter or who otherwise have requested notice in writing of the hearing.

3. The decision of the city planning and design commission shall be final and shall not be subject to appeal, but shall be reported to and shall be subject to call-up for consideration by the city council as provided in Section 17.200.040.

4. Except as otherwise specified in this section, the hearing before, and the decision of, the city planning and design commission on an appeal under this chapter shall be governed in all respects by Chapter 17.200 of this code.

B. Except as specifically amended in subsection B, section 12.64.060 remains unchanged and in full force and effect.

SECTION 29

Section 15.120.100 of the Sacramento City Code is amended to read as follows:

12.56.120 Appeals.

Property which complies with the general standards prescribed in Article II of this chapter shall be designated XH residential experimental housing by resolution adopted by the city council. No public hearing before the planning and design commission or the city council shall be required prior to the adoption of the resolution of designation. Upon adoption of the resolution

of designation, the zoning maps of the city shall be amended to indicate that the property has been designated "XH experimental residential housing."

SECTION 30

Section 15.120.120 of the Sacramento City Code is amended to read as follows:

15.120.120 Procedure for rezoning.

No public hearing before the council or planning and design commission shall be required prior to the adoption of a resolution rezoning the project. No procedural requirements of the comprehensive zoning ordinance of the city shall be applicable to such rezonings.

SECTION 31

A. Subsection B, of Section 15.148.120 of the Sacramento City Code, is amended to read as follows:

B. Any other sign is permitted only with the prior approval of the planning and design commission.

B. Except as specifically amended in subsection B, section 15.148.120 remains unchanged and in full force and effect.

SECTION 32

Section 15.148.180 of the Sacramento City Code is amended to read as follows:

15.148.180 F flood zone.

Within the F flood zone, no sign shall be permitted unless prior approval therefor has been granted by the planning and design commission.

SECTION 33

Section 15.148.290 of the Sacramento City Code is amended to read as follows:

15.148.290 Special permit required—Rotating signs.

Notwithstanding the provisions of Section 15.148.650 of this chapter, a special permit for a rotating sign may be granted by the planning and design commission, following application and public hearing.

SECTION 34

Section 15.148.300 of the Sacramento City Code is amended to read as follows:

15.148.300 Special permit required—Roof signs.

Notwithstanding the provisions of Section 15.148.670 of this chapter, a special permit for a roof sign may be granted by the planning and design commission, following application and public hearing.

SECTION 35

Section 15.148.450 of the Sacramento City Code is amended to read as follows:

15.148.450 Signs to be designed as integrated architectural features.

In order to encourage and promote a harmonious relationship between buildings and signs, the planning and design commission shall have the authority to issue a special permit in accordance with Article XIV of this chapter, for signs which are designed into and are a part of an integrated architectural feature of a building where the strict application of the provisions of this article would otherwise prohibit such signs.

SECTION 36

Section 15.148.820 of the Sacramento City Code is amended to read as follows:

15.148.820 Removal of signs by director of building inspections.

The director of building inspections shall remove or cause to be removed any abandoned, dangerous, defective, illegal, prohibited, nonconforming sign subject to removal under the provisions of Article IX of this chapter which has not been removed within the time period specified in such Article IX, or any other sign maintained in violation of the provisions of this article. The director of building inspections shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten (10) days the sign shall be removed in accordance with the provisions of this article.

For signs described under the provisions of subsection A of Section 15.148.790 of this chapter the notice shall be mailed or given to the occupant of the property or their employee or representative upon which the sign is located.

For all other signs the notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. If known, the notice may also be mailed or delivered to the owner of the sign and the occupant of the property.

Any person having an interest in the sign or the property may appeal the determination of the director of building inspections ordering removal or compliance by filing a written notice of appeal with the city planning director within ten (10) days after the date of mailing the notice, or

ten (10) days after receipt of the notice if the notice was not mailed. The appeal shall be heard by the planning and design commission or a committee of the planning and design commission which the planning and design commission is authorized to create by resolution.

Such committee, if created, shall be called the sign code board of appeals.

Notwithstanding the above, in cases of emergency, the director of building inspections may cause the immediate removal of a dangerous or defective sign without notice.

SECTION 37

Section 15.148.920 of the Sacramento City Code is amended to read as follows:

15.148.920 Nonexempt signs for direction or instruction.

Signs in excess of four square feet in area which provide direction or instruction to the public shall be allowed in any zone, provided such signs are located entirely on the property to which they pertain, do not contain any advertising message, and the number, size, and location thereof has been approved by the planning and design commission. In addition, the commission, with the approval of the city traffic engineer, may authorize the placing of directional signs at appropriate street intersections or other locations for the convenience of the motoring public; such signs to pertain to places of general interest such as schools, hospitals, public buildings, airports, fair grounds and other similar public service facilities.

SECTION 38

Section 15.148.930 of the Sacramento City Code is amended to read as follows:

15.148.930 Special sign districts.

The owners of sixty (60) percent or more of the street frontage, in feet, of properties on both sides of the street in any defined area may petition the planning and design commission for the creation of special sign district for the purpose of creating an integrated special sign theme in the area. The planning and design commission shall hold a public hearing on such a request after notifying all property owners, as shown on the last equalized assessment roll, between such intersecting streets by mail at least ten (10) days prior to the hearing. After such hearing the planning and design commission, if it deems it appropriate, shall make recommendations to the city council and the city council shall hold a hearing and give notice as provided in this section for the hearing held before the planning and design commission. The city council may thereafter adopt an ordinance establishing a special sign district and setting forth the regulations applicable to such district. The city council may amend the ordinance establishing and setting forth the regulations applicable in the special sign district, provided that prior to such an amendment a notice of the proposed amendment has been published once in the official newspaper of the city not less than ten (10) days prior to the hearing on the adoption of the proposed amendment.

The city council may repeal the ordinance establishing and setting forth the regulations of the special sign district provided that prior to such repeal a notice has been given and a hearing has

been held in accordance with the provisions of this section relating to the establishment of the special sign district.

SECTION 39

Section 15.148.940 of the Sacramento City Code is amended to read as follows:

15.148.940 Special sign districts-Proceedings initiated by planning and design commission

As an alternative to the method of creating a special sign district provided in Section 15.148.930 of this chapter, the planning and design commission may on its own motion by two-thirds vote of its members adopt a resolution stating its intent to recommend to the city council that a specific area of the city be designated as a special sign district. If such a resolution is so adopted, the hearings provided by Section 15.148.930 of this chapter shall be held as if the owners of sixty (60) percent or more of the street frontage within the property district had petitioned the planning and design commission for the formation of the proposed district.

SECTION 40

Section 15.148.1010 of the Sacramento City Code is amended to read as follows:

15.148.1010 Variance powers-planning and design commission

The planning and design commission shall have authority to grant a variance from the provisions of this article, except those pertaining to sign specifications set forth in Article V of this chapter.

SECTION 41

Section 15.148.1020 of the Sacramento City Code is amended to read as follows:

15.148.1020 Variance powers—Zoning administrator.

The planning and design commission may by resolution, delegate authority to issue minor variances to the zoning administrator, other than variances from the regulations of Article V of this chapter, provided, however, that the applicant may appeal any decision of the zoning administrator to the planning and design commission as provided in Section 15.148.1120 of this chapter. The zoning administrator may, at his or her discretion, schedule for hearing before the planning and design commission any application for a variance under his or her authority.

SECTION 42

Section 15.148.1040 of the Sacramento City Code is amended to read as follows:

15.148.1040 Application—Evidence required to be shown.

Applications for a variance shall be written on forms prescribed by the planning and design commission or the construction codes advisory and appeals board and shall be accompanied by

statements, plans and other relevant evidence. The zoning administrator when authorized, the planning and design commission or, in the case of variances from the provisions of Article V of this chapter, the construction codes advisory and appeals board, may grant a variance when the following is shown:

A. That exceptional or extraordinary circumstances or conditions apply to the case referred to in the application that do not apply generally in the same district and the enforcement of the regulations of this article would have an unduly harsh result upon the utilization of the subject property;

B. That the variance will not result in a special privilege to one individual property owner and that the variance would be appropriate for any property owner facing similar circumstances;

C. That the requested variance will not materially and adversely affect the health and safety of persons residing or working in the neighborhood, and will not be materially detrimental to the public welfare or injurious to property and improvements in the neighborhood.

SECTION 43

Section 15.148.1060 of the Sacramento City Code is amended to read as follows:

15.148.1060 Hearing.

A. A variance application shall be considered at a public hearing by the zoning administrator, planning and design commission, or the construction codes advisory and appeals board where variances from the provisions of Article V of this chapter are requested. The zoning administrator, planning and design commission or the construction codes advisory and appeals board may attach conditions to the granting of any variance when, in its judgment, such conditions are necessary or desirable to accomplish the purpose of this article.

B. Except to the extent that the terms of this article conflict therewith the procedural requirements for any hearing before the zoning administrator, planning and design commission and city council required by the provisions of this article shall be governed by the provisions of Chapter 17.200 of this code.

C. Written notice of the hearing shall be given as specified in Chapter 17.216 of this code.

SECTION 44

Section 15.148.1070 of the Sacramento City Code is amended to read as follows:

15.148.1070 Authority for special permits.

Where a special permit is required by this article, such permit may be granted at the discretion of the planning and design commission. It is not an automatic right of any applicant. The commission shall consider all the factors relating to the proposed sign and whether such sign will adversely affect the public health, safety and welfare and whether the application complies with the statements contained in Section 15.148.010 relating to the purpose of this chapter.

SECTION 45

Section 15.148.1080 of the Sacramento City Code is amended to read as follows:

15.148.1080 Delegation to zoning administrator.

The planning and design commission, by resolution, may delegate its authority to issue special permits for signs to the zoning administrator, provided however, that the applicant may appeal any decision of the zoning administrator to the planning and design commission as provided in Section 15.148-.1120 of this chapter.

The zoning administrator may at his or her discretion, schedule for hearing by the planning and design commission any application for special permit under his or her authority.

SECTION 46

Section 15.148.1090 of the Sacramento City Code is amended to read as follows:

15.148.1090 Application.

Application for a special permit for a sign shall be made on forms prescribed by the planning and design commission and shall be accompanied by statements, plans and other related material as may be deemed necessary to carry out the intent and purpose of this chapter.

SECTION 47

Section 15.148.1100 of the Sacramento City Code is amended to read as follows:

15.148.1100 Fee.

Whenever a public hearing by the planning and design commission or zoning administrator is required for a special permit, there shall be a filing fee as established in the city fee and charge report to be paid at the time the application is filed.

SECTION 48

Section 15.148.1110 of the Sacramento City Code is amended to read as follows:

15.148.1110 Hearing.

A. A special permit application shall be considered at a public hearing by the zoning administrator or planning and design commission. The zoning administrator or planning and design commission may attach conditions to the granting of any special permit when in its judgment, such conditions are necessary or desirable to accomplish the purpose of this chapter.

B. Except to the extent that the terms of this chapter conflict therewith the procedural requirements for any hearing before the zoning administrator, planning and design commission and city council required by the provisions of this chapter shall be governed by the provisions of Chapter 17.200 of this code.

C. Written notice of the hearing shall be given as specified in Chapter 17.212 of this code.

SECTION 49

Section 15.148.1120 of the Sacramento City Code is amended to read as follows:

15.148.1120 Appeals from decision of zoning administrator~~planning director~~.

A. Any person aggrieved or dissatisfied with the action of the zoning administrator on a request for a variance, special permit, or other action resulting from the administration of this chapter may appeal therefrom the planning and design commission within ten (10) days after a decision has been made by the zoning administrator.

B. The appeal shall be taken by filing a written notice of appeal with the zoning administrator and payment of a fee as established by the city fee and charge report.

C. Upon the filing of a notice of appeal, the zoning administrator shall, within ten days, transmit to the secretary of the planning and design commission all exhibits and other papers and documents on file with the zoning administrator. The planning and design commission shall hold a hearing on the appeal and may affirm, modify or reverse the action or decision of the zoning administrator. ~~planning director.~~

SECTION 50

Section 15.148.1130 of the Sacramento City Code is amended to read as follows:

15.148.1130 Appeals from decision of planning and design commission

A. Any person aggrieved or dissatisfied with any action of the planning and design commission on a variance, special permit or any other planning and design commission action or permit under this chapter, may appeal therefrom to the city council at any time within ten (10) days after rendition of the decision of the planning and design commission; provided that, except as otherwise expressly allowed herein, no appeal of a planning and design commission decision on an appeal of a zoning administrator's decision shall be allowed.

B. The appeal shall be taken by filing a notice of appeal with the planning director. Upon the filing of a notice of appeal and payment of a filing fee as established by the city fee and charge report, the planning director shall, within ten (10) days therefrom transmit to the city clerk all

exhibits and other papers and documents on file with the planning and design commission, together with any findings of the commission.

The city council shall hold a hearing on the appeal and may affirm, modify or reverse the action of the planning and design commission.

SECTION 51

Section 16.08.010 of the Sacramento City Code is amended to read as follows:

16.08.010 Responsibilities.

Except as expressly provided otherwise in this Title 16, the responsibility for actions taken under this title shall be as stated below.

A. City Council. The city council shall be responsible for:

1. The approval, conditional approval, or denial of vesting tentative maps and parcel maps; and

2. The approval, conditional approval, or denial of reversions to acreage. The city council shall act as the appeal board for hearing appeals of planning and design commission action as provided in this title. The city council shall also act as the appeal board for hearing appeals of subdivision review committee action as provided in this title.

B. Planning and Design Commission. The planning and design commission shall be responsible for:

1. The approval, conditional approval, or denial of tentative maps and subdivision modifications for all subdivisions resulting in divisions of land into five or more parcels except vesting tentative maps;

2. The approval, conditional approval, or denial of all post subdivision modifications of five or more parcels;

3. Making recommendations to the city council on approval, conditional approval or denial of vesting tentative maps:

C. Subdivision Review Committee. The responsibilities of the subdivision review committee shall include the following:

1. To make investigations and report on the design and improvement of all proposed subdivisions and to make recommendations thereon to the zoning administrator and the planning and design commission;

2. To recommend approval, conditional approval, or disapproval of the design of proposed subdivisions and the kinds, nature and extent of on-site and off-site improvements required in connection therewith;

3. To recommend approval, conditional approval, or denial of tentative maps of all proposed subdivisions of land, and requests for extensions of time for tentative maps;

4. To recommend modifications of the requirements of these regulations in accordance with the provisions of Chapter 16.52, Subdivision Modifications, of this title;

5. To recommend disapproval of a tentative map for noncompliance with the requirements of these regulations, the Subdivision Map Act, or the standards, rules or regulations adopted by the commission pursuant to these regulations;

6. To review and make recommendations concerning proposed subdivisions in the unincorporated territory of the county of Sacramento and county of Yolo in accordance with Section 66453 of the Subdivision Map Act when it has elected to do so;

7. To review and make recommendations for reasonable modifications or waivers of the requirements of these regulations as they apply to the development of designated infill sites;

8. Such additional powers and duties as prescribed by law and by these regulations.

D. Zoning Administrator. The zoning administrator shall be responsible for:

1. The approval, conditional approval, or denial of tentative maps for all subdivisions resulting in divisions of land into four or fewer parcels;

2. The approval, conditional approval, or denial of tentative maps for subdivisions described in subsections (A)(1) through (4) of Section 16.12.020;

3. The approval, conditional approval or denial of subdivision modifications for all subdivisions resulting in the division of land into four or fewer parcels, for lot line adjustments under Chapter 16.16, and for mergers of contiguous parcels under common ownership without reversion under Chapter 16.20;

4. The approval or denial of requests for extensions of time for tentative maps other than vesting tentative maps; and

5. The approval, conditional approval, or denial of all post subdivision modifications of four or fewer parcels. E. City Manager's Designee. The city manager's designee shall be responsible for:

1. The approval or denial of final maps and parcel maps;

2. The approval, conditional approval, or denial of lot line adjustments; and

3. The approval, conditional approval, or denial of mergers of contiguous parcels under common ownership without reversion.

SECTION 52

Section 16.16.050 of the Sacramento City Code is amended to read as follows:

16.20.050 Appeals.

The applicant or any interested person adversely affected by any action of the city manager's designee on a lot line adjustment may, within ten (10) days after the decision, appeal the decision to the planning and design commission by filing an appeal in writing with the planning director. The appeal shall be considered by the planning and design commission at a public hearing after notice has been given pursuant to Section 16.24.090(A) of this title. The decision of the planning and design commission on an appeal from the city manager's designee action on a lot line adjustment shall be final, and may not thereafter be appealed to the city council.

SECTION 53

Section 16.16.060 of the Sacramento City Code is amended to read as follows:

16.20.060 Appeals.

A decision of the city manager's designee on a merger of contiguous parcels under common ownership under this chapter may be appealed by the applicant or any interested person affected by the city manager's designee's decision to the planning and design commission in the same manner as a decision by the city manager's designee on a lot line adjustment may be appealed pursuant to Section 16.16.050 of this title.

SECTION 54

Section 16.24.020 of the Sacramento City Code is amended to read as follows:

16.24.020 Tentative map required.

For every subdivision, the subdivider shall file with the city a tentative map prepared in accordance with the provisions of this chapter. Applications for tentative maps resulting in divisions of land into five or more parcels shall be decided by the planning and design commission. Applications for tentative maps resulting in divisions of land into four or fewer parcels shall be decided by the zoning administrator, except as provided otherwise in subsection (A) of Section 16.24.090.

SECTION 55

Section 16.24.080 of the Sacramento City Code is amended to read as follows:

16.24.080 Tentative map process.

A. Within thirty (30) days of receiving a tentative map application, the planning division shall inform the applicant whether the application is complete and accepted for filing. If incomplete, the planning division shall advise the applicant as to the deficiencies in the application.

B. Within ten (10) days after an application has been found to be complete and accepted for filing, the planning director shall transmit copies of the tentative map and, where applicable, copies of drawings, statements and other data required to accompany the tentative map or required subsequent to the filing of the tentative map, to members of the subdivision review committee and to such other public or private agencies or departments as the director determines may be affected by the proposed subdivision for report and recommendation to the zoning administrator, planning and design commission or city council.

C. Subdivision Review Committee Review. The planning director shall schedule the project for review before the subdivision review committee. The subdivision review committee shall consider the project and prepare a recommendation to the zoning administrator, planning and design commission or the city council. The recommendation shall include the determination of the subdivision review committee on the conformance of the tentative map to the standards, rules and regulations of this title, and to the requirements of all applicable specific plans and ordinances of the city. The subdivision review committee shall also advise the zoning administrator, planning and design commission and the city council on the requirements, if any, of other city departments and the applicable requirements of the county, special districts, state and other public and private agencies affected by the proposed subdivision.

D. Planning Director Report. At the time of the submission of his or her report to the zoning administrator, planning and design commission or the city council on the project, the planning director shall incorporate within his or her report the recommendations made by the subdivision review committee.

SECTION 56

Section 16.24.090 of the Sacramento City Code is amended to read as follows:

16.24.090 Tentative maps for four or fewer parcels other than vesting tentative maps.

A. Public Hearing before Zoning Administrator—Notice.

1. Within a reasonable period of time following consideration by the subdivision review committee of an application for a tentative map for four or fewer parcels, other than a vesting tentative map, the planning director shall set the matter for hearing before the zoning administrator. The procedural requirements for the hearing before the zoning administrator and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this code. Notice of the hearing shall be given by publication, posting and mail pursuant to subsections (C)(2)(a), (b) and (c) of Section 17.200.010 of this code. Substantial compliance with these provisions for notice shall be sufficient, and a technical failure to comply shall not affect the validity of any action taken according to the procedures in this chapter.

2. Notwithstanding the provisions of subsection (A)(1) of this section, if the tentative map is sought as part of a development project requiring approval of one or more entitlements by the planning and design commission, the planning and design commission shall hear and act upon the tentative map under Section 16.24.095.

3. Notwithstanding the provisions of subsection (A)(1) of this section, at the discretion of the zoning administrator, a tentative map for four or fewer parcels may be heard and acted upon by the planning and design commission in the same manner as a tentative map for five or more parcels under Section 16.24.095.

B. Action by the Zoning Administrator. The zoning administrator may approve or conditionally approve a tentative map by adopting a resolution, or may disapprove the proposed tentative map. In reaching a decision upon the tentative map. The zoning administrator shall consider the effect of that decision on the housing needs of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources.

C. Approval. The tentative map may be approved or conditionally approved by the zoning administrator if it is found that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan, any applicable specific or community plan, and all applicable provisions of this code.

D. Denial. The tentative map may be denied by the zoning administrator on any of the grounds provided by the Subdivision Map Act or this code. Except as otherwise required by state or federal law, the zoning administrator shall deny approval of the tentative map if it makes any of the following findings:

1. That the proposed map is inconsistent with the general plan or any applicable specific plan, or other applicable provisions of this code;

2. That the site is not physically suitable for the type of development;

3. That the site is not physically suitable for the proposed density of development;

4. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the zoning administrator may approve such a tentative map if any environmental impact report was prepared with respect to the project and a finding was made pursuant to Section 21081(c) of CEQA that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;

5. That the design of the subdivision or the type of improvements are likely to cause serious public health problems;

6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the zoning administrator may approve a map if he or she finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is granted to the zoning administrator to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

E. Improvements. Dedications and improvements required in connection with the approval of the tentative map shall be limited to the dedication of right-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created.

SECTION 57

Section 16.24.095 of the Sacramento City Code is amended to read as follows:

16.24.095 Tentative maps for five or more parcels.

A. Public Hearing before Planning and Design Commission—Notice. Within a reasonable period of time following consideration by the subdivision review committee of an application for a tentative map for five or more parcels, other than a vesting tentative map, the planning director shall prepare a report with recommendations, and shall set the matter for hearing before the planning and design commission. A copy of the director's report shall be forwarded to the subdivider at least five days prior to the public hearing. The procedural requirements for the hearing before the planning and design commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this code. Notice of the hearing shall be given by publication, posting and mail pursuant to subsections (C)(2)(a), (b) and (c) of Section17.200.010 of this code, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property. In addition, a proposed conversion of residential real property to a condominium, community apartment, or stock cooperative project shall be noticed in accordance with Section 66451.3 of the Subdivision Map Act and Chapter 17.192 of this code. Substantial compliance with these provisions for notice shall be sufficient, and a technical failure to comply shall not affect the validity of any action taken according to the procedures in this chapter.

B. Action. Except as provided in Section 16.24.097, the planning and design commission shall approve, conditionally approve or deny the tentative map within fifty (50) days of the date of certification of the EIR, adoption of a negative declaration, or a determination by the planning and design commission that the project is exempt from the requirements of CEQA, and the planning director shall thereafter report the decision of the planning and design commission to the subdivider. In reaching a decision upon the tentative map, the planning commission shall consider the effect of that decision on the housing needs of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources. Except as provided otherwise by the Subdivision Map Act, failure to act within the above-specified time limits shall not be deemed or considered approval of the tentative map.

C. Approval. The tentative map may be approved or conditionally approved by the planning and design commission if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan, any applicable specific or community plan, and all applicable provisions of this code. The planning and design commission may require as a condition of its approval that the payment by the subdivider of all development fees required to be paid at the time of the application for, or issuance of, a building permit or other similar permit shall be made at the rate for such fees in effect at the time of such

application or issuance. The planning and design commission may modify or delete any of the conditions of approval recommended in the department's report. The planning and design commission may add additional requirements as a condition of its approval.

D. Denial. The tentative map may be denied by the planning and design commission on any of the grounds provided by the Subdivision Map Act or this code. Except as otherwise required by state or federal law, the planning and design commission shall deny approval of the tentative map if it makes any of the following findings:

1. That the proposed map, together with the provisions for its design and improvement, is inconsistent with the general plan or any applicable specific plan, or other applicable provisions of this code;

2. That the site is not physically suitable for the type of development;

3. That the site is not physically suitable for the proposed density of development;

4. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the planning and design commission may approve such a tentative map if any environmental impact report was prepared with respect to the project and a finding was made pursuant to Section 21081(c) of CEQA that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;

5. That the design of the subdivision or the type of improvements are likely to cause serious public health problems;

6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the planning and design commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is granted to the planning and design commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or

7. Subject to Section 66474.4 of the Subdivision Map Act, that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with Section 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use.

SECTION 58

Section 16.24.097 of the Sacramento City Code is amended to read as follows:

16.24.097 City council to act on tentative map if any entitlement requires city council approval.

A. Recommendation by Planning and Design Commission. If a tentative map is requested as a part of a development project that requires approval of one or more entitlements by the city council, the planning and design commission shall recommend approval, conditional approval, or denial of the tentative map and forward the recommendation to the city council for action.

B. Notice and Hearing Before City Council. The city clerk shall set the matter for public hearing before the city council within thirty (30) days following the date on which the planning and design commission makes a recommendation or takes other action. Notice of the hearing before the city council shall be given in the same manner specified in Section 16.24.095(A) of this chapter for hearings before the planning and design commission.

C. Action by the City Council. The city council shall approve, conditionally approve, or deny the tentative map within fifty (50) days of the date of certification of the EIR, adoption of a negative declaration, or a determination by the city council that the project is exempt from the requirements of CEQA, and the planning director shall thereafter report the decision of the city council to the subdivider. Except as otherwise provided by the Subdivision Map Act, failure to act within the above-specified time limits shall not be deemed or considered approval of the vesting tentative map.

D. Approval by City Council. The tentative map may be approved or conditionally approved by the city council if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan, any applicable specific plan, and all applicable provisions of this code. The city council may require a condition of its approval that the payment by the subdivider of all development fees required to be paid at the time of the application for, or issuance of, a building permit or other similar permit shall be made at the rate for such fees in effect at the time of such application or issuance. The city council may modify or delete any of the conditions of approval recommended in the department's report. The city council may add additional requirements as a condition of its approval.

E. Denial by City Council. The tentative map may be denied by the city council on any of the grounds provided by the Subdivision Map Act or this code. Except as otherwise required by state or federal law, the city council shall deny approval of the vesting tentative map if it makes any of the findings stated in Section 16.24.095(D).

SECTION 59

Section 16.24.100 of the Sacramento City Code is amended to read as follows:

16.24.100 City council call-up review.

If a tentative map is approved or conditionally approved by the planning and design commission, the planning director shall forthwith make a written report of such approval to the city council. The mayor or councilmember in whose district the project is located shall have the right to call up the tentative map for city council review by filing a written request with the planning director within ten (10) days of the final action by the planning and design commission.

If the tenth day falls on a non-business day, the last day to call-up is the next business day. Upon the filing of a request by the mayor or councilmember to call up a tentative map for city council review, the council shall notice and set the matter for a public hearing, which shall be held within thirty (30) days after the request for review has been filed or made, unless the subdivider consents to a continuance. Notice of the public hearing shall be given in the same manner as specified in Section 16.24.095(A) of this chapter. The hearing before the city council shall be de novo, meaning that the city council shall hear the matter in the same manner that the ~~design commission~~planning and design commission, or preservation commission~~, or the planning commission~~ heard the matter in the first instance. The council may add, modify or delete conditions if the council determines that such changes are necessary to ensure that the tentative map conforms to the Subdivision Map Act and this title. The city council may deny the tentative map on any of the grounds contained in Section 16.24.095(D) of this chapter. Within seven days following the conclusion of the hearing, the city council shall render its decision. If the city council does not act within the time limits set forth in this section, the tentative map shall be deemed to have been approved or conditionally approved as last approved or conditionally approved by the planning and design commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, this title, this code and the general plan.

SECTION 60

Section 16.24.110 of the Sacramento City Code is amended to read as follows:

16.24.110 Appeals of planning and design commission action

A. The subdivider or any person dissatisfied with any planning and design commission decision with respect to a tentative map may appeal to the city council at any time within ten (10) days after the decision is made. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal shall be filed on the form provided by the planning director.

B. The appeal shall be considered by the city council at a public hearing for which notice has been given according to Section 16.24.095(A). The hearing shall be held within thirty (30) days after the date of the filing of the appeal unless the subdivider consents to a continuance; provided, that if there is no regular meeting of the city council within the next thirty (30) day period for which notice can be given, the appeal may be heard at the next regular meeting for which notice can be given, or within sixty (60) days from the date of filing the appeal, which ever is shorter.

C. Within seven days following the conclusion of the hearing, the city council shall render its decision unless the subdivider consents to a continuance. The council may sustain, modify, reject or overrule any recommendations or rulings of the planning and design commission. The city council's decision shall be supported by findings consistent with the provisions of the Subdivision Map Act and this title. If the city council does not act within the time limits set forth in this section, the tentative map shall be deemed to have been approved or conditionally approved as last approved or conditionally approved by the planning and design commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, this title, this code and the general plan.

SECTION 61

Section 16.24.115 of the Sacramento City Code is amended to read as follows:

16.24.115 Appeals of zoning administrator action.

A. The subdivider or any person dissatisfied with any decision of the zoning administrator with respect to a tentative map may appeal to the planning and design commission at any time within ten (10) days after the decision is made. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal shall be filed on the form provided by the planning director.

B. The appeal shall be considered by the planning and design commission at a public hearing after notice has been given pursuant to Section 16.24.095(A). The hearing shall be held within thirty (30) days after the date of the filing of the appeal unless the subdivider consents to a continuance; provided, that if there is no regular meeting of the planning and design commission within the next thirty (30) day period for which notice can be given, the appeal may be heard at the next regular meeting for which notice can be given, or within sixty (60) days from the date of filing the appeal, which ever is shorter.

C. Within seven days following the conclusion of the hearing, the planning and design commission shall render its decision unless the subdivider consents to a continuance. The planning and design commission may sustain, modify, reject or overrule any recommendations or rulings of the zoning administrator. The planning and design commission's decision shall be supported by findings consistent with the provisions of the Subdivision Map Act and this title. If the planning and design commission does not act within the time limits set forth in this section, the decision from which the appeal was taken shall be deemed affirmed and an appeal may be taken to the city council as provided in subsection (D), below. If no further appeal is taken, the tentative map shall be deemed to have been approved or conditionally approved as last approved or conditionally approved by the zoning administrator insofar as it complies with all other applicable provisions of the Subdivision Map Act, this title, this code and the general plan.

D. The decision of the planning and design commission on an appeal of the zoning administrator's action on a tentative map may be appealed to the city council within ten (10) days after the decision of the planning and design commission pursuant to Section 16.24.110.

SECTION 62

Section 16.24.120 of the Sacramento City Code is amended to read as follows:

16.24.120 Vesting tentative maps.

A. Notice of Public Hearings Before Planning and Design Commission. Within a reasonable period of time following consideration by the subdivision review committee of a vesting tentative map, the director shall prepare a report with recommendations, and shall set the matter for hearing before the planning and design commission. A copy of the report of the planning director shall be forwarded to the subdivider at least three days prior to the public hearing. Notice of the hearing before the planning and design commission shall be provided in the same manner as specified in Section 16.24.090(A) of this chapter.

B. Recommendation by Planning and Design Commission. The planning and design commission shall make such recommendations as it deems appropriate on the vesting tentative map application, as well as any other entitlements before it.

C. Notice of Hearing Before City Council. The city clerk shall set the matter for public hearing before the city council within thirty (30) days following the date on which the planning and design commission makes a recommendation or takes other action. Notice of the hearing before the city council shall be given in the same manner specified in Section 16.24.090(A) of this chapter for hearings before the planning and design commission.

D. Action by the City Council. The city council shall approve, conditionally approve, or deny the vesting tentative map within fifty (50) days of the date of certification of the EIR, adoption of a negative declaration, or a determination by the city council that the project is exempt from the requirements of CEQA, and the planning director shall thereafter report the decision of the city council to the subdivider. Except as otherwise provided by the Subdivision Map Act, failure to act within the above-specified time limits shall not be deemed or considered approval of the vesting tentative map.

E. Approval by City Council. The vesting tentative map may be approved or conditionally approved by the city council if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan, any applicable specific plan, and all applicable provisions of this code. The city council may require a condition of its approval that the payment by the subdivider of all development fees required to be paid at the time of the application for, or issuance of, a building permit or other similar permit shall be made at the rate for such fees in effect at the time of such application or issuance.

The city council may modify or delete any of the conditions of approval recommended in the department's report. The city council may add additional requirements as a condition of its approval.

F. Denial by City Council. The vesting tentative map may be denied by the city council on any of the grounds provided by the Subdivision Map Act or this code. Except as otherwise required by state or federal law, the city council shall deny approval of the vesting tentative map if it makes any of the following findings:

1. That the proposed map is inconsistent with the general plan or any applicable specific plan, or other applicable provisions of this code;

2. That the site is not physically suitable for the type of development;

3. That the site is not physically suitable for the proposed density of development;

4. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the city council may approve such a vesting tentative map if any environmental impact report was prepared with respect to the project and a finding was made pursuant to Section 21081(c) of CEQA that specific economic, social or other

considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;

5. That the design of the subdivision or the type of improvements are likely to cause serious public health problems;

6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the city council may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is granted to the city council to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or

7. Subject to Section 66474.4 of the Subdivision Map Act, that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with Section 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use.

SECTION 63

Section 16.24.170 of the Sacramento City Code is amended to read as follows:

16.24.170 Expiration.

The approval or conditional approval of a tentative map shall expire thirty-six (36) months from its approval by the zoning administrator, planning and design commission or city council, whichever occurs last, unless the expiration date is extended in accordance with the provisions of Section 16.24.180 of this chapter. However, if the filing of multiple final maps is authorized pursuant to Section 16.28.120 of this title and the subdivider is required to spend a dollar amount equal to or greater than the dollar amount specified in Government Code Section 66452.6(a)(1), as adjusted under Section 66452.6(a)(2) to construct, improve or finance the construction or improvement of public improvements outside the boundaries of the tentative map (excluding improvements of public rights-of-way which abut the boundaries and are reasonably related to the development of the property), or if the tentative map is on property subject to a development agreement authorized by Section 65864 et seq. of the Government Code, then each filing of a final map shall extend the expiration date in accordance with Section 66452.6(a) of the Subdivision Map Act.

SECTION 64

Section 16.24.180 of the Sacramento City Code is amended to read as follows:

16.24.180 Time extension.

A. Request by Subdivider. A subdivider may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the planning division.

The application shall be filed not less than thirty (30) days before the map is to expire, and shall state the reasons for requesting the extension.

B. Review by Subdivision Review Committee. Within a reasonable period of time following submission of an application for an extension, the planning director shall schedule the application for an extension for a public hearing before the subdivision review committee. The subdivision review committee shall consider the extension application and make a recommendation to the zoning administrator.

C. Zoning Administrator Hearing and Action.

1. Notice. Following consideration of the application by the subdivision review committee, the planning director shall prepare a report with the recommendation on the application for an extension, and shall set the matter for hearing before the zoning administrator. The matter shall be noticed in the same manner as a tentative map application, as specified in Section 16.24.090 of this chapter.

2. Action by the Zoning Administrator. The zoning administrator shall approve, conditionally approve, or deny the application for an extension of the expiration date, and shall make findings supporting his or her decision.

D. Time Limit of Extension. The time at which the tentative map expires may be extended by the zoning administrator for a period not exceeding a total of two years or such additional time as may be authorized by the Subdivision Map Act.

E. Appeal of Extension. The subdivider or any interested person adversely affected may appeal any action of the zoning administrator on the extension to the planning and design commission in accordance with Section 16.24.115 of this chapter, except that any appeal shall be filed within fifteen (15) days after the action by the zoning administrator.

SECTION 65

A. Subsection F, of section 16.32.050 of the Sacramento City Code, is amended to read as follows:

F. Appeal of Extension. The subdivider or any interested person adversely affected may appeal any action of the zoning administrator on the extension to the planning and design commission in accordance with Section 16.24.115 of this title, except that any appeal shall be filed within fifteen (15) days after the action by the zoning administrator. (Ord. 2005-050 § 24; Ord. 2002-002 § 8, 2002: prior code § 40.08.805)

B. Except as specifically amended in subsection F, section 16.32.050 remains unchanged and in full force and effect.

SECTION 66

Section 16.32.150 of the Sacramento City Code is amended to read as follows:

16.32.150 Waiver of parcel map.

A. Authority to Waive Parcel Map. An application for waiver of a parcel map shall be filed and heard concurrently with the tentative parcel map. The requirement for filing a parcel map may be waived by the zoning administrator for tentative maps approved by the zoning administrator and by the planning and design commission for tentative maps approved by the planning and design commission.

B. Findings. The parcel map may be waived only if the zoning administrator or the planning and design commission determines that all of the following conditions are satisfied:

1. The subdivision conforms to all requirements of this title, other provisions of the city code, provisions of the Subdivision Map Act, and other applicable laws, regulations and standards, including, but not limited to, those with respect to area, improved public roads, sanitary disposal facilities, water supply availability and environmental protection.

2. The subdivision conforms to the general plan and any applicable specific or community plan.

3. The parcel map is not necessary to ensure the accuracy of the description of property, location of property lines, and monumenting of property lines.

C. Conditions. In addition to the foregoing requirements of this section, the following conditions must be satisfied before a certificate of compliance for the property may be recorded:

1. The subdivider must comply with Section 16.32.100 of this chapter and the requirements of the Subdivision Map Act.

2. Property descriptions, drawings showing bearings and distances, and closure calculations must be submitted.

3. A preliminary title report or letter from a title company showing that the subdivider is the owner of the subject property must be submitted.

4. A filing fee established by resolution by the city council must be paid.

5. If the proposed land division creates one or more halfplex lots, the approved final inspection of the halfplexes constructed on each of the halfplex lots must be submitted.

SECTION 67

Section 16.40.190 of the Sacramento City Code is amended to read as follows:

16.40.190 Easements for centralized mail services.

Where determined by the planning and design commission to be necessary to promote the public health, safety or welfare, easements for centralized postal service facilities shall be provided in residential subdivisions.

SECTION 68

Section 16.52.010 of the Sacramento City Code is amended to read as follows:

16.52.010 Modification authority.

The zoning administrator, planning and design commission or city council may, in accordance with the provisions of this chapter, grant, conditionally grant, or deny requests by a subdivider for modifications to the requirements or standards imposed by these regulations, or to the design of or the conditions of approval of a tentative subdivision or parcel map; provided, however, that no modifications may be made to any requirement imposed by the Subdivision Map Act; and further provided, that nothing herein shall be construed as altering or conflicting with the powers and duties of the planning director or planning and design commission to authorize variances from the regulations and requirements of the zoning ordinance. The subdivision review committee may recommend to the zoning administrator, planning and design commission or city council modifications relating to tentative maps that are subject to its review and approval. A minor change in the design of a subdivision that does not violate the requirements or standards imposed by these regulations shall not be deemed to be a "modification" as the term is used herein. Where a modification is sought from the requirements or standards imposed by these regulations, and the same requirement is imposed by the city's zoning ordinance, a separate variance under the zoning ordinance shall not be required.

SECTION 69

Section 16.52.020 of the Sacramento City Code is amended to read as follows:

16.52.020 Required findings and conditions.

A. Modifications to the Requirements or Standards. No modification to the requirements or standards imposed by these regulations shall be approved by the zoning administrator, planning and design commission or city council unless all the following findings are made:

1. That the property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in the particular case to conform to the strict application of these regulations;

2. That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification;

3. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity;

4. That granting the modification is in accord with the intent and purposes of these regulations and is consistent with the general plan and with all other applicable specific plans of the city. In granting a modification, the planning and design commission or city council may impose such conditions as are necessary to protect the public health, safety or welfare, and assure compliance with the general plan, with all applicable specific plans, and with the intent and purposes of these regulations.

B. Modifications to Design or Conditions of Approval of a Tentative Subdivision or Parcel Map. No modification to the design or to a condition of approval of a tentative subdivision or parcel map shall be approved by the zoning administrator, planning and design commission or city council unless all of the findings required for approval of a tentative map under Chapter 16.24 are made in support of the tentative map with the modified condition.

SECTION 70

A. Subsection C, of Section 16.52.030 of the Sacramento City Code, is amended to read as follows:

C. Action by the zoning administrator, planning and design commission or city council on any post-subdivision modification shall not extend the time for filing the final map or parcel map with the city manager's designee.

B. Except as specifically amended in subsection C, section 16.52.030 remains unchanged and in full force and effect.

SECTION 71

Section 16.52.060 of the Sacramento City Code is amended to read as follows:

16.52.060 Consideration and approval of modifications.

A. Subdivision Review Committee Consideration. The subdivision review committee shall consider any modification relating to a tentative map that is subject to its review and recommendation under this title, and shall make a recommendation on the requested modification. A subdivision modification shall be noticed in the same manner as the tentative map application, and shall be considered by the subdivision review committee at the same meeting as it considers the tentative map application. A post-subdivision modification shall be noticed in the same manner as a tentative map over which the planning and design commission has final authority.

Upon conclusion of the meeting, the subdivision review committee shall within thirty (30) days, or at the time it takes action on the tentative map, make a recommendation to the zoning administrator, planning and design commission or city council based upon the evidence and testimony produced before it, together with the results of its investigations. If the modification is recommended, a statement of any conditions attached thereto shall be forwarded to the subdivider and to the planning and design commission or city council. If disapproval is

recommended, the subdivider and the planning and design commission or city council shall be furnished with the statement of reasons for such denial.

B. Zoning Administrator, Planning and Design Commission or City Council Approval.

1. Subdivision Modifications. A subdivision modification shall be approved by the zoning administrator if it accompanies a tentative map application resulting in divisions of land into four or less parcels, and if the tentative map is not sought as a part of a development project requiring approval of one or more entitlements by the planning and design commission or city council. In addition, a subdivision modification shall be approved by the zoning administrator if the subdivision modification request accompanies a lot line adjustment or merger of parcels application, and if the lot line adjustment or merger of parcels is not sought as part of a development project requiring approval of one or more entitlements by the planning and design commission or city council. Otherwise, a subdivision modification shall be approved by the planning and design commission, unless it is sought as part of an application requiring city council approval, in which case it shall be approved by the city council. The planning and design commission shall make a recommendation on those subdivision modifications requiring city council approval.

A request for a subdivision modification shall be considered by the zoning administrator, planning and design commission or the city council at the scheduled hearing on the tentative map. Notice of the hearing before the zoning administrator, planning and design commission or the city council shall be given in the manner prescribed in Section 16.24.090 of this title for tentative maps. Notice of the time, place and purpose of the meeting shall also be given to the subdivider and any other interested person or party who has requested in writing to be so notified.

2. Post-Subdivision Modifications. A post-subdivision modification shall be approved by the zoning administrator if it modifies a tentative map resulting in divisions of land into four or less parcels, and if the post-subdivision modification is not sought as part of a development project requiring approval of one or more entitlements by the planning and design commission or city council. Otherwise, a subdivision modification shall be approved by the planning and design commission. Notice of the hearing before the zoning administrator or planning and design commission shall be given in the manner prescribed in Section 16.24.090 of this title for tentative maps. Notice of the time, place and purpose of the meeting shall also be given to the subdivider and any other interested person or party who has requested in writing to be so notified.

SECTION 72

Section 16.52.070 of the Sacramento City Code is amended to read as follows:

16.52.070 Zoning administrator, planning and design commission or city council action

Upon conclusion of the meeting, the zoning administrator, planning and design commission or the city council shall make a determination based upon the evidence and testimony produced before it, together with the results of its investigations.

A copy of the written findings and a complete statement of any conditions of approval shall be placed on file with the planning department or in the office of the city clerk and copies thereof furnished to the subdivider.

SECTION 73

Section 16.52.080 of the Sacramento City Code is amended to read as follows:

16.52.080 Appeal.

A subdivider or interested person may appeal any action of the zoning administrator or planning and design commission on a subdivision modification pursuant to the procedure set forth in Section 16.24.115 and 16.24.110 of this title.

SECTION 74

Section 16.64.120 of the Sacramento City Code is amended to read as follows:

16.64.120 Procedure.

A. At the time of the hearing on the tentative subdivision map, the planning and design commission shall recommend to the city council, after reviewing the report and recommendation from the planning director or his designee, that land be dedicated or fees be paid, or both, by the subdivider for park or recreational purposes as a condition of approval of the subdivision map. The recommendation by the planning director or his designee shall include the following where applicable:

1. The amount of land to be dedicated;

2. That a fee be charged in lieu of dedication;

3. That both dedication and a fee be required;

4. That a credit be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 16.64.100 of this chapter;

5. The location of the park land to be dedicated;

6. The approximate time when development of the park or recreation facility shall commence.

B. At the time of its hearing on the tentative subdivision map, the planning and design commission or city council shall determine the amount of land required to be dedicated under this chapter and Section 16.64.030 of this chapter, whether or not a fee is to be charged in lieu of any or all of the required dedication, whether a credit is to be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 16.64.100 of this chapter, and the location of the park land to be dedicated, if any. In making its

determination, the city council shall be guided by the standards contained in this chapter where applicable.

C. At the time of the filing of a final subdivision or parcel map including the same amount of land as included in the applicable tentative map, the subdivider shall dedicate the land and/or pay the fees, as previously determined by the planning and design commission or the city council. Open space covenants for private park or recreational facilities shall be submitted to the city council prior to approval of the final subdivision map or parcel map and shall be recorded contemporaneously with the final subdivision map.

SECTION 75

Section 16.64.140 of the Sacramento City Code is amended to read as follows:

16.64.140 Access requirements.

All land offered for dedication to local park or recreational purposes shall have access to at least one existing or proposed public street. This requirement may be waived by the planning and design commission or the city council if the planning and design commission or the city council determines that public street access is unnecessary for the maintenance of the park area or use thereof by the residents.

SECTION 76

Section 18.04.210 of the Sacramento City Code is amended to read as follows:

18.04.210 Appeal procedure.

A. Any person required to dedicate land or to make improvements under the provisions of this chapter may appeal any determination made by the city engineer in regard to such matters to the city council. The appeal shall be in writing and shall be filed with the city clerk who shall present it to the council. The council shall set such appeal for hearing on a date not later than thirty (30) days after the date on which the appeal is presented to the council by the clerk. The council shall direct the clerk to give written notice of the hearing date to the appellants at their address given in the written appeal.

B. If the matter appealed involves setback requirements or the location of structures in relation to setback lines, the appeal shall first be heard by the city planning and design commission.

Appeals involving such matters shall be presented in writing to the planning director and shall be scheduled and heard by the planning and design commission as a variance proceeding. The filing and investigation fee provided for by the comprehensive zoning ordinance shall be applicable to such hearings unless waived by the planning director. Decisions from determinations of the planning and design commission may be appealed to the council in the same manner as an appeal involving the granting or denial of a variance.

C. The city council may make such modifications in the requirements of this chapter or may grant such waivers or modifications of the determinations which are appealed to them hereunder as it shall determine to be required in order to prevent an unreasonable hardship under the facts of each case; provided, however, that each such modification or waiver shall be in conformity with the general spirit and intent of the requirements of this chapter.

SECTION 77

Section 18.16.070 of the Sacramento City Code is amended to read as follows:

18.16.070 Action by director of planning and development.

Upon acceptance of the application as complete with the payment of fees required hereunder, the director of planning and development shall review the application and shall at the appropriate time set a public hearing thereon before the planning and design commission in accordance with the provisions of Section 18.16.080 of this chapter.

SECTION 78

Section 18.16.080 of the Sacramento City Code is amended to read as follows:

18.16.080 Notice and hearings.

Notice of the intention of either the planning and design commission or the city council to consider the approval of a development agreement shall be given in accordance with the provisions of this section.

A. The notice shall contain, except as otherwise provided in subsection C of this section, the following information:

1. The time and place of the hearing before the planning and design commission or the city council, as the case may be;

2. The property location;

3. A brief description of the project proposed to be subject to the agreement;

4. A statement that a copy of the proposed development agreement is on file and available for public inspection.

B. Except as provided in subsection C of this section, the notice shall be:
1. Published at least once in a newspaper of general circulation in the city;

2. Mailed to the applicant and to all persons shown on the last equalized assessment roll as wning real property within five hundred (500) feet of the property, postage prepaid, at least ten (10) days before the date set for the hearing. If the number of owners to whom notice is to be mailed is greater than one thousand (1,000), the director of planning and development may as an

alternative provide notice in the manner set forth in Section 65091(a)(3) of the Government Code;

3. Provided by such additional means and to such additional persons as the director of planning and development, in his or her discretion, may determine to be appropriate; and

4. Contain the notice specified in Government Code Section 65009(b)(2).

C. The public hearing on the development agreement, and the notice thereof, may be combined with the public hearing and notice for an application for rezoning, special permit, subdivision map, or other land use entitlement pertaining to the property, in which case the notice requirements may be the same as those given for such other application, provided that such notice requirements shall comply with the provisions of subsection B of this section.

D. The failure of any person entitled to notice required by law or these regulations to receive notice shall not affect the authority of the city to enter into a development agreement.

SECTION 79

Section 18.16.100 of the Sacramento City Code is amended to read as follows:

18.16.100 Recommendation by planning and design commission

After its public hearing, the planning and design commission shall make its recommendation to the city council concerning the development agreement, including its consistency with the general plan and the policies, goals, standards and objectives of any applicable specific or community plan. A public hearing shall then be set and noticed before the city council in the manner specified in Section 18.16.080 of this chapter.

SECTION 80

A. Subsection C, of **s**ection 18.16.110 of the Sacramento City Code is amended to read as follows:

C. The city council may add provisions to, or modify or delete any provision of the development agreement as a condition of its approval. Such action may, but need not be, referred back to the planning and design commission for its review and recommendation, without the necessity for a further public hearing before the commission.

B. Except as specifically amended in subsection C, section 18.16.110 remains unchanged and in full force and effect.

SECTION 81

A. Subsection C, of section 18.16.130 of the Sacramento City Code is amended to read as follows:

C. Any other amendment of the agreement is not a substantive amendment and shall not require a hearing before the planning and design commission or the city council and need not be referred to the planning and design commission.

B. Except as specifically amended in subsection C, section 18.16.130 remains unchanged and in full force and effect.

SECTION 82

Any term served on the previously existing planning commission or design commission created and existing pursuant to Sacramento City Code Chapter 2.60 and 17.32 as formerly written immediately prior to the effective date of this Ordinance, shall not be counted for the purposes of applying the limitation on the number of consecutive terms a person may serve under Sacramento City Code section 2.40.120.

SECTION 83

Adoption of this Ordinance is not intended to and does not affect any approvals made, and entitlements issued, with attendant conditions, by the planning commission existing prior to the effective date of this Ordinance and prior to dissolution of the planning commission by virtue of adoption of this Ordinance. All such approvals and entitlement shall continue in effect subject to the terms and conditions established by the Planning Commission and the provisions of Chapter 2.60, Chapter 2.112, Title 16, Title 17, and any other provisions of the Sacramento City Code as they existed prior to the effective date of this Ordinance.

SECTION 84

Adoption of this Ordinance is not intended to and does not affect any administrative, civil or criminal prosecutions or proceedings brought or to be brought pursuant to Title 16, Title 17, or any other provisions of the Sacramento City Code, or pursuant to applicable federal, state, or local laws, to enforce those provisions as they existed prior to the effective date of this Ordinance. The provisions of Title 16, Title 17, and any other provisions of the Sacramento City Code as they exist on the effective date of this ordinance, shall continue to be operative and effective with regard to any acts occurring prior to the effective date of this Ordinance.

SECTION 85

This Ordinance shall take effect _____. Upon the effective date of this Ordinance the planning commission created and existing pursuant to Sacramento City Code Chapter 2.60 as formerly written shall dissolve and no longer exist or exercise any authority. All matters then pending under the jurisdiction of the planning commission shall be transferred to the planning and design commission established under this Ordinance.

Adopted by the City of Sacramento City Council on by the following vote:

Ayes:

Noes:

Abstain:

Absent:

_____
MAYOR

Attest:

_____
City Clerk

Passed for Publication:
Published:
Effective:

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ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE REPEALING AND ADDING CHAPTER 2.60 TO TITLE 2 AND AMENDING VARIOUS OTHER SECTIONS OF THE SACRAMENTO CITY CODE, RELATING TO THE DISSOLUTION OF THE PLANNING COMMISSION AND THE ESTABLISHMENT OF THE PLANNING AND DESIGN COMMISSION

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

SECTION 1

Chapter 2.60 of Title 2 of the Sacramento City Code is repealed.

SECTION 2

Chapter 2.60 is added to Title 2 of the Sacramento City Code to read as follows:

Chapter 2.60 PLANNING AND DESIGN COMMISSION

2.60.010 Commission—Established.

The planning and design commission is established.

2.60.020 Appointment of members and qualifications.

A. Members of the planning and design commission shall be appointed by the mayor, with the concurrence of the city council. The requirements of Article XV of the City Charter, and Chapter 2.40 of this code governing appointment procedures (Article I), attendance at board and commission meetings (Article II), voting (Article III), and limitation on consecutive terms (Article IV), shall apply to the planning and design commission as provided in this chapter. The terms established for initial appointees under Section 2.60.030 shall constitute a full term for purposes of calculating the two-consecutive term limit under Section 2.40.120. A member is subject to removal for good cause, neglect of duty, or misconduct as provided in City Charter Section 232.

B. The planning and design commission shall consist of 13 members. One member shall be recommended for appointment by each member of the city council, including the mayor, and four members shall be recommended for appointment by the personnel and public employees committee pursuant to Article I of Chapter 2.40.

1. The four individuals recommended by the personnel and public employees committee shall be residents of the city and shall have the following qualifications:

a) One shall have a demonstrated interest, training, or experience in master planning; land use or land use policy; housing policy; large scale construction; urban planning; urban design; or mid- and high-rise urban, commercial, institutional, and mixed use projects.

b) Three shall have (i) demonstrated interest in urban design, landscape or architectural design, or physical development of the City, and (ii) shall be qualified by training or professional experience and demonstrated leadership in any of the following categories: a licensed architect; a licensed LEED (or equivalent) architect; a licensed landscape architect; a licensed contractor; or a licensed engineer. A minimum of two of these members shall be qualified in different categories.

2. The nine individuals recommended, one by each member of the city council, including the mayor, shall be residents of the city who have an expressed interest, training, or experience in master planning; land use or land use policy; housing policy; large scale construction; urban planning; urban design; or mid- and high-rise urban, commercial, institutional, and mixed use projects.

C. Each member of the planning and design commission shall serve only so long as he or she is a resident of the city. If a member of the planning and design commission ceases to be a resident of the city, that member's seat shall automatically become vacant.

2.60.030 Term of office—Vacancy.

Except as provided in this section for the length of the terms of the initial appointees, the term of office for each member of the planning and design commission shall be four years. If a member's successor is not appointed upon the expiration of the member's term, that member's term shall continue until the successor is appointed. The successor's term will be the remaining balance of the new term.

Terms shall be staggered. Of the initial appointees recommended by the personnel and public employees committee, two shall serve a term expiring on July 1, 2014 and two shall serve a term expiring on December 31, 2015. The initial appointees recommended by the council members from the First, Third, Fifth, and Seventh council districts shall serve terms expiring on December 31, 2014. The initial appointees recommended by the council members from the Second, Fourth, Sixth, and Eighth council districts shall serve terms expiring on December 31, 2012. The initial appointee recommended by the mayor shall serve a term expiring on July 1, 2013. Thereafter, all members shall be appointed to serve four year terms. If a vacancy occurs during the term of any member, the mayor shall appoint, with the concurrence of the council, a successor to serve during the remainder of the unexpired term for the vacant position. The successor shall be recommended in the same manner as the seat being filled.

2.60.040 Conflict of interest and financial disclosure statements.

All appointees to the planning and design commission shall be subject to Chapter 2.16 of this code relating to conflicts of interest and shall be required to file statements disclosing financial interests pursuant to the city's conflict of interest code.

2.60.050 Compensation.

Each member of the planning and design commission shall receive compensation as determined by the compensation commission under Section 29 of the City Charter.

2.60.060 Organization and procedures.

A. Annually, the planning and design commission shall elect from among its membership a planning and design commission chairperson and a vice chairperson, who shall each hold those positions at the pleasure of the planning and design commission. When there is a vacancy in the office of chairperson or vice chairperson, the planning and design commission shall fill that position from among its members.

B. The planning and design commission shall establish a time and place for regular meetings to be held not less frequently than monthly. Each meeting shall be noticed and held in accordance with the Ralph M. Brown Act (Government Code Section 54950 et seq.). The planning and design commission chairperson shall have the authority to notice and hold special meetings in the manner specified in the Ralph M. Brown Act.

C. A quorum comprised of planning and design commission members present and qualified to act shall be required for the planning and design commission to conduct a meeting and take action. A quorum shall consist of a majority of members of the planning and design commission then in office.

D. The planning and design commission shall act only by motion. An affirmative vote of seven planning and design commission members present and qualified to vote shall be necessary to pass any motion.

E. The planning and design commission shall adopt such rules and regulations as it shall deem necessary, and consistent with the provisions of this chapter, for the conduct of its business.

2.60.070 Powers and duties.

The planning and design commission shall have the necessary powers and duties to carry out the State Planning and Zoning Law (Government Code Section 65000 et seq.), subject to the provisions of this code, including, but not limited to, the following:

A. Chapter 2.112 relating to city planning;

B. Title 16 relating to subdivisions;

C. Title 17 relating to zoning and design review;

D. Recommend to the city council policies and programs in support of the urban design program established under Chapter 17.132, including but not limited to urban design policies appropriate for inclusion in the general plan and other regulatory plans and programs of the city;

E. Evaluate and submit comments and recommendations on proposed plans, public and private development projects, and environmental reviews that are not subject to review under Chapter 17.132 and that may affect the physical development of and urban design in the city, in coordination with the review and action by the city council, or other public agencies on the plan, project or environmental review.

2.60.080 Administrative support.

The planning director, or designee, shall provide administrative support to the planning and design commission.

SECTION 3

Section 1.24.040 of the Sacramento City Code is amended to read as follows:

1.24.040 Applicability.

The provisions contained in this chapter shall not apply to appeals from any decision or action taken by the planning and design commission, or the preservation commission, or any appeal taken wherein the council is itself required by a statute of the state of California to conduct the appellate hearing.

SECTION 4

Section 1.24.050 of the Sacramento City Code is amended to read as follows:

1.24.050 Appointment of hearing examiner.

In lieu of hearing any appeal filed pursuant to Section 1.24.010 of this chapter, the city council, upon making the determination set forth in Section 1.24.060(A) of this chapter, may cause the appeal to be heard by a hearing examiner designated by the council. This section shall not apply to any appeal to the city council from a decision or action taken by the planning and design commission, or the preservation commission, or any appeal taken wherein the council is required by a statute of the state of California to conduct the appellate hearing itself.

SECTION 5

Section 2.16.100 of the Sacramento City Code is amended to read as follows:

2.16.100 Applicability.

The provisions of Sections 2.16.110 through 2.16.150 of this article shall apply to members of the city council and members of the following boards, commissions, and bodies:

Administration, investment and fiscal management board of the Sacramento city retirement system

Board of plumbing examiners

Building and fire code advisory and appeals board

Civil service board

Design director

Electrical code advisory and appeals board

Housing code advisory and appeals board

Mechanical and plumbing code advisory and appeals board

Old Sacramento variance appeals board

Planning and design commission

Planning director

Preservation commission

Preservation director

Retirement hearing commission

Sacramento city public facilities financing corporation

Sacramento city financing authority

Utilities rate advisory commission

Zoning administrator

SECTION 6

Section 2.36.040 of the Sacramento City Code is amended to read as follows:

2.36.040 Secretary.

The planning director, or a member of his or her department whom he or she shall designate, shall serve as the secretary to the planning and design commission.

SECTION 7

Section 2.40.030 of the Sacramento City Code is amended to read as follows:

2.40.030 Applicability.

The provisions of this article shall apply to persons recommended to the mayor by the personnel and public employees committee as appointees for positions on the city council and the following boards and commissions:

Administration, investment and fiscal management board of the city retirement system

Board of plumbing examiners

Building and fire code advisory and appeals board

Civil service board

Electrical code advisory and appeals board

Housing code advisory and appeals board

Mechanical and plumbing code advisory and appeals board

Old Sacramento variance appeals board

Parks and recreation commission (two seats)

Planning and design commission (four seats)

Preservation commission

Retirement hearing commission

Sacramento city public facilities financing corporation

Utilities rate advisory commission

SECTION 8

A. Subdivision G, of section 2.84.080 of the Sacramento City Code is amended to read as follows:

G. To review and make recommendations upon the program development and budget, master planning site development and building design of any local government public building project during the preliminary stages. Actions of the council, planning and design commission, and preservation commission shall not be delayed by such review;

B. Except as specifically amended in subsection A, section 2.84.080 remains unchanged and in full force and effect.

SECTION 9

Section 2.104.020 of the Sacramento City Code is amended to read as follows:

2.104.020 Duties.

As required by Health and Safety Code Section 25199.7(d), the committee shall do the following:

A. As its primary function, advise the city planning and design commission in considering an application for a land use decision for a specified hazardous waste facility project of the terms and conditions under which the proposed hazardous waste facility project may be acceptable to the community;

B. Enter into a dialogue with the proponent for the proposed specified hazardous waste facility project to reach an understanding with the proponent on both of the following:

1. The measures that should be taken by the proponent in connection with the operation of the proposed hazardous waste facility project to protect the public health, safety, and welfare, and the environment of the city,

2. The special benefits and remuneration the facility proponent will provide the city as compensation for the local costs associated with the operation of the facility;

C. Represent the interests of the residents of the surrounding community and city;

D. Advise the city planning and design commission of the terms, provisions, and conditions for project approval which have been agreed upon by the committee and the proponent, and any additional information which the committee deems appropriate.

SECTION 10

Section 2.104.060 of the Sacramento City Code is amended to read as follows:

2.104.060 Records.

A. Minutes. The secretary shall prepare official minutes of each regular meeting, indicating attendance and whether absences were previously cleared with the chair of the committee, and recording actions taken at each meeting. The minutes for each meeting shall be submitted to the city council and/or the city planning and design commission once approved by the committee and duly signed by the secretary and attested to by the chair.

B. Progress Reports. The committee may submit progress reports and recommendations to the city planning and design commission at any time.

SECTION 11

Section 2.112.030 of the Sacramento City Code is amended to read as follows:

2.112.030 Preparation—Contents.

The planning and design commission, with the assistance of the planning director, shall prepare a general plan for the city. The mandatory elements of such general plan shall be those specified in Section 65302 of the Planning and Zone Law. The discretionary elements of such plan shall be determined by resolution adopted by the city council.

SECTION 12

Section 2.112.040 of the Sacramento City Code is amended to read as follows:

2.112.040 Adoption.

Except as provided herein, the general plan shall be adopted in accordance with the procedure prescribed in Article VI, Chapter 3, of the Planning and Zoning Law. The provisions of Section 65352 (pertaining to referral of general plans), Section 65356 (pertaining to referral of changes by the city council back to the planning and design commission), Section 65357 (pertaining to copies of the general plan), and Section 65358(b) (pertaining to the number of times a general plan may be amended within a calendar year), shall not be applicable to the city.

SECTION 13

Section 2.112.060 of the Sacramento City Code is amended to read as follows:

2.112.060 Review of public works projects.

A. Adoption of Capital Improvement Program. Not less than every five years, the council shall adopt a capital improvement program, which shall set forth the program of capital improvement projects for planning, initiation or construction during the next five years.

B. Review of Proposed Capital Improvement Program. Prior to consideration by the council of the capital improvement program required by subsection A of this section, the city manager shall submit the program to the planning and design commission for its review. Within sixty (60) days of receipt of the proposed program of capital improvement projects, the planning and design commission shall review and report to the council on the conformity of the program with the adopted general plan or part thereof and any applicable specific plan or part thereof.

C. Amendments to the Capital Improvement Program. Prior to the council or authorized designee authorizing the initiation or construction of a project not contained in the then applicable capital improvement program, the city manager shall submit the proposed project to the planning director for review for consistency with the adopted general plan or part thereof and any applicable specific plan or part thereof. The planning director shall review and report to the council or authorized decision-maker on the consistency of the proposed project within thirty (30) days of the date of submittal of the project; provided that the planning director may submit the proposed project to the planning and design commission for consistency review if the planning director, in his or her sole discretion, determines that the proposed project presents policy issues that warrant review for consistency by the planning and design commission. The planning and design commission shall provide its report on consistency within the thirty (30) day time period.

SECTION 14

A. Subsection A, of section 2.112.070 of the Sacramento City Code, is amended to read as follows:

A. Except as modified below, the provisions of Section 65402 of the Government Code concerning restrictions on the acquisition and disposal of real estate, abandonment and vacation of streets, and authorization and construction of public buildings and structures are adopted by the city and shall be followed in the administration of the general plan. The acquisition or disposal of real estate, abandonment or vacation of streets or authorization or construction of public buildings and structures which is included in a capital improvement project reviewed by the planning and design commission or planning director pursuant to Section 2.112.060 of this chapter shall not be subject to further review pursuant to this section.

B. Except as specifically amended in subsection A, section 2.112.070 remains unchanged and in full force and effect.

SECTION 15

A. Subsection A, of section 2.112.080 of the Sacramento City Code, is amended to read as follows:

A. The planning and design commission shall serve as the planning agency for purposes of reviewing the acquisition and disposal of real estate, abandonment and vacation of streets, and authorization and construction of public buildings and structures by the county, districts, school districts and other local agencies for consistency with the city's general plan pursuant to Section 2.112.070, Government Code Sections 65402 and 65403, and other applicable statutory provisions.

B. Except as specifically amended in subsection A, section 2.112.080 remains unchanged and in full force and effect.

SECTION 16

Section 2.112.090 of the Sacramento City Code is amended to read as follows:

2.112.090 Generally.

The planning and design commission may, or if directed by the city council shall, prepare specific plans (which may be described as community plans) based upon the general plan and drafts of such regulations, programs and legislation as may, in the judgment of the commission, be required for the systematic execution of the general plan. The planning and design commission may recommend such plans and measures to the city council for adoption.

SECTION 17

Section 2.112.110 of the Sacramento City Code is amended to read as follows:

2.112.110 Adoption.

Except as provided herein, any specific plan shall be adopted in accordance with the procedure prescribed in Article 6, Chapter 3, of the Planning and Zoning Law (commencing with Government Code Sections 65000 et seq.). It shall be the general policy of the city council to refer back to the planning and design commission, substantial modifications of specific plans proposed by the council which were not previously considered by the planning and design commission during its hearings. However, the council reserves the discretion to determine whether such referral to the planning and design commission will be made and to determine other matters, including but not limited to, the following:

A. What constitutes a substantial modification of a specific plan;

B. The number of days within which the planning and design commission has to consider the referral; and

C. Whether or not a public hearing is to be held by the planning and design commission on the referral.

Therefore, the provisions of Government Code Section 65356 (pertaining to referral of changes by the city council back to the planning and design commission) shall not be applicable to the city. In addition, the provisions of Section 65352 (pertaining to referral of general plans) and Section 65357 (pertaining to copies of the general plan), shall not be applicable to the city.

SECTION 18

Section 2.112.130 of the Sacramento City Code is amended to read as follows:

2.112.130 Interim specific plans.

Notwithstanding the provisions of this chapter to the contrary, the planning and design commission may, or if directed by the city council shall, prepare interim specific plans as may, in the judgment of the planning and design commission be necessary for effective land use planning and regulation. Such interim specific plans may be adopted by resolution of the planning and design commission and shall be effective for sixty (60) days following the passage of said resolution or until such time as the city council may direct. The planning and design commission may hold a public hearing on any proposed interim specific plan.

SECTION 19

Section 5.08.020 of the Sacramento City Code is amended to read as follows:

5.08.020 Definitions.

For purposes of this chapter, the following definitions apply:

"Applicant" means any person, business or entity applying to the chief of police for a letter of public convenience or necessity. The applicant shall be the same person(s), business or entity which has applied for a liquor license with the alcoholic beverage control board.

"Chief of police" means the chief of police of the city of Sacramento or his or her designee. For purposes of this chapter, the chief of police is the designated officer for the purposes of issuance or denial of a request for a letter of public convenience or necessity.

"Letter of public convenience or necessity" means a letter written, pursuant to Business and Professions Code Sections 23817.7 and 23958.4, to the state Department of Alcoholic Beverage Control by the chief of police setting forth that the city of Sacramento has determined that the public convenience or necessity would be served by the issuance of a license to sell alcoholic beverages at the requested location.

"Planning and design commission" means the planning and design commission established pursuant to Chapter 2.60 of this code. For purposes of this chapter, the planning and design commission is the designated subordinate body to the city council to hear appeals for the decision of the chief of police relating to issuance or denial of a letter of public convenience or necessity.

SECTION 20

Section 5.08.080 of the Sacramento City Code is amended to read as follows:

5.08.080 Appeal of the issuance or denial of the decision of the chief of police to issue a letter of public convenience or necessity.

A. Appeal to the Planning and Design Commission.

1. The decision of the chief of police whether to approve or deny the application for a letter of public convenience or necessity or to impose additional conditions pursuant to Section 5.08.100(B) of this chapter shall be appealable to the planning and design commission by the applicant, an owner of property in the city, or any resident of the city. At any proceeding before the planning and design commission, the applicant shall have the burden of demonstrating the public convenience or necessity is served by issuance of a license, and that issuance of the license does not pose any threat to the health, safety or welfare of the community in which the license would be located. The planning and design commission shall consider the factors set forth in Section 5.08.060(A)(2) of this chapter, and make findings as to those factors in rendering its decision.

2. The request for an appeal of the decision of the chief of police shall be made in writing and delivered to the planning and development department within fifteen (15) days of the date of mailing the decision of the chief of police. Any request for an appeal to the planning and design commission must be accompanied by a nonrefundable appeal fee to be set by resolution of the city council. The appeal request shall be denied if the request is not made in a timely manner and accompanied by the appeal fee.

3. The hearing before the planning and design commission on the denial or approval of the application shall be held within sixty (60) days of the denial or approval of the application by the chief of police. The planning and design commission shall issue a written decision affirming or reversing the decision of the chief of police to deny the application.

4. No letter of public convenience or necessity shall be issued if a timely appeal to the planning and design commission decision has been requested.

5. The decision of the planning and design commission is final and nonappealable. The decision shall be in the form of a resolution containing findings of fact related to public convenience or necessity.

6. If the planning and design commission votes to approve the issuance of a letter of public convenience or necessity, it may do so conditioned on the applicant agreeing to comply with additional reasonable conditions pertaining to the operation of the business. Any additional reasonable conditions may be imposed if warranted to promote the health, safety or welfare of the community in which the proposed license is to be located. If the planning and design commission votes to approve a letter of public convenience or necessity with additional conditions, then such conditions shall be set forth in the letter.

7. The decision of the planning and design commission shall be served upon the applicant by first-class mail within five business days of issuance of its written decision. A copy of the decision shall be provided, within five business days of issuance of the decision, to the mayor and to the councilmember in whose district the proposed license would be located.

8. No letter of public convenience or necessity shall be issued until twenty (20) days following service of the decision of the planning and design commission.

SECTION 21

A. Subsection A, of section 5.08.090 of the Sacramento City Code, is amended to read as follows:

A. Any decision of the planning and design commission on an appeal pursuant to Section 5.08.080 of this chapter may be called up for city council review by the mayor or councilmember in whose district the proposed license would be located. To initiate a call-up of a decision, the mayor or councilmember in whose district the project is located shall file a written request with the planning director within ten (10) days of the date of the decision of the planning and design commission. Upon the filing of a request by the mayor or the city councilmember in whose district the project is located, the city clerk shall notice and set the matter for the hearing before the council. Notice of the hearing shall be given, and the hearing shall be conducted, in the same manner as if it were an appeal of a planning and design commission decision on approval or denial of a special permit.

B. Except as specifically amended in subsection A, section 5.08.090 remains unchanged and in full force and effect.

SECTION 22

A. Subsection D, of section 5.88.200 of the Sacramento City Code, is amended to read as follows:

D. Fruit and vegetable stands possessing a valid special permit from the city planning and design commission and authorization from the California Department of Agriculture;

B. Except as specifically amended in subsection A, section 5.88.200 remains unchanged and in full force and effect.

SECTION 23

Section 8.68.170 of the Sacramento City Code is amended to read as follows:

8.68.170 Deviation from the sound limits, time limits and place of sound measurement requirements of Section 8.68.160—Planning and design commission approval.

In addition to the special condition permits authorized by Section 8.68.250 of this chapter and the variances authorized by Section 8.68.260 of this chapter, the operator of any outdoor activity may seek approval to deviate from any or all of the following: (a) the maximum sound limits, (b) the time limits, or (c) the requirement for the place of sound measurement as set forth in Section 8.68.160 of this chapter, on the grounds that due to the nature or design of the operator's facility or its location, it is capable of handling a higher sound level or amplified sound ending at a later time without substantially increasing the likelihood that violations of any other standards set forth in this chapter will occur. As part of the application, the applicant shall submit a report of the sound-related characteristics of the facility prepared by an acoustical engineer, and shall pay an application fee set by resolution of the city council.

A. Applications Filed after July 1, 1995. Applications filed after July 1, 1995 shall be heard and decided pursuant to the following procedures:

1. Applications. An application to deviate from the foregoing requirements of Section 8.68.160 of this chapter which is filed after July 1, 1995 shall be heard and decided by the planning and design commission, and shall be subject to the general requirements applicable to applications for planning and design commission special permits as set forth in Chapter 17.212 of this code.

2. Hearing Procedure. A public hearing shall be held by the planning and design commission. Notice of the public hearing shall be given in the same manner as notice is given of a hearing on a planning and design commission special permit. Notice of the hearing shall also be given by publication in at least one newspaper of general circulation at least ten (10) days prior to the date of the hearing.

3. Approval. The planning and design commission may approve an application to deviate from the maximum sound limit, time limits, or place of sound measurement requirements if it finds that, due to the nature, design or location of the operator's facility, it is capable of handling

a higher sound level or an amplified sound ending at a later time or having the sound measured at a different location without substantially increasing the likelihood that violations of any other standards set forth in this chapter will occur and that approval of the application will not be detrimental to the public health, safety or welfare as it relates to noise. The planning and design commission may impose such conditions as may be necessary to carry out the intent and purpose of this chapter and to protect the public health, safety or welfare at it relates to noise. The planning and design commission shall adopt findings and render its decision in the same manner that it decides applications for special permits.

4. Appeal. Any person dissatisfied with the decision of the planning and design commission on an application to deviate from the maximum sound limit, time limits or place of sound measurement requirements of Section 8.68.160 of this chapter may appeal that decision to the city council by filing a notice of appeal with the city clerk pursuant to Section 1.24.010 of this code. Any appeal shall be filed within ten (10) days of the date of the planning and design commission decision. The city clerk shall thereafter notice the matter for hearing before the city council by publishing notice of the hearing on the appeal 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.

5. Modification or Revocation of Approval of Deviation. An approval to deviate from the requirements of Section 8.68.160 of this chapter shall be subject to modification or revocation by the planning and design commission in the same manner
as a special permit pursuant to the provisions of Chapter 17.212 of this code.

