Meeting Date: **9/10/2013**

Report Type: Consent

Report ID: 2013-00559

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City of SACRAMENTO

City Council Report
915 I Street, 1st Floor
www.CityofSacramento.org

Title: (Pass for Publication) Sacramento City Code Amendments Relating to Planning and Development

Location: Citywide

Issue: On April 9, 2013, the City Council adopted the Planning and Development Code (Title 17). Since its adoption staff has identified minor amendments that need to be made to the Planning and Development Code. Additionally, sections of the city code, outside of Title 17, that reference the Planning and Development Code need to be amended to accurately reference the recently adopted document.

Recommendation: 1) Review subsequent project within scope of the General Plan Master Environmental Impact Report (Per CEQA 15177); 2) review Ordinance amending Title 17 of the Sacramento City Code (adopted by Ordinance #2013-0007) relating to planning and development; 3) review Ordinance amending various sections in Titles 2, 3, 5, 8, 9, 10, 12, 13, 15, 16, and 18 and repealing various sections in Chapter 16.40 of the Sacramento City Code, relating to planning and development; and 4) pass for publication the ordinance titles as required by Sacramento City Charter Sections 32(c) to be adopted September 17, 2013.

Contact: Teresa Haenggi, Associate Planner, (916) 808-7554, Community Development Department

Presenter: None

Department: Community Development Dept

Division: Long Range Planning

Dept ID: 21001222

Attachments:

1-Description/Analysis
2-Summary of Proposed Title 17 Amendments
3-Redline of Amendments Outside Title 17
4-Resolution for Environmental Review
5-Exhibit A - Resolution No 2013-0109
6-Ordinance Adopting Title 17
7-Exhibit A (Planning and Development Code)
8-Ordinance Amending Sections Outside of Title 17

James Sanchez, City Attorney Shirley Concolino, City Clerk Russell Fehr, City Treasurer
John F. Shirey, City Manager

City Attorney Review

Approved as to Form
Jeffrey Heeren
9/3/2013 4:51:30 PM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
8/6/2013 3:51:43 PM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 8/7/2013 12:40:56 PM

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Description/Analysis

Issue Detail: On April 9, 2013, the City Council adopted the Planning and Development Code (Title 17) which takes effect on September 30, 2013. Since the adoption of the Planning and Development Code, staff has spent time reviewing the code and has discovered minor errors that are administrative in nature, including land uses that are not listed in alphabetical order, unintentionally omitted language, and incorrect or missing references to chapters. In addition to corrections, staff identified areas where clarifying language was needed. Tables that list the proposed amendments are provided in Attachment 2.

Staff has incorporated the proposed amendments into the Planning and Development Code and is recommending the Council approve the entire Planning and Development Code to replace the version adopted on April 9th. The new Planning and Development Code would take effect at the expiration of 30 days after Council adoption.

In addition to the proposed amendments to Title 17, staff is proposing amendments to the remainder of the City Code that reference Title 17 to bring those sections current with the recently adopted Planning and Development Code. Those amendments are provided in Attachment 3.

Policy Considerations: The Planning and Development Code amendments described in this report are consistent with the City's goals and policies as established in the 2030 General Plan. These policies include:

- **LU 2.7.1 Development Regulations.** The City shall promote design excellence by ensuring city development regulations clearly express intended rather than prohibited outcomes and reinforce rather than inhibit quality design.
- **LU 2.7.2 Design Review.** The City shall require design review that focuses on achieving appropriate form and function for new and redevelopment projects to promote creativity, innovation, and design quality.
- **LU 1.1.5 Infill Development.** The City shall promote and provide incentives (e.g., focused infill planning, zoning/rezoning, revised regulations, provision of infrastructure) for infill development, redevelopment, mining reuse, and growth in existing urbanized areas to enhance community character, optimize City investments in infrastructure and community facilities, support increased transit use, promote pedestrian- and bicycle-friendly neighborhoods, increase housing diversity, ensure integrity of historic districts, and enhance retail viability.
- **LU 2.6.2 Sustainable Building Practices.** The City shall promote and, where appropriate, require sustainable building practices that incorporate a “whole system” approach to designing and constructing buildings that consume less energy, water and other resources, facilitate natural ventilation, use daylight effectively, and are healthy, safe, comfortable, and durable.
- **HCR 2.1.6 Planning.** The City shall take historical and cultural resources into consideration in the development of planning studies and documents.