B. Applications Filed on or Before July 1, 1995. An application to deviate from the requirements of Section 8.68.160 of this chapter filed on or before July 1, 1995 shall be heard and decided by the city manager pursuant to the following procedures:

1. Procedure. No public hearing by the city manager shall be required. The city manager may approve an application to deviate from the maximum sound limit, time limits, or place of sound measurement requirements if the manager finds that, due to the nature, design or location of the operator's facility, it is capable of handling a higher sound level or an amplified sound ending at a later time or having the sound measured at a different location without substantially increasing the likelihood that violations of any other standards set forth in this chapter will occur and that approval of the application will not be detrimental to the public health, safety or welfare as it relates to noise. The city manager may impose such conditions as may be necessary to carry out the intent and purpose of this chapter and to protect the public health, safety or welfare as it relates to noise.

2. Notice. After the city manager's decision on the application, the city manager shall provide written notice by mail to all owners of real property shown on the latest equalized assessment roll within a radius of three hundred (300) feet of the real property which is the subject of the application. In lieu of the assessment roll, the city manager may utilize records of the county assessor or tax collector which contains more recent information that the assessment roll. The notice shall advise the owners of the nature of the deviation sought and the decision of the city manager, and of the owner's right to appeal the decision of the city manager to the city council within ten (10) days of the date of the notice. The city manager shall also publish notice of the decision in at least one newspaper of general circulation.

3. Appeal. Any person dissatisfied with the decision of the city manager on an application to deviate from the maximum sound limit, time limits or place of sound measurement requirements of Section 8.68.160 of this chapter may appeal that decision to the city council by filing a notice of appeal with the city clerk pursuant to Section 1.24.010 of this code. Any appeal shall be filed within ten (10) days of the date of the city manager's decision. The city clerk shall thereafter notice the matter for hearing before the city council by publishing notice of the hearing on the appeal 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.

4. Modification or Revocation of Approval of Deviation. An approval to deviate from the requirements of Section 8.68.160 of this chapter shall be subject to modification or revocation by the planning and design commission in the same manner as a special permit pursuant to the provisions of Chapter 17.212 of this code.

SECTION 24

Section 10.44.160 of the Sacramento City Code is amended to read as follows:

10.44.160 Off-street parking permit required.

Every person desiring to establish an off-street parking area, off-street loading or unloading area or storage, sale, rental or service area for any type of equipment, goods, materials or objects shall make an application to the community development department for a permit for the establishment of such facilities. Such application shall be accompanied by three copies of the layout, grading and paving plans. No permit shall be issued by the community development department unless it shall appear from the application and plans so submitted that the safety of pedestrians on the sidewalk or sidewalk area adjacent to such facilities has been adequately provided for by the proposed erection and maintenance of bumpers or barriers; that the proposed use of the land shall be confined to the property in its entirety and will not encroach onto the sidewalk or sidewalk area and that the area proposed for such use will be adequately surfaced with asphalt or concrete.

It is the duty of the community development department to enforce the provisions of Sections 10.44.140, 10.44.150, 10.44.160, 10.44.170 and 10.44.180 of this chapter.

SECTION 25

Section 10.44.200 of the Sacramento City Code is amended to read as follows:

10.44.200 Enforcement of Sections 10.44.140 through 10.44.180.

It is the duty of the community development department to enforce the provisions of Sections 10.44.140, 10.44.150, 10.44.160, 10.44.170 and 10.44.180 of this chapter.

SECTION 26

Section 12.04.040 of the Sacramento City Code is amended to read as follows:

12.04.040 Naming and designation of streets—Changes.

All applications for changes in the names of streets shall be made to the planning and design commission, which shall consider the matter according to the procedures adopted pursuant to Section 2.60.060 of this code. The application shall include such fees as are necessary to cover the costs of processing the application. Such fees shall be set by resolution of the city council. Upon consideration thereof the planning and design commission shall, by resolution, grant, deny or modify the application, as is deemed necessary or appropriate to the public safety and welfare and in accord with Section 12.04.030 of this chapter, the general plan and applicable specific plans.

Any person aggrieved by the decision of the planning and design commission in granting, denying or modifying a street name change application may appeal to the city council pursuant to Sections 1.24.010 through 1.24.100 of this code, provided that notice of appeal specified therein must be filed within thirty (30) days of the decision sought to be appealed and said notice must specify the grounds upon which the decision is challenged.

A copy of all resolutions or orders providing for a street name change shall be forwarded to the Sacramento county clerk and county surveyor.

SECTION 27

Section 12.56.120 of the Sacramento City Code is amended to read as follows:

12.56.120 Appeals.

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

B. Appeal to City Planning and Design Commission.

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

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

2. Notice of the appeal hearing shall be given by posting and by mail pursuant to subsection (C)(2)(d) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(d)(ii)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property.

3. The decision of the city planning and design commission shall be final and shall not be subject to appeal, but shall be reported to and shall be subject to call-up for consideration by the city council as provided in Section 17.200.040.

4. Except as otherwise specified in this section, the hearing before, and the decision of, the city planning and design commission on an appeal under this chapter shall be governed in all respects by Chapter 17.200 of this code.

SECTION 28

A. Subsection B, of section 12.64.060 of the Sacramento City Code, is amended to read as follows:

B. Appeal to City Planning and Design Commission.

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

2. Notice of Appeal Hearing.

a. Notice of an appeal hearing on a decision of the director for a tree removal permit under Section 12.64.050(C)(1) shall be given by posting and by mail pursuant to subsection (C)(2)(d) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(d)(ii)(C) of

Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property.

b. Notice of an appeal hearing on a decision of the director not subject to subsection (C)(1) of this section, shall be given by mail pursuant to subsection (C)(2)(d)(ii) of Section 17.200.010, except that notice shall be given only to the appellant, the owner of the property affected where the owner is not the appellant, those persons who appeared and identified themselves to the person before which the original proceeding was held, and those persons who request in writing to be notified of any further proceedings on the matter or who otherwise have requested notice in writing of the hearing.

3. The decision of the city planning and design commission shall be final and shall not be subject to appeal, but shall be reported to and shall be subject to call-up for consideration by the city council as provided in Section 17.200.040.

4. Except as otherwise specified in this section, the hearing before, and the decision of, the city planning and design commission on an appeal under this chapter shall be governed in all respects by Chapter 17.200 of this code.

B. Except as specifically amended in subsection B, section 12.64.060 remains unchanged and in full force and effect.

SECTION 29

Section 15.120.100 of the Sacramento City Code is amended to read as follows:

12.56.120 Appeals.

Property which complies with the general standards prescribed in Article II of this chapter shall be designated XH residential experimental housing by resolution adopted by the city council. No public hearing before the planning and design commission or the city council shall be required prior to the adoption of the resolution of designation. Upon adoption of the resolution of designation, the zoning maps of the city shall be amended to indicate that the property has been designated "XH experimental residential housing."

SECTION 30

Section 15.120.120 of the Sacramento City Code is amended to read as follows:

15.120.120 Procedure for rezoning.

No public hearing before the council or planning and design commission shall be required prior to the adoption of a resolution rezoning the project. No procedural requirements of the comprehensive zoning ordinance of the city shall be applicable to such rezonings.

SECTION 31

A. Subsection B, of Section 15.148.120 of the Sacramento City Code, is amended to read as follows:

B. Any other sign is permitted only with the prior approval of the planning and design commission.

B. Except as specifically amended in subsection B, section 15.148.120 remains unchanged and in full force and effect.

SECTION 32

Section 15.148.180 of the Sacramento City Code is amended to read as follows:

15.148.180 F flood zone.

Within the F flood zone, no sign shall be permitted unless prior approval therefor has been granted by the planning and design commission.

SECTION 33

Section 15.148.290 of the Sacramento City Code is amended to read as follows:

15.148.290 Special permit required—Rotating signs.

Notwithstanding the provisions of Section 15.148.650 of this chapter, a special permit for a rotating sign may be granted by the planning and design commission, following application and public hearing.

SECTION 34

Section 15.148.300 of the Sacramento City Code is amended to read as follows:

15.148.300 Special permit required—Roof signs.

Notwithstanding the provisions of Section 15.148.670 of this chapter, a special permit for a roof sign may be granted by the planning and design commission, following application and public hearing.

SECTION 35

Section 15.148.450 of the Sacramento City Code is amended to read as follows:

15.148.450 Signs to be designed as integrated architectural features.

In order to encourage and promote a harmonious relationship between buildings and signs, the planning and design commission shall have the authority to issue a special permit in accordance with Article XIV of this chapter, for signs which are designed into and are a part of an integrated

architectural feature of a building where the strict application of the provisions of this article would otherwise prohibit such signs.

SECTION 36

Section 15.148.820 of the Sacramento City Code is amended to read as follows:

15.148.820 Removal of signs by director of building inspections.

The director of building inspections shall remove or cause to be removed any abandoned, dangerous, defective, illegal, prohibited, nonconforming sign subject to removal under the provisions of Article IX of this chapter which has not been removed within the time period specified in such Article IX, or any other sign maintained in violation of the provisions of this article. The director of building inspections shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten (10) days the sign shall be removed in accordance with the provisions of this article.

For signs described under the provisions of subsection A of Section 15.148.790 of this chapter the notice shall be mailed or given to the occupant of the property or their employee or representative upon which the sign is located.

For all other signs the notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. If known, the notice may also be mailed or delivered to the owner of the sign and the occupant of the property.

Any person having an interest in the sign or the property may appeal the determination of the director of building inspections ordering removal or compliance by filing a written notice of appeal with the city planning director within ten (10) days after the date of mailing the notice, or ten (10) days after receipt of the notice if the notice was not mailed. The appeal shall be heard by the planning and design commission or a committee of the planning and design commission which the planning and design commission is authorized to create by resolution.

Such committee, if created, shall be called the sign code board of appeals.

Notwithstanding the above, in cases of emergency, the director of building inspections may cause the immediate removal of a dangerous or defective sign without notice.

SECTION 37

Section 15.148.920 of the Sacramento City Code is amended to read as follows:

15.148.920 Nonexempt signs for direction or instruction.

Signs in excess of four square feet in area which provide direction or instruction to the public shall be allowed in any zone, provided such signs are located entirely on the property to which they pertain, do not contain any advertising message, and the number, size, and location thereof has been approved by the planning and design commission. In addition, the commission, with the

approval of the city traffic engineer, may authorize the placing of directional signs at appropriate street intersections or other locations for the convenience of the motoring public; such signs to pertain to places of general interest such as schools, hospitals, public buildings, airports, fair grounds and other similar public service facilities.

SECTION 38

Section 15.148.930 of the Sacramento City Code is amended to read as follows:

15.148.930 Special sign districts.

The owners of sixty (60) percent or more of the street frontage, in feet, of properties on both sides of the street in any defined area may petition the planning and design commission for the creation of special sign district for the purpose of creating an integrated special sign theme in the area. The planning and design commission shall hold a public hearing on such a request after notifying all property owners, as shown on the last equalized assessment roll, between such intersecting streets by mail at least ten (10) days prior to the hearing. After such hearing the planning and design commission, if it deems it appropriate, shall make recommendations to the city council and the city council shall hold a hearing and give notice as provided in this section for the hearing held before the planning and design commission. The city council may thereafter adopt an ordinance establishing a special sign district and setting forth the regulations applicable to such district. The city council may amend the ordinance establishing and setting forth the regulations applicable in the special sign district, provided that prior to such an amendment a notice of the proposed amendment has been published once in the official newspaper of the city not less than ten (10) days prior to the hearing on the adoption of the proposed amendment.

The city council may repeal the ordinance establishing and setting forth the regulations of the special sign district provided that prior to such repeal a notice has been given and a hearing has been held in accordance with the provisions of this section relating to the establishment of the special sign district.

SECTION 39

Section 15.148.940 of the Sacramento City Code is amended to read as follows:

15.148.940 Special sign districts-Proceedings initiated by planning and design commission

As an alternative to the method of creating a special sign district provided in Section 15.148.930 of this chapter, the planning and design commission may on its own motion by two-thirds vote of its members adopt a resolution stating its intent to recommend to the city council that a specific area of the city be designated as a special sign district. If such a resolution is so adopted, the hearings provided by Section 15.148.930 of this chapter shall be held as if the owners of sixty (60) percent or more of the street frontage within the property district had petitioned the planning and design commission for the formation of the proposed district.

SECTION 40

Section 15.148.1010 of the Sacramento City Code is amended to read as follows:

15.148.1010 Variance powers-planning and design commission

The planning and design commission shall have authority to grant a variance from the provisions of this article, except those pertaining to sign specifications set forth in Article V of this chapter.

SECTION 41

Section 15.148.1020 of the Sacramento City Code is amended to read as follows:

15.148.1020 Variance powers—Zoning administrator.

The planning and design commission may by resolution, delegate authority to issue minor variances to the zoning administrator, other than variances from the regulations of Article V of this chapter, provided, however, that the applicant may appeal any decision of the zoning administrator to the planning and design commission as provided in Section 15.148.1120 of this chapter. The zoning administrator may, at his or her discretion, schedule for hearing before the planning and design commission any application for a variance under his or her authority.

SECTION 42

Section 15.148.1040 of the Sacramento City Code is amended to read as follows:

15.148.1040 Application—Evidence required to be shown.

Applications for a variance shall be written on forms prescribed by the planning and design commission or the construction codes advisory and appeals board and shall be accompanied by statements, plans and other relevant evidence. The zoning administrator when authorized, the planning and design commission or, in the case of variances from the provisions of Article V of this chapter, the construction codes advisory and appeals board, may grant a variance when the following is shown:

A. That exceptional or extraordinary circumstances or conditions apply to the case referred to in the application that do not apply generally in the same district and the enforcement of the regulations of this article would have an unduly harsh result upon the utilization of the subject property;

B. That the variance will not result in a special privilege to one individual property owner and that the variance would be appropriate for any property owner facing similar circumstances;

C. That the requested variance will not materially and adversely affect the health and safety of persons residing or working in the neighborhood, and will not be materially detrimental to the public welfare or injurious to property and improvements in the neighborhood.

SECTION 43

Section 15.148.1060 of the Sacramento City Code is amended to read as follows:

15.148.1060 Hearing.

A. A variance application shall be considered at a public hearing by the zoning administrator, planning and design commission, or the construction codes advisory and appeals board where variances from the provisions of Article V of this chapter are requested. The zoning administrator, planning and design commission or the construction codes advisory and appeals board may attach conditions to the granting of any variance when, in its judgment, such conditions are necessary or desirable to accomplish the purpose of this article.

B. Except to the extent that the terms of this article conflict therewith the procedural requirements for any hearing before the zoning administrator, planning and design commission and city council required by the provisions of this article shall be governed by the provisions of Chapter 17.200 of this code.

C. Written notice of the hearing shall be given as specified in Chapter 17.216 of this code.

SECTION 44

Section 15.148.1070 of the Sacramento City Code is amended to read as follows:

15.148.1070 Authority for special permits.

Where a special permit is required by this article, such permit may be granted at the discretion of the planning and design commission. It is not an automatic right of any applicant. The commission shall consider all the factors relating to the proposed sign and whether such sign will adversely affect the public health, safety and welfare and whether the application complies with the statements contained in Section 15.148.010 relating to the purpose of this chapter.

SECTION 45

Section 15.148.1080 of the Sacramento City Code is amended to read as follows:

15.148.1080 Delegation to zoning administrator.

The planning and design commission, by resolution, may delegate its authority to issue special permits for signs to the zoning administrator, provided however, that the applicant may appeal any decision of the zoning administrator to the planning and design commission as provided in Section 15.148-.1120 of this chapter.

The zoning administrator may at his or her discretion, schedule for hearing by the planning and design commission any application for special permit under his or her authority.

SECTION 46

Section 15.148.1090 of the Sacramento City Code is amended to read as follows:

15.148.1090 Application.

Application for a special permit for a sign shall be made on forms prescribed by the planning and design commission and shall be accompanied by statements, plans and other related material as may be deemed necessary to carry out the intent and purpose of this chapter.

SECTION 47

Section 15.148.1100 of the Sacramento City Code is amended to read as follows:

15.148.1100 Fee.

Whenever a public hearing by the planning and design commission or zoning administrator is required for a special permit, there shall be a filing fee as established in the city fee and charge report to be paid at the time the application is filed.

SECTION 48

Section 15.148.1110 of the Sacramento City Code is amended to read as follows:

15.148.1110 Hearing.

A. A special permit application shall be considered at a public hearing by the zoning administrator or planning and design commission. The zoning administrator or planning and design commission may attach conditions to the granting of any special permit when in its judgment, such conditions are necessary or desirable to accomplish the purpose of this chapter.

B. Except to the extent that the terms of this chapter conflict therewith the procedural requirements for any hearing before the zoning administrator, planning and design commission and city council required by the provisions of this chapter shall be governed by the provisions of Chapter 17.200 of this code.

C. Written notice of the hearing shall be given as specified in Chapter 17.212 of this code.

SECTION 49

Section 15.148.1120 of the Sacramento City Code is amended to read as follows:

15.148.1120 Appeals from decision of zoning administrator.

A. Any person aggrieved or dissatisfied with the action of the zoning administrator on a request for a variance, special permit, or other action resulting from the administration of this

chapter may appeal therefrom the planning and design commission within ten (10) days after a decision has been made by the zoning administrator.

B. The appeal shall be taken by filing a written notice of appeal with the zoning administrator and payment of a fee as established by the city fee and charge report.

C. Upon the filing of a notice of appeal, the zoning administrator shall, within ten days, transmit to the secretary of the planning and design commission all exhibits and other papers and documents on file with the zoning administrator. The planning and design commission shall hold a hearing on the appeal and may affirm, modify or reverse the action or decision of the zoning administrator.

SECTION 50

Section 15.148.1130 of the Sacramento City Code is amended to read as follows:

15.148.1130 Appeals from decision of planning and design commission

A. Any person aggrieved or dissatisfied with any action of the planning and design commission on a variance, special permit or any other planning and design commission action or permit under this chapter, may appeal therefrom to the city council at any time within ten (10) days after rendition of the decision of the planning and design commission; provided that, except as otherwise expressly allowed herein, no appeal of a planning and design commission decision on an appeal of a zoning administrator's decision shall be allowed.

B. The appeal shall be taken by filing a notice of appeal with the planning director. Upon the filing of a notice of appeal and payment of a filing fee as established by the city fee and charge report, the planning director shall, within ten (10) days therefrom transmit to the city clerk all exhibits and other papers and documents on file with the planning and design commission, together with any findings of the commission.

The city council shall hold a hearing on the appeal and may affirm, modify or reverse the action of the planning and design commission.

SECTION 51

Section 16.08.010 of the Sacramento City Code is amended to read as follows:

16.08.010 Responsibilities.

Except as expressly provided otherwise in this Title 16, the responsibility for actions taken under this title shall be as stated below.

A. City Council. The city council shall be responsible for:

1. The approval, conditional approval, or denial of vesting tentative maps and parcel maps; and

2. The approval, conditional approval, or denial of reversions to acreage. The city council shall act as the appeal board for hearing appeals of planning and design commission action as provided in this title. The city council shall also act as the appeal board for hearing appeals of subdivision review committee action as provided in this title.

B. Planning and Design Commission. The planning and design commission shall be responsible for:

1. The approval, conditional approval, or denial of tentative maps and subdivision modifications for all subdivisions resulting in divisions of land into five or more parcels except vesting tentative maps;

2. The approval, conditional approval, or denial of all post subdivision modifications of five or more parcels;

3. Making recommendations to the city council on approval, conditional approval or denial of vesting tentative maps:

C. Subdivision Review Committee. The responsibilities of the subdivision review committee shall include the following:

1. To make investigations and report on the design and improvement of all proposed subdivisions and to make recommendations thereon to the zoning administrator and the planning and design commission;

2. To recommend approval, conditional approval, or disapproval of the design of proposed subdivisions and the kinds, nature and extent of on-site and off-site improvements required in connection therewith;

3. To recommend approval, conditional approval, or denial of tentative maps of all proposed subdivisions of land, and requests for extensions of time for tentative maps;

4. To recommend modifications of the requirements of these regulations in accordance with the provisions of Chapter 16.52, Subdivision Modifications, of this title;

5. To recommend disapproval of a tentative map for noncompliance with the requirements of these regulations, the Subdivision Map Act, or the standards, rules or regulations adopted by the commission pursuant to these regulations;

6. To review and make recommendations concerning proposed subdivisions in the unincorporated territory of the county of Sacramento and county of Yolo in accordance with Section 66453 of the Subdivision Map Act when it has elected to do so;

7. To review and make recommendations for reasonable modifications or waivers of the requirements of these regulations as they apply to the development of designated infill sites;

8. Such additional powers and duties as prescribed by law and by these regulations.

D. Zoning Administrator. The zoning administrator shall be responsible for:

1. The approval, conditional approval, or denial of tentative maps for all subdivisions resulting in divisions of land into four or fewer parcels;

2. The approval, conditional approval, or denial of tentative maps for subdivisions described in subsections (A)(1) through (4) of Section 16.12.020;

3. The approval, conditional approval or denial of subdivision modifications for all subdivisions resulting in the division of land into four or fewer parcels, for lot line adjustments under Chapter 16.16, and for mergers of contiguous parcels under common ownership without reversion under Chapter 16.20;

4. The approval or denial of requests for extensions of time for tentative maps other than vesting tentative maps; and

5. The approval, conditional approval, or denial of all post subdivision modifications of four or fewer parcels. E. City Manager's Designee. The city manager's designee shall be responsible for:

1. The approval or denial of final maps and parcel maps;

2. The approval, conditional approval, or denial of lot line adjustments; and

3. The approval, conditional approval, or denial of mergers of contiguous parcels under common ownership without reversion.

SECTION 52

Section 16.16.050 of the Sacramento City Code is amended to read as follows:

16.20.050 Appeals.

The applicant or any interested person adversely affected by any action of the city manager's designee on a lot line adjustment may, within ten (10) days after the decision, appeal the decision to the planning and design commission by filing an appeal in writing with the planning director. The appeal shall be considered by the planning and design commission at a public hearing after notice has been given pursuant to Section 16.24.090(A) of this title. The decision of the planning and design commission on an appeal from the city manager's designee action on a lot line adjustment shall be final, and may not thereafter be appealed to the city council.

SECTION 53

Section 16.16.060 of the Sacramento City Code is amended to read as follows:

16.20.060 Appeals.

A decision of the city manager's designee on a merger of contiguous parcels under common ownership under this chapter may be appealed by the applicant or any interested person affected by the city manager's designee's decision to the planning and design commission in the same manner as a decision by the city manager's designee on a lot line adjustment may be appealed pursuant to Section 16.16.050 of this title.

SECTION 54

Section 16.24.020 of the Sacramento City Code is amended to read as follows:

16.24.020 Tentative map required.

For every subdivision, the subdivider shall file with the city a tentative map prepared in accordance with the provisions of this chapter. Applications for tentative maps resulting in divisions of land into five or more parcels shall be decided by the planning and design commission. Applications for tentative maps resulting in divisions of land into four or fewer parcels shall be decided by the zoning administrator, except as provided otherwise in subsection (A) of Section 16.24.090.

SECTION 55

Section 16.24.080 of the Sacramento City Code is amended to read as follows:

16.24.080 Tentative map process.

A. Within thirty (30) days of receiving a tentative map application, the planning division shall inform the applicant whether the application is complete and accepted for filing. If incomplete, the planning division shall advise the applicant as to the deficiencies in the application.

B. Within ten (10) days after an application has been found to be complete and accepted for filing, the planning director shall transmit copies of the tentative map and, where applicable, copies of drawings, statements and other data required to accompany the tentative map or required subsequent to the filing of the tentative map, to members of the subdivision review committee and to such other public or private agencies or departments as the director determines may be affected by the proposed subdivision for report and recommendation to the zoning administrator, planning and design commission or city council.

C. Subdivision Review Committee Review. The planning director shall schedule the project for review before the subdivision review committee. The subdivision review committee shall consider the project and prepare a recommendation to the zoning administrator, planning and design commission or the city council. The recommendation shall include the determination of the subdivision review committee on the conformance of the tentative map to the standards, rules and regulations of this title, and to the requirements of all applicable specific plans and ordinances of the city. The subdivision review committee shall also advise the zoning administrator, planning and design commission and the city council on the requirements, if any, of other city departments and the applicable requirements of the county, special districts, state and other public and private agencies affected by the proposed subdivision.

D. Planning Director Report. At the time of the submission of his or her report to the zoning administrator, planning and design commission or the city council on the project, the planning director shall incorporate within his or her report the recommendations made by the subdivision review committee.

SECTION 56

Section 16.24.090 of the Sacramento City Code is amended to read as follows:

16.24.090 Tentative maps for four or fewer parcels other than vesting tentative maps.

A. Public Hearing before Zoning Administrator—Notice.

1. Within a reasonable period of time following consideration by the subdivision review committee of an application for a tentative map for four or fewer parcels, other than a vesting tentative map, the planning director shall set the matter for hearing before the zoning administrator. The procedural requirements for the hearing before the zoning administrator and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this code. Notice of the hearing shall be given by publication, posting and mail pursuant to subsections (C)(2)(a), (b) and (c) of Section 17.200.010 of this code. Substantial compliance with these provisions for notice shall be sufficient, and a technical failure to comply shall not affect the validity of any action taken according to the procedures in this chapter.

2. Notwithstanding the provisions of subsection (A)(1) of this section, if the tentative map is sought as part of a development project requiring approval of one or more entitlements by the planning and design commission, the planning and design commission shall hear and act upon the tentative map under Section 16.24.095.

3. Notwithstanding the provisions of subsection (A)(1) of this section, at the discretion of the zoning administrator, a tentative map for four or fewer parcels may be heard and acted upon by the planning and design commission in the same manner as a tentative map for five or more parcels under Section 16.24.095.

B. Action by the Zoning Administrator. The zoning administrator may approve or conditionally approve a tentative map by adopting a resolution, or may disapprove the proposed tentative map. In reaching a decision upon the tentative map. The zoning administrator shall consider the effect of that decision on the housing needs of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources.

C. Approval. The tentative map may be approved or conditionally approved by the zoning administrator if it is found that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan, any applicable specific or community plan, and all applicable provisions of this code.

D. Denial. The tentative map may be denied by the zoning administrator on any of the grounds provided by the Subdivision Map Act or this code. Except as otherwise required by state or federal law, the zoning administrator shall deny approval of the tentative map if it makes any of the following findings:

1. That the proposed map is inconsistent with the general plan or any applicable specific plan, or other applicable provisions of this code;

2. That the site is not physically suitable for the type of development;

3. That the site is not physically suitable for the proposed density of development;

4. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the zoning administrator may approve such a tentative map if any environmental impact report was prepared with respect to the project and a finding was made pursuant to Section 21081(c) of CEQA that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;

5. That the design of the subdivision or the type of improvements are likely to cause serious public health problems;

6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the zoning administrator may approve a map if he or she finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is granted to the zoning administrator to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

E. Improvements. Dedications and improvements required in connection with the approval of the tentative map shall be limited to the dedication of right-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created.

SECTION 57

Section 16.24.095 of the Sacramento City Code is amended to read as follows:

16.24.095 Tentative maps for five or more parcels.

A. Public Hearing before Planning and Design Commission—Notice. Within a reasonable period of time following consideration by the subdivision review committee of an application for a tentative map for five or more parcels, other than a vesting tentative map, the planning director shall prepare a report with recommendations, and shall set the matter for hearing before the planning and design commission. A copy of the director's report shall be forwarded to the subdivider at least five days prior to the public hearing. The procedural requirements for the hearing before the planning and design commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this code. Notice of the hearing shall be given by publication, posting and mail pursuant to subsections (C)(2)(a), (b) and (c) of

Section17.200.010 of this code, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property. In addition, a proposed conversion of residential real property to a condominium, community apartment, or stock cooperative project shall be noticed in accordance with Section 66451.3 of the Subdivision Map Act and Chapter 17.192 of this code. Substantial compliance with these provisions for notice shall be sufficient, and a technical failure to comply shall not affect the validity of any action taken according to the procedures in this chapter.

B. Action. Except as provided in Section 16.24.097, the planning and design commission shall approve, conditionally approve or deny the tentative map within fifty (50) days of the date of certification of the EIR, adoption of a negative declaration, or a determination by the planning and design commission that the project is exempt from the requirements of CEQA, and the planning director shall thereafter report the decision of the planning and design commission to the subdivider. In reaching a decision upon the tentative map, the planning commission shall consider the effect of that decision on the housing needs of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources. Except as provided otherwise by the Subdivision Map Act, failure to act within the above-specified time limits shall not be deemed or considered approval of the tentative map.

C. Approval. The tentative map may be approved or conditionally approved by the planning and design commission if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan, any applicable specific or community plan, and all applicable provisions of this code. The planning and design commission may require as a condition of its approval that the payment by the subdivider of all development fees required to be paid at the time of the application for, or issuance of, a building permit or other similar permit shall be made at the rate for such fees in effect at the time of such application or issuance. The planning and design commission may modify or delete any of the conditions of approval recommended in the department's report. The planning and design commission may add additional requirements as a condition of its approval.

D. Denial. The tentative map may be denied by the planning and design commission on any of the grounds provided by the Subdivision Map Act or this code. Except as otherwise required by state or federal law, the planning and design commission shall deny approval of the tentative map if it makes any of the following findings:

1. That the proposed map, together with the provisions for its design and improvement, is inconsistent with the general plan or any applicable specific plan, or other applicable provisions of this code;

2. That the site is not physically suitable for the type of development;

3. That the site is not physically suitable for the proposed density of development;

4. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the planning and design commission may approve such a

tentative map if any environmental impact report was prepared with respect to the project and a finding was made pursuant to Section 21081(c) of CEQA that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;

5. That the design of the subdivision or the type of improvements are likely to cause serious public health problems;

6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the planning and design commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is granted to the planning and design commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or

7. Subject to Section 66474.4 of the Subdivision Map Act, that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with Section 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use.

SECTION 58

Section 16.24.097 of the Sacramento City Code is amended to read as follows:

16.24.097 City council to act on tentative map if any entitlement requires city council approval.

A. Recommendation by Planning and Design Commission. If a tentative map is requested as a part of a development project that requires approval of one or more entitlements by the city council, the planning and design commission shall recommend approval, conditional approval, or denial of the tentative map and forward the recommendation to the city council for action.

B. Notice and Hearing Before City Council. The city clerk shall set the matter for public hearing before the city council within thirty (30) days following the date on which the planning and design commission makes a recommendation or takes other action. Notice of the hearing before the city council shall be given in the same manner specified in Section 16.24.095(A) of this chapter for hearings before the planning and design commission.

C. Action by the City Council. The city council shall approve, conditionally approve, or deny the tentative map within fifty (50) days of the date of certification of the EIR, adoption of a negative declaration, or a determination by the city council that the project is exempt from the requirements of CEQA, and the planning director shall thereafter report the decision of the city council to the subdivider. Except as otherwise provided by the Subdivision Map Act, failure to act within the above-specified time limits shall not be deemed or considered approval of the vesting tentative map.

D. Approval by City Council. The tentative map may be approved or conditionally approved by the city council if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan, any applicable specific plan, and all applicable provisions of this code. The city council may require a condition of its approval that the payment by the subdivider of all development fees required to be paid at the time of the application for, or issuance of, a building permit or other similar permit shall be made at the rate for such fees in effect at the time of such application or issuance. The city council may modify or delete any of the conditions of approval recommended in the department's report. The city council may add additional requirements as a condition of its approval.

E. Denial by City Council. The tentative map may be denied by the city council on any of the grounds provided by the Subdivision Map Act or this code. Except as otherwise required by state or federal law, the city council shall deny approval of the vesting tentative map if it makes any of the findings stated in Section 16.24.095(D).

SECTION 59

Section 16.24.100 of the Sacramento City Code is amended to read as follows:

16.24.100 City council call-up review.

If a tentative map is approved or conditionally approved by the planning and design commission, the planning director shall forthwith make a written report of such approval to the city council. The mayor or councilmember in whose district the project is located shall have the right to call up the tentative map for city council review by filing a written request with the planning director within ten (10) days of the final action by the planning and design commission. If the tenth day falls on a non-business day, the last day to call-up is the next business day. Upon the filing of a request by the mayor or councilmember to call up a tentative map for city council review, the council shall notice and set the matter for a public hearing, which shall be held within thirty (30) days after the request for review has been filed or made, unless the subdivider consents to a continuance. Notice of the public hearing shall be given in the same manner as specified in Section 16.24.095(A) of this chapter. The hearing before the city council shall be de novo, meaning that the city council shall hear the matter in the same manner that the planning and design commission, or preservation commission heard the matter in the first instance. The council may add, modify or delete conditions if the council determines that such changes are necessary to ensure that the tentative map conforms to the Subdivision Map Act and this title. The city council may deny the tentative map on any of the grounds contained in Section 16.24.095(D) of this chapter. Within seven days following the conclusion of the hearing, the city council shall render its decision. If the city council does not act within the time limits set forth in this section, the tentative map shall be deemed to have been approved or conditionally approved as last approved or conditionally approved by the planning and design commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, this title, this code and the general plan.

SECTION 60

Section 16.24.110 of the Sacramento City Code is amended to read as follows:

16.24.110 Appeals of planning and design commission action

A. The subdivider or any person dissatisfied with any planning and design commission decision with respect to a tentative map may appeal to the city council at any time within ten (10) days after the decision is made. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal shall be filed on the form provided by the planning director.

B. The appeal shall be considered by the city council at a public hearing for which notice has been given according to Section 16.24.095(A). The hearing shall be held within thirty (30) days after the date of the filing of the appeal unless the subdivider consents to a continuance; provided, that if there is no regular meeting of the city council within the next thirty (30) day period for which notice can be given, the appeal may be heard at the next regular meeting for which notice can be given, or within sixty (60) days from the date of filing the appeal, which ever is shorter.

C. Within seven days following the conclusion of the hearing, the city council shall render its decision unless the subdivider consents to a continuance. The council may sustain, modify, reject or overrule any recommendations or rulings of the planning and design commission. The city council's decision shall be supported by findings consistent with the provisions of the Subdivision Map Act and this title. If the city council does not act within the time limits set forth in this section, the tentative map shall be deemed to have been approved or conditionally approved as last approved or conditionally approved by the planning and design commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, this title, this code and the general plan.

SECTION 61

Section 16.24.115 of the Sacramento City Code is amended to read as follows:

16.24.115 Appeals of zoning administrator action.

A. The subdivider or any person dissatisfied with any decision of the zoning administrator with respect to a tentative map may appeal to the planning and design commission at any time within ten (10) days after the decision is made. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal shall be filed on the form provided by the planning director.

B. The appeal shall be considered by the planning and design commission at a public hearing after notice has been given pursuant to Section 16.24.095(A). The hearing shall be held within thirty (30) days after the date of the filing of the appeal unless the subdivider consents to a continuance; provided, that if there is no regular meeting of the planning and design commission within the next thirty (30) day period for which notice can be given, the appeal may be heard at the next regular meeting for which notice can be given, or within sixty (60) days from the date of filing the appeal, which ever is shorter.

C. Within seven days following the conclusion of the hearing, the planning and design commission shall render its decision unless the subdivider consents to a continuance. The

planning and design commission may sustain, modify, reject or overrule any recommendations or rulings of the zoning administrator. The planning and design commission's decision shall be supported by findings consistent with the provisions of the Subdivision Map Act and this title. If the planning and design commission does not act within the time limits set forth in this section, the decision from which the appeal was taken shall be deemed affirmed and an appeal may be taken to the city council as provided in subsection (D), below. If no further appeal is taken, the tentative map shall be deemed to have been approved or conditionally approved as last approved or conditionally approved by the zoning administrator insofar as it complies with all other applicable provisions of the Subdivision Map Act, this title, this code and the general plan.

D. The decision of the planning and design commission on an appeal of the zoning administrator's action on a tentative map may be appealed to the city council within ten (10) days after the decision of the planning and design commission pursuant to Section 16.24.110.

SECTION 62

Section 16.24.120 of the Sacramento City Code is amended to read as follows:

16.24.120 Vesting tentative maps.

A. Notice of Public Hearings Before Planning and Design Commission. Within a reasonable period of time following consideration by the subdivision review committee of a vesting tentative map, the director shall prepare a report with recommendations, and shall set the matter for hearing before the planning and design commission. A copy of the report of the planning director shall be forwarded to the subdivider at least three days prior to the public hearing. Notice of the hearing before the planning and design commission shall be provided in the same manner as specified in Section 16.24.090(A) of this chapter.

B. Recommendation by Planning and Design Commission. The planning and design commission shall make such recommendations as it deems appropriate on the vesting tentative map application, as well as any other entitlements before it.

C. Notice of Hearing Before City Council. The city clerk shall set the matter for public hearing before the city council within thirty (30) days following the date on which the planning and design commission makes a recommendation or takes other action. Notice of the hearing before the city council shall be given in the same manner specified in Section 16.24.090(A) of this chapter for hearings before the planning and design commission.

D. Action by the City Council. The city council shall approve, conditionally approve, or deny the vesting tentative map within fifty (50) days of the date of certification of the EIR, adoption of a negative declaration, or a determination by the city council that the project is exempt from the requirements of CEQA, and the planning director shall thereafter report the decision of the city council to the subdivider. Except as otherwise provided by the Subdivision Map Act, failure to act within the above-specified time limits shall not be deemed or considered approval of the vesting tentative map.

E. Approval by City Council. The vesting tentative map may be approved or conditionally approved by the city council if it finds that the proposed subdivision, together with the provisions

for its design and improvement, is consistent with the general plan, any applicable specific plan, and all applicable provisions of this code. The city council may require a condition of its approval that the payment by the subdivider of all development fees required to be paid at the time of the application for, or issuance of, a building permit or other similar permit shall be made at the rate for such fees in effect at the time of such application or issuance.

The city council may modify or delete any of the conditions of approval recommended in the department's report. The city council may add additional requirements as a condition of its approval.

F. Denial by City Council. The vesting tentative map may be denied by the city council on any of the grounds provided by the Subdivision Map Act or this code. Except as otherwise required by state or federal law, the city council shall deny approval of the vesting tentative map if it makes any of the following findings:

1. That the proposed map is inconsistent with the general plan or any applicable specific plan, or other applicable provisions of this code;

2. That the site is not physically suitable for the type of development;

3. That the site is not physically suitable for the proposed density of development;

4. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the city council may approve such a vesting tentative map if any environmental impact report was prepared with respect to the project and a finding was made pursuant to Section 21081(c) of CEQA that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;

5. That the design of the subdivision or the type of improvements are likely to cause serious public health problems;

6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the city council may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is granted to the city council to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or

7. Subject to Section 66474.4 of the Subdivision Map Act, that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with Section 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use.

SECTION 63

Section 16.24.170 of the Sacramento City Code is amended to read as follows:

16.24.170 Expiration.

The approval or conditional approval of a tentative map shall expire thirty-six (36) months from its approval by the zoning administrator, planning and design commission or city council, whichever occurs last, unless the expiration date is extended in accordance with the provisions of Section 16.24.180 of this chapter. However, if the filing of multiple final maps is authorized pursuant to Section 16.28.120 of this title and the subdivider is required to spend a dollar amount equal to or greater than the dollar amount specified in Government Code Section 66452.6(a)(1), as adjusted under Section 66452.6(a)(2) to construct, improve or finance the construction or improvement of public improvements outside the boundaries of the tentative map (excluding improvements of public rights-of-way which abut the boundaries and are reasonably related to the development of the property), or if the tentative map is on property subject to a development agreement authorized by Section 65864 et seq. of the Government Code, then each filing of a final map shall extend the expiration date in accordance with Section 66452.6(a) of the Subdivision Map Act.

SECTION 64

Section 16.24.180 of the Sacramento City Code is amended to read as follows:

16.24.180 Time extension.

A. Request by Subdivider. A subdivider may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the planning division. The application shall be filed not less than thirty (30) days before the map is to expire, and shall state the reasons for requesting the extension.

B. Review by Subdivision Review Committee. Within a reasonable period of time following submission of an application for an extension, the planning director shall schedule the application for an extension for a public hearing before the subdivision review committee. The subdivision review committee shall consider the extension application and make a recommendation to the zoning administrator.

C. Zoning Administrator Hearing and Action.

1. Notice. Following consideration of the application by the subdivision review committee, the planning director shall prepare a report with the recommendation on the application for an extension, and shall set the matter for hearing before the zoning administrator. The matter shall be noticed in the same manner as a tentative map application, as specified in Section 16.24.090 of this chapter.

2. Action by the Zoning Administrator. The zoning administrator shall approve, conditionally approve, or deny the application for an extension of the expiration date, and shall make findings supporting his or her decision.

D. Time Limit of Extension. The time at which the tentative map expires may be extended by the zoning administrator for a period not exceeding a total of two years or such additional time as may be authorized by the Subdivision Map Act.

E. Appeal of Extension. The subdivider or any interested person adversely affected may appeal any action of the zoning administrator on the extension to the planning and design commission in accordance with Section 16.24.115 of this chapter, except that any appeal shall be filed within fifteen (15) days after the action by the zoning administrator.

SECTION 65

A. Subsection F, of **s**ection 16.32.050 of the Sacramento City Code, is amended to read as follows:

F. Appeal of Extension. The subdivider or any interested person adversely affected may appeal any action of the zoning administrator on the extension to the planning and design commission in accordance with Section 16.24.115 of this title, except that any appeal shall be filed within fifteen (15) days after the action by the zoning administrator. (Ord. 2005-050 § 24; Ord. 2002-002 § 8, 2002: prior code § 40.08.805)

B. Except as specifically amended in subsection F, section 16.32.050 remains unchanged and in full force and effect.

SECTION 66

Section 16.32.150 of the Sacramento City Code is amended to read as follows:

16.32.150 Waiver of parcel map.

A. Authority to Waive Parcel Map. An application for waiver of a parcel map shall be filed and heard concurrently with the tentative parcel map. The requirement for filing a parcel map may be waived by the zoning administrator for tentative maps approved by the zoning administrator and by the planning and design commission for tentative maps approved by the planning and design commission.

B. Findings. The parcel map may be waived only if the zoning administrator or the planning and design commission determines that all of the following conditions are satisfied:

1. The subdivision conforms to all requirements of this title, other provisions of the city code, provisions of the Subdivision Map Act, and other applicable laws, regulations and standards, including, but not limited to, those with respect to area, improved public roads, sanitary disposal facilities, water supply availability and environmental protection.

2. The subdivision conforms to the general plan and any applicable specific or community plan.

3. The parcel map is not necessary to ensure the accuracy of the description of property, location of property lines, and monumenting of property lines.

C. Conditions. In addition to the foregoing requirements of this section, the following conditions must be satisfied before a certificate of compliance for the property may be recorded:

1. The subdivider must comply with Section 16.32.100 of this chapter and the requirements of the Subdivision Map Act.

2. Property descriptions, drawings showing bearings and distances, and closure calculations must be submitted.

3. A preliminary title report or letter from a title company showing that the subdivider is the owner of the subject property must be submitted.

4. A filing fee established by resolution by the city council must be paid.

5. If the proposed land division creates one or more halfplex lots, the approved final inspection of the halfplexes constructed on each of the halfplex lots must be submitted.

SECTION 67

Section 16.40.190 of the Sacramento City Code is amended to read as follows:

16.40.190 Easements for centralized mail services.

Where determined by the planning and design commission to be necessary to promote the public health, safety or welfare, easements for centralized postal service facilities shall be provided in residential subdivisions.

SECTION 68

Section 16.52.010 of the Sacramento City Code is amended to read as follows:

16.52.010 Modification authority.

The zoning administrator, planning and design commission or city council may, in accordance with the provisions of this chapter, grant, conditionally grant, or deny requests by a subdivider for modifications to the requirements or standards imposed by these regulations, or to the design of or the conditions of approval of a tentative subdivision or parcel map; provided, however, that no modifications may be made to any requirement imposed by the Subdivision Map Act; and further provided, that nothing herein shall be construed as altering or conflicting with the powers and duties of the planning director or planning and design commission to authorize variances from the regulations and requirements of the zoning ordinance. The subdivision review committee may recommend to the zoning administrator, planning and design commission or city council modifications relating to tentative maps that are subject to its review and approval. A minor change in the design of a subdivision that does not violate the requirements or standards imposed by these regulations shall not be deemed to be a “modification” as the term is used

herein. Where a modification is sought from the requirements or standards imposed by these regulations, and the same requirement is imposed by the city's zoning ordinance, a separate variance under the zoning ordinance shall not be required.

SECTION 69

Section 16.52.020 of the Sacramento City Code is amended to read as follows:

16.52.020 Required findings and conditions.

A. Modifications to the Requirements or Standards. No modification to the requirements or standards imposed by these regulations shall be approved by the zoning administrator, planning and design commission or city council unless all the following findings are made:

1. That the property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in the particular case to conform to the strict application of these regulations;

2. That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification;

3. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity;

4. That granting the modification is in accord with the intent and purposes of these regulations and is consistent with the general plan and with all other applicable specific plans of the city. In granting a modification, the planning and design commission or city council may impose such conditions as are necessary to protect the public health, safety or welfare, and assure compliance with the general plan, with all applicable specific plans, and with the intent and purposes of these regulations.

B. Modifications to Design or Conditions of Approval of a Tentative Subdivision or Parcel Map. No modification to the design or to a condition of approval of a tentative subdivision or parcel map shall be approved by the zoning administrator, planning and design commission or city council unless all of the findings required for approval of a tentative map under Chapter 16.24 are made in support of the tentative map with the modified condition.

SECTION 70

A. Subsection C, of Section 16.52.030 of the Sacramento City Code, is amended to read as follows:

C. Action by the zoning administrator, planning and design commission or city council on any post-subdivision modification shall not extend the time for filing the final map or parcel map with the city manager's designee.

B. Except as specifically amended in subsection C, section 16.52.030 remains unchanged and in full force and effect.

SECTION 71

Section 16.52.060 of the Sacramento City Code is amended to read as follows:

16.52.060 Consideration and approval of modifications.

A. Subdivision Review Committee Consideration. The subdivision review committee shall consider any modification relating to a tentative map that is subject to its review and recommendation under this title, and shall make a recommendation on the requested modification. A subdivision modification shall be noticed in the same manner as the tentative map application, and shall be considered by the subdivision review committee at the same meeting as it considers the tentative map application. A post-subdivision modification shall be noticed in the same manner as a tentative map over which the planning and design commission has final authority.

Upon conclusion of the meeting, the subdivision review committee shall within thirty (30) days, or at the time it takes action on the tentative map, make a recommendation to the zoning administrator, planning and design commission or city council based upon the evidence and testimony produced before it, together with the results of its investigations. If the modification is recommended, a statement of any conditions attached thereto shall be forwarded to the subdivider and to the planning and design commission or city council. If disapproval is recommended, the subdivider and the planning and design commission or city council shall be furnished with the statement of reasons for such denial.

B. Zoning Administrator, Planning and Design Commission or City Council Approval.

1. Subdivision Modifications. A subdivision modification shall be approved by the zoning administrator if it accompanies a tentative map application resulting in divisions of land into four or less parcels, and if the tentative map is not sought as a part of a development project requiring approval of one or more entitlements by the planning and design commission or city council. In addition, a subdivision modification shall be approved by the zoning administrator if the subdivision modification request accompanies a lot line adjustment or merger of parcels application, and if the lot line adjustment or merger of parcels is not sought as part of a development project requiring approval of one or more entitlements by the planning and design commission or city council. Otherwise, a subdivision modification shall be approved by the planning and design commission, unless it is sought as part of an application requiring city council approval, in which case it shall be approved by the city council. The planning and design commission shall make a recommendation on those subdivision modifications requiring city council approval.

A request for a subdivision modification shall be considered by the zoning administrator, planning and design commission or the city council at the scheduled hearing on the tentative map. Notice of the hearing before the zoning administrator, planning and design commission or the city council shall be given in the manner prescribed in Section 16.24.090 of this title for

tentative maps. Notice of the time, place and purpose of the meeting shall also be given to the subdivider and any other interested person or party who has requested in writing to be so notified.

2. Post-Subdivision Modifications. A post-subdivision modification shall be approved by the zoning administrator if it modifies a tentative map resulting in divisions of land into four or less parcels, and if the post-subdivision modification is not sought as part of a development project requiring approval of one or more entitlements by the planning and design commission or city council. Otherwise, a subdivision modification shall be approved by the planning and design commission. Notice of the hearing before the zoning administrator or planning and design commission shall be given in the manner prescribed in Section 16.24.090 of this title for tentative maps. Notice of the time, place and purpose of the meeting shall also be given to the subdivider and any other interested person or party who has requested in writing to be so notified.

SECTION 72

Section 16.52.070 of the Sacramento City Code is amended to read as follows:

16.52.070 Zoning administrator, planning and design commission or city council action

Upon conclusion of the meeting, the zoning administrator, planning and design commission or the city council shall make a determination based upon the evidence and testimony produced before it, together with the results of its investigations.
A copy of the written findings and a complete statement of any conditions of approval shall be placed on file with the planning department or in the office of the city clerk and copies thereof furnished to the subdivider.

SECTION 73

Section 16.52.080 of the Sacramento City Code is amended to read as follows:

16.52.080 Appeal.

A subdivider or interested person may appeal any action of the zoning administrator or planning and design commission on a subdivision modification pursuant to the procedure set forth in Section 16.24.115 and 16.24.110 of this title.

SECTION 74

Section 16.64.120 of the Sacramento City Code is amended to read as follows:

16.64.120 Procedure.

A. At the time of the hearing on the tentative subdivision map, the planning and design commission shall recommend to the city council, after reviewing the report and recommendation from the planning director or his designee, that land be dedicated or fees be paid, or both, by the subdivider for park or recreational purposes as a condition of approval of the subdivision map.

The recommendation by the planning director or his designee shall include the following where applicable:

1. The amount of land to be dedicated;

2. That a fee be charged in lieu of dedication;

3. That both dedication and a fee be required;

4. That a credit be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 16.64.100 of this chapter;

5. The location of the park land to be dedicated;

6. The approximate time when development of the park or recreation facility shall commence.

B. At the time of its hearing on the tentative subdivision map, the planning and design commission or city council shall determine the amount of land required to be dedicated under this chapter and Section 16.64.030 of this chapter, whether or not a fee is to be charged in lieu of any or all of the required dedication, whether a credit is to be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 16.64.100 of this chapter, and the location of the park land to be dedicated, if any. In making its determination, the city council shall be guided by the standards contained in this chapter where applicable.

C. At the time of the filing of a final subdivision or parcel map including the same amount of land as included in the applicable tentative map, the subdivider shall dedicate the land and/or pay the fees, as previously determined by the planning and design commission or the city council. Open space covenants for private park or recreational facilities shall be submitted to the city council prior to approval of the final subdivision map or parcel map and shall be recorded contemporaneously with the final subdivision map.

SECTION 75

Section 16.64.140 of the Sacramento City Code is amended to read as follows:

16.64.140 Access requirements.

All land offered for dedication to local park or recreational purposes shall have access to at least one existing or proposed public street. This requirement may be waived by the planning and design commission or the city council if the planning and design commission or the city council determines that public street access is unnecessary for the maintenance of the park area or use thereof by the residents.

SECTION 76

Section 18.04.210 of the Sacramento City Code is amended to read as follows:

18.04.210 Appeal procedure.

A. Any person required to dedicate land or to make improvements under the provisions of this chapter may appeal any determination made by the city engineer in regard to such matters to the city council. The appeal shall be in writing and shall be filed with the city clerk who shall present it to the council. The council shall set such appeal for hearing on a date not later than thirty (30) days after the date on which the appeal is presented to the council by the clerk. The council shall direct the clerk to give written notice of the hearing date to the appellants at their address given in the written appeal.

B. If the matter appealed involves setback requirements or the location of structures in relation to setback lines, the appeal shall first be heard by the city planning and design commission.

Appeals involving such matters shall be presented in writing to the planning director and shall be scheduled and heard by the planning and design commission as a variance proceeding. The filing and investigation fee provided for by the comprehensive zoning ordinance shall be applicable to such hearings unless waived by the planning director. Decisions from determinations of the planning and design commission may be appealed to the council in the same manner as an appeal involving the granting or denial of a variance.

C. The city council may make such modifications in the requirements of this chapter or may grant such waivers or modifications of the determinations which are appealed to them hereunder as it shall determine to be required in order to prevent an unreasonable hardship under the facts of each case; provided, however, that each such modification or waiver shall be in conformity with the general spirit and intent of the requirements of this chapter.

SECTION 77

Section 18.16.070 of the Sacramento City Code is amended to read as follows:

18.16.070 Action by director of planning and development.

Upon acceptance of the application as complete with the payment of fees required hereunder, the director of planning and development shall review the application and shall at the appropriate time set a public hearing thereon before the planning and design commission in accordance with the provisions of Section 18.16.080 of this chapter.

SECTION 78

Section 18.16.080 of the Sacramento City Code is amended to read as follows:

18.16.080 Notice and hearings.

Notice of the intention of either the planning and design commission or the city council to consider the approval of a development agreement shall be given in accordance with the provisions of this section.

A. The notice shall contain, except as otherwise provided in subsection C of this section, the following information:

1. The time and place of the hearing before the planning and design commission or the city council, as the case may be;

2. The property location;

3. A brief description of the project proposed to be subject to the agreement;

4. A statement that a copy of the proposed development agreement is on file and available for public inspection.

B. Except as provided in subsection C of this section, the notice shall be:
1. Published at least once in a newspaper of general circulation in the city;

2. Mailed to the applicant and to all persons shown on the last equalized assessment roll as wning real property within five hundred (500) feet of the property, postage prepaid, at least ten (10) days before the date set for the hearing. If the number of owners to whom notice is to be mailed is greater than one thousand (1,000), the director of planning and development may as an alternative provide notice in the manner set forth in Section 65091(a)(3) of the Government Code;

3. Provided by such additional means and to such additional persons as the director of planning and development, in his or her discretion, may determine to be appropriate; and

4. Contain the notice specified in Government Code Section 65009(b)(2).

C. The public hearing on the development agreement, and the notice thereof, may be combined with the public hearing and notice for an application for rezoning, special permit, subdivision map, or other land use entitlement pertaining to the property, in which case the notice requirements may be the same as those given for such other application, provided that such notice requirements shall comply with the provisions of subsection B of this section.

D. The failure of any person entitled to notice required by law or these regulations to receive notice shall not affect the authority of the city to enter into a development agreement.

SECTION 79

Section 18.16.100 of the Sacramento City Code is amended to read as follows:

18.16.100 Recommendation by planning and design commission

After its public hearing, the planning and design commission shall make its recommendation to the city council concerning the development agreement, including its consistency with the general plan and the policies, goals, standards and objectives of any applicable specific or

community plan. A public hearing shall then be set and noticed before the city council in the manner specified in Section 18.16.080 of this chapter.

SECTION 80

A. Subsection C, of **s**ection 18.16.110 of the Sacramento City Code is amended to read as follows:

C. The city council may add provisions to, or modify or delete any provision of the development agreement as a condition of its approval. Such action may, but need not be, referred back to the planning and design commission for its review and recommendation, without the necessity for a further public hearing before the commission.

B. Except as specifically amended in subsection C, section 18.16.110 remains unchanged and in full force and effect.

SECTION 81

A. Subsection C, of section 18.16.130 of the Sacramento City Code is amended to read as follows:

C. Any other amendment of the agreement is not a substantive amendment and shall not require a hearing before the planning and design commission or the city council and need not be referred to the planning and design commission.

B. Except as specifically amended in subsection C, section 18.16.130 remains unchanged and in full force and effect.

SECTION 82

Any term served on the previously existing planning commission or design commission created and existing pursuant to Sacramento City Code Chapter 2.60 and 17.32 as formerly written immediately prior to the effective date of this Ordinance, shall not be counted for the purposes of applying the limitation on the number of consecutive terms a person may serve under Sacramento City Code section 2.40.120.

SECTION 83

Adoption of this Ordinance is not intended to and does not affect any approvals made, and entitlements issued, with attendant conditions, by the planning commission existing prior to the effective date of this Ordinance and prior to dissolution of the planning commission by virtue of adoption of this Ordinance. All such approvals and entitlement shall continue in effect subject to the terms and conditions established by the Planning Commission and the provisions of Chapter 2.60, Chapter 2.112, Title 16, Title 17, and any other provisions of the Sacramento City Code as they existed prior to the effective date of this Ordinance.

SECTION 84

Adoption of this Ordinance is not intended to and does not affect any administrative, civil or criminal prosecutions or proceedings brought or to be brought pursuant to Title 16, Title 17, or any other provisions of the Sacramento City Code, or pursuant to applicable federal, state, or local laws, to enforce those provisions as they existed prior to the effective date of this Ordinance. The provisions of Title 16, Title 17, and any other provisions of the Sacramento City Code as they exist on the effective date of this ordinance, shall continue to be operative and effective with regard to any acts occurring prior to the effective date of this Ordinance.

SECTION 85

This Ordinance shall take effect _____. Upon the effective date of this Ordinance the planning commission created and existing pursuant to Sacramento City Code Chapter 2.60 as formerly written shall dissolve and no longer exist or exercise any authority. All matters then pending under the jurisdiction of the planning commission shall be transferred to the planning and design commission established under this Ordinance.

Adopted by the City of Sacramento City Council on by the following vote:

Ayes:

Noes:

Abstain:

Absent:

_____
MAYOR

Attest:

_____
City Clerk

Passed for Publication:
Published:
Effective:

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ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING CHAPTER 17.132 AND VARIOUS OTHER SECTIONS OF THE SACRAMENTO CITY CODE TO RENAME THE PLANNING COMMISSION THE PLANNING AND DESIGN COMMISSION

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

SECTION 1

Chapter 17.132 of Title 17 of the Sacramento City Code is amended to read as follows:

Chapter 17.132 DESIGN REVIEW

17.132.010 Findings and declaration of purpose.

A. The city council finds and declares that a high regard for the integration of design with the general appearance, scale, capacity, use and character of neighborhoods, districts, and environments within the city promotes the health, safety, welfare and economy of the residents of the city in the following manner:

1. The desirability of adjacent and surrounding properties is enhanced;

2. The benefits of occupancy of adjacent and surrounding properties are improved;

3. The value of surrounding properties is increased;

4. Appropriate development of adjacent and surrounding properties is encouraged;

5. The maintenance and improvement of surrounding properties is encouraged, resulting in the enhancement of the health, safety, aesthetics, and general welfare of the inhabitants of the area and the inhabitants of the city at large.

B. The city council further finds and declares that the city is the capital city of the state of California; that as the capital city, Sacramento should reflect the values, beauty and heritage of the entire state to the rest of the state; and that the physical appearance and quality of design should epitomize these values and should serve as a valuable asset and benefit for the citizenry.

C. The city council further finds and declares that the administrative responsibilities of the design review program ~~established under this chapter~~ shall be assigned to ~~a~~ the planning and design commission, a design director, and design review staff as ~~follows:~~provided in this chapter.

~~1. The design commission's primary responsibilities shall be to develop and recommend to the council urban design policies appropriate for inclusion in the general plan and other regulatory plans and programs of the city, and to develop and recommend design guidelines for the implementation of this chapter. The design commission's role in reviewing development projects shall be limited to hearing projects of major significance and appeals of the design director's decisions.~~

~~2. The primary responsibilities of the design director and design review staff shall be to review and take action on development project design review applications, as set forth in this chapter.~~

17.132.020 Definitions.

For the purpose of this chapter, the following words and phrases are defined as follows. The definitions in this section shall supersede the provisions of Section 17.16.010 in the case of conflict. The terms are in alphabetical order.

"Building height" or "height" means the dimension measured from mean finish grade to top of parapet or top of the highest ridge line for projects with pitched roofs.

~~"Design commission" means the design commission created and composed under this Chapter 17.132.~~

"Design director" means the individual designated by the city manager to carry out the functions of the design director under this Chapter 17.132 and this code.

"District" means design review districts created under this Chapter 17.132.

"Development project" or "project" shall be liberally interpreted and shall include the new construction of a building or structure and the addition to, remodel, repair, or relocation of any existing building or structure, along with all associated facilities and appurtenances, such as walls, fences, and signs.

"LEED accredited architect" means an architect accredited by the US Green Building Council for proficiency in and understanding of green building practices and principles and familiarity with LEED (Leadership in Energy and Environmental Design) requirements, resources, and processes.

"New construction" means the construction of a new building or structure, along with all associated facilities and appurtenances, such as walls, fences, and signs. New construction does not include additions to existing buildings or structures.

"Registered house plans" means house plans that have been previously approved and registered with the city pursuant to this chapter.

~~**17.132.030 Design commission—Established.**~~

~~The design commission is established.~~**~~17.132.040 Design commission—Appointment and qualifications.~~**

~~A. Members of the design commission shall be appointed by the mayor, with the consent of the city council. The general requirements of Article XV of the City Charter and of Chapter 2.40 of this code governing the appointment of board and commission members, attendance at board and commission meetings, voting, term limits, and removal shall apply to the design commission. A member is subject to removal for good cause, neglect of duty or misconduct as provided in City Charter Section 232.~~

~~B. The design commission shall consist of seven members. Each member of the design commission shall have demonstrated interest in urban design, landscape or architectural design, or the physical development of the city. The seven members of the design commission shall be qualified by reason of training or professional experience and demonstrated leadership as follows:~~

~~1. Seat 1: an individual who is a licensed architect with training or experience in mid- and high-rise urban, commercial, institutional, and mixed use projects, with a preference for an individual who is a city resident or the owner of a business located in the city;~~

~~2. Seat 2: an individual who is a licensed, LEED (or equivalent) accredited architect, with a preference for an individual who is a city resident or the owner of a business located in the city;~~

~~3. Seat 3: an individual who is a licensed landscape architect with training or experience in mid- and high-rise urban, commercial, institutional, and mixed use projects, with a preference for an individual who is a city resident or the owner of a business located in the city;~~

~~4. Seat 4: an individual who is a licensed contractor with training or experience in mid- and high-rise urban, commercial, institutional, and mixed use projects, with a preference for an individual who is a city resident or the owner of a business located in the city;~~

~~5. Seat 5: an individual who is a licensed engineer with training or experience in mid- and high-rise urban, commercial, institutional, and mixed use projects, with a preference for a structural engineer and with a preference for an individual who is a city resident or the owner of a business located in the city;~~

~~6. Seat 6: an at-large member who shall be a city resident or the owner of a business located in the city, with a preference for an individual with training or experience in urban planning and urban design;~~

~~7. Seat 7: an at-large member who shall be a city resident or the owner of a business located in the city, with a preference for an individual with training or experience in real estate development, real estate brokerage, or real estate financing.~~

~~C. Notwithstanding Section 17.132.050 to the contrary, the term of office of an at-large member of the design commission shall expire whenever such member ceases to be a resident of the city.~~

~~17.132.050 Design commission—Term of office.~~

~~Except as provided in this section for the length of the terms of the initial members, the term of office for each member of the design commission shall be three years and until his or her successor is appointed. Terms shall be staggered. In selecting the initial members of the design commission, the mayor shall appoint two to each serve a term of two years, two to each serve a term of three years, and three to each serve a term of four years. Thereafter, members shall be appointed to serve three year terms. If a~~

~~vacancy occurs during the term of any member, the mayor shall appoint, with the approval of the city council, a successor to serve during the unexpired term. The successor shall possess the qualifications required for the seat being filled.~~

~~17.132.060 Design commission—Conflict of interest and financial disclosure statements.~~

~~All appointees to the design commission shall be subject to Chapter 2.16 of this code relating to conflicts of interest and shall be required to file statements disclosing financial interests pursuant to the city's conflict of interest code.~~

~~17.132.070 Design commission—Compensation.~~

~~Each member of the design commission shall receive compensation as determined by the compensation commission under Section 29 of the City Charter.~~

~~17.132.080 Design commission—Organization and procedures.~~

~~A. At its first meeting, and annually thereafter, the design commission shall elect from among its membership a design commission chairperson and a vice chairperson, who shall each hold office at the pleasure of the design commission. When there is a vacancy in the office of chairperson or vice chairperson, the design commission shall fill that office from among its members.~~

~~B. The design commission shall establish a time and place for regular meetings to be held not less frequently than monthly. Each meeting shall be noticed and held in accordance with the Ralph M. Brown Act (Government Code section 54950 et seq.). The design commission chairperson shall have the authority to notice and hold special meetings in the manner specified in the Ralph M. Brown Act.~~

~~C. A quorum comprised of design commission members present and qualified to act shall be required for the design commission to conduct a meeting and take action. A quorum shall consist of four members. The affirmative vote of a majority of the members present and qualified to vote shall be necessary to pass any motion.~~

~~D. The design commission shall adopt such rules and regulations as it shall deem necessary, and consistent with the provisions of this chapter, for the conduct of its business.~~

~~**17.132.090 Design commission—Powers and duties.**~~

~~Unless otherwise specified herein the powers and duties of the design commission shall be as follows:~~

~~A. Exercise the authority set forth in this chapter and as otherwise provided in this code;~~

~~B. Recommend to the city council policies and programs in support of the urban design program established under this chapter, including but not limited to urban design policies appropriate for inclusion in the general plan and other regulatory plans and programs of the city;~~

~~C. Develop and recommend standards for review of development projects in addition to those standards set forth herein, and forward the recommended policies and standards to the city council for the city council's consideration and adoption;~~

~~D. Evaluate and submit comments and recommendations on proposed plans, public and private development projects, and environmental reviews that are not subject to review under this chapter and that may affect the physical development of and urban design in the city, in coordination with the review and action by the city council, planning commission, or other public agencies on the plan, project or environmental review;~~

~~E. Consult with, advise, and report to the city council on an annual basis in connection with the exercise of the design commission's duties and functions;~~

~~F. Any other powers and duties conferred upon the design commission by the city council.~~~~**17.132.100 Design commission—Secretary.**~~

~~The design director, or his or her designee, shall serve as a non-voting secretary to the design commission.~~

17.132.030~~110~~ Design director—Office established.

To assist in the implementation of the purpose and objectives of this chapter and to assist the planning and design commission in the performance of its duties, there is created the position of design director.

17.132.040~~120~~ Design director—Authority.

The design director shall have the authority to:

A. Exercise the authority set forth in this chapter and as otherwise provided in this code;

B. Oversee the operation of the city's design review program established by this chapter;

C. Advise the city council, the planning and design commission, the preservation commission, ~~the design commission~~, the housing code advisory and appeals board, and city staff on urban design issues;

D. Perform such other functions as may be assigned by the city council.

~~**17.132.130 Reserved.**~~

~~**17.132.040 Reserved.**~~

~~**17.132.150 Reserved.**~~

17.132.050~~160~~ Design review districts.

A. Purpose. Design review districts established under the provisions of this section are for the protection and enhancement of the value, appearance, economic development and vitality, and use of public and private property; the maintenance of a high level of community development and the achievement of orderly, harmonious and integrated development in specific areas within the city.

B. Procedure for Establishing, Amending and Dissolving Design Review Districts.

1. The city council, the planning and 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 planning and design commission.

2. The planning and design commission shall hold a public hearing on the statement of initiation filed under subsection (B)(1) of this section. The procedural requirements for the hearing shall be governed by Chapter 17.200. Notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section17.200.010. In addition, mailed notice shall be given at least ten (10) days prior to the hearing to those persons requesting notice in writing. After completion of the public hearing, the planning and design commission shall issue a determination concurring, in whole or in part, or not concurring in the statement of initiation and forward the determination to the city council for action.

3. Upon receipt of the determination of the planning and design commission on the statement of initiation, the city council shall hold a public hearing. The procedural requirements for the hearing shall be governed by Chapter 17.200. Notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section17.200.010. After completion of the public hearing, the city council may, by ordinance, establish the boundaries of a new design review district or approve the amendment to or dissolution of an existing design review district.

17.132.060~~170~~ Guidelines for design review districts.

A. Design review guidelines may be adopted for each design review district in accordance with the notice and hearing procedures prescribed in Section 17.132.050~~160~~, except that the council may adopt the design guidelines by resolution.

B. Design review guidelines for a design review district shall be consistent with the general plan, applicable community plan, and the intent of this chapter and shall contain all of the following elements:

1. A statement of the goals for design review within the design review district;

2. A statement of the standards and criteria to be utilized in determining the appropriateness of any proposed building or structure or alteration thereof within the design review district;

3. Any additional material as may, in the judgment of the city council, be required for the systematic execution of the purpose enumerated in subsection A of Section 17.132.050~~160~~.

17.132.070~~180~~ Design requirements for areas outside of design review districts.

A. In addition to establishing design review districts and design review guidelines for design review districts, the council may establish minimum design requirements applicable to development projects of a specified size, type or location. The design requirements may be made applicable to either ministerial or discretionary project applications.

B. Minimum Design Requirements—Ministerial Projects.

1. Minimum design requirements for ministerial projects shall be adopted by the city council by resolution in the same manner as design review guidelines under Section 17.132.060~~170~~. The resolution shall specify by size, type and/or location the development projects that will be subject to the design requirements. The minimum design requirements shall not apply to projects that are subject to discretionary design review or that require a special permit under this code.

2. Minimum design requirements for ministerial projects shall be mandatory in nature, and review for consistency with these requirements shall be ministerial and nondiscretionary.

3. No building permit shall be issued for a development project that is subject to the minimum design requirements unless the project is consistent with the applicable requirements.

4. The planning and design commission and the director shall have the authority to vary the minimum design requirements for a development project upon application for discretionary design review in accordance with and subject to the requirements of this chapter.

5. An applicant for a development project subject to the minimum design requirements for ministerial projects who disagrees with an interpretation or application of a design requirement made applicable under this subsection may file a written request for review of that interpretation with the design director. The design director shall review the interpretation or application described in the request for review and render his or her decision on the request within a reasonable period of time. No hearing shall be required, and the decision of the design director shall be final.

C. Minimum Design Requirements—Discretionary Projects.

1. Minimum design requirements for discretionary projects shall be adopted by the city council by resolution in the same manner as design review guidelines under Section 17.132.060~~170~~. The resolution shall specify by size, type and/or location the development projects that will be subject to the minimum design requirements. The minimum design requirements may be made to apply only to projects that are subject to discretionary design review or that require a special permit or plan review under this code.

2. A finding of consistency with the applicable minimum design requirements shall be required in addition to the findings required for approval of the design review, special permit, or plan review, in the manner specified in the resolution adopting the minimum design requirements.

17.132.080~~190~~ Approval and use of registered house plans.

A. The planning and design commission shall have the authority to approve registered house plans for one or more design review districts as set forth in this section. Use of registered house plans for development in the designated design review district will exempt the development from further design review as provided in Section 17.132.100~~290~~.

1. Any person may request approval of registered house plans by filing an application with the design director. The application shall be subject to and governed by Chapter 17.196.

2. A request to approve registered house plans may also be initiated by the design director.

3. The design director shall conduct a preliminary review of the proposed registered house plans and prepare a written evaluation and recommendation of approval, conditional approval, or disapproval of the proposed plans. A copy of the written evaluation and recommendation shall be submitted to the applicant, if any, and shall be forwarded to the planning and design commission for hearing and decision.

4. At least one public hearing shall be held by the planning and design commission on a request to approve registered house plans. The procedural requirements for the hearing shall be governed by Chapter 17.200. Notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section17.200.010. In addition, mailed notice shall be given at least ten

(10) days prior to the hearing to those persons requesting notice in writing. At the conclusion of the hearing, the planning and design commission may approve, conditionally approve, or deny the request for approval of registered house plans.

5. In reaching its decision, the planning and design commission shall evaluate each proposal for registered house plans in accordance with the citywide design review guidelines, the design review guidelines for the district or districts for which the registered house plan is intended, the findings and declaration of purpose contained in Section 17.132.010 of this chapter, and any other applicable adopted land use plans. The planning and design commission shall not approve a proposal for registered house plans unless it finds that the design (as it may have been modified or conditioned by the planning and design commission) is consistent with the applicable guidelines and plans and the purpose of this chapter. The planning and design commission shall specify for which design review district or districts the registered house plan is approved for purposes of the exemption from further design review under Section 17.132.100~~290~~.

6. On its own initiative, or at the request of the design director, the planning and design commission may cancel the registration of registered house plans as it deems appropriate to ensure a variety in the housing stock and to otherwise further the purpose of this chapter. The cancellation of the registration of registered house plans shall be subject to the same notice and hearing requirements as apply to the approval of registered house plans.

B. The design director shall establish policies and procedures addressing the development, approval, and use of registered house plans consistent with the purpose of this chapter.

~~17.132.200 Reserved.~~

~~17.132.210 Reserved.~~

~~17.132.220 Reserved.~~

~~17.132.230 Reserved.~~

~~17.132.240 Reserved.~~

~~17.132.250 Reserved.~~

~~17.132.260 Reserved.17.132.270 Reserved.~~

17.132.090~~280~~ Review of development projects required.

Except as to those exemptions provided in subsection F of Section 17.132.100~~290~~, no building permit shall be issued for any development project that is located in a design review district or that is otherwise made subject to design review under any other provision of this code, and no person shall commence construction of a development project requiring a building permit that is located in a design review district or that is otherwise made subject to design review under

any other provision of this code, unless and until an application for design review of the proposed project is reviewed and approved or conditionally approved as required by this chapter. Design review conducted under this chapter shall have review authority over all urban design elements, including, but not limited to, exterior architectural design, site design, landscape design and sign design.

17.132.100~~290~~ Review of development projects—Authority to review.

A. Projects Subject to Planning and Design Commission Review and Hearing. The following development projects subject to design review under this chapter or under any other provision of this code shall be subject to design review by the planning and design commission and shall require a public hearing:

1. New construction of, or an addition to an existing, building or structure that:

a. Exceeds four stories; or

b. Exceeds sixty (60) feet in height; or

c. Is located inside the central business district and exceeds a total of seventy-five thousand (75,000) gross square feet of floor area or is located outside the central business district and exceeds a total of forty thousand (40,000) gross square feet of floor area.

2. Any project for which design review by the design commission is required as a condition of approval of a discretionary entitlement issued under this title or required under any other provision of this code.

3. Any project subject to design director review under this chapter that the design director, in his or her sole discretion, elects to elevate to the design commission for hearing and decision.

B. Projects Subject to Design Director Review and Hearing. The following projects subject to design review under this chapter or under any other provision of this code shall be subject to design review by the design director and shall require a public hearing:

1. New construction of, or an addition to an existing, building or structure that is not subject to design review by the commission under subsection A of this section, and that the design director determines is not in substantial compliance with applicable design guidelines. No hearing shall be required on the issue of whether the project is in substantial compliance with applicable design guidelines, and the decision of the design director shall be final and shall not be subject to appeal.

2. Any project for which design review by the design director is required as a condition of approval of a discretionary entitlement issued under this title or required under any other provision of this code.

3. Any project subject to staff review under the general direction of the design director under this chapter that the design director, in his or her sole discretion, elects to elevate to the design director for hearing and decision.

C. Projects Subject to Staff Review Under the General Direction of the Design Director.

1. All projects subject to design review under this chapter or under any other provision of this code that are not required to be reviewed by either the planning and design commission or the design director shall be subject to staff review under the general direction of the design director and shall not require a public hearing.

2. Building moves subject to design review under Section 15.48.010 shall be subject to staff review under the general direction of the design director and shall not require a public hearing.

D. Projects Exempt from Design Review. Notwithstanding the provisions of subsections A, B, and C of this section to the contrary, design review shall not be required for the following projects:

1. Remodels or repairs to the interior of any existing building or structure;

2. The following repair and replacement projects; provided, the value of the work does not exceed ten thousand dollars ($10,000.00), and the work proposed does not alter, expand or otherwise modify the existing structure:

a. The repair or replacement of stairs, rails and porches to match the design and materials existing at the time of the proposed work, provided the portion to be repaired or replaced when added to the portion(s) repaired or replaced in the previous thirty-six (36) months does not exceed fifty (50) percent of the existing porch or stair area of the structure,

b. The repair or replacement of roofing to match the design and materials existing at the time of the proposed work, provided the portion to be repaired or replaced when added to the portion(s) repaired or replaced in the previous thirty-six (36) months does not exceed twenty-five (25) percent of the existing roof area of the structure,

c. The repair or replacement of exterior siding materials to match the design and materials existing at the time of the proposed work, provided the portion to be repaired or replaced when added to the portion(s) repaired or replaced in the previous thirty-six (36) months does not exceed twenty-five (25) percent of the existing siding area of the structure,

d. The repair or replacement of windows and exterior doors to match the design and materials existing at the time of the proposed work, provided the portion to be repaired or replaced when added to the portion(s) repaired or replaced in the previous thirty-six (36) months does not exceed twenty-five (25) percent of the existing windows or fifty (50) percent of the existing doors of the structure;

3. New construction of single-family residential units utilizing, without substantial deviation, registered house plans approved for use in the design review district where the proposed construction is located;

4. The construction or installation of public utility boxes and public utility sheds;

5. Billboards;

6. Properties located within a planned unit development subject to Chapter 17.180;

7. Re-roofing projects on buildings or structures that are less than fifty (50) years old and that are not listed in the Sacramento Register of Historic and Cultural Resources, if the project conforms to the following criteria:

a. The new roofing will match the original roofing,

b. If repair or replacement of existing gutters is proposed, the new gutters will match existing. If there are no existing gutters, new fascia or OG gutters can be provided. Downspouts shall be repaired or replaced to match existing,

c. No change or cutting is proposed to original exposed rafter tails, if any;

8. HVAC installations that conform to the following criteria:

a. Ground-Mounted Units.

i. The new unit replaces, in the same location, an existing unit, and the new unit does not exceed the size of the existing unit by more than twenty-five (25) percent, or

ii. The new unit is fully screened behind a solid fenced area and will not be visible from any street views, or existing shrubs or building will screen the unit and will not be visible from any street views,

b. Roof-Mounted Units.

i. The new unit replaces, in the same location, an existing unit, and the new unit does not exceed the size of the existing unit by more than twenty-five (25) percent, or

ii. The new unit is fully screened by the building such that no portion of the new unit is visible from any street views.

E. Design Director Determination. The design director shall review and determine whether a development project application is subject to staff review under the general direction of the design review director, a design director hearing, a design commission hearing, or is exempt from review under this chapter. The determination of the design director on this issue shall be final and shall not be subject to appeal.

F. Determination Regarding Applicability of Chapters 17.132 and 17.134. An application for a development project that is subject to both design review under this chapter and preservation review under Chapter 17.134 shall be accepted, processed and reviewed under Chapter 17.134 only, and not under Chapter 17.132; provided, that the review and decision shall be made in consultation with the design director or designee and shall be based on the applicable standards and criteria of both Chapters 17.132 and 17.134.

G. Expanded North Area Design Review District. Notwithstanding the provisions of subsections A and B of this section to the contrary, design review of development projects in the expanded north area design review district shall be subject to staff review under the general direction of the design director under subsection C of this section.

17.132.110~~300~~ Standards and criteria for evaluation.

A. The planning and design commission or design director shall evaluate each application for design review in accordance with the applicable design review guidelines for the district in which the project is located, the findings and declaration of purpose contained in Section 17.132.010 of this chapter, and any other applicable adopted land use plans. The planning and design commission or design director shall not approve an application for design review unless it finds that the design, as it may have been modified or conditioned by the planning and design commission or design director, is consistent with the applicable plans, findings and declaration of purpose listed above. These standards are intended to provide a frame of reference for the applicant as well as a method of review for the planning and design commission and the design director. These standards and criteria shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, and innovation.

B. The planning and design commission may from time to time promulgate more specific criteria and standards for design review. It is the intent of this subsection that additional standards and criteria will serve to clarify and elucidate the standards and criteria contained in this section and not modify, supersede, or alter such standards and criteria beyond the scope of design review. Such additional standards shall be adopted by resolution of the planning and design commission.

17.132.120~~310~~ Procedures for design review.

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 design 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 design director.

B. Early Notice. The design director shall establish policies and procedures to provide early notification and information to the public regarding the filing and acceptance of an application for design review as determined appropriate by the design director. In developing the

policies and procedures for early notice under this section, the design director shall seek to accomplish the following objectives:

1. Encourage applicants to contact, obtain input from, and work out differences with affected neighbors and neighborhood associations early in the project design process;

2. Garner the support of affected neighbors and neighborhood associations for the project through the creation of a transparent process that encourages mutual trust and minimizes adversarial hearings and appeals;

3. Improve the quality of projects and the built environment.

C. Procedures for Staff Review Under the General Direction of the Design Director.

1. Review and Decision. Except as provided in subsections (C)(2), (3) and (4) of this section, an application for design review that requires staff review under the general direction of the design director under subsection C of Section 17.132.100~~290~~ shall not require notice or hearing. In considering approval of an application, the standards set forth in Sections 17.132.010 and 17.132.110~~300~~ shall be applied. Such conditions as may be required to ensure conformance with the applicable design review guidelines and standards of review may be imposed. The decision made under this subsection (C)(1) shall be final and shall not be subject to appeal.

2. Special Notice and Reconsideration Procedures.

a. The following projects that are subject to staff review under the general direction of the design director shall be subject to the notice and reconsideration procedures established pursuant to this subsection (C)(2). The design director shall determine whether a development project application is subject to the special notice and reconsideration procedures under this subsection, and the determination of the design director on this issue shall be final and shall not be subject to appeal.

i. New construction of, or the exterior remodel of or an addition to an existing, commercial building or structure;

ii. New construction of, or the exterior remodel of or an addition to an existing, single-family or duplex dwelling unit that is greater than two stories and is greater than thirty-five (35) feet in height;

iii. New construction of, or the exterior remodel of or an addition to an existing, single-family or duplex dwelling unit located within a design review district;

iv. An addition to an existing building or structure that increases the square footage of the existing building or structure by fifty (50) percent or more;

v. The relocation of a nonresidential building;

vi. The relocation of a residential building in or into a design review district.

b. In addition to the early notice provided pursuant to subsection B of this section, the design director shall establish policies and procedures to provide notice and reconsideration of the design review decision made under this subsection (C)(2), including at a minimum the following:

i. Notification of staff action on the application, including all conditions and findings; and

ii. An opportunity for any person dissatisfied with the decision to request review and reconsideration of the decision by the design director before the decision is final.

c. The decision of the design director after reconsideration under this subsection (C)(2) shall be final and shall not be subject to appeal.

3. Review by Zoning Administrator. If a project subject to staff review under the general direction of the design director also requires approval of one or more zoning administrator entitlements, the zoning administrator shall act on the design review in conjunction with the other entitlements, in consultation with the design director or his or her designee.

4. Elevation to Design Director Hearing. At the discretion of the design director, the application for staff review under the general direction of the design director may be elevated to the design director for hearing and decision, and the application shall be heard and decided by the design director in the same manner as design director design review under subsection D of this section. No hearing shall be required on the decision by the design director to elevate an application subject to staff review to the design director hearing level, and this decision of the design director shall be final and shall not be subject to appeal.

D. Procedures for Design Review by the Design Director.

1. Notice—Hearings. At least one public hearing shall be held on an application for design review that requires action by the design director under subsection B of

Section 17.132.100~~290~~. The procedural requirements for the hearing and the contents of the notice required by the provisions of this chapter shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting the property and by mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010.

2. Decision and Notification. At the conclusion of the hearing, the design director shall issue a written decision setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit or cause to be transmitted to the applicant written notice of its decision pursuant to Section 17.200.020(C).

3. Elevation to Planning and Design Commission. At the discretion of the design director, the application for design review by the design director may be elevated to the planning

and design commission for hearing and decision, and the application shall be heard and decided by the planning and design commission in the same manner as planning and design commission design review under subsection E of this section. No hearing shall be required on the decision by the design director to elevate a design review application to the planning design commission, and this decision of the design director shall be final and shall not be subject to appeal.

4. Appeal. Except as provided in subsection (D)(3) of this section, any person dissatisfied with the decision of the design director made under this subsection may appeal the decision to the planning and design commission. The appeal shall be noticed, heard, and otherwise governed by Section 17.200.030.

E. Procedures for Design Review by the Planning and Design Commission.

1. Notice—Hearings. At least one public hearing shall be held on an application for design review that requires action by the planning and design commission under subsection A of Section 17.132.100~~290~~. The procedural requirements for the notice and hearing shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting the property and by mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010.

2. Decision and Notification. At the conclusion of the hearing, the planning and design commission shall issue its written decision setting forth its approval, conditional approval, or its disapproval of the application, and the findings supporting the decision, and shall transmit or cause to be transmitted to the applicant written notice of its decision pursuant to Section 17.200.020(C).

3. Appeal.

a. Any person dissatisfied with the decision by the planning and design commission on an application described in subsection A of Section 17.132.100~~290~~ may appeal the decision to the city council. The appeal shall be noticed, heard, and otherwise governed by Section 17.200.030.

b. A decision by the planning and design commission on an appeal of a decision of the design director under subsection (D)(4) if this section shall be final and shall not be subject to appeal, but shall be subject to call-up for consideration by the city council under Section 17.200.040.

F. Final Plan Certification. Upon final approval of a design review plan and acceptance by the applicant of the conditions of approval, the applicant shall file final working drawings and a landscaping plan. The design director, upon receipt of the drawings and plans, shall certify that the final plans submitted under this subsection are in accord with the approved architectural and design plans. After such certification any permits or entitlements may thereafter be issued in accordance with the provisions of this code.

17.132.130~~320~~ Term—Extension—Modification.

A. Term. Approval of an application for design review under this chapter shall expire at the end of three years from the date of final approval unless a building permit has been obtained and exercised for the project. For purposes of this section, the term "exercised" means substantial expenditures in good faith reliance upon the building permit. The burden of proof in showing substantial expenditures in good faith reliance upon the building permit shall be placed upon the permit holder.

B. Extension. One or more extensions of a design review approval may be granted for a cumulative total extension period of five years upon application to the design director filed no later than thirty (30) days prior to expiration. The application for extension of design review approval shall be subject to staff review under the general direction of the design director pursuant to subsection C of Section 17.132.120~~310~~.

C. Modification. An application for a modification to an approved design review plan or a condition of approval of a design review plan shall be heard and/or considered in the same manner and by the same body as the original design review application.

SECTION 2

A. Subsection C.2.d of section 1.28.010 of the Sacramento City Code is amended to read as follows:

d. Failing to comply with any order issued by a commission, board, hearing officer or examiner or other body appointed by the city council and authorized to issue orders, including, but not limited to, the planning and design commission, the housing code advisory and appeals board, ~~the design commission,~~ the preservation commission, the design director, the preservation director and the zoning administrator;

B. Except as specifically amended in subsection C.2.d, section 1.28.010 remains unchanged and in full force and effect.

SECTION 3

A. Subsection A of section 17.12.020 of the Sacramento City Code is amended to read as follows:

A. Abbreviated Titles and Phrases. For the purpose of brevity, the following phrases, personnel, and document titles are shortened hereafter in this title. This zoning title is referred to hereafter as the "title." The city council is referred to hereafter as the "council" and the city planning and design commission as the "commission." The planning director or his or her designee is referred to as the "director" unless otherwise specifically defined.

B. Except as specifically amended in subsection A, section 17.12.020 remains unchanged and in full force and effect.

SECTION 4

Section 17.12.070 of the Sacramento City Code is amended to read as follows:

17.12.070 Appeals and referral.

Any interpretations of this title by the zoning administrator may be appealed as provided by Chapter 17.200 of this title. The zoning administrator may refer any zoning title interpretation to the planning -and design commission for a determination.

SECTION 5

Section 17.16.010 of the Sacramento City Code is amended as follows:

A. The definition of "commission" is amended to read as follows:

Commission. See "planning and design commission."

B. The definition of "Lot Area, Net" is amended to read as follows:

Lot Area, Net. "Net lot area" means the area of a lot excluding publicly dedicated land; private streets which meet city standards; and other public use areas, as determined by the planning and design commission.

C. The definition of "Plan review" is amended to read as follows:

"Plan review" means a planning entitlement granted by the planning and design commission or zoning administrator that allows for the review of a proposed development plan to ensure that it is consistent with the general plan and any applicable community plans, that utilities and infrastructure are sufficient to serve the development, and it is compatible with surrounding development. See Chapter 17.220 of this title.

D. The definition of "Planning commission" is amended to read as follows:

"Planning and design commission" means the duly designated planning and design board of the city of Sacramento, established pursuant to Chapter 2.60 of this code, having jurisdiction in the area referred to in the title of this zoning title.

E. The definition of "Special permit" is amended to read as follows:

"Special permit" means a permit issued by the city council, planning and design commission, zoning administrator, or planning director that must be acquired before a special use can be constructed or operated. See Chapter 17.212 of this title.

F. The definition of "Variance" is amended to read as follows:

"Variance" means permission granted by the or zoning administrator to depart from requirements of this title. See Chapter 17.216 of this title."

G. Except as specifically amended for the definitions "Commission," "Plan review," "Planning and design commission," "Special permit," and "Variance" as set forth above, section 17.16.010 remains unchanged and in full force and effect.

SECTION 6

Section 17.20.010 is amended as follows:

A. "RO—Residential-Office Zone" is amended to read as follows:

RO—Residential-Office Zone. This is a medium density multiple family zone, generally located inside the central city and in certain areas adjacent thereto. The zone permits development of office uses subject to the granting of a special permit by the planning and design commission. The special permit allows city review of the project to ensure that the proposed office use is compatible with adjacent residential uses. Maximum density in the RO zone is thirty-six (36) dwelling units per acre.

B. Except as the "RO-Residential-Office Zone" is specifically amended, section 17.20.010 remains unchanged and in full force and effect.

SECTION 7

Section 17.24.050 of the Sacramento City Code is amended as follows:

A. Footnote 8 of section 17.24.050 is amended to read as follows:

8. Alternative Ownership Housing Types.

a. Special Permit Required. A zoning administrator special permit is required for alternative ownership housing projects comprised of four or fewer lots. A planning and design 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 and design 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.

b. Design. The proposed site development plan must integrate structures, common and private open spaces, pedestrian and vehicular circulation, parking, and other site features so

as to produce a development that provides for all desirable residential features and environmental amenities. Further, the proposed development shall not adversely affect the existing or proposed future development of the surrounding areas.

c. Accessory Structures. Accessory structures and uses are those designed and constructed for the exclusive use of the residents of the project, including recreational facilities, such as a playground, swimming pool, or clubhouse, and service facilities, such as garages, carports, parking areas, laundry facilities and other similar accessory features.

d. Limitation on Use in R-1 Zone. In the R-1 zone, this use may be permitted with a special permit only in development projects subject to Chapter 17.190, Mixed Income Housing, which satisfy the inclusionary housing requirement on the site of the development project.

e. Limitation on Use in M-1, M-1(S), M-2, and M-2(S) Zones. In the M-1, M-1(S), M-2, and M-2(S) zones, this use may be permitted only with a planning and design commission special permit and only where located on a lot 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 lot closest to the station).

B. Footnote 12 of section 17.24.050 is amended to read as follows:

12. Retail uses in the C-4, M-1, M-1(S), M-2 and M-2(S) Zones. In the C-4, M-1, M-1(S), M-2 and M-2(S) zones, a zoning administrator's special permit shall be required for any building or portion of building devoted to retail stores to be constructed or expanded to exceed forty thousand (40,000) square feet of gross floor area per parcel. Areas devoted to warehouse uses, (i.e., storage of goods and materials without access to the general public) are not included in the retail floor area. Areas that are covered with a roof or other similar structure and are accessible to the general public for retail sales would be included in the floor area calculation (e.g., garden centers, covered lumber sales areas).

The zoning administrator shall review the plans and information so submitted for the special permit request and, pursuant to Chapter 17.212 of this title, may grant, conditionally grant, or deny the zoning administrator's special permit. The zoning administrator may, at his or her discretion, schedule for hearing by the planning and design commission under the special permit proceedings of Chapter 17.212 of this title, any such request for a zoning administrator's special permit.

C. Subsection d of footnote 13 of section 17.24.050 is amended to read as follows:

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 and design 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 and design commission special permit, under Chapter 17.212.

D. Footnote 15 of section 17.24.050 is amended to read as follows:

15. Development in the SC Zone. This use is permitted in the SC zone subject to approval of a plan review in accordance with Chapter 17.220 of this title. No property in the SC zone may be divided into smaller parcels unless said proposed division is submitted to and approved by the zoning administrator or the planning and design commission in accordance with Title 16 of this code. Said submission shall be made on a site development plan of the entire parcel so that its relationship to the overall development can be evaluated.

E. Footnote 17 of section 17.24.050 is amended to read as follows:

17. Single-Family Dwellings in the R-1A Zone.

a. A planning and design commission special permit is required for development of single-family dwellings within the R-1A zone, except as provided below in subsection 17.24.050(17)(b). In granting the special permit, the commission may modify any of the provisions of Title 16 of this code and any of the development standards in footnote 26 of this section.

b. Subject to the provisions and restrictions of Chapter 17.180 of this title, a planning director's plan review, rather than a planning and design commission special permit, shall be required for single-family residential development on property zoned R-1A, provided that all of the following requirements are satisfied: (i) the property is designated for planned unit development (PUD) pursuant to Chapter 17.180; and (ii) PUD guidelines and schematic plan have been approved for such development.

c. Notwithstanding the provisions of Sections 17.212.070 and 17.220.050, a special permit modification or plan review modification shall not be required for additions, remodeling, reconstruction, or other alterations to an existing single-family detached dwelling in the R-1A zone if the addition, remodeling, reconstruction, or other alteration complies with the setback, height, lot coverage, and parking standards of the R-1 zone or if the addition, remodeling, reconstruction, or other alteration complies with the setback, height, lot coverage, and parking standards originally approved with the special permit or plan review for the single-family dwelling.

F. Footnote 19 of section 17.24.050 is amended to read as follows:

19. Development in the F Zone. This use is permitted subject to compliance with the F zone chapter, Chapter 17.48 of this title, and with the approval of a special permit by the planning and design commission in accordance with Chapter 17.212.

G. Subsection b of footnote 28 of Section 17.24.050 is amended to read as follows:

b. Bed and Breakfast Inn in R-2A, R-2B, R-3, R-3A, R-4, R-5 and RO Zones. A zoning administrator's special permit shall be required to establish a bed and breakfast inn in the R-2A, R-2B, R-3, R-3A, R-4, R-5 and RO zones. The zoning administrator's special permit may authorize the use of the bed and breakfast facilities for conferences, weddings, fund raisers and other similar gatherings and functions attended by nonlodgers; provided that the zoning administrator may impose such conditions as may be necessary to satisfy Section 17.212.010 of this title, including but not limited to, restrictions on the types, frequency, and timing of events, and the maximum number of persons per event. Except as expressly authorized in the special permit, such activities are prohibited. In the R-2A, R-2B, R-3, R-3A, R-4 and R-5 zones, a bed and breakfast inn shall contain no more than seven guest rooms. In the RO zone, the number of guest rooms may be increased to a maximum of fourteen (14) rooms if the zoning administrator, planning and design commission or city council determines that the land uses surrounding the bed and breakfast inn are predominantly nonresidential uses and the required parking is provided.

H. Footnote 34 of section 17.24.050 is amended to read as follows:

34. Convenience Market or Store. Permitted unless the convenience market or store's location and hours of operation meet the criteria set forth in subsections (34)(a) and (b) of this section, in which case a special permit is required. Such criteria are:

a. Any property line of the parcel of real property containing the convenience market or store is located within five hundred (500) feet of any property line of a parcel which either contains a dwelling or is residentially zoned; and

b. The market or store will be open after eleven p.m. and/or before six a.m.

In the HC zone, the site plan, floor plan and elevations for the proposed convenience market or store are subject to planning and design commission review and approval, as described in subsection 16 of this section. Alcoholic beverage sales for off-premises consumption is not a permitted use in conjunction with a convenience market or store in the HC zone.

I. Subsection c of Footnote 35 of Section 17.24.050 is amended to read as follows:

c. All other office use is permitted subject to the issuance of a planning and design commission special permit in accordance with the requirements of Chapter 17.212.

J. Subsection *i* of Footnote 37 of Section 17.24.050 is amended to read as follows:

i. Exception—Halfplex and Duplex Development within a PUD. Subject to the provisions and restrictions of Chapter 17.180 of this title, a planning director's plan review, rather than a planning and design commission special permit, shall be required for halfplex or duplex residential development on property zoned R-1A, provided that all of the following requirements are satisfied: (i) the property is designated for planned unit development (PUD) pursuant to Chapter 17.180; and (ii) PUD guidelines and schematic plan have been approved for such development.

K. Subsection a of footnote 40 of Section 17.24.050 is amended to read as follows:

a. Findings. A special permit shall not be issued unless the following findings of fact are made by the planning and design commission:

i. The proposed use will not adversely affect the peace or general welfare of the surrounding neighborhood.

ii. The proposed use will not result in undue concentration of establishments dispensing alcoholic beverages.

iii. The proposed use will not enlarge or encourage the development of a skid row or blighted area.

iv. The proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation.

L. Subsection b of footnote 40 of Section 17.24.050 is amended to read as follows:

b. Considerations. The planning and design commission shall consider whether the proposed use will detrimentally affect nearby residentially zoned areas, and shall give consideration to the distance of the proposed use from residential buildings and from churches, schools, hospitals, public parks and playgrounds, child care centers, social services, and other similar uses.

In addition to the considerations applicable to all special permit applications, the planning and design commission may consider the following under this section: hours of operation; quantity and size of containers sold; alcoholic content of wines sold for off-premises consumption; percentage of shelf space devoted to alcoholic beverages; a requirement that the establishment post, in compliance with the city code, signs prohibiting the possession of open alcoholic beverage containers or the consumption of alcoholic beverages on any property adjacent to the establishment under the control of the establishment's operator; any other activities proposed for the premises.

M. Subsection a of footnote 41 of Section 17.24.050 is amended to read as follows:

a. Recycling facilities may be permitted as set forth in the following table. See Section 17.16.010 of this title for applicable definitions. Operational and developmental standards have been developed to ensure that all recycling facilities will be attractive and well-maintained. The operational standards stated in subsection (41)(c) of this section shall be applied to all existing facilities existing on or after the effective date of the ordinance codified in this section. The development standards in subsections (41)(d) and (e) of this section shall be applied to new and expanding facilities. Those recycling facilities permitted with a zoning administrator's or a planning and design commission special permit shall comply with the provisions in Chapter 17.72 of this title and the following standards:

Type of Facility	Zones Permitted	Permit Required

Convenience recycling facility	SC, C-1, C-2, C-3, C-4, M-1, M-2, M-1(S), M-2(S)	Administrative review (must comply with subsection (41)(e) of this section)
Minor recycling facility	C-4, M-1, M-2, M-1(S), M-2(S)	Zoning administrator's special permit (must comply with subsection (41)(d) of this section)
Major recycling facility	C-4, M-1, M-2, M-1(S), M-2(S)	Planning and design commission special permit (must comply with subsection (41)(d) of this section)
Greenwaste facility	A	Zoning administrator's special permit (must comply with subsection (41)(d) of this section)
	C-4, M-1, M-2, M-1(S), M-2(S)	Planning and design commission special permit (must comply with subsection (41)(d) of this section)

N. Subsection b of footnote 41 of Section 17.24.050 is amended to read as follows:

b. Permit for Multiple Sites. A single administrative review, zoning administrator special permit, or a planning and design commission special permit may be granted to allow more than one facility located on different sites as long as:

1. The operator of each of the proposed facilities is the same;

2. The proposed facilities are determined to be similar in nature, size and intensity of activity; and

3. All of the applicable criteria and standards set forth in the development standards and/or operational standards in this section are met for each such proposed facility.

O. 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 and design 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 and design commission special permit.~~:~~

d. Findings. A special permit shall not be granted for a drive-through service facility unless the planning and design 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 and design 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 and design 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 and design 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 cannot 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).

P. Footnote 47 of section 17.24.050 is amended to read as follows:

47. Fraternity/Sorority House and Dormitory. Fraternity/sorority house and dormitory uses are allowed subject to a special permit in this zone. A dormitory shall be allowed without a special permit in the R-4, R-4A, R-5 and C-2 zones within the central city, provided the development standards set forth below are met. Fraternity/sorority house and dormitory uses shall meet the following development standards. The planning and design commission may approve a special permit to modify the following standards for a fraternity/sorority house or a dormitory use.

a. Minimum Room Size. Every room used for sleeping purposes shall have not less than one hundred (100) square feet of floor area. Where more than one person occupies a room used for sleeping, the required floor area shall be increased at the rate of fifty (50) square feet for each occupant in excess of one.

b. Lounge Area. The facility shall provide a common lounge area. The lounge shall be centrally located.

c. On-site Owner/Manager. A property owner or a manager shall reside on the premises.

d. Parking. The facility shall provide one parking space per three occupants.

e. Outdoor Area. The facility shall provide an outdoor patio area which shall not face the street. The size of the outdoor area shall be determined by the planning and design commission.

Q. Subsection e of footnote 51 of Section 17.24.050 is amended to read as follows:

e. Planned Unit Developments. Existing buildings utilized for day care centers which require site modifications or modifications to exterior of building shall require review and

approval of the zoning administrator. New construction or additions which exceed ten (10) percent of the original building shall require a planning and design commission special permit and shall be subject to the planned unit development guidelines.

R. Subsection b of footnote 52 of Section 17.24.050 is amended to read as follows:

b. Fences. If the proposed center abuts a residential zone or residence, a minimum six foot high solid wall of masonry, brick, stucco or similar material shall be provided. The wall shall be placed along all property lines which abut the residential zone or residence.

i. Subject to the following criteria, a masonry wall shall not be required unless made a condition of the special permit:

(A) The center is separated from a residential zone or residence by an alley; or

(B) The center will be located in an existing commercial building which did not require a wall when built, no expansion of the building will occur and the building is located between the play yard and the residential zone or residence.

ii. If the proposed center abuts a zone or use other than residential, the fence height and type shall be determined by the zoning administrator or planning and design commission. In all instances, play areas shall be adequately fenced.

S. Subsection f of footnote 52 of Section 17.24.050 is amended to read as follows:

f. Planned Unit Developments. Existing buildings utilized for day care centers which require site modifications or modifications to exterior of the building shall require review and approval of the zoning administrator. New construction or additions which exceed ten (10) percent of the original building shall require a planning and design commission special permit and shall be subject to the planned unit development guidelines.

T. Footnote 54 of section 17.24.050 is amended to read as follows:

54. Hazardous Waste Facility. A special permit issued by the planning and design commission pursuant to Chapter 17.212 shall be required for a hazardous waste facility which requires a hazardous waste facility permit issued by the California Department of Health Services pursuant to Section 25200 of the California Health and Safety Code. Definitions pertinent to hazardous waste facilities are listed in Chapter 17.16.

a. Consistency with Hazardous Waste Management Plan. In addition to meeting the requirements of Chapter 17.212, no special permit shall be issued for a hazardous waste facility unless consistent with the provisions of the Sacramento County hazardous waste management plan, adopted by reference as part of the hazardous waste element of the general plan of the city.

b. Permissible Zones. Subject to the above restriction, the following hazardous waste facilities shall be permitted in the M-1, M-1(S), M-2 and M-2(S) zones:

i. Off-Site Facilities.

(A) Disposal facilities;

(B) Transfer facilities;

(C) Treatment facilities;

(D) Other.

ii. On-Site Facilities.

(A) Treatment facilities;

(B) Other.

c. Nonconforming Use Regulations for Existing Hazardous Waste Facilities. Notwithstanding Chapter 17.88, a hazardous waste facility existing on the effective date of this title (December 8, 1992) for which a special permit has not been issued may not be substantially expanded or enlarged, or changed to another use requiring a hazardous waste facility special permit, unless the facility as expanded, enlarged or changed meets the requirements established by this paragraph for new hazardous waste facilities, including consistency with the county hazardous waste management plan. A special permit shall be required to substantially expand or enlarge an existing hazardous waste facility, or to change to another use requiring a hazardous waste facility special permit, and shall be issued only upon the planning and design commission making the same findings required for approval of a special permit for a new hazardous waste facility.

U. Footnote 57 of section 17.24.050 is amended to read as follows:

57. Heliport or Helistop.

a. Except as provided otherwise in this footnote 57, a special permit approved by the planning and design commission under Chapter 17.212 shall be required to establish or operate a heliport or helistop at a location other than at an existing airport.

b. Approval of the special permit by the planning and design commission shall be deemed to be approval of the plan of construction for the heliport or helistop under California Public Utilities Code Section 21661.5.

c. All terms and conditions of approval for the heliport or helistop required by the California Department of Transportation Division of Aeronautics, the Federal Aviation Administration, or any other state or federal agency shall be deemed to be conditions of approval of the special permit.

d. Each special permit shall be conditioned on the owner and operator of the heliport or helistop complying at all times with the following operational requirements:

i. Compliance with the provisions of Chapter 12.92 of this code;

ii. Compliance with the state regulations.

e. Rooftop emergency facilities, emergency medical services helicopter landing areas, temporary helicopter landing sites, and emergency use facilities are not heliports subject to this footnote 57. These facilities are allowed in any zone subject to compliance with the state regulations and Chapter 12.92 of this code.

V. Subsection a of footnote 58 of Section 17.24.050 is amended to read as follows:

a. General. Except as provided below, a special permit approved by the planning and design commission or the zoning administrator shall be required to establish or locate in a residential or nonresidential zone a telecommunications facility, including an antenna, a telecommunications tower or other similar structure, and any related equipment, used for the transmission, reception or both, of electromagnetic waves. Except as provided below, telecommunications facilities and related equipment used for the transmission, reception or both of electromagnetic waves are not permitted within any residential zone. The procedures specified in Chapter 17.212 of this title shall apply to special permits sought pursuant to this subsection.

W. Subsection d of footnote 58 of Section 17.24.050 is amended to read as follows:

d. Special Permit Required. A special permit approved by the zoning administrator or the planning and design commission as specified below shall be required for any nonexempt antenna or telecommunications facility and any related equipment or related equipment building, shelter or cabinet. Notwithstanding any other provisions of this title, the planning and design commission and the zoning administrator, as specified, shall have the authority to grant a special permit for a structure regulated by this subsection that exceeds the applicable height limits established for the zone in which it is to be located.

i. Residential Antennas Exceeding Height Limits. A zoning administrator special permit may be issued to allow for an antenna in a residential zone that would be exempt pursuant to subsection (58)(c) of this section, except for its height. Nothing herein is intended to allow the zoning administrator, pursuant to this subparagraph, to authorize a structure in a residential zone that is not constructed and used for the exclusive use of the residents of the property on which it is located and or that is not incidental and customary to residential use.

ii. Use of Existing Buildings and Structures.

(A) Nonexempt Facade Mounted Panel Antennas.

(1) Nonresidential Zone. A zoning administrator special permit may be issued to allow for a facade mounted panel antenna located in a nonresidential zone which fails to satisfy all of the requirements for the exemption set forth in subsection (58)(c)(vii)(A) of this section.

(2) Residential Zone. A planning and design commission special permit may be issued to allow for a building facade mounted panel antenna and related equipment in a residential zone; provided that no special permit may be approved for installation of a building facade mounted panel antenna and related equipment on a single-family or two-family dwelling.

(B) Other Uses of Existing Buildings and Structures.

(1) Nonresidential Zone. A zoning administrator special permit may be issued to allow for the addition of an antenna and any related equipment and related equipment building, shelter or cabinet to an existing building or structure located in a nonresidential zone provided the addition does not rise more than twelve (12) feet above the topmost portion of the building and the addition does not project out more than six feet from any portion of the building or structure. Any equipment building, shelter or cabinet shall be located either on the roof of, or within, the building upon which the antenna is mounted or within any building located on the same parcel as the building on which the antenna is mounted; or on the ground outside of any required setback or parking area. An equipment building, shelter or cabinet located on the roof of a building shall satisfy the requirements of this title for mechanical equipment located on the roof of a building, and the zoning administrator may require that the equipment building, shelter or cabinet be screened.

(2) Residential Zone. A planning and design commission special permit may be issued to allow for the addition of an antenna and related equipment to an existing building or structure located in a residential zone, provided the addition does not rise more than twelve (12) feet above the topmost portion of the building and the addition does not project out more than six feet from any portion of the building or structure; and provided further that no antenna and related equipment may be added or installed on any single-family or two-family dwelling unless it is for the sole and exclusive use of the residents of the dwelling. Any equipment building, shelter or cabinet shall be located either on the roof of, or within, the building upon which the antenna is mounted or within any building located on the same parcel as the building on which the antenna is mounted; or on the ground outside of any required setback or parking area. An equipment building, shelter or cabinet located on the roof of a building shall satisfy the requirements of this title for mechanical equipment located on the roof of a building or structure, and the zoning administrator may require that the equipment building, shelter or cabinet be screened.

iii. New Telecommunications Towers. All new telecommunications towers, including monopoles, shall require approval of a planning and design commission special permit. Except as provided in subsections (58)(d)(iii)(A) and (58)(d)(vi) of this section, telecommunications towers may not be located on any residentially zoned parcel. The replacement of an existing structure with a telecommunication tower, including a monopole, shall be considered to constitute a new telecommunications tower; and except as provided in subsection (58)(d)(iv) of

this section, a special permit shall be required pursuant to subsection (58)(d)(iii) of this section to install such a telecommunications tower.

(A) Exception—Residentially Zoned Parcels Used for Nonresidential Purposes. Notwithstanding the foregoing provisions, a special permit may be approved to locate a telecommunications tower on a residentially zoned parcel which is developed and used for nonresidential purposes.

(B) Residential Zone—Additional Notice Required. In addition to the notice required by Chapter 17.212 of this title for planning and design commission special permits, when an application has been filed pursuant to this subsection (58)(d)(iii) to locate a telecommunications tower on a residentially zoned parcel, notice shall be given to owners of parcels located within a radius of one thousand (1,000) feet of the parcel on which the proposed telecommunications tower will be located.

iv. Collocation on Existing Telecommunications Towers. Additional antenna may be added to an existing telecommunications tower pursuant to the following provisions:

(A) No Special Permit Previously Issued. Additional antenna and any related equipment or equipment building, shelter or cabinet may be added to an existing telecommunications tower for which no special permit has previously been issued pursuant to the following provisions:

(1) Zoning Administrator Special Permit. A zoning administrator special permit shall be required to add additional antenna and related equipment to an existing structure located in any zone other than the F, A or A-OS zone, provided that the antenna will not increase the overall height of the existing structure;

(2) Planning and Design Commission Special Permit. A planning and design commission special permit shall be required to add additional antenna and related equipment to an existing structure located in the F, A or A-OS zone, or if the antenna will increase the overall height of the existing structure.

(B) Special Permit Previously Issued—Special Permit Modification Required. Upon approval of a special permit modification by the zoning administrator or planning and design commission pursuant to the following provisions, additional antenna and any related equipment may be added to an existing telecommunications tower for which a special permit has previously been issued; along with any necessary equipment building, shelter or cabinet.

(1) Zoning Administrator Approval. The zoning administrator shall have the authority to approve a special permit modification to add additional antenna and related equipment or equipment building, shelter or cabinet in the following situations:

(a) When the additional antenna will be attached to a telecommunications tower other than a monopole and the antenna will not increase the overall height of the tower;

(b) When the additional antenna will be attached to a telecommunications tower other than a monopole and will increase the overall height of the telecommunications tower; provided that the overall height is within the height limit of the zone and provided further that the tower is not located in the F, A or A-OS zones;

(c) When the additional antenna will be attached to a monopole without increasing the overall height of the monopole, either on the same monopole or on a replacement monopole that will be of the same or lower height than the original monopole and will be in the same or proximate location as the original monopole;

(d) When the additional antenna will be attached to a monopole so as to increase the overall height of the monopole either on the same monopole or on a replacement pole that will be of a greater height than the original monopole and will be in the same or proximate location as the original monopole; provided, that the overall height is within the height limit of the zone, and provided further that the tower is not located in the F, A or A-OS zones.

(2) Planning and Design Commission Approval. The planning and design commission shall have the authority to approve a special permit modification to add additional antenna and related equipment to an existing telecommunications tower for which a special permit has previously been approved in situations other than those specified in subsection (58)(d)(iv)(B)(1) of this section.

(3) All equipment shelters, buildings or cabinets shall be located on the ground outside of any required setback area or parking space.

v. Location of Antennas on Existing Structures Other Than Telecommunications Towers. Subject to approval of a planning and design commission or zoning administrator special permit as specified below, a non-facade mounted antenna, along with related equipment, may be approved for location on an existing structure other than a telecommunications tower, such as, by way of example, an existing water tower or other similar structure.

(A) Zoning Administrator Special Permit. A zoning administrator special permit shall be required to add additional antenna and related equipment to an existing structure located in any zone other than the F, A or A-OS zone, provided that the antenna will not increase the overall height of the existing structure;

(B) Planning and Design Commission Special Permit. A planning and design commission special permit shall be required to add additional antenna and related equipment to an existing structure located in the F, A or A-OS zone, or if the antenna will increase the overall height of the existing structure.

vi. Antennas and Telecommunications Facilities on Governmental Property, Including City Property. A special permit approved by the planning and design commission or zoning administrator as specified herein shall be required to locate on property of the city, federal government, the state of California, the county of Sacramento, a local agency or any other governmental entity ("governmental property") an antenna or telecommunications facility,

and any related equipment or equipment building, shelter or cabinet, that is not exempt pursuant to subsection (58)(c) of this section or is not otherwise exempt from regulation under this zoning title.

(A) Planning and Design Commission Special Permit. Except as provided below, a planning and design commission special permit shall be required to locate an antenna or telecommunications facility on governmental property if a planning and design commission special permit would be required to locate the same antenna or telecommunications facility on nongovernmental property with the same zoning designation pursuant to the provisions of subsections 17.24.050(58)(a) through and including (d). For purposes of this provision, property without a zoning designation under this title shall be treated as if it were zoned residential.

(B) Zoning Administrator Special Permit. A zoning administrator special permit shall be required to locate an antenna or telecommunications facility on governmental property if a zoning administrator special permit would be required to locate the same antenna or telecommunications facility on nongovernmental property with the same zoning designation pursuant to the provisions of subsections (58)(a) through and including (d) of this section. For purposes of this provision, property without a zoning designation under this title shall be presumed to be residential.

(C) Exception. No special permit is required for facade mounted panel antennas that meet the requirements of subsection (58)(c)(vii)(A) of this section.

(D) Agreement Regarding Use of City Property. In addition to a special permit, a revocable permit or other agreement or arrangement authorized by Chapter 3.76 of this code and approved as specified therein shall be required to locate an antenna or telecommunications facility on city property.

X. Subsection f of footnote 58 of Section 17.24.050 is amended to read as follows:

f. Development and Design Guidelines. The council may, by resolution, establish development and design guidelines for antennas and telecommunications facilities. Such guidelines may be adopted following at least one public hearing before the planning and design commission, ~~either the design commission~~ or the preservation commission as determined by the city manager's designee, and one public hearing before the city council, which shall be noticed in the same manner as hearings on text amendments pursuant to Chapter 17.208 of this title. The council may refer proposed development and design guidelines to the planning and design commission ~~and the design commission~~ for review and recommendation. Guidelines adopted pursuant to this paragraph shall be consistent with the development standards and requirements of this title, including subsections (58)(a) through (e) of this section, and shall be considered and applied by the zoning administrator and planning and design commission when considering special permits and special permit modifications pursuant to this provision.

Y. Subsection c of footnote 61 of Section 17.24.050 is amended to read as follows:

c. Procedures. High voltage transmission facilities may be located in any zone subject to the provisions of this section.

i. Permits Required. A transmission facilities permit is required to construct and locate a high voltage transmission facility in any zone. Application for a transmission facility permit shall be filed with the planning and design commission and shall be subject to a filing and investigation fee pursuant to the fee and charge report. Fees for a transmission line shall be the same as special permit fees and fees for a substation shall be the same as rezoning fees.

ii. Information to Accompany Permit Application. An application for a transmission facility permit shall be accompanied by plans and the environmental document prepared and certified pursuant to the California Environmental Quality Act, Public Resources Code Section 21,000 et seq., sufficient in detail to allow the planning and design commission and the city council to determine the exact nature and extent of the use. The application shall include at a minimum the following information:

(A) The expected electrical requirements, as determined by SMUD, of the areas within the district which will be affected by the project;

(B) The locations and capacities of the high voltage transmission facilities proposed, together with a description of basic technical and design concepts that favor the selection of the chosen locations and a list of feasible alternative sites;

(C) An assessment of the type and magnitude of the direct impacts of the proposed project and of each alternative;

(D) Mitigation measures:

(1) The measures to be implemented by SMUD to compensate for or mitigate the direct impacts of the project,

(2) Where any portion of a proposed project is adjacent to residentially zoned or residentially used property, a discussion of feasible routing alternative,

(3) Any other information the planning director deems necessary to allow the planning and design commission and city council to determine the exact nature and extent of the proposed project and any impacts of the projects.

Z. Subsection d of footnote 61 of Section 17.24.050 is amended to read as follows:

d. Hearings. Within thirty (30) days after an application for a transmission facilities permit is filed and accepted as complete, the planning and design commission shall hold a public hearing thereon. The procedural requirements for the hearing shall be governed by Chapter 17.200 of this title; provided, that said hearing may be initiated only by the permit applicant.

i. Mailed notice of the hearing shall be provided at least ten (10) days prior to the hearing to the owners of all property within five hundred (500) feet of the property subject to the permit; provided, that if such mailed notice would result in notice to more than two hundred fifty (250) persons, as an alternative to such mailed notice, notice may be given by placing an advertisement in a newspaper of general circulation within the area affected by the proposed facilities.

ii. The planning and design commission shall recommend approval, approval of an alternative or disapproval of the permit and transmit said recommendation to the city council.

iii. Upon receipt of a recommendation of the permit from the planning and design commission, the city council shall set the matter for hearing and give notice thereof as provided in this section. The hearing shall be conducted within sixty (60) days of the date the application and environmental document was filed and accepted as complete; and the city council shall adopt a resolution approving, approving an alternative or disapproving the permit.

AA. Subsection e of footnote 61 of Section 17.24.050 is amended to read as follows:

e. Review Criteria and Findings. The planning and design commission and the city council shall evaluate applications for transmission facilities permits in accordance with the intent and purpose statement contained in subsection (61)(a) of this section and any applicable land use plans and policies adopted by the city council. Any decision of the city council on a transmission facilities permit application shall be based on findings concerning:

i. The consistency of the proposed facilities with the city's general plan and applicable redevelopment and specific plans.

ii. Whether there are feasible alternatives to the proposal.

iii. Such other factors related to the public health, safety, and welfare as are included within the policies set forth below for assessing transmission facilities permits.

BB. Subsection c of footnote 62 of Section 17.24.050 is amended to read as follows:

c. Lot Area Variation/Dwelling Unit Density. A deep lot for which a reduction in the minimum lot area specified in subsections (62)(a) and (b) of this section is sought, shall require a special permit issued by the planning and design commission. The planning and design commission shall have the authority to approve the special permit when such action is warranted by the shape, size and location of the parcel; or the location of the buildings proposed or existing on the property at the time of the application; provided that the density shall not materially and adversely affect the public welfare or be injurious to property and improvements in the neighborhood. A deep lot which also meets the definition of an infill site shall be governed by the provisions of Chapter 17.84 of this title.

CC. Subsection f of footnote 62 of Section 17.24.050 is amended to read as follows:

f. Size and Type of Dwelling Unit. Unless otherwise approved by the zoning administrator or the planning and design commission, all dwelling units shall consist of either detached single-family dwellings or duplex units, or both. A review of preliminary plans by the planning department shall be made to determine the appropriate combination or types of units. No dwelling unit to be erected under the terms of this permit shall contain less than seven hundred (700) square feet of gross floor area. Notwithstanding the preceding, the zoning administrator or planning and design commission may waive the minimum seven hundred (700) square feet per dwelling unit requirement upon a determination that adequate living space will be provided for the proposed occupancy.

DD. Footnote 66 of section 17.24.050 is amended to read as follows:

66. Gun/Rifle Range. A planning and design commission special permit shall be required to establish this use in the specified zones. The gun/rifle range shall, at a minimum, meet the requirements established by the National Rifle Association for ranges. The planning and design commission may impose such additional conditions as necessary to protect the public health, safety and welfare.

EE. Footnote 73 of section 17.24.050 is amended to read as follows:

73. Theater—Movie or Stage. A stage theater is a permitted use in the zone. A special permit approved by the planning and design commission shall be required to establish a movie theater/cinema in all zones other than the central business district (C-3) zone and that portion of the C-2 zone located within the arts and entertainment district; provided that this requirement shall not apply to a movie theater/cinema which constitutes an adult entertainment establishment or activity, which shall be governed by the provisions of Sections 17.24.030 and 17.24.050(22) of this chapter. Subject to compliance with the other provisions of this title, a movie theater/cinema is allowed in the central business district (C-3) zone and that portion of the C-2 zone located within the arts and entertainment district.

FF. Subsection b of footnote 74 of Section 17.24.050 is amended to read as follows:

b. Notice. Notice shall be given as follows:

i. Notice of Hearing. Notwithstanding the provisions of Section 17.212.040(C), notice of the hearing before the zoning administrator on the special permit shall be given in the same manner as notice is given of a hearing on a special permit before the planning and design commission.

ii. Applicant Notice of Project. As part of the application for a zoning administrator's special permit under this provision, the applicant shall submit to the zoning administrator satisfactory proof that notice of the intent to file the application for a community-serving use has been given to all property owners within a five hundred (500) foot radius of the proposed site. The notice shall indicate the nature and size of the proposed community-serving use.

GG. 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 and design 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 and Design 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 and design 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 and design 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 and design 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 and design 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 and design 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 and design 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 and design 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 and design commission shall not approve a project unless, in addition to the findings required by Chapter 17.220, the zoning administrator or planning and design 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 and design 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 and design 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 and design commission to condition the project pursuant to Chapter 17.220:

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

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

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

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

HH. Subsection b of footnote 76 of Section 17.24.050 is amended to read as follows:

b. Outside the Central City in the C-1 and C-2 Zones.

i. Except as provided in subsection (b)(ii) below, planning and design commission special permit shall be required to establish the use outside the central city in the C-1 and C-2 zones.

ii. Apartment projects containing two hundred (200) units or less and located within a PUD, or containing one hundred (100) units or less and not located within a PUD, and with a minimum density of seventeen (17) units per acre, are permitted upon arrival of a zoning administrator special permit.

iii. The special permit shall be subject to the requirements of Chapter 17.212 and compliance with the noise standards in subsection (a)(i) of this footnote. In granting a special permit for this use, and in addition to the findings required by Chapter 17.212, the planning and design commission or zoning administrator shall find that the proposed project is compatible with the surrounding neighborhood and is consistent with the commercial corridor design principles adopted pursuant to Section 17.132.180 and as they may be amended from time to time. If the project is also subject to design guidelines established for a design review district, special planning district, overlay zone, or PUD, the commercial corridor design principles shall be applied in addition to the design guidelines. The design guidelines shall take precedence over the commercial corridor design principles in case of conflict.

II. Subsection c of footnote 76 of Section 17.24.050 is amended to read as follows:

c. Off-Street Parking Reduction. Notwithstanding the provisions of Chapter 17.64, for mixed use projects which incorporate both residential and commercial retail or service uses, the zoning administrator may reduce or waive up to fifty (50) percent of the required off-street parking for the ground floor commercial retail or service uses. If the amount of parking proposed to be waived or reduced is greater than that which the zoning administrator may waive or reduce, a special permit approved by the planning and design commission is required pursuant to Chapter 17.212.

JJ. Subsection d of footnote 77 of Section 17.24.050 is amended to read as follows:

d. Where the structure has two or more floors, the floors above the ground floor shall be devoted to residential uses unless the planning and design commission finds such uses are undesirable or infeasible.

KK. Footnote 78 of section 17.24.050 is amended to read as follows:

78. Temporary Residential Shelters.

a. Small Temporary Residential Shelter (Twenty-Four (24) or Fewer Beds) in the C-4, M-1, M-1(S), M-2, M-2(S) Zones. A small temporary residential shelter

consisting of not more than twenty-four (24) beds, is allowed in the C-4, M-1, M-1(S), M-2, and M-2(S) zones, provided that all of the location requirements and development standards set forth below are satisfied. A planning and design commission special permit shall be required to establish a small temporary residential shelter that does not meet all of the following location requirements and development standards. Notwithstanding the foregoing, a planning and design commission special permit shall be required to establish a small temporary residential shelter in the River District special planning district.

i. Location Requirements. Small temporary residential shelters shall meet the following location requirements:

(A) Small temporary residential shelters serving single adults only shall be situated more than one thousand (1,000) feet from any other temporary residential shelter, measured from property line to property line, and more than five hundred (500) feet from a public park, a public or private K-12 school, churches, or single-family residential zones, measured from property line to property line. Programs may have multiple buildings on a single parcel.

(B) All other small temporary residential shelters shall be situated more than one thousand (1,000) feet from any other temporary residential shelter, measured from property line to property line. Programs may have multiple buildings on a single parcel.

(C) Small temporary residential shelters shall either be located within one thousand (1,000) feet of a designated transit corridor or bus route, or shall provide transportation between the facility and transit lines and/or services.

ii. Development Standards. Small temporary residential shelters shall meet the following development standards:

(A) Maximum Number of Beds. No more than twenty-four (24) beds shall be provided in any single small temporary residential shelter.

(B) Parking. Off-street parking shall be provided in the ratio of one space for every four adult beds, plus an additional space designated exclusively for the manager. All parking is required to be off-street and on-site.

(C) Hours of Operation. Facilities shall establish and maintain set hours for client intake/discharge. These hours shall be posted.

(D) On-Site Personnel. On-site personnel shall be provided during hours of operation when clients are present. The manager's area shall be located near the entry to the facility.

(E) Lighting. Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.

(F) Telephones. Facilities shall provide telephone(s) for use by clients.

(G) Personal Property. Facilities shall provide secure areas for personal property.

(H) Waiting Area. If intake of clients is to occur onsite, enclosed or screened waiting area must be provided on the property to prevent queuing in the public right-of-way. For purposes of this condition, small emergency shelters shall have waiting area consisting of not less than one hundred (100) square feet in the same location.

(I) Common Space. Interior and/or exterior common or recreational space for residents to congregate shall be provided on the property at a ratio of not less than fifteen (15) square feet per occupant and a minimum overall area of one hundred (100) square feet. Common space must be counted separately from the waiting area.

b. Large Temporary Residential Shelters (More Than Twenty-Four (24) Beds) in the C-4, M-1, M-1(S), M-2, M-2(S) Zones. A large temporary residential shelter consisting of more than twenty-four (24) beds is allowed with a planning director's special permit in the C-4, M-1, M-1(S), M-2, and M2(S) zones, provided that all of the location requirements and development standards set forth below are satisfied. A planning and design commission special permit shall be required to establish a large temporary residential shelter that does not meet all of the following location requirement and development standards. Notwithstanding the foregoing, a planning and design commission special permit shall be required to establish a large temporary residential shelter in the River District special planning district.

i. Location Requirements. Large temporary residential shelters shall meet the following location requirements:

(A) Large temporary residential shelters serving single adults only shall be situated more than one thousand (1,000) feet from any other temporary residential shelter, measured from property line to property line, and no closer than five hundred (500) feet from a public park, a public or private K-12 school, churches, or single-family residential zones, measured from property line to property line. Programs may have multiple buildings on the same parcel.

(B) All other large temporary residential shelters must be situated more than one thousand (1,000) feet from any other temporary residential shelter, measured from property line to property line. Programs may have multiple buildings on a single parcel.

(C) Temporary residential shelters must either be located within one thousand (1,000) feet of a designated transit corridor or bus route, or shall provide transportation between the facility and transit lines to the satisfaction of the planning director.

ii. Development Standards. Large temporary residential shelters shall meet the following development standards:

(A) Parking. Off-street parking shall be provided in the ratio of one space for every five adult beds, plus an additional space designated exclusively for the manager. All parking is required to be off-street and on-site.

(B) Hours of Operation. Facilities shall establish and maintain set hours for client intake/discharge. These hours shall be posted.

(C) On-Site Personnel. On-site personnel shall be provided during hours of operation when clients are present. The manager's area shall be located near the entry to the facility.

(D) Lighting. Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.

(E) Telephones. Facilities shall provide telephone(s) for use by clients.

(F) Personal Property. Facilities shall provide secure areas for personal property.

(G) Waiting Area. If intake of clients is to occur onsite, enclosed or screened waiting area must be provided on the property to prevent queuing in the public right-of-way. For purposes of this condition, two hundred (200) square feet shall be deemed to constitute adequate waiting space unless the director determines that additional waiting space is required to meet the needs of the anticipated client load, in which case the higher figure shall apply.

(H) Common Space. Interior and/or exterior common or recreational space for residents to congregate shall be provided on the property at a ratio of not less than fifteen (15) square feet per occupant. Common space must be counted separately from the waiting area.

LL. Subsection a of footnote 79 of Section 17.24.050 is amended to read as follows:

a. Planning and Design Commission Special Permit Required. Except as provided in subsection (c) of this section, this use is permitted subject to the approval of a special permit by the planning and design commission in accordance with the requirements of Chapter 17.212 and compliance with the development standards in subsection (b) of this section. In granting a special permit for this use, and in addition to the findings required by Chapter 17.212, the planning and design commission shall find the following:

i. That the proposed project is consistent with the commercial corridor design principles adopted pursuant to Section 17.132.180 and as they may be amended from time to time. If the project is also subject to design guidelines established for a design review district, special planning district, overlay zone, or PUD, the commercial corridor design principles shall be applied in addition to the design guidelines. The design guidelines shall take precedence over the commercial corridor design principles in case of conflict;

ii. That the proposed project is compatible with the goals, policies and recommendations contained in all applicable land use plans, urban design plans and other documents that address development in the commercial area in which the project is located; and

iii. That the proposed project complies with the development standards in subsection (b) of this section.

MM. Subsection c of footnote 80 of Section 17.24.050 is amended to read as follows:

c. Planning and Design Commission Special Permit Required. A planning and design commission special permit is required for the construction of a new building or structure for which an application for a building permit is filed on or after September 28, 2004 or, if the use does not involve a building or structure, the use is established on or after September 28, 2004, and the building or use is to be located on a par cel any portion of which is within a quarter-mile radius of a light rail station. A special permit shall not be required

under this footnote if the use is located in a building or structure for which an application for a building permit for initial construction was filed before September 28, 2004 or, if the use does not involve a building or structure, the use was established before September 28, 2004, or the building or use is not located on a parcel any portion of which is within a quarter-mile radius of a light rail station.

In granting the special permit and in addition to the findings required by Chapter 17.212, the planning and design commission shall find the following:

i. The site design does not hinder pedestrian or bicycle access to the light rail station;

ii. The design of commercial development conforms to the commercial corridor design principles adopted pursuant to Section 17.132.180 and as they may be amended from time to time; provided, that if the project is also sub-ject to design guidelines established for a design review district, special planning district, overlay zone, or PUD, the commercial corridor design principles shall be applied in addition to the design guidelines, and the design guidelines shall take precedence over the commercial corridor design principles in case of conflict;

iii. The use and building do not preclude the future development of transit supportive development.

NN. Subsection e of footnote 80 of Section 17.24.050 is amended to read as follows:

e. Development Standards. The planning and design commission or planning director shall consider and apply, to the extent feasible and practical in furtherance of the purpose of this subsection, the following development standards during its special permit review or plan review under this subsection; provided, that if the project is also subject to design guidelines established for a design review district, special planning district, overlay zone, or PUD, these development standards shall be applied in addition to the design guidelines, and the design guidelines shall take precedence over these development standards in case of conflict:

i. The development should provide pedestrian amenities such as awnings, canopies, benches, and landscaping;

ii. The use should provide commuter amenities for employees such as lockers, showers, and/or transit pass subsidies;

iii. The ground level of the building should avoid areas of blank walls that are viewable from the street;

iv. The site design should provide continuous, direct, convenient transit and pedestrian linkages, including walkways between principal entrances of buildings and adjacent lots;

v. Parking should be located in the back or side of the building and not in front of the building, unless the property has site constraints that make parking in the front appropriate;

vi. Parking facilities should be readily accessible by pedestrian pathways and sidewalks;

vii. The building's primary entrance should have direct access to public streets and sidewalks.

OO. Subsection a of footnote 81 of Section 17.24.050 is amended to read as follows:

a. A planning and design commission special permit shall be required to establish a superstore in this zone. The requirement for a special permit shall apply to proposals to construct a new building or structure for a superstore, and it shall also apply to proposals to utilize an existing building or structure for a superstore.

PP. Subsection d of footnote 81 of Section 17.24.050 is amended to read as follows:

d. The EIA shall be considered by the planning and design commission at the time of consideration of the special permit application.

QQ. Footnote 82 of Section 17.24.050 is amended to read as follows:

82. Fuel Storage Yards. Fuel storage yards are permitted in this zone, subject to the following limitations and requirements:

a. No fuel storage yard shall be established or located within one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone or residential use.

b. A planning and design commission special permit issued pursuant to and subject to the findings required by Chapter 17.212 is required to establish a fuel storage yard that meets all of the following criteria:

i. The fuel storage yard will be located on a parcel that is greater than two acres in size;

ii. The parcel would contain one or more tanks of five hundred (500) gallon or greater capacity containing liquefied or compressed flammable or combustible gases;

iii. Liquefied or compressed flammable or combustible gases are generated or manufactured on the site; and

iv. Liquefied or compressed flammable or combustible gases are distributed in containers with a capacity of greater than twenty (20) gallons.

RR. Subsection d of Footnote 84 of Section 17.24.050 is amended to read as follows:

d. Operational Considerations. The application for a special permit for a check cashing center shall include a security plan, sign program, lighting plan, and good neighbor policy. In its review of the special permit, the planning and design commission shall consider the proposed security plan, sign program, lighting plan, and good neighbor policy and, if it determines to approve the special permit, shall impose conditions as it finds necessary or appropriate to ensure that the check cashing center is operated in a manner that will not be detrimental to the public health, safety or welfare, or result in the creation of a nuisance.

SS. Subsection c of footnote 85 of Section 17.24.050 is amended to read as follows:

c. Special Permit Required.

i. Except as provided in subsection (c)(ii) of this section, a planning and design commission special permit is required to establish or operate a medical marijuana dispensary in this zone.

ii. A zoning administrator's special permit is required to establish or operate a medical marijuana dispensary located in the C-4, M-1, M-1(S), M-2, and M-2(S) zones if all of the location requirements set forth below are satisfied.

TT. Subsection f of footnote 85 of Section 17.24.050 is amended to read as follows:

f. The zoning administrator or planning and design commission may address development and operational standards through conditions on the special permit as it determines to be necessary or appropriate for the medical marijuana dispensary special permit under consideration; provided, that conditions shall not conflict with the provisions of Chapter 5.150 relating to operating requirements of medical marijuana dispensaries and shall be subordinate to conditions placed on the medical marijuana program permit issued under Chapter 5.150.

UU. Subsection *i* of footnote 85 of Section 17.24.050 is amended to read as follows:

i. Findings. In granting a special permit for a medical marijuana dispensary, and in addition to the findings required by Chapter 17.212, the planning and design commission or zoning administrator shall find the following:

i. The medical marijuana dispensary has not generated an excessive number of calls for police service compared to similarly situated businesses of the same size as the dispensary.

ii. The medical marijuana dispensary has not caused secondary criminal or public nuisance impacts in the surrounding area or neighborhood, including, but not limited to, disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, littering, loitering, illegal parking, loud noises, or lewd conduct.

iii. The proposed location, size, and other development standards of the medical marijuana dispensary are consistent with state law and this code.

VV. Subsection m.ii.(A) of footnote 85 of Section 17.24.050 is amended to read as follows:

(A) A planning and design commission special permit shall be required for a registered medical marijuana dispensary under this subsection.

WW. Except as amended in subsections A through VV above, section 17.24.050 remains unchanged and in full force and effect.

SECTION 8

Section 17.36.020 of the Sacramento City Code is amended to read as follows:

17.36.020 Procedures—Special permit required.

The MRD zone classification shall be utilized in connection with a planned unit development designation established in accordance with the provisions of Chapter 17.180 of this title, and shall be adopted or removed in accordance with the provisions pertaining to rezoning set forth in Chapter 17.208 of this title. A special permit shall be required for each use in this zone, except that the uses defined in Section 17.36.020(A) and (B) of this chapter shall be required instead to obtain an approved plan review from the planning and design commission in accordance with Chapter 17.220 of this title.

SECTION 9

Section 17.44.050 of the Sacramento City Code is amended to read as follows:

17.44.050 Rezoning—Notice.

Notwithstanding the provisions of Chapter 17.200 of this title to the contrary, notice of the hearing before the planning and design commission for rezoning any property to the TC zone shall be given by: (1) publication in the official newspaper of the city at least ten (10) days prior to the date of the hearing; and (2) personal delivery in writing or by mail, postage prepaid, to the public agency owning and/or operating the transportation facility.

SECTION 10

A. Subsection A of section 17.48.030 of the Sacramento City Code is amended to read as follows:

A. Only the following special uses may be located in the following open space zones, subject to the granting of a special permit by the planning and design commission:

1. A and AOS Zones.

— Accessory dwellings for persons employed for agricultural purposes on the subject property

— Amusement centers—Outdoor

— Animal kennels and hospitals

— Animal or poultry slaughtering or processing facilities

— Antennas/communication towers

— Cemetery

— Church

— Community center

— Drive-in theater

— Golf course or driving range

— Livestock feed or sales yards

— Mineral extraction operations

— Public utilities or facilities

— Reclamation operations

— Recreation facilities

— Riding stables

— School (K—12)

— Social club

— Stands for sale of agricultural products

— Solid waste landfill

— Solid waste transfer station

— Wells, gas or oil exploration

2. F Zone.

— Amusement centers—Outdoor

— Boat docks—Private

— Golf course and driving range

— Marinas

— Mineral extraction operations

— Public utility transmission facilities

— Recreation facilities—Outdoor

— Restaurant facilities (subject to provisions in Sections 17.48.050 and 17.48.060 of this chapter)

— Other uses (subject to provisions in Sections 17.48.050 and 17.48.060 of this chapter)

B. Except as specifically amended in subsection A, section 17.48.030 remains unchanged and in full force and effect.

SECTION 11

Section 17.48.060 of the Sacramento City Code is amended to read as follows:

17.48.060 Special developments in the flood zone.

Notwithstanding other provisions of this title to the contrary, the planning and design commission may grant a special permit for any use or combination of uses within the flood zone along the Sacramento River if the commission finds that the design, location and nature of the uses are such that:

A. Development will enhance the appearance and public use of the river, and is consistent with adopted specific plans;

B. Development will not have an adverse effect on any natural resources;

C. Development will not have an adverse effect on the use of adjacent property;

D. Development will have direct access to a major or collector street;

E. Development is fully served by all necessary utility services;

F. Adequate off-street parking is provided on the landward side of the levee;

G. Development is consistent with the purposes of the flood zone, the open space element of the general plan, the Sacramento River parkway plan, and adopted specific plans;

H. Development conforms to the provisions of Section 17.48.050 of this chapter.

SECTION 12

A. Subsection C of section 17.52.040 of the Sacramento City Code is amended to read as follows:

C. Not withstanding subsection A of this section planning and design commission may issue a special permit for the removal of trees and other natural features which exceed six feet in height when it finds:

1. That such removal is necessary for agricultural soil treatment and management;

2. That the property owner will otherwise be deprived of reasonable agricultural use of his or her property; and

3. That such removal will not contribute to erosion and siltation within the floodplain.

B. Except as specifically amended in subsection C, section 17.52.040 remains unchanged and in full force and effect.

SECTION 13

Section 17.60.030 of the Sacramento City Code is amended as follows:

A. Footnote 5 of Section 17.60.030 is amended to read as follows:

5. Minimum yard requirements, maximum lot coverage and minimum lot area per dwelling unit in the R-1A zone shall be the same as that specified in the R-1 zone, provided, however, the planning and design commission may vary said provisions in their review and determination of the required special permit. In no case, however, shall the density of a project in the R-1A zone exceed fifteen (15) dwelling units per net acre.

B. Subsection c of footnote 6 of Section 17.60.030 is amended to read as follows:

c. The planning and design commission may approve a special permit to exceed the lot coverage for high density developments which are developed with subterranean or podium parking, provided that the commission finds that adequate on-site common open space at a ratio of one hundred (100) square feet per unit not to exceed five thousand (5,000) square feet is provided.

C. Subsection c of footnote 17 of Section 17.60.030 is amended to read as follows:

c. The planning and design commission has the authority to issue a special permit to allow an increase in the maximum height limit subject to the requirements of and in accordance with Chapter 17.212.

D. Subsection a.ii.(B) of footnote 18 of section 17.60.030 is amended to read as follows:

(B) Rule for Retail Buildings. A zoning administrator's special permit shall be required for any building or portion of building devoted to retail stores to be constructed or expanded to exceed forty thousand (40,000) square feet of gross floor area per parcel, except that a zoning administrator's special permit shall not be required for any building for which the downtown and regional enterprise department has entered into a contract with the developer whose contract governs the requirements for development of the building and the parcel or parcels upon which it is located.

The zoning administrator shall review the plans and information so submitted for the special permit request and, pursuant to Chapter 17.212 of this title, may grant the zoning administrator's special permit. The zoning administrator may, at his or her discretion, schedule for hearing by the planning and design commission under the special permit proceedings of Chapter 17.212 of this title, any such request for a zoning administrator's special permit.

E. Footnote 24 of Section 17.60.030 is amended to read as follows:

24. Maximum Height in the RMX Zone. Building heights in the RMX zone outside the central city shall not exceed thirty-five (35) feet; however, the planning and design commission shall have the authority to issue a special permit for a residential or residential mixed-use building up to forty-five (45) feet in height. Refer to the RMX zone, Chapter 17.28 of this title.

F. Subsection b of footnote 31 of section 17.60.030 is amended to read as follows:

b. The planning and design commission may approve a reduction in the minimum lot area per dwelling unit to not less than two hundred ninety (290) square feet (for a maximum density of one hundred fifty (150) dwelling units per net acre) by approval of a special permit under Chapter 17.212. In approving the special permit, and in addition to the findings required by Chapter 17.212, the planning and design commission shall find that there will be adequate public infrastructure in place to support the increase in density at the time of occupancy of the development.

G. Except as amended in subsections A through F, section 17.60.030 remains unchanged and in full force and effect.

SECTION 14

Section 17.64.030 of the Sacramento City code is amended as follows:

A. Subsection B of section 17.64.030 is amended to read as follows:

B. Facility Shall Function. No off-street parking facility shall be approved which, in the judgment of the planning and design commission cannot properly function due to the site, building obstruction, or restricted access and turning radius, or which requires excessive maneuvering.

B. Subsection F.2 of section 17.64.030 is amended to read as follows:

2. Multi-Family Residential and Nonresidential Uses. The following dimensions shall apply to multi-family residential (three or more dwelling units on a parcel) and nonresidential development.

a. Standard Car Spaces—Minimum Dimension. Except as otherwise provided herein, with respect to compact car spaces, all off-street vehicle parking spaces, excluding handicapped spaces, shall meet the following minimum dimensions.

Type	Stall Width	Stall Depth	Maneuvering Width
90 degree	8 feet	18 feet	26 feet
60 degree	8 feet	20 feet	20 feet
45 degree	8 feet	19 feet	14 feet
30 degree	8 feet	16 feet	12 feet
Parallel	9 feet	24 feet	12 feet
Other	To be determined by the planning and design commission		

b. Compact Car Spaces—Minimum Dimensions. Up to forty (40) percent of all required and nonrequired vehicle parking spaces, excluding handicapped spaces, may be sized for compact cars. Compact car spaces shall meet the following minimum dimensions and each space shall be clearly marked "COMPACT CARS":

Type	Stall Width	Stall Depth	Maneuvering Width
90 degree	7.5 feet	16 feet	25 feet
60 degree	7.5 feet	18 feet	19 feet

Type	Stall Width	Stall Depth	Maneuvering Width
45 degree	7.5 feet	17 feet	13 feet
30 degree	7.5 feet	14 feet	12 feet
Other	To be determined by the planning and design commission		

c. Vehicle Overhang. Two feet of vehicle overhang into any planter area is allowed provided the planter is a minimum of six feet wide, excluding curbs. Vehicle overhang is not allowed into required front or street side setback areas.

C. Except as specifically amended in subsections B, and F.2, section 17.64.030 remains unchanged and in full force and effect.

SECTION 15

A. Subsection A of section 17.64.070 of the Sacramento City Code is amended to read as follows:

A. Stand-alone parking facilities that are not temporary surface parking lots are permitted in the zones indicated in Section 17.24.030 subject to approval of a planning and design commission special permit. In considering a special permit for a stand-alone parking facility under this subsection, the planning and design commission shall consider the potential impact that the additional parking spaces might have on commute patterns and the use of single-occupancy vehicles.

B. Except as specifically amended in subsection A, section 17.64.070 remains unchanged and in full force and effect.

SECTION 16

A. Subsection B of section 17.84.020 of the Sacramento City Code is amended to read as follows:

B. The lot meets the size standards set forth in subsection (B)(1) of this section or the planning and design commission has determined pursuant to subsection (B)(2) of this section that the size standards may be exceeded:

1. For lots zoned R-1 and R-2, the lot shall be no more than five acres. For lots zoned R-1A through R-5 (except for R-2) the lot shall be no more than two acres.

2. The planning and design commission may grant a special permit pursuant to Chapter 17.212 of this title to exceed the size standards in subsection (B)(1) of this section.

3. The lot has city sewer, water and drainage services or is within a proposed or existing assessment district for such services. Such services must be capable of serving the proposed development.

B. Except as specifically amended in subsection B, section 17.84.020 remains unchanged and in full force and effect.

SECTION 17

Section 17.92.010 of the Sacramento City Code is amended to read as follows:

17.92.010 Purpose.

The purpose of this section is to establish procedures whereby, the city planning and design commission and city council may initiate proceedings to regulate properties under multiple ownership, designated in redevelopment, community, or general plans, that are in need of general physical and economic improvement, or have special environmental features that land use, zoning and other regulations cannot adequately address. For such areas to achieve their fullest potential, it may be desirable to provide for a range or mixture of uses that would not otherwise be permitted with standard zoning designations.

It is the intent of this section, therefore, to promote the utilization of selected areas of a community by:

A. Providing flexibility to stimulate new development in existing neighborhoods that are experiencing obsolescence or decline;

B. Providing incentives for private development that would not otherwise be possible through a strict interpretation of development standards. No departure, however, would be allowed from minimum health and safety regulations;

C. Providing mechanisms for preserving and enhancing unique environmental features, wildlife habitat, or other considerations located on the property;

D. Encouraging coordinated development of properties through a unified development theme consistent with the goals and criteria established for the individual special planning district (SPD).

SECTION 18

Section 17.92.030 of the Sacramento City Code is amended to read as follows:

17.92.030 Application and amendment of SPD zoning designation.

The SPD designation shall be adopted, amended, or removed in accordance with the provisions for rezoning as set forth in Chapter 17.208 of this title; except that only the city planning and design commission or city council may initiate the proceedings.

SECTION 19

Section 17.94.030 of the Sacramento City Code is amended as follows:

A. Subsection D of section 17.94.030 is amended to read as follows:

D. Uses Requiring a Planning and Design Commission Special Permit:

1. General. Provided that the use is allowed in the underlying zone pursuant to Chapter 17.24 of this title, the following uses are permitted in the Broadway/Stockton SPD subject to the issuance of a planning and design commission special permit:

a. Auto rental;

b. Auto service and repair;

c. Card room;

d. Dance hall;

e. Drive-through service facility in restaurants;

f. Equipment rental/sales yard;

g. Secondhand store;

h. Liquor store exceeding fifteen thousand (15,000) square feet of gross floor area;

i. Lodging Facilities. Bed and breakfast inn, dormitory, hotel, motel, residential hotel, rooming and boarding house;

j. Mini-storage/locker building;

k. Pawn shop.

B. Subsection E of section of 17.94.030 is amended to read as follows:

E. Sale of Alcoholic Beverages for Off-Premises Consumption. The sale of alcoholic beverages for off-premises consumption within the Broadway/Stockton SPD whether permitted by right or by approval of a planning and design commission special permit, shall be subject to the following minimum operational restrictions:

1. Retail Establishments, Food, Grocery, Deli and Convenience Markets.

a. Distilled spirits shall not be sold in quantities of less than one pint.

b. Beer shall not be sold in quantities of less than one six-pack.

c. Wine shall not be sold in quantities of less than seven hundred fifty (750) milliliters.

d. Wine coolers shall not be sold in quantities of less than factory packs of four.

2. Restaurants/Bars.

a. Alcoholic beverages (beer, wine, distilled spirits, etc.) shall not be sold for off-premises consumption.

C. Except as specifically amended in subsections D and E, section 17.94.030 remains unchanged and in full force and effect.

SECTION 20

A. Subsection A of section 17.94.050 of the Sacramento City Code is amended to read as follows:

A. Design Review Required for All Construction Within the Broadway/Stockton SPD. Except as to those exemptions provided under Section 17.132.100(D)~~040(C)~~, all building permits for any new structure or building, or for the remodeling or alteration of the exterior of any structure or building shall be subject to the city's design review process and shall comply with all applicable design requirements in Chapter 17.132 of this title. In addition to the regulations set forth in Chapter 17.132, construction shall be consistent with the Broadway/Stockton urban design plan and shall also be consistent with the design guidelines set forth in this section.

B. Except as specifically amended in subsection A, section 17.94.050 of the Sacramento City Code remains unchanged and in full force and effect.

SECTION 21

Section 17.96.020 of the Sacramento City Code is amended to read as follows:

17.96.020 Urban design, architectural design and streetscape design guidelines—Procedure.

The CBD-SPD (C-3) zone design guidelines consisting of the 1987 Central Business District Framework Plan (urban design plan) and the 2009 Central City Core Design Guidelines regarding architectural design and streetscape design are adopted for the CBD-SPD zone. The planning and design commission, Sacramento housing and redevelopment commission, ~~design commission,~~ preservation commission, the design director, the preservation director, and the city and Sacramento housing and redevelopment agency staffs, shall use the aforementioned guidelines in the evaluation of development projects within the CBD-SPD (C-3) zone. The planning and design commission, preservation commission, ~~planning commission~~ and city council shall have the authority to waive individual guideline provisions for specific projects.