Economic Impacts: None.

Environmental Considerations: The City Council determined that the adoption of the Planning and Development Code was an anticipated subsequent project under the Master Environmental Impact Report, and notice was provided as required under CEQA for the original City Council action. The proposed amendments to the Code, and adoption of an ordinance amending other provisions of the City Code, involve minor technical and clerical changes to the City Code. The notice provided for the original adoption of the Planning and Development Code is adequate for the proposed amendments of the Code and no additional environmental review or notice is required.

Sustainability: The Planning and Development Code is consistent with the City's Sustainability Master Plan goals and policies as adopted by the Council in December 2007, by building energy independence, combating global warming, improving public health, and making possible sustainable land use and transportation policies as identified in the 2030 General Plan and the Sacramento Blueprint.

Commission/Committee Action: On August 15, 2013, staff presented the proposed amendments to the Planning and Design Commission to recommend the Commission forward a recommendation of approval of the Planning and Development Code to the City Council. The Planning and Design Commission unanimously voted to recommend approval.

Rationale for Recommendation: The Planning and Development Code is a priority implementation program for the 2030 General Plan. Improving development regulations will help ensure consistency between planning policies and zoning regulations; ensure a timelier, more predictable development review process; and send a message that the City wants to encourage development consistent with its General Plan.

Financial Considerations: There are no direct financial considerations associated with this report.

Emerging Small Business Development (ESBD): The purchase of goods or services is not associated with this report.

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Planning and Development Code – Proposed Amendments

Section	Current Text	Proposed Amendment
Amendments Affecting Chapter 17.108 – Definitions		
Chapter 17.108 Definitions 17.108.150 “D” definitions	The text reads: “Dormitory” means a dwelling containing six or more beds or guest rooms intended to be used for rental purposes for a minimum of 30 days, in which common kitchen and bathroom facilities are provided, and in which the property owner or a manager resides. Dormitory does not include a family care or residential care facility. See “rooming and boarding house” for five or fewer guests. Regulation of this use varies, depending on its location within or outside the boundaries of the central city.	Amends the text to read: “Dormitory” means a dwelling containing six or more beds or guest rooms intended to be used for rental purposes for a minimum of 30 days, in which common kitchen and bathroom facilities are provided, and in which the property owner or a manager resides. Dormitory does not include a family care or residential care facility. ~~See “rooming and boarding house” for five or fewer guests.~~ Regulation of this use varies, depending on its location within or outside the boundaries of the central city.
Chapter 17.108 Definitions 17.108.150 “D” definitions	The text reads: “Dwelling, multi-unit” means a dwelling containing three or more dwelling units. Regulation of this use varies, depending on distance from a light rail station and its location within or outside the central city. This use can include laundry facilities, gyms, and other services that are for residents only.	Amends the text to read: “Dwelling, multi-unit” means a dwelling containing three or more dwelling units. ~~Regulation of this use varies, depending on distance from a light rail station and its location within or outside the central city~~. This use can include laundry facilities, gyms, and other services that are for residents only.
Chapter 17.108 Definitions 17.108.150 “D” definitions	The text reads: “Dwelling unit” means one or more rooms that include permanent provision for living, sleeping, eating, cooking, and sanitation that are occupied for residential purposes by one or more persons living as a single housekeeping unit.	Amends the text to read: “Dwelling unit” means one or more rooms that include permanent provision for living, sleeping, eating, cooking, and sanitation that are occupied for residential purposes by one or more persons living as a single housekeeping unit. All rooms within a dwelling unit must have their principal entrance from inside said dwelling unit.

Section	Current Text	Proposed Amendment
Chapter 17.108 Definitions 17.108.090 “H” definitions	The text reads: “Hotel; motel” means a building designed for occupancy as temporary lodging with or without meals, in which there are six or more guest rooms. A hotel is typically larger than a motel and often includes conference and banquet facilities. See “rooming and boarding house,” or “residential hotel,” to differentiate a hotel use from these other uses.	Amends the text to read: “Hotel; motel” means a building designed for occupancy as temporary lodging with or without meals, in which there are six or more guest rooms. A hotel is typically larger than a motel and often includes conference and banquet facilities. ~~See “rooming and boarding house,” or “residential hotel,” to differentiate a hotel use from these other uses.~~
Chapter 17.108 Definitions 17.108.130 “L” definitions	The text reads: “Lot width” means the distance between the side lot lines measured at right angles to the lot depth at a point midway between the front lot line and the rear lot line.	Amends the text to read: “Lot width” means the distance between the side lot lines measured at ~~right angles to the lot depth at a point midway between the front lot line and the rear lot line~~ the front building setback line.
Chapter 17.108 Definitions 17.108.140 “M” definitions	The text reads: “Manufactured home” means factory-built, single-family or multi-family dwelling structure designed to be used with a foundation. A manufactured home is treated in the same manner as “dwelling” in the individual zone chapters.	Amends the text to read: “Manufactured home” means factory-built, single-~~family~~unit dwelling or multi-~~family~~ unit dwelling structure designed to be used with a foundation. A manufactured home is treated in the same manner as “dwelling” in the individual zone chapters.

Section	Current Text	Proposed Amendment
Chapter 17.108 Definitions 17.108.160 “O” definitions	The text reads: “‘Outdoor market’ means a marketplace, not confined to a building, with one or more individual stalls or vendors that sell products such as new or used good, wares, merchandise, limited services, fresh food items, pre-packaged food items, and flowers or plants. An outdoor market may be permanent or a periodic/occasional event. An outdoor market is also common known as a flea market, outdoor bazaar, farmer’s market, open-air market, produce market, or community market. A businesses displaying merchandise outside a fully enclosed building in association with a business where purchase of such merchandise ordinarily takes place within a building is not considered an outdoor market. See section 5.88.200.”	Amends the text to read: “‘Outdoor market’ means a marketplace, not confined to a building, with one or more individual stalls or vendors that sell products such as new or used goods, wares, merchandise, limited services, fresh food items, pre-packaged food items, and flowers or plants. An outdoor market may be permanent or a periodic/occasional event. An outdoor market is also common known as a flea market, outdoor bazaar, farmer’s market, open-air market, produce market, or community market. A businesses displaying merchandise outside a fully enclosed building in association with a business where purchase of such merchandise ordinarily takes place within a building is not considered an outdoor market. See section 5.88.200.”
Chapter 17.108 Definitions 17.108.190 “R” definitions.	The text reads: “Rooming and boarding house” means a dwelling, including on-site accessory structures, containing a single dwelling unit in which the house owner or manager resides; and containing not more than five guest rooms; and in which, for compensation, long-term lodging with or without meals is provided. Rooming and boarding house does not include a family care facility, residential care facility, dormitory, fraternity or sorority house, or residential hotel.	Removes the definition for “Rooming and boarding house”
Chapter 17.108 Definitions 17.108.210 “T” definitions.	None	Adds the following definition for “Tutoring center”: “Tutoring center” means a facility that provides assistance and instruction to students enrolled in schools. The assistance and instruction offered at the tutoring center does not result in the confirmation of a degree.

Section	Current Text	Proposed Amendment
Amendments Affecting Chapter 17.200 – Agricultural and Open Space Zones		
Chapter 17.200 Article I. A Zone – Agriculture zone 17.200.110 A. Permitted uses	The text reads: “Dwelling, single family”	Amends the text to read: “Dwelling, single ~~family~~unit”
Chapter 17.200 Article I. A Zone 17.200.110 B. Conditional Use Table	The use “Riding stable” is in the “Commercial and Institutional Uses” category.	Moves “Riding stable” to the “Industrial and Agricultural Uses” category.
Chapter 17.200 Article I. A Zone 17.200.110 B. Conditional uses Table	The text reads: “Riding stables”	Amends the text to read: “Riding stable~~s~~”
Chapter 17.200 Article II. A-OS Zone – Agricultural-open space zone 17.200.210 B. Conditional uses	The use “Riding stable” is in the “Commercial and Institutional Uses” category.	Moves “Riding stable” to the “Industrial and Agricultural Uses” category.
Chapter 17.200 Article II. A-OS Zone 17.200.210 B. Conditional uses	The text reads: “Riding stables”	Amends the text to read: “Riding stable~~s~~”
Chapter 17.200 Article II. A-OS Zone – Agricultural-open space zone 17.200.210 B. Conditional uses	The text reads: “Dwelling, single family”	Amends the text to read: “Dwelling, single ~~family~~unit”
Chapter 17.200 Article III. F Zone – Flood zone 17.200.310 B. Conditional uses	Chapter 17.200.310 B incorrectly lists the level of review of “High voltage transmission facilities” as the Planning and Design Commission.	Amends the level of review to the City Council.