These waivers may occur where it is found on the basis of substantial evidence that such waiver is necessary or appropriate to accomplish the policies for downtown design more than would strict application of the guidelines. The planning and design commission may amend the urban design plan where such amendment will aid in the accomplishment of the policies for downtown design.

SECTION 22

Section 17.96.030 of the Sacramento City Code is amended to read as follows:

17.96.030 Development review process—"Fast track" procedure.

In order to implement the development strategy proposed in the urban design plan and channel well-designed development into the incentive zone, the following development review process will govern new projects proposed in the CBD-SPD. Projects proposed in the incentive zone (7th to 13th, I to L Streets) or on catalyst sites designated in the urban design plan shall be processed in one of two ways described below. Development proposed in the balance of the C-3 zone outside the incentive zone shall be administered under the standard project review process.

A. Fast Track Review. Developments determined by city staff to comply with the design guidelines below and the zoning ordinance may, at the applicant's request, be processed under the "fast track" procedure described in this section. The project design shall be reviewed by either the planning and design commission under Chapter 17.132 or preservation commission under Chapter 17.134, whichever is applicable, to identify design issues. The applicant will then resolve the identified design issues at the staff level under Section 17.132.120~~310~~(C) or 17.134.130~~320~~(C). Projects that receive approval under this subsection shall not be subject to any further review before the planning and design commission, the preservation commission, ~~the planning commission~~ or the city council regarding project design. Any special permits or variances will be processed through the zoning administrator's special permit or variance procedure. Projects approved under this subsection will also receive priority plan checking in the building permitting process in a manner determined by the building inspections division.

Projects that comply with the parking and transportation management plan (TMP) requirements of this title, mitigation measures specified in the master EIR, and the following design criteria specified in the architectural design guidelines shall be eligible for "fast track" processing:

1. Building massing and setbacks;

2. Building materials;

3. Building detailing;

4. Pedestrian amenities;

5. Landscaping;

6. Parking requirements and transportation management plan (TMP) requirements.

B. Material Changes. If the proposed development materially changes between the time of project design and zoning administrator approval and time of construction, the development shall be referred back to the planning and design commission or preservation commission for further review. Examples of "material change" include but are not limited to substitution of quality materials with lower quality materials; significant alterations to the massing, building form, setbacks, fenestration or building detailing, landscaping or pedestrian amenities; increase in square footage or height by more than ten (10) percent.

Projects determined by the design director or preservation director to be in noncompliance with the overall intent of the design guidelines as a result of design changes may also lose their "fast track" priority status related to the building plan check process.

C. Standard Project Review. That method of review otherwise specified by this title.

SECTION 23

A. Subsection B, of section 17.98.040 of the Sacramento City Code is amended to read as follows:

B. RMX Zone in the McClellan Heights and Parker Homes SPD. Except as specifically set forth in this subsection (B), the provisions of this title relating to height, yard, court, lot coverage/building size, and lot area per dwelling unit requirements for the RMX zone shall apply in the McClellan Heights and Parker Homes SPD.

1. The maximum density shall be as provided in Chapter 17.28; provided, that the planning and design commission shall have the authority to issue a special permit to allow an increase in the maximum density.

2. The height limit for buildings or portions of buildings located one hundred (100) feet or less from an R- or R1A- zoned lot is thirty-five (35) feet. The height limit for buildings or portions of buildings located more than 100 feet from an R- or R1A- zoned lot is forty-five (45) feet, except if the building has twenty-five (25) percent or more square feet of gross floor area in residential use, then the height limit shall be fifty-five (55) feet. The planning and design commission has the authority to issue a special permit to allow an increase in the maximum height limit.

3. Residential projects and the residential portion of mixed-use projects shall provide a minimum of fifty (50) square feet of usable private open space for each residential unit. The private open space shall be specifically designed for recreational or passive enjoyment of the outdoors and may be comprised of yards, decks, patios, or balconies. Private usable open space shall be directly accessible from the dwelling unit it serves.

B. Except as specifically amended in subsection B, section 17.98.040 remains unchanged and in full force and effect.

SECTION 24

A. Subsection A.2 of section 17.100.030 of the Sacramento City Code is amended to read as follows:

A. RMX Zone in the Northgate SPD.

2. On lots greater than three thousand two hundred (3,200) square feet in size, a commercial use allowed in the RMX zone may occupy up to one hundred (100) percent of the building square footage subject to approval of a planning and design commission special permit. In granting the special permit for commercial use under this subsection (A)(2) and in addition to the findings required by Chapter 17.212, the planning and design commission shall find the following:

a. The design of the proposed commercial or office development conforms to the commercial corridor design principles adopted under Section 17.132.180 as they may be amended from time to time. The commercial corridor design principles shall be applied in addition to the design guidelines applicable under Chapter 17.132, Design Review. In the event of a conflict, the design guidelines applicable under Chapter 17.132 shall take precedence over the commercial corridor design principles.

b. The proposed use supports the surrounding residential mixed-use development and the existing residential neighborhood.

B. Except as specifically amended in subsection A.2, section 17.100.030 remains unchanged and in full force and effect.

SECTION 25

A. Subsection A, of section 17.100.040 of the Sacramento City Code is amended to read as follows:

A. Height and Area Regulations. Except as specifically set forth in this section, the provisions of this title relating to height, yard, court, lot coverage/building size, and lot area per dwelling unit requirements for the RMX and C-2 zones shall apply in the Northgate SP.

1. Height—RMX Zone.

a. The height limit in the RMX zone for buildings or portions of buildings located more than one hundred (100) feet from an R-zoned lot is forty-five (45) feet, except if the building has twenty-five (25) percent or more square feet of gross floor area in residential use, the height limit is fifty-five (55) feet.

b. The height limit for buildings or portions of buildings located one hundred (100) feet or less from an R-zoned lot is thirty-five (35) feet.

c. The planning and design commission has the authority to issue a special permit to allow an increase in the maximum height limit.

2. Minimum Yard Requirements—RMX and C-2 Zones. The following yard requirements shall apply in the RMX and C-2 zone in the Northgate SPD:

a. The minimum front yard setback for lots fronting on Northgate Boulevard shall be four feet.

b. The minimum street side yard and interior side yard setback shall be four feet.

3. Density—RMX Zone. The maximum density in the RMX zone in the Northgate SPD shall be as provided in Section 17.60.020(12) and Chapter 17.28; provided, that the planning and design commission shall have the authority to issue a special permit to allow an increase in the maximum density.

B. Except as specifically amended in subsection A, section 17.100.040 remains unchanged and in full force and effect.

SECTION 26

A. Subsection A.2.b, of section 17.108.070 of the Sacramento City Code is amended to read as follows:

b. Commercial Uses.

i. Bed and breakfast inn, subject to a planning and design commission special permit;

ii. Hotel, subject to a planning and design commission special permit;

iii. Motel, subject to a planning and design commission special permit;

iv. Non-profit food preparation for off-site consumption and non-profit food storage and distribution facility, subject to a planning and design commission special permit;

v. Secondhand stores, subject to a planning and design commission special permit;

vi. Pawnshops, subject to a planning and design commission special permit;

vii. Somatic practitioner or somatic practitioner establishment, subject to a planning and design commission special permit.

B. Except as specifically amended in subsection A.2.b, section 17.108.070 remains unchanged and in full force and effect.

SECTION 27

Section 17.108.080 of the Sacramento City Code is amended as follows:

A. Subsection A.1.a, of section 17.108.080 of the Sacramento City Code is amended to read as follows:

a. Bed and breakfast inns are permitted, subject to a planning and design commission special permit.

B. Subsection A.2 is amended to read as follows:

2. Uses Subject to Special Restrictions and Requirements. If this title requires the approval of a special permit or other discretionary entitlement, or imposes other restrictions or requirements on the establishment of a particular use in the M-1 zone outside of the Del Paso Boulevard/Arden Way SPD, approval of the same discretionary entitlement and compliance with the same restrictions or requirements shall be required to establish the use in the M-1 zone within the Del Paso Boulevard/Arden Way SPD, except the following uses are permitted in the M-1 zone in the Del Paso Boulevard/Arden Way SPD, subject to the restrictions and requirements stated for each use:

a. Auto service and repair and rental, subject to Footnote 80 of Section 17.24.080 and, if not otherwise required, a planning and design commission special permit;

b. Hotel, subject to a planning and design commission special permit;

c. Motel, subject to a planning and design commission special permit;

d. Offices, subject to Footnote 35 of Section 17.24.050, except that office use of ten thousand (10,000) square feet or less of gross floor area or up to thirty-five (35) percent of the gross floor area of the building(s) per parcel, whichever is greater, is permitted as of right;

e. Non-profit food preparation for off-site consumption and non-profit food storage and distribution facility, subject to a planning and design commission special permit;

f. Secondhand stores, subject to Footnote 12 of Section 17.24.050, except that a planning and design commission special permit, rather than a zoning administrator special permit, shall be required;

g. Somatic practitioner or somatic practitioner establishment, subject to Footnote 67 of Section 17.24.050 and a planning and design commission special permit.

C. Except as specifically amended in subsection A.1.a, and A.2, section 17.108.080 remains unchanged and in full force and effect.

SECTION 28

Section 17.108.090 of the Sacramento City Code is amended to read as follows:

17.108.090 Modification of height, yard, and stepback standards.

Design review conducted at the director or commission level under Chapter 17.132 may address and modify the required height, yard, and stepback standards for any project, to achieve the intent and purposes of the North Sacramento Design Guidelines, to ensure adequate light and air and compatibility with surrounding land uses, to ensure that an adequate and appropriate street tree canopy is created and maintained, and to ensure an adequate and appropriate street wall is created and maintained. Where the design director or the planning and design commission has authority to modify the required height, yard, and stepback standards under this section for a project, ~~neither~~ the zoning administrator ~~nor the planning commission~~ shall not have authority to consider or grant special permits, variances, plan reviews, modifications of these entitlements, or any other entitlement to modify the height, yard, or stepback standards for the project.

SECTION 29

A. Subsection B of section 17.112.020 of the Sacramento City Code is amended to read as follows:

B. Notwithstanding the requirements set forth in subsection A of this section, the planning and design commission and the planning director shall have the authority to vary the minimum yard setback and the minimum lot area per dwelling unit requirements in the R-1A-SPD zone in approving a special permit under Section 17.112.050(A). The density of a project may not exceed the maximum density under Section 17.112.050(B) and Appendix A.

B. Except as specifically amended in subsection B, section 17.112.020 remains unchanged and in full force and effect.

SECTION 30

A. Subsection A of section 17.112.050 of the Sacramento City Code is amended to read as follows:

A. A planning director's special permit, rather than a planning and design commission special permit, shall be required for single-family detached residential development on property zoned R-1A-SPD. Single-family attached units, and halfplexes and duplexes on corner lots, shall be subject to a planning and design commission special permit.

B. Except as specifically amended in subsection A, section 17.112.050 remains unchanged and in full force and effect.

SECTION 31

A. Subsection B of section 17.116.030 of the Sacramento City Code is amended to read as follows:

B. Special Permits. For uses allowed in the M-2 zone that do not meet the performance standards in subsections (A)(1)(a) through (e) of this section, the following permits shall be required:

1. Special Permit—Zoning Administrator. The zoning administrator may approve a special permit for a use in the M-2 zone as long as that use will be conducted within an existing structure or structures in the district. The existing structure may be modified with tenant improvements, fencing, landscaping and parking only.

2. Special Permit—Planning and design Commission. The planning and design commission may approve a special permit for a use conditionally allowed in the M-2 zone or for a permitted use that requires the construction or expansion of buildings or structures above that allowed by subsection (A)(1)(e) of this section.

B. Except as specifically amended in subsection B, section 17.116.030 remains unchanged and in full force and effect.

SECTION 32

A. Subsection B of section 17.120.060 of the Sacramento City Code is amended to read as follows:

B. Development Standards. Except as provided below, development in the R-3A zone in the River District SPD shall be subject to the same development standards that govern development in the R-3A zone outside of the River District SPD.

1. Residential Density. The permitted density in the R-3A zone within the River District SPD shall be the same as the permitted density in the R-3A zone outside of the River District, except that a higher density may be approved upon the issuance of a planning and design commission special permit pursuant to and subject to the findings required by Chapter 17.212; provided, that the higher density is consistent with the applicable density range established by the city's general plan.

2. Height Standards. The height standards for the R-3A zone in the River District SPD are set out in Exhibit B at the end of this chapter. Requests to vary a height standard shall be heard and decided under Section 17.120.130 and shall not be subject to footnote (8) of Section 17.60.030.

3. Open Space Requirements.

a. Open space areas specifically designed for recreation or passive enjoyment of the outdoors are required for new residential development.

b. A minimum of eighty (80) square feet of usable common open space per residential unit is required. Usable common open space may include courtyard, garden, recreational, or similar common areas.

c. A minimum of fifty (50) square feet of usable private open space per residential unit is required. Usable private open space shall be designed for the exclusive use of the associated unit and may include decks, balconies, and patios. Private usable open space shall be directly accessible from the associated unit.

d. Open space requirements shall be satisfied on-site; provided that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the total required open space off-site. Required off-site open space shall be located in the River District SPD. In approving the special permit, the planning and design commission shall specify how the remaining open space to be provided on-site shall be allocated between usable common open space and usable private open space.

B. Except as specifically amended in subsection B, section 17.120.060 remains unchanged and in full force and effect.

SECTION 33

A. Subsection B of section 17.120.070 of the Sacramento City Code is amended to read as follows:

B. Development Standards. Except as provided below, development in the R-5 zone in the River District SPD shall be subject to the same development standards that govern development in the R-5 zone outside of the River District SPD.

1. Height Standards. The height standards for the R-5 zone in the River District SPD are set out in Exhibit B at the end of this chapter. Requests to vary a height standard shall be heard and decided under Section 17.120.130 and shall not be subject to footnote (8) of Section 17.60.030.

2. Open Space Requirements.

a. Office.

i. Open space shall be provided for new office development at a ratio of one square foot of open space for every fifteen (15) square feet of the total square footage of the development.

ii. Open space shall be in the form of courtyards or public plazas.

iii. Open space requirements shall be satisfied on-site; provided, that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the required open space off-site. Required off-site open space shall be located within the River District SPD.

b. Residential.

i. Open space areas specifically designed for recreation or passive enjoyment of the outdoors are required for new residential development.

ii. A minimum of eighty (80) square feet of usable common open space per residential unit is required. Usable common open space may include courtyard, garden, recreational, or similar common areas.

iii. A minimum of fifty (50) square feet of usable private open space per residential unit is required. Usable private open space shall be designed for the exclusive use of the associated unit and may include decks, balconies, and patios. Usable private open space shall be directly accessible from the associated unit.

iv. Open space requirements shall be satisfied on-site; provided, that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the total required open space off-site. Required off-site open space shall be located in the River District SPD. In approving the special permit, the planning and design commission shall specify how the remaining open space to be provided on-site shall be allocated between usable common open space and usable private open space.

3. Parking Requirements.

a. No off-street parking shall be required for retail, commercial service (including banks and beauty salons) athletic club/fitness center, or restaurant uses, if the use is a component of a residential project and does not exceed twenty (20) percent of the total building square footage for the project or nine thousand six hundred (9,600) square feet, whichever is less.

b. No off-street parking shall be required for restaurant outdoor seating located on private property.

B. Except as specifically amended in subsection B, section 17.120.070 remains unchanged and in full force and effect.

SECTION 34

A. Subsection B of section 17.120.080 of the Sacramento City Code is amended to read as follows:

B. Development Standards. Except as provided below, development in the RMX zone in the River District SPD shall be subject to the same development standards that govern development in the RMX zone outside of the River District SPD.

1. Building Size and Lot Coverage. Development in the RMX zone in the River District SPD shall not be subject to footnote (9) of Section 17.60.030. A planning and design commission special permit shall be required for any building to be constructed or expanded to exceed forty thousand (40,000) square feet of gross floor area. A zoning administrator's special

permit shall be required for nonresidential buildings to be constructed or expanded to exceed ten thousand (10,000) square feet up to and including forty thousand (40,000) square feet of gross floor area. Maximum lot coverage shall be seventy (70) percent.

2. Height Standards. The height standards for the RMX zone in the River District SPD are set out in Exhibit B at the end of this chapter. Requests to vary a height standard shall be heard and decided under Section 17.120.130 and shall not be subject to footnote (8) of Section 17.60.030.

3. Residential Density. The maximum residential density shall be one hundred (100) dwelling units per net acre. A higher density may be approved upon the issuance of a planning and design commission special permit pursuant to and subject to the findings required by Chapter 17.212 and consistent with the applicable density range established by the city's general plan.

4. Open Space Requirements.

a. Office.

i. Open space shall be provided for new office development at a ratio of one square foot of open space for every fifteen (15) square feet of the total square footage of the development.

ii. Open space shall be in the form of courtyards or public plazas.

iii. Open space requirements shall be satisfied on-site; provided that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the required open space off-site. Required off-site open space shall be located within the River District SPD.

b. Residential.

i. Open space areas specifically designed for recreation or passive enjoyment of the outdoors are required for new residential development.

ii. A minimum of eighty (80) square feet of usable common open space per residential unit is required. Usable common open space may include courtyard, garden, recreational, or similar areas.

iii. A minimum of fifty (50) square feet of usable private open space per residential unit is required. Usable private open space shall be designed for the exclusive use of the associated unit and may include decks, balconies, and patios. Private usable open space shall be directly accessible from the associated unit.

iv. Open space requirements shall be satisfied on-site; provided that the planning and design -commission may approve a special permit pursuant to and subject to the findings

required by Chapter 17.212 to allow not more than twenty (20) percent of the total required open space off-site. Required off-site open space shall be located in the River District SPD. In approving the special permit, the planning and design commission shall specify how the remaining open space to be provided on-site shall be allocated between usable common open space and usable private open space.

5. Parking Requirements.

a. No off-street parking shall be required for retail, commercial service (including banks and beauty salons), athletic club/fitness center, or restaurant uses if the use is a component of a residential project and does not exceed twenty (20) percent of the total building square footage for the project or nine thousand six hundred (9,600) square feet, whichever is less.

b. No off-street parking shall be required for restaurant outdoor seating located on private property.

B. Except as specifically amended in subsection B, section 17.20.080 remains unchanged and in full force and effect.

SECTION 35

A. Subsection B of section 17.120.090 of the Sacramento City Code is amended to read as follows:

B. Development Standards. Except as provided below, development in the OB zone in the River District SPD shall be subject to the same development standards that govern development in the OB zone outside of the River District SPD.

1. Residential Density. The maximum residential density shall be one hundred (100) dwelling units per net acre. A higher density may be approved upon the issuance of a planning and design commission special permit pursuant to and subject to the findings required by Chapter 17.212 and consistent with the applicable density range established by the city's General Plan.

2. Building Size and Lot Coverage. Development in the OB zone in the River District SPD shall not be subject to footnote (9) of Section 17.60.030. A planning and design commission special permit shall be required for any building to be constructed or expanded to exceed forty thousand (40,000) square feet of gross floor area. A zoning administrator's special permit shall be required for nonresidential buildings to be constructed or expanded to exceed ten thousand (10,000) square feet up to and including forty thousand (40,000) square feet of gross floor area. There is no maximum lot coverage standard.

3. Height and Setback Standards.

a. Front Setback. No minimum setback shall be required in the River District SPD area along Richards Boulevard except as required through the design review or preservation review under Chapters 17.132 and 17.134.

b. The height standards for the OB zone in the River District SPD are set out in Exhibit B at the end of this chapter. Requests to vary a height standard shall be heard and decided under Section 17.120.130 and shall not be subject to footnote (8) of Section 17.60.030.

4. Open Space Requirements.

a. Office.

i. Open space shall be provided for new office development at a ratio of one square foot of open space for every fifteen (15) square feet of the total square footage of the development.

ii. Open space shall be in the form of courtyards or public plazas.

iii. Open space requirements shall be satisfied on-site; provided, that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the required open space off-site. Required off-site open space shall be located within the River District SPD.

b. Residential.

i. Open space areas specifically designed for recreation or passive enjoyment of the outdoors are required for new residential development.

ii. A minimum of eighty (80) square feet of usable common open space per residential unit is required. Usable common open space may include courtyard, garden, recreational, or similar common areas.

iii. A minimum of fifty (50) square feet of usable private open space per residential unit is required. Usable private open space shall be designed for the exclusive use of the associated unit and may include decks, balconies, and patios. Usable private open space shall be directly accessible from the associated unit.

iv. Open space requirements shall be satisfied on-site; provided, that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the total required open space off-site. Required off-site open space shall be located in the River District SPD. In approving the special permit, the planning and design commission shall specify how the remaining open space to be provided on-site shall be allocated between usable common open space and usable private open space.

5. Parking Requirements.

a. No off-street vehicle parking shall be required for retail, commercial service (including banks and beauty salons), athletic club/fitness center, or restaurant uses if the use is a component of an office or residential project and does not exceed twenty (20) percent of the total building square footage for the project or nine thousand six hundred (9,600) square feet, whichever is less.

b. No off-street vehicle parking shall be required for restaurant outdoor seating located on private property.

6. Entrances. Development with frontage along Richards Boulevard shall provide an entrance facing the public street.

B. Except as specifically amended in subsection B, section 17.120.090 remains unchanged and in full force and effect.

SECTION 36

A. Subsection B of section 17.120.100 of the Sacramento City Code is amended to read as follows:

B. Development Standards. Except as provided below, development in the C-1 zone in the River District SPD shall be subject to the same development standards that govern development in the C-1 zone outside of the River District SPD.

1. Residential Density. The maximum residential density shall be twenty-nine (29) dwelling units per net acre. A higher density may be approved upon the issuance of a planning and design commission special permit pursuant to and subject to the findings required by Chapter 17.212 and consistent with the applicable density range established by the city's general plan.

2. Building Size. Development in the C-1 zone in the River District SPD shall not be subject to footnote (9) of Section 17.60.030. A planning and design commission special permit shall be required for any building to be constructed or expanded to exceed forty thousand (40,000) square feet of gross floor area. A zoning administrator's special permit shall be required for nonresidential buildings to be constructed or expanded to exceed ten thousand (10,000) square feet up to and including forty thousand (40,000) square feet of gross floor area. There is no maximum lot coverage standard.

3. Height Standards. The height standards for the C-1 zone in the River District SPD are set out in Exhibit B at the end of this chapter. Requests to vary a height standard shall be heard and decided under Section 17.120.130 and shall not be subject to footnote (8) of Section 17.60.030.

4. Open Space Requirements.

a. Office.

i. Open space shall be provided for new office development at a ratio of one square foot of open space for every fifteen (15) square feet of the total square footage of the development.

ii. Open space shall be in the form of courtyards or public plazas.

iii. Open space requirements shall be satisfied on-site; provided, that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the required open space off-site. Required off-site open space shall be located within the River District SPD.

b. Residential.

i. Open space areas specifically designed for recreation or passive enjoyment of the outdoors are required for new residential development.

ii. A minimum of eighty (80) square feet of usable common open space per residential unit is required. Usable common open space may include courtyard, garden, recreational, or similar common areas.

iii. A minimum of fifty (50) square feet of usable private open space per residential unit is required. Usable private open space shall be designed for the exclusive use of the associated unit and may include decks, balconies, and patios. Usable private open space shall be directly accessible from the associated unit.

iv. Open space requirements shall be satisfied on-site; provided, that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the total required open space off-site. Required off-site open space shall be located in the River District SPD. In approving the special permit, the planning and design commission shall specify how the remaining open space to be provided on-site shall be allocated between usable common open space and usable private open space.

5. Parking Requirements.

a. No off-street vehicle parking shall be required for retail, commercial service (including banks and beauty salons), athletic club/fitness center, or restaurant uses if the use does not exceed nine thousand six hundred (9,600) square feet.

b. No off-street vehicle parking shall be required for restaurant outdoor seating located on private property.

B. Except as specifically amended in subsection B, section 17.120.100 remains unchanged and in full force and effect.

SECTION 37

A. Subsection B of section 17.120.110 of the Sacramento City Code is amended to read as follows:

B. Development Standards. Except as provided below, development in the C-2 zone in the River District SOP shall be subject to the same development standards that govern development in the C-2 zone outside of the River District SPD.

1. Residential Density. The maximum residential density shall be one hundred (100) dwelling units per net acre. A higher density may be approved upon the issuance of a planning and design commission special permit pursuant to and subject to the findings required by Chapter 17.212 and consistent with the applicable density range established by the city's general plan.

2. Building Size. Development in the C-2 zone in the River District SPD shall not be subject to footnote (9) of Section 17.60.030. A planning and design -commission special permit shall be required for any building to be constructed or expanded to exceed forty thousand (40,000) square feet of gross floor area. A zoning administrator's special permit shall be required for nonresidential buildings to be constructed or expanded to exceed ten thousand (10,000) square feet up to and including forty thousand (40,000) square feet of gross floor area. There is no maximum lot coverage standard.

3. Height Standards. The height standards for the C-2 zone in the River District SPD are set out in Exhibit B at the end of this chapter. Requests to vary a height standard shall be heard and decided under Section 17.120.130 and shall not be subject to footnote (8) of Section 17.60.030.

4. Open Space Requirements.

a. Office.

i. Open space shall be provided for new office development at a ratio of one square foot of open space for every fifteen (15) square feet of the total square footage of the development.

ii. Open space shall be in the form of courtyards or public plazas.

iii. Open space requirements shall be satisfied on-site; provided, the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the required open space off-site. Required off-site open space shall be located within the River District SPD.

b. Residential.

i. Open space areas specifically designed for recreation or passive enjoyment of the outdoors are required for new residential development.

ii. A minimum of eighty (80) square feet of usable common open space per residential unit is required. Usable common open space may include courtyard, garden, recreational, or similar common areas.

iii. A minimum of fifty (50) square feet of usable private open space per residential unit is required. Usable private open space shall be designed for the exclusive use of the associated unit and may include decks, balconies, and patios. Usable private open space shall be directly accessible from the associated unit.

iv. Open space requirements shall be satisfied on-site; provided, that the planning and design -commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the total required open space off-site. Required off-site open space shall be located in the River District SPD. In approving the special permit, the planning and design commission shall specify how the remaining open space to be provided on-site shall be allocated between usable common open space and usable private open space.

5. Parking. No off-street vehicle parking shall be required for restaurant outdoor seating located on private property.

B. Except as specifically amended in subsection B, section 17.120.110 remains unchanged and in full force and effect.

SECTION 38

Section 17.120.120 of the Sacramento City Code is amended to read as follows:

17.120.120 Heavy commercial C-4 zone.

A. Allowed Uses.

1. Uses permitted in the C-4 zone under this title outside of the River District SPD shall be allowed in the C-4 zone within the River District SPD.

2. If this title requires the approval of a special permit or other discretionary entitlement, or imposes other restrictions or requirements on the establishment of a particular use in the C-4 zone outside of the River District SPD, approval of the same discretionary entitlement and compliance with the same restrictions or requirements shall be required to establish the use in the C-4 zone within the River District SPD, except the following uses are permitted in the C-4 zone within the River District SPD subject to the restrictions and requirements as stated for each use:

a. Apartments, subject to footnote (75), but not to footnote (13), of Section 17.24.050.

b. Medical marijuana dispensaries, subject to footnote (85) except that a planning and design commission special permit shall be required.

B. Development Standards. Except as provided below, development in the C-4 zone in the River District SPD shall be subject to the same development standards that govern development in the C-4 zone outside of the River District SPD.

1. Height Standards. The height standards for the C-4 zone in the River District SPD are set out in Exhibit B at the end of this chapter and shall not be subject to footnote (18) of Section 17.60.030.

2. Building Size. Except as provided below, development in the C-4 zone in the River District SPD shall not be subject to footnote (18) of Section 17.60.030. A planning and design commission special permit shall be required for any building to be constructed or expanded to exceed forty thousand (40,000) square feet of gross floor area. A zoning administrator's special permit shall be required for nonresidential buildings to be constructed or expanded to exceed ten thousand (10,000) square feet up to and including forty thousand (40,000) square feet of gross floor area. For nonresidential development, there is no maximum lot coverage standard. For residential and mixed residential and nonresidential development, the lot coverage and density standards in subsection (b)(ii) of footnote (18) of Section 17.60.030 shall apply.

3. Open Space Requirements.

a. Office.

i. Open space shall be provided for new office development at a ratio of one square foot of open space for every fifteen (15) square feet of the total square footage of the development.

ii. Open space shall be in the form of courtyards or public plazas.

iii. Open space requirements shall be satisfied on-site; provided, that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the required open space off-site. Required off-site open space shall be located within the River District SPD.

b. Residential.

i. Open space areas specifically designed for recreation or passive enjoyment of the outdoors are required for new residential development.

ii. A minimum of eighty (80) square feet of usable common open space per residential unit is required. Usable common open space may include courtyard, garden, recreational, or similar common areas.

iii. A minimum fifty (50) square feet of usable private open space per residential unit is required. Usable private open space shall be designed for the exclusive use of the associated

unit and may include decks, balconies, and patios. Usable private open space shall be directly accessible from the associated unit.

iv. Open space requirements shall be satisfied on-site; provided, that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the total required open space off-site. Required off-site open space shall be located in the River District SPD. In approving the special permit, the planning and design commission shall specify how the remaining open space to be provided on-site shall be allocated between usable common open space and usable private open space.

4. Parking Requirements.

a. No off-street vehicle parking shall be required for retail, commercial service (including banks and beauty salons), athletic club/fitness center, or restaurant uses if the use is a component of a residential project and does not exceed twenty (20) percent of the total building square footage for the project or 9,600 square feet, whichever is less.

b. No off-street vehicle parking shall be required for restaurant outdoor seating located on private property.

5. Outdoor Storage. All storage for appliance repair shops, cabinet shops, contractor's storage yards, building/landscape contractor shops, equipment rental and sales yards, furniture refinishing, lumber yards-retail, truck and tractor sales, service, and repair, and warehouse and distribution centers shall be inside an enclosed building or, if located outdoors, shall be completely screened from street views with landscaping and/or solid fencing.

SECTION 39

Section 17.120.130 of the Sacramento City Code is amended to read as follows:

17.120.130 Modification of height, yard, and stepback standards.

Design review or preservation review conducted at the director or commission level under Chapter 17.132 or 17.134 may address and modify the required height, yard, and stepback standards to achieve the intent and purposes of the River District Urban Design Guidelines, to ensure adequate light and air and compatibility with surrounding land uses, to ensure that an adequate and appropriate street tree canopy is created and maintained, and to mitigate visual impacts on listed historic resources. The director or commission may approve up to an additional fifty (50) feet of height for development on the west side of Interstate 5 if a public observation deck is incorporated into the building consistent with the River District Urban Design Guidelines. Where the design director ~~or~~ planning and design commission, or preservation commission has authority to modify the required height, yard, and stepback standards under this section, ~~neither~~ the zoning administrator ~~nor the planning commission~~ shall not have authority to consider or grant special permits, variances, plan reviews, modifications of these entitlements, or any other entitlement to modify the height, yard, or stepback standards for a development.

SECTION 40

A. Subsection A.3 of section 17.124.070 of the Sacramento City Code is amended to read as follows:

3. Upon receipt of a request for pre-application review and comment accompanied by all required initial concept drawings, the planning director shall schedule the request for a public hearing at the earliest convenient date. The public hearing shall be conducted by the planning and design commission or, if the project location is within the Central Shops historic district or is within the transition zone as described in Section 17.124.060(C) and Appendix D, by the preservation commission. Notice of the hearing shall be given by posting and mail pursuant to Sections 17.200.010(C)(2)(b) and (c), except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to all of the owners of real property located within the Sacramento railyards SPD and within five hundred (500) feet of the boundary of the Sacramento railyards SPD.

B. Except as specifically amended in subsection A.3, section 17.124.070 remains unchanged and in full force and effect.

SECTION 41

Section 17.128.040 of the Sacramento City Code is amended to read as follows:

17.128.040 Nonconforming use regulations.

A. General. Except as provided below, the nonconforming use regulations set forth in Chapter 17.88 of this title shall apply to the nonconforming uses, and to the use of nonconforming buildings, structures and lots, within the R Street corridor special planning district.

B. Restoration of Damaged or Destroyed Buildings. Subject to the restrictions set forth below, and notwithstanding the provisions of Section 17.88.030 of this title, a nonconforming building or structure, or any portion thereof, or a building or structure lawfully used for a nonconforming use, which is damaged or destroyed, either partially or completely, by fire, flood, wind, earthquake or other calamity or by the public enemy may be restored and the occupation or use of that building, structure or part thereof, which lawfully existed at the time of damage or destruction, may be rebuilt, restored or replaced, and devoted to the same use or uses that were in use prior to the damage or destruction. The restoration or replacement shall be commenced within a period of three years following the date of damage or destruction and shall be diligently prosecuted to completion, provided that, pursuant to subsection (B)(3) of this section, the planning and design commission may extend this period by a maximum of two years, for a total of five years. Commencement shall be deemed to occur when a building permit is obtained and construction thereunder physically commences. Any reconstruction or restoration shall be in accordance with the regulations of the building code existing at the time of reconstruction or restoration.

1. Same Level of Development. The right to rebuild, restore or replace shall be limited to rebuilding or replacing the building or structure with a building or structure that is of the same size as the original building or structure. Nothing in this provision shall prevent a property owner from rebuilding or replacing a damaged or destroyed building or structure with a building or structure which differs in terms of height, lot coverage, design or other feature but which has the same or less square footage than the original building or structure; and provided further that if the footprint of the building is changed from the footprint that existed prior to the event causing the damage or destruction, it shall comply with the development standards for new development in the R Street SPD, including but not limited to set back and lot coverage requirements.

2. Design Review. The reconstruction, restoration or replacement of a building or structure pursuant to this provision shall be subject to design review pursuant to Chapter 17.132 of this title.

3. Extension of Time for Restoration of Damaged or Destroyed Buildings. Upon showing of good cause, and upon a determination that the applicant has made reasonable and diligent efforts to restore the damaged or destroyed building, the planning and design commission may grant one extension of time for a maximum of two years of the time specified above for the restoration of a damaged or destroyed building. An application for extension of the time period in which a nonconforming use may be restored must be filed not less than thirty (30) days prior to expiration of the time period. An application for extension of time pursuant to this provision shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning and design commission special permit.

C. Discontinuance of Nonconforming Uses. Notwithstanding the provisions of Section 17.88.030 of this title, a nonconforming use of a lot, building or structure, or portion thereof, in the R Street corridor SPD may be restored and resumed if the period of vacancy and non-occupancy does not exceed three continuous years; provided that pursuant to subsection (C)(1) of this section, the planning and design commission may extend this period by a maximum of four additional years, for a total of seven years. If the lot, building or structure becomes vacant and remains unoccupied for a continuous period of more than three years or, if the planning and design commission has extended the time period pursuant to subsection (C)(1) of this section, such longer period as approved, the lot building or structure shall not be thereafter occupied except by a use which conforms to the use regulations of the zone in which it is located.

1. Extension of Time for Restoration of Nonconforming Use. Upon a showing of good cause and upon a determination that the applicant has made reasonable and diligent efforts to restore the nonconforming use, the planning and design commission may grant two extensions of time of not more than two years each, for a maximum of four years, of the time specified above for restoration of a nonconforming use. An application for extension of the time period in which a nonconforming use may be restored must be filed not less than thirty (30) days prior to expiration of the time period. An application for extension of time pursuant to this provision shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning and design commission special permit.

D. Approved Projects and Applications for Reuse of Existing Buildings Pending as of Effective Date of Special Planning District Regulations. Development projects for which a special permit was approved prior to the effective date of this chapter and applications for discretionary entitlements to reuse an existing building which were pending on the effective date of this chapter shall be subject to the following provisions:

1. Establishment of Development Projects for Which Special Permit Approved Prior to Effective Date. Notwithstanding any other provision of this title, the building code, or other city laws or regulations, and notwithstanding that the project may involve a use otherwise prohibited in the R Street corridor, development projects in the R Street corridor which required and received approval of a special permit under the zoning ordinance as it existed prior to the effective date of this chapter and which was valid and had not expired as of the effective date of this chapter may be established in the manner and within the time periods specified in Section 17.212.100 of this title. The time period specified in Section 17.212.100 of this title may be extended in the manner specified in Section 17.212.100(F) of this title.

2. Applications Pending on January 1, 1996. Notwithstanding any other provisions of this title to the contrary, and notwithstanding that the application may involve a use otherwise prohibited in the R Street corridor pursuant to the provisions of this chapter, applications for discretionary entitlements required by the zoning ordinance as it existed prior to the effective date of this chapter to reuse an existing building in the R Street corridor which were complete and pending on January 1, 1996 shall be processed and may be approved pursuant to the provisions of this title as it existed prior to the effective date of this chapter.

E. Allowed Expansion of Nonconforming Use. Notwithstanding the provisions of Section 17.88.030 of this title, a nonconforming use within an existing building may be expanded to occupy up to an additional twenty-five (25) percent of its gross square footage within the building upon approval of a zoning administrator special permit pursuant to and subject to the findings required by Chapter 17.212.

SECTION 42

A. Subsection C of section 17.134.090 of the Sacramento City Code is amended to read as follows:

C. Evaluate and submit comments and recommendations on proposed plans, public and private development projects, and environmental reviews that are not subject to review under this chapter but that may potentially affect the physical development and historic preservation of the city involving landmarks, contributing resources, historic districts, nominated resources, or the historical value of any other building, structure or neighborhood, in coordination with review and action by the city council, planning and design commission, or other public agencies on the plan, project or environmental review;

B. Except as specifically amended in subsection C, section 17.134.090 remains unchanged and in full force and effect.

SECTION 43

A. Subsection C of section 17.134.120 of the Sacramento City Code is amended to read as follows:

C. Advise the city council, the planning and design commission, the preservation commission, ~~the design commission,~~ the housing code advisory and appeals board, other advisory boards and commissions of the city, and city staff on historic preservation issues, including rehabilitation standards and historic resources surveys performed in conjunction with adoption of new or amendments to existing community plans, specific plans, this code, public and private development projects, and other discretionary actions;

B. Except as specifically amended in subsection C, section 17.134.120 remains unchanged and in full force and effect.

SECTION 44

Section 17.140.030 of the Sacramento City Code is amended to read as follows:

17.140.030 Special permit required.

Notwithstanding any provision of Chapter 17.24 of this title to the contrary, a special permit shall be required in order to establish any use within the I-5 zone which is not a permitted use in the A zone. Within the I-5 zone, the planning and design commission may issue a special permit for any use which is permitted in the underlying zone if it finds that the standards and criteria of Chapter 17.212 of this title are met, and that the proposed development satisfactorily mitigates or avoids any adverse impact of air pollution, noise pollution or aesthetics related to the I-5 freeway.

SECTION 45

Section 17.144.060 of the Sacramento City Code is amended as follows:

A. Footnote 15 to section 17.144.060 is amended to read as follows:

[15] Use permitted subject to issuance of a special permit pursuant to Title 17 and the provisions of this section. The planning and design commission may approve or conditionally approve the special permit if it finds that the use, when evaluated in context with existing uses or structures located on the same parcel, will not cause a safety or noise problem either for aircraft using the executive airport or persons using the facility where the proposed use is located and will not result in any of the following: (1) aboveground storage of flammable or explosive material; and (2) structural lot coverage greater than twenty (20) percent if a new building or expansion of an existing structure is proposed as part of the use application.

B Except as specifically amended in footnote 15, section 17.144.060 remains unchanged and in full force and effect.

SECTION 46

Section 17.144.070 of the Sacramento City Code is amended to read as follows:

17.144.070 Discretionary permitted approach-departure zones 1 and 2 (EA-2 and EA-3) uses.

A. The owner of an existing multi-tenant complex on property located within the approach-departure zones 1 and 2 (EA-2 and EA-3) may submit a written application to the zoning administrator, requesting permission to establish or modify a land use which is identified in Attachment 2 as a "Conditional Use," and is not prohibited by any other provision in this title or city code.

B. The application shall include:

1. A processing fee in the amount established in a resolution adopted by the city council; and

2. Evidence that the proposed or modified use satisfies the finding mandated in subsection (C)(2) of this section; and

3. Other information as may be requested by the zoning administrator.

C. Not more than thirty (30) days after receipt of a complete application, the zoning administrator shall either:

1. Notify the applicant in writing that he or she has determined that the use should not be permitted, and a brief statement of the reasons for such determination; or

2. Without holding a hearing, approve or conditionally approve the use if the director finds that the use will not result in any of the following:

a. Aboveground storage of flammable or explosive material, or

b. Any structure which exceeds FAA height restrictions; or

3. Schedule the matter for a planning and design commission public hearing. The hearing shall be noticed and fees shall be charged in the same manner as for the special permit. The commission shall approve or conditionally approve the use if it finds that the use will not result in any of the facts specified in subsection (C)(2) of this section.

D. In accordance with the procedures specified in Chapter 17.200, any person may appeal to the planning and design commission a decision of the zoning administrator, made pursuant to subsection (C)(2) of this section and any person may appeal to the city council a decision of the planning and design commission made pursuant to subsection (C)(3) of this section.

SECTION 47

Section 17.144.120 of the Sacramento City Code is amended as follows:

A. Subsection A of section 17.144.120 is amended to read as follows:

A. Prior to action by the planning director, planning and design commission or city council, the following proposed actions shall be referred to the Airport Land Use Commission for review and determination of compatibility: adoption or amendment of a general plan, specific plan, zoning ordinance or building regulation, which could affect the area within the executive airport planning area in a manner inconsistent with the purposes articulated in Section 17.144.010.

B. Subsection B of section 17.144.120 is amended to read as follows:

B. Upon timely receipt by the planning director of a determination by the Airport Land Use Commission that a proposed action is inconsistent with the executive airport comprehensive land use plan, the planning and design commission shall, in a public hearing, review and consider such determination. The planning and design commission shall thereafter recommend to the city council approval, conditional approval, or denial of the proposed action. The proposed action shall then be heard in a public hearing before the city council. The city council may thereafter approve or conditionally approve the proposal only with a two-thirds or greater vote and adoption of specific findings that the proposed action is consistent with the purposes of the state Airport Land Use Law articulated in California Public Utilities Code Section 21670.

C. Except as specifically amended in subsections A and B, section 17.144.120 remains unchanged and in full force and effect.

SECTION 48

A. Subsection B of section 17.164.030 of the Sacramento City Code is amended to read as follows:

B. The following uses are allowed subject to a special permit approved by the planning and design commission (unless otherwise noted):

1. New construction where building frontage is one hundred sixty (160) feet or greater;

2. Major projects of twenty thousand (20,000) square feet or more in gross floor area;

3. Amusement centers—Indoor;

4. Antennas and communication facilities (as specified in Section 17.24.050(58) of this title);

5. Auto sales, service or rental;

6. Bar;

7. Beer, wine, or general alcoholic beverage sales for off-premises consumption;

8. Bus and other transit terminal, depots, and passenger stations;

9. Church or allied facilities;

10. Hotel or motel;

11. Movie theater/cinema;

12. Nonprofit organization food storage and distribution;

13. Nonprofit organization meal service facility;

14. Nonprofit organization food preparation for off-site consumption;

15. Nonresidential care facility;

16. Parking lot, garage;

17. Residential care facility;

18. Residential hotel, SRO;

19. School—Public, private, nonprofit;

B. Except as specifically amended in subsection B, section 17.164.030 remains unchanged and in full force and effect.

SECTION 49

A. Subsection B of section 17.168.030 of the Sacramento City Code is amended to read as follows:

B. The following uses are allowed in the urban neighborhood in the base C-2 zone, subject to a special permit approved by the planning and design commission (unless otherwise noted):

1. Antennas and telecommunication facilities (as specified in Section 17.24.050(58) of this title);

2. Auto sales, service or rental;

3. Bar;

4. Beer, wine, or general alcoholic beverage sales for off-premises consumption;

5. Bus and other transit terminal, depots, and passenger stations;

6. Bus and other transit vehicle maintenance and storage;

7. Church or allied facilities;

8. Convenience market if hours before six a.m. or after eleven p.m.;

9. Movie theater/cinema;

10. Non-profit organization meal service facility;

11. Non-residential care facility;

12. Offices (ground floor) with office use frontage directly on J Street. (Ground floor office are a permitted use in the interior, back, or courtyard area of a building where the use frontage is not directly on J Street);

13. Parking lot, garage;

14. Residential care facility;

15. Residential hotel, SRO;

16. School—Public, private, nonprofit;

17. Service station;

18. Sidewalk cafe (zoning administrator special permit);

19. Stand-alone parking lot.

B. Except as specifically amended in subsection B, section 17.168.030 remains unchanged and in full force and effect.

SECTION 50

A. Subsection B of section 17.168.040 of the Sacramento City Code is amended to read as follows:

B. The following uses are allowed in the Urban Neighborhood in the base RMX zone, subject to a special permit approved by the planning and design commission:

1. Amusement centers—Indoors;

2. Antennas and telecommunication facilities (as specified in Section 17.24.050(58) of this title);

3. Bar;

4. Beer, wine, or general alcoholic beverage sales for off-premises consumption;

5. Bus and other transit terminal, depots, and passenger stations;

6. Bus and other transit vehicle maintenance and storage;

7. Business college/trade school;

8. Church or allied facilities;

9. Hotel/motel;

10. Movie theater/cinema;

11. Nonprofit organization food storage and distribution;

12. Nonprofit organization meal service facility;

13. Nonprofit organization food preparation for off-site consumption;

14. Nonresidential care facility;

15. Parking lot, garage;

16. Residential care facility;

17. Residential hotel, SRO;

18. School—Public, private, nonprofit;

19. Sidewalk cafe (zoning administrator special permit).

B. Except as specifically amended in subsection B, section 17.168.040 remains unchanged and in full force and effect.

SECTION 51

A. Subsection B of section 17.172.030 of the Sacramento City Code is amended to read as follows:

B. The following uses are allowed in the midtown commercial overlay zone, subject to a special permit approved by the planning and design commission (unless otherwise noted):

1. New construction where building frontage is one hundred sixty (160) feet or greater;

2. Antennas and telecommunication facilities (pursuant to the provisions of Section 17.24.050(58) of this title);

3. Auto sales, service or rental;

4. Bar;

5. Beer, wine, or general alcoholic beverage sales for off-premise consumption;

6. Bus and other transit terminal, depots, and passenger stations;

7. Bus and other transit vehicle maintenance and storage;

8. Church or allied facilities;

9. Convenience market with hours before six a.m. or after eleven p.m.;

10. Hotel/motel;

11. Medical offices where office would have ground floor frontage on J Street (Ground floor office are a permitted use in the interior, back, or courtyard area of a building where the use frontage is not directly on J Street);

12. Mortuary;

13. Movie theater/cinema;

14. Nonprofit organization food storage and distribution;

15. Nonprofit organization meal service facility;

16. Nonresidential care facility;

17. Offices on ground floor where office use would have frontage on J Street. (Ground floor office are a permitted use in the interior, back, or courtyard area of a building where the use frontage is not directly on J Street);

18. Parking lot, garage;

19. Residential care facility;

20. Residential hotel, SRO;

21. School—Public, private, nonprofit;

22. Service station;

23. Sidewalk cafe (zoning administrator special permit);

24. Stand-alone parking lot.

B. Except as specifically amended in subsection B, section 17.172.030 remains unchanged and in full force and effect.

SECTION 52

Section 17.172.040 of the Sacramento City Code is amended as follows:

A. Subsection D of section 17.172.040 is amended to read as follows:

D. Parking Lots. Parking lots to serve businesses may not have frontage on J Street, unless the city manager or city manager's designee makes a finding of no other feasible option. The zoning administrator or planning and design commission may opt to waive or reduce parking rather than have parking frontage on J Street.

B. Subsection F of section 17.172.040 is amended to read as follows:

F. Off-Street Parking Reduction. Notwithstanding the provisions of Chapters 17.64 and 17.184 of this title, mixed use projects which incorporate both residential and commercial or services uses, may reduce or waive up to four spaces or seventy-five (75) percent, whichever is greater, of the required off-street parking requirement for the ground floor commercial retail or service uses, subject to a zoning administrator's special permit. If the amount of parking proposed to be waived or reduced is greater than that which the zoning administrator may waive or reduce, a special permit approved by the planning and design commission is required pursuant to Chapter 17.212 of this title.

C. Except as specifically amended in subsections D and F, section 17.172.040 remains unchanged and in full force and effect.

SECTION 53

Section 17.176.030 of the Sacramento City Code is amended as follows:

A. Subsection B of section 17.176.030 is amended to read as follows:

B. Uses Permitted Subject to a Special Permit. Other uses permitted in the RO zone with a special permit are permitted within the BC overlay zone subject to a special permit, with the exception of office and medical offices uses. Subject to approval of a planning and design commission special permit, conversion of existing structures to office use would be permitted in the BC overlay zone, subject to criteria outlined in subsection (C)(3) of this section. Development of new office buildings is prohibited within the BC overlay zone, except as described in subsection D of this section and Section 17.176.040 of this chapter.

B. Subsection C of section 17.176.030 is amended to read as follows:

C. Conversion of Existing Structures to Office Use—Special Permit Required. Subject to approval of planning and design commission special permit, a residential structure in existence as of June 5, 1999, may be converted to office uses. In addition to making the findings required by Chapter 17.212 of this title, the planning and design commission shall also be required to make the following additional findings when approving a special permit pursuant to this provision.

1. The structure is historically or architecturally important and conversion to office use will allow for preservation of the structure.

2. Parking to accommodate nonresidential use of the structure can be accommodated, either on-site without detracting from the residential appearance of the structure, or off-site without negatively affecting the character or residential parking supply in the area.

3. The structure remains predominantly residential in appearance. To this end, conditions may be placed on parking area location and design, signage and landscaping.

4. Where the structure has two or more floors, the floors above the ground floor shall be devoted to residential uses unless the planning and design commission finds such uses are undesirable or infeasible.

5. The conversion is compatible with surrounding uses.

C. Except as specifically amended in subsections B and C, section 17.176.030 remains unchanged and in full force and effect.

SECTION 54

Section 17.178.070 of the Sacramento City Code is amended to as follows:

A. Subsection B of section 17.178.070 of the Sacramento City Code is amended to read as follows:

B. Discontinuance of Nonconforming Uses. Notwithstanding the provisions of Section 17.88.030 of this title, any nonconforming use of a lot, building or structure, or portion thereof, in the TO zone may be restored and resumed if the period of vacancy does not exceed two continuous years; provided that pursuant to subsection C of this section, the planning and design commission may extend this period up to four additional years, for a total of six years. If the lot, building or structure becomes vacant and remains unoccupied for a continuous period of two years or such other period of time granted by the planning and design commission pursuant to subsection C of this section, the lot, building or structure shall not thereafter be occupied except by a use that conforms to the current use regulations applicable to the zone in which it is located.

B. Subsection C of Sacramento City Code section 17.178.070 is amended to read as follows:

C. Extension of Time for Restoration of Nonconforming Use. Upon a showing of good cause and upon a determination that the applicant has made reasonable and diligent efforts to restore the nonconforming use, the planning and design commission may grant up to two extensions of the time specified above for restoration of a nonconforming use. The extensions of time may not exceed two years each and the total time permitted for restoration may not exceed six years. An application for extension of the time period in which a nonconforming use may be restored must be filed not less than thirty (30) days prior to expiration of the then-applicable time period. An application for extension of time pursuant to this provision shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning and design commission special permit.

C. Except as specifically amended in subsections B and C, section 17.178.070 remains unchanged and in full force and effect.

SECTION 55

A. Subsection C of section 17.180.020 of the Sacramento City Code is amended to read as follows:

C. Authority to Adopt Rules. Without limiting in any way the general and implied authority of the planning and design commission to adopt rules and statements of policy and guidance for the administration of other provisions of this title, the planning and design commission may by resolution adopt such rules and regulations not inconsistent with the provisions of this section as it deems necessary or desirable to carry out the intent of this chapter.

B. Except as specifically amended in subsection C, section 17.180.020 remains unchanged and in full force and effect.

SECTION 56

Section 17.180.050 of the Sacramento City Code is amended as follows:

A. Subsection B of section 17.180.050 of the Sacramento City Code is amended to read as follows:

B. Notice and Hearing for Adoption of Schematic Plan and/or Development Guidelines. The planning and design commission and city council shall each hold a hearing on the adoption of a schematic plan and/or guidelines. The procedural requirements for a schematic plan and/or guidelines adoption hearing shall be governed by the provisions of Chapter 17.200 of this title to the extent that the provisions of Chapter 17.200 of this title do not conflict with this section, and notice of the hearing shall be provided in the same manner and to the same extent as required for rezoning of property pursuant to Chapter 17.208 of this title.

B. Subsection C of section 17.180.050 of the Sacramento City Code is amended to read as follows:

C. Fees for Adoption of Schematic Plan. A schematic plan and/or guidelines for a PUD shall be filed with the planning and design commission and shall be subject to a filing and investigation fee as established in the fee and charge report.

C. Subsection D of section 17.180.050 of the Sacramento City Code is amended to read as follows:

D. Amendment of a PUD Schematic Plan and/or Guidelines. An amendment to the PUD schematic plan and/or guidelines may be initiated by the city council, the planning and design commission, or by the owner of any parcel of property within the planned unit development. An application for such amendment to the PUD schematic plan and/or guidelines shall be filed with the planning and design commission and shall be subject to a filing and investigation fee as established in the fee and charge report.

1. Determination by Planning and Design Commission.

a. The planning and design commission may grant the amendment of a PUD schematic plan and/or guidelines provided that the proposed amendments to the PUD schematic plan and/or guidelines do not change the intensity of land uses by more than ten (10) percent.

b. The procedural requirements for the hearing and appeal of a PUD schematic plan amendment and/or development guidelines amendment under this subsection **17.180.050**(D)(1) shall be governed by the provisions of Chapter 17.200 of this title as they apply to the city planning and design commission to the extent that Chapter 17.200 provisions do not conflict with this chapter, and notice of the hearing shall be provided in the same manner and to the same extent as required for rezoning of property pursuant to Chapter 17.208 of this title. An amendment to a schematic plan and/or guidelines under this subsection (D)(1) of this section shall be subject to city council call-up review under Section 17.200.040.

2. Determination by the City Council. If the conditions in subsection (D)(1)(a) of this section are not met, the planning and design commission and the city council shall hold a hearing on the amendment to the PUD schematic plan and/or guidelines. The procedural requirements for a schematic plan amendment or PUD guidelines amendment hearing shall be governed by the provisions of Chapter 17.200 of this title to the extent that Chapter 17.200 provisions do not conflict with this chapter, and notice of the hearing shall be provided in the same manner and to the same extent as required for rezoning of property pursuant to Chapter 17.208 of this title. If the PUD schematic plan or PUD guidelines amendment is approved or conditionally approved by the planning and design commission, the planning and design director shall immediately make a written report of such approval to the city council.

D. Except as specifically amended in subsections B, C, and D, section 17.180.050 remains unchanged and in full force and effect.

SECTION 57

A. Subsection C of section 17.183.030 of the Sacramento City Code is amended to read as follows:

C. Modification or alteration of existing hazardous waste facility, solid waste landfill or solid waste transfer station: no increase in tonnage, volume or other capacity restriction:

1. Notwithstanding subsection (B) above, a special permit modification may be approved by the planning and design commission to amend or modify the conditions of operation of an existing hazardous waste facility, solid waste landfill or solid waste transfer station located within the solid waste restricted overlay zone: provided that the planning and design commission shall have no authority to approve an increase in the tonnage, volume or other capacity restriction imposed on the facility that is the subject of the application, and no variance shall be approved to authorize such an increase.

Exception: Applications to amend conditions of operation of an existing hazardous waste facility, solid waste landfill or solid waste transfer station pending as of March 1, 2003 may be heard by the zoning administrator to the extent the zoning administrator has the authority to hear such applications, provided that the zoning administrator shall have no authority to approve an increase in the tonnage, volume or other capacity restrictions, and no variance shall be approved to authorize such an increase.

2. Notwithstanding subsection (B) above, a special permit or special permit modification may be approved by the planning and design commission to expand an existing inert landfill or existing Class 3 landfill facility, located either within or immediately adjacent to the solid waste restricted overlay zone, to adjacent property located within the solid waste overlay zone; provided that, other than the increase in the overall tonnage and volume of solid waste associated with the use of the expansion area, the planning and design commission shall have no authority to approve an increase in the daily tonnage, volume or other capacity restriction imposed on the facility that is the subject of the application, and no variance shall be approved to authorize such an increase. The purpose of this provision is to allow for existing

inert and Class 3 landfills in or immediately adjacent to the solid waste restricted overlay zone to expand the area in which they may deposit fill, while not allowing for any increase in the tonnage, volume or other capacity restriction.

B. Except as specifically amended in subsection C, section 17.183.030 remains unchanged and in full force and effect.

SECTION 58

Section 17.186.060 of the Sacramento City Code is amended to read as follows:

17.186.060 Application and review.

A. Preliminary Review.

1. Applicants/developers proposing a housing development pursuant to this section, are encouraged to schedule a pre-application conference with the planning and design director or designated staff to discuss and identify potential application issues, including prospective additional incentives pursuant to Section 17.186.050.

2. Applicants may submit a preliminary application prior to the submittal of any formal request for approval of a housing development. A preliminary application shall include the following information:

a. A brief description of the proposed housing development, including the total number of units, target units, and density bonus units proposed;

b. The zoning and general plan designations and assessors parcel number(s) of the project site;

c. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway and parking layout;

d. If applicant seeks one or more additional incentives, or alternatively, if the applicant seeks one or more financially equivalent incentives in lieu of the density bonus and additional incentive(s), the application should describe why the additional incentives are necessary to provide the target units, in accordance with section 17.186.050.

Planning staff shall be authorized to request from applicant additional information it determines is reasonably necessary to analyze applicant's request for additional incentives or financially equivalent incentives.

3. Within ninety (90) days of receipt of the preliminary application, including the receipt of any additional information requested by planning staff concerning the proposed application and the requested additional incentives or financially equivalent incentives, the planning director shall provide to an applicant/developer a letter that satisfies the requirements of Section 65915(d) and that, to the extent feasible and practicable, identifies project issues of

concern and the planning director's preliminary position on the maximum financial support and incentives that the city may be able to provide. The planning director's letter shall be considered preliminary in nature, and shall not be binding upon the planning director, planning and design commission or city council.

B. Application.

A developer seeking approval of a density bonus and an additional incentive shall file an application with the planning division which shall process such application concurrently with any other application(s) required for the housing development. Such application shall include such information as may be specified by the director. The city council may establish an application fee for such applications.

C. Review.

1. The application shall be heard and decided by the planning director unless any other applications required for the housing development which are being processed concurrently require planning and design commission or city council approval, in which case the application shall be heard by the planning and design commission. Applications shall be noticed before the planning director in the same manner as a planning director's special permit, and the decision shall be subject to appeal in the same manner as a decision on a planning director's special permit. Applications shall be noticed before the planning and design commission in the same manner as a planning and design commission's special permit, and the decision shall be subject to appeal in the same manner as a decision on a planning and design commission's special permit.

2. Notice. In addition to all other information required by this title, the public notice of application, hearing and/or decision on the project shall identify the density bonus and additional incentive(s), if any, or the financially equivalent incentives, requested for the project.

3. Incentives Involving Development and Zoning Standards. Except as provided below, the hearing body, as part of its review of an application for a density bonus and additional incentive(s), may waive or modify applicable development and zoning standards set forth in this title which would otherwise inhibit the utilization of the density bonus on the site which is the subject of the application.

a. Exception—Limitation on Authority of Planning Director. The planning director shall be authorized to approve requests for regulatory concessions that involve requests to reduce, increase or otherwise deviate from applicable development and zoning standards set forth in this title by not more than fifty (50) percent or the specified standard. Requests for regulatory concessions from the regulatory standards set forth in this title that exceed fifty (50) percent shall require planning and design commission approval.

b. Standard. In determining whether to approve a request for regulatory concessions to reduce, increase or otherwise deviate from applicable development standards, the planning director and planning and design commission shall apply the standards applicable to a special

permit, and may approve the request if it makes the findings required for approval of a special permit.

4. Financial Incentives. Deviation from Street Standards and other Incentives.

a. Financial Incentives. Except as otherwise authorized by ordinance or resolution, council approval shall be required for approval of financial incentives, including but not limited to grants or other forms of direct fiscal aid, waiver, reduction or deferral of planning, plan check, construction permit or development impact fees.

b. Waiver of street standards. Except as otherwise authorized by ordinance or resolution, requests to modify standard street dedication and improvement requirements shall be processed in the manner specified in Chapter 18.04 of Title 18 of this code.

c. Other Incentives. Except as otherwise authorized by ordinance or resolution, council approval shall be required for incentives other than those specified above.

SECTION 59

Section 17.188.060 of the Sacramento City Code is amended as follows:

A. Subsection A of section 17.188.060 of the Sacramento City Code is amended to read as follows:

A. Variances. A variance from the provisions of this section may be granted to an applicant by the planning and design commission. The applicant must file an application for a variance within ten (10) days of the planning director's determination pursuant to Section 17.188.040 or 17.188.050 of this chapter.

B. Subsection E of section 17.188.060 of the Sacramento City Code is amended to read as follows:

E. Findings. In approving a variance, the planning and design commission shall make findings pursuant to each of the applicable standards defined in subsection C or D of this section.

C. Except as specifically amended in subsections A and E, section 17.188.060 of the Sacramento City Code remains unchanged and in full force and effect.

SECTION 60

A. Subsection B of section 17.190.040 of the Sacramento City Code is amended to read as follows:

B. Modification of Planning and Public Works Development Standards. Upon application as provided herein, the city may modify for inclusionary units, to the extent feasible

in light of the uses, design, and infrastructure needs of the development project as determined by the planning director, the zoning administrator, or planning and design commission, as applicable under the city zoning code: (1) applicable public works development standards contained in Titles 12 and 16 of the city code, such as alternative standards relating to road widths, curbs and gutters, and parking; and (2) applicable planning standards contained elsewhere in this title such as minimum lot size, alternative housing types, and other minor deviations from development standards, lot coverage, locational and other requirements for approval of duplexes, halfplexes, and patio homes.

B. Except as specifically amended in subsection B, section 17.190.040 remains unchanged and in full force and effect.

SECTION 61

A. Subsection C of section 17.190.060 of the Sacramento City Code is amended to read as follows:

C. Approval of Housing Plans Containing Land Dedication or Off-site lnclusionary Housing.

1. Review and Recommendation of the Planning Director. The planning director shall review the proposed inclusionary housing plan containing land dedication or off-site inclusionary housing and in so doing shall consult with the executive director of the SHRA. The planning director shall recommend approval, modification, or denial of the proposed inclusionary housing plan to the city council or planning and design commission, as provided in this section.

2. Standard for Approval. An inclusionary housing plan containing land dedication or off-site inclusionary housing may be approved only if it provides a more cost-efficient solution when considering the amount of public subsidy to the inclusionary housing component than the standard approach set forth in Section 17.190.030, or if the location of off-site development or land dedication would be superior to on-site development from the perspective of access to transportation or other applicable residential planning criteria.

3. Approval by the City Council. For development projects that require legislative entitlements, the inclusionary housing plan containing land dedication or off-site inclusionary housing shall be reviewed and approved in the same manner as the legislative entitlements. If the inclusionary housing plan containing land dedication or off-site inclusionary housing is approved, the relevant elements of the inclusionary housing plan shall be included in the applicable legislative approvals for both the residential development generating the requirement for the inclusionary housing component and, if applicable, the dedicated site or off-site development project where all or part of that requirement shall be met.

4. Approval by the Planning and Design Commission. For projects that require only non-legislative, adjudicatory entitlements, the inclusionary housing plan containing land dedication or off-site inclusionary housing shall be subject to planning and design commission

approval. If the inclusionary housing plan containing land dedication or off-site inclusionary housing is approved, the relevant elements of the inclusionary housing plan shall be included in the applicable non-legislative adjudicatory approvals, for both the residential development generating the requirement for the inclusionary housing component and, if applicable, the dedicated site or off-site development project where all or part of that requirement shall be met.

B. Except as specifically amended in subsection C, section 17.190.060 remains unchanged and in full force and effect.

SECTION 62

A. Subsection C of section 17.190.065 of the Sacramento City Code is amended to read as follows:

C. Approval of Housing Plan for Residential Condominium Projects; Required Findings for Special Permit.

1. Review and Recommendation of the Planning Director. The planning director shall review the inclusionary housing plan proposed under this section and in so doing shall consult with the executive director of the SHRA. The planning director shall recommend approval, modification or denial of the proposed inclusionary housing plan to the city council or planning and design commission, as provided below.

2. Standard for Approval and Findings. In approving a special permit for an inclusionary housing plan under this section, and in addition to the findings required by Chapter 17.212, the decision-maker shall find the following:

a. That the proposed inclusionary housing plan is consistent with the requirements of this section;

b. That the proposed inclusionary housing plan is consistent with and in furtherance of the mixed-income housing policies of the housing element of the city's general plan; and

c. That the proposed inclusionary housing plan provides a more cost-efficient solution when considering the amount of public subsidy to the inclusionary housing component than the standard approach set forth in Section 17.190.030.

3. Approval by the city council. For development projects that require legislative entitlements, the special permit and inclusionary housing plan proposed under this section shall be reviewed and approved in the same manner as the legislative entitlements. If the inclusionary housing plan is approved, the relevant elements of the inclusionary housing plan shall be included in the special permit and legislative approvals.

4. Approval by the Planning and Design Commission. For projects that require only non-legislative, adjudicatory entitlements, the special permit and inclusionary housing plan proposed under this section shall be subject to planning and design commission approval. If the

inclusionary housing plan is approved, the relevant elements of the inclusionary housing plan shall be included in the special permit and applicable non-legislative adjudicatory approvals.

B. Except as specifically amended in subsection C, section 17.190.065 remains unchanged and in full force and effect.

SECTION 63

A. Subsection H of section 17.190.070 of the Sacramento City Code is amended to read as follows:

H. Any residential project in the North Natomas community plan area which does not have a development agreement as of June 20, 2000, but which is the subject of a formal application on which the planning and design commission took final action on or before June 20, 2000, regardless of whether the planning and design commission's action was thereafter appealed; provided that the city council thereafter approves the project in substantially the same form as approved by the planning and design commission. If the city council denies the application as approved on or before June 20, 2000 by the planning and design commission, the development project shall comply with this chapter. If the city council approves the application but modifies the project in any substantial manner from the project approved by the planning and design commission, the project shall comply with the provisions of this chapter to the extent required by the council at the time of approval of the project. If changes in the residential project are proposed subsequent to the council's approval of the pending application, and the proposed changes require the approval of one or more legislative entitlements or amendments which are major rather than minor, the revised residential project shall be subject to the inclusionary housing component requirement and the other provisions of this chapter.

B. Except as specifically amended in subsection H, section 17.190.070 remains unchanged and in full force and effect.

SECTION 64

A. Subsection B of section 17.190.110 of the Sacramento City Code is amended to read as follows:

B. Action on Inclusionary Housing Plan.

1. Approval of Inclusionary Housing Plan. The SHRA director shall review the proposed inclusionary housing plan and shall make recommendations to the planning director.

a. City Council Approval of Inclusionary Housing Plan. For projects that require legislative entitlements, the inclusionary housing plan shall be noticed and heard by the city council in the same manner as the legislative entitlements.

b. Planning and Design Commision or Zoning Adminstrator Approval of Inclusionary Housing Plan.

The inclusionary housing plan for development projects requiring only non-legislative, adjudicatory entitlements subject to planning and design 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 and design 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 project shall also constitute the appeal or call-up of the decision of the planning and design commission or zoning administrator on each adjudicatory entitlement considered by the planning and design commission or zoning administrator for that project.

c. Planning Director Approval of Inclusionary Housing plan. The inclusionary housing plan for development projects requiring only staff-level adjudicatory entitlements shall be noticed and considered by the planning director in the same manner as a planning director's special permit. The decision of the planning director approving or denying the inclusionary housing plan shall be subject to appeal to the planning and design commission pursuant to Section 17.200.030. The decision by the planning and design commission approving or denying the 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 director or planning and design commission on the housing plan for a project shall also constitute the appeal or call-up of the decision of the planning director or planning and design commission on each adjudicatory entitlement considered by the planning director and/or planning and design commission for that project.

d. Notwithstanding Section 17.190.110(B)(1)(c), inclusionary housing plans that include land dedication or off-site inclusionary housing shall be approved by the city council or planning and design commission in accordance with Section 17.190.060.

2. Approval—When Required. No entitlement for a development project shall be granted without an approved inclusionary housing plan. The elements of the inclusionary housing plan shall be incorporated into the terms and conditions of the applicable legislative entitlements and project-level approvals.

3. Amendment of Inclusionary Housing Plan. An inclusionary housing plan may be amended as provided in this subsection prior or subsequent to the execution of the inclusionary housing agreement.

a. Findings Required. Approval of an amendment to an inclusionary housing plan shall be subject to a finding that the amendment is necessary to facilitate the development, is consistent with the provisions of this chapter and will not inhibit the city's ability to enforce compliance with this chapter. If the amendment will change the phasing plan in such a way that the inclusionary units will not be developed concurrently with the market rate units, the amendment may be approved only if necessary to account for the different financing and funding environments, economies of scale, and infrastructure needs applicable to development of the market rate units.

b. Plans Approved by the City Council or Planning and Design Commission. An amendment to an inclusionary housing plan that was originally approved by the council or planning and design commission, including all plans that contain land dedication or off-site inclusionary housing components, shall require hearing and approval by the planning and design commission in the same manner as a planning and design commission special permit. In approving the amendment, the planning and design commission shall make the findings stated in Section 17.190.110 (B)(3)(a).

c. Plans Approved by the Planning Director. An amendment to an inclusionary housing plan that was originally approved by the planning director shall require hearing and approval by the planning director in the same manner as a planning director special permit. In approving the amendment, the planning director shall make the findings stated in Section 17.190.110 (B)(3)(a). The planning director may, at his or her discretion, elevate any request for amendment to the planning and design commission that would otherwise be heard by the planning director, arid mailers so elevated shall be treated in all respects as amendments subject to planning and design commission review in the first instance.

d. Minor Amendments. Notwithstanding Sections 17.190.110 (B)(3)(b) and (B)(3)(c), amendments to an inclusionary housing plan that are limited to modifications in total number and location of units and the unit size and mix necessary to reflect changes in the design of the underlying development project, including changes in unit size, on-site location and other similar changes, shall be approved by the planning director if the planning director finds that the amendment to the inclusionary housing plan conforms to the changes in the design of the development project. Approval of a minor amendment to an inclusionary housing plan by the planning director under this subsection shall not be subject to appeal.

e. Fee. The applicant for an amendment of an inclusionary housing plan shall pay a fee, as established by resolution of the city council, at the time the application is filed.

B. Except as specifically amended in subsection B, section 17.190.110 remains unchanged and in full force and effect.

SECTION 65

Section 17.192.030 of the Sacramento City Code is amended as follows:

A. Subsection B of section 17.192.030 of the Sacramento City Code is amended to read as follows:

B. Hearing. Notwithstanding the provisions of Section 17.212.030(A) of this title, at least one public hearing shall be held on application for a special permit for a condominium conversion under Section 17.192.050 of this chapter by each of the planning and design commission and city council. The hearing by the city council shall be noticed and held in accordance with all applicable requirements of this chapter and Chapter 17.212 of this title which govern the planning and design commission's consideration of the special permit.

B. Subsection D of section 17.192.030 of the Sacramento City Code is amended to read as follows:

D. Determination of Vacancy Rate. The planning director shall determine and make public, on an annual basis, on the first of March of each year, the average rental vacancy rate in each community plan area in accordance with accepted industry reporting methods. The vacancy rates shall be calculated on the basis of multiple family rental vacancy by community plan area. The applicable city-determined vacancy rates shall be submitted to and considered by the city planning and design commission and city council in connection with the review of applications for special permits for condominium conversion projects under this chapter; provided, that at any hearing wherein such an application is considered, the applicant or any other person may present evidence concerning the accuracy of the vacancy rate as determined by the city, or as contended by the applicant, and the city planning and design commission and city council may consider, but shall not be bound by, such evidence when considering the application.

C. Except as amended in subsections B and D, section 17.192.030 remains unchanged in and in full force and effect.

SECTION 66

A. Subsection B of section 17.192.040 of the Sacramento City Code is amended to read as follows:

B. Development Standards. The following development standards shall apply to all applications for a special permit for new condominium construction:

1. Off-Street Parking. Notwithstanding the provisions of Chapter 17.64 of this title, off-street parking shall be provided at a ratio of not less than one parking space per dwelling unit. The dimensions, location, and use of such parking shall be subject to the provisions of Chapter 17.64 of this title.

2. Utilities.

a. Sewer. Each condominium unit shall have a separate sewer service hookup; provided, that the planning and design commission may permit the use of common sewer lines that are oversized by one size or more, or which are hydraulically designed with the concurrence of the city engineer, finds the common sewer lines can adequately service the condominiums and that separate service hookups would not be feasible.

b. Water. Each condominium unit shall have a separate water service hookup or shutoff; provided, that the planning and design commission may permit a single water system to service more than one condominium unit where shutoffs are provided wherever practicable and where the planning and design commission, with the concurrence of the city engineer, finds that the single water system can adequately service the condominiums and separate service hookups or shutoffs are not feasible.

c. Gas. Each condominium unit shall have a separate gas service where gas is a necessary utility.

d. Electricity. Each condominium unit shall have a separate electrical service, with separate meters and disconnects and ground fault interrupters where and as required by the Building Code.

3. Sound Attenuation. Each condominium unit shall comply with the state of California's Noise Insulation Standards (California Amended Code Section 1092).

4. Deleted.

5. Ownership Organization. All condominium projects shall provide an ownership association responsible for the care and maintenance of all common areas and common improvements and any other interest common to the condominium owners. Complete and true copies of all covenants, conditions and restrictions, articles of incorporation and by-laws shall be subject to review and approval by the city prior to occupancy as a condominium unit. The city may be made a third party beneficiary to all or any portion of the covenants, conditions and restrictions as deemed appropriate.

6. Building Code Requirements. Each unit of a condominium project, and all commonly owned portions of a condominium building shall comply with all applicable building code standards. Nothing herein shall be construed to prevent or prohibit the applicant or the city from providing or requiring building standards greater than those set forth in the Building Code where the greater standards are found to be necessary to carry out the purposes and objectives of this chapter.

B. Except as specifically amended in subsection B, section 17.192.040 remains unchanged and in full force and effect.

SECTION 67

Section 17.192.060 of the Sacramento City Code is amended as follows:

A. Subsection A of section 17.192.060 is amended to read as follows:

A. Hearing. At least one public hearing shall be held on a request for a variance from the provisions of this section relating to condominium conversions by each the planning and design commission and the city council.