Section	Current Text	Proposed Amendment
Amendments Affecting Chapter 17.204 – Single-unit and Duplex Dwellings		
Chapter 17.204 Article II. R-1 Zone – Single-Unit Dwelling Zone 17.204.210 B. Conditional uses	"Passenger terminal" is listed under both the "Commercial and Institutional Uses" and "Industrial and Agricultural Uses" category. It should only be in the "Industrial and Agricultural Uses" category.	Removes the "Passenger terminal" use from the "Commercial and Institutional Uses" category.
Chapter 17.204 Article II. R-1 Zone – Single Unit Dwelling Zone 17.204.230 A. Lot Size	The text reads: A. Lot size. The minimum lot size is 5,200 square feet for interior lots and 6,200 square feet for corner lots. The minimum area of a lot or lots containing two duplex units (one duplex dwelling) is 6,400 square feet.	Amends the text to read: A. Lot size. The minimum lot size is 5,200 square feet for interior lots and 6,200 square feet for corner lots. The minimum area of a lot or lots containing two duplex units (one duplex dwelling) is ~~6,400~~6,200 square feet.
Chapter 17.204 Article IV. R-1B Zone – Single-Unit or Duplex Dwelling unit 17.204.440.B Interior side-yard setbacks	The text reads: B. Interior side-yard setback. 1. Unless subsection 2 applies, the minimum interior side-yard setback is 5 feet. 2. A minimum interior side-yard setback of three feet applies to interior lots having a width of less than 52 feet and corner lots having a width of less than 62 feet.	Amends the text to read: B. Interior side-yard setback. 1. Unless subsection 2 applies, the minimum interior side-yard setback is 5 feet. 2. A minimum interior side-yard setback of three feet applies to interior lots having a width of less than 52 feet and corner lots having a width of less than 62 feet. 3. No interior side-yard setback is required along the common-wall boundary of a subdivided duplex dwelling.
Chapter 17.204 Article IV. R-1B Zone – Single-Unit or Duplex Dwelling unit 17.204.440.C. Street side-yard setbacks	The text reads "C. Street side-yard setback. The minimum street side-yard setback is 12.5 feet."	Amends the text to read: "C. Street side-yard setback. The minimum street side-yard setback is ~~12.5~~ 3 feet."

Section	Current Text	Proposed Amendment
Amendments Affecting Chapter 17.208 – Multi-unit Dwellings		
Chapter 17.208 Article IV. R-3A Zone – Multi-Unit Dwelling Zone 17.208.440.A. Front and street side-yard setbacks	The text reads: A. Front and street side-yard setbacks. 1. The minimum front and street side-yard setback is 10 feet. 2. The maximum front and street side-yard setback is 25 feet.	Amends the text to read: A. Front and street side-yard setbacks. 1. The minimum front and street side-yard setback for single-unit and two-unit dwellings is ~~10~~ 3 feet. 2. The minimum front and street side-yard setback for multi-unit dwellings is 5 feet. 3. The maximum front and street side-yard setback is 25 feet.
Chapter 17.208 Article V. R-4 Zone – Multi-Unit Dwelling Zone 17.208.510 A. Permitted uses	"Non-profit organization, food preparation for off-site consumption" and "Non-profit organization, food storage and distribution" are in both the permitted and conditional use table.	Removes "Non-profit organization, food preparation for off-site consumption" and "Non-profit organization, food storage and distribution" from the permitted uses table.
Chapter 17.208 Article V. R-4 Zone – Multi-Unit Dwelling Zone 17.208.510 B. Conditional uses	The limitations column for "Non-profit organization, food preparation for off-site consumption" and "Non-profit organization, food storage and distribution" reads: "This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater"	Amends limitations column for "Non-profit organization, food preparation for off-site consumption" and "Non-profit organization, food storage and distribution" to read: "~~This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater~~ Entire business, including storage and display, shall be conducted within a building"

Section	Current Text	Proposed Amendment
Chapter 17.208 Article V. R-4 Zone – Multi-Unit Dwelling Zone 17.208.540.A. Front and street side-yard setbacks	The text reads: A. Front and street side-yard setbacks. 1. The minimum front and street side-yard setback is 10 feet. 2. The maximum front and street side-yard setback is 25 feet.	Amends the text to read: A. Front and street side-yard setbacks. 1. The minimum front and street side-yard setback for single-unit and two-unit dwellings is ~~10~~ 3 feet. 2. The minimum front and street side-yard setback for multi-unit dwellings is 5 feet. 3. The maximum front and street side-yard setback is 25 feet.
Chapter 17.208 Article VI. R-4A Zone – Multi-Unit Dwelling Zone 17.208.610 A. Permitted uses	"Non-profit organization, food preparation for off-site consumption" and "Non-profit organization, food storage and distribution" are in both the permitted and conditional use table.	Removes "Non-profit organization, food preparation for off-site consumption" and "Non-profit organization, food storage and distribution" from the permitted uses table.
Chapter 17.208 Article VI. R-4A Zone – Multi-Unit Dwelling Zone 17.208.610 B. Conditional uses	The limitations column for "Non-profit organization, food preparation for off-site consumption" and "Non-profit organization, food storage and distribution" reads: "This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater"	Amends the limitations column for "Non-profit organization, food preparation for off-site consumption" and "Non-profit organization, food storage and distribution" to read: "~~This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater~~ Entire business, including storage and display, shall be conducted within a building"

Section	Current Text	Proposed Amendment
Chapter 17.208 Article VI. R-4A Zone – Multi-Unit Dwelling Zone 17.208.640.A.	The text reads: A. Front-yard and street side-yard setback. 1. The minimum front-yard and street side-yard setback is 10 feet. The maximum setback is 25 feet. 2. Structures such as storefronts and arcades, and covered and uncovered porches, decks, and patios may extend into the minimum front and street side setback area up to a maximum height of 15 feet, provided such structures are designed to accommodate the street tree canopy.	Amends the text to read: A. Front-yard and street side-yard setback. 1. The minimum front-yard and street side-yard setback for single-unit and two-unit dwellings is ~~10~~ 3 feet. 2. The minimum front and street side-yard setback for multi-unit dwellings is 5 feet. 3. The maximum setback is 25 feet. ~~2~~4. Structures such as storefronts and arcades, and covered and uncovered porches, decks, and patios may extend into the minimum front and street side setback area up to a maximum height of 15 feet, provided such structures are designed to accommodate the street tree canopy.
Chapter 17.208 Article VII. R-5 Zone – High-rise Residential Zone 17.208.710 A. Permitted uses	"Non-profit organization, food preparation for off-site consumption" and "Non-profit organization, food storage and distribution" are in both the permitted and conditional use table.	Removes "Non-profit organization, food preparation for off-site consumption" and "Non-profit organization, food storage and distribution" from the permitted uses table.
Chapter 17.208 Article VII. R-5 Zone – High-rise Residential Zone 17.208.710 B. Conditional uses	The limitations column for "Non-profit organization, food preparation for off-site consumption" and "Non-profit organization, food storage and distribution" reads: "This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater"	Amends the limitations column for "Non-profit organization, food preparation for off-site consumption" and "Non-profit organization, food storage and distribution" to read: "~~This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater~~ Entire business, including storage and display, shall be conducted within a building"