B. Subsection B of section 17.192.060 is amended to read as follows:

B. Notice. Notice of the hearings on said variances by both the planning and design commission and the city council shall be given as provided in Chapter 17.216 of this title and to the tenants of the building proposed for conversion to whom notices are sent pursuant to Section 17.192.050(B) of this chapter.

C. Except as specifically amended in subsection A and B, section 17.192.060 remains unchanged and in full force and effect.

SECTION 68

Section 17.194.090 of the Sacramento City Code is amended as follows:

A. Subsection B of section 17.194.090 of the Sacramento City Code is amended to read as follows:

B. Authority for Action on Reclamation Plans. The planning and design commission shall be the granting authority for both the special permit and the reclamation plan.

B. Subsection E of section 17.194.090 of the Sacramento City Code is amended to read as follows:

E. Procedure for Approval. Special permits for surface mining operations shall be processed and approved as provided by Chapter 17.212 of this title, which may occur at the same time as a reclamation plan. The approval of a reclamation plan, amendment to a reclamation plan, or financial assurances (as provided by Section 17.194.100 of this chapter), shall also occur as follows:

1. Certification to State. Prior to the final approval of a reclamation plan, financial assurances or any amendments to a reclamation plan or existing financial assurances, the granting authority shall:

a. Certify to the director of the California Department of Conservation that the reclamation plan and/or financial assurance complies with the applicable requirements of the State regulations; and

b. Submit the plan, assurances, or amendments to the director of the California Department of Conservation for review.

2. Conceptual Approval. The planning and design commission may conceptually approve a reclamation plan and financial assurance before submittal to the director of the California Department of Conservation.

3. Deferral of Action. Action on a surface mining special permit may be deferred until final action is taken on a reclamation plan and financial assurance. If necessary to comply with applicable permit processing deadlines, if any, the city may approve the special permit for surface mining with the condition that surface mining operations shall not commence until financial assurances have been reviewed by the director of the California Department of Conservation, and final action has been taken on the reclamation plan and financial assurances.

4. Responses to State Comments. The city shall evaluate the written comments provided by the California Department of Conservation during the forty-five (45) day comment period. The planning department shall prepare a written response describing the disposition of the major issues raised by the state for approval by the granting authority. In particular, when the city's position is different than the recommendations and objections raised by the Department of Conservation, (or any other "responsible" or trustee agency) where comments have been based upon those agencies' statutory or regulatory authority, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the city shall be promptly forwarded to the operator/applicant.

5. Final Approval. The planning and design commission shall approve, conditionally approve, or deny the special permit and/or reclamation plan as provided by Chapter 17.212 of this title, and pursuant to Section 2774 of the California Public Resources Code, and approve the financial assurances as provided by Section 2770(d) of the California Public Resources Code.

6. Findings for Approval. In approving a special permit for a surface mining operation, the planning and design commission shall make all findings required for special permits, and a finding that the project complies with the provisions of applicable state regulations. In approving a reclamation plan, the planning and design commission shall first find that:

a. The reclamation plan complies with Section 2772, Section 2773, and Section 2773.1 of the California Public Resources Code and any other applicable provisions;

b. The reclamation plan complies with applicable requirements of the state regulations (14 Cal. Code of Regulations, Section 3500 et seq., and 14 Cal. Code of Regulations, Section 3700 et seq.);

c. The reclamation plan has been reviewed pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code Section 21000 et seq., and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible;

d. The land and/or resources, such as water bodies, to be reclaimed will be restored to a condition that is as compatible with and blends in with the surrounding natural environmental, topography, and other resources, or that suitable off-site development will compensate for related disturbances to resource values;

e. The reclamation plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the general plan and any applicable resource plan.

7~~6~~. Referral to State. The planning department shall forward a copy of each approved special permit for surface mining operations and/or approved reclamation plan, and a copy of the financial assurances to the California Department of Conservation.

C. Except as specifically amended in subsections B and E, section 17.194.090 remains unchanged and in full force and effect.

SECTION 69

Section 17.194.170 of the Sacramento City Code is amended to read as follows:

17.194.170 Vested surface mining operations—Reclamation plan and financial assurances.

No special permit shall be required for surface mining operations vested pursuant to Section 2776 of the Public Resources Code; provided that a special permit shall be required for an expansion of the surface mining operations beyond the operations vested pursuant to Section 2776. Pursuant to Section 2770 of the Public Resources Code, an approved reclamation plan and financial assurances for reclamation shall be required for all vested surface mining operations except as otherwise provided in Section 2770. The procedures set forth in Section 17.194.090 of this chapter shall apply to applications for approval of a reclamation plan and financial assurances. At least one public hearing shall be held by the planning and design commission on an application for approval of a reclamation plan and financial assurance plan. The hearing shall be noticed and heard in the same manner as an application for a special permit for a surface mining operation. Pursuant to Section 2770 of the Public Resources Code, the planning and design commission shall limit its consideration to whether the plan and the financial assurances substantially meet the applicable requirements of Section 2772, 2773 and 2773.1 of the Public Resources Code and the implementing regulations set forth in 14 Cal. Code of Regs. Section 3500 et seq.

SECTION 70

Section 17.196.020 of the Sacramento City Code is amended as follows:

A. Subsection C of section 17.196.020 of the Sacramento City Code is amended to read as follows:

C. Requests for Further Information—Withdrawal of Application.

1. If the planning director determines that further information is required, he or she shall so inform the applicant of the information requested.

2. Except as otherwise provided by the Permit Streamlining Act for development projects, or unless an appeal is filed pursuant to subsection (C)(3) of this section, an applicant shall provide requested information to the planning director within thirty (30) days after such information has been requested unless a different time period has been mutually agreed to between the applicant and the director. In the event of an appeal to the planning and design commission pursuant to subsection E of this section, any additional information that is determined to be necessary to render an application complete shall be submitted within thirty (30) days of the date of the decision on the appeal, unless the planning and design commission specifies a longer period of time.

3. Except as otherwise provided in subsection (C)(2) of this section, any application shall be deemed withdrawn if the information requested has not been provided within the time specified in subsection (C)(2) of this section. The applicant shall be entitled to a refund of those portions of the fees, if any which were deposited with the city for performance of services or payment of costs that have not yet been performed or incurred.

4. Except as otherwise provided by the Permit Streamlining Act for development projects, the planning director may request further information pursuant to this section based upon any change in the project, any change in the circumstances applicable to the project or if so directed by the commission, council, or other governmental body having jurisdiction by law over the project. The foregoing application withdrawal provisions shall also apply to any request for information pursuant to this chapter.

B. Subsection E of section 17.196.020 of the Sacramento City Code is amended to read as follows:

E. Appeals Related to Application Completeness. Any applicant dissatisfied with a determination of the planning director as to the completeness of an application may appeal such determination to the planning and design commission. The determination of the planning and design commission on an appeal pursuant to this section shall be final and not subject to further appeal.

1. Notice of Appeal. An appeal pursuant to this section shall be made by filing a notice of appeal with the secretary of the planning and design commission within ten (10) calendar days of the date of mailing of the determination of the planning director being appealed.

2. Hearing and Procedure. The notice, hearing and procedural requirements governing appeals of zoning administrator's special permits shall govern appeals made pursuant to this section.

3. Planning and Design Commission Action. The appeal shall be heard and resolved by the planning and design commission not later than sixty (60) days from the date of the applicant's appeal.

4. Fees for Appeal. An applicant filing an appeal pursuant to this section, shall pay, at the time of the filing of the appeal, an appeal fee as established by the city fee and charge report.

C. Except as specifically amended in subsections B and E, section 17.196.020 remains unchanged and in full force and effect.

SECTION 71

Section 17.196.030 of the Sacramento City Code is amended as follows:

A. Subsection D of section 17.196.030 of the Sacramento City Code is amended to read as follows:

D. Appeal. The applicant may appeal the planning director's determination that an application is not being processed in a timely manner by filing the appeal within fifteen (15) days of the date of service of the notice under subsection B of this section. The procedures governing appeals of planning director decisions to the planning and design commission under Section 17.200.030 shall govern such appeals.

B. Subsection E of section 17.196.030 of the Sacramento City Code is amended to read as follows:

E. Issue on Appeal. Where an appeal of the planning director's determination that an application is not being processed in a timely manner is filed, the sole issue to be considered by the planning and design commission on appeal and city council on call-up shall be whether the application was being processed in a timely manner. If the appeal is sustained, the application shall be referred back to the planning director for further processing.

C. Except as specifically amended in subsections D and E, section 17.196.030 remains unchanged and in full force and effect.

SECTION 72

Section 17.196.040 of the Sacramento City Code is amended as follows:

A. Subsection A of section 17.196.040 of the Sacramento City Code is amended to read as follows:

A. Each applicant shall pay in advance an initial filing fee as established in the city fee and charge report. The initial filing fee shall include a staff processing charge and, if applicable, planning and design commission and city council hearing dues. In the event that the

actual cost of processing an application exceeds the staff processing component of the initial filing fee, the applicant shall pay an additional fee equal to this excess cost after receipt of written notice from the planning director specifying the additional amount due.

B. Subsection C of section section 17.196.040 of the Sacramento City Code is amended to read as follows:

C. An applicant shall have no right to file an appeal with either the planning and design commission or the city council on the issue or the amount of propriety of any fee.

C. Subsection D of section 17.196.040 of the Sacramento City Code is amended to read as follows:

D. An application shall be temporarily suspended when an applicant has received written notice that an additional fee is due, and has not paid the full amount of such additional fee prior to noon of the first planning and design commission or city council hearing date scheduled for the application following the applicant's receipt of written notice that the additional fee is due. The application shall be reactivated following full payment of fees.

D. Except as specifically amended in subsections A, C, and D, section 17.196.040 remains unchanged and in full force and effect.

SECTION 73

Section 17.196.060 of the Sacramento City Code is amended as follows:

A. Subsection C of section 17.196.060 of the Sacramento City Code is amended to read as follows:

C. Initiation of Early Policy Review Process. The early policy review process may be initiated by the applicant with the concurrence of the planning director, or by the city council.

1. Applicant Initiation. An applicant may request early policy review prior to filing a formal project application or within ninety (90) days of the application being determined or deemed to be complete, or prior to the commencement of circulation of the negative declaration or draft environmental impact report, whichever occurs first. The planning director is responsible for determining whether or not the project meets the policy issue criteria, as defined in subsection B of this section above, and whether it should undergo early policy review.

a. If the planning director concurs that the project should go through the early policy review process, then the director shall schedule the matter for early policy review before the planning and design commission to commence within sixty (60) days, with subsequent meetings to follow before the housing and redevelopment commission, or city council.

b. If the director does not concur that the project should go through the early policy review process, a written explanation will be provided by the director to the applicant within fourteen (14) days of the completed early policy review application, as to why the project is not suitable for early policy review. A copy of the explanation shall be provided to each councilmember. The council thereafter may initiate the early policy review by majority vote pursuant to subsection (C)(2) of this section.

2. Council Initiation. The city council may initiate the early policy review process, either when the director has denied an applicant's request for early policy review or when the council determines that an early policy review hearing is warranted absent an early policy review application.

a. Council Initiation Following Planning Director's Denial. If the planning director denies the application for early policy review, pursuant to subsection (C)(1)(b) of this section, one or more councilmembers may request early policy review within thirty (30) days after the director's denial of the request for early policy review. The council shall determine whether to require early policy review for the project pursuant to the procedure set forth in subsection (C)(2)(c) of this section.

b. Council Initiation Absent Early Policy Review Application. If the applicant does not request early policy review, the director or an individual councilmember may request, at any time within thirty (30) days after a formal project application is determined or deemed to be complete, that the council initiate the early policy review process for a proposed project. The city council shall determine whether to require early policy review for the project pursuant to the procedure set forth in subsection (C)(2)(c) of this section.

c. Hearing to Initiate Early Policy Review. The planning director will schedule at the earliest convenient date following the receipt of a request by one or more councilmembers that a project be subject to the early policy review process or upon a determination by the director that early policy review would be appropriate for a project, the issue of whether a project should be reviewed under the early policy review process. The sole issue to be decided by the council is whether the project should be reviewed under the early policy review process. No other public notice other than the notice required by the Brown Act (Government Code Section 54950 through 54962) shall be required for this hearing.

d. Scheduling for Early Policy Review Hearing. If the city council decides that early policy review of the project is appropriate, the planning director shall schedule the matter for early policy review before the planning and design commission to commence within sixty (60) days, with subsequent meetings to follow before the housing and redevelopment commission, or city council.

B. Subsection E of section 17.196.060 of the Sacramento City Code is amended to read as follows:

E. Public Noticing. Public notice of early policy review of a major project shall be published at least ten (10) days in advance of each hearing. Notice of a hearing shall be sent to

all property owners within a five hundred (500) foot radius. The planning director shall endeavor to notify affected groups and community groups. Failure of any person to receive notice shall not affect the validity of the hearing held pursuant to the provisions of this section, nor prevent the city planning and design commission or the city council from proceeding with any such hearing.

C. Subsection F of section 17.196.060 of the Sacramento City Code is amended to read as follows:

F. Commission and Council Hearing Procedures. The planning and design commission shall conduct a hearing for all projects undergoing early policy review. If the project is located in a redevelopment project area or is a project sponsored by the redevelopment agency, then a hearing shall also be heard conducted by the housing and redevelopment commission. Following the hearings before the commission(s), the city council shall conduct a hearing for all projects undergoing early policy review.

D. Subsection G of section 17.196.060 of the Sacramento City Code is amended to read as follows:

G. Commission/Council Disposition.

1. Staff Reports. The city planning and redevelopment agency staffs shall prepare a report concerning identified major policy issues to the commission(s). The report to the council shall include, as appropriate, comments from the commission(s) and public testimony.

2. Commission Action. The city planning and design commission and housing and redevelopment commission shall provide comments and recommendations to the city council.

3. Council Decision or Recommendation. Upon completion of the early policy review hearing, the council may, but need not, vote to take one or more of the following actions:

a. To allow the project to proceed, as proposed, for further processing through the normal application review process;

b. For projects requiring one or more amendments of the general plan or a community plan, the council may vote not to allow the application to proceed through the normal application process. If the city council votes not to allow an application to proceed pursuant to this provision, then no new application for the same or substantially similar project or use at the same location that would require the same amendments to the general plan or a community plan shall be submitted for a period of one year following the date of council decision;

c. To advise the applicant that there are, or appear to be, conflicts with one or more specified land use plans or other policies that the city has either adopted or has under consideration, and to recommend that the applicant modify the project under consideration to address these conflicts or potential conflicts before going through the normal application process;

d. To request that staff consider the possible amendment of one or more adopted policies, and to report back to the city council within a reasonable period of time on the overall consequences of any possible modifications to policy.

The council may limit their action to discussing the project. If the council does not vote to take any action, then the project shall be allowed to proceed, as proposed, for further processing through the normal application review process.

E. Subsection H of section 17.196.060 of the Sacramento City Code is amended to read as follows:

H. Effect of Commission/Council "Action." Neither the commission nor council may approve or tentatively approve a project without adequate environmental review and without the standard review and public hearing process, and no action taken by the commissions or city council under the early policy review process shall constitute approval or tentative approval of a project. Authorization to proceed through the formal review process does not imply ultimate approval of the project. Nothing in this chapter is intended to mean or to imply that a project not reviewed under the early policy review process may not conflict with one or more land use plans or other policies. Further, nothing in this chapter is intended to prevent the planning and design commission, housing and redevelopment commission, or city council, from concluding, upon further consideration during the normal review process, that the project is not in conflict with the provisions of one or more land use plans or other policies, even though a different preliminary conclusion may have been reached during the early policy review process.

F. Except as specifically amended in subsections C, E, F, G and H, section 17.196.060 remains unchanged and in full force and effect.

SECTION 74

A. Subsection A.1 of section 17.198.090 of the Sacramento City Code is amended to read as follows:

1. Any person who is dissatisfied with a decision made by the planning director on an application for reasonable accommodation may appeal the planning director's decision. The planning director will consider the nature of the appeal and determine whether the planning and design commission, or preservation commission~~, or design commission~~ shall hear the appeal. The appeal shall be filed within ten (10) days of the planning director's decision. Upon filing of the notice of appeal, the planning director shall set the matter for hearing before the commission to occur not later than forty-five (45) days from the date of filing. Notice of the appeal hearing shall be given by mail to the applicant not later than ten (10) days prior to the hearing. Except as provided otherwise in this subsection (A)(1), the procedural requirements for the hearing before a commission on appeal shall be governed by Chapter 17.200 of this title.

B. Except as specifically amended in subsection A.1, section 17.198.090 remains unchanged and in full force and effect.

SECTION 75

A. Subsection B of section 17.200.010 of the Sacramento City Code is amended to read as follows:

B. Initiation by City Council, Planning and Design Commission, ~~Design Commission~~ and Preservation Commission.

1. Where authorized by other provisions of this code, the city council may initiate the procedure for a hearing by delivering to the planning director a duly adopted motion directing that a hearing be held, defining the proposed action, and describing the property involved in the proceedings. The planning director shall schedule the requested hearing upon receipt of the motion.

2. Where authorized by other provisions of this code, the planning and design commission, ~~design commission~~ or preservation commission may initiate the procedure for a hearing by delivering to the appropriate commission secretary a duly adopted motion directing that a hearing be held, defining the proposed action, and describing the property involved in the proceedings. The commission secretary shall schedule the requested hearing upon receipt of the motion.

3. Where authorized by other provisions of this code, the planning director, design director or preservation director may initiate the procedure for a hearing by delivering to the appropriate hearing body secretary a written request directing that a hearing be held, defining the proposed action, and describing the property involved in the proceedings. The hearing body secretary shall schedule the requested hearing upon receipt of the motion.

B. Except as specifically amended as set forth in subsection B, section 17.200.010 remains unchanged and in full force and effect.

SECTION 76

A. Subsection D.1 of section 17.200.020 of the Sacramento City Code is amended to read as follows:

1. Except as provided in subsection (D)(2) of this section, a decision of the hearing body shall become final and effective upon expiration of the time within which an appeal from or call-up of that decision may be taken if no appeal is filed or call-up is requested. The timely filing of an appeal to the planning and design commission, preservation commission, ~~planning commission,~~ or city council, or the call-up of a planning and design commission, or preservation commission~~, or planning commission~~ decision by the city council pursuant to Section 17.200.040 of this chapter, stays proceedings until the determination of the matter on appeal or call-up. No appeal shall be accepted unless it is timely filed.

B. Except as specifically amended as set forth in subsection D.1, section 17.200.020 remains unchanged and in full force and effect.

SECTION 77

Section 17.200.030 of the Sacramento City Code is amended to read as follows:

17.200.030 Appeals.

The provisions of this chapter apply to and govern the procedural requirements for the hearing and decision on any appeal under this title. In the event of a conflict between the provisions of this chapter and another provision of this title concerning an appeal, the other provision of this title shall govern over the inconsistent provision of this chapter.

A. Appeal of Zoning Administrator Action. Any person dissatisfied with any action of the zoning administrator may appeal to the planning and design commission at any time within ten (10) days after a decision has been made by the zoning administrator. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal is taken by filing a notice of appeal with the zoning administrator. Upon filing of a notice of appeal, the zoning administrator shall within ten (10) calendar days transmit to the secretary of the planning and design commission all papers and documents on file with the zoning administrator relating to the appeal.

B. Appeal of Planning Director Action. Any person dissatisfied with any action of the planning director may appeal to the planning and design commission at any time within ten (10) days after a decision has been made by the planning director. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal is taken by filing a notice of appeal with the planning director. Upon filing of a notice of appeal, the director shall within ten (10) calendar days transmit to the planning and design commission all papers and documents on file with the director relating to the appeal.

C. Appeal of Design Director Action. Any person dissatisfied with any decision of the design director that is subject to appeal under the provisions of Chapter 17.132 may appeal to the planning and design commission at any time within ten (10) days after a decision has been made by the design director. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal shall be filed on the form provided by the design director. The appeal documents and the project file shall be transmitted to the planning and design commission within a period of ten (10) days.

D. Appeal of Preservation Director Action. Any person dissatisfied with any decision of the preservation director that is subject to appeal under the provisions of Chapter 17.134 may appeal to the preservation commission at any time within ten (10) days after a decision has been made by the preservation director. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal shall be filed on the form provided by the preservation director. The appeal documents and the project file shall be transmitted to the preservation commission within a period of ten (10) days. ~~E. Appeal of the Design Commission Action. Any person dissatisfied with any action of the design commission that is subject to appeal under the provisions of Chapter 17.132 may appeal to the city council at any time within ten (10) calendar days after a decision has been made by the design commission. If~~

~~the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal shall be filed on the form provided by the design director. The appeal documents and the project file shall be transmitted to the city council within a period of ten (10) days.~~

E~~F~~. Appeal of the Preservation Commission Action. Any person dissatisfied with any action of the preservation commission that is subject to appeal under the provisions of Chapter 17.134 may appeal to the city council at any time within ten (10) calendar days after a decision has been made by the preservation commission. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal shall be filed on the form provided by the preservation director. The appeal documents and the project file shall be transmitted to the city council within a period of ten (10) days.

F~~G~~. Appeal of ~~the~~ Planning and Design Commission Action. Any person dissatisfied with any action of the planning and design commission may appeal to the city council at any time within ten (10) days after a decision has been made by the planning and design commission; provided that, except as otherwise expressly allowed herein, no appeal of a planning and design commission decision on an appeal of a zoning administrator's decision, a ~~or~~ planning director's decision or a design director's decision shall be allowed. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal shall be filed on the form provided by the planning director. Thereupon the appeal documents and the planning file shall be transmitted to the city council within a period of ten (10) days.

G~~H~~. Withdrawal of Appeal. An appeal to the planning and design commission, preservation commission, ~~planning commission~~ or the city council may be withdrawn by the appellant upon written request. The withdrawal shall be noted on the agenda of the next regularly scheduled meeting of the planning and design commission, preservation commission, ~~planning commission~~ or city council and shall be considered to have occurred on that date. Parties other than the appellant shall have ten (10) calendar days from the date of the meeting at which the appeal is considered withdrawn to file a new or different appeal. The matter may be called up during the ten (10) day period from the date of the meeting pursuant to the provisions of Section 17.200.040 of this chapter. If the tenth day falls on a non-business day, the last day to appeal is the next business day.

H~~I~~. Permits May Not Be Issued. No construction permits, license or other permit for a project or use requiring approval by the design director, preservation director, zoning administrator, planning director, or planning and design commission may be issued until the ten (10) day period following such approval has expired. No construction permits, license or other permit shall be issued while a hearing on appeal to the planning and design commission, preservation commission, ~~planning commission~~ or city council is pending.

I~~J~~. Fees. The filing of a notice of appeal of a decision of the zoning administrator, planning director, design director, preservation director, planning and design commission, or preservation commission ~~or planning commission~~ shall be accompanied by the fees specified in the city fee and charge report for such appeal.

J~~K~~. Notice. Notice of any appeal hearing shall be given by the clerk or secretary of the hearing body in the manner provided in Section 17.200.010(C)(2)(d).

K~~L~~. Appeals—De Novo Review. The proceedings before the planning and design commission, preservation commission, ~~planning commission~~ or city council on appeal of any decision under this title shall be de novo, meaning that the hearing on appeal shall be conducted in the same manner that the original hearing body heard the matter in the first instance.

SECTION 78

Section 17.200.040 of the Sacramento City Code is amended to read as follows:

17.200.040 City council call-up review.

A. Notice to City Council.

1. Planning Director. The planning director shall make a report of the following decisions to the city council as soon as reasonably practicable after the decision is made: (a) entitlements under this title first heard by the planning and design commission which are approved or conditionally approved by the planning and design commission; (b) entitlements under this title first heard and decided by the planning director, zoning administrator or design director, and thereafter approved, conditionally approved, or denied by the planning and design commission upon appeal; ~~(c) entitlements under this title first heard and decided by the planning director and thereafter approved, conditionally approved, or denied by the planning commission upon appeal;~~ and (c~~d~~) a permit for activities affecting heritage trees first heard and decided by the director of transportation or the director's authorized representative under Section 12.64.050 of this code and thereafter approved, conditionally approved or denied by the planning and design commission upon appeal under Section 12.64.060 of this code. ~~2. Design Director. The design director shall make a report of the following decisions to the city council as soon as reasonably practicable after the decision is made: (a) entitlements under this title first heard by the design commission which are approved or conditionally approved by the design commission; (b) entitlements under this title first heard and decided by the design director and thereafter approved, conditionally approved or denied by the design commission upon appeal.~~

2.~~3.~~ Preservation Director. The preservation director shall make a report of the following decisions to the city council as soon as reasonably practicable after the decision is made: (a) entitlements under this title or any other provision of this code first heard by the preservation commission which are approved or conditionally approved by the preservation commission; (b) entitlements under this title or any other provision of this code first heard and decided by the preservation director and thereafter approved, conditionally approved or denied by the preservation commission upon appeal.

B. Procedures for Call-Up Review. Any decision enumerated in subsection A of this section may be called up for city council review by the mayor or councilmember in whose district the project is located. To initiate a call-up of a decision, the mayor or councilmember in whose district the project is located shall file a written request with the planning director, design

director, or preservation director, as the case may be, within ten (10) days of the date of the decision of the planning and design commission, ~~design commission,~~ or preservation commission. If the tenth day falls on a non-business day, the last day to call-up is the next business day. Upon the filing of a request by the mayor or the city councilmember in whose district the project is located, the council shall notice and set the matter for the hearing before it. Notice of the hearing shall be given in the manner provided in subsection (C)(2)(d) of Section 17.200.010. The hearing before the city council shall be shall be de novo, meaning that the city council shall hear the matter in the same manner that the planning and design commission, or preservation commission, ~~or the planning commission~~ heard the matter in the first instance.

C. Withdrawal of Request for Review. The councilmember or mayor requesting call-up review of a particular decision may withdraw that request, provided that the withdrawal shall be noted on the next regularly scheduled meeting of the city council and shall be considered to have occurred on that date. The mayor or district councilmember not making the request shall have ten (10) days from the date of the meeting at which the application is considered withdrawn to file a request for call-up review. To the extent the decision is one which could have been appealed to the council by someone other than the applicant, such persons shall have ten (10) days from the date of withdrawal of the request for call-up review to file an appeal. If the tenth day falls on a non-business day, the last day to appeal is the next business day.

SECTION 79

Section 17.204.010 of the Sacramento City Code is amended to read as follows:

17.204.010 Initiation of a plan amendment.

An amendment to the general plan land use designation or any specific plan land use designation may be initiated by the planning director, planning and design commission, city council, or an application by the property owner submitted to the planning director pursuant to Chapter 17.196 of this title. An amendment to the text of the general plan, including any community plan, or specific plan may be initiated by the planning director, the planning and design commission, or the city council.

SECTION 80

Section 17.204.020 of the Sacramento City Code is amended as follows:

A. Subsection A of section 17.204.020 of the Sacramento City Code is amended to read as follows:

A. At least one public hearing shall be held before the planning and design commission and the city council prior to adoption of an amendment to the general plan or any community or specific plan.

B. Subsection B of section 17.204.020 of the Sacramento City Code is amended to read as follows:

B. Procedures—Planning and Design Commission. The procedural requirements for the hearing before the planning and design commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. For an amendment to the text of the general plan or specific plan, notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section 17.200.010. For an amendment to the general plan land use designation or any specific plan land use designation, notice shall be given by publication and by mail pursuant to subsections (C)(2)(a) and (c) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property. After completion of notice and public hearing, the planning and design commission may recommend approval, denial, or modification of the plan amendment and forward to the city council for action.

C. Subsection C of section 17.204.020 of the Sacramento City Code is amended to read as follows:

C. Procedures—City Council. Upon receipt of a recommendation on a plan amendment from the planning and design commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section 17.200.010. After completion of notice and public hearing, the city council may approve or modify a plan amendment by adoption of a resolution or disapprove a plan amendment.

D. Subsection E of section 17.204.020 of the Sacramento City Code is amended to read as follows:

E. Resubmittal of Application. If a plan amendment is denied, another application for the same plan amendment shall not be accepted by the city within a one-year period unless specific approval for such filing is given by the planning and design commission or the city council.

E. Except as specifically amended in subsections A, B, C and E, section 17.204.020 remains unchanged and in full force and effect.

SECTION 81

Section 17.208.010 of the Sacramento City Code is amended to read as follows:

17.208.010 Zoning title text amendments.

Amendments to the text of this title may be initiated by the planning director, planning and design commission, or city council and shall be adopted by ordinance in accordance with Section 32 of the City Charter. At least one public hearing shall be held before the planning and design commission and the city council prior to adoption of the amendment. The procedural requirements for the hearing before the planning and design commission and the city council and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of

Section17.200.010. The provisions of this section relating to notice and hearing shall not apply to emergency ordinances adopted by the council pursuant to Section 32(g)(2) of the City Charter.

SECTION 82

Section 17.208.020 of the Sacramento City Code is amended to read as follows:

17.208.020 Rezoning of property.

A. How Initiated. A rezoning may be initiated by the planning and design commission, the city council, or an application by the property owner.

B. Procedures—Planning and Design Commission. The pro-cedural requirements for a rezoning hearing before the planning and design commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by publication and by mail pursuant to subsections (C)(2)(a) and (c) of Section17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property. After completion of notice and public hearing, the planning and design commission may recommend approval, denial, or modification of a rezoning and forward to the city council for action.

C. Procedures—City Council. Upon receipt of a recommendation on a rezoning from the planning and design commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by publication and by mail pursuant to subsections (C)(2)(a) and (c) of Section17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property. After completion of notice and public hearing, the city council may approve or modify a rezoning by adoption of an ordinance or disapprove the rezoning. The provisions of this paragraph relating to the receipt of a recommendation on a rezoning from the planning and design commission, notice, and hearing shall not apply to rezonings adopted by emergency ordinance by the city council pursuant to Section 32(g)(2) of the City Charter.

D. Development Plan Material Factor in Approval of Rezoning. Whenever a proposed development plan or a representation concerning development made by the applicant, or a stipulation concerning site plan review, is a material factor in the decision of the city council to approve the rezoning of property, that rezoning shall be subject to and the ordinance of rezoning shall so provide for, the following:

1. The ordinance shall contain a statement of reference to the proposed development plan or a statement of the representation made by the applicant which is the material factor to the action of rezoning.

2. If an application for a building permit or other construction permit is filed for a development which is not in substantial conformity with the proposed development plan or representation referred to in the ordinance or rezoning, the matter shall be referred to the city planning and design commission for review and such action as it may deem warranted, including action to initiate the rezoning of the subject property back to its original zoning classification or to some other classification it may deem appropriate, and no building permit shall be issued pending these proceedings.

E. Rezones with Plan Review (-R) Designation. In a rezoning proceeding where a proposed development plan is not provided by the applicant or in any other circumstance at the discretion of the planning and design commission or city council, a plan review (-R) designation may be attached to the approved zone to ensure that future development will relate to characteristics of the site and surrounding area and that no building permit or other construction permit shall be issued for any development of the property rezoned until there has first been a plan review approved by the planning and design commission or zoning administrator, as applicable, pursuant to Chapter 17.220 of this title.

F. Permits May Not Be Issued. No building permit, license or other permit shall be issued while a rezoning procedure or appeal therefrom is pending.

G. Fee. A property owner's application for a rezoning shall be subject to and accompanied by a filing and investigation fee as established in the fee and charge report.

H. Withdrawal of Application. The planning and design commission or city council may permit the withdrawal of a rezoning application, provided such request is made in writing; further, any hearing for which public notice is given shall be held.

I. Resubmittal of Application. If a rezoning is denied, another petition for the same rezoning shall not be accepted by the city within a one-year period unless specific approval for such filing is given by the planning and design commission or the city council.

SECTION 83

Section 17.212.010 of the Sacramento City Code is amended to read as follows:

17.212.010 Definition, authority and findings.

A special permit is a zoning instrument used primarily to review the location, site development, or conduct of certain land uses. These are uses which generally have a distinct impact on the area in which they are located, or are capable of creating special problems for bordering properties unless given special attention. A special permit may be granted at the discretion of the zoning administrator, planning and design commission or city council and is not the automatic right of any applicant. In considering an application for a special permit, the following guidelines shall be observed:

A. Sound Principles of Land Use. A special permit shall be granted upon sound principles of land use.

B. Not Injurious. A special permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance.

C. Must Relate to a Plan. A special permit use must comply with the objectives of the general or specific plan for the area in which it is to be located.

SECTION 84

Section 17.212.020 of the Sacramento City Code is amended to read as follows:

17.212.020 General provisions.

The following general provisions shall apply to any request for a zoning administrator's, planning director's or planning and design commission special permit or modification, revocation, or time extension of a special permit:

A. Application. The applicant shall submit an application and plans for the proposed use. Such plans shall be in sufficient detail to allow the zoning administrator, planning director, or planning and design commission to determine the exact nature and extent of the use. Such plans shall in all cases include a site plan clearly indicating the area of the subject property that will be utilized for the proposed use and the nature of the use in each portion of said area.

B. Permits May Not Be Issued. No building permit involving a special permit granted by the planning director, zoning administrator or planning and design commission may be issued until the ten (10) day appeal period has expired. No building permit, license, or other permit shall be issued while a special permit hearing or appeal therefrom is pending.

C. Fees. The applicant shall pay a filing and investigation fee as established in the fee and charge report at the time the application is filed.

D. Conditions May Be Imposed. In granting any special permit, the planning director, zoning administrator, planning and design commission, or city council, as applicable, may impose such conditions as deemed necessary to carry out the intent of this title and implement the guidelines set forth in Section 17.212.010 of this chapter.

E. Appeal of a Decision. An appeal of a decision made by the zoning administrator or planning and design commission related to a special permit, or modification, revocation, or extension of a special permit may be made in accordance with Chapter 17.200 of this title.

F. Withdrawal of Application. The planning director, zoning administrator, planning and design commission or city council may permit the withdrawal of an application for a special permit, provided such request is made in writing by the applicant. Further, any hearing for which public notice is given shall be held.

G. Resubmittal of Application. If an application for a special permit has been denied wholly or in part by the planning director, zoning administrator, planning and design commission, or city council, no new application for substantially the same special permit shall be

resubmitted for a period of one year from the effective date of the final denial of the application, unless approval for filing has been granted by the zoning administrator or planning and design commission prior to expiration of the one year period.

SECTION 85

Section 17.212.030 of the Sacramento City Code is amended to read as follows:

17.212.030 Planning and design commission special permit.

The general provisions set forth in Section 17.212.020 of this chapter shall apply to a special permit request. An application for a special permit to be considered by the planning and design commission shall be subject to the following requirements:

A. Notice and Hearing.

1. At least one public hearing shall be held on an application to the planning and design commission for a special permit. The procedural requirements for the hearing before the planning and design commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting and by mail pursuant to subsections (C)(2)(b) and (c) of Section17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property.

2. Adult-Related Establishments. Notwithstanding the provisions of subsection (A)(1) of this section, in the case of an application for a special permit for an adult-related establishment under the provisions of Section 17.24.050(24)(a) or (b) of this title, mailed notice shall also be given to all owners of property located within one thousand (1,000) feet from the property involved in the proceedings.

3. Antennas and Telecommunications Facilities in Residential Zones. Notwithstanding the provisions of subsection (A)(1) of this section, in the case of an application for a special permit for an antenna or telecommunications facility in residential zones under the provisions of Section 17.24.050(58)(d)(iii)(B) of this title, mailed notice shall also be given to all owners of property located within one thousand (1,000) feet from the property involved in the proceedings.

B. Decision and Notification-Findings. Except as provided in Section 17.212.035, the planning and design commission shall issue a written decision at the conclusion of the hearing setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The planning and design commission shall not grant a special permit unless the commission finds that the project complies with the guidelines set forth in Section 17.212.010.

SECTION 86

Section 17.212.035 of the Sacramento City Code is amended to read as follows:

17.212.035 City council shall act if any entitlement requires council approval.

At the conclusion of the public hearing on a special permit that is requested as a part of a development project that requires approval of one or more entitlements by the city council, the planning and design commission shall recommend approval, denial, or modification of the special permit and forward the application to the city council for action. Upon receipt of a recommendation on a special permit from the planning and design commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of subsection A of Section 17.212.030. Upon conclusion of the hearing, the city council shall issue a written decision setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The city council shall not grant a special permit unless the council finds that the project complies with the guidelines set forth in Section 17.212.010.

SECTION 87

Section 17.212.040 of the Sacramento City Code is amended as follows:

A. Subsection A of section 17.212.040 of the Sacramento City Code is amended to read as follows:

A. Planning and Design Commission Shall Act If Any Entitlement Requires Commission Approval. For a zoning administrator's special permit sought as part of a development project requiring approval of one or more entitlements by the planning and design commission, the planning and design commission shall act upon such permit. Special permits to be approved by the planning and design commission shall be processed in the same manner as a planning and design commission special permit pursuant to Section 17.212.030 of this chapter.

B. Subsection B of section 17.212.040 of the Sacramento City Code is amended to read as follows:

B. Discretion to Elevate to Planning and Design Commission. At the discretion of the zoning administrator, a zoning administrator's special permit may be determined by the planning and design commission. Special permits to be approved by the planning and design commission shall be processed in the same manner as a planning and design commission special permit pursuant to Section17.212.030 of this chapter.

C. Except as specifically amended in subsection A and B, section 17.212.040 remains unchanged and in full force and effect.

SECTION 88

Section 17.212.050 of the Sacramento City Code is amended as follows:

A. Subsection B of section 17.212.050 of the Sacramento City Code is amended to read as follows:

B. Notice, Procedure and Appeal. No public hearing shall be required. The application for a planning director's special permit shall be accompanied by proof that the applicant has given notice to the owners of all property within one hundred (100) feet of the subject property. The notice shall describe the scope and nature of the requested special permit. After the decision on the planning director's special permit, the planning director shall provide written notice by mail to all the property owners within one hundred (100) feet of the subject property and their right to appeal the decision to the planning and design commission within ten (10) days of the notice pursuant to Chapter 17.200 of this title. No fee shall be charged for the appeal to the planning and design commission by any aggrieved person other than the applicant.

B. Subsection C of section 17.212.050 of the Sacramento City Code is amended to read as follows:

C. Planning and Design Commission Shall Act If Any Entitlement Requires Commission or Council Approval. For a planning director's special permit sought as part of a development project requiring approval of one or more entitlements by the planning and design commission or city council, the planning and design commission shall act upon such permit. Special permits to be approved by the planning and design commission shall be processed in the same manner as a planning and design commission special permit pursuant to Sections 17.212.020 and 17.212.030.

C. Except as specifically amended in subsections B and C, section 17.212.050 remains unchanged and in full force and effect.

SECTION 89

Section 17.212.060 of the Sacramento City Code is amended to read as follows:

17.212.060 Special permit approved by city council.

A. Notwithstanding the foregoing provisions, the city council may, as a condition of an ordinance rezoning property or of a resolution approving a PUD pursuant to Chapter 17.180, require approval by the city council of a special permit for specified uses on the affected property that would otherwise require planning and design commission approval.

B. Applications for special permits requiring city council approval under this section or any other section of this title shall be noticed and heard in the same manner as applications for special permits are noticed and heard by the planning and design commission. The planning and design commission shall make recommendations on applications for special permit requiring council approval. The planning and design commission shall make its recommendation following a hearing noticed in the manner specified in Sections 17.212.020 and 17.212.030.

SECTION 90

Section 17.212.070 of the Sacramento City Code is amended to read as follows:

17.212.070 Modification of a special permit.

No modification of a project for which a special permit is granted may be made unless prior approval for the modification is granted by the zoning administrator or planning and design commission as provided in this section. The zoning administrator or planning and design commission shall not grant a proposed modification unless the zoning administrator or commission finds that the guidelines set forth under Section 17.212.010 are satisfied. The general provisions set forth in Section 17.212.020 shall apply to a zoning administrator's special permit modification or special permit modification.

A. Determination of Major or Minor Modification. The zoning administrator shall determine whether a proposed modification to an approved special permit is a major or minor modification, and the application for proposed modification shall thereafter be decided by the zoning administrator or planning and design commission pursuant to the provisions of this section. No hearing shall be required for the determination and the decision of the zoning administrator on whether the proposed modification is major or minor shall be final and shall not be subject to appeal.

B. Definition of Major Modification. A major modification is one which will result in material change in the nature of the project when all circumstances surrounding the issuance of the special permit are considered. Set forth below is a list of changes which, by definition, shall be deemed to constitute major modifications for purposes of this provision. This list is not intended to be inclusive, and the fact that a particular change is not included does not limit discretion or authority of the zoning administrator to determine that a particular proposed change or set of changes to a special permit constitutes a major modification. The following changes constitute major modifications for purposes of this provision:

1. Any major change in the pattern or volume of traffic flow either on or off any property covered by the special permit;

2. Any change in the nature of the use;

3. Any increase in height of a structure which exceeds twenty-five (25) percent of the height of such structure as approved or which exceeds one story, whichever is less;

4. Any increase in gross floor area of a building which exceeds twenty-five (25) percent of the approved gross floor area;

5. Any increase in the density of dwelling units per acre;

6. Any material changes in the orientation or location of structures on the parcel.

C. Review and Approval of Proposed Modifications—Zoning Administrator Authority. The zoning administrator shall have the authority to review and approve proposed modifications to special permits, pursuant to the following provisions.

1. Minor Modification(s) to a Special Permit. If the zoning administrator determines that a proposed modification is a minor modification of an approved zoning administrator's special permit or planning and design commission special permit, then a zoning administrator's special permit modification, with no required public hearing, is required for approval of the minor modification. In considering a modification to an existing special permit, the zoning administrator or planning and design commission shall apply the standards set forth in Section 17.212.010 for the issuance of a special permit. When granting a modification to a special permit, the zoning administrator or planning and design commission may impose such additional conditions as may be required to mitigate any deleterious effect of the modification. An application for a zoning administrator's special permit modification shall be subject to the general provisions and requirements set forth in Section 17.212.020.

2. Major Modification(s) to a Special Permit. If the zoning administrator determines that a proposed modification is a major modification of an approved zoning administrator's special permit or planning and design commission special permit, then a zoning administrator's special permit modification, with a required public hearing, is required for approval of the major modification. At the discretion of the zoning administrator, a major modification of a planning and design commission special permit may be determined by the planning and design commission. The public hearing shall be noticed and heard in the same manner described in Section 17.212.030 for planning and design commission hearing and Section 17.212.040 for zoning administrator's hearing. In considering a modification to an existing special permit, the zoning administrator or planning and design commission shall apply the standards set forth in Section 17.212.010 for the issuance of a special permit. When granting a modification to a special permit, the zoning administrator or planning and design commission may impose such additional conditions as may be required to mitigate any deleterious effect of the modification. An application for a zoning administrator's special permit modification shall be subject to the general provisions and requirements set forth in Sections 17.212.020 and 17.212.040.

SECTION 91

Section 17.212.080 of the Sacramento City Code is amended to read as follows:

17.212.080 Revocation of a special permit.

A zoning administrator's special permit or special permit may be revoked or modified in lieu of revocation only under the following circumstances:

A. Planning Director May Set Hearing on Revocation of Special Permit. When in the discretion of the planning director a use permitted by a zoning administrator's special permit or special permit is being conducted in a manner detrimental to the public health, safety or general welfare, or in such a manner as to constitute a public nuisance, or in violation of any condition imposed by the zoning administrator or planning and design commission on the use, or if conditions specified in the permit as limiting the duration of the permit have occurred (other than the passage of time as provided in Section 17.212.050 of this chapter), the planning director shall set a hearing before the zoning administrator or planning and design commission to consider revocation of the special permit. Notice of such hearing shall be given in the manner prescribed by Section 17.212.040(C)(1) and (2) of this chapter for a zoning administrator's special permit or

Section 17.212.030(A)(1) and (2) of this chapter for a special permit. In addition, notice shall be given to the owner of the property upon which the use is conducted, and to the person in possession of said property if other than the owner, which shall include a specific statement of the conditions which are deemed to constitute a detriment to the public health, safety or welfare, or which constitutes a public nuisance, or which are in violation of imposed conditions.

B. Zoning Administrator or Planning and Design Commission May Revoke or Modify Special Permit. Upon a determination by the zoning administrator or planning and design commission that the use is being conducted in a manner detrimental to the public health, safety or welfare, or in a manner so as to constitute a public nuisance, or in violation of any imposed condition the zoning administrator or planning and design commission may revoke the special permit. If the zoning administrator or planning and design commission determines that the detrimental aspects of the use which exist may be alleviated through a modification to the special permit, it may make such modification in lieu of revocation, including, but not limited to, imposition of conditions which must be complied with if the use is to continue.

C. Appeal. In the case of a revocation or modification of a special permit or a zoning administrator's special permit, an appeal may be taken in accordance with Chapter 17.200 of this title within ten (10) days after the decision of the zoning administrator or planning and design commission to revoke or modify said permit.

SECTION 92

Section 17.212.090 of the Sacramento City Code is amended as follows:

A. Subsection A of section 17.212.090 of the Sacramento City Code is amended to read as follows:

A. Planning and Design Commission May Order Modification or Discontinuance of Any Use Established Prior to Special Permit Requirements. An existing use which would require a special permit, but for the fact that it was lawfully established without a special permit before the special permit requirement became effective, or at the time of annexation or consolidation into the city, may be ordered modified or discontinued if it is determined:

1. That the use is being conducted in a manner detrimental to the public peace, health or safety; or

2. That the use is being conducted in a manner so as to constitute a public nuisance; or

3. That the use as operated or maintained has resulted in repeated nuisance activities, including, but not limited to, public inebriation, drinking in public, loitering, excessive littering, public urination, disturbances of the peace, harassment of passersby, excessive noise, illegal drug

activity, gambling, prostitution, sale of stolen property, theft, assaults, batteries, vandalism, or police detentions and arrests.

B. Subsection D of section 17.212.090 of the Sacramento City Code is amended to read as follows:

D. Zoning Administrator's or Planning and Design Commission's Order. Upon a determination by the zoning administrator or planning and design commission that the use is being conducted in a manner so as to constitute a public nuisance, the zoning administrator or planning and design commission may order that the use be discontinued, or if the use is to continue, that it only do so if the person or entity maintaining the use complies with conditions approved by the zoning administrator or planning and design commission. The zoning administrator's and planning and design commission's authority for imposition of conditions shall include, but not be limited to, imposition of any reasonable condition upon the continued operation of the use, for compliance, and the period of time the conditions will remain in effect.

C. Subsection E of section 17.212.090 of the Sacramento City Code is amended to read as follows:

E. Failure to Comply with Order. Where a continued use has been conditioned by the zoning administrator or planning and design commission and the person or entity maintaining or operating the use fails to fully comply with the conditions imposed, the city may take legal or administrative action. The city's legal or administrative remedies shall include, but not be limited to, seeking a further order of the zoning administrator or planning and design commission to order the use discontinued or further modified or conditioned, legal or equitable action, and imposition of administrative penalties in accordance with this title or this code.

D. Subsection F of section 17.212.090 of the Sacramento City Code is amended to read as follows:

F. Appeal. An appeal of an order of the zoning administrator or planning and design commission issued pursuant to this chapter may be taken in accordance with Chapter 17.200 of this title. The appeal must be requested within ten (10) days of the decision of the zoning administrator or planning and design commission or the decision of the zoning administrator or planning and design commission is final.

E. Except as specifically amended in subsections A, D, E and F, section 17.212.090 remains unchanged and in full force and effect.

SECTION 93

Section 17.212.100 of the Sacramento City Code is amended to read as follows:

17.212.100 Terms and extensions.

The following regulations pertain to the initial term and time extensions of a special permit approved by the planning director, zoning administrator, planning and design commission or city council:

A. No Time Limit Unless Stated in Permit. Special permits, once utilized, are of indefinite duration unless an expiration date has been specifically stated as a condition of the permit as provided in subsections C or D of this section. Once established, such permits may only be modified or revoked as provided in Section 17.212.070 or 17.212.080 of this chapter.

B. Expiration for Failure to Establish Use. A use for which a special permit is granted must be established within three years from the effective date of final approval of the special permit. If not so established, the special permit shall be deemed to have expired and shall be null and void. A special permit use that requires a building permit shall be deemed established when the building permit is secured and construction is physically commenced. If no building permit is required, the special permit use shall be deemed established when the activity permitted has been commenced. The planning director shall determine whether the use has been commenced. The owner may appeal the determination of the planning director in the manner provided in Chapter 17.200 of this title.

C. Temporary Permits. Where application is made for a use which is temporary in nature, the planning director, zoning administrator, planning and design commission, or city council, as applicable, may condition the special permit to expire automatically at a stated period of time after the issuance of the permit.

D. Time Restricted Permits. The planning director, zoning administrator, planning and design commission, or city council, as applicable, may condition approval of a special permit for a use which is not temporary in nature by imposing a time restriction of not less than one year. The special permit may be conditioned to either expire automatically or to be renewable after the stated time period has lapsed. In order to impose such time restrictions as a condition of permit approval, one or more of the following findings must be made:

1. The proposed use is compatible with existing developments but may become incompatible once anticipated development or redevelopment of the area occurs.

2. The proposed use has the potential to create adverse environmental impacts to surrounding land uses and it is necessary to evaluate whether such impacts have occurred once the use has been in operation.

3. It is necessary to evaluate whether the proposed use has complied with the conditions imposed upon permit approval because such conditions are essential for mitigating the impacts generated by the use.

E. Exception for Phased Projects. Notwithstanding the requirements of subsection B of this section, where the nature of the proposed use or plans for its development are such that the commencement of construction of facilities is expected, in whole or in part, to be delayed in excess of two years, the planning director, zoning administrator, planning and design

commission, or city council, as applicable, may provide that the special permit shall remain in full force and effect beyond three years if specific steps in the completion of the phased project are completed within specific time limits. Such steps may be, but are not limited to, the securing of specific building permits or the construction or establishment of specific portions of the permitted use. A project is not considered a phased project unless the special permit conditions of approval so indicate.

F. Extensions of Time Within Which Special Permit Use Must Be Established. Upon application filed prior to the expiration of a special permit the time within which a special permit use must be established as provided in subsection B of this section may be extended by the zoning administrator upon a showing of good cause. One or more extensions may be granted for a special permit up to a cumulative total extension period of five years. An application for a time extension shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a zoning administrator's special permit. At the discretion of the zoning administrator, the application for time extension shall be subject to planning and design commission approval. An application for an extension of time referred by the zoning administrator to the planning and design commission shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning and design commission special permit. A request for an extension of time shall be subject to a filing and investigation fee.

G. Discontinuance. Any special permit, the exercise of which is voluntarily or involuntarily interrupted for a period in excess of two years, shall be deemed automatically revoked.

SECTION 94

Section 17.212.020 of the Sacramento City Code is amended to read as follows:

17.216.020 General provisions.

The following general provisions shall apply to a variance considered by the zoning administrator or planning and design commission:

A. Application. The applicant shall submit an application and plans for the proposed variance. Such plans shall be in sufficient detail to allow the zoning administrator or planning and design commission to determine the exact nature and extent of the variance. Such plans shall in all cases include a site plan.

B. Permits May Not Be Issued. No building permit involving a variance granted by the zoning administrator or planning and design commission may be issued until the ten (10) day appeal period has expired. No building permit, license, or other permit shall be issued while a variance hearing or appeal is pending.

C. Fees. An application for a variance to be reviewed by the zoning administrator or planning and design commission shall require a filing and investigation fee as established in the fee and charge report.

D. Conditions May Be Imposed. In granting any variance, the zoning administrator or planning and design commission may impose such conditions as deemed necessary to carry out the intent and purpose of this title.

E. Appeal of a Decision. An appeal of a decision made by the zoning administrator or planning and design commission related to a variance may be made in accordance with Chapter 17.200 of this title.

F. Withdrawal of Application. The zoning administrator, planning and design commission or city council may permit the withdrawal of an application for a variance, provided such request is made in writing by the applicant. Further, any hearing for which public notice is given shall be held.

G. Resubmittal of Application. If an application for a variance has been denied wholly or in part by the zoning administrator or planning and design commission, no new application for substantially the same variance shall be resubmitted for a period of one year from the effective date of the final denial of the application, unless approval for filing has been granted by the zoning administrator or planning and design commission prior to expiration of the one year period.

SECTION 95

Section 17.216.030 of the Sacramento City Code is amended to read as follows:

17.216.030 Planning and design commission variance.

The general provisions set forth in Section 17.216.020 of this chapter shall apply to a variance request. An application for a variance to be considered by the planning and design commission shall be subject to the following requirements:

A. Notice and Hearing. At least one public hearing shall be held on an application to the planning and design commission for a variance. The procedural requirements for the hearing before the planning and design commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting and mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property.

B. Decision and Notification—Findings. Except as provided in Section 17.216.035, the planning and design commission shall issue a written decision at the conclusion of the hearing setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The planning and design commission shall not grant a variance unless the commission finds that the project complies with the guidelines set forth in Section 17.216.010.

SECTION 96

Section 17.216.035 of the Sacramento City Code is amended to read as follows:

17.216.035 City council shall act if any entitlement requires council approval.

At the conclusion of the public hearing on a variance that is requested as a part of a development project that requires approval of one or more entitlements by the city council, the planning and design commission shall recommend approval, denial, or modification of the variance and forward the application to the city council for action. Upon receipt of a recommendation on a variance from the planning and design commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of subsection A of Section 17.216.030. Upon conclusion of the hearing, the city council shall issue a written decision setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The city council shall not grant a variance unless the council finds that the project complies with the guidelines set forth in Section 17.216.010.

SECTION 97

Section 17.216.040 of the Sacramento City Code is amended as follows:

A. Subsection A of section 17.216.040 of the Sacramento City Code is amended to read as follows:

A. Planning and Design Commission Shall Act If Any Entitlement Requires Commission Approval. For a zoning administrator's variance sought as part of a development project requiring approval of one or more entitlements by the planning and design commission, the planning and design commission shall act upon such variance. A variance to be approved by the planning and design commission shall be processed in the same manner as a planning and design commission variance pursuant to Section 17.216.030 of this chapter.

B. Subsection B of section 17.216.040 of the Sacramento City Code is amended to read as follows:

B. Discretion to Elevate to Planning and Design Commission. At the discretion of the zoning administrator, a zoning administrator's variance may be determined by the planning and design commission. Variances to be approved by the planning and design commission shall be processed in the same manner as planning and design commission variance pursuant to Section 17.216.030 of this chapter.

C. Except as specifically amended in subsections A and B, section 17.216.040 remains unchanged and in full force and effect.

SECTION 98

A. Subsection B of section 17.216.050 of the Sacramento City Code is amended to read as follows:

B. Extension of Time Within Which Variance Must Be Established. Upon application filed prior to the expiration of a variance, the time within which the variance must be established as provided in subsection A of this section may be extended by the zoning administrator upon a showing of good cause. One or more extensions may be granted for a variance up to a cumulative total extension period of five years. An application for a time extension shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a zoning administrator's variance. At the discretion of the zoning administrator, the application for time extension shall be subject to planning and design commission approval. An application for an extension of time referred by the zoning administrator to the planning and design commission shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning and design commission variance. A request for an extension of time shall be subject to a filing and investigation fee.

B. Except as specifically amended in subsection A, section 17.216.050 remains unchanged and in full force and effect.

SECTION 99

Section 17.220.010 of the Sacramento City Code is amended to read as follows:

17.220.010 Definition, authority and findings.

A plan review pursuant to this chapter allows for the review of a proposed development plan to ensure, among other things, that the proposed development is consistent with the general plan and any applicable community or specific plans; that the utilities and infrastructure are sufficient to support the proposed development and are compatible with city standards; and that the proposed development is compatible with surrounding development. While a plan review for a proposed development involving a use permitted under this title may not be denied solely because of the proposed use, the nature of the impacts associated with the proposed use, given its size, location, layout and other similar factors, including but not limited to its anticipated impacts on adjacent streets and neighboring properties, are relevant considerations. A plan review is discretionary in nature and is subject to approval by the planning and design commission, zoning administrator or planning director as specified in this section.

A. Authority. A plan review shall be required for the following: (i) development of any property with a plan review (-R) designation included as part of the zoning pursuant to Section 17.208.020(E) of this title; (ii) development of any property within a zone for which a plan review is required pursuant to this title; and (iii) development of any property where a plan review is a condition of approval of a special permit or other discretionary entitlement. Notwithstanding the above, a plan review is not required for a project for which a special permit is required.

The planning and design commission, zoning administrator and planning director shall have the authority to conduct a plan review as follows:

1. Planning and Design Commission Plan Review. The planning and design commission shall conduct a plan review for buildings greater than ten thousand (10,000) square feet in gross floor area; for projects for which a plan review by the planning and design commission is specifically required, regardless of size; and for projects referred to the planning and design commission by the zoning administrator or planning director.

2. Zoning Administrator Plan Review. Except as provided in Section 17.220.040(A) of this chapter, the zoning administrator shall conduct a plan review for buildings not exceeding ten thousand (10,000) square feet in gross floor area except for projects for which a plan review by the planning and design commission is specifically required.

3. Planning Director Plan Review. The planning director shall conduct plan review where specifically required by this title.

B. Considerations. In conducting a plan review, the planning and design commission, zoning administrator or planning director shall consider the following:

1. Considerations relating to site layout, the orientation and location of building, signs, other structures, open spaces, landscaping and other development features in relation to the physical characteristics, zoning, and land use of the site and surrounding properties;

2. Considerations relating to traffic, safety, and traffic congestion, including the effect of the site development plan on traffic conditions on abutting streets, the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways, the adequacy of off-street parking facilities to prevent traffic congestion, and the circulation patterns within the boundaries of the development;

3. Considerations necessary to ensure that the proposed development is consistent with the general plan, and all applicable community or specific plans, including but not limited to the density of residential units;

4. Considerations related to energy conservation, including, but not limited to, the presence and orientation of structures, vegetation and other objects, both on and off the site, to provide shading and protection from the wind on the lot and nearby sites; the presence of adequate structure orientation to maximize south wall solar access. Nothing contained in this section shall limit the application of other provisions of this chapter;

5. Considerations relating to the availability of city services, including, but not limited to, water, sewer, drainage, police and fire; and whether such services are adequate based upon city standards; and

6. Considerations relating to architectural design, including, but not limited to, the location and orientation of building(s) on the site, development of urban streetscape, articulation of building massing and details, and usage of quality materials.

C. Findings. No plan review shall be approved by the planning and design commission, zoning administrator or planning director unless the following findings are made:

1. The proposed development, including but not limited to the density of a proposed residential development, is consistent with the general plan and any applicable community or specific plan;

2. Facilities, including utilities, access roads, sanitation and drainage are adequate and consistent with city standards, and the proposed improvements are properly related to existing and proposed streets and highways;

3. The property involved is of adequate size and shape to accommodate the proposed use and required yard, building coverage, setback, parking area and other requirements of this title; and

4. Approval of the plan review will not be contrary to the public health or safety or injurious to the property or improvements of adjacent properties.

SECTION 100

Section 17.220.020 of the Sacramento City Code is amended to read as follows:

17.220.020 General provisions.

The following general provisions shall apply to any request for a plan review, plan review modification, or plan review extension to be considered by the planning and design commission, zoning administrator or planning director:

A. Application. The applicant shall submit an application and plans for the proposed plan review. Such plans shall be in sufficient detail to allow the planning director, zoning administrator or planning and design commission to determine the exact nature and extent of the plan review. Such plans shall in all cases include a site plan.

B. Permits May Not Be Issued. No building permit involving a plan review, modification, or extension granted by the planning director, zoning administrator or planning and design commission may be issued until the ten-day appeal period has expired. No building permit, license, or other permit shall be issued while a plan review hearing or appeal is pending.

C. Fees. An application for a plan review, modification, or extension to be reviewed by the planning director, zoning administrator or planning and design commission shall require a filing and investigation fee as established in the fee and charge report.

D. Conditions May Be Imposed. In approving any plan review, modification, or extension, the planning director, zoning administrator or planning and design commission may impose such conditions as reasonably necessary to carry out the intent and purpose of this title; provided, that the conditions may not be imposed which conflict with or are contrary to the requirements of this title or with conditions of approval imposed by prior approvals other than the plan review.

E. Appeal of a Decision. An appeal of a decision made by the planning director, zoning administrator or planning and design commission related to a plan review, modification, or extension may be made in accordance with Chapter 17.200 of this title.

F. Withdrawal of Application. The planning director, zoning administrator, planning and design commission or city council may permit the withdrawal of an application for a plan review, modification or extension, provided such request is made in writing by the applicant.

G. Resubmittal of Application. If an application for a plan review, modification or extension has been denied wholly or in part, no new application for substantially the same plan review, modification or extension shall be resubmitted for a period of one year from the effective date of the final denial of the application, unless approval for filing has been granted by the planning director, zoning administrator or planning and design commission prior to expiration of the one-year period.

SECTION 101

Section 17.220.030 of the Sacramento City Code is amended to read as follows:

17.220.030 Planning and design commission plan review.

The general provisions set forth in Section 17.220.020 of this chapter shall apply to a plan review request. An application for a plan review to be considered by the planning and design commission shall be subject to the following requirements:

A. Notice and Hearing. At least one public hearing shall be held on an application to the planning and design commission for a plan review. The procedural requirements for the hearing before the planning and design commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting and mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property.

B. Decision and Notification—Findings. Except as provided in Section 17.220.035, the planning and design commission shall issue a written decision at the conclusion of the hearing setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The planning and design commission shall not approve a plan review unless the commission finds that the project complies with the guidelines set forth in Section 17.220.010.

SECTION 102

Section 17.220.035 of the Sacramento City Code is amended to read as follows:

17.220.035 City council shall act if any entitlement requires council approval.

At the conclusion of the public hearing on a plan review that is requested as a part of a development project that requires approval of one or more entitlements by the city council, the planning and design commission shall recommend approval, denial, or modification of the plan review and forward the application to the city council for action. Upon receipt of a recommendation on a plan review from the planning and design commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of subsection A of Section 17.220.030. Upon conclusion of the hearing, the city council shall issue a written decision setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The city council shall not approve a plan review unless the council finds that the project complies with the guidelines set forth in Section 17.220.010.

SECTION 103

Section 17.220.040 of the Sacramento City Code is amended as follows:

A. Subsection A of section 17.220.040 of the Sacramento City Code is amended to read as follows:

A. Planning and Design Commission Shall Act If Any Entitlement Requires Commission Approval. For a zoning administrator's plan review sought as part of a development project requiring approval of one or more entitlements by the planning and design commission, the planning and design commission shall act upon such a plan review. A plan review to be approved by the planning and design commission shall be processed in the same manner as a planning and design commission plan review pursuant to Section 17.220.030 of this chapter.

B. Subsection B of section 17.220.040 of the Sacramento City Code is amended to read as follows:

B. Discretion to Elevate to Planning and Design Commission. At the discretion of the zoning administrator, a zoning administrator's plan review may be determined by the planning and design commission. A plan review to be approved by the planning and design commission shall be processed in the same manner as planning and design commission plan review pursuant to Section 17.220.030 of this chapter.

C. Except as specifically amended in subsections A and B, section 17.220.040 remains unchanged and in full force and effect.

SECTION 104

Section 17.220.045 of the Sacramento City Code is amended to read as follows:

17.220.045 Planning director plan review.

An application for plan review to be considered by the planning director shall be subject to the following requirements:

A. Planning and Design Commission or Zoning Administrator Shall act if Any Entitlement Requires Commission or Zoning Administrator Approval. For a planning director plan review sought as part of a development project requiring approval of one or more entitlements by the zoning administrator, or approval or recommendation by the planning and design commission, the zoning administrator or planning and design commission shall act or recommend upon such a plan review. A plan review to be approved by the zoning administrator shall be processed in the same manner as a zoning administrator plan review pursuant to Section 17.220.040 of this chapter. A plan review to be approved or recommended upon by the planning and design commission shall be processed in the same manner as a planning and design commission plan review pursuant to Section 17.220.030 of this chapter.

B. Discretion to Elevate to Planning and Design Commission. At the discretion of the planning director, a planning director's plan review may be determined by the planning and design commission. A plan review to be approved by the planning and design commission shall be processed in the same manner as planning and design commission plan review pursuant to Sections 17.220.020 and 17.220.030 of this chapter.

C. Notice, Procedure and Appeal.

1. No public hearing shall be required.

2. Written notice of the filing of an application subject to planning director plan review shall be mailed by the planning director to all owners of all property within a radius of five hundred (500) feet from the exterior boundaries of the property, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed. The notice shall describe the scope and nature of the requested plan review.

3. Upon making a decision on the application for plan review, which shall not occur earlier than ten (10) days from the date that notice was mailed pursuant to subsection (C)(2) of this section, the planning director shall provide written notice of the decision and the right to appeal the decision to the planning and design commission within ten (10) days of the decision pursuant to Chapter 17.200 of this title, to all owners of all property within a radius of five hundred (500) feet from the exterior boundaries of the property, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed. No fee shall be charged for the appeal to the planning and design commission by any aggrieved person other than the applicant.

SECTION 105

Section 17.220.050 of the Sacramento City Code is amended to read as follows:

17.220.050 Plan review modifications.

No modification of a project for which a plan review is granted may be made unless prior approval for the modification is granted by the planning director, zoning administrator or planning and design commission as provided in this section. The planning director, zoning administrator or planning and design commission shall not grant a proposed modification unless the planning director, zoning administrator or planning and design commission find that the guidelines set forth under Section 17.220.010 of this chapter are satisfied. The general provisions set forth in Section 17.220.020 of this chapter shall apply to all plan review modifications.

A. Determination of Major or Minor Modification. The planning director or zoning administrator shall determine whether a proposed modification to an approved plan review is a major or minor modification, and the application for proposed modification shall thereafter be decided by the planning director, zoning administrator or planning and design commission pursuant to the provisions of this section. No hearing shall be required for the determination and the decision of the planning director or zoning administrator on whether the proposed modification is major or minor shall be final and shall not be subject to appeal.

B. Definition of Major Modification. A major modification is one which will result in material change in the nature of the project when all circumstances surrounding the issuance of the plan review are considered. Set forth below is a list of changes which, by definition, shall be deemed to constitute major modifications for purposes of this provision. This list is not intended to be inclusive, and the fact that a particular change is not included does not limit the discretion or authority of the planning director or zoning administrator to determine that a particular proposed change or set of changes to a plan review constitutes a major modification. The following changes constitute major modifications for purposes of this provision:

1. Any major change in the pattern or volume of traffic flow either on or off any property covered by the plan review;

2. Any change in the nature of the use;

3. Any increase in height of a structure which exceeds twenty-five (25) percent of the height of such structure as approved or which exceeds one story, whichever is less;

4. Any increase in gross floor area of a building which exceeds twenty-five (25) percent of the approved gross floor area;

5. Any increase in the density of dwelling units per acre;

6. Any material changes in the orientation or location of structures on the parcel.

C. Review and Approval of Proposed Modifications—Planning Director and Zoning Administrator Authority. The planning director and zoning administrator shall have the authority

to review and approve proposed modifications to a plan review, pursuant to the following provisions.

1. Minor Modification(s) to a Zoning Administrator's or Planning and Design Commission Plan Review. If the zoning administrator determines that a proposed modification is a minor modification of an approved zoning administrator's or planning and design commission plan review, then a zoning administrator's plan review modification, with no required public hearing, is required for approval of the minor modification. In considering a modification to an existing plan review, the zoning administrator shall apply the standards set forth in Section 17.220.010 of this chapter for the issuance of a plan review. When granting a modification to a plan review, the zoning administrator may impose such additional conditions as may be required to mitigate any deleterious effect of the modification. An application for a zoning administrator's plan review modification shall be subject to the general provisions and requirements set forth in Sections 17.220.020 and 17.220.040 of this chapter.

2. Minor Modification(s) to a Planning Director's Plan Review. If the planning director determines that a proposed modification is a minor modification of an approved planning director's plan review, then a planning director's plan review modification, with no required public hearing, is required for approval of the minor modification. In considering a modification to an existing plan review, the planning director shall apply the standards set forth in Section 17.220.010 of this chapter for the issuance of a plan review. When granting a modification to a plan review, the planning director may impose such additional conditions as may be required to mitigate any deleterious effect of the modification. An application for a planning director's plan review modification shall be subject to the general provisions and requirements set forth in Sections 17.220.020 and 17.220.045 of this chapter.

3. Major Modification(s) to a Plan Review. If the planning director or zoning administrator determine that a proposed modification is a major modification of an approved plan review, then a planning director's or zoning administrator's plan review modification, with a required public hearing, is required for approval of the major modification. At the discretion of the planning director or zoning administrator, a major modification of a plan review may be determined by the planning and design commission. The public hearing shall be noticed and heard in the same manner described in Section 17.220.030 of this chapter for planning and design commission hearing and Section 17.220.040 of this chapter for a zoning administrator's or planning director's hearing. In considering a modification to an existing plan review, the planning director, zoning administrator or planning and design commission shall apply the standards set forth in Section 17.220.010 of this chapter for the issuance of a plan review. When granting a modification to a plan review, the planning director, zoning administrator or planning and design commission may impose such additional conditions as may be required to mitigate any deleterious effect of the modification. An application for a planning director's or zoning administrator's plan review modification shall be subject to the general provisions and requirements set forth in Sections 17.220.020, 17.220.040 and 17.220.045 of this chapter.

SECTION 106

A. Subsection B of section 17.220.060 of the Sacramento City Code is amended to read as follows:

B. Extension of Time Within Which Plan Review Must Be Established. Upon application filed prior to the expiration of a plan review, the time within which the plan review must be established as provided in subsection A of this section may be extended by the zoning administrator, in the case of a planning and design commission or a zoning administrator plan review, or by the planning director, in the case of a planning director plan review, upon a showing of good cause. One or more extensions may be granted for a plan review up to a cumulative total extension period of five years. An extension of time referred by the zoning administrator or the planning director to the planning and design commission shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning and design commission plan review. The request for an extension of time shall be subject to a filing and investigation fee as established in the fee and charge report.

SECTION 107

Section 17.224.040 of the Sacramento City Code is amended to read as follows:

17.224.040 Appeal.

Any person dissatisfied with any decision of the zoning administrator made pursuant to the provisions of this chapter may appeal to the city planning and design commission pursuant to the regulations set forth in Section 17.200.030(A) of this title.

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ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING CHAPTER 17.132 AND VARIOUS OTHER SECTIONS OF THE SACRAMENTO CITY CODE TO RENAME THE PLANNING COMMISSION THE PLANNING AND DESIGN COMMISSION

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

SECTION 1

Chapter 17.132 of Title 17 of the Sacramento City Code is amended to read as follows:

Chapter 17.132 DESIGN REVIEW

17.132.010 Findings and declaration of purpose.

A. The city council finds and declares that a high regard for the integration of design with the general appearance, scale, capacity, use and character of neighborhoods, districts, and environments within the city promotes the health, safety, welfare and economy of the residents of the city in the following manner:

1. The desirability of adjacent and surrounding properties is enhanced;

2. The benefits of occupancy of adjacent and surrounding properties are improved;

3. The value of surrounding properties is increased;

4. Appropriate development of adjacent and surrounding properties is encouraged;

5. The maintenance and improvement of surrounding properties is encouraged, resulting in the enhancement of the health, safety, aesthetics, and general welfare of the inhabitants of the area and the inhabitants of the city at large.

B. The city council further finds and declares that the city is the capital city of the state of California; that as the capital city, Sacramento should reflect the values, beauty and heritage of the entire state to the rest of the state; and that the physical appearance and quality of design should epitomize these values and should serve as a valuable asset and benefit for the citizenry.

C. The city council further finds and declares that the administrative responsibilities of the design review program shall be assigned to the planning and design commission, a design director, and design review staff as provided in this chapter.

17.132.020 Definitions.

For the purpose of this chapter, the following words and phrases are defined as follows. The definitions in this section shall supersede the provisions of Section 17.16.010 in the case of conflict. The terms are in alphabetical order.

"Building height" or "height" means the dimension measured from mean finish grade to top of parapet or top of the highest ridge line for projects with pitched roofs.

"Design director" means the individual designated by the city manager to carry out the functions of the design director under this Chapter 17.132 and this code.

"District" means design review districts created under this Chapter 17.132.

"Development project" or "project" shall be liberally interpreted and shall include the new construction of a building or structure and the addition to, remodel, repair, or relocation of any existing building or structure, along with all associated facilities and appurtenances, such as walls, fences, and signs.

"LEED accredited architect" means an architect accredited by the US Green Building Council for proficiency in and understanding of green building practices and principles and familiarity with LEED (Leadership in Energy and Environmental Design) requirements, resources, and processes.

"New construction" means the construction of a new building or structure, along with all associated facilities and appurtenances, such as walls, fences, and signs. New construction does not include additions to existing buildings or structures.

"Registered house plans" means house plans that have been previously approved and registered with the city pursuant to this chapter.

17.132.030 Design director—Office established.

To assist in the implementation of the purpose and objectives of this chapter and to assist the planning and design commission in the performance of its duties, there is created the position of design director.

17.132.040 Design director—Authority.

The design director shall have the authority to:

A. Exercise the authority set forth in this chapter and as otherwise provided in this code;

B. Oversee the operation of the city's design review program established by this chapter;

C. Advise the city council, the planning and design commission, the preservation commission, , the housing code advisory and appeals board, and city staff on urban design issues;

D. Perform such other functions as may be assigned by the city council.

17.132.050 Design review districts.

A. Purpose. Design review districts established under the provisions of this section are for the protection and enhancement of the value, appearance, economic development and vitality, and use of public and private property; the maintenance of a high level of community development and the achievement of orderly, harmonious and integrated development in specific areas within the city.

B. Procedure for Establishing, Amending and Dissolving Design Review Districts.

1. The city council, the planning and 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 planning and design commission.

2. The planning and design commission shall hold a public hearing on the statement of initiation filed under subsection (B)(1) of this section. The procedural requirements for the hearing shall be governed by Chapter 17.200. Notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section17.200.010. In addition, mailed notice shall be given at least ten (10) days prior to the hearing to those persons requesting notice in writing. After completion of the public hearing, the planning and design commission shall issue a determination concurring, in whole or in part, or not concurring in the statement of initiation and forward the determination to the city council for action.

3. Upon receipt of the determination of the planning and design commission on the statement of initiation, the city council shall hold a public hearing. The procedural requirements for the hearing shall be governed by Chapter 17.200. Notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section17.200.010. After completion of the public hearing, the city council may, by ordinance, establish the boundaries of a new design review district or approve the amendment to or dissolution of an existing design review district.

17.132.060 Guidelines for design review districts.

A. Design review guidelines may be adopted for each design review district in accordance with the notice and hearing procedures prescribed in Section 17.132.050, except that the council may adopt the design guidelines by resolution.

B. Design review guidelines for a design review district shall be consistent with the general plan, applicable community plan, and the intent of this chapter and shall contain all of the following elements:

1. A statement of the goals for design review within the design review district;

2. A statement of the standards and criteria to be utilized in determining the appropriateness of any proposed building or structure or alteration thereof within the design review district;

3. Any additional material as may, in the judgment of the city council, be required for the systematic execution of the purpose enumerated in subsection A of Section 17.132.050.

17.132.070 Design requirements for areas outside of design review districts.

A. In addition to establishing design review districts and design review guidelines for design review districts, the council may establish minimum design requirements applicable to development projects of a specified size, type or location. The design requirements may be made applicable to either ministerial or discretionary project applications.

B. Minimum Design Requirements—Ministerial Projects.

1. Minimum design requirements for ministerial projects shall be adopted by the city council by resolution in the same manner as design review guidelines under Section 17.132.060. The resolution shall specify by size, type and/or location the development projects that will be subject to the design requirements. The minimum design requirements shall not apply to projects that are subject to discretionary design review or that require a special permit under this code.

2. Minimum design requirements for ministerial projects shall be mandatory in nature, and review for consistency with these requirements shall be ministerial and nondiscretionary.

3. No building permit shall be issued for a development project that is subject to the minimum design requirements unless the project is consistent with the applicable requirements.

4. The planning and design commission and the director shall have the authority to vary the minimum design requirements for a development project upon application for discretionary design review in accordance with and subject to the requirements of this chapter.

5. An applicant for a development project subject to the minimum design requirements for ministerial projects who disagrees with an interpretation or application of a design requirement made applicable under this subsection may file a written request for review of that interpretation with the design director. The design director shall review the interpretation or application described in the request for review and render his or her decision on the request within a reasonable period of time. No hearing shall be required, and the decision of the design director shall be final.

C. Minimum Design Requirements—Discretionary Projects.

1. Minimum design requirements for discretionary projects shall be adopted by the city council by resolution in the same manner as design review guidelines under Section 17.132.060. The resolution shall specify by size, type and/or location the development projects that will be subject to the minimum design requirements. The minimum design requirements may be made to apply only to projects that are subject to discretionary design review or that require a special permit or plan review under this code.

2. A finding of consistency with the applicable minimum design requirements shall be required in addition to the findings required for approval of the design review, special permit, or plan review, in the manner specified in the resolution adopting the minimum design requirements.

17.132.080 Approval and use of registered house plans.

A. The planning and design commission shall have the authority to approve registered house plans for one or more design review districts as set forth in this section. Use of registered house plans for development in the designated design review district will exempt the development from further design review as provided in Section 17.132.100.

1. Any person may request approval of registered house plans by filing an application with the design director. The application shall be subject to and governed by Chapter 17.196.

2. A request to approve registered house plans may also be initiated by the design director.

3. The design director shall conduct a preliminary review of the proposed registered house plans and prepare a written evaluation and recommendation of approval, conditional approval, or disapproval of the proposed plans. A copy of the written evaluation and recommendation shall be submitted to the applicant, if any, and shall be forwarded to the planning and design commission for hearing and decision.

4. At least one public hearing shall be held by the planning and design commission on a request to approve registered house plans. The procedural requirements for the hearing shall be governed by Chapter 17.200. Notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section17.200.010. In addition, mailed notice shall be given at least ten (10) days prior to the hearing to those persons requesting notice in writing. At the conclusion of the hearing, the planning and design commission may approve, conditionally approve, or deny the request for approval of registered house plans.

5. In reaching its decision, the planning and design commission shall evaluate each proposal for registered house plans in accordance with the citywide design review guidelines, the design review guidelines for the district or districts for which the registered house plan is intended, the findings and declaration of purpose contained in Section 17.132.010 of this chapter,

and any other applicable adopted land use plans. The planning and design commission shall not approve a proposal for registered house plans unless it finds that the design (as it may have been modified or conditioned by the planning and design commission) is consistent with the applicable guidelines and plans and the purpose of this chapter. The planning and design commission shall specify for which design review district or districts the registered house plan is approved for purposes of the exemption from further design review under Section 17.132.100.

6. On its own initiative, or at the request of the design director, the planning and design commission may cancel the registration of registered house plans as it deems appropriate to ensure a variety in the housing stock and to otherwise further the purpose of this chapter. The cancellation of the registration of registered house plans shall be subject to the same notice and hearing requirements as apply to the approval of registered house plans.

B. The design director shall establish policies and procedures addressing the development, approval, and use of registered house plans consistent with the purpose of this chapter.

17.132.090 Review of development projects required.

Except as to those exemptions provided in subsection F of Section 17.132.100, no building permit shall be issued for any development project that is located in a design review district or that is otherwise made subject to design review under any other provision of this code, and no person shall commence construction of a development project requiring a building permit that is located in a design review district or that is otherwise made subject to design review under any other provision of this code, unless and until an application for design review of the proposed project is reviewed and approved or conditionally approved as required by this chapter. Design review conducted under this chapter shall have review authority over all urban design elements, including, but not limited to, exterior architectural design, site design, landscape design and sign design.

17.132.100 Review of development projects—Authority to review.

A. Projects Subject to Planning and Design Commission Review and Hearing. The following development projects subject to design review under this chapter or under any other provision of this code shall be subject to design review by the planning and design commission and shall require a public hearing:

1. New construction of, or an addition to an existing, building or structure that:

a. Exceeds four stories; or

b. Exceeds sixty (60) feet in height; or

c. Is located inside the central business district and exceeds a total of seventy-five thousand (75,000) gross square feet of floor area or is located outside the central business district and exceeds a total of forty thousand (40,000) gross square feet of floor area.

2. Any project for which design review by the design commission is required as a condition of approval of a discretionary entitlement issued under this title or required under any other provision of this code.

3. Any project subject to design director review under this chapter that the design director, in his or her sole discretion, elects to elevate to the design commission for hearing and decision.

B. Projects Subject to Design Director Review and Hearing. The following projects subject to design review under this chapter or under any other provision of this code shall be subject to design review by the design director and shall require a public hearing:

1. New construction of, or an addition to an existing, building or structure that is not subject to design review by the commission under subsection A of this section, and that the design director determines is not in substantial compliance with applicable design guidelines. No hearing shall be required on the issue of whether the project is in substantial compliance with applicable design guidelines, and the decision of the design director shall be final and shall not be subject to appeal.

2. Any project for which design review by the design director is required as a condition of approval of a discretionary entitlement issued under this title or required under any other provision of this code.

3. Any project subject to staff review under the general direction of the design director under this chapter that the design director, in his or her sole discretion, elects to elevate to the design director for hearing and decision.

C. Projects Subject to Staff Review Under the General Direction of the Design Director.

1. All projects subject to design review under this chapter or under any other provision of this code that are not required to be reviewed by either the planning and design commission or the design director shall be subject to staff review under the general direction of the design director and shall not require a public hearing.

2. Building moves subject to design review under Section 15.48.010 shall be subject to staff review under the general direction of the design director and shall not require a public hearing.

D. Projects Exempt from Design Review. Notwithstanding the provisions of subsections A, B, and C of this section to the contrary, design review shall not be required for the following projects:

1. Remodels or repairs to the interior of any existing building or structure;

2. The following repair and replacement projects; provided, the value of the work does not exceed ten thousand dollars ($10,000.00), and the work proposed does not alter, expand or otherwise modify the existing structure:

a. The repair or replacement of stairs, rails and porches to match the design and materials existing at the time of the proposed work, provided the portion to be repaired or replaced when added to the portion(s) repaired or replaced in the previous thirty-six (36) months does not exceed fifty (50) percent of the existing porch or stair area of the structure,

b. The repair or replacement of roofing to match the design and materials existing at the time of the proposed work, provided the portion to be repaired or replaced when added to the portion(s) repaired or replaced in the previous thirty-six (36) months does not exceed twenty-five (25) percent of the existing roof area of the structure,

c. The repair or replacement of exterior siding materials to match the design and materials existing at the time of the proposed work, provided the portion to be repaired or replaced when added to the portion(s) repaired or replaced in the previous thirty-six (36) months does not exceed twenty-five (25) percent of the existing siding area of the structure,

d. The repair or replacement of windows and exterior doors to match the design and materials existing at the time of the proposed work, provided the portion to be repaired or replaced when added to the portion(s) repaired or replaced in the previous thirty-six (36) months does not exceed twenty-five (25) percent of the existing windows or fifty (50) percent of the existing doors of the structure;

3. New construction of single-family residential units utilizing, without substantial deviation, registered house plans approved for use in the design review district where the proposed construction is located;

4. The construction or installation of public utility boxes and public utility sheds;

5. Billboards;

6. Properties located within a planned unit development subject to Chapter 17.180;

7. Re-roofing projects on buildings or structures that are less than fifty (50) years old and that are not listed in the Sacramento Register of Historic and Cultural Resources, if the project conforms to the following criteria:

a. The new roofing will match the original roofing,

b. If repair or replacement of existing gutters is proposed, the new gutters will match existing. If there are no existing gutters, new fascia or OG gutters can be provided. Downspouts shall be repaired or replaced to match existing,

c. No change or cutting is proposed to original exposed rafter tails, if any;

8. HVAC installations that conform to the following criteria:

a. Ground-Mounted Units.

i. The new unit replaces, in the same location, an existing unit, and the new unit does not exceed the size of the existing unit by more than twenty-five (25) percent, or

ii. The new unit is fully screened behind a solid fenced area and will not be visible from any street views, or existing shrubs or building will screen the unit and will not be visible from any street views,

b. Roof-Mounted Units.

i. The new unit replaces, in the same location, an existing unit, and the new unit does not exceed the size of the existing unit by more than twenty-five (25) percent, or

ii. The new unit is fully screened by the building such that no portion of the new unit is visible from any street views.

E. Design Director Determination. The design director shall review and determine whether a development project application is subject to staff review under the general direction of the design review director, a design director hearing, a design commission hearing, or is exempt from review under this chapter. The determination of the design director on this issue shall be final and shall not be subject to appeal.

F. Determination Regarding Applicability of Chapters 17.132 and 17.134. An application for a development project that is subject to both design review under this chapter and preservation review under Chapter 17.134 shall be accepted, processed and reviewed under Chapter 17.134 only, and not under Chapter 17.132; provided, that the review and decision shall be made in consultation with the design director or designee and shall be based on the applicable standards and criteria of both Chapters 17.132 and 17.134.

G. Expanded North Area Design Review District. Notwithstanding the provisions of subsections A and B of this section to the contrary, design review of development projects in the expanded north area design review district shall be subject to staff review under the general direction of the design director under subsection C of this section.

17.132.110 Standards and criteria for evaluation.

A. The planning and design commission or design director shall evaluate each application for design review in accordance with the applicable design review guidelines for the district in which the project is located, the findings and declaration of purpose contained in Section 17.132.010 of this chapter, and any other applicable adopted land use plans. The planning and design commission or design director shall not approve an application for design

review unless it finds that the design, as it may have been modified or conditioned by the planning and design commission or design director, is consistent with the applicable plans, findings and declaration of purpose listed above. These standards are intended to provide a frame of reference for the applicant as well as a method of review for the planning and design commission and the design director. These standards and criteria shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, and innovation.

B. The planning and design commission may from time to time promulgate more specific criteria and standards for design review. It is the intent of this subsection that additional standards and criteria will serve to clarify and elucidate the standards and criteria contained in this section and not modify, supersede, or alter such standards and criteria beyond the scope of design review. Such additional standards shall be adopted by resolution of the planning and design commission.

17.132.120 Procedures for design review.

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 design 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 design director.

B. Early Notice. The design director shall establish policies and procedures to provide early notification and information to the public regarding the filing and acceptance of an application for design review as determined appropriate by the design director. In developing the policies and procedures for early notice under this section, the design director shall seek to accomplish the following objectives:

1. Encourage applicants to contact, obtain input from, and work out differences with affected neighbors and neighborhood associations early in the project design process;

2. Garner the support of affected neighbors and neighborhood associations for the project through the creation of a transparent process that encourages mutual trust and minimizes adversarial hearings and appeals;

3. Improve the quality of projects and the built environment.

C. Procedures for Staff Review Under the General Direction of the Design Director.

1. Review and Decision. Except as provided in subsections (C)(2), (3) and (4) of this section, an application for design review that requires staff review under the general direction of the design director under subsection C of Section 17.132.100 shall not require notice or hearing. In considering approval of an application, the standards set forth in Sections 17.132.010 and 17.132.110 shall be applied. Such conditions as may be required to ensure conformance with the

applicable design review guidelines and standards of review may be imposed. The decision made under this subsection (C)(1) shall be final and shall not be subject to appeal.

2. Special Notice and Reconsideration Procedures.

a. The following projects that are subject to staff review under the general direction of the design director shall be subject to the notice and reconsideration procedures established pursuant to this subsection (C)(2). The design director shall determine whether a development project application is subject to the special notice and reconsideration procedures under this subsection, and the determination of the design director on this issue shall be final and shall not be subject to appeal.

i. New construction of, or the exterior remodel of or an addition to an existing, commercial building or structure;

ii. New construction of, or the exterior remodel of or an addition to an existing, single-family or duplex dwelling unit that is greater than two stories and is greater than thirty-five (35) feet in height;

iii. New construction of, or the exterior remodel of or an addition to an existing, single-family or duplex dwelling unit located within a design review district;

iv. An addition to an existing building or structure that increases the square footage of the existing building or structure by fifty (50) percent or more;

v. The relocation of a nonresidential building;

vi. The relocation of a residential building in or into a design review district.

b. In addition to the early notice provided pursuant to subsection B of this section, the design director shall establish policies and procedures to provide notice and reconsideration of the design review decision made under this subsection (C)(2), including at a minimum the following:

i. Notification of staff action on the application, including all conditions and findings; and

ii. An opportunity for any person dissatisfied with the decision to request review and reconsideration of the decision by the design director before the decision is final.

c. The decision of the design director after reconsideration under this subsection (C)(2) shall be final and shall not be subject to appeal.

3. Review by Zoning Administrator. If a project subject to staff review under the general direction of the design director also requires approval of one or more zoning

administrator entitlements, the zoning administrator shall act on the design review in conjunction with the other entitlements, in consultation with the design director or his or her designee.

4. Elevation to Design Director Hearing. At the discretion of the design director, the application for staff review under the general direction of the design director may be elevated to the design director for hearing and decision, and the application shall be heard and decided by the design director in the same manner as design director design review under subsection D of this section. No hearing shall be required on the decision by the design director to elevate an application subject to staff review to the design director hearing level, and this decision of the design director shall be final and shall not be subject to appeal.

D. Procedures for Design Review by the Design Director.

1. Notice—Hearings. At least one public hearing shall be held on an application for design review that requires action by the design director under subsection B of

Section 17.132.100. The procedural requirements for the hearing and the contents of the notice required by the provisions of this chapter shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting the property and by mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010.

2. Decision and Notification. At the conclusion of the hearing, the design director shall issue a written decision setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit or cause to be transmitted to the applicant written notice of its decision pursuant to Section 17.200.020(C).

3. Elevation to Planning and Design Commission. At the discretion of the design director, the application for design review by the design director may be elevated to the planning and design commission for hearing and decision, and the application shall be heard and decided by the planning and design commission in the same manner as planning and design commission design review under subsection E of this section. No hearing shall be required on the decision by the design director to elevate a design review application to the planning design commission, and this decision of the design director shall be final and shall not be subject to appeal.

4. Appeal. Except as provided in subsection (D)(3) of this section, any person dissatisfied with the decision of the design director made under this subsection may appeal the decision to the planning and design commission. The appeal shall be noticed, heard, and otherwise governed by Section 17.200.030.

E. Procedures for Design Review by the Planning and Design Commission.

1. Notice—Hearings. At least one public hearing shall be held on an application for design review that requires action by the planning and design commission under subsection A of Section 17.132.100. The procedural requirements for the notice and hearing shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting the property and by mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010.

2. Decision and Notification. At the conclusion of the hearing, the planning and design commission shall issue its written decision setting forth its approval, conditional approval, or its disapproval of the application, and the findings supporting the decision, and shall transmit or cause to be transmitted to the applicant written notice of its decision pursuant to Section 17.200.020(C).

3. Appeal.

a. Any person dissatisfied with the decision by the planning and design commission on an application described in subsection A of Section 17.132.100 may appeal the decision to the city council. The appeal shall be noticed, heard, and otherwise governed by Section 17.200.030.

b. A decision by the planning and design commission on an appeal of a decision of the design director under subsection (D)(4) if this section shall be final and shall not be subject to appeal, but shall be subject to call-up for consideration by the city council under Section 17.200.040.

F. Final Plan Certification. Upon final approval of a design review plan and acceptance by the applicant of the conditions of approval, the applicant shall file final working drawings and a landscaping plan. The design director, upon receipt of the drawings and plans, shall certify that the final plans submitted under this subsection are in accord with the approved architectural and design plans. After such certification any permits or entitlements may thereafter be issued in accordance with the provisions of this code.

17.132.130 Term—Extension—Modification.

A. Term. Approval of an application for design review under this chapter shall expire at the end of three years from the date of final approval unless a building permit has been obtained and exercised for the project. For purposes of this section, the term “exercised” means substantial expenditures in good faith reliance upon the building permit. The burden of proof in showing substantial expenditures in good faith reliance upon the building permit shall be placed upon the permit holder.

B. Extension. One or more extensions of a design review approval may be granted for a cumulative total extension period of five years upon application to the design director filed no later than thirty (30) days prior to expiration. The application for extension of design review approval shall be subject to staff review under the general direction of the design director pursuant to subsection C of Section 17.132.120.

C. Modification. An application for a modification to an approved design review plan or a condition of approval of a design review plan shall be heard and/or considered in the same manner and by the same body as the original design review application.

SECTION 2

A. Subsection C.2.d of section 1.28.010 of the Sacramento City Code is amended to read as follows:

d. Failing to comply with any order issued by a commission, board, hearing officer or examiner or other body appointed by the city council and authorized to issue orders, including, but not limited to, the planning and design commission, the housing code advisory and appeals board, the preservation commission, the design director, the preservation director and the zoning administrator;

B. Except as specifically amended in subsection C.2.d, section 1.28.010 remains unchanged and in full force and effect.

SECTION 3

A. Subsection A of section 17.12.020 of the Sacramento City Code is amended to read as follows:

A. Abbreviated Titles and Phrases. For the purpose of brevity, the following phrases, personnel, and document titles are shortened hereafter in this title. This zoning title is referred to hereafter as the "title." The city council is referred to hereafter as the "council" and the city planning and design commission as the "commission." The planning director or his or her designee is referred to as the "director" unless otherwise specifically defined.

B. Except as specifically amended in subsection A, section 17.12.020 remains unchanged and in full force and effect.

SECTION 4

Section 17.12.070 of the Sacramento City Code is amended to read as follows:

17.12.070 Appeals and referral.

Any interpretations of this title by the zoning administrator may be appealed as provided by Chapter 17.200 of this title. The zoning administrator may refer any zoning title interpretation to the planning and design commission for a determination.

SECTION 5

Section 17.16.010 of the Sacramento City Code is amended as follows:

A. The definition of "commission" is amended to read as follows:

Commission. See "planning and design commission."

B. The definition of "Lot Area, Net" is amended to read as follows:

Lot Area, Net. "Net lot area" means the area of a lot excluding publicly dedicated land; private streets which meet city standards; and other public use areas, as determined by the planning and design commission.

C. The definition of “Plan review” is amended to read as follows:

“Plan review” means a planning entitlement granted by the planning and design commission or zoning administrator that allows for the review of a proposed development plan to ensure that it is consistent with the general plan and any applicable community plans, that utilities and infrastructure are sufficient to serve the development, and it is compatible with surrounding development. See Chapter 17.220 of this title.

D. The definition of “Planning commission” is amended to read as follows:

“Planning and design commission” means the duly designated planning and design board of the city of Sacramento, established pursuant to Chapter 2.60 of this code, having jurisdiction in the area referred to in the title of this zoning title.

E. The definition of “Special permit” is amended to read as follows:

“Special permit” means a permit issued by the city council, planning and design commission, zoning administrator, or planning director that must be acquired before a special use can be constructed or operated. See Chapter 17.212 of this title.

F. The definition of “Variance” is amended to read as follows:

“Variance” means permission granted by the or zoning administrator to depart from requirements of this title. See Chapter 17.216 of this title.”

G. Except as specifically amended for the definitions “Commission,” “Plan review,” “Planning and design commission,” “Special permit,” and “Variance” as set forth above, section 17.16.010 remains unchanged and in full force and effect.

SECTION 6

Section 17.20.010 is amended as follows:

A. “RO—Residential-Office Zone” is amended to read as follows:

RO—Residential-Office Zone. This is a medium density multiple family zone, generally located inside the central city and in certain areas adjacent thereto. The zone permits development of office uses subject to the granting of a special permit by the planning and design commission. The special permit allows city review of the project to ensure that the proposed office use is compatible with adjacent residential uses. Maximum density in the RO zone is thirty-six (36) dwelling units per acre.

B. Except as the "RO-Residential-Office Zone" is specifically amended, section 17.20.010 remains unchanged and in full force and effect.

SECTION 7

Section 17.24.050 of the Sacramento City Code is amended as follows:

A. Footnote 8 of section 17.24.050 is amended to read as follows:

8. Alternative Ownership Housing Types.

a. Special Permit Required. A zoning administrator special permit is required for alternative ownership housing projects comprised of four or fewer lots. A planning and design 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 and design 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.

b. Design. The proposed site development plan must integrate structures, common and private open spaces, pedestrian and vehicular circulation, parking, and other site features so as to produce a development that provides for all desirable residential features and environmental amenities. Further, the proposed development shall not adversely affect the existing or proposed future development of the surrounding areas.

c. Accessory Structures. Accessory structures and uses are those designed and constructed for the exclusive use of the residents of the project, including recreational facilities, such as a playground, swimming pool, or clubhouse, and service facilities, such as garages, carports, parking areas, laundry facilities and other similar accessory features.

d. Limitation on Use in R-1 Zone. In the R-1 zone, this use may be permitted with a special permit only in development projects subject to Chapter 17.190, Mixed Income Housing, which satisfy the inclusionary housing requirement on the site of the development project.

e. Limitation on Use in M-1, M-1(S), M-2, and M-2(S) Zones. In the M-1, M-1(S), M-2, and M-2(S) zones, this use may be permitted only with a planning and design commission special permit and only where located on a lot 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 lot closest to the station).

B. Footnote 12 of section 17.24.050 is amended to read as follows:

12. Retail uses in the C-4, M-1, M-1(S), M-2 and M-2(S) Zones. In the C-4, M-1, M-1(S), M-2 and M-2(S) zones, a zoning administrator's special permit shall be required for any building or portion of building devoted to retail stores to be constructed or expanded to exceed forty thousand (40,000) square feet of gross floor area per parcel. Areas devoted to warehouse uses, (i.e., storage of goods and materials without access to the general public) are not included in the retail floor area. Areas that are covered with a roof or other similar structure and are accessible to the general public for retail sales would be included in the floor area calculation (e.g., garden centers, covered lumber sales areas).

The zoning administrator shall review the plans and information so submitted for the special permit request and, pursuant to Chapter 17.212 of this title, may grant, conditionally grant, or deny the zoning administrator's special permit. The zoning administrator may, at his or her discretion, schedule for hearing by the planning and design commission under the special permit proceedings of Chapter 17.212 of this title, any such request for a zoning administrator's special permit.

C. Subsection d of footnote 13 of section 17.24.050 is amended to read as follows:

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 and design 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 and design commission special permit, under Chapter 17.212.

D. Footnote 15 of section 17.24.050 is amended to read as follows:

15. Development in the SC Zone. This use is permitted in the SC zone subject to approval of a plan review in accordance with Chapter 17.220 of this title. No property in the SC zone may be divided into smaller parcels unless said proposed division is submitted to and approved by the zoning administrator or the planning and design commission in accordance with Title 16 of this code. Said submission shall be made on a site development plan of the entire parcel so that its relationship to the overall development can be evaluated.

E. Footnote 17 of section 17.24.050 is amended to read as follows:

17. Single-Family Dwellings in the R-1A Zone.

a. A planning and design commission special permit is required for development of single-family dwellings within the R-1A zone, except as provided below in subsection 17.24.050(17)(b). In granting the special permit, the commission may modify any of the provisions of Title 16 of this code and any of the development standards in footnote 26 of this section.

b. Subject to the provisions and restrictions of Chapter 17.180 of this title, a planning director's plan review, rather than a planning and design commission special permit, shall be required for single-family residential development on property zoned R-1A, provided that all of the following requirements are satisfied: (i) the property is designated for planned unit development (PUD) pursuant to Chapter 17.180; and (ii) PUD guidelines and schematic plan have been approved for such development.

c. Notwithstanding the provisions of Sections 17.212.070 and 17.220.050, a special permit modification or plan review modification shall not be required for additions, remodeling, reconstruction, or other alterations to an existing single-family detached dwelling in the R-1A zone if the addition, remodeling, reconstruction, or other alteration complies with the setback, height, lot coverage, and parking standards of the R-1 zone or if the addition, remodeling, reconstruction, or other alteration complies with the setback, height, lot coverage, and parking standards originally approved with the special permit or plan review for the single-family dwelling.

F. Footnote 19 of section 17.24.050 is amended to read as follows:

19. Development in the F Zone. This use is permitted subject to compliance with the F zone chapter, Chapter 17.48 of this title, and with the approval of a special permit by the planning and design commission in accordance with Chapter 17.212.

G. Subsection b of footnote 28 of Section 17.24.050 is amended to read as follows:

b. Bed and Breakfast Inn in R-2A, R-2B, R-3, R-3A, R-4, R-5 and RO Zones. A zoning administrator's special permit shall be required to establish a bed and breakfast inn in the R-2A, R-2B, R-3, R-3A, R-4, R-5 and RO zones. The zoning administrator's special permit may authorize the use of the bed and breakfast facilities for conferences, weddings, fund raisers and other similar gatherings and functions attended by nonlodgers; provided that the zoning administrator may impose such conditions as may be necessary to satisfy Section 17.212.010 of this title, including but not limited to, restrictions on the types, frequency, and timing of events, and the maximum number of persons per event. Except as expressly authorized in the special permit, such activities are prohibited. In the R-2A, R-2B, R-3, R-3A, R-4 and R-5 zones, a bed and breakfast inn shall contain no more than seven guest rooms. In the RO zone, the number of guest rooms may be increased to a maximum of fourteen (14) rooms if the zoning administrator, planning and design commission or city council determines that the land uses surrounding the bed and breakfast inn are predominantly nonresidential uses and the required parking is provided.

H. Footnote 34 of section 17.24.050 is amended to read as follows:

34. Convenience Market or Store. Permitted unless the convenience market or store's location and hours of operation meet the criteria set forth in subsections (34)(a) and (b) of this section, in which case a special permit is required. Such criteria are:

a. Any property line of the parcel of real property containing the convenience market or store is located within five hundred (500) feet of any property line of a parcel which either contains a dwelling or is residentially zoned; and

b. The market or store will be open after eleven p.m. and/or before six a.m.

In the HC zone, the site plan, floor plan and elevations for the proposed convenience market or store are subject to planning and design commission review and approval, as described in subsection 16 of this section. Alcoholic beverage sales for off-premises consumption is not a permitted use in conjunction with a convenience market or store in the HC zone.

I. Subsection c of Footnote 35 of Section 17.24.050 is amended to read as follows:

c. All other office use is permitted subject to the issuance of a planning and design commission special permit in accordance with the requirements of Chapter 17.212.

J. Subsection *i* of Footnote 37 of Section 17.24.050 is amended to read as follows:

i. Exception—Halfplex and Duplex Development within a PUD. Subject to the provisions and restrictions of Chapter 17.180 of this title, a planning director's plan review, rather than a planning and design commission special permit, shall be required for halfplex or duplex residential development on property zoned R-1A, provided that all of the following requirements are satisfied: (i) the property is designated for planned unit development (PUD) pursuant to Chapter 17.180; and (ii) PUD guidelines and schematic plan have been approved for such development.

K. Subsection a of footnote 40 of Section 17.24.050 is amended to read as follows:

a. Findings. A special permit shall not be issued unless the following findings of fact are made by the planning and design commission:

i. The proposed use will not adversely affect the peace or general welfare of the surrounding neighborhood.

ii. The proposed use will not result in undue concentration of establishments dispensing alcoholic beverages.

iii. The proposed use will not enlarge or encourage the development of a skid row or blighted area.

iv. The proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation.

L. Subsection b of footnote 40 of Section 17.24.050 is amended to read as follows:

b. Considerations. The planning and design commission shall consider whether the proposed use will detrimentally affect nearby residentially zoned areas, and shall give consideration to the distance of the proposed use from residential buildings and from churches, schools, hospitals, public parks and playgrounds, child care centers, social services, and other similar uses.

In addition to the considerations applicable to all special permit applications, the planning and design commission may consider the following under this section: hours of operation; quantity and size of containers sold; alcoholic content of wines sold for off-premises consumption; percentage of shelf space devoted to alcoholic beverages; a requirement that the establishment post, in compliance with the city code, signs prohibiting the possession of open alcoholic beverage containers or the consumption of alcoholic beverages on any property adjacent to the establishment under the control of the establishment's operator; any other activities proposed for the premises.

M. Subsection a of footnote 41 of Section 17.24.050 is amended to read as follows:

a. Recycling facilities may be permitted as set forth in the following table. See Section 17.16.010 of this title for applicable definitions. Operational and developmental standards have been developed to ensure that all recycling facilities will be attractive and well-maintained. The operational standards stated in subsection (41)(c) of this section shall be applied to all existing facilities existing on or after the effective date of the ordinance codified in this section. The development standards in subsections (41)(d) and (e) of this section shall be applied to new and expanding facilities. Those recycling facilities permitted with a zoning administrator's or a planning and design commission special permit shall comply with the provisions in Chapter 17.72 of this title and the following standards:

Type of Facility	**Zones Permitted**	**Permit Required**
Convenience recycling facility	SC, C-1, C-2, C-3, C-4, M-1, M-2, M-1(S), M-2(S)	Administrative review (must comply with subsection (41)(e) of this section)
Minor recycling facility	C-4, M-1, M-2, M-1(S), M-2(S)	Zoning administrator's special permit (must comply with subsection (41)(d) of this section)
Major recycling facility	C-4, M-1, M-2, M-1(S), M-2(S)	Planning and design commission special permit (must comply with subsection (41)(d) of this section)
Greenwaste facility	A	Zoning administrator's special permit (must comply with subsection (41)(d) of this section)
	C-4, M-1, M-2, M-1(S), M-2(S)	Planning and design commission special permit (must comply with subsection (41)(d) of this section)

N. Subsection b of footnote 41 of Section 17.24.050 is amended to read as follows:

b. Permit for Multiple Sites. A single administrative review, zoning administrator special permit, or a planning and design commission special permit may be granted to allow more than one facility located on different sites as long as:

1. The operator of each of the proposed facilities is the same;

2. The proposed facilities are determined to be similar in nature, size and intensity of activity; and

3. All of the applicable criteria and standards set forth in the development standards and/or operational standards in this section are met for each such proposed facility.

O. 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 and design 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 and design commission special permit.

d. Findings. A special permit shall not be granted for a drive-through service facility unless the planning and design 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 and design 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 and design 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 and design 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 cannot 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).

P. Footnote 47 of section 17.24.050 is amended to read as follows:

47. Fraternity/Sorority House and Dormitory. Fraternity/sorority house and dormitory uses are allowed subject to a special permit in this zone. A dormitory shall be allowed without a

special permit in the R-4, R-4A, R-5 and C-2 zones within the central city, provided the development standards set forth below are met. Fraternity/sorority house and dormitory uses shall meet the following development standards. The planning and design commission may approve a special permit to modify the following standards for a fraternity/sorority house or a dormitory use.

a. Minimum Room Size. Every room used for sleeping purposes shall have not less than one hundred (100) square feet of floor area. Where more than one person occupies a room used for sleeping, the required floor area shall be increased at the rate of fifty (50) square feet for each occupant in excess of one.

b. Lounge Area. The facility shall provide a common lounge area. The lounge shall be centrally located.

c. On-site Owner/Manager. A property owner or a manager shall reside on the premises.

d. Parking. The facility shall provide one parking space per three occupants.

e. Outdoor Area. The facility shall provide an outdoor patio area which shall not face the street. The size of the outdoor area shall be determined by the planning and design commission.

Q. Subsection e of footnote 51 of Section 17.24.050 is amended to read as follows:

e. Planned Unit Developments. Existing buildings utilized for day care centers which require site modifications or modifications to exterior of building shall require review and approval of the zoning administrator. New construction or additions which exceed ten (10) percent of the original building shall require a planning and design commission special permit and shall be subject to the planned unit development guidelines.

R. Subsection b of footnote 52 of Section 17.24.050 is amended to read as follows:

b. Fences. If the proposed center abuts a residential zone or residence, a minimum six foot high solid wall of masonry, brick, stucco or similar material shall be provided. The wall shall be placed along all property lines which abut the residential zone or residence.

i. Subject to the following criteria, a masonry wall shall not be required unless made a condition of the special permit:

(A) The center is separated from a residential zone or residence by an alley; or

(B) The center will be located in an existing commercial building which did not require a wall when built, no expansion of the building will occur and the building is located between the play yard and the residential zone or residence.

ii. If the proposed center abuts a zone or use other than residential, the fence height and type shall be determined by the zoning administrator or planning and design commission. In all instances, play areas shall be adequately fenced.

S. Subsection f of footnote 52 of Section 17.24.050 is amended to read as follows:

f. Planned Unit Developments. Existing buildings utilized for day care centers which require site modifications or modifications to exterior of the building shall require review and approval of the zoning administrator. New construction or additions which exceed ten (10) percent of the original building shall require a planning and design commission special permit and shall be subject to the planned unit development guidelines.

T. Footnote 54 of section 17.24.050 is amended to read as follows:

54. Hazardous Waste Facility. A special permit issued by the planning and design commission pursuant to Chapter 17.212 shall be required for a hazardous waste facility which requires a hazardous waste facility permit issued by the California Department of Health Services pursuant to Section 25200 of the California Health and Safety Code. Definitions pertinent to hazardous waste facilities are listed in Chapter 17.16.

a. Consistency with Hazardous Waste Management Plan. In addition to meeting the requirements of Chapter 17.212, no special permit shall be issued for a hazardous waste facility unless consistent with the provisions of the Sacramento County hazardous waste management plan, adopted by reference as part of the hazardous waste element of the general plan of the city.

b. Permissible Zones. Subject to the above restriction, the following hazardous waste facilities shall be permitted in the M-1, M-1(S), M-2 and M-2(S) zones:

i. Off-Site Facilities.

(A) Disposal facilities;

(B) Transfer facilities;

(C) Treatment facilities;

(D) Other.

ii. On-Site Facilities.

(A) Treatment facilities;

(B) Other.

c. Nonconforming Use Regulations for Existing Hazardous Waste Facilities. Notwithstanding Chapter 17.88, a hazardous waste facility existing on the effective date of this

title (December 8, 1992) for which a special permit has not been issued may not be substantially expanded or enlarged, or changed to another use requiring a hazardous waste facility special permit, unless the facility as expanded, enlarged or changed meets the requirements established by this paragraph for new hazardous waste facilities, including consistency with the county hazardous waste management plan. A special permit shall be required to substantially expand or enlarge an existing hazardous waste facility, or to change to another use requiring a hazardous waste facility special permit, and shall be issued only upon the planning and design commission making the same findings required for approval of a special permit for a new hazardous waste facility.

U. Footnote 57 of section 17.24.050 is amended to read as follows:

57. Heliport or Helistop.

a. Except as provided otherwise in this footnote 57, a special permit approved by the planning and design commission under Chapter 17.212 shall be required to establish or operate a heliport or helistop at a location other than at an existing airport.

b. Approval of the special permit by the planning and design commission shall be deemed to be approval of the plan of construction for the heliport or helistop under California Public Utilities Code Section 21661.5.

c. All terms and conditions of approval for the heliport or helistop required by the California Department of Transportation Division of Aeronautics, the Federal Aviation Administration, or any other state or federal agency shall be deemed to be conditions of approval of the special permit.

d. Each special permit shall be conditioned on the owner and operator of the heliport or helistop complying at all times with the following operational requirements:

i. Compliance with the provisions of Chapter 12.92 of this code;

ii. Compliance with the state regulations.

e. Rooftop emergency facilities, emergency medical services helicopter landing areas, temporary helicopter landing sites, and emergency use facilities are not heliports subject to this footnote 57. These facilities are allowed in any zone subject to compliance with the state regulations and Chapter 12.92 of this code.

V. Subsection a of footnote 58 of Section 17.24.050 is amended to read as follows:

a. General. Except as provided below, a special permit approved by the planning and design commission or the zoning administrator shall be required to establish or locate in a residential or nonresidential zone a telecommunications facility, including an antenna, a telecommunications tower or other similar structure, and any related equipment, used for the transmission, reception or both, of electromagnetic waves. Except as provided below,

telecommunications facilities and related equipment used for the transmission, reception or both of electromagnetic waves are not permitted within any residential zone. The procedures specified in Chapter 17.212 of this title shall apply to special permits sought pursuant to this subsection.

W. Subsection d of footnote 58 of Section 17.24.050 is amended to read as follows:

d. Special Permit Required. A special permit approved by the zoning administrator or the planning and design commission as specified below shall be required for any nonexempt antenna or telecommunications facility and any related equipment or related equipment building, shelter or cabinet. Notwithstanding any other provisions of this title, the planning and design commission and the zoning administrator, as specified, shall have the authority to grant a special permit for a structure regulated by this subsection that exceeds the applicable height limits established for the zone in which it is to be located.

i. Residential Antennas Exceeding Height Limits. A zoning administrator special permit may be issued to allow for an antenna in a residential zone that would be exempt pursuant to subsection (58)(c) of this section, except for its height. Nothing herein is intended to allow the zoning administrator, pursuant to this subparagraph, to authorize a structure in a residential zone that is not constructed and used for the exclusive use of the residents of the property on which it is located and or that is not incidental and customary to residential use.

ii. Use of Existing Buildings and Structures.

(A) Nonexempt Facade Mounted Panel Antennas.

(1) Nonresidential Zone. A zoning administrator special permit may be issued to allow for a facade mounted panel antenna located in a nonresidential zone which fails to satisfy all of the requirements for the exemption set forth in subsection (58)(c)(vii)(A) of this section.

(2) Residential Zone. A planning and design commission special permit may be issued to allow for a building facade mounted panel antenna and related equipment in a residential zone; provided that no special permit may be approved for installation of a building facade mounted panel antenna and related equipment on a single-family or two-family dwelling.

(B) Other Uses of Existing Buildings and Structures.

(1) Nonresidential Zone. A zoning administrator special permit may be issued to allow for the addition of an antenna and any related equipment and related equipment building, shelter or cabinet to an existing building or structure located in a nonresidential zone provided the addition does not rise more than twelve (12) feet above the topmost portion of the building and the addition does not project out more than six feet from any portion of the building or structure. Any equipment building, shelter or cabinet shall be located either on the roof of, or within, the building upon which the antenna is mounted or within any building located on the same parcel as the building on which the antenna is mounted; or on the ground outside of any required setback or parking area. An equipment building, shelter or cabinet located on the roof of a building shall satisfy the requirements of this title for mechanical equipment located on the

roof of a building, and the zoning administrator may require that the equipment building, shelter or cabinet be screened.

(2) Residential Zone. A planning and design commission special permit may be issued to allow for the addition of an antenna and related equipment to an existing building or structure located in a residential zone, provided the addition does not rise more than twelve (12) feet above the topmost portion of the building and the addition does not project out more than six feet from any portion of the building or structure; and provided further that no antenna and related equipment may be added or installed on any single-family or two-family dwelling unless it is for the sole and exclusive use of the residents of the dwelling. Any equipment building, shelter or cabinet shall be located either on the roof of, or within, the building upon which the antenna is mounted or within any building located on the same parcel as the building on which the antenna is mounted; or on the ground outside of any required setback or parking area. An equipment building, shelter or cabinet located on the roof of a building shall satisfy the requirements of this title for mechanical equipment located on the roof of a building or structure, and the zoning administrator may require that the equipment building, shelter or cabinet be screened.

iii. New Telecommunications Towers. All new telecommunications towers, including monopoles, shall require approval of a planning and design commission special permit. Except as provided in subsections (58)(d)(iii)(A) and (58)(d)(vi) of this section, telecommunications towers may not be located on any residentially zoned parcel. The replacement of an existing structure with a telecommunication tower, including a monopole, shall be considered to constitute a new telecommunications tower; and except as provided in subsection (58)(d)(iv) of this section, a special permit shall be required pursuant to subsection (58)(d)(iii) of this section to install such a telecommunications tower.

(A) Exception—Residentially Zoned Parcels Used for Nonresidential Purposes. Notwithstanding the foregoing provisions, a special permit may be approved to locate a telecommunications tower on a residentially zoned parcel which is developed and used for nonresidential purposes.

(B) Residential Zone—Additional Notice Required. In addition to the notice required by Chapter 17.212 of this title for planning and design commission special permits, when an application has been filed pursuant to this subsection (58)(d)(iii) to locate a telecommunications tower on a residentially zoned parcel, notice shall be given to owners of parcels located within a radius of one thousand (1,000) feet of the parcel on which the proposed telecommunications tower will be located.

iv. Collocation on Existing Telecommunications Towers. Additional antenna may be added to an existing telecommunications tower pursuant to the following provisions:

(A) No Special Permit Previously Issued. Additional antenna and any related equipment or equipment building, shelter or cabinet may be added to an existing telecommunications tower for which no special permit has previously been issued pursuant to the following provisions:

(1) Zoning Administrator Special Permit. A zoning administrator special permit shall be required to add additional antenna and related equipment to an existing structure located in any zone other than the F, A or A-OS zone, provided that the antenna will not increase the overall height of the existing structure;

(2) Planning and Design Commission Special Permit. A planning and design commission special permit shall be required to add additional antenna and related equipment to an existing structure located in the F, A or A-OS zone, or if the antenna will increase the overall height of the existing structure.

(B) Special Permit Previously Issued—Special Permit Modification Required. Upon approval of a special permit modification by the zoning administrator or planning and design commission pursuant to the following provisions, additional antenna and any related equipment may be added to an existing telecommunications tower for which a special permit has previously been issued; along with any necessary equipment building, shelter or cabinet.

(1) Zoning Administrator Approval. The zoning administrator shall have the authority to approve a special permit modification to add additional antenna and related equipment or equipment building, shelter or cabinet in the following situations:

(a) When the additional antenna will be attached to a telecommunications tower other than a monopole and the antenna will not increase the overall height of the tower;

(b) When the additional antenna will be attached to a telecommunications tower other than a monopole and will increase the overall height of the telecommunications tower; provided that the overall height is within the height limit of the zone and provided further that the tower is not located in the F, A or A-OS zones;

(c) When the additional antenna will be attached to a monopole without increasing the overall height of the monopole, either on the same monopole or on a replacement monopole that will be of the same or lower height than the original monopole and will be in the same or proximate location as the original monopole;

(d) When the additional antenna will be attached to a monopole so as to increase the overall height of the monopole either on the same monopole or on a replacement pole that will be of a greater height than the original monopole and will be in the same or proximate location as the original monopole; provided, that the overall height is within the height limit of the zone, and provided further that the tower is not located in the F, A or A-OS zones.

(2) Planning and Design Commission Approval. The planning and design commission shall have the authority to approve a special permit modification to add additional antenna and related equipment to an existing telecommunications tower for which a special permit has previously been approved in situations other than those specified in subsection (58)(d)(iv)(B)(1) of this section.

(3) All equipment shelters, buildings or cabinets shall be located on the ground outside of any required setback area or parking space.

v. Location of Antennas on Existing Structures Other Than Telecommunications Towers. Subject to approval of a planning and design commission or zoning administrator special permit as specified below, a non-facade mounted antenna, along with related equipment, may be approved for location on an existing structure other than a telecommunications tower, such as, by way of example, an existing water tower or other similar structure.

(A) Zoning Administrator Special Permit. A zoning administrator special permit shall be required to add additional antenna and related equipment to an existing structure located in any zone other than the F, A or A-OS zone, provided that the antenna will not increase the overall height of the existing structure;

(B) Planning and Design Commission Special Permit. A planning and design commission special permit shall be required to add additional antenna and related equipment to an existing structure located in the F, A or A-OS zone, or if the antenna will increase the overall height of the existing structure.

vi. Antennas and Telecommunications Facilities on Governmental Property, Including City Property. A special permit approved by the planning and design commission or zoning administrator as specified herein shall be required to locate on property of the city, federal government, the state of California, the county of Sacramento, a local agency or any other governmental entity ("governmental property") an antenna or telecommunications facility, and any related equipment or equipment building, shelter or cabinet, that is not exempt pursuant to subsection (58)(c) of this section or is not otherwise exempt from regulation under this zoning title.

(A) Planning and Design Commission Special Permit. Except as provided below, a planning and design commission special permit shall be required to locate an antenna or telecommunications facility on governmental property if a planning and design commission special permit would be required to locate the same antenna or telecommunications facility on nongovernmental property with the same zoning designation pursuant to the provisions of subsections 17.24.050(58)(a) through and including (d). For purposes of this provision, property without a zoning designation under this title shall be treated as if it were zoned residential.

(B) Zoning Administrator Special Permit. A zoning administrator special permit shall be required to locate an antenna or telecommunications facility on governmental property if a zoning administrator special permit would be required to locate the same antenna or telecommunications facility on nongovernmental property with the same zoning designation pursuant to the provisions of subsections (58)(a) through and including (d) of this section. For purposes of this provision, property without a zoning designation under this title shall be presumed to be residential.

(C) Exception. No special permit is required for facade mounted panel antennas that meet the requirements of subsection (58)(c)(vii)(A) of this section.

(D) Agreement Regarding Use of City Property. In addition to a special permit, a revocable permit or other agreement or arrangement authorized by Chapter 3.76 of this code and approved as specified therein shall be required to locate an antenna or telecommunications facility on city property.

X. Subsection f of footnote 58 of Section 17.24.050 is amended to read as follows:

f. Development and Design Guidelines. The council may, by resolution, establish development and design guidelines for antennas and telecommunications facilities. Such guidelines may be adopted following at least one public hearing before the planning and design commission, or the preservation commission as determined by the city manager's designee, and one public hearing before the city council, which shall be noticed in the same manner as hearings on text amendments pursuant to Chapter 17.208 of this title. The council may refer proposed development and design guidelines to the planning and design commission for review and recommendation. Guidelines adopted pursuant to this paragraph shall be consistent with the development standards and requirements of this title, including subsections (58)(a) through (e) of this section, and shall be considered and applied by the zoning administrator and planning and design commission when considering special permits and special permit modifications pursuant to this provision.

Y. Subsection c of footnote 61 of Section 17.24.050 is amended to read as follows:

c. Procedures. High voltage transmission facilities may be located in any zone subject to the provisions of this section.

i. Permits Required. A transmission facilities permit is required to construct and locate a high voltage transmission facility in any zone. Application for a transmission facility permit shall be filed with the planning and design commission and shall be subject to a filing and investigation fee pursuant to the fee and charge report. Fees for a transmission line shall be the same as special permit fees and fees for a substation shall be the same as rezoning fees.

ii. Information to Accompany Permit Application. An application for a transmission facility permit shall be accompanied by plans and the environmental document prepared and certified pursuant to the California Environmental Quality Act, Public Resources Code Section 21,000 et seq., sufficient in detail to allow the planning and design commission and the city council to determine the exact nature and extent of the use. The application shall include at a minimum the following information:

(A) The expected electrical requirements, as determined by SMUD, of the areas within the district which will be affected by the project;

(B) The locations and capacities of the high voltage transmission facilities proposed, together with a description of basic technical and design concepts that favor the selection of the chosen locations and a list of feasible alternative sites;

(C) An assessment of the type and magnitude of the direct impacts of the proposed project and of each alternative;

(D) Mitigation measures:

(1) The measures to be implemented by SMUD to compensate for or mitigate the direct impacts of the project,

(2) Where any portion of a proposed project is adjacent to residentially zoned or residentially used property, a discussion of feasible routing alternative,

(3) Any other information the planning director deems necessary to allow the planning and design commission and city council to determine the exact nature and extent of the proposed project and any impacts of the projects.

Z. Subsection d of footnote 61 of Section 17.24.050 is amended to read as follows:

d. Hearings. Within thirty (30) days after an application for a transmission facilities permit is filed and accepted as complete, the planning and design commission shall hold a public hearing thereon. The procedural requirements for the hearing shall be governed by Chapter 17.200 of this title; provided, that said hearing may be initiated only by the permit applicant.

i. Mailed notice of the hearing shall be provided at least ten (10) days prior to the hearing to the owners of all property within five hundred (500) feet of the property subject to the permit; provided, that if such mailed notice would result in notice to more than two hundred fifty (250) persons, as an alternative to such mailed notice, notice may be given by placing an advertisement in a newspaper of general circulation within the area affected by the proposed facilities.

ii. The planning and design commission shall recommend approval, approval of an alternative or disapproval of the permit and transmit said recommendation to the city council.

iii. Upon receipt of a recommendation of the permit from the planning and design commission, the city council shall set the matter for hearing and give notice thereof as provided in this section. The hearing shall be conducted within sixty (60) days of the date the application and environmental document was filed and accepted as complete; and the city council shall adopt a resolution approving, approving an alternative or disapproving the permit.

AA. Subsection e of footnote 61 of Section 17.24.050 is amended to read as follows:

e. Review Criteria and Findings. The planning and design commission and the city council shall evaluate applications for transmission facilities permits in accordance with the intent and purpose statement contained in subsection (61)(a) of this section and any applicable land use plans and policies adopted by the city council. Any decision of the city council on a transmission facilities permit application shall be based on findings concerning:

i. The consistency of the proposed facilities with the city's general plan and applicable redevelopment and specific plans.

ii. Whether there are feasible alternatives to the proposal.

iii. Such other factors related to the public health, safety, and welfare as are included within the policies set forth below for assessing transmission facilities permits.

BB. Subsection c of footnote 62 of Section 17.24.050 is amended to read as follows:

c. Lot Area Variation/Dwelling Unit Density. A deep lot for which a reduction in the minimum lot area specified in subsections (62)(a) and (b) of this section is sought, shall require a special permit issued by the planning and design commission. The planning and design commission shall have the authority to approve the special permit when such action is warranted by the shape, size and location of the parcel; or the location of the buildings proposed or existing on the property at the time of the application; provided that the density shall not materially and adversely affect the public welfare or be injurious to property and improvements in the neighborhood. A deep lot which also meets the definition of an infill site shall be governed by the provisions of Chapter 17.84 of this title.

CC. Subsection f of footnote 62 of Section 17.24.050 is amended to read as follows:

f. Size and Type of Dwelling Unit. Unless otherwise approved by the zoning administrator or the planning and design commission, all dwelling units shall consist of either detached single-family dwellings or duplex units, or both. A review of preliminary plans by the planning department shall be made to determine the appropriate combination or types of units. No dwelling unit to be erected under the terms of this permit shall contain less than seven hundred (700) square feet of gross floor area. Notwithstanding the preceding, the zoning administrator or planning and design commission may waive the minimum seven hundred (700) square feet per dwelling unit requirement upon a determination that adequate living space will be provided for the proposed occupancy.

DD. Footnote 66 of section 17.24.050 is amended to read as follows:

66. Gun/Rifle Range. A planning and design commission special permit shall be required to establish this use in the specified zones. The gun/rifle range shall, at a minimum, meet the requirements established by the National Rifle Association for ranges. The planning and design commission may impose such additional conditions as necessary to protect the public health, safety and welfare.

EE. Footnote 73 of section 17.24.050 is amended to read as follows:

73. Theater—Movie or Stage. A stage theater is a permitted use in the zone. A special permit approved by the planning and design commission shall be required to establish a movie theater/cinema in all zones other than the central business district (C-3) zone and that portion of the C-2 zone located within the arts and entertainment district; provided that this requirement

shall not apply to a movie theater/cinema which constitutes an adult entertainment establishment or activity, which shall be governed by the provisions of Sections 17.24.030 and 17.24.050(22) of this chapter. Subject to compliance with the other provisions of this title, a movie theater/cinema is allowed in the central business district (C-3) zone and that portion of the C-2 zone located within the arts and entertainment district.

FF. Subsection b of footnote 74 of Section 17.24.050 is amended to read as follows:

b. Notice. Notice shall be given as follows:

i. Notice of Hearing. Notwithstanding the provisions of Section 17.212.040(C), notice of the hearing before the zoning administrator on the special permit shall be given in the same manner as notice is given of a hearing on a special permit before the planning and design commission.

ii. Applicant Notice of Project. As part of the application for a zoning administrator's special permit under this provision, the applicant shall submit to the zoning administrator satisfactory proof that notice of the intent to file the application for a community-serving use has been given to all property owners within a five hundred (500) foot radius of the proposed site. The notice shall indicate the nature and size of the proposed community-serving use.

GG. 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 and design 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 and Design 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 and design 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 and design 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 and design 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 and design 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 and design 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 and design 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 and design 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 and design commission shall not approve a project unless, in addition to the findings required by Chapter 17.220, the zoning administrator or planning and design 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 and design 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 and design 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 and design 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.

HH. Subsection b of footnote 76 of Section 17.24.050 is amended to read as follows:

b. Outside the Central City in the C-1 and C-2 Zones.

i. Except as provided in subsection (b)(ii) below, planning and design commission special permit shall be required to establish the use outside the central city in the C-1 and C-2 zones.

ii. Apartment projects containing two hundred (200) units or less and located within a PUD, or containing one hundred (100) units or less and not located within a PUD, and with a minimum density of seventeen (17) units per acre, are permitted upon arrival of a zoning administrator special permit.

iii. The special permit shall be subject to the requirements of Chapter 17.212 and compliance with the noise standards in subsection (a)(i) of this footnote. In granting a special permit for this use, and in addition to the findings required by Chapter 17.212, the planning and design commission or zoning administrator shall find that the proposed project is compatible with the surrounding neighborhood and is consistent with the commercial corridor design principles adopted pursuant to Section 17.132.180 and as they may be amended from time to time. If the project is also subject to design guidelines established for a design review district, special planning district, overlay zone, or PUD, the commercial corridor design principles shall be applied in addition to the design guidelines. The design guidelines shall take precedence over the commercial corridor design principles in case of conflict.

II. Subsection c of footnote 76 of Section 17.24.050 is amended to read as follows:

c. Off-Street Parking Reduction. Notwithstanding the provisions of Chapter 17.64, for mixed use projects which incorporate both residential and commercial retail or service uses, the zoning administrator may reduce or waive up to fifty (50) percent of the required off-street parking for the ground floor commercial retail or service uses. If the amount of parking proposed to be waived or reduced is greater than that which the zoning administrator may waive or reduce, a special permit approved by the planning and design commission is required pursuant to Chapter 17.212.

JJ. Subsection d of footnote 77 of Section 17.24.050 is amended to read as follows:

d. Where the structure has two or more floors, the floors above the ground floor shall be devoted to residential uses unless the planning and design commission finds such uses are undesirable or infeasible.

KK. Footnote 78 of section 17.24.050 is amended to read as follows:

78. Temporary Residential Shelters.

a. Small Temporary Residential Shelter (Twenty-Four (24) or Fewer Beds) in the C-4, M-1, M-1(S), M-2, M-2(S) Zones. A small temporary residential shelter consisting of not more than twenty-four (24) beds, is allowed in the C-4, M-1, M-1(S), M-2, and M-2(S) zones, provided that all of the location requirements and development standards set forth below are satisfied. A planning and design commission special permit shall be required to establish a small temporary residential shelter that does not meet all of the following location requirements and development standards. Notwithstanding the foregoing, a planning and design commission special permit shall be required to establish a small temporary residential shelter in the River District special planning district.

i. Location Requirements. Small temporary residential shelters shall meet the following location requirements:

(A) Small temporary residential shelters serving single adults only shall be situated more than one thousand (1,000) feet from any other temporary residential shelter, measured from property line to property line, and more than five hundred (500) feet from a public park, a public or private K-12 school, churches, or single-family residential zones, measured from property line to property line. Programs may have multiple buildings on a single parcel.

(B) All other small temporary residential shelters shall be situated more than one thousand (1,000) feet from any other temporary residential shelter, measured from property line to property line. Programs may have multiple buildings on a single parcel.

(C) Small temporary residential shelters shall either be located within one thousand (1,000) feet of a designated transit corridor or bus route, or shall provide transportation between the facility and transit lines and/or services.

ii. Development Standards. Small temporary residential shelters shall meet the following development standards:

(A) Maximum Number of Beds. No more than twenty-four (24) beds shall be provided in any single small temporary residential shelter.

(B) Parking. Off-street parking shall be provided in the ratio of one space for every four adult beds, plus an additional space designated exclusively for the manager. All parking is required to be off-street and on-site.

(C) Hours of Operation. Facilities shall establish and maintain set hours for client intake/discharge. These hours shall be posted.

(D) On-Site Personnel. On-site personnel shall be provided during hours of operation when clients are present. The manager's area shall be located near the entry to the facility.

(E) Lighting. Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.

(F) Telephones. Facilities shall provide telephone(s) for use by clients.

(G) Personal Property. Facilities shall provide secure areas for personal property.

(H) Waiting Area. If intake of clients is to occur onsite, enclosed or screened waiting area must be provided on the property to prevent queuing in the public right-of-way. For purposes of this condition, small emergency shelters shall have waiting area consisting of not less than one hundred (100) square feet in the same location.

(I) Common Space. Interior and/or exterior common or recreational space for residents to congregate shall be provided on the property at a ratio of not less than fifteen (15) square feet per occupant and a minimum overall area of one hundred (100) square feet. Common space must be counted separately from the waiting area.

b. Large Temporary Residential Shelters (More Than Twenty-Four (24) Beds) in the C-4, M-1, M-1(S), M-2, M-2(S) Zones. A large temporary residential shelter consisting of more than twenty-four (24) beds is allowed with a planning director's special permit in the C-4, M-1, M-1(S), M-2, and M2(S) zones, provided that all of the location requirements and development standards set forth below are satisfied. A planning and design commission special permit shall be required to establish a large temporary residential shelter that does not meet all of the following location requirement and development standards. Notwithstanding the foregoing, a planning and design commission special permit shall be required to establish a large temporary residential shelter in the River District special planning district.

i. Location Requirements. Large temporary residential shelters shall meet the following location requirements:

(A) Large temporary residential shelters serving single adults only shall be situated more than one thousand (1,000) feet from any other temporary residential shelter, measured from property line to property line, and no closer than five hundred (500) feet from a public park, a public or private K-12 school, churches, or single-family residential zones, measured from property line to property line. Programs may have multiple buildings on the same parcel.

(B) All other large temporary residential shelters must be situated more than one thousand (1,000) feet from any other temporary residential shelter, measured from property line to property line. Programs may have multiple buildings on a single parcel.

(C) Temporary residential shelters must either be located within one thousand (1,000) feet of a designated transit corridor or bus route, or shall provide transportation between the facility and transit lines to the satisfaction of the planning director.

ii. Development Standards. Large temporary residential shelters shall meet the following development standards:

(A) Parking. Off-street parking shall be provided in the ratio of one space for every five adult beds, plus an additional space designated exclusively for the manager. All parking is required to be off-street and on-site.

(B) Hours of Operation. Facilities shall establish and maintain set hours for client intake/discharge. These hours shall be posted.

(C) On-Site Personnel. On-site personnel shall be provided during hours of operation when clients are present. The manager's area shall be located near the entry to the facility.

(D) Lighting. Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.

(E) Telephones. Facilities shall provide telephone(s) for use by clients.

(F) Personal Property. Facilities shall provide secure areas for personal property.

(G) Waiting Area. If intake of clients is to occur onsite, enclosed or screened waiting area must be provided on the property to prevent queuing in the public right-of-way. For purposes of this condition, two hundred (200) square feet shall be deemed to constitute adequate waiting space unless the director determines that additional waiting space is required to meet the needs of the anticipated client load, in which case the higher figure shall apply.

(H) Common Space. Interior and/or exterior common or recreational space for residents to congregate shall be provided on the property at a ratio of not less than fifteen (15) square feet per occupant. Common space must be counted separately from the waiting area.

LL. Subsection a of footnote 79 of Section 17.24.050 is amended to read as follows:

a. Planning and Design Commission Special Permit Required. Except as provided in subsection (c) of this section, this use is permitted subject to the approval of a special permit by the planning and design commission in accordance with the requirements of Chapter 17.212 and compliance with the development standards in subsection (b) of this section. In granting a special permit for this use, and in addition to the findings required by Chapter 17.212, the planning and design commission shall find the following:

i. That the proposed project is consistent with the commercial corridor design principles adopted pursuant to Section 17.132.180 and as they may be amended from time to time. If the project is also subject to design guidelines established for a design review district, special planning district, overlay zone, or PUD, the commercial corridor design principles shall be applied in addition to the design guidelines. The design guidelines shall take precedence over the commercial corridor design principles in case of conflict;

ii. That the proposed project is compatible with the goals, policies and recommendations contained in all applicable land use plans, urban design plans and other documents that address development in the commercial area in which the project is located; and

iii. That the proposed project complies with the development standards in subsection (b) of this section.

MM. Subsection c of footnote 80 of Section 17.24.050 is amended to read as follows:

c. Planning and Design Commission Special Permit Required. A planning and design commission special permit is required for the construction of a new building or structure for which an application for a building permit is filed on or after September 28, 2004 or, if the use does not involve a building or structure, the use is established on or after September 28, 2004, and the building or use is to be located on a par cel any portion of which is within a quarter-mile radius of a light rail station. A special permit shall not be required

under this footnote if the use is located in a building or structure for which an application for a building permit for initial construction was filed before September 28, 2004 or, if the use does not involve a building or structure, the use was established before September 28, 2004, or the building or use is not located on a parcel any portion of which is within a quarter-mile radius of a light rail station.

In granting the special permit and in addition to the findings required by Chapter 17.212, the planning and design commission shall find the following:

i. The site design does not hinder pedestrian or bicycle access to the light rail station;

ii. The design of commercial development conforms to the commercial corridor design principles adopted pursuant to Section 17.132.180 and as they may be amended from time to time; provided, that if the project is also sub-ject to design guidelines established for a design review district, special planning district, overlay zone, or PUD, the commercial corridor design

principles shall be applied in addition to the design guidelines, and the design guidelines shall take precedence over the commercial corridor design principles in case of conflict;

iii. The use and building do not preclude the future development of transit supportive development.

NN. Subsection e of footnote 80 of Section 17.24.050 is amended to read as follows:

e. Development Standards. The planning and design commission or planning director shall consider and apply, to the extent feasible and practical in furtherance of the purpose of this subsection, the following development standards during its special permit review or plan review under this subsection; provided, that if the project is also subject to design guidelines established for a design review district, special planning district, overlay zone, or PUD, these development standards shall be applied in addition to the design guidelines, and the design guidelines shall take precedence over these development standards in case of conflict:

i. The development should provide pedestrian amenities such as awnings, canopies, benches, and landscaping;

ii. The use should provide commuter amenities for employees such as lockers, showers, and/or transit pass subsidies;

iii. The ground level of the building should avoid areas of blank walls that are viewable from the street;

iv. The site design should provide continuous, direct, convenient transit and pedestrian linkages, including walkways between principal entrances of buildings and adjacent lots;

v. Parking should be located in the back or side of the building and not in front of the building, unless the property has site constraints that make parking in the front appropriate;

vi. Parking facilities should be readily accessible by pedestrian pathways and sidewalks;

vii. The building's primary entrance should have direct access to public streets and sidewalks.

OO. Subsection a of footnote 81 of Section 17.24.050 is amended to read as follows:

a. A planning and design commission special permit shall be required to establish a superstore in this zone. The requirement for a special permit shall apply to proposals to construct a new building or structure for a superstore, and it shall also apply to proposals to utilize an existing building or structure for a superstore.

PP. Subsection d of footnote 81 of Section 17.24.050 is amended to read as follows:

d. The EIA shall be considered by the planning and design commission at the time of consideration of the special permit application.

QQ. Footnote 82 of Section 17.24.050 is amended to read as follows:

82. Fuel Storage Yards. Fuel storage yards are permitted in this zone, subject to the following limitations and requirements:

a. No fuel storage yard shall be established or located within one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone or residential use.

b. A planning and design commission special permit issued pursuant to and subject to the findings required by Chapter 17.212 is required to establish a fuel storage yard that meets all of the following criteria:

i. The fuel storage yard will be located on a parcel that is greater than two acres in size;

ii. The parcel would contain one or more tanks of five hundred (500) gallon or greater capacity containing liquefied or compressed flammable or combustible gases;

iii. Liquefied or compressed flammable or combustible gases are generated or manufactured on the site; and

iv. Liquefied or compressed flammable or combustible gases are distributed in containers with a capacity of greater than twenty (20) gallons.

RR. Subsection d of Footnote 84 of Section 17.24.050 is amended to read as follows:

d. Operational Considerations. The application for a special permit for a check cashing center shall include a security plan, sign program, lighting plan, and good neighbor policy. In its review of the special permit, the planning and design commission shall consider the proposed security plan, sign program, lighting plan, and good neighbor policy and, if it determines to approve the special permit, shall impose conditions as it finds necessary or appropriate to ensure that the check cashing center is operated in a manner that will not be detrimental to the public health, safety or welfare, or result in the creation of a nuisance.

SS. Subsection c of footnote 85 of Section 17.24.050 is amended to read as follows:

c. Special Permit Required.

i. Except as provided in subsection (c)(ii) of this section, a planning and design commission special permit is required to establish or operate a medical marijuana dispensary in this zone.

ii. A zoning administrator's special permit is required to establish or operate a medical marijuana dispensary located in the C-4, M-1, M-1(S), M-2, and M-2(S) zones if all of the location requirements set forth below are satisfied.

TT. Subsection f of footnote 85 of Section 17.24.050 is amended to read as follows:

f. The zoning administrator or planning and design commission may address development and operational standards through conditions on the special permit as it determines to be necessary or appropriate for the medical marijuana dispensary special permit under consideration; provided, that conditions shall not conflict with the provisions of Chapter 5.150 relating to operating requirements of medical marijuana dispensaries and shall be subordinate to conditions placed on the medical marijuana program permit issued under Chapter 5.150.

UU. Subsection *i* of footnote 85 of Section 17.24.050 is amended to read as follows:

i. Findings. In granting a special permit for a medical marijuana dispensary, and in addition to the findings required by Chapter 17.212, the planning and design commission or zoning administrator shall find the following:

i. The medical marijuana dispensary has not generated an excessive number of calls for police service compared to similarly situated businesses of the same size as the dispensary.

ii. The medical marijuana dispensary has not caused secondary criminal or public nuisance impacts in the surrounding area or neighborhood, including, but not limited to, disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, littering, loitering, illegal parking, loud noises, or lewd conduct.

iii. The proposed location, size, and other development standards of the medical marijuana dispensary are consistent with state law and this code.

VV. Subsection m.ii.(A) of footnote 85 of Section 17.24.050 is amended to read as follows:

(A) A planning and design commission special permit shall be required for a registered medical marijuana dispensary under this subsection.

WW. Except as amended in subsections A through VV above, section 17.24.050 remains unchanged and in full force and effect.

SECTION 8

Section 17.36.020 of the Sacramento City Code is amended to read as follows:

17.36.020 Procedures—Special permit required.

The MRD zone classification shall be utilized in connection with a planned unit development designation established in accordance with the provisions of Chapter 17.180 of this title, and shall be adopted or removed in accordance with the provisions pertaining to rezoning

set forth in Chapter 17.208 of this title. A special permit shall be required for each use in this zone, except that the uses defined in Section 17.36.020(A) and (B) of this chapter shall be required instead to obtain an approved plan review from the planning and design commission in accordance with Chapter 17.220 of this title.

SECTION 9

Section 17.44.050 of the Sacramento City Code is amended to read as follows:

17.44.050 Rezoning—Notice.

Notwithstanding the provisions of Chapter 17.200 of this title to the contrary, notice of the hearing before the planning and design commission for rezoning any property to the TC zone shall be given by: (1) publication in the official newspaper of the city at least ten (10) days prior to the date of the hearing; and (2) personal delivery in writing or by mail, postage prepaid, to the public agency owning and/or operating the transportation facility.

SECTION 10

A. Subsection A of section 17.48.030 of the Sacramento City Code is amended to read as follows:

A. Only the following special uses may be located in the following open space zones, subject to the granting of a special permit by the planning and design commission:

1. A and AOS Zones.

— Accessory dwellings for persons employed for agricultural purposes on the subject property

— Amusement centers—Outdoor

— Animal kennels and hospitals

— Animal or poultry slaughtering or processing facilities

— Antennas/communication towers

— Cemetery

— Church

— Community center

— Drive-in theater

— Golf course or driving range

— Livestock feed or sales yards

— Mineral extraction operations

— Public utilities or facilities

— Reclamation operations

— Recreation facilities

— Riding stables

— School (K—12)

— Social club

— Stands for sale of agricultural products

— Solid waste landfill

— Solid waste transfer station

— Wells, gas or oil exploration

2. F Zone.

— Amusement centers—Outdoor

— Boat docks—Private

— Golf course and driving range

— Marinas

— Mineral extraction operations

— Public utility transmission facilities

— Recreation facilities—Outdoor

— Restaurant facilities (subject to provisions in Sections 17.48.050 and 17.48.060 of this chapter)

— Other uses (subject to provisions in Sections 17.48.050 and 17.48.060 of this chapter)

B. Except as specifically amended in subsection A, section 17.48.030 remains unchanged and in full force and effect.

SECTION 11

Section 17.48.060 of the Sacramento City Code is amended to read as follows:

17.48.060 Special developments in the flood zone.

Notwithstanding other provisions of this title to the contrary, the planning and design commission may grant a special permit for any use or combination of uses within the flood zone along the Sacramento River if the commission finds that the design, location and nature of the uses are such that:

A. Development will enhance the appearance and public use of the river, and is consistent with adopted specific plans;

B. Development will not have an adverse effect on any natural resources;

C. Development will not have an adverse effect on the use of adjacent property;

D. Development will have direct access to a major or collector street;

E. Development is fully served by all necessary utility services;

F. Adequate off-street parking is provided on the landward side of the levee;

G. Development is consistent with the purposes of the flood zone, the open space element of the general plan, the Sacramento River parkway plan, and adopted specific plans;

H. Development conforms to the provisions of Section 17.48.050 of this chapter.

SECTION 12

A. Subsection C of section 17.52.040 of the Sacramento City Code is amended to read as follows:

C. Not withstanding subsection A of this section planning and design commission may issue a special permit for the removal of trees and other natural features which exceed six feet in height when it finds:

1. That such removal is necessary for agricultural soil treatment and management;

2. That the property owner will otherwise be deprived of reasonable agricultural use of his or her property; and

3. That such removal will not contribute to erosion and siltation within the floodplain.

B. Except as specifically amended in subsection C, section 17.52.040 remains unchanged and in full force and effect.

SECTION 13

Section 17.60.030 of the Sacramento City Code is amended as follows:

A. Footnote 5 of Section 17.60.030 is amended to read as follows:

5. Minimum yard requirements, maximum lot coverage and minimum lot area per dwelling unit in the R-1A zone shall be the same as that specified in the R-1 zone, provided, however, the planning and design commission may vary said provisions in their review and determination of the required special permit. In no case, however, shall the density of a project in the R-1A zone exceed fifteen (15) dwelling units per net acre.

B. Subsection c of footnote 6 of Section 17.60.030 is amended to read as follows:

c. The planning and design commission may approve a special permit to exceed the lot coverage for high density developments which are developed with subterranean or podium parking, provided that the commission finds that adequate on-site common open space at a ratio of one hundred (100) square feet per unit not to exceed five thousand (5,000) square feet is provided.

C. Subsection c of footnote 17 of Section 17.60.030 is amended to read as follows:

c. The planning and design commission has the authority to issue a special permit to allow an increase in the maximum height limit subject to the requirements of and in accordance with Chapter 17.212.

D. Subsection a.ii.(B) of footnote 18 of section 17.60.030 is amended to read as follows:

(B) Rule for Retail Buildings. A zoning administrator's special permit shall be required for any building or portion of building devoted to retail stores to be constructed or expanded to exceed forty thousand (40,000) square feet of gross floor area per parcel, except that a zoning administrator's special permit shall not be required for any building for which the downtown and regional enterprise department has entered into a contract with the developer whose contract governs the requirements for development of the building and the parcel or parcels upon which it is located.

The zoning administrator shall review the plans and information so submitted for the special permit request and, pursuant to Chapter 17.212 of this title, may grant the zoning administrator's special permit. The zoning administrator may, at his or her discretion, schedule for hearing by the planning and design commission under the special permit proceedings of Chapter 17.212 of this title, any such request for a zoning administrator's special permit.

E. Footnote 24 of Section 17.60.030 is amended to read as follows:

24. Maximum Height in the RMX Zone. Building heights in the RMX zone outside the central city shall not exceed thirty-five (35) feet; however, the planning and design commission shall have the authority to issue a special permit for a residential or residential mixed-use building up to forty-five (45) feet in height. Refer to the RMX zone, Chapter 17.28 of this title.

F. Subsection b of footnote 31 of section 17.60.030 is amended to read as follows:

b. The planning and design commission may approve a reduction in the minimum lot area per dwelling unit to not less than two hundred ninety (290) square feet (for a maximum density of one hundred fifty (150) dwelling units per net acre) by approval of a special permit under Chapter 17.212. In approving the special permit, and in addition to the findings required by Chapter 17.212, the planning and design commission shall find that there will be adequate public infrastructure in place to support the increase in density at the time of occupancy of the development.

G. Except as amended in subsections A through F, section 17.60.030 remains unchanged and in full force and effect.

SECTION 14

Section 17.64.030 of the Sacramento City code is amended as follows:

A. Subsection B of section 17.64.030 is amended to read as follows:

B. Facility Shall Function. No off-street parking facility shall be approved which, in the judgment of the planning and design commission cannot properly function due to the site, building obstruction, or restricted access and turning radius, or which requires excessive maneuvering.

B. Subsection F.2 of section 17.64.030 is amended to read as follows:

2. Multi-Family Residential and Nonresidential Uses. The following dimensions shall apply to multi-family residential (three or more dwelling units on a parcel) and nonresidential development.

a. Standard Car Spaces—Minimum Dimension. Except as otherwise provided herein, with respect to compact car spaces, all off-street vehicle parking spaces, excluding handicapped spaces, shall meet the following minimum dimensions.

Type	Stall Width	Stall Depth	Maneuvering Width
90 degree	8 feet	18 feet	26 feet
60 degree	8 feet	20 feet	20 feet
45 degree	8 feet	19 feet	14 feet
30 degree	8 feet	16 feet	12 feet
Parallel	9 feet	24 feet	12 feet
Other	To be determined by the planning and design commission		

b. Compact Car Spaces—Minimum Dimensions. Up to forty (40) percent of all required and nonrequired vehicle parking spaces, excluding handicapped spaces, may be sized for compact cars. Compact car spaces shall meet the following minimum dimensions and each space shall be clearly marked "COMPACT CARS":

Type	Stall Width	Stall Depth	Maneuvering Width
90 degree	7.5 feet	16 feet	25 feet
60 degree	7.5 feet	18 feet	19 feet
45 degree	7.5 feet	17 feet	13 feet
30 degree	7.5 feet	14 feet	12 feet
Other	To be determined by the planning and design commission		

c. Vehicle Overhang. Two feet of vehicle overhang into any planter area is allowed provided the planter is a minimum of six feet wide, excluding curbs. Vehicle overhang is not allowed into required front or street side setback areas.