Section	Current Text	Proposed Amendment
Chapter 17.208 Article VII. R-5 Zone – High-rise Residential Zone 17.208.740.A. Front-yard and street side-yard setback	The text reads: A. Front-yard and street side-yard setback. 1. The minimum front-yard and street side-yard setback is 10 feet. The maximum setback is 25 feet. 2. Structures such as storefronts and arcades, and covered and uncovered porches, decks, and patios may extend into the minimum front and street side setback area up to a maximum height of 15 feet, provided such structures are designed to accommodate the street tree canopy.	Amends the text to read: A. Front-yard and street side-yard setback. 1. The minimum front-yard and street side-yard setback for single-unit and two-unit dwellings is ~~10~~ 3 feet. 2. The minimum front and street side-yard setback for multi-unit dwellings is 5 feet. 3. The maximum setback is 25 feet. ~~2~~4. Structures such as storefronts and arcades, and covered and uncovered porches, decks, and patios may extend into the minimum front and street side setback area up to a maximum height of 15 feet, provided such structures are designed to accommodate the street tree canopy.
Amendments Affecting Chapter 17.212 – Residential Mixed Use		
Chapter 17.212 Article I. RMX Zone – Residential Mixed Use Zone 17.212.110 B. Conditional uses	The text reads: "Community garden (not exceeding 21,780 gross square feet)"	Amends the text to read: "Community garden (~~not~~ exceeding 21,780 gross square feet)"
Chapter 17.212 Article II. RO Zone – Residential Office Zone 17.212.230.B Street side-yard setback	The text reads: B. Street side-yard setback. 1. Outside central city, the minimum street side-yard setback is 12.5 feet. 2. Within the central city, subsection C applies.	Amends the text to read: B. Street side-yard setback. 1. ~~Outside central city, the minimum street side-yard setback is 12.5 feet.~~ The minimum street side-yard setback for single-unit and two-unit dwellings is 3 feet. 2. ~~Within the central city, subsection C applies.~~ The minimum street side-yard setback for multi-unit dwellings is 5 feet.

Section	Current Text	Proposed Amendment
Amendments Affecting Chapter 17.216 – Commercial, Office and Mixed-Use		
Chapter 17.216 Article III. OB-3 Zone – Office Business High-Rise Mixed-Use zone 17.216.310 B. Conditional uses	The text reads: "Antenna; telecommunications facilities"	Amends the text to read: "Antenna; telecommunications facility~~ies~~"
Chapter 17.216 Article IV. EC Zone – Employment Center Zone 17.216.420 B.1.	Table 1 reads: "Multi-family residential"	Amends the text to read: "Multi-~~family residential~~unit dwelling"
Chapter 17.216 Article IV. EC Zone – Employment Center Zone 17.216.420 B.2.b.ii.(D)	(D) The proposed increase in residential use will not result in an over-concentration of multi-family projects in the area; and	(D) The proposed increase in residential use will not result in an over-concentration of multi-~~family~~ unit dwelling projects in the area; and
Chapter 17.216 Article V. SC Zone – Shopping Center zone 17.216.510 A. Permitted uses	"Dwelling, multi-unit" is in both the permitted and conditional uses tables.	Removes "Dwelling, multi-unit" as a permitted use.
Chapter 17.216 Article VI. C-1 Zone – Limited Commercial Zone 17.216.610 A. Permitted uses	The text reads: "Dormitory (inside the central city)"	Amends the text to read: "Dormitory (inside ~~the~~ central city)"
Chapter 17.216 Article VI. C-1 Zone – Limited Commercial Zone 17.216.610 A. Permitted uses	The limitations column for "Dwelling, single-unit" and "Dwelling, duplex" reads: "This use is limited to being above ground-floor commercial uses"	Removes the following text: ~~This use is limited to being above ground-floor commercial uses~~
Chapter 17.216 Article VI. C-1 Zone – Limited Commercial Zone 17.216.610 A. Permitted uses	The text reads: "Cinema (within the arts and entertainment district)"	Amends the text to read: "Cinema (~~within the~~inside arts and entertainment district)"