C. Except as specifically amended in subsections B, and F.2, section 17.64.030 remains unchanged and in full force and effect.

SECTION 15

A. Subsection A of section 17.64.070 of the Sacramento City Code is amended to read as follows:

A. Stand-alone parking facilities that are not temporary surface parking lots are permitted in the zones indicated in Section 17.24.030 subject to approval of a planning and

design commission special permit. In considering a special permit for a stand-alone parking facility under this subsection, the planning and design commission shall consider the potential impact that the additional parking spaces might have on commute patterns and the use of single-occupancy vehicles.

B. Except as specifically amended in subsection A, section 17.64.070 remains unchanged and in full force and effect.

SECTION 16

A. Subsection B of section 17.84.020 of the Sacramento City Code is amended to read as follows:

B. The lot meets the size standards set forth in subsection (B)(1) of this section or the planning and design commission has determined pursuant to subsection (B)(2) of this section that the size standards may be exceeded:

1. For lots zoned R-1 and R-2, the lot shall be no more than five acres. For lots zoned R-1A through R-5 (except for R-2) the lot shall be no more than two acres.

2. The planning and design commission may grant a special permit pursuant to Chapter 17.212 of this title to exceed the size standards in subsection (B)(1) of this section.

3. The lot has city sewer, water and drainage services or is within a proposed or existing assessment district for such services. Such services must be capable of serving the proposed development.

B. Except as specifically amended in subsection B, section 17.84.020 remains unchanged and in full force and effect.

SECTION 17

Section 17.92.010 of the Sacramento City Code is amended to read as follows:

17.92.010 Purpose.

The purpose of this section is to establish procedures whereby, the city planning and design commission and city council may initiate proceedings to regulate properties under multiple ownership, designated in redevelopment, community, or general plans, that are in need of general physical and economic improvement, or have special environmental features that land use, zoning and other regulations cannot adequately address. For such areas to achieve their fullest potential, it may be desirable to provide for a range or mixture of uses that would not otherwise be permitted with standard zoning designations.

It is the intent of this section, therefore, to promote the utilization of selected areas of a community by:

A. Providing flexibility to stimulate new development in existing neighborhoods that are experiencing obsolescence or decline;

B. Providing incentives for private development that would not otherwise be possible through a strict interpretation of development standards. No departure, however, would be allowed from minimum health and safety regulations;

C. Providing mechanisms for preserving and enhancing unique environmental features, wildlife habitat, or other considerations located on the property;

D. Encouraging coordinated development of properties through a unified development theme consistent with the goals and criteria established for the individual special planning district (SPD).

SECTION 18

Section 17.92.030 of the Sacramento City Code is amended to read as follows:

17.92.030 Application and amendment of SPD zoning designation.

The SPD designation shall be adopted, amended, or removed in accordance with the provisions for rezoning as set forth in Chapter 17.208 of this title; except that only the city planning and design commission or city council may initiate the proceedings.

SECTION 19

Section 17.94.030 of the Sacramento City Code is amended as follows:

A. Subsection D of section 17.94.030 is amended to read as follows:

D. Uses Requiring a Planning and Design Commission Special Permit:

1. General. Provided that the use is allowed in the underlying zone pursuant to Chapter 17.24 of this title, the following uses are permitted in the Broadway/Stockton SPD subject to the issuance of a planning and design commission special permit:

a. Auto rental;

b. Auto service and repair;

c. Card room;

d. Dance hall;

e. Drive-through service facility in restaurants;

f. Equipment rental/sales yard;

g. Secondhand store;

h. Liquor store exceeding fifteen thousand (15,000) square feet of gross floor area;

i. Lodging Facilities. Bed and breakfast inn, dormitory, hotel, motel, residential hotel, rooming and boarding house;

j. Mini-storage/locker building;

k. Pawn shop.

B. Subsection E of section of 17.94.030 is amended to read as follows:

E. Sale of Alcoholic Beverages for Off-Premises Consumption. The sale of alcoholic beverages for off-premises consumption within the Broadway/Stockton SPD whether permitted by right or by approval of a planning and design commission special permit, shall be subject to the following minimum operational restrictions:

1. Retail Establishments, Food, Grocery, Deli and Convenience Markets.

a. Distilled spirits shall not be sold in quantities of less than one pint.

b. Beer shall not be sold in quantities of less than one six-pack.

c. Wine shall not be sold in quantities of less than seven hundred fifty (750) milliliters.

d. Wine coolers shall not be sold in quantities of less than factory packs of four.

2. Restaurants/Bars.

a. Alcoholic beverages (beer, wine, distilled spirits, etc.) shall not be sold for off-premises consumption.

C. Except as specifically amended in subsections D and E, section 17.94.030 remains unchanged and in full force and effect.

SECTION 20

A. Subsection A of section 17.94.050 of the Sacramento City Code is amended to read as follows:

A. Design Review Required for All Construction Within the Broadway/Stockton SPD. Except as to those exemptions provided under Section 17.132.100(D), all building permits for any new structure or building, or for the remodeling or alteration of the exterior of any structure or building shall be subject to the city's design review process and shall comply with all

applicable design requirements in Chapter 17.132 of this title. In addition to the regulations set forth in Chapter 17.132, construction shall be consistent with the Broadway/Stockton urban design plan and shall also be consistent with the design guidelines set forth in this section.

B. Except as specifically amended in subsection A, section 17.94.050 of the Sacramento City Code remains unchanged and in full force and effect.

SECTION 21

Section 17.96.020 of the Sacramento City Code is amended to read as follows:

17.96.020 Urban design, architectural design and streetscape design guidelines—Procedure.

The CBD-SPD (C-3) zone design guidelines consisting of the 1987 Central Business District Framework Plan (urban design plan) and the 2009 Central City Core Design Guidelines regarding architectural design and streetscape design are adopted for the CBD-SPD zone. The planning and design commission, Sacramento housing and redevelopment commission, preservation commission, the design director, the preservation director, and the city and Sacramento housing and redevelopment agency staffs, shall use the aforementioned guidelines in the evaluation of development projects within the CBD-SPD (C-3) zone. The planning and design commission, preservation commission, and city council shall have the authority to waive individual guideline provisions for specific projects. These waivers may occur where it is found on the basis of substantial evidence that such waiver is necessary or appropriate to accomplish the policies for downtown design more than would strict application of the guidelines. The planning and design commission may amend the urban design plan where such amendment will aid in the accomplishment of the policies for downtown design.

SECTION 22

Section 17.96.030 of the Sacramento City Code is amended to read as follows:

17.96.030 Development review process—"Fast track" procedure.

In order to implement the development strategy proposed in the urban design plan and channel well-designed development into the incentive zone, the following development review process will govern new projects proposed in the CBD-SPD. Projects proposed in the incentive zone (7th to 13th, I to L Streets) or on catalyst sites designated in the urban design plan shall be processed in one of two ways described below. Development proposed in the balance of the C-3 zone outside the incentive zone shall be administered under the standard project review process.

A. Fast Track Review. Developments determined by city staff to comply with the design guidelines below and the zoning ordinance may, at the applicant's request, be processed under the "fast track" procedure described in this section. The project design shall be reviewed by either the planning and design commission under Chapter 17.132 or preservation commission under Chapter 17.134, whichever is applicable, to identify design issues. The applicant will then resolve the identified design issues at the staff level under Section 17.132.120(C) or 17.134.130(C). Projects that receive approval under this subsection shall not be subject to any

further review before the planning and design commission, the preservation commission, or the city council regarding project design. Any special permits or variances will be processed through the zoning administrator's special permit or variance procedure. Projects approved under this subsection will also receive priority plan checking in the building permitting process in a manner determined by the building inspections division.

Projects that comply with the parking and transportation management plan (TMP) requirements of this title, mitigation measures specified in the master EIR, and the following design criteria specified in the architectural design guidelines shall be eligible for "fast track" processing:

1. Building massing and setbacks;

2. Building materials;

3. Building detailing;

4. Pedestrian amenities;

5. Landscaping;

6. Parking requirements and transportation management plan (TMP) requirements.

B. Material Changes. If the proposed development materially changes between the time of project design and zoning administrator approval and time of construction, the development shall be referred back to the planning and design commission or preservation commission for further review. Examples of "material change" include but are not limited to substitution of quality materials with lower quality materials; significant alterations to the massing, building form, setbacks, fenestration or building detailing, landscaping or pedestrian amenities; increase in square footage or height by more than ten (10) percent.

Projects determined by the design director or preservation director to be in noncompliance with the overall intent of the design guidelines as a result of design changes may also lose their "fast track" priority status related to the building plan check process.

C. Standard Project Review. That method of review otherwise specified by this title.

SECTION 23

A. Subsection B, of section 17.98.040 of the Sacramento City Code is amended to read as follows:

B. RMX Zone in the McClellan Heights and Parker Homes SPD. Except as specifically set forth in this subsection (B), the provisions of this title relating to height, yard, court, lot coverage/building size, and lot area per dwelling unit requirements for the RMX zone shall apply in the McClellan Heights and Parker Homes SPD.

1. The maximum density shall be as provided in Chapter 17.28; provided, that the planning and design commission shall have the authority to issue a special permit to allow an increase in the maximum density.

2. The height limit for buildings or portions of buildings located one hundred (100) feet or less from an R- or R1A- zoned lot is thirty-five (35) feet. The height limit for buildings or portions of buildings located more than 100 feet from an R- or R1A- zoned lot is forty-five (45) feet, except if the building has twenty-five (25) percent or more square feet of gross floor area in residential use, then the height limit shall be fifty-five (55) feet. The planning and design commission has the authority to issue a special permit to allow an increase in the maximum height limit.

3. Residential projects and the residential portion of mixed-use projects shall provide a minimum of fifty (50) square feet of usable private open space for each residential unit. The private open space shall be specifically designed for recreational or passive enjoyment of the outdoors and may be comprised of yards, decks, patios, or balconies. Private usable open space shall be directly accessible from the dwelling unit it serves.

B. Except as specifically amended in subsection B, section 17.98.040 remains unchanged and in full force and effect.

SECTION 24

A. Subsection A.2 of section 17.100.030 of the Sacramento City Code is amended to read as follows:

A. RMX Zone in the Northgate SPD.

2. On lots greater than three thousand two hundred (3,200) square feet in size, a commercial use allowed in the RMX zone may occupy up to one hundred (100) percent of the building square footage subject to approval of a planning and design commission special permit. In granting the special permit for commercial use under this subsection (A)(2) and in addition to the findings required by Chapter 17.212, the planning and design commission shall find the following:

a. The design of the proposed commercial or office development conforms to the commercial corridor design principles adopted under Section 17.132.180 as they may be amended from time to time. The commercial corridor design principles shall be applied in addition to the design guidelines applicable under Chapter 17.132, Design Review. In the event of a conflict, the design guidelines applicable under Chapter 17.132 shall take precedence over the commercial corridor design principles.

b. The proposed use supports the surrounding residential mixed-use development and the existing residential neighborhood.

B. Except as specifically amended in subsection A.2, section 17.100.030 remains unchanged and in full force and effect.

SECTION 25

A. Subsection A, of section 17.100.040 of the Sacramento City Code is amended to read as follows:

A. Height and Area Regulations. Except as specifically set forth in this section, the provisions of this title relating to height, yard, court, lot coverage/building size, and lot area per dwelling unit requirements for the RMX and C-2 zones shall apply in the Northgate SP.

1. Height—RMX Zone.

a. The height limit in the RMX zone for buildings or portions of buildings located more than one hundred (100) feet from an R-zoned lot is forty-five (45) feet, except if the building has twenty-five (25) percent or more square feet of gross floor area in residential use, the height limit is fifty-five (55) feet.

b. The height limit for buildings or portions of buildings located one hundred (100) feet or less from an R-zoned lot is thirty-five (35) feet.

c. The planning and design commission has the authority to issue a special permit to allow an increase in the maximum height limit.

2. Minimum Yard Requirements—RMX and C-2 Zones. The following yard requirements shall apply in the RMX and C-2 zone in the Northgate SPD:

a. The minimum front yard setback for lots fronting on Northgate Boulevard shall be four feet.

b. The minimum street side yard and interior side yard setback shall be four feet.

3. Density—RMX Zone. The maximum density in the RMX zone in the Northgate SPD shall be as provided in Section 17.60.020(12) and Chapter 17.28; provided, that the planning and design commission shall have the authority to issue a special permit to allow an increase in the maximum density.

B. Except as specifically amended in subsection A, section 17.100.040 remains unchanged and in full force and effect.

SECTION 26

A. Subsection A.2.b, of section 17.108.070 of the Sacramento City Code is amended to read as follows:

b. Commercial Uses.

i. Bed and breakfast inn, subject to a planning and design commission special permit;

ii. Hotel, subject to a planning and design commission special permit;

iii. Motel, subject to a planning and design commission special permit;

iv. Non-profit food preparation for off-site consumption and non-profit food storage and distribution facility, subject to a planning and design commission special permit;

v. Secondhand stores, subject to a planning and design commission special permit;

vi. Pawnshops, subject to a planning and design commission special permit;

vii. Somatic practitioner or somatic practitioner establishment, subject to a planning and design commission special permit.

B. Except as specifically amended in subsection A.2.b, section 17.108.070 remains unchanged and in full force and effect.

SECTION 27

Section 17.108.080 of the Sacramento City Code is amended as follows:

A. Subsection A.1.a, of section 17.108.080 of the Sacramento City Code is amended to read as follows:

a. Bed and breakfast inns are permitted, subject to a planning and design commission special permit.

B. Subsection A.2 is amended to read as follows:

2. Uses Subject to Special Restrictions and Requirements. If this title requires the approval of a special permit or other discretionary entitlement, or imposes other restrictions or requirements on the establishment of a particular use in the M-1 zone outside of the Del Paso Boulevard/Arden Way SPD, approval of the same discretionary entitlement and compliance with the same restrictions or requirements shall be required to establish the use in the M-1 zone within the Del Paso Boulevard/Arden Way SPD, except the following uses are permitted in the M-1 zone in the Del Paso Boulevard/Arden Way SPD, subject to the restrictions and requirements stated for each use:

a. Auto service and repair and rental, subject to Footnote 80 of Section 17.24.080 and, if not otherwise required, a planning and design commission special permit;

b. Hotel, subject to a planning and design commission special permit;

c. Motel, subject to a planning and design commission special permit;

d. Offices, subject to Footnote 35 of Section 17.24.050, except that office use of ten thousand (10,000) square feet or less of gross floor area or up to thirty-five (35) percent of the gross floor area of the building(s) per parcel, whichever is greater, is permitted as of right;

e. Non-profit food preparation for off-site consumption and non-profit food storage and distribution facility, subject to a planning and design commission special permit;

f. Secondhand stores, subject to Footnote 12 of Section 17.24.050, except that a planning and design commission special permit, rather than a zoning administrator special permit, shall be required;

g. Somatic practitioner or somatic practitioner establishment, subject to Footnote 67 of Section 17.24.050 and a planning and design commission special permit.

C. Except as specifically amended in subsection A.1.a, and A.2, section 17.108.080 remains unchanged and in full force and effect.

SECTION 28

Section 17.108.090 of the Sacramento City Code is amended to read as follows:

17.108.090 Modification of height, yard, and stepback standards.

Design review conducted at the director or commission level under Chapter 17.132 may address and modify the required height, yard, and stepback standards for any project, to achieve the intent and purposes of the North Sacramento Design Guidelines, to ensure adequate light and air and compatibility with surrounding land uses, to ensure that an adequate and appropriate street tree canopy is created and maintained, and to ensure an adequate and appropriate street wall is created and maintained. Where the design director or the planning and design commission has authority to modify the required height, yard, and stepback standards under this section for a project, the zoning administrator shall not have authority to consider or grant special permits, variances, plan reviews, modifications of these entitlements, or any other entitlement to modify the height, yard, or stepback standards for the project.

SECTION 29

A. Subsection B of section 17.112.020 of the Sacramento City Code is amended to read as follows:

B. Notwithstanding the requirements set forth in subsection A of this section, the planning and design commission and the planning director shall have the authority to vary the minimum yard setback and the minimum lot area per dwelling unit requirements in the R-1A-

SPD zone in approving a special permit under Section 17.112.050(A). The density of a project may not exceed the maximum density under Section 17.112.050(B) and Appendix A.

B. Except as specifically amended in subsection B, section 17.112.020 remains unchanged and in full force and effect.

SECTION 30

A. Subsection A of section 17.112.050 of the Sacramento City Code is amended to read as follows:

A. A planning director's special permit, rather than a planning and design commission special permit, shall be required for single-family detached residential development on property zoned R-1A-SPD. Single-family attached units, and halfplexes and duplexes on corner lots, shall be subject to a planning and design commission special permit.

B. Except as specifically amended in subsection A, section 17.112.050 remains unchanged and in full force and effect.

SECTION 31

A. Subsection B of section 17.116.030 of the Sacramento City Code is amended to read as follows:

B. Special Permits. For uses allowed in the M-2 zone that do not meet the performance standards in subsections (A)(1)(a) through (e) of this section, the following permits shall be required:

1. Special Permit—Zoning Administrator. The zoning administrator may approve a special permit for a use in the M-2 zone as long as that use will be conducted within an existing structure or structures in the district. The existing structure may be modified with tenant improvements, fencing, landscaping and parking only.

2. Special Permit—Planning and design Commission. The planning and design commission may approve a special permit for a use conditionally allowed in the M-2 zone or for a permitted use that requires the construction or expansion of buildings or structures above that allowed by subsection (A)(1)(e) of this section.

B. Except as specifically amended in subsection B, section 17.116.030 remains unchanged and in full force and effect.

SECTION 32

A. Subsection B of section 17.120.060 of the Sacramento City Code is amended to read as follows:

B. Development Standards. Except as provided below, development in the R-3A zone in the River District SPD shall be subject to the same development standards that govern development in the R-3A zone outside of the River District SPD.

1. Residential Density. The permitted density in the R-3A zone within the River District SPD shall be the same as the permitted density in the R-3A zone outside of the River District, except that a higher density may be approved upon the issuance of a planning and design commission special permit pursuant to and subject to the findings required by Chapter 17.212; provided, that the higher density is consistent with the applicable density range established by the city's general plan.

2. Height Standards. The height standards for the R-3A zone in the River District SPD are set out in Exhibit B at the end of this chapter. Requests to vary a height standard shall be heard and decided under Section 17.120.130 and shall not be subject to footnote (8) of Section 17.60.030.

3. Open Space Requirements.

a. Open space areas specifically designed for recreation or passive enjoyment of the outdoors are required for new residential development.

b. A minimum of eighty (80) square feet of usable common open space per residential unit is required. Usable common open space may include courtyard, garden, recreational, or similar common areas.

c. A minimum of fifty (50) square feet of usable private open space per residential unit is required. Usable private open space shall be designed for the exclusive use of the associated unit and may include decks, balconies, and patios. Private usable open space shall be directly accessible from the associated unit.

d. Open space requirements shall be satisfied on-site; provided that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the total required open space off-site. Required off-site open space shall be located in the River District SPD. In approving the special permit, the planning and design commission shall specify how the remaining open space to be provided on-site shall be allocated between usable common open space and usable private open space.

B. Except as specifically amended in subsection B, section 17.120.060 remains unchanged and in full force and effect.

SECTION 33

A. Subsection B of section 17.120.070 of the Sacramento City Code is amended to read as follows:

B. Development Standards. Except as provided below, development in the R-5 zone in the River District SPD shall be subject to the same development standards that govern development in the R-5 zone outside of the River District SPD.

1. Height Standards. The height standards for the R-5 zone in the River District SPD are set out in Exhibit B at the end of this chapter. Requests to vary a height standard shall be heard and decided under Section 17.120.130 and shall not be subject to footnote (8) of Section 17.60.030.

2. Open Space Requirements.

a. Office.

i. Open space shall be provided for new office development at a ratio of one square foot of open space for every fifteen (15) square feet of the total square footage of the development.

ii. Open space shall be in the form of courtyards or public plazas.

iii. Open space requirements shall be satisfied on-site; provided, that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the required open space off-site. Required off-site open space shall be located within the River District SPD.

b. Residential.

i. Open space areas specifically designed for recreation or passive enjoyment of the outdoors are required for new residential development.

ii. A minimum of eighty (80) square feet of usable common open space per residential unit is required. Usable common open space may include courtyard, garden, recreational, or similar common areas.

iii. A minimum of fifty (50) square feet of usable private open space per residential unit is required. Usable private open space shall be designed for the exclusive use of the associated unit and may include decks, balconies, and patios. Usable private open space shall be directly accessible from the associated unit.

iv. Open space requirements shall be satisfied on-site; provided, that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the total required open space off-site. Required off-site open space shall be located in the River District SPD. In approving the special permit, the planning and design commission shall specify how the remaining open space to be provided on-site shall be allocated between usable common open space and usable private open space.

3. Parking Requirements.

a. No off-street parking shall be required for retail, commercial service (including banks and beauty salons) athletic club/fitness center, or restaurant uses, if the use is a component of a residential project and does not exceed twenty (20) percent of the total building square footage for the project or nine thousand six hundred (9,600) square feet, whichever is less.

b. No off-street parking shall be required for restaurant outdoor seating located on private property.

B. Except as specifically amended in subsection B, section 17.120.070 remains unchanged and in full force and effect.

SECTION 34

A. Subsection B of section 17.120.080 of the Sacramento City Code is amended to read as follows:

B. Development Standards. Except as provided below, development in the RMX zone in the River District SPD shall be subject to the same development standards that govern development in the RMX zone outside of the River District SPD.

1. Building Size and Lot Coverage. Development in the RMX zone in the River District SPD shall not be subject to footnote (9) of Section 17.60.030. A planning and design commission special permit shall be required for any building to be constructed or expanded to exceed forty thousand (40,000) square feet of gross floor area. A zoning administrator's special permit shall be required for nonresidential buildings to be constructed or expanded to exceed ten thousand (10,000) square feet up to and including forty thousand (40,000) square feet of gross floor area. Maximum lot coverage shall be seventy (70) percent.

2. Height Standards. The height standards for the RMX zone in the River District SPD are set out in Exhibit B at the end of this chapter. Requests to vary a height standard shall be heard and decided under Section 17.120.130 and shall not be subject to footnote (8) of Section 17.60.030.

3. Residential Density. The maximum residential density shall be one hundred (100) dwelling units per net acre. A higher density may be approved upon the issuance of a planning and design commission special permit pursuant to and subject to the findings required by Chapter 17.212 and consistent with the applicable density range established by the city's general plan.

4. Open Space Requirements.

a. Office.

i. Open space shall be provided for new office development at a ratio of one square foot of open space for every fifteen (15) square feet of the total square footage of the development.

ii. Open space shall be in the form of courtyards or public plazas.

iii. Open space requirements shall be satisfied on-site; provided that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the required open space off-site. Required off-site open space shall be located within the River District SPD.

b. Residential.

i. Open space areas specifically designed for recreation or passive enjoyment of the outdoors are required for new residential development.

ii. A minimum of eighty (80) square feet of usable common open space per residential unit is required. Usable common open space may include courtyard, garden, recreational, or similar areas.

iii. A minimum of fifty (50) square feet of usable private open space per residential unit is required. Usable private open space shall be designed for the exclusive use of the associated unit and may include decks, balconies, and patios. Private usable open space shall be directly accessible from the associated unit.

iv. Open space requirements shall be satisfied on-site; provided that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the total required open space off-site. Required off-site open space shall be located in the River District SPD. In approving the special permit, the planning and design commission shall specify how the remaining open space to be provided on-site shall be allocated between usable common open space and usable private open space.

5. Parking Requirements.

a. No off-street parking shall be required for retail, commercial service (including banks and beauty salons), athletic club/fitness center, or restaurant uses if the use is a component of a residential project and does not exceed twenty (20) percent of the total building square footage for the project or nine thousand six hundred (9,600) square feet, whichever is less.

b. No off-street parking shall be required for restaurant outdoor seating located on private property.

B. Except as specifically amended in subsection B, section 17.20.080 remains unchanged and in full force and effect.

SECTION 35

A. Subsection B of section 17.120.090 of the Sacramento City Code is amended to read as follows:

B. Development Standards. Except as provided below, development in the OB zone in the River District SPD shall be subject to the same development standards that govern development in the OB zone outside of the River District SPD.

1. Residential Density. The maximum residential density shall be one hundred (100) dwelling units per net acre. A higher density may be approved upon the issuance of a planning and design commission special permit pursuant to and subject to the findings required by Chapter 17.212 and consistent with the applicable density range established by the city's General Plan.

2. Building Size and Lot Coverage. Development in the OB zone in the River District SPD shall not be subject to footnote (9) of Section 17.60.030. A planning and design commission special permit shall be required for any building to be constructed or expanded to exceed forty thousand (40,000) square feet of gross floor area. A zoning administrator's special permit shall be required for nonresidential buildings to be constructed or expanded to exceed ten thousand (10,000) square feet up to and including forty thousand (40,000) square feet of gross floor area. There is no maximum lot coverage standard.

3. Height and Setback Standards.

a. Front Setback. No minimum setback shall be required in the River District SPD area along Richards Boulevard except as required through the design review or preservation review under Chapters 17.132 and 17.134.

b. The height standards for the OB zone in the River District SPD are set out in Exhibit B at the end of this chapter. Requests to vary a height standard shall be heard and decided under Section 17.120.130 and shall not be subject to footnote (8) of Section 17.60.030.

4. Open Space Requirements.

a. Office.

i. Open space shall be provided for new office development at a ratio of one square foot of open space for every fifteen (15) square feet of the total square footage of the development.

ii. Open space shall be in the form of courtyards or public plazas.

iii. Open space requirements shall be satisfied on-site; provided, that the planning and design commission may approve a special permit pursuant to and subject to the findings required

by Chapter 17.212 to allow not more than twenty (20) percent of the required open space off-site. Required off-site open space shall be located within the River District SPD.

b. Residential.

i. Open space areas specifically designed for recreation or passive enjoyment of the outdoors are required for new residential development.

ii. A minimum of eighty (80) square feet of usable common open space per residential unit is required. Usable common open space may include courtyard, garden, recreational, or similar common areas.

iii. A minimum of fifty (50) square feet of usable private open space per residential unit is required. Usable private open space shall be designed for the exclusive use of the associated unit and may include decks, balconies, and patios. Usable private open space shall be directly accessible from the associated unit.

iv. Open space requirements shall be satisfied on-site; provided, that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the total required open space off-site. Required off-site open space shall be located in the River District SPD. In approving the special permit, the planning and design commission shall specify how the remaining open space to be provided on-site shall be allocated between usable common open space and usable private open space.

5. Parking Requirements.

a. No off-street vehicle parking shall be required for retail, commercial service (including banks and beauty salons), athletic club/fitness center, or restaurant uses if the use is a component of an office or residential project and does not exceed twenty (20) percent of the total building square footage for the project or nine thousand six hundred (9,600) square feet, whichever is less.

b. No off-street vehicle parking shall be required for restaurant outdoor seating located on private property.

6. Entrances. Development with frontage along Richards Boulevard shall provide an entrance facing the public street.

B. Except as specifically amended in subsection B, section 17.120.090 remains unchanged and in full force and effect.

SECTION 36

A. Subsection B of section 17.120.100 of the Sacramento City Code is amended to read as follows:

B. Development Standards. Except as provided below, development in the C-1 zone in the River District SPD shall be subject to the same development standards that govern development in the C-1 zone outside of the River District SPD.

1. Residential Density. The maximum residential density shall be twenty-nine (29) dwelling units per net acre. A higher density may be approved upon the issuance of a planning and design commission special permit pursuant to and subject to the findings required by Chapter 17.212 and consistent with the applicable density range established by the city's general plan.

2. Building Size. Development in the C-1 zone in the River District SPD shall not be subject to footnote (9) of Section 17.60.030. A planning and design commission special permit shall be required for any building to be constructed or expanded to exceed forty thousand (40,000) square feet of gross floor area. A zoning administrator's special permit shall be required for nonresidential buildings to be constructed or expanded to exceed ten thousand (10,000) square feet up to and including forty thousand (40,000) square feet of gross floor area. There is no maximum lot coverage standard.

3. Height Standards. The height standards for the C-1 zone in the River District SPD are set out in Exhibit B at the end of this chapter. Requests to vary a height standard shall be heard and decided under Section 17.120.130 and shall not be subject to footnote (8) of Section 17.60.030.

4. Open Space Requirements.

a. Office.

i. Open space shall be provided for new office development at a ratio of one square foot of open space for every fifteen (15) square feet of the total square footage of the development.

ii. Open space shall be in the form of courtyards or public plazas.

iii. Open space requirements shall be satisfied on-site; provided, that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the required open space off-site. Required off-site open space shall be located within the River District SPD.

b. Residential.

i. Open space areas specifically designed for recreation or passive enjoyment of the outdoors are required for new residential development.

ii. A minimum of eighty (80) square feet of usable common open space per residential unit is required. Usable common open space may include courtyard, garden, recreational, or similar common areas.

iii. A minimum of fifty (50) square feet of usable private open space per residential unit is required. Usable private open space shall be designed for the exclusive use of the associated unit and may include decks, balconies, and patios. Usable private open space shall be directly accessible from the associated unit.

iv. Open space requirements shall be satisfied on-site; provided, that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the total required open space off-site. Required off-site open space shall be located in the River District SPD. In approving the special permit, the planning and design commission shall specify how the remaining open space to be provided on-site shall be allocated between usable common open space and usable private open space.

5. Parking Requirements.

a. No off-street vehicle parking shall be required for retail, commercial service (including banks and beauty salons), athletic club/fitness center, or restaurant uses if the use does not exceed nine thousand six hundred (9,600) square feet.

b. No off-street vehicle parking shall be required for restaurant outdoor seating located on private property.

B. Except as specifically amended in subsection B, section 17.120.100 remains unchanged and in full force and effect.

SECTION 37

A. Subsection B of section 17.120.110 of the Sacramento City Code is amended to read as follows:

B. Development Standards. Except as provided below, development in the C-2 zone in the River District SOP shall be subject to the same development standards that govern development in the C-2 zone outside of the River District SPD.

1. Residential Density. The maximum residential density shall be one hundred (100) dwelling units per net acre. A higher density may be approved upon the issuance of a planning and design commission special permit pursuant to and subject to the findings required by Chapter 17.212 and consistent with the applicable density range established by the city's general plan.

2. Building Size. Development in the C-2 zone in the River District SPD shall not be subject to footnote (9) of Section 17.60.030. A planning and design commission special permit shall be required for any building to be constructed or expanded to exceed forty thousand (40,000) square feet of gross floor area. A zoning administrator's special permit shall be required for nonresidential buildings to be constructed or expanded to exceed ten thousand (10,000)

square feet up to and including forty thousand (40,000) square feet of gross floor area. There is no maximum lot coverage standard.

3. Height Standards. The height standards for the C-2 zone in the River District SPD are set out in Exhibit B at the end of this chapter. Requests to vary a height standard shall be heard and decided under Section 17.120.130 and shall not be subject to footnote (8) of Section 17.60.030.

4. Open Space Requirements.

a. Office.

i. Open space shall be provided for new office development at a ratio of one square foot of open space for every fifteen (15) square feet of the total square footage of the development.

ii. Open space shall be in the form of courtyards or public plazas.

iii. Open space requirements shall be satisfied on-site; provided, the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the required open space off-site. Required off-site open space shall be located within the River District SPD.

b. Residential.

i. Open space areas specifically designed for recreation or passive enjoyment of the outdoors are required for new residential development.

ii. A minimum of eighty (80) square feet of usable common open space per residential unit is required. Usable common open space may include courtyard, garden, recreational, or similar common areas.

iii. A minimum of fifty (50) square feet of usable private open space per residential unit is required. Usable private open space shall be designed for the exclusive use of the associated unit and may include decks, balconies, and patios. Usable private open space shall be directly accessible from the associated unit.

iv. Open space requirements shall be satisfied on-site; provided, that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the total required open space off-site. Required off-site open space shall be located in the River District SPD. In approving the special permit, the planning and design commission shall specify how the remaining open space to be provided on-site shall be allocated between usable common open space and usable private open space.

5. Parking. No off-street vehicle parking shall be required for restaurant outdoor seating located on private property.

B. Except as specifically amended in subsection B, section 17.120.110 remains unchanged and in full force and effect.

SECTION 38

Section 17.120.120 of the Sacramento City Code is amended to read as follows:

17.120.120 Heavy commercial C-4 zone.

A. Allowed Uses.

1. Uses permitted in the C-4 zone under this title outside of the River District SPD shall be allowed in the C-4 zone within the River District SPD.

2. If this title requires the approval of a special permit or other discretionary entitlement, or imposes other restrictions or requirements on the establishment of a particular use in the C-4 zone outside of the River District SPD, approval of the same discretionary entitlement and compliance with the same restrictions or requirements shall be required to establish the use in the C-4 zone within the River District SPD, except the following uses are permitted in the C-4 zone within the River District SPD subject to the restrictions and requirements as stated for each use:

a. Apartments, subject to footnote (75), but not to footnote (13), of Section 17.24.050.

b. Medical marijuana dispensaries, subject to footnote (85) except that a planning and design commission special permit shall be required.

B. Development Standards. Except as provided below, development in the C-4 zone in the River District SPD shall be subject to the same development standards that govern development in the C-4 zone outside of the River District SPD.

1. Height Standards. The height standards for the C-4 zone in the River District SPD are set out in Exhibit B at the end of this chapter and shall not be subject to footnote (18) of Section 17.60.030.

2. Building Size. Except as provided below, development in the C-4 zone in the River District SPD shall not be subject to footnote (18) of Section 17.60.030. A planning and design commission special permit shall be required for any building to be constructed or expanded to exceed forty thousand (40,000) square feet of gross floor area. A zoning administrator's special permit shall be required for nonresidential buildings to be constructed or expanded to exceed ten thousand (10,000) square feet up to and including forty thousand (40,000) square feet of gross floor area. For nonresidential development, there is no maximum lot coverage standard. For residential and mixed residential and nonresidential development, the

lot coverage and density standards in subsection (b)(ii) of footnote (18) of Section 17.60.030 shall apply.

3. Open Space Requirements.

a. Office.

i. Open space shall be provided for new office development at a ratio of one square foot of open space for every fifteen (15) square feet of the total square footage of the development.

ii. Open space shall be in the form of courtyards or public plazas.

iii. Open space requirements shall be satisfied on-site; provided, that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the required open space off-site. Required off-site open space shall be located within the River District SPD.

b. Residential.

i. Open space areas specifically designed for recreation or passive enjoyment of the outdoors are required for new residential development.

ii. A minimum of eighty (80) square feet of usable common open space per residential unit is required. Usable common open space may include courtyard, garden, recreational, or similar common areas.

iii. A minimum fifty (50) square feet of usable private open space per residential unit is required. Usable private open space shall be designed for the exclusive use of the associated unit and may include decks, balconies, and patios. Usable private open space shall be directly accessible from the associated unit.

iv. Open space requirements shall be satisfied on-site; provided, that the planning and design commission may approve a special permit pursuant to and subject to the findings required by Chapter 17.212 to allow not more than twenty (20) percent of the total required open space off-site. Required off-site open space shall be located in the River District SPD. In approving the special permit, the planning and design commission shall specify how the remaining open space to be provided on-site shall be allocated between usable common open space and usable private open space.

4. Parking Requirements.

a. No off-street vehicle parking shall be required for retail, commercial service (including banks and beauty salons), athletic club/fitness center, or restaurant uses if the use is a component of a residential project and does not exceed twenty (20) percent of the total building square footage for the project or 9,600 square feet, whichever is less.

b. No off-street vehicle parking shall be required for restaurant outdoor seating located on private property.

5. Outdoor Storage. All storage for appliance repair shops, cabinet shops, contractor's storage yards, building/landscape contractor shops, equipment rental and sales yards, furniture refinishing, lumber yards-retail, truck and tractor sales, service, and repair, and warehouse and distribution centers shall be inside an enclosed building or, if located outdoors, shall be completely screened from street views with landscaping and/or solid fencing.

SECTION 39

Section 17.120.130 of the Sacramento City Code is amended to read as follows:

17.120.130 Modification of height, yard, and stepback standards.

Design review or preservation review conducted at the director or commission level under Chapter 17.132 or 17.134 may address and modify the required height, yard, and stepback standards to achieve the intent and purposes of the River District Urban Design Guidelines, to ensure adequate light and air and compatibility with surrounding land uses, to ensure that an adequate and appropriate street tree canopy is created and maintained, and to mitigate visual impacts on listed historic resources. The director or commission may approve up to an additional fifty (50) feet of height for development on the west side of Interstate 5 if a public observation deck is incorporated into the building consistent with the River District Urban Design Guidelines. Where the design director planning and design commission, or preservation commission has authority to modify the required height, yard, and stepback standards under this section, the zoning administrator shall not have authority to consider or grant special permits, variances, plan reviews, modifications of these entitlements, or any other entitlement to modify the height, yard, or stepback standards for a development.

SECTION 40

A. Subsection A.3 of section 17.124.070 of the Sacramento City Code is amended to read as follows:

3. Upon receipt of a request for pre-application review and comment accompanied by all required initial concept drawings, the planning director shall schedule the request for a public hearing at the earliest convenient date. The public hearing shall be conducted by the planning and design commission or, if the project location is within the Central Shops historic district or is within the transition zone as described in Section 17.124.060(C) and Appendix D, by the preservation commission. Notice of the hearing shall be given by posting and mail pursuant to Sections 17.200.010(C)(2)(b) and (c), except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to all of the owners of real property located within the Sacramento railyards SPD and within five hundred (500) feet of the boundary of the Sacramento railyards SPD.

B. Except as specifically amended in subsection A.3, section 17.124.070 remains unchanged and in full force and effect.

SECTION 41

Section 17.128.040 of the Sacramento City Code is amended to read as follows:

17.128.040 Nonconforming use regulations.

A. General. Except as provided below, the nonconforming use regulations set forth in Chapter 17.88 of this title shall apply to the nonconforming uses, and to the use of nonconforming buildings, structures and lots, within the R Street corridor special planning district.

B. Restoration of Damaged or Destroyed Buildings. Subject to the restrictions set forth below, and notwithstanding the provisions of Section 17.88.030 of this title, a nonconforming building or structure, or any portion thereof, or a building or structure lawfully used for a nonconforming use, which is damaged or destroyed, either partially or completely, by fire, flood, wind, earthquake or other calamity or by the public enemy may be restored and the occupation or use of that building, structure or part thereof, which lawfully existed at the time of damage or destruction, may be rebuilt, restored or replaced, and devoted to the same use or uses that were in use prior to the damage or destruction. The restoration or replacement shall be commenced within a period of three years following the date of damage or destruction and shall be diligently prosecuted to completion, provided that, pursuant to subsection (B)(3) of this section, the planning and design commission may extend this period by a maximum of two years, for a total of five years. Commencement shall be deemed to occur when a building permit is obtained and construction thereunder physically commences. Any reconstruction or restoration shall be in accordance with the regulations of the building code existing at the time of reconstruction or restoration.

1. Same Level of Development. The right to rebuild, restore or replace shall be limited to rebuilding or replacing the building or structure with a building or structure that is of the same size as the original building or structure. Nothing in this provision shall prevent a property owner from rebuilding or replacing a damaged or destroyed building or structure with a building or structure which differs in terms of height, lot coverage, design or other feature but which has the same or less square footage than the original building or structure; and provided further that if the footprint of the building is changed from the footprint that existed prior to the event causing the damage or destruction, it shall comply with the development standards for new development in the R Street SPD, including but not limited to set back and lot coverage requirements.

2. Design Review. The reconstruction, restoration or replacement of a building or structure pursuant to this provision shall be subject to design review pursuant to Chapter 17.132 of this title.

3. Extension of Time for Restoration of Damaged or Destroyed Buildings. Upon showing of good cause, and upon a determination that the applicant has made reasonable and

diligent efforts to restore the damaged or destroyed building, the planning and design commission may grant one extension of time for a maximum of two years of the time specified above for the restoration of a damaged or destroyed building. An application for extension of the time period in which a nonconforming use may be restored must be filed not less than thirty (30) days prior to expiration of the time period. An application for extension of time pursuant to this provision shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning and design commission special permit.

C. Discontinuance of Nonconforming Uses. Notwithstanding the provisions of Section 17.88.030 of this title, a nonconforming use of a lot, building or structure, or portion thereof, in the R Street corridor SPD may be restored and resumed if the period of vacancy and non-occupancy does not exceed three continuous years; provided that pursuant to subsection (C)(1) of this section, the planning and design commission may extend this period by a maximum of four additional years, for a total of seven years. If the lot, building or structure becomes vacant and remains unoccupied for a continuous period of more than three years or, if the planning and design commission has extended the time period pursuant to subsection (C)(1) of this section, such longer period as approved, the lot building or structure shall not be thereafter occupied except by a use which conforms to the use regulations of the zone in which it is located.

1. Extension of Time for Restoration of Nonconforming Use. Upon a showing of good cause and upon a determination that the applicant has made reasonable and diligent efforts to restore the nonconforming use, the planning and design commission may grant two extensions of time of not more than two years each, for a maximum of four years, of the time specified above for restoration of a nonconforming use. An application for extension of the time period in which a nonconforming use may be restored must be filed not less than thirty (30) days prior to expiration of the time period. An application for extension of time pursuant to this provision shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning and design commission special permit.

D. Approved Projects and Applications for Reuse of Existing Buildings Pending as of Effective Date of Special Planning District Regulations. Development projects for which a special permit was approved prior to the effective date of this chapter and applications for discretionary entitlements to reuse an existing building which were pending on the effective date of this chapter shall be subject to the following provisions:

1. Establishment of Development Projects for Which Special Permit Approved Prior to Effective Date. Notwithstanding any other provision of this title, the building code, or other city laws or regulations, and notwithstanding that the project may involve a use otherwise prohibited in the R Street corridor, development projects in the R Street corridor which required and received approval of a special permit under the zoning ordinance as it existed prior to the effective date of this chapter and which was valid and had not expired as of the effective date of this chapter may be established in the manner and within the time periods specified in Section 17.212.100 of this title. The time period specified in Section 17.212.100 of this title may be extended in the manner specified in Section 17.212.100(F) of this title.

2. Applications Pending on January 1, 1996. Notwithstanding any other provisions of this title to the contrary, and notwithstanding that the application may involve a use otherwise prohibited in the R Street corridor pursuant to the provisions of this chapter, applications for discretionary entitlements required by the zoning ordinance as it existed prior to the effective date of this chapter to reuse an existing building in the R Street corridor which were complete and pending on January 1, 1996 shall be processed and may be approved pursuant to the provisions of this title as it existed prior to the effective date of this chapter.

E. Allowed Expansion of Nonconforming Use. Notwithstanding the provisions of Section 17.88.030 of this title, a nonconforming use within an existing building may be expanded to occupy up to an additional twenty-five (25) percent of its gross square footage within the building upon approval of a zoning administrator special permit pursuant to and subject to the findings required by Chapter 17.212.

SECTION 42

A. Subsection C of section 17.134.090 of the Sacramento City Code is amended to read as follows:

C. Evaluate and submit comments and recommendations on proposed plans, public and private development projects, and environmental reviews that are not subject to review under this chapter but that may potentially affect the physical development and historic preservation of the city involving landmarks, contributing resources, historic districts, nominated resources, or the historical value of any other building, structure or neighborhood, in coordination with review and action by the city council, planning and design commission, or other public agencies on the plan, project or environmental review;

B. Except as specifically amended in subsection C, section 17.134.090 remains unchanged and in full force and effect.

SECTION 43

A. Subsection C of section 17.134.120 of the Sacramento City Code is amended to read as follows:

C. Advise the city council, the planning and design commission, the preservation commission, the housing code advisory and appeals board, other advisory boards and commissions of the city, and city staff on historic preservation issues, including rehabilitation standards and historic resources surveys performed in conjunction with adoption of new or amendments to existing community plans, specific plans, this code, public and private development projects, and other discretionary actions;

B. Except as specifically amended in subsection C, section 17.134.120 remains unchanged and in full force and effect.

SECTION 44

Section 17.140.030 of the Sacramento City Code is amended to read as follows:

17.140.030 Special permit required.

Notwithstanding any provision of Chapter 17.24 of this title to the contrary, a special permit shall be required in order to establish any use within the I-5 zone which is not a permitted use in the A zone. Within the I-5 zone, the planning and design commission may issue a special permit for any use which is permitted in the underlying zone if it finds that the standards and criteria of Chapter 17.212 of this title are met, and that the proposed development satisfactorily mitigates or avoids any adverse impact of air pollution, noise pollution or aesthetics related to the I-5 freeway.

SECTION 45

Section 17.144.060 of the Sacramento City Code is amended as follows:

A. Footnote 15 to section 17.144.060 is amended to read as follows:

[15] Use permitted subject to issuance of a special permit pursuant to Title 17 and the provisions of this section. The planning and design commission may approve or conditionally approve the special permit if it finds that the use, when evaluated in context with existing uses or structures located on the same parcel, will not cause a safety or noise problem either for aircraft using the executive airport or persons using the facility where the proposed use is located and will not result in any of the following: (1) aboveground storage of flammable or explosive material; and (2) structural lot coverage greater than twenty (20) percent if a new building or expansion of an existing structure is proposed as part of the use application.

B Except as specifically amended in footnote 15, section 17.144.060 remains unchanged and in full force and effect.

SECTION 46

Section 17.144.070 of the Sacramento City Code is amended to read as follows:

17.144.070 Discretionary permitted approach-departure zones 1 and 2 (EA-2 and EA-3) uses.

A. The owner of an existing multi-tenant complex on property located within the approach-departure zones 1 and 2 (EA-2 and EA-3) may submit a written application to the zoning administrator, requesting permission to establish or modify a land use which is identified in Attachment 2 as a "Conditional Use," and is not prohibited by any other provision in this title or city code.

B. The application shall include:

1. A processing fee in the amount established in a resolution adopted by the city council; and

2. Evidence that the proposed or modified use satisfies the finding mandated in subsection (C)(2) of this section; and

3. Other information as may be requested by the zoning administrator.

C. Not more than thirty (30) days after receipt of a complete application, the zoning administrator shall either:

1. Notify the applicant in writing that he or she has determined that the use should not be permitted, and a brief statement of the reasons for such determination; or

2. Without holding a hearing, approve or conditionally approve the use if the director finds that the use will not result in any of the following:

a. Aboveground storage of flammable or explosive material, or

b. Any structure which exceeds FAA height restrictions; or

3. Schedule the matter for a planning and design commission public hearing. The hearing shall be noticed and fees shall be charged in the same manner as for the special permit. The commission shall approve or conditionally approve the use if it finds that the use will not result in any of the facts specified in subsection (C)(2) of this section.

D. In accordance with the procedures specified in Chapter 17.200, any person may appeal to the planning and design commission a decision of the zoning administrator, made pursuant to subsection (C)(2) of this section and any person may appeal to the city council a decision of the planning and design commission made pursuant to subsection (C)(3) of this section.

SECTION 47

Section 17.144.120 of the Sacramento City Code is amended as follows:

A. Subsection A of section 17.144.120 is amended to read as follows:

A. Prior to action by the planning director, planning and design commission or city council, the following proposed actions shall be referred to the Airport Land Use Commission for review and determination of compatibility: adoption or amendment of a general plan, specific plan, zoning ordinance or building regulation, which could affect the area within the executive airport planning area in a manner inconsistent with the purposes articulated in Section 17.144.010.

B. Subsection B of section 17.144.120 is amended to read as follows:

B. Upon timely receipt by the planning director of a determination by the Airport Land Use Commission that a proposed action is inconsistent with the executive airport

comprehensive land use plan, the planning and design commission shall, in a public hearing, review and consider such determination. The planning and design commission shall thereafter recommend to the city council approval, conditional approval, or denial of the proposed action. The proposed action shall then be heard in a public hearing before the city council. The city council may thereafter approve or conditionally approve the proposal only with a two-thirds or greater vote and adoption of specific findings that the proposed action is consistent with the purposes of the state Airport Land Use Law articulated in California Public Utilities Code Section 21670.

C. Except as specifically amended in subsections A and B, section 17.144.120 remains unchanged and in full force and effect.

SECTION 48

A. Subsection B of section 17.164.030 of the Sacramento City Code is amended to read as follows:

B. The following uses are allowed subject to a special permit approved by the planning and design commission (unless otherwise noted):

1. New construction where building frontage is one hundred sixty (160) feet or greater;

2. Major projects of twenty thousand (20,000) square feet or more in gross floor area;

3. Amusement centers—Indoor;

4. Antennas and communication facilities (as specified in Section 17.24.050(58) of this title);

5. Auto sales, service or rental;

6. Bar;

7. Beer, wine, or general alcoholic beverage sales for off-premises consumption;

8. Bus and other transit terminal, depots, and passenger stations;

9. Church or allied facilities;

10. Hotel or motel;

11. Movie theater/cinema;

12. Nonprofit organization food storage and distribution;

13. Nonprofit organization meal service facility;

14. Nonprofit organization food preparation for off-site consumption;

15. Nonresidential care facility;

16. Parking lot, garage;

17. Residential care facility;

18. Residential hotel, SRO;

19. School—Public, private, nonprofit;

B. Except as specifically amended in subsection B, section 17.164.030 remains unchanged and in full force and effect.

SECTION 49

A. Subsection B of section 17.168.030 of the Sacramento City Code is amended to read as follows:

B. The following uses are allowed in the urban neighborhood in the base C-2 zone, subject to a special permit approved by the planning and design commission (unless otherwise noted):

1. Antennas and telecommunication facilities (as specified in Section 17.24.050(58) of this title);

2. Auto sales, service or rental;

3. Bar;

4. Beer, wine, or general alcoholic beverage sales for off-premises consumption;

5. Bus and other transit terminal, depots, and passenger stations;

6. Bus and other transit vehicle maintenance and storage;

7. Church or allied facilities;

8. Convenience market if hours before six a.m. or after eleven p.m.;

9. Movie theater/cinema;

10. Non-profit organization meal service facility;

11. Non-residential care facility;

12. Offices (ground floor) with office use frontage directly on J Street. (Ground floor office are a permitted use in the interior, back, or courtyard area of a building where the use frontage is not directly on J Street);

13. Parking lot, garage;

14. Residential care facility;

15. Residential hotel, SRO;

16. School—Public, private, nonprofit;

17. Service station;

18. Sidewalk cafe (zoning administrator special permit);

19. Stand-alone parking lot.

B. Except as specifically amended in subsection B, section 17.168.030 remains unchanged and in full force and effect.

SECTION 50

A. Subsection B of section 17.168.040 of the Sacramento City Code is amended to read as follows:

B. The following uses are allowed in the Urban Neighborhood in the base RMX zone, subject to a special permit approved by the planning and design commission:

1. Amusement centers—Indoors;

2. Antennas and telecommunication facilities (as specified in Section 17.24.050(58) of this title);

3. Bar;

4. Beer, wine, or general alcoholic beverage sales for off-premises consumption;

5. Bus and other transit terminal, depots, and passenger stations;

6. Bus and other transit vehicle maintenance and storage;

7. Business college/trade school;

8. Church or allied facilities;

9. Hotel/motel;

10. Movie theater/cinema;

11. Nonprofit organization food storage and distribution;

12. Nonprofit organization meal service facility;

13. Nonprofit organization food preparation for off-site consumption;

14. Nonresidential care facility;

15. Parking lot, garage;

16. Residential care facility;

17. Residential hotel, SRO;

18. School—Public, private, nonprofit;

19. Sidewalk cafe (zoning administrator special permit).

B. Except as specifically amended in subsection B, section 17.168.040 remains unchanged and in full force and effect.

SECTION 51

A. Subsection B of section 17.172.030 of the Sacramento City Code is amended to read as follows:

B. The following uses are allowed in the midtown commercial overlay zone, subject to a special permit approved by the planning and design commission (unless otherwise noted):

1. New construction where building frontage is one hundred sixty (160) feet or greater;

2. Antennas and telecommunication facilities (pursuant to the provisions of Section 17.24.050(58) of this title);

3. Auto sales, service or rental;

4. Bar;

5. Beer, wine, or general alcoholic beverage sales for off-premise consumption;

6. Bus and other transit terminal, depots, and passenger stations;

7. Bus and other transit vehicle maintenance and storage;

8. Church or allied facilities;

9. Convenience market with hours before six a.m. or after eleven p.m.;

10. Hotel/motel;

11. Medical offices where office would have ground floor frontage on J Street (Ground floor office are a permitted use in the interior, back, or courtyard area of a building where the use frontage is not directly on J Street);

12. Mortuary;

13. Movie theater/cinema;

14. Nonprofit organization food storage and distribution;

15. Nonprofit organization meal service facility;

16. Nonresidential care facility;

17. Offices on ground floor where office use would have frontage on J Street. (Ground floor office are a permitted use in the interior, back, or courtyard area of a building where the use frontage is not directly on J Street);

18. Parking lot, garage;

19. Residential care facility;

20. Residential hotel, SRO;

21. School—Public, private, nonprofit;

22. Service station;

23. Sidewalk cafe (zoning administrator special permit);

24. Stand-alone parking lot.

B. Except as specifically amended in subsection B, section 17.172.030 remains unchanged and in full force and effect.

SECTION 52

Section 17.172.040 of the Sacramento City Code is amended as follows:

A. Subsection D of section 17.172.040 is amended to read as follows:

D. Parking Lots. Parking lots to serve businesses may not have frontage on J Street, unless the city manager or city manager's designee makes a finding of no other feasible option. The zoning administrator or planning and design commission may opt to waive or reduce parking rather than have parking frontage on J Street.

B. Subsection F of section 17.172.040 is amended to read as follows:

F. Off-Street Parking Reduction. Notwithstanding the provisions of Chapters 17.64 and 17.184 of this title, mixed use projects which incorporate both residential and commercial or services uses, may reduce or waive up to four spaces or seventy-five (75) percent, whichever is greater, of the required off-street parking requirement for the ground floor commercial retail or service uses, subject to a zoning administrator's special permit. If the amount of parking proposed to be waived or reduced is greater than that which the zoning administrator may waive or reduce, a special permit approved by the planning and design commission is required pursuant to Chapter 17.212 of this title.

C. Except as specifically amended in subsections D and F, section 17.172.040 remains unchanged and in full force and effect.

SECTION 53

Section 17.176.030 of the Sacramento City Code is amended as follows:

A. Subsection B of section 17.176.030 is amended to read as follows:

B. Uses Permitted Subject to a Special Permit. Other uses permitted in the RO zone with a special permit are permitted within the BC overlay zone subject to a special permit, with the exception of office and medical offices uses. Subject to approval of a planning and design commission special permit, conversion of existing structures to office use would be permitted in the BC overlay zone, subject to criteria outlined in subsection (C)(3) of this section. Development of new office buildings is prohibited within the BC overlay zone, except as described in subsection D of this section and Section 17.176.040 of this chapter.

B. Subsection C of section 17.176.030 is amended to read as follows:

C. Conversion of Existing Structures to Office Use—Special Permit Required. Subject to approval of planning and design commission special permit, a residential structure in existence as of June 5, 1999, may be converted to office uses. In addition to making the findings

required by Chapter 17.212 of this title, the planning and design commission shall also be required to make the following additional findings when approving a special permit pursuant to this provision.

1. The structure is historically or architecturally important and conversion to office use will allow for preservation of the structure.

2. Parking to accommodate nonresidential use of the structure can be accommodated, either on-site without detracting from the residential appearance of the structure, or off-site without negatively affecting the character or residential parking supply in the area.

3. The structure remains predominantly residential in appearance. To this end, conditions may be placed on parking area location and design, signage and landscaping.

4. Where the structure has two or more floors, the floors above the ground floor shall be devoted to residential uses unless the planning and design commission finds such uses are undesirable or infeasible.

5. The conversion is compatible with surrounding uses.

C. Except as specifically amended in subsections B and C, section 17.176.030 remains unchanged and in full force and effect.

SECTION 54

Section 17.178.070 of the Sacramento City Code is amended to as follows:

A. Subsection B of section 17.178.070 of the Sacramento City Code is amended to read as follows:

B. Discontinuance of Nonconforming Uses. Notwithstanding the provisions of Section 17.88.030 of this title, any nonconforming use of a lot, building or structure, or portion thereof, in the TO zone may be restored and resumed if the period of vacancy does not exceed two continuous years; provided that pursuant to subsection C of this section, the planning and design commission may extend this period up to four additional years, for a total of six years. If the lot, building or structure becomes vacant and remains unoccupied for a continuous period of two years or such other period of time granted by the planning and design commission pursuant to subsection C of this section, the lot, building or structure shall not thereafter be occupied except by a use that conforms to the current use regulations applicable to the zone in which it is located.

B. Subsection C of Sacramento City Code section 17.178.070 is amended to read as follows:

C. Extension of Time for Restoration of Nonconforming Use. Upon a showing of good cause and upon a determination that the applicant has made reasonable and diligent efforts to restore the nonconforming use, the planning and design commission may grant up to two

extensions of the time specified above for restoration of a nonconforming use. The extensions of time may not exceed two years each and the total time permitted for restoration may not exceed six years. An application for extension of the time period in which a nonconforming use may be restored must be filed not less than thirty (30) days prior to expiration of the then-applicable time period. An application for extension of time pursuant to this provision shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning and design commission special permit.

C. Except as specifically amended in subsections B and C, section 17.178.070 remains unchanged and in full force and effect.

SECTION 55

A. Subsection C of section 17.180.020 of the Sacramento City Code is amended to read as follows:

C. Authority to Adopt Rules. Without limiting in any way the general and implied authority of the planning and design commission to adopt rules and statements of policy and guidance for the administration of other provisions of this title, the planning and design commission may by resolution adopt such rules and regulations not inconsistent with the provisions of this section as it deems necessary or desirable to carry out the intent of this chapter.

B. Except as specifically amended in subsection C, section 17.180.020 remains unchanged and in full force and effect.

SECTION 56

Section 17.180.050 of the Sacramento City Code is amended as follows:

A. Subsection B of section 17.180.050 of the Sacramento City Code is amended to read as follows:

B. Notice and Hearing for Adoption of Schematic Plan and/or Development Guidelines. The planning and design commission and city council shall each hold a hearing on the adoption of a schematic plan and/or guidelines. The procedural requirements for a schematic plan and/or guidelines adoption hearing shall be governed by the provisions of Chapter 17.200 of this title to the extent that the provisions of Chapter 17.200 of this title do not conflict with this section, and notice of the hearing shall be provided in the same manner and to the same extent as required for rezoning of property pursuant to Chapter 17.208 of this title.

B. Subsection C of section 17.180.050 of the Sacramento City Code is amended to read as follows:

C. Fees for Adoption of Schematic Plan. A schematic plan and/or guidelines for a PUD shall be filed with the planning and design commission and shall be subject to a filing and investigation fee as established in the fee and charge report.

C. Subsection D of section 17.180.050 of the Sacramento City Code is amended to read as follows:

D. Amendment of a PUD Schematic Plan and/or Guidelines. An amendment to the PUD schematic plan and/or guidelines may be initiated by the city council, the planning and design commission, or by the owner of any parcel of property within the planned unit development. An application for such amendment to the PUD schematic plan and/or guidelines shall be filed with the planning and design commission and shall be subject to a filing and investigation fee as established in the fee and charge report.

1. Determination by Planning and Design Commission.

a. The planning and design commission may grant the amendment of a PUD schematic plan and/or guidelines provided that the proposed amendments to the PUD schematic plan and/or guidelines do not change the intensity of land uses by more than ten (10) percent.

b. The procedural requirements for the hearing and appeal of a PUD schematic plan amendment and/or development guidelines amendment under this subsection **17.180.050**(D)(1) shall be governed by the provisions of Chapter 17.200 of this title as they apply to the city planning and design commission to the extent that Chapter 17.200 provisions do not conflict with this chapter, and notice of the hearing shall be provided in the same manner and to the same extent as required for rezoning of property pursuant to Chapter 17.208 of this title. An amendment to a schematic plan and/or guidelines under this subsection (D)(1) of this section shall be subject to city council call-up review under Section 17.200.040.

2. Determination by the City Council. If the conditions in subsection (D)(1)(a) of this section are not met, the planning and design commission and the city council shall hold a hearing on the amendment to the PUD schematic plan and/or guidelines. The procedural requirements for a schematic plan amendment or PUD guidelines amendment hearing shall be governed by the provisions of Chapter 17.200 of this title to the extent that Chapter 17.200 provisions do not conflict with this chapter, and notice of the hearing shall be provided in the same manner and to the same extent as required for rezoning of property pursuant to Chapter 17.208 of this title. If the PUD schematic plan or PUD guidelines amendment is approved or conditionally approved by the planning and design commission, the planning and design director shall immediately make a written report of such approval to the city council.

D. Except as specifically amended in subsections B, C, and D, section 17.180.050 remains unchanged and in full force and effect.

SECTION 57

A. Subsection C of section 17.183.030 of the Sacramento City Code is amended to read as follows:

C. Modification or alteration of existing hazardous waste facility, solid waste landfill or solid waste transfer station: no increase in tonnage, volume or other capacity restriction:

1. Notwithstanding subsection (B) above, a special permit modification may be approved by the planning and design commission to amend or modify the conditions of operation of an existing hazardous waste facility, solid waste landfill or solid waste transfer station located within the solid waste restricted overlay zone: provided that the planning and design commission shall have no authority to approve an increase in the tonnage, volume or other capacity restriction imposed on the facility that is the subject of the application, and no variance shall be approved to authorize such an increase.

Exception: Applications to amend conditions of operation of an existing hazardous waste facility, solid waste landfill or solid waste transfer station pending as of March 1, 2003 may be heard by the zoning administrator to the extent the zoning administrator has the authority to hear such applications, provided that the zoning administrator shall have no authority to approve an increase in the tonnage, volume or other capacity restrictions, and no variance shall be approved to authorize such an increase.

2. Notwithstanding subsection (B) above, a special permit or special permit modification may be approved by the planning and design commission to expand an existing inert landfill or existing Class 3 landfill facility, located either within or immediately adjacent to the solid waste restricted overlay zone, to adjacent property located within the solid waste overlay zone; provided that, other than the increase in the overall tonnage and volume of solid waste associated with the use of the expansion area, the planning and design commission shall have no authority to approve an increase in the daily tonnage, volume or other capacity restriction imposed on the facility that is the subject of the application, and no variance shall be approved to authorize such an increase. The purpose of this provision is to allow for existing inert and Class 3 landfills in or immediately adjacent to the solid waste restricted overlay zone to expand the area in which they may deposit fill, while not allowing for any increase in the tonnage, volume or other capacity restriction.

B. Except as specifically amended in subsection C, section 17.183.030 remains unchanged and in full force and effect.

SECTION 58

Section 17.186.060 of the Sacramento City Code is amended to read as follows:

17.186.060 Application and review.

A. Preliminary Review.

1. Applicants/developers proposing a housing development pursuant to this section, are encouraged to schedule a pre-application conference with the planning and design director or designated staff to discuss and identify potential application issues, including prospective additional incentives pursuant to Section 17.186.050.

2. Applicants may submit a preliminary application prior to the submittal of any formal request for approval of a housing development. A preliminary application shall include the following information:

a. A brief description of the proposed housing development, including the total number of units, target units, and density bonus units proposed;

b. The zoning and general plan designations and assessors parcel number(s) of the project site;

c. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway and parking layout;

d. If applicant seeks one or more additional incentives, or alternatively, if the applicant seeks one or more financially equivalent incentives in lieu of the density bonus and additional incentive(s), the application should describe why the additional incentives are necessary to provide the target units, in accordance with section 17.186.050.

Planning staff shall be authorized to request from applicant additional information it determines is reasonably necessary to analyze applicant's request for additional incentives or financially equivalent incentives.

3. Within ninety (90) days of receipt of the preliminary application, including the receipt of any additional information requested by planning staff concerning the proposed application and the requested additional incentives or financially equivalent incentives, the planning director shall provide to an applicant/developer a letter that satisfies the requirements of Section 65915(d) and that, to the extent feasible and practicable, identifies project issues of concern and the planning director's preliminary position on the maximum financial support and incentives that the city may be able to provide. The planning director's letter shall be considered preliminary in nature, and shall not be binding upon the planning director, planning and design commission or city council.

B. Application.

A developer seeking approval of a density bonus and an additional incentive shall file an application with the planning division which shall process such application concurrently with any other application(s) required for the housing development. Such application shall include such information as may be specified by the director. The city council may establish an application fee for such applications.

C. Review.

1. The application shall be heard and decided by the planning director unless any other applications required for the housing development which are being processed concurrently require planning and design commission or city council approval, in which case the application shall be heard by the planning and design commission. Applications shall be noticed before the planning director in the same manner as a planning director's special permit, and the decision shall be subject to appeal in the same manner as a decision on a planning director's special permit. Applications shall be noticed before the planning and design commission in the same manner as a planning and design commission's special permit, and the decision shall be subject

to appeal in the same manner as a decision on a planning and design commission's special permit.

2. Notice. In addition to all other information required by this title, the public notice of application, hearing and/or decision on the project shall identify the density bonus and additional incentive(s), if any, or the financially equivalent incentives, requested for the project.

3. Incentives Involving Development and Zoning Standards. Except as provided below, the hearing body, as part of its review of an application for a density bonus and additional incentive(s), may waive or modify applicable development and zoning standards set forth in this title which would otherwise inhibit the utilization of the density bonus on the site which is the subject of the application.

a. Exception—Limitation on Authority of Planning Director. The planning director shall be authorized to approve requests for regulatory concessions that involve requests to reduce, increase or otherwise deviate from applicable development and zoning standards set forth in this title by not more than fifty (50) percent or the specified standard. Requests for regulatory concessions from the regulatory standards set forth in this title that exceed fifty (50) percent shall require planning and design commission approval.

b. Standard. In determining whether to approve a request for regulatory concessions to reduce, increase or otherwise deviate from applicable development standards, the planning director and planning and design commission shall apply the standards applicable to a special permit, and may approve the request if it makes the findings required for approval of a special permit.

4. Financial Incentives. Deviation from Street Standards and other Incentives.

a. Financial Incentives. Except as otherwise authorized by ordinance or resolution, council approval shall be required for approval of financial incentives, including but not limited to grants or other forms of direct fiscal aid, waiver, reduction or deferral of planning, plan check, construction permit or development impact fees.

b. Waiver of street standards. Except as otherwise authorized by ordinance or resolution, requests to modify standard street dedication and improvement requirements shall be processed in the manner specified in Chapter 18.04 of Title 18 of this code.

c. Other Incentives. Except as otherwise authorized by ordinance or resolution, council approval shall be required for incentives other than those specified above.

SECTION 59

Section 17.188.060 of the Sacramento City Code is amended as follows:

A. Subsection A of section 17.188.060 of the Sacramento City Code is amended to read as follows:

A. Variances. A variance from the provisions of this section may be granted to an applicant by the planning and design commission. The applicant must file an application for a variance within ten (10) days of the planning director's determination pursuant to Section 17.188.040 or 17.188.050 of this chapter.

B. Subsection E of section 17.188.060 of the Sacramento City Code is amended to read as follows:

E. Findings. In approving a variance, the planning and design commission shall make findings pursuant to each of the applicable standards defined in subsection C or D of this section.

C. Except as specifically amended in subsections A and E, section 17.188.060 of the Sacramento City Code remains unchanged and in full force and effect.

SECTION 60

A. Subsection B of section 17.190.040 of the Sacramento City Code is amended to read as follows:

B. Modification of Planning and Public Works Development Standards. Upon application as provided herein, the city may modify for inclusionary units, to the extent feasible in light of the uses, design, and infrastructure needs of the development project as determined by the planning director, the zoning administrator, or planning and design commission, as applicable under the city zoning code: (1) applicable public works development standards contained in Titles 12 and 16 of the city code, such as alternative standards relating to road widths, curbs and gutters, and parking; and (2) applicable planning standards contained elsewhere in this title such as minimum lot size, alternative housing types, and other minor deviations from development standards, lot coverage, locational and other requirements for approval of duplexes, halfplexes, and patio homes.

B. Except as specifically amended in subsection B, section 17.190.040 remains unchanged and in full force and effect.

SECTION 61

A. Subsection C of section 17.190.060 of the Sacramento City Code is amended to read as follows:

C. Approval of Housing Plans Containing Land Dedication or Off-site lnclusionary Housing.

1. Review and Recommendation of the Planning Director. The planning director shall review the proposed inclusionary housing plan containing land dedication or off-site inclusionary housing and in so doing shall consult with the executive director of the SHRA. The planning director shall recommend approval, modification, or denial of the proposed

inclusionary housing plan to the city council or planning and design commission, as provided in this section.

2. Standard for Approval. An inclusionary housing plan containing land dedication or off-site inclusionary housing may be approved only if it provides a more cost-efficient solution when considering the amount of public subsidy to the inclusionary housing component than the standard approach set forth in Section 17.190.030, or if the location of off-site development or land dedication would be superior to on-site development from the perspective of access to transportation or other applicable residential planning criteria.

3. Approval by the City Council. For development projects that require legislative entitlements, the inclusionary housing plan containing land dedication or off-site inclusionary housing shall be reviewed and approved in the same manner as the legislative entitlements. If the inclusionary housing plan containing land dedication or off-site inclusionary housing is approved, the relevant elements of the inclusionary housing plan shall be included in the applicable legislative approvals for both the residential development generating the requirement for the inclusionary housing component and, if applicable, the dedicated site or off-site development project where all or part of that requirement shall be met.

4. Approval by the Planning and Design Commission. For projects that require only non-legislative, adjudicatory entitlements, the inclusionary housing plan containing land dedication or off-site inclusionary housing shall be subject to planning and design commission approval. If the inclusionary housing plan containing land dedication or off-site inclusionary housing is approved, the relevant elements of the inclusionary housing plan shall be included in the applicable non-legislative adjudicatory approvals, for both the residential development generating the requirement for the inclusionary housing component and, if applicable, the dedicated site or off-site development project where all or part of that requirement shall be met.

B. Except as specifically amended in subsection C, section 17.190.060 remains unchanged and in full force and effect.

SECTION 62

A. Subsection C of section 17.190.065 of the Sacramento City Code is amended to read as follows:

C. Approval of Housing Plan for Residential Condominium Projects; Required Findings for Special Permit.

1. Review and Recommendation of the Planning Director. The planning director shall review the inclusionary housing plan proposed under this section and in so doing shall consult with the executive director of the SHRA. The planning director shall recommend approval, modification or denial of the proposed inclusionary housing plan to the city council or planning and design commission, as provided below.

2. Standard for Approval and Findings. In approving a special permit for an inclusionary housing plan under this section, and in addition to the findings required by Chapter 17.212, the decision-maker shall find the following:

a. That the proposed inclusionary housing plan is consistent with the requirements of this section;

b. That the proposed inclusionary housing plan is consistent with and in furtherance of the mixed-income housing policies of the housing element of the city's general plan; and

c. That the proposed inclusionary housing plan provides a more cost-efficient solution when considering the amount of public subsidy to the inclusionary housing component than the standard approach set forth in Section 17.190.030.

3. Approval by the city council. For development projects that require legislative entitlements, the special permit and inclusionary housing plan proposed under this section shall be reviewed and approved in the same manner as the legislative entitlements. If the inclusionary housing plan is approved, the relevant elements of the inclusionary housing plan shall be included in the special permit and legislative approvals.

4. Approval by the Planning and Design Commission. For projects that require only non-legislative, adjudicatory entitlements, the special permit and inclusionary housing plan proposed under this section shall be subject to planning and design commission approval. If the inclusionary housing plan is approved, the relevant elements of the inclusionary housing plan shall be included in the special permit and applicable non-legislative adjudicatory approvals.

B. Except as specifically amended in subsection C, section 17.190.065 remains unchanged and in full force and effect.

SECTION 63

A. Subsection H of section 17.190.070 of the Sacramento City Code is amended to read as follows:

H. Any residential project in the North Natomas community plan area which does not have a development agreement as of June 20, 2000, but which is the subject of a formal application on which the planning and design commission took final action on or before June 20, 2000, regardless of whether the planning and design commission's action was thereafter appealed; provided that the city council thereafter approves the project in substantially the same form as approved by the planning and design commission. If the city council denies the application as approved on or before June 20, 2000 by the planning and design commission, the development project shall comply with this chapter. If the city council approves the application but modifies the project in any substantial manner from the project approved by the planning and design commission, the project shall comply with the provisions of this chapter to the extent required by the council at the time of approval of the project. If changes in the residential project are proposed subsequent to the council's approval of the pending application, and the proposed

changes require the approval of one or more legislative entitlements or amendments which are major rather than minor, the revised residential project shall be subject to the inclusionary housing component requirement and the other provisions of this chapter.

B. Except as specifically amended in subsection H, section 17.190.070 remains unchanged and in full force and effect.

SECTION 64

A. Subsection B of section 17.190.110 of the Sacramento City Code is amended to read as follows:

B. Action on Inclusionary Housing Plan.

1. Approval of Inclusionary Housing Plan. The SHRA director shall review the proposed inclusionary housing plan and shall make recommendations to the planning director.

a. City Council Approval of Inclusionary Housing Plan. For projects that require legislative entitlements, the inclusionary housing plan shall be noticed and heard by the city council in the same manner as the legislative entitlements.

b. Planning and Design Commision or Zoning Adminstrator Approval of Inclusionary Housing Plan.

The inclusionary housing plan for development projects requiring only non-legislative, adjudicatory entitlements subject to planning and design 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 and design 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 project shall also constitute the appeal or call-up of the decision of the planning and design commission or zoning administrator on each adjudicatory entitlement considered by the planning and design commission or zoning administrator for that project.

c. Planning Director Approval of Inclusionary Housing plan. The inclusionary housing plan for development projects requiring only staff-level adjudicatory entitlements shall be noticed and considered by the planning director in the same manner as a planning director's special permit. The decision of the planning director approving or denying the inclusionary housing plan shall be subject to appeal to the planning and design commission pursuant to Section 17.200.030. The decision by the planning and design commission approving or denying the 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 director or planning and design commission on the housing plan for a project shall also constitute the appeal or call-up of the decision of the planning director or planning and design commission on each adjudicatory entitlement considered by the planning director and/or planning and design commission for that project.

d. Notwithstanding Section 17.190.110(B)(1)(c), inclusionary housing plans that include land dedication or off-site inclusionary housing shall be approved by the city council or planning and design commission in accordance with Section 17.190.060.

2. Approval—When Required. No entitlement for a development project shall be granted without an approved inclusionary housing plan. The elements of the inclusionary housing plan shall be incorporated into the terms and conditions of the applicable legislative entitlements and project-level approvals.

3. Amendment of Inclusionary Housing Plan. An inclusionary housing plan may be amended as provided in this subsection prior or subsequent to the execution of the inclusionary housing agreement.

a. Findings Required. Approval of an amendment to an inclusionary housing plan shall be subject to a finding that the amendment is necessary to facilitate the development, is consistent with the provisions of this chapter and will not inhibit the city's ability to enforce compliance with this chapter. If the amendment will change the phasing plan in such a way that the inclusionary units will not be developed concurrently with the market rate units, the amendment may be approved only if necessary to account for the different financing and funding environments, economies of scale, and infrastructure needs applicable to development of the market rate units.

b. Plans Approved by the City Council or Planning and Design Commission. An amendment to an inclusionary housing plan that was originally approved by the council or planning and design commission, including all plans that contain land dedication or off-site inclusionary housing components, shall require hearing and approval by the planning and design commission in the same manner as a planning and design commission special permit. In approving the amendment, the planning and design commission shall make the findings stated in Section 17.190.110 (B)(3)(a).

c. Plans Approved by the Planning Director. An amendment to an inclusionary housing plan that was originally approved by the planning director shall require hearing and approval by the planning director in the same manner as a planning director special permit. In approving the amendment, the planning director shall make the findings stated in Section

17.190.110 (B)(3)(a). The planning director may, at his or her discretion, elevate any request for amendment to the planning and design commission that would otherwise be heard by the planning director, arid mailers so elevated shall be treated in all respects as amendments subject to planning and design commission review in the first instance.

d. Minor Amendments. Notwithstanding Sections 17.190.110 (B)(3)(b) and (B)(3)(c), amendments to an inclusionary housing plan that are limited to modifications in total number and location of units and the unit size and mix necessary to reflect changes in the design of the underlying development project, including changes in unit size, on-site location and other similar changes, shall be approved by the planning director if the planning director finds that the amendment to the inclusionary housing plan conforms to the changes in the design of the development project. Approval of a minor amendment to an inclusionary housing plan by the planning director under this subsection shall not be subject to appeal.

e. Fee. The applicant for an amendment of an inclusionary housing plan shall pay a fee, as established by resolution of the city council, at the time the application is filed.

B. Except as specifically amended in subsection B, section 17.190.110 remains unchanged and in full force and effect.

SECTION 65

Section 17.192.030 of the Sacramento City Code is amended as follows:

A. Subsection B of section 17.192.030 of the Sacramento City Code is amended to read as follows:

B. Hearing. Notwithstanding the provisions of Section 17.212.030(A) of this title, at least one public hearing shall be held on application for a special permit for a condominium conversion under Section 17.192.050 of this chapter by each of the planning and design commission and city council. The hearing by the city council shall be noticed and held in accordance with all applicable requirements of this chapter and Chapter 17.212 of this title which govern the planning and design commission's consideration of the special permit.

B. Subsection D of section 17.192.030 of the Sacramento City Code is amended to read as follows:

D. Determination of Vacancy Rate. The planning director shall determine and make public, on an annual basis, on the first of March of each year, the average rental vacancy rate in each community plan area in accordance with accepted industry reporting methods. The vacancy rates shall be calculated on the basis of multiple family rental vacancy by community plan area. The applicable city-determined vacancy rates shall be submitted to and considered by the city planning and design commission and city council in connection with the review of applications for special permits for condominium conversion projects under this chapter; provided, that at any

hearing wherein such an application is considered, the applicant or any other person may present evidence concerning the accuracy of the vacancy rate as determined by the city, or as contended by the applicant, and the city planning and design commission and city council may consider, but shall not be bound by, such evidence when considering the application.

C. Except as amended in subsections B and D, section 17.192.030 remains unchanged in and in full force and effect.

SECTION 66

A. Subsection B of section 17.192.040 of the Sacramento City Code is amended to read as follows:

B. Development Standards. The following development standards shall apply to all applications for a special permit for new condominium construction:

1. Off-Street Parking. Notwithstanding the provisions of Chapter 17.64 of this title, off-street parking shall be provided at a ratio of not less than one parking space per dwelling unit. The dimensions, location, and use of such parking shall be subject to the provisions of Chapter 17.64 of this title.

2. Utilities.

a. Sewer. Each condominium unit shall have a separate sewer service hookup; provided, that the planning and design commission may permit the use of common sewer lines that are oversized by one size or more, or which are hydraulically designed with the concurrence of the city engineer, finds the common sewer lines can adequately service the condominiums and that separate service hookups would not be feasible.

b. Water. Each condominium unit shall have a separate water service hookup or shutoff; provided, that the planning and design commission may permit a single water system to service more than one condominium unit where shutoffs are provided wherever practicable and where the planning and design commission, with the concurrence of the city engineer, finds that the single water system can adequately service the condominiums and separate service hookups or shutoffs are not feasible.

c. Gas. Each condominium unit shall have a separate gas service where gas is a necessary utility.

d. Electricity. Each condominium unit shall have a separate electrical service, with separate meters and disconnects and ground fault interrupters where and as required by the Building Code.

3. Sound Attenuation. Each condominium unit shall comply with the state of California's Noise Insulation Standards (California Amended Code Section 1092).

4. Deleted.

5. Ownership Organization. All condominium projects shall provide an ownership association responsible for the care and maintenance of all common areas and common improvements and any other interest common to the condominium owners. Complete and true copies of all covenants, conditions and restrictions, articles of incorporation and by-laws shall be subject to review and approval by the city prior to occupancy as a condominium unit. The city may be made a third party beneficiary to all or any portion of the covenants, conditions and restrictions as deemed appropriate.

6. Building Code Requirements. Each unit of a condominium project, and all commonly owned portions of a condominium building shall comply with all applicable building code standards. Nothing herein shall be construed to prevent or prohibit the applicant or the city from providing or requiring building standards greater than those set forth in the Building Code where the greater standards are found to be necessary to carry out the purposes and objectives of this chapter.

B. Except as specifically amended in subsection B, section 17.192.040 remains unchanged and in full force and effect.

SECTION 67

Section 17.192.060 of the Sacramento City Code is amended as follows:

A. Subsection A of section 17.192.060 is amended to read as follows:

A. Hearing. At least one public hearing shall be held on a request for a variance from the provisions of this section relating to condominium conversions by each the planning and design commission and the city council.

B. Subsection B of section 17.192.060 is amended to read as follows:

B. Notice. Notice of the hearings on said variances by both the planning and design commission and the city council shall be given as provided in Chapter 17.216 of this title and to the tenants of the building proposed for conversion to whom notices are sent pursuant to Section 17.192.050(B) of this chapter.

C. Except as specifically amended in subsection A and B, section 17.192.060 remains unchanged and in full force and effect.

SECTION 68

Section 17.194.090 of the Sacramento City Code is amended as follows:

A. Subsection B of section 17.194.090 of the Sacramento City Code is amended to read as follows:

B. Authority for Action on Reclamation Plans. The planning and design commission shall be the granting authority for both the special permit and the reclamation plan.

B. Subsection E of section 17.194.090 of the Sacramento City Code is amended to read as follows:

E. Procedure for Approval. Special permits for surface mining operations shall be processed and approved as provided by Chapter 17.212 of this title, which may occur at the same time as a reclamation plan. The approval of a reclamation plan, amendment to a reclamation plan, or financial assurances (as provided by Section 17.194.100 of this chapter), shall also occur as follows:

1. Certification to State. Prior to the final approval of a reclamation plan, financial assurances or any amendments to a reclamation plan or existing financial assurances, the granting authority shall:

a. Certify to the director of the California Department of Conservation that the reclamation plan and/or financial assurance complies with the applicable requirements of the State regulations; and

b. Submit the plan, assurances, or amendments to the director of the California Department of Conservation for review.

2. Conceptual Approval. The planning and design commission may conceptually approve a reclamation plan and financial assurance before submittal to the director of the California Department of Conservation.

3. Deferral of Action. Action on a surface mining special permit may be deferred until final action is taken on a reclamation plan and financial assurance. If necessary to comply with applicable permit processing deadlines, if any, the city may approve the special permit for surface mining with the condition that surface mining operations shall not commence until financial assurances have been reviewed by the director of the California Department of Conservation, and final action has been taken on the reclamation plan and financial assurances.

4. Responses to State Comments. The city shall evaluate the written comments provided by the California Department of Conservation during the forty-five (45) day comment period. The planning department shall prepare a written response describing the disposition of the major issues raised by the state for approval by the granting authority. In particular, when the city's position is different than the recommendations and objections raised by the Department of Conservation, (or any other "responsible" or trustee agency) where comments have been based upon those agencies' statutory or regulatory authority, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the city shall be promptly forwarded to the operator/applicant.

5. Final Approval. The planning and design commission shall approve, conditionally approve, or deny the special permit and/or reclamation plan as provided by Chapter 17.212 of this title, and pursuant to Section 2774 of the California Public Resources Code, and approve the financial assurances as provided by Section 2770(d) of the California Public Resources Code.

6. Findings for Approval. In approving a special permit for a surface mining operation, the planning and design commission shall make all findings required for special permits, and a finding that the project complies with the provisions of applicable state regulations. In approving a reclamation plan, the planning and design commission shall first find that:

a. The reclamation plan complies with Section 2772, Section 2773, and Section 2773.1 of the California Public Resources Code and any other applicable provisions;

b. The reclamation plan complies with applicable requirements of the state regulations (14 Cal. Code of Regulations, Section 3500 et seq., and 14 Cal. Code of Regulations, Section 3700 et seq.);

c. The reclamation plan has been reviewed pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code Section 21000 et seq., and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible;

d. The land and/or resources, such as water bodies, to be reclaimed will be restored to a condition that is as compatible with and blends in with the surrounding natural environmental, topography, and other resources, or that suitable off-site development will compensate for related disturbances to resource values;

e. The reclamation plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the general plan and any applicable resource plan.

7. Referral to State. The planning department shall forward a copy of each approved special permit for surface mining operations and/or approved reclamation plan, and a copy of the financial assurances to the California Department of Conservation.

C. Except as specifically amended in subsections B and E, section 17.194.090 remains unchanged and in full force and effect.

SECTION 69

Section 17.194.170 of the Sacramento City Code is amended to read as follows:

17.194.170 Vested surface mining operations—Reclamation plan and financial assurances.

No special permit shall be required for surface mining operations vested pursuant to Section 2776 of the Public Resources Code; provided that a special permit shall be required for

an expansion of the surface mining operations beyond the operations vested pursuant to Section 2776. Pursuant to Section 2770 of the Public Resources Code, an approved reclamation plan and financial assurances for reclamation shall be required for all vested surface mining operations except as otherwise provided in Section 2770. The procedures set forth in Section 17.194.090 of this chapter shall apply to applications for approval of a reclamation plan and financial assurances. At least one public hearing shall be held by the planning and design commission on an application for approval of a reclamation plan and financial assurance plan. The hearing shall be noticed and heard in the same manner as an application for a special permit for a surface mining operation. Pursuant to Section 2770 of the Public Resources Code, the planning and design commission shall limit its consideration to whether the plan and the financial assurances substantially meet the applicable requirements of Section 2772, 2773 and 2773.1 of the Public Resources Code and the implementing regulations set forth in 14 Cal. Code of Regs. Section 3500 et seq.

SECTION 70

Section 17.196.020 of the Sacramento City Code is amended as follows:

A. Subsection C of section 17.196.020 of the Sacramento City Code is amended to read as follows:

C. Requests for Further Information—Withdrawal of Application.

1. If the planning director determines that further information is required, he or she shall so inform the applicant of the information requested.

2. Except as otherwise provided by the Permit Streamlining Act for development projects, or unless an appeal is filed pursuant to subsection (C)(3) of this section, an applicant shall provide requested information to the planning director within thirty (30) days after such information has been requested unless a different time period has been mutually agreed to between the applicant and the director. In the event of an appeal to the planning and design commission pursuant to subsection E of this section, any additional information that is determined to be necessary to render an application complete shall be submitted within thirty (30) days of the date of the decision on the appeal, unless the planning and design commission specifies a longer period of time.

3. Except as otherwise provided in subsection (C)(2) of this section, any application shall be deemed withdrawn if the information requested has not been provided within the time specified in subsection (C)(2) of this section. The applicant shall be entitled to a refund of those portions of the fees, if any which were deposited with the city for performance of services or payment of costs that have not yet been performed or incurred.

4. Except as otherwise provided by the Permit Streamlining Act for development projects, the planning director may request further information pursuant to this section based upon any change in the project, any change in the circumstances applicable to the project or if so directed by the commission, council, or other governmental body having jurisdiction by law over

the project. The foregoing application withdrawal provisions shall also apply to any request for information pursuant to this chapter.

B. Subsection E of section 17.196.020 of the Sacramento City Code is amended to read as follows:

E. Appeals Related to Application Completeness. Any applicant dissatisfied with a determination of the planning director as to the completeness of an application may appeal such determination to the planning and design commission. The determination of the planning and design commission on an appeal pursuant to this section shall be final and not subject to further appeal.

1. Notice of Appeal. An appeal pursuant to this section shall be made by filing a notice of appeal with the secretary of the planning and design commission within ten (10)

calendar days of the date of mailing of the determination of the planning director being appealed.

2. Hearing and Procedure. The notice, hearing and procedural requirements governing appeals of zoning administrator's special permits shall govern appeals made pursuant to this section.

3. Planning and Design Commission Action. The appeal shall be heard and resolved by the planning and design commission not later than sixty (60) days from the date of the applicant's appeal.

4. Fees for Appeal. An applicant filing an appeal pursuant to this section, shall pay, at the time of the filing of the appeal, an appeal fee as established by the city fee and charge report.

C. Except as specifically amended in subsections B and E, section 17.196.020 remains unchanged and in full force and effect.

SECTION 71

Section 17.196.030 of the Sacramento City Code is amended as follows:

A. Subsection D of section 17.196.030 of the Sacramento City Code is amended to read as follows:

D. Appeal. The applicant may appeal the planning director's determination that an application is not being processed in a timely manner by filing the appeal within fifteen (15) days of the date of service of the notice under subsection B of this section. The procedures governing appeals of planning director decisions to the planning and design commission under Section 17.200.030 shall govern such appeals.

B. Subsection E of section 17.196.030 of the Sacramento City Code is amended to read as follows:

E. Issue on Appeal. Where an appeal of the planning director's determination that an application is not being processed in a timely manner is filed, the sole issue to be considered by the planning and design commission on appeal and city council on call-up shall be whether the application was being processed in a timely manner. If the appeal is sustained, the application shall be referred back to the planning director for further processing.

C. Except as specifically amended in subsections D and E, section 17.196.030 remains unchanged and in full force and effect.

SECTION 72

Section 17.196.040 of the Sacramento City Code is amended as follows:

A. Subsection A of section 17.196.040 of the Sacramento City Code is amended to read as follows:

A. Each applicant shall pay in advance an initial filing fee as established in the city fee and charge report. The initial filing fee shall include a staff processing charge and, if applicable, planning and design commission and city council hearing dues. In the event that the actual cost of processing an application exceeds the staff processing component of the initial filing fee, the applicant shall pay an additional fee equal to this excess cost after receipt of written notice from the planning director specifying the additional amount due.

B. Subsection C of section section 17.196.040 of the Sacramento City Code is amended to read as follows:

C. An applicant shall have no right to file an appeal with either the planning and design commission or the city council on the issue or the amount of propriety of any fee.

C. Subsection D of section 17.196.040 of the Sacramento City Code is amended to read as follows:

D. An application shall be temporarily suspended when an applicant has received written notice that an additional fee is due, and has not paid the full amount of such additional fee prior to noon of the first planning and design commission or city council hearing date scheduled for the application following the applicant's receipt of written notice that the additional fee is due. The application shall be reactivated following full payment of fees.

D. Except as specifically amended in subsections A, C, and D, section 17.196.040 remains unchanged and in full force and effect.

SECTION 73

Section 17.196.060 of the Sacramento City Code is amended as follows:

A. Subsection C of section 17.196.060 of the Sacramento City Code is amended to read as follows:

C. Initiation of Early Policy Review Process. The early policy review process may be initiated by the applicant with the concurrence of the planning director, or by the city council.

1. Applicant Initiation. An applicant may request early policy review prior to filing a formal project application or within ninety (90) days of the application being determined or deemed to be complete, or prior to the commencement of circulation of the negative declaration or draft environmental impact report, whichever occurs first. The planning director is responsible for determining whether or not the project meets the policy issue criteria, as defined in subsection B of this section above, and whether it should undergo early policy review.

a. If the planning director concurs that the project should go through the early policy review process, then the director shall schedule the matter for early policy review before the planning and design commission to commence within sixty (60) days, with subsequent meetings to follow before the housing and redevelopment commission, or city council.

b. If the director does not concur that the project should go through the early policy review process, a written explanation will be provided by the director to the applicant within fourteen (14) days of the completed early policy review application, as to why the project is not suitable for early policy review. A copy of the explanation shall be provided to each councilmember. The council thereafter may initiate the early policy review by majority vote pursuant to subsection (C)(2) of this section.

2. Council Initiation. The city council may initiate the early policy review process, either when the director has denied an applicant's request for early policy review or when the council determines that an early policy review hearing is warranted absent an early policy review application.

a. Council Initiation Following Planning Director's Denial. If the planning director denies the application for early policy review, pursuant to subsection (C)(1)(b) of this section, one or more councilmembers may request early policy review within thirty (30) days after the director's denial of the request for early policy review. The council shall determine whether to require early policy review for the project pursuant to the procedure set forth in subsection (C)(2)(c) of this section.

b. Council Initiation Absent Early Policy Review Application. If the applicant does not request early policy review, the director or an individual councilmember may request, at any time within thirty (30) days after a formal project application is determined or deemed to be complete, that the council initiate the early policy review process for a proposed project. The city council shall determine whether to require early policy review for the project pursuant to the procedure set forth in subsection (C)(2)(c) of this section.

c. Hearing to Initiate Early Policy Review. The planning director will schedule at the earliest convenient date following the receipt of a request by one or more councilmembers that a project be subject to the early policy review process or upon a determination by the director that early policy review would be appropriate for a project, the issue of whether a project should be reviewed under the early policy review process. The sole issue to be decided by the council is whether the project should be reviewed under the early policy review process. No other public notice other than the notice required by the Brown Act (Government Code Section 54950 through 54962) shall be required for this hearing.

d. Scheduling for Early Policy Review Hearing. If the city council decides that early policy review of the project is appropriate, the planning director shall schedule the matter for early policy review before the planning and design commission to commence within sixty (60) days, with subsequent meetings to follow before the housing and redevelopment commission, or city council.

B. Subsection E of section 17.196.060 of the Sacramento City Code is amended to read as follows:

E. Public Noticing. Public notice of early policy review of a major project shall be published at least ten (10) days in advance of each hearing. Notice of a hearing shall be sent to all property owners within a five hundred (500) foot radius. The planning director shall endeavor to notify affected groups and community groups. Failure of any person to receive notice shall not affect the validity of the hearing held pursuant to the provisions of this section, nor prevent the city planning and design commission or the city council from proceeding with any such hearing.

C. Subsection F of section 17.196.060 of the Sacramento City Code is amended to read as follows:

F. Commission and Council Hearing Procedures. The planning and design commission shall conduct a hearing for all projects undergoing early policy review. If the project is located in a redevelopment project area or is a project sponsored by the redevelopment agency, then a hearing shall also be heard conducted by the housing and redevelopment commission. Following the hearings before the commission(s), the city council shall conduct a hearing for all projects undergoing early policy review.

D. Subsection G of section 17.196.060 of the Sacramento City Code is amended to read as follows:

G. Commission/Council Disposition.

1. Staff Reports. The city planning and redevelopment agency staffs shall prepare a report concerning identified major policy issues to the commission(s). The report to the council shall include, as appropriate, comments from the commission(s) and public testimony.

2. Commission Action. The city planning and design commission and housing and redevelopment commission shall provide comments and recommendations to the city council.

3. Council Decision or Recommendation. Upon completion of the early policy review hearing, the council may, but need not, vote to take one or more of the following actions:

a. To allow the project to proceed, as proposed, for further processing through the normal application review process;

b. For projects requiring one or more amendments of the general plan or a community plan, the council may vote not to allow the application to proceed through the normal application process. If the city council votes not to allow an application to proceed pursuant to this provision, then no new application for the same or substantially similar project or use at the same location that would require the same amendments to the general plan or a community plan shall be submitted for a period of one year following the date of council decision;

c. To advise the applicant that there are, or appear to be, conflicts with one or more specified land use plans or other policies that the city has either adopted or has under consideration, and to recommend that the applicant modify the project under consideration to address these conflicts or potential conflicts before going through the normal application process;

d. To request that staff consider the possible amendment of one or more adopted policies, and to report back to the city council within a reasonable period of time on the overall consequences of any possible modifications to policy.

The council may limit their action to discussing the project. If the council does not vote to take any action, then the project shall be allowed to proceed, as proposed, for further processing through the normal application review process.

E. Subsection H of section 17.196.060 of the Sacramento City Code is amended to read as follows:

H. Effect of Commission/Council "Action." Neither the commission nor council may approve or tentatively approve a project without adequate environmental review and without the standard review and public hearing process, and no action taken by the commissions or city council under the early policy review process shall constitute approval or tentative approval of a project. Authorization to proceed through the formal review process does not imply ultimate approval of the project. Nothing in this chapter is intended to mean or to imply that a project not reviewed under the early policy review process may not conflict with one or more land use plans or other policies. Further, nothing in this chapter is intended to prevent the planning and design commission, housing and redevelopment commission, or city council, from concluding, upon further consideration during the normal review process, that the project is not in conflict with the provisions of one or more land use plans or other policies, even though a different preliminary conclusion may have been reached during the early policy review process.

F. Except as specifically amended in subsections C, E, F, G and H, section 17.196.060 remains unchanged and in full force and effect.

SECTION 74

A. Subsection A.1 of section 17.198.090 of the Sacramento City Code is amended to read as follows:

1. Any person who is dissatisfied with a decision made by the planning director on an application for reasonable accommodation may appeal the planning director's decision. The planning director will consider the nature of the appeal and determine whether the planning and design commission, or preservation commission shall hear the appeal. The appeal shall be filed within ten (10) days of the planning director's decision. Upon filing of the notice of appeal, the planning director shall set the matter for hearing before the commission to occur not later than forty-five (45) days from the date of filing. Notice of the appeal hearing shall be given by mail to the applicant not later than ten (10) days prior to the hearing. Except as provided otherwise in this subsection (A)(1), the procedural requirements for the hearing before a commission on appeal shall be governed by Chapter 17.200 of this title.

B. Except as specifically amended in subsection A.1, section 17.198.090 remains unchanged and in full force and effect.

SECTION 75

A. Subsection B of section 17.200.010 of the Sacramento City Code is amended to read as follows:

B. Initiation by City Council, Planning and Design Commission, and Preservation Commission.

1. Where authorized by other provisions of this code, the city council may initiate the procedure for a hearing by delivering to the planning director a duly adopted motion directing that a hearing be held, defining the proposed action, and describing the property involved in the proceedings. The planning director shall schedule the requested hearing upon receipt of the motion.

2. Where authorized by other provisions of this code, the planning and design commission, or preservation commission may initiate the procedure for a hearing by delivering to the appropriate commission secretary a duly adopted motion directing that a hearing be held, defining the proposed action, and describing the property involved in the proceedings. The commission secretary shall schedule the requested hearing upon receipt of the motion.

3. Where authorized by other provisions of this code, the planning director, design director or preservation director may initiate the procedure for a hearing by delivering to the appropriate hearing body secretary a written request directing that a hearing be held, defining the proposed action, and describing the property involved in the proceedings. The hearing body secretary shall schedule the requested hearing upon receipt of the motion.

B. Except as specifically amended as set forth in subsection B, section 17.200.010 remains unchanged and in full force and effect.

SECTION 76

A. Subsection D.1 of section 17.200.020 of the Sacramento City Code is amended to read as follows:

1. Except as provided in subsection (D)(2) of this section, a decision of the hearing body shall become final and effective upon expiration of the time within which an appeal from or call-up of that decision may be taken if no appeal is filed or call-up is requested. The timely filing of an appeal to the planning and design commission, preservation commission, or city council, or the call-up of a planning and design commission, or preservation commission decision by the city council pursuant to Section 17.200.040 of this chapter, stays proceedings until the determination of the matter on appeal or call-up. No appeal shall be accepted unless it is timely filed.

B. Except as specifically amended as set forth in subsection D.1, section 17.200.020 remains unchanged and in full force and effect.

SECTION 77

Section 17.200.030 of the Sacramento City Code is amended to read as follows:

17.200.030 Appeals.

The provisions of this chapter apply to and govern the procedural requirements for the hearing and decision on any appeal under this title. In the event of a conflict between the provisions of this chapter and another provision of this title concerning an appeal, the other provision of this title shall govern over the inconsistent provision of this chapter.

A. Appeal of Zoning Administrator Action. Any person dissatisfied with any action of the zoning administrator may appeal to the planning and design commission at any time within ten (10) days after a decision has been made by the zoning administrator. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal is taken by filing a notice of appeal with the zoning administrator. Upon filing of a notice of appeal, the zoning administrator shall within ten (10) calendar days transmit to the secretary of the planning and design commission all papers and documents on file with the zoning administrator relating to the appeal.

B. Appeal of Planning Director Action. Any person dissatisfied with any action of the planning director may appeal to the planning and design commission at any time within ten (10) days after a decision has been made by the planning director. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal is taken by filing a notice of appeal with the planning director. Upon filing of a notice of appeal, the director shall within ten (10) calendar days transmit to the planning and design commission all papers and documents on file with the director relating to the appeal.

C. Appeal of Design Director Action. Any person dissatisfied with any decision of the design director that is subject to appeal under the provisions of Chapter 17.132 may appeal to the planning and design commission at any time within ten (10) days after a decision has been made by the design director. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal shall be filed on the form provided by the design director. The appeal documents and the project file shall be transmitted to the planning and design commission within a period of ten (10) days.

D. Appeal of Preservation Director Action. Any person dissatisfied with any decision of the preservation director that is subject to appeal under the provisions of Chapter 17.134 may appeal to the preservation commission at any time within ten (10) days after a decision has been made by the preservation director. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal shall be filed on the form provided by the preservation director. The appeal documents and the project file shall be transmitted to the preservation commission within a period of ten (10) days.

E. Appeal of the Preservation Commission Action. Any person dissatisfied with any action of the preservation commission that is subject to appeal under the provisions of Chapter 17.134 may appeal to the city council at any time within ten (10) calendar days after a decision has been made by the preservation commission. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal shall be filed on the form provided by the preservation director. The appeal documents and the project file shall be transmitted to the city council within a period of ten (10) days.

F. Appeal of Planning and Design Commission Action. Any person dissatisfied with any action of the planning and design commission may appeal to the city council at any time within ten (10) days after a decision has been made by the planning and design commission; provided that, except as otherwise expressly allowed herein, no appeal of a planning and design commission decision on an appeal of a zoning administrator's decision, a planning director's decision or a design director's decision shall be allowed. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal shall be filed on the form provided by the planning director. Thereupon the appeal documents and the planning file shall be transmitted to the city council within a period of ten (10) days.

G. Withdrawal of Appeal. An appeal to the planning and design commission, preservation commission, or the city council may be withdrawn by the appellant upon written request. The withdrawal shall be noted on the agenda of the next regularly scheduled meeting of the planning and design commission, preservation commission, or city council and shall be considered to have occurred on that date. Parties other than the appellant shall have ten (10) calendar days from the date of the meeting at which the appeal is considered withdrawn to file a new or different appeal. The matter may be called up during the ten (10) day period from the date of the meeting pursuant to the provisions of Section 17.200.040 of this chapter. If the tenth day falls on a non-business day, the last day to appeal is the next business day.

H. Permits May Not Be Issued. No construction permits, license or other permit for a project or use requiring approval by the design director, preservation director, zoning

administrator, planning director, or planning and design commission may be issued until the ten (10) day period following such approval has expired. No construction permits, license or other permit shall be issued while a hearing on appeal to the planning and design commission, preservation commission, or city council is pending.

I. Fees. The filing of a notice of appeal of a decision of the zoning administrator, planning director, design director, preservation director, planning and design commission, or preservation commission shall be accompanied by the fees specified in the city fee and charge report for such appeal.

J. Notice. Notice of any appeal hearing shall be given by the clerk or secretary of the hearing body in the manner provided in Section 17.200.010(C)(2)(d).

K. Appeals—De Novo Review. The proceedings before the planning and design commission, preservation commission, or city council on appeal of any decision under this title shall be de novo, meaning that the hearing on appeal shall be conducted in the same manner that the original hearing body heard the matter in the first instance.

SECTION 78

Section 17.200.040 of the Sacramento City Code is amended to read as follows:

17.200.040 City council call-up review.

A. Notice to City Council.

1. Planning Director. The planning director shall make a report of the following decisions to the city council as soon as reasonably practicable after the decision is made: (a) entitlements under this title first heard by the planning and design commission which are approved or conditionally approved by the planning and design commission; (b) entitlements under this title first heard and decided by the planning director, zoning administrator or design director, and thereafter approved, conditionally approved, or denied by the planning and design commission upon appeal; and (c) a permit for activities affecting heritage trees first heard and decided by the director of transportation or the director's authorized representative under Section 12.64.050 of this code and thereafter approved, conditionally approved or denied by the planning and design commission upon appeal under Section 12.64.060 of this code.

2. Preservation Director. The preservation director shall make a report of the following decisions to the city council as soon as reasonably practicable after the decision is made: (a) entitlements under this title or any other provision of this code first heard by the preservation commission which are approved or conditionally approved by the preservation commission; (b) entitlements under this title or any other provision of this code first heard and decided by the preservation director and thereafter approved, conditionally approved or denied by the preservation commission upon appeal.

B. Procedures for Call-Up Review. Any decision enumerated in subsection A of this section may be called up for city council review by the mayor or councilmember in whose district the project is located. To initiate a call-up of a decision, the mayor or councilmember in whose district the project is located shall file a written request with the planning director, design director, or preservation director, as the case may be, within ten (10) days of the date of the decision of the planning and design commission, or preservation commission. If the tenth day falls on a non-business day, the last day to call-up is the next business day. Upon the filing of a request by the mayor or the city councilmember in whose district the project is located, the council shall notice and set the matter for the hearing before it. Notice of the hearing shall be given in the manner provided in subsection (C)(2)(d) of Section 17.200.010. The hearing before the city council shall be shall be de novo, meaning that the city council shall hear the matter in the same manner that the planning and design commission, or preservation commission, heard the matter in the first instance.

C. Withdrawal of Request for Review. The councilmember or mayor requesting call-up review of a particular decision may withdraw that request, provided that the withdrawal shall be noted on the next regularly scheduled meeting of the city council and shall be considered to have occurred on that date. The mayor or district councilmember not making the request shall have ten (10) days from the date of the meeting at which the application is considered withdrawn to file a request for call-up review. To the extent the decision is one which could have been appealed to the council by someone other than the applicant, such persons shall have ten (10) days from the date of withdrawal of the request for call-up review to file an appeal. If the tenth day falls on a non-business day, the last day to appeal is the next business day.

SECTION 79

Section 17.204.010 of the Sacramento City Code is amended to read as follows:

17.204.010 Initiation of a plan amendment.

An amendment to the general plan land use designation or any specific plan land use designation may be initiated by the planning director, planning and design commission, city council, or an application by the property owner submitted to the planning director pursuant to Chapter 17.196 of this title. An amendment to the text of the general plan, including any community plan, or specific plan may be initiated by the planning director, the planning and design commission, or the city council.

SECTION 80

Section 17.204.020 of the Sacramento City Code is amended as follows:

A. Subsection A of section 17.204.020 of the Sacramento City Code is amended to read as follows:

A. At least one public hearing shall be held before the planning and design commission and the city council prior to adoption of an amendment to the general plan or any community or specific plan.

B. Subsection B of section 17.204.020 of the Sacramento City Code is amended to read as follows:

B. Procedures—Planning and Design Commission. The procedural requirements for the hearing before the planning and design commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. For an amendment to the text of the general plan or specific plan, notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section 17.200.010. For an amendment to the general plan land use designation or any specific plan land use designation, notice shall be given by publication and by mail pursuant to subsections (C)(2)(a) and (c) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property. After completion of notice and public hearing, the planning and design commission may recommend approval, denial, or modification of the plan amendment and forward to the city council for action.

C. Subsection C of section 17.204.020 of the Sacramento City Code is amended to read as follows:

C. Procedures—City Council. Upon receipt of a recommendation on a plan amendment from the planning and design commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section 17.200.010. After completion of notice and public hearing, the city council may approve or modify a plan amendment by adoption of a resolution or disapprove a plan amendment.

D. Subsection E of section 17.204.020 of the Sacramento City Code is amended to read as follows:

E. Resubmittal of Application. If a plan amendment is denied, another application for the same plan amendment shall not be accepted by the city within a one-year period unless specific approval for such filing is given by the planning and design commission or the city council.

E. Except as specifically amended in subsections A, B, C and E, section 17.204.020 remains unchanged and in full force and effect.

SECTION 81

Section 17.208.010 of the Sacramento City Code is amended to read as follows:

17.208.010 Zoning title text amendments.

Amendments to the text of this title may be initiated by the planning director, planning and design commission, or city council and shall be adopted by ordinance in accordance with Section 32 of the City Charter. At least one public hearing shall be held before the planning and design commission and the city council prior to adoption of the amendment. The procedural

requirements for the hearing before the planning and design commission and the city council and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section17.200.010. The provisions of this section relating to notice and hearing shall not apply to emergency ordinances adopted by the council pursuant to Section 32(g)(2) of the City Charter.

SECTION 82

Section 17.208.020 of the Sacramento City Code is amended to read as follows:

17.208.020 Rezoning of property.

A. How Initiated. A rezoning may be initiated by the planning and design commission, the city council, or an application by the property owner.

B. Procedures—Planning and Design Commission. The pro-cedural requirements for a rezoning hearing before the planning and design commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by publication and by mail pursuant to subsections (C)(2)(a) and (c) of Section17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property. After completion of notice and public hearing, the planning and design commission may recommend approval, denial, or modification of a rezoning and forward to the city council for action.

C. Procedures—City Council. Upon receipt of a recommendation on a rezoning from the planning and design commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by publication and by mail pursuant to subsections (C)(2)(a) and (c) of Section17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property. After completion of notice and public hearing, the city council may approve or modify a rezoning by adoption of an ordinance or disapprove the rezoning. The provisions of this paragraph relating to the receipt of a recommendation on a rezoning from the planning and design commission, notice, and hearing shall not apply to rezonings adopted by emergency ordinance by the city council pursuant to Section 32(g)(2) of the City Charter.

D. Development Plan Material Factor in Approval of Rezoning. Whenever a proposed development plan or a representation concerning development made by the applicant, or a stipulation concerning site plan review, is a material factor in the decision of the city council to approve the rezoning of property, that rezoning shall be subject to and the ordinance of rezoning shall so provide for, the following:

1. The ordinance shall contain a statement of reference to the proposed development plan or a statement of the representation made by the applicant which is the material factor to the action of rezoning.

2. If an application for a building permit or other construction permit is filed for a development which is not in substantial conformity with the proposed development plan or representation referred to in the ordinance or rezoning, the matter shall be referred to the city planning and design commission for review and such action as it may deem warranted, including action to initiate the rezoning of the subject property back to its original zoning classification or to some other classification it may deem appropriate, and no building permit shall be issued pending these proceedings.

E. Rezones with Plan Review (-R) Designation. In a rezoning proceeding where a proposed development plan is not provided by the applicant or in any other circumstance at the discretion of the planning and design commission or city council, a plan review (-R) designation may be attached to the approved zone to ensure that future development will relate to characteristics of the site and surrounding area and that no building permit or other construction permit shall be issued for any development of the property rezoned until there has first been a plan review approved by the planning and design commission or zoning administrator, as applicable, pursuant to Chapter 17.220 of this title.

F. Permits May Not Be Issued. No building permit, license or other permit shall be issued while a rezoning procedure or appeal therefrom is pending.

G. Fee. A property owner's application for a rezoning shall be subject to and accompanied by a filing and investigation fee as established in the fee and charge report.

H. Withdrawal of Application. The planning and design commission or city council may permit the withdrawal of a rezoning application, provided such request is made in writing; further, any hearing for which public notice is given shall be held.

I. Resubmittal of Application. If a rezoning is denied, another petition for the same rezoning shall not be accepted by the city within a one-year period unless specific approval for such filing is given by the planning and design commission or the city council.

SECTION 83

Section 17.212.010 of the Sacramento City Code is amended to read as follows:

17.212.010 Definition, authority and findings.

A special permit is a zoning instrument used primarily to review the location, site development, or conduct of certain land uses. These are uses which generally have a distinct impact on the area in which they are located, or are capable of creating special problems for bordering properties unless given special attention. A special permit may be granted at the discretion of the zoning administrator, planning and design commission or city council and is not

the automatic right of any applicant. In considering an application for a special permit, the following guidelines shall be observed:

A. Sound Principles of Land Use. A special permit shall be granted upon sound principles of land use.

B. Not Injurious. A special permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance.

C. Must Relate to a Plan. A special permit use must comply with the objectives of the general or specific plan for the area in which it is to be located.

SECTION 84

Section 17.212.020 of the Sacramento City Code is amended to read as follows:

17.212.020 General provisions.

The following general provisions shall apply to any request for a zoning administrator's, planning director's or planning and design commission special permit or modification, revocation, or time extension of a special permit:

A. Application. The applicant shall submit an application and plans for the proposed use. Such plans shall be in sufficient detail to allow the zoning administrator, planning director, or planning and design commission to determine the exact nature and extent of the use. Such plans shall in all cases include a site plan clearly indicating the area of the subject property that will be utilized for the proposed use and the nature of the use in each portion of said area.

B. Permits May Not Be Issued. No building permit involving a special permit granted by the planning director, zoning administrator or planning and design commission may be issued until the ten (10) day appeal period has expired. No building permit, license, or other permit shall be issued while a special permit hearing or appeal therefrom is pending.

C. Fees. The applicant shall pay a filing and investigation fee as established in the fee and charge report at the time the application is filed.

D. Conditions May Be Imposed. In granting any special permit, the planning director, zoning administrator, planning and design commission, or city council, as applicable, may impose such conditions as deemed necessary to carry out the intent of this title and implement the guidelines set forth in Section 17.212.010 of this chapter.

E. Appeal of a Decision. An appeal of a decision made by the zoning administrator or planning and design commission related to a special permit, or modification, revocation, or extension of a special permit may be made in accordance with Chapter 17.200 of this title.

F. Withdrawal of Application. The planning director, zoning administrator, planning and design commission or city council may permit the withdrawal of an application for a special

permit, provided such request is made in writing by the applicant. Further, any hearing for which public notice is given shall be held.

G. Resubmittal of Application. If an application for a special permit has been denied wholly or in part by the planning director, zoning administrator, planning and design commission, or city council, no new application for substantially the same special permit shall be resubmitted for a period of one year from the effective date of the final denial of the application, unless approval for filing has been granted by the zoning administrator or planning and design commission prior to expiration of the one year period.

SECTION 85

Section 17.212.030 of the Sacramento City Code is amended to read as follows:

17.212.030 Planning and design **commission special permit.**

The general provisions set forth in Section 17.212.020 of this chapter shall apply to a special permit request. An application for a special permit to be considered by the planning and design commission shall be subject to the following requirements:

A. Notice and Hearing.

1. At least one public hearing shall be held on an application to the planning and design commission for a special permit. The procedural requirements for the hearing before the planning and design commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting and by mail pursuant to subsections (C)(2)(b) and (c) of Section17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property.

2. Adult-Related Establishments. Notwithstanding the provisions of subsection (A)(1) of this section, in the case of an application for a special permit for an adult-related establishment under the provisions of Section 17.24.050(24)(a) or (b) of this title, mailed notice shall also be given to all owners of property located within one thousand (1,000) feet from the property involved in the proceedings.

3. Antennas and Telecommunications Facilities in Residential Zones. Notwithstanding the provisions of subsection (A)(1) of this section, in the case of an application for a special permit for an antenna or telecommunications facility in residential zones under the provisions of Section 17.24.050(58)(d)(iii)(B) of this title, mailed notice shall also be given to all owners of property located within one thousand (1,000) feet from the property involved in the proceedings.

B. Decision and Notification-Findings. Except as provided in Section 17.212.035, the planning and design commission shall issue a written decision at the conclusion of the hearing setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision

pursuant to Section 17.200.020(C). The planning and design commission shall not grant a special permit unless the commission finds that the project complies with the guidelines set forth in Section 17.212.010.

SECTION 86

Section 17.212.035 of the Sacramento City Code is amended to read as follows:

17.212.035 City council shall act if any entitlement requires council approval.

At the conclusion of the public hearing on a special permit that is requested as a part of a development project that requires approval of one or more entitlements by the city council, the planning and design commission shall recommend approval, denial, or modification of the special permit and forward the application to the city council for action. Upon receipt of a recommendation on a special permit from the planning and design commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of subsection A of Section 17.212.030. Upon conclusion of the hearing, the city council shall issue a written decision setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The city council shall not grant a special permit unless the council finds that the project complies with the guidelines set forth in Section 17.212.010.

SECTION 87

Section 17.212.040 of the Sacramento City Code is amended as follows:

A. Subsection A of section 17.212.040 of the Sacramento City Code is amended to read as follows:

A. Planning and Design Commission Shall Act If Any Entitlement Requires Commission Approval. For a zoning administrator's special permit sought as part of a development project requiring approval of one or more entitlements by the planning and design commission, the planning and design commission shall act upon such permit. Special permits to be approved by the planning and design commission shall be processed in the same manner as a planning and design commission special permit pursuant to Section 17.212.030 of this chapter.

B. Subsection B of section 17.212.040 of the Sacramento City Code is amended to read as follows:

B. Discretion to Elevate to Planning and Design Commission. At the discretion of the zoning administrator, a zoning administrator's special permit may be determined by the planning and design commission. Special permits to be approved by the planning and design commission shall be processed in the same manner as a planning and design commission special permit pursuant to Section17.212.030 of this chapter.

C. Except as specifically amended in subsection A and B, section 17.212.040 remains unchanged and in full force and effect.

SECTION 88

Section 17.212.050 of the Sacramento City Code is amended as follows:

A. Subsection B of section 17.212.050 of the Sacramento City Code is amended to read as follows:

B. Notice, Procedure and Appeal. No public hearing shall be required. The application for a planning director's special permit shall be accompanied by proof that the applicant has given notice to the owners of all property within one hundred (100) feet of the subject property. The notice shall describe the scope and nature of the requested special permit. After the decision on the planning director's special permit, the planning director shall provide written notice by mail to all the property owners within one hundred (100) feet of the subject property and their right to appeal the decision to the planning and design commission within ten (10) days of the notice pursuant to Chapter 17.200 of this title. No fee shall be charged for the appeal to the planning and design commission by any aggrieved person other than the applicant.

B. Subsection C of section 17.212.050 of the Sacramento City Code is amended to read as follows:

C. Planning and Design Commission Shall Act If Any Entitlement Requires Commission or Council Approval. For a planning director's special permit sought as part of a development project requiring approval of one or more entitlements by the planning and design commission or city council, the planning and design commission shall act upon such permit. Special permits to be approved by the planning and design commission shall be processed in the same manner as a planning and design commission special permit pursuant to Sections 17.212.020 and 17.212.030.

C. Except as specifically amended in subsections B and C, section 17.212.050 remains unchanged and in full force and effect.

SECTION 89

Section 17.212.060 of the Sacramento City Code is amended to read as follows:

17.212.060 Special permit approved by city council.

A. Notwithstanding the foregoing provisions, the city council may, as a condition of an ordinance rezoning property or of a resolution approving a PUD pursuant to Chapter 17.180, require approval by the city council of a special permit for specified uses on the affected property that would otherwise require planning and design commission approval.

B. Applications for special permits requiring city council approval under this section or any other section of this title shall be noticed and heard in the same manner as applications for

special permits are noticed and heard by the planning and design commission. The planning and design commission shall make recommendations on applications for special permit requiring council approval. The planning and design commission shall make its recommendation following a hearing noticed in the manner specified in Sections 17.212.020 and 17.212.030.

SECTION 90

Section 17.212.070 of the Sacramento City Code is amended to read as follows:

17.212.070 Modification of a special permit.

No modification of a project for which a special permit is granted may be made unless prior approval for the modification is granted by the zoning administrator or planning and design commission as provided in this section. The zoning administrator or planning and design commission shall not grant a proposed modification unless the zoning administrator or commission finds that the guidelines set forth under Section 17.212.010 are satisfied. The general provisions set forth in Section 17.212.020 shall apply to a zoning administrator's special permit modification or special permit modification.

A. Determination of Major or Minor Modification. The zoning administrator shall determine whether a proposed modification to an approved special permit is a major or minor modification, and the application for proposed modification shall thereafter be decided by the zoning administrator or planning and design commission pursuant to the provisions of this section. No hearing shall be required for the determination and the decision of the zoning administrator on whether the proposed modification is major or minor shall be final and shall not be subject to appeal.

B. Definition of Major Modification. A major modification is one which will result in material change in the nature of the project when all circumstances surrounding the issuance of the special permit are considered. Set forth below is a list of changes which, by definition, shall be deemed to constitute major modifications for purposes of this provision. This list is not intended to be inclusive, and the fact that a particular change is not included does not limit discretion or authority of the zoning administrator to determine that a particular proposed change or set of changes to a special permit constitutes a major modification. The following changes constitute major modifications for purposes of this provision:

1. Any major change in the pattern or volume of traffic flow either on or off any property covered by the special permit;

2. Any change in the nature of the use;

3. Any increase in height of a structure which exceeds twenty-five (25) percent of the height of such structure as approved or which exceeds one story, whichever is less;

4. Any increase in gross floor area of a building which exceeds twenty-five (25) percent of the approved gross floor area;

5. Any increase in the density of dwelling units per acre;

6. Any material changes in the orientation or location of structures on the parcel.

C. Review and Approval of Proposed Modifications—Zoning Administrator Authority. The zoning administrator shall have the authority to review and approve proposed modifications to special permits, pursuant to the following provisions.

1. Minor Modification(s) to a Special Permit. If the zoning administrator determines that a proposed modification is a minor modification of an approved zoning administrator's special permit or planning and design commission special permit, then a zoning administrator's special permit modification, with no required public hearing, is required for approval of the minor modification. In considering a modification to an existing special permit, the zoning administrator or planning and design commission shall apply the standards set forth in Section 17.212.010 for the issuance of a special permit. When granting a modification to a special permit, the zoning administrator or planning and design commission may impose such additional conditions as may be required to mitigate any deleterious effect of the modification. An application for a zoning administrator's special permit modification shall be subject to the general provisions and requirements set forth in Section 17.212.020.

2. Major Modification(s) to a Special Permit. If the zoning administrator determines that a proposed modification is a major modification of an approved zoning administrator's special permit or planning and design commission special permit, then a zoning administrator's special permit modification, with a required public hearing, is required for approval of the major modification. At the discretion of the zoning administrator, a major modification of a planning and design commission special permit may be determined by the planning and design commission. The public hearing shall be noticed and heard in the same manner described in Section 17.212.030 for planning and design commission hearing and Section 17.212.040 for zoning administrator's hearing. In considering a modification to an existing special permit, the zoning administrator or planning and design commission shall apply the standards set forth in Section 17.212.010 for the issuance of a special permit. When granting a modification to a special permit, the zoning administrator or planning and design commission may impose such additional conditions as may be required to mitigate any deleterious effect of the modification. An application for a zoning administrator's special permit modification shall be subject to the general provisions and requirements set forth in Sections 17.212.020 and 17.212.040.

SECTION 91

Section 17.212.080 of the Sacramento City Code is amended to read as follows:

17.212.080 Revocation of a special permit.

A zoning administrator's special permit or special permit may be revoked or modified in lieu of revocation only under the following circumstances:

A. Planning Director May Set Hearing on Revocation of Special Permit. When in the discretion of the planning director a use permitted by a zoning administrator's special permit or

special permit is being conducted in a manner detrimental to the public health, safety or general welfare, or in such a manner as to constitute a public nuisance, or in violation of any condition imposed by the zoning administrator or planning and design commission on the use, or if conditions specified in the permit as limiting the duration of the permit have occurred (other than the passage of time as provided in Section 17.212.050 of this chapter), the planning director shall set a hearing before the zoning administrator or planning and design commission to consider revocation of the special permit. Notice of such hearing shall be given in the manner prescribed by Section 17.212.040(C)(1) and (2) of this chapter for a zoning administrator's special permit or Section 17.212.030(A)(1) and (2) of this chapter for a special permit. In addition, notice shall be given to the owner of the property upon which the use is conducted, and to the person in possession of said property if other than the owner, which shall include a specific statement of the conditions which are deemed to constitute a detriment to the public health, safety or welfare, or which constitutes a public nuisance, or which are in violation of imposed conditions.

B. Zoning Administrator or Planning and Design Commission May Revoke or Modify Special Permit. Upon a determination by the zoning administrator or planning and design commission that the use is being conducted in a manner detrimental to the public health, safety or welfare, or in a manner so as to constitute a public nuisance, or in violation of any imposed condition the zoning administrator or planning and design commission may revoke the special permit. If the zoning administrator or planning and design commission determines that the detrimental aspects of the use which exist may be alleviated through a modification to the special permit, it may make such modification in lieu of revocation, including, but not limited to, imposition of conditions which must be complied with if the use is to continue.

C. Appeal. In the case of a revocation or modification of a special permit or a zoning administrator's special permit, an appeal may be taken in accordance with Chapter 17.200 of this title within ten (10) days after the decision of the zoning administrator or planning and design commission to revoke or modify said permit.

SECTION 92

Section 17.212.090 of the Sacramento City Code is amended as follows:

A. Subsection A of section 17.212.090 of the Sacramento City Code is amended to read as follows:

A. Planning and Design Commission May Order Modification or Discontinuance of Any Use Established Prior to Special Permit Requirements. An existing use which would require a special permit, but for the fact that it was lawfully established without a special permit before the special permit requirement became effective, or at the time of annexation or consolidation into the city, may be ordered modified or discontinued if it is determined:

1. That the use is being conducted in a manner detrimental to the public peace, health or safety; or

2. That the use is being conducted in a manner so as to constitute a public nuisance; or

3. That the use as operated or maintained has resulted in repeated nuisance activities, including, but not limited to, public inebriation, drinking in public, loitering, excessive littering, public urination, disturbances of the peace, harassment of passersby, excessive noise, illegal drug activity, gambling, prostitution, sale of stolen property, theft, assaults, batteries, vandalism, or police detentions and arrests.

B. Subsection D of section 17.212.090 of the Sacramento City Code is amended to read as follows:

D. Zoning Administrator's or Planning and Design Commission's Order. Upon a determination by the zoning administrator or planning and design commission that the use is being conducted in a manner so as to constitute a public nuisance, the zoning administrator or planning and design commission may order that the use be discontinued, or if the use is to continue, that it only do so if the person or entity maintaining the use complies with conditions approved by the zoning administrator or planning and design commission. The zoning administrator's and planning and design commission's authority for imposition of conditions shall include, but not be limited to, imposition of any reasonable condition upon the continued operation of the use, for compliance, and the period of time the conditions will remain in effect.

C. Subsection E of section 17.212.090 of the Sacramento City Code is amended to read as follows:

E. Failure to Comply with Order. Where a continued use has been conditioned by the zoning administrator or planning and design commission and the person or entity maintaining or operating the use fails to fully comply with the conditions imposed, the city may take legal or administrative action. The city's legal or administrative remedies shall include, but not be limited to, seeking a further order of the zoning administrator or planning and design commission to order the use discontinued or further modified or conditioned, legal or equitable action, and imposition of administrative penalties in accordance with this title or this code.

D. Subsection F of section 17.212.090 of the Sacramento City Code is amended to read as follows:

F. Appeal. An appeal of an order of the zoning administrator or planning and design commission issued pursuant to this chapter may be taken in accordance with Chapter 17.200 of this title. The appeal must be requested within ten (10) days of the decision of the zoning administrator or planning and design commission or the decision of the zoning administrator or planning and design commission is final.

E. Except as specifically amended in subsections A, D, E and F, section 17.212.090 remains unchanged and in full force and effect.

SECTION 93

Section 17.212.100 of the Sacramento City Code is amended to read as follows:

17.212.100 Terms and extensions.

The following regulations pertain to the initial term and time extensions of a special permit approved by the planning director, zoning administrator, planning and design commission or city council:

A. No Time Limit Unless Stated in Permit. Special permits, once utilized, are of indefinite duration unless an expiration date has been specifically stated as a condition of the permit as provided in subsections C or D of this section. Once established, such permits may only be modified or revoked as provided in Section 17.212.070 or 17.212.080 of this chapter.

B. Expiration for Failure to Establish Use. A use for which a special permit is granted must be established within three years from the effective date of final approval of the special permit. If not so established, the special permit shall be deemed to have expired and shall be null and void. A special permit use that requires a building permit shall be deemed established when the building permit is secured and construction is physically commenced. If no building permit is required, the special permit use shall be deemed established when the activity permitted has been commenced. The planning director shall determine whether the use has been commenced. The owner may appeal the determination of the planning director in the manner provided in Chapter 17.200 of this title.

C. Temporary Permits. Where application is made for a use which is temporary in nature, the planning director, zoning administrator, planning and design commission, or city council, as applicable, may condition the special permit to expire automatically at a stated period of time after the issuance of the permit.

D. Time Restricted Permits. The planning director, zoning administrator, planning and design commission, or city council, as applicable, may condition approval of a special permit for a use which is not temporary in nature by imposing a time restriction of not less than one year. The special permit may be conditioned to either expire automatically or to be renewable after the stated time period has lapsed. In order to impose such time restrictions as a condition of permit approval, one or more of the following findings must be made:

1. The proposed use is compatible with existing developments but may become incompatible once anticipated development or redevelopment of the area occurs.

2. The proposed use has the potential to create adverse environmental impacts to surrounding land uses and it is necessary to evaluate whether such impacts have occurred once the use has been in operation.

3. It is necessary to evaluate whether the proposed use has complied with the conditions imposed upon permit approval because such conditions are essential for mitigating the impacts generated by the use.

E. Exception for Phased Projects. Notwithstanding the requirements of subsection B of this section, where the nature of the proposed use or plans for its development are such that the commencement of construction of facilities is expected, in whole or in part, to be delayed in excess of two years, the planning director, zoning administrator, planning and design commission, or city council, as applicable, may provide that the special permit shall remain in full force and effect beyond three years if specific steps in the completion of the phased project are completed within specific time limits. Such steps may be, but are not limited to, the securing of specific building permits or the construction or establishment of specific portions of the permitted use. A project is not considered a phased project unless the special permit conditions of approval so indicate.

F. Extensions of Time Within Which Special Permit Use Must Be Established. Upon application filed prior to the expiration of a special permit the time within which a special permit use must be established as provided in subsection B of this section may be extended by the zoning administrator upon a showing of good cause. One or more extensions may be granted for a special permit up to a cumulative total extension period of five years. An application for a time extension shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a zoning administrator's special permit. At the discretion of the zoning administrator, the application for time extension shall be subject to planning and design commission approval. An application for an extension of time referred by the zoning administrator to the planning and design commission shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning and design commission special permit. A request for an extension of time shall be subject to a filing and investigation fee.

G. Discontinuance. Any special permit, the exercise of which is voluntarily or involuntarily interrupted for a period in excess of two years, shall be deemed automatically revoked.

SECTION 94

Section 17.212.020 of the Sacramento City Code is amended to read as follows:

17.216.020 General provisions.

The following general provisions shall apply to a variance considered by the zoning administrator or planning and design commission:

A. Application. The applicant shall submit an application and plans for the proposed variance. Such plans shall be in sufficient detail to allow the zoning administrator or planning and design commission to determine the exact nature and extent of the variance. Such plans shall in all cases include a site plan.

B. Permits May Not Be Issued. No building permit involving a variance granted by the zoning administrator or planning and design commission may be issued until the ten (10) day appeal period has expired. No building permit, license, or other permit shall be issued while a variance hearing or appeal is pending.

C. Fees. An application for a variance to be reviewed by the zoning administrator or planning and design commission shall require a filing and investigation fee as established in the fee and charge report.

D. Conditions May Be Imposed. In granting any variance, the zoning administrator or planning and design commission may impose such conditions as deemed necessary to carry out the intent and purpose of this title.

E. Appeal of a Decision. An appeal of a decision made by the zoning administrator or planning and design commission related to a variance may be made in accordance with Chapter 17.200 of this title.

F. Withdrawal of Application. The zoning administrator, planning and design commission or city council may permit the withdrawal of an application for a variance, provided such request is made in writing by the applicant. Further, any hearing for which public notice is given shall be held.

G. Resubmittal of Application. If an application for a variance has been denied wholly or in part by the zoning administrator or planning and design commission, no new application for substantially the same variance shall be resubmitted for a period of one year from the effective date of the final denial of the application, unless approval for filing has been granted by the zoning administrator or planning and design commission prior to expiration of the one year period.

SECTION 95

Section 17.216.030 of the Sacramento City Code is amended to read as follows:

17.216.030 Planning and design commission variance.

The general provisions set forth in Section 17.216.020 of this chapter shall apply to a variance request. An application for a variance to be considered by the planning and design commission shall be subject to the following requirements:

A. Notice and Hearing. At least one public hearing shall be held on an application to the planning and design commission for a variance. The procedural requirements for the hearing before the planning and design commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting and mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property.

B. Decision and Notification—Findings. Except as provided in Section 17.216.035, the planning and design commission shall issue a written decision at the conclusion of the hearing setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The planning and design commission shall not grant a

variance unless the commission finds that the project complies with the guidelines set forth in Section 17.216.010.

SECTION 96

Section 17.216.035 of the Sacramento City Code is amended to read as follows:

17.216.035 City council shall act if any entitlement requires council approval.

At the conclusion of the public hearing on a variance that is requested as a part of a development project that requires approval of one or more entitlements by the city council, the planning and design commission shall recommend approval, denial, or modification of the variance and forward the application to the city council for action. Upon receipt of a recommendation on a variance from the planning and design commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of subsection A of Section 17.216.030. Upon conclusion of the hearing, the city council shall issue a written decision setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The city council shall not grant a variance unless the council finds that the project complies with the guidelines set forth in Section 17.216.010.

SECTION 97

Section 17.216.040 of the Sacramento City Code is amended as follows:

A. Subsection A of section 17.216.040 of the Sacramento City Code is amended to read as follows:

A. Planning and Design Commission Shall Act If Any Entitlement Requires Commission Approval. For a zoning administrator's variance sought as part of a development project requiring approval of one or more entitlements by the planning and design commission, the planning and design commission shall act upon such variance. A variance to be approved by the planning and design commission shall be processed in the same manner as a planning and design commission variance pursuant to Section 17.216.030 of this chapter.

B. Subsection B of section 17.216.040 of the Sacramento City Code is amended to read as follows:

B. Discretion to Elevate to Planning and Design Commission. At the discretion of the zoning administrator, a zoning administrator's variance may be determined by the planning and design commission. Variances to be approved by the planning and design commission shall be processed in the same manner as planning and design commission variance pursuant to Section 17.216.030 of this chapter.

C. Except as specifically amended in subsections A and B, section 17.216.040 remains unchanged and in full force and effect.

SECTION 98

A. Subsection B of section 17.216.050 of the Sacramento City Code is amended to read as follows:

B. Extension of Time Within Which Variance Must Be Established. Upon application filed prior to the expiration of a variance, the time within which the variance must be established as provided in subsection A of this section may be extended by the zoning administrator upon a showing of good cause. One or more extensions may be granted for a variance up to a cumulative total extension period of five years. An application for a time extension shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a zoning administrator's variance. At the discretion of the zoning administrator, the application for time extension shall be subject to planning and design commission approval. An application for an extension of time referred by the zoning administrator to the planning and design commission shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning and design commission variance. A request for an extension of time shall be subject to a filing and investigation fee.

B. Except as specifically amended in subsection A, section 17.216.050 remains unchanged and in full force and effect.

SECTION 99

Section 17.220.010 of the Sacramento City Code is amended to read as follows:

17.220.010 Definition, authority and findings.

A plan review pursuant to this chapter allows for the review of a proposed development plan to ensure, among other things, that the proposed development is consistent with the general plan and any applicable community or specific plans; that the utilities and infrastructure are sufficient to support the proposed development and are compatible with city standards; and that the proposed development is compatible with surrounding development. While a plan review for a proposed development involving a use permitted under this title may not be denied solely because of the proposed use, the nature of the impacts associated with the proposed use, given its size, location, layout and other similar factors, including but not limited to its anticipated impacts on adjacent streets and neighboring properties, are relevant considerations. A plan review is discretionary in nature and is subject to approval by the planning and design commission, zoning administrator or planning director as specified in this section.

A. Authority. A plan review shall be required for the following: (i) development of any property with a plan review (-R) designation included as part of the zoning pursuant to Section 17.208.020(E) of this title; (ii) development of any property within a zone for which a plan review is required pursuant to this title; and (iii) development of any property where a plan review is a condition of approval of a special permit or other discretionary entitlement. Notwithstanding the above, a plan review is not required for a project for which a special permit is required.

The planning and design commission, zoning administrator and planning director shall have the authority to conduct a plan review as follows:

1. Planning and Design Commission Plan Review. The planning and design commission shall conduct a plan review for buildings greater than ten thousand (10,000) square feet in gross floor area; for projects for which a plan review by the planning and design commission is specifically required, regardless of size; and for projects referred to the planning and design commission by the zoning administrator or planning director.

2. Zoning Administrator Plan Review. Except as provided in Section 17.220.040(A) of this chapter, the zoning administrator shall conduct a plan review for buildings not exceeding ten thousand (10,000) square feet in gross floor area except for projects for which a plan review by the planning and design commission is specifically required.

3. Planning Director Plan Review. The planning director shall conduct plan review where specifically required by this title.

B. Considerations. In conducting a plan review, the planning and design commission, zoning administrator or planning director shall consider the following:

1. Considerations relating to site layout, the orientation and location of building, signs, other structures, open spaces, landscaping and other development features in relation to the physical characteristics, zoning, and land use of the site and surrounding properties;

2. Considerations relating to traffic, safety, and traffic congestion, including the effect of the site development plan on traffic conditions on abutting streets, the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways, the adequacy of off-street parking facilities to prevent traffic congestion, and the circulation patterns within the boundaries of the development;

3. Considerations necessary to ensure that the proposed development is consistent with the general plan, and all applicable community or specific plans, including but not limited to the density of residential units;

4. Considerations related to energy conservation, including, but not limited to, the presence and orientation of structures, vegetation and other objects, both on and off the site, to provide shading and protection from the wind on the lot and nearby sites; the presence of adequate structure orientation to maximize south wall solar access. Nothing contained in this section shall limit the application of other provisions of this chapter;

5. Considerations relating to the availability of city services, including, but not limited to, water, sewer, drainage, police and fire; and whether such services are adequate based upon city standards; and

6. Considerations relating to architectural design, including, but not limited to, the location and orientation of building(s) on the site, development of urban streetscape, articulation of building massing and details, and usage of quality materials.

C. Findings. No plan review shall be approved by the planning and design commission, zoning administrator or planning director unless the following findings are made:

1. The proposed development, including but not limited to the density of a proposed residential development, is consistent with the general plan and any applicable community or specific plan;

2. Facilities, including utilities, access roads, sanitation and drainage are adequate and consistent with city standards, and the proposed improvements are properly related to existing and proposed streets and highways;

3. The property involved is of adequate size and shape to accommodate the proposed use and required yard, building coverage, setback, parking area and other requirements of this title; and

4. Approval of the plan review will not be contrary to the public health or safety or injurious to the property or improvements of adjacent properties.

SECTION 100

Section 17.220.020 of the Sacramento City Code is amended to read as follows:

17.220.020 General provisions.

The following general provisions shall apply to any request for a plan review, plan review modification, or plan review extension to be considered by the planning and design commission, zoning administrator or planning director:

A. Application. The applicant shall submit an application and plans for the proposed plan review. Such plans shall be in sufficient detail to allow the planning director, zoning administrator or planning and design commission to determine the exact nature and extent of the plan review. Such plans shall in all cases include a site plan.

B. Permits May Not Be Issued. No building permit involving a plan review, modification, or extension granted by the planning director, zoning administrator or planning and design commission may be issued until the ten-day appeal period has expired. No building permit, license, or other permit shall be issued while a plan review hearing or appeal is pending.

C. Fees. An application for a plan review, modification, or extension to be reviewed by the planning director, zoning administrator or planning and design commission shall require a filing and investigation fee as established in the fee and charge report.

D. Conditions May Be Imposed. In approving any plan review, modification, or extension, the planning director, zoning administrator or planning and design commission may impose such conditions as reasonably necessary to carry out the intent and purpose of this title; provided, that the conditions may not be imposed which conflict with or are contrary to the requirements of this title or with conditions of approval imposed by prior approvals other than the plan review.

E. Appeal of a Decision. An appeal of a decision made by the planning director, zoning administrator or planning and design commission related to a plan review, modification, or extension may be made in accordance with Chapter 17.200 of this title.

F. Withdrawal of Application. The planning director, zoning administrator, planning and design commission or city council may permit the withdrawal of an application for a plan review, modification or extension, provided such request is made in writing by the applicant.

G. Resubmittal of Application. If an application for a plan review, modification or extension has been denied wholly or in part, no new application for substantially the same plan review, modification or extension shall be resubmitted for a period of one year from the effective date of the final denial of the application, unless approval for filing has been granted by the planning director, zoning administrator or planning and design commission prior to expiration of the one-year period.

SECTION 101

Section 17.220.030 of the Sacramento City Code is amended to read as follows:

17.220.030 Planning and design commission plan review.

The general provisions set forth in Section 17.220.020 of this chapter shall apply to a plan review request. An application for a plan review to be considered by the planning and design commission shall be subject to the following requirements:

A. Notice and Hearing. At least one public hearing shall be held on an application to the planning and design commission for a plan review. The procedural requirements for the hearing before the planning and design commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting and mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property.

B. Decision and Notification—Findings. Except as provided in Section 17.220.035, the planning and design commission shall issue a written decision at the conclusion of the hearing setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The planning and design commission shall not approve a plan review unless the commission finds that the project complies with the guidelines set forth in Section 17.220.010.

SECTION 102

Section 17.220.035 of the Sacramento City Code is amended to read as follows:

17.220.035 City council shall act if any entitlement requires council approval.

At the conclusion of the public hearing on a plan review that is requested as a part of a development project that requires approval of one or more entitlements by the city council, the planning and design commission shall recommend approval, denial, or modification of the plan review and forward the application to the city council for action. Upon receipt of a recommendation on a plan review from the planning and design commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of subsection A of Section 17.220.030. Upon conclusion of the hearing, the city council shall issue a written decision setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The city council shall not approve a plan review unless the council finds that the project complies with the guidelines set forth in Section 17.220.010.

SECTION 103

Section 17.220.040 of the Sacramento City Code is amended as follows:

A. Subsection A of section 17.220.040 of the Sacramento City Code is amended to read as follows:

A. Planning and Design Commission Shall Act If Any Entitlement Requires Commission Approval. For a zoning administrator's plan review sought as part of a development project requiring approval of one or more entitlements by the planning and design commission, the planning and design commission shall act upon such a plan review. A plan review to be approved by the planning and design commission shall be processed in the same manner as a planning and design commission plan review pursuant to Section 17.220.030 of this chapter.

B. Subsection B of section 17.220.040 of the Sacramento City Code is amended to read as follows:

B. Discretion to Elevate to Planning and Design Commission. At the discretion of the zoning administrator, a zoning administrator's plan review may be determined by the planning and design commission. A plan review to be approved by the planning and design commission shall be processed in the same manner as planning and design commission plan review pursuant to Section 17.220.030 of this chapter.

C. Except as specifically amended in subsections A and B, section 17.220.040 remains unchanged and in full force and effect.

SECTION 104

Section 17.220.045 of the Sacramento City Code is amended to read as follows:

17.220.045 Planning director plan review.

An application for plan review to be considered by the planning director shall be subject to the following requirements:

A. Planning and Design Commission or Zoning Administrator Shall act if Any Entitlement Requires Commission or Zoning Administrator Approval. For a planning director plan review sought as part of a development project requiring approval of one or more entitlements by the zoning administrator, or approval or recommendation by the planning and design commission, the zoning administrator or planning and design commission shall act or recommend upon such a plan review. A plan review to be approved by the zoning administrator shall be processed in the same manner as a zoning administrator plan review pursuant to Section 17.220.040 of this chapter. A plan review to be approved or recommended upon by the planning and design commission shall be processed in the same manner as a planning and design commission plan review pursuant to Section 17.220.030 of this chapter.

B. Discretion to Elevate to Planning and Design Commission. At the discretion of the planning director, a planning director's plan review may be determined by the planning and design commission. A plan review to be approved by the planning and design commission shall be processed in the same manner as planning and design commission plan review pursuant to Sections 17.220.020 and 17.220.030 of this chapter.

C. Notice, Procedure and Appeal.

1. No public hearing shall be required.

2. Written notice of the filing of an application subject to planning director plan review shall be mailed by the planning director to all owners of all property within a radius of five hundred (500) feet from the exterior boundaries of the property, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed. The notice shall describe the scope and nature of the requested plan review.

3. Upon making a decision on the application for plan review, which shall not occur earlier than ten (10) days from the date that notice was mailed pursuant to subsection (C)(2) of this section, the planning director shall provide written notice of the decision and the right to appeal the decision to the planning and design commission within ten (10) days of the decision pursuant to Chapter 17.200 of this title, to all owners of all property within a radius of five hundred (500) feet from the exterior boundaries of the property, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed. No fee shall be charged for the appeal to the planning and design commission by any aggrieved person other than the applicant.

SECTION 105

Section 17.220.050 of the Sacramento City Code is amended to read as follows:

17.220.050 Plan review modifications.

No modification of a project for which a plan review is granted may be made unless prior approval for the modification is granted by the planning director, zoning administrator or planning and design commission as provided in this section. The planning director, zoning administrator or planning and design commission shall not grant a proposed modification unless the planning director, zoning administrator or planning and design commission find that the guidelines set forth under Section 17.220.010 of this chapter are satisfied. The general provisions set forth in Section 17.220.020 of this chapter shall apply to all plan review modifications.

A. Determination of Major or Minor Modification. The planning director or zoning administrator shall determine whether a proposed modification to an approved plan review is a major or minor modification, and the application for proposed modification shall thereafter be decided by the planning director, zoning administrator or planning and design commission pursuant to the provisions of this section. No hearing shall be required for the determination and the decision of the planning director or zoning administrator on whether the proposed modification is major or minor shall be final and shall not be subject to appeal.

B. Definition of Major Modification. A major modification is one which will result in material change in the nature of the project when all circumstances surrounding the issuance of the plan review are considered. Set forth below is a list of changes which, by definition, shall be deemed to constitute major modifications for purposes of this provision. This list is not intended to be inclusive, and the fact that a particular change is not included does not limit the discretion or authority of the planning director or zoning administrator to determine that a particular proposed change or set of changes to a plan review constitutes a major modification. The following changes constitute major modifications for purposes of this provision:

1. Any major change in the pattern or volume of traffic flow either on or off any property covered by the plan review;

2. Any change in the nature of the use;

3. Any increase in height of a structure which exceeds twenty-five (25) percent of the height of such structure as approved or which exceeds one story, whichever is less;

4. Any increase in gross floor area of a building which exceeds twenty-five (25) percent of the approved gross floor area;

5. Any increase in the density of dwelling units per acre;

6. Any material changes in the orientation or location of structures on the parcel.

C. Review and Approval of Proposed Modifications—Planning Director and Zoning Administrator Authority. The planning director and zoning administrator shall have the authority

to review and approve proposed modifications to a plan review, pursuant to the following provisions.

1. Minor Modification(s) to a Zoning Administrator's or Planning and Design Commission Plan Review. If the zoning administrator determines that a proposed modification is a minor modification of an approved zoning administrator's or planning and design commission plan review, then a zoning administrator's plan review modification, with no required public hearing, is required for approval of the minor modification. In considering a modification to an existing plan review, the zoning administrator shall apply the standards set forth in Section 17.220.010 of this chapter for the issuance of a plan review. When granting a modification to a plan review, the zoning administrator may impose such additional conditions as may be required to mitigate any deleterious effect of the modification. An application for a zoning administrator's plan review modification shall be subject to the general provisions and requirements set forth in Sections 17.220.020 and 17.220.040 of this chapter.

2. Minor Modification(s) to a Planning Director's Plan Review. If the planning director determines that a proposed modification is a minor modification of an approved planning director's plan review, then a planning director's plan review modification, with no required public hearing, is required for approval of the minor modification. In considering a modification to an existing plan review, the planning director shall apply the standards set forth in Section 17.220.010 of this chapter for the issuance of a plan review. When granting a modification to a plan review, the planning director may impose such additional conditions as may be required to mitigate any deleterious effect of the modification. An application for a planning director's plan review modification shall be subject to the general provisions and requirements set forth in Sections 17.220.020 and 17.220.045 of this chapter.

3. Major Modification(s) to a Plan Review. If the planning director or zoning administrator determine that a proposed modification is a major modification of an approved plan review, then a planning director's or zoning administrator's plan review modification, with a required public hearing, is required for approval of the major modification. At the discretion of the planning director or zoning administrator, a major modification of a plan review may be determined by the planning and design commission. The public hearing shall be noticed and heard in the same manner described in Section 17.220.030 of this chapter for planning and design commission hearing and Section 17.220.040 of this chapter for a zoning administrator's or planning director's hearing. In considering a modification to an existing plan review, the planning director, zoning administrator or planning and design commission shall apply the standards set forth in Section 17.220.010 of this chapter for the issuance of a plan review. When granting a modification to a plan review, the planning director, zoning administrator or planning and design commission may impose such additional conditions as may be required to mitigate any deleterious effect of the modification. An application for a planning director's or zoning administrator's plan review modification shall be subject to the general provisions and requirements set forth in Sections 17.220.020, 17.220.040 and 17.220.045 of this chapter.

SECTION 106

A. Subsection B of section 17.220.060 of the Sacramento City Code is amended to read as follows:

B. Extension of Time Within Which Plan Review Must Be Established. Upon application filed prior to the expiration of a plan review, the time within which the plan review must be established as provided in subsection A of this section may be extended by the zoning administrator, in the case of a planning and design commission or a zoning administrator plan review, or by the planning director, in the case of a planning director plan review, upon a showing of good cause. One or more extensions may be granted for a plan review up to a cumulative total extension period of five years. An extension of time referred by the zoning administrator or the planning director to the planning and design commission shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning and design commission plan review. The request for an extension of time shall be subject to a filing and investigation fee as established in the fee and charge report.

SECTION 107

Section 17.224.040 of the Sacramento City Code is amended to read as follows:

17.224.040 Appeal.

Any person dissatisfied with any decision of the zoning administrator made pursuant to the provisions of this chapter may appeal to the city planning and design commission pursuant to the regulations set forth in Section 17.200.030(A) of this title.