Section	Current Text	Proposed Amendment
Chapter 17.216 Article VI. C-1 Zone – Limited Commercial Zone 17.216.610 B. Conditional uses	The text reads: "Dormitory (outside the central city)"	Amends the text to read: "Dormitory (outside ~~the~~ central city)"
Chapter 17.216 Article VI. C-1 Zone – Limited Commercial Zone 17.216.610 B. Conditional Uses	The text reads: "Cinema (outside the arts and entertainment district)"	Amends the text to read: "Cinema (outside ~~the~~ arts and entertainment district)"
Chapter 17.216 Article VII. C-2 Zone – General Commercial Zone 17.216.710 A. Permitted uses	"Railroad ROW" is currently listed under the "Commercial and Institutional Uses" category.	Moves "Railroad ROW" to the "Industrial and Agricultural Uses" category.
Chapter 17.216 Article VIII. C-3 Zone 17.216.810 A. Permitted uses	The limitations column for "Non-profit organization, food storage and distribution" reads: "Use may include incidental, non-nuisance producing processing, packaging, fabricating entirely within a building; Not exceeding 6,400 gross square feet of floor area"	Amends the limitations column for "Non-profit organization, food storage and distribution" to read: ~~"Use may include incidental, non-nuisance producing processing, packaging, fabricating entirely within a building;~~ ~~Not exceeding 6,400 gross square feet of floor area"~~ This use is limited to 6,400 gross square feet. Use may include incidental, non-nuisance producing processing, packaging, and fabricating entirely within a building."
Chapter 17.216 Article VIII. C-3 Zone – Central Business District Zone 17.216.810 A. Permitted uses	None	Amends the limitations column for "Veterinary clinic, veterinary hospital" to read: "Entire business to be conducted within a building, and no outdoor boarding of animals is allowed; a conditional use permit is required if animals are boarded outside, or entire business is not conducted within a building"

Section	Current Text	Proposed Amendment
Chapter 17.216 Article VIII. C-3 Zone – Central Business District Zone 17.216.810 B. Conditional uses	None	Amends the limitations column for "Veterinary clinic, veterinary hospital" to read: "Permitted with a conditional use permit if animals are boarded outside, or entire business is not conducted within a building"
Chapter 17.216 Article VIII. C-3 Zone – Central Business District Zone 17.216.810 B. Conditional uses	"Produce stand" is currently listed under the "Commercial and Institutional Uses" category.	Moves "Produce stand" to the "Industrial and Agricultural Uses" category.
Chapter 17.216 Article IX. C-4 Zone – Heavy Commercial Zone 17.216.910 B. Conditional uses	"Community garden" is listed as a use in both the "Commercial and Institutional Uses" and "Industrial and Agricultural Uses" categories.	Removes "Community garden" from the "Commercial and Institutional Uses" category.
Chapter 17.216 Article IX. C-4 Zone – Heavy Commercial Zone 17.216.910 B. Conditional uses	The text reads: "Solar energy system, commercial"	Amends the text to read: "Solar energy system, commercial (non-city property)"
Chapter 17.216 Article IX. C-4 Zone – Heavy Commercial Zone 17.216.940 C. Interior side-yard setback, and 17.216.940 D. Rear yard setback	The text reads: C. Interior side-yard setback. 1. Unless subsection 2 applies, there is no minimum interior side-yard setback. 2. If the interior side-yard lot line abuts the side of a R-zoned or OB-zoned lot, the minimum side-yard setback is 5 feet. D. Rear-yard setback. 1. Unless subsection 2 applies, the minimum rear-yard setback is 15 feet. 2. If the rear-yard lot line abuts a public alley, the minimum rear-yard setback is 5 feet.	Amends the text to read: C. Interior side-yard setback. 1. Unless subsection 2 applies, there is no minimum interior side-yard setback. 2. If the interior side-yard lot line abuts the side of a R-zoned or OB-zoned lot and is not separated by an alley, the minimum side-yard setback is 5 feet. D. Rear-yard setback. 1. Unless subsection 2 applies, ~~the minimum rear-yard setback is 15 feet~~ no rear-yard is required. 2. If the rear-yard lot line abuts the side of an R- or OB-zoned lot and is not separated by an ~~public~~ alley, the minimum rear-yard setback is 15 feet.

Section	Current Text	Proposed Amendment
Chapter 17.216 17.216.110 OB zone 17.216.210 OB-2 zone 17.216.310 OB-3 zone Chapter 17.216 17.216.720 C-2 zone 17.216.820 C-3 zone 17.216.920 C-4 zone	None	Adds text to the limitations column in the permitted uses table for "Non-profit organization, food preparation for off-site consumption" to read: "Entire business, including storage and display, shall be conducted within a building"
Amendments Affecting Chapter 17.220 – Industrial and Manufacturing		
Chapter 17.220 Article I. M-1 Zone – Light Industrial Zone 17.220.110 B. Conditional uses	The limitations column for "Dwelling, multi-unit" reads: "Permitted in central city, or outside central city if use is located less than ¼ mile from the center of a light rail station platform"	Amends the limitations column for "Dwelling, multi-unit" to read: "Permitted in central city; permitted ~~, or~~ outside central city if use is located less than ¼ mile from the center of a light rail station platform"
Chapter 17.220 Article II. M-1(S) Zone – Light Industrial Zone 17.220.210 A. Permitted uses	The text reads: "Community garden (exceeding 21,780 gross square feet)"	Amends the text to read: "Community garden (not exceeding 21,780 gross square feet)"

Section	Current Text	Proposed Amendment
Chapter 17.220 Article II. M-1(S) Zone – Light Industrial Zone	Screening requirements in the M-1(S) zone was unintentionally omitted from text.	Adds the following section: **17.220.245 M-1(S) zone – Screening**. All uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six feet in height.
Chapter 17.220 Article III. M-2 Zone – Heavy Industrial Zone 17.220.310 A. Permitted Uses	The text reads: "Temporary residential shelter"	Amends the text to read: "Temporary residential shelter (24 or fewer beds)"
Chapter 17.220 Article III. M-2 Zone – Heavy Industrial Zone 17.220.310 B. Conditional uses	"Temporary residential shelter (more than 24 beds)" is a conditional use requiring Zoning Administrator (ZA) review.	Amends the level of review for "Temporary residential shelter (more than 24 beds)" to the Planning and Design Commission (PDC).
Chapter 17.220 Article III. M-2 Zone – Heavy Industrial Zone 17.220.310 B. Conditional uses	The text reads: "Plant nursery (less than ¼ mile of light rail station)"	Amends the text to read: "Plant nursery ~~(less than ¼ mile of light rail station)~~"
Chapter 17.220 Article IV. M-2(S) Zone – Heavy Industrial Zone 17.220.410 B. Conditional uses	The text reads: "Temporary residential shelter"	Amends the text to read: "Temporary residential shelter (more than 24 beds)"
Chapter 17.220 Article IV. M-2(S) Zone – Heavy Industrial Zone 17.220.410 B. Conditional uses	Temporary residential shelter (more than 24 beds) is a conditional use requiring Zoning Administrator (ZA) review.	Amends the level of required review to the Planning and Design Commission (PDC) review.

Section	Current Text	Proposed Amendment
Chapter 17.220 Article IV. M-2(S) Zone – Heavy Industrial Zone	Screening requirements in the M-2(S) zone was unintentionally omitted from text.	Adds the following section: **17.220.445 M-2(S) zone – Screening**. All uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six feet in height.
Chapter 17.220 17.220.110 M-1 zone 17.220.210 M-1(S) zone 17.220.310 M-2 zone 17.220.410 M-2(S) zone	None	Amends the limitations column in the permitted uses table to add text for "Non-profit organization, food preparation for off-site consumption" and "Non-profit organization, food storage and distribution" to read: "Entire business, including storage and display, shall be conducted within a building"
Chapter 17.220 17.220.140 M-1 zone - Setbacks 17.220.240 M-1(S) zone - Setbacks 17.220.340 M-2 zone - Setbacks 17.220.440 M-2(S) zone - Setbacks	The text reads: C. Interior side-yard setback. 1.Unless subsection 2 applies, there is no minimum interior side-yard setback. 2. If the interior side-yard lot line abuts the side of an R- or OB-zoned lot, the minimum side-yard setback is 5 feet. D. Rear-yard setback. 1. Unless subsection 2 applies, the minimum rear-yard setback is 15 feet. 2. If the rear lot line abuts a public alley, the minimum rear-yard setback is 5 feet.	Amends the text to read: C. Interior side-yard setback. 1.Unless subsection 2 applies, there is no minimum interior side-yard setback. 2. If the interior side-yard lot line abuts the side of an R- or OB-zoned lot and is not separated by an alley, the minimum side-yard setback is 5 feet. D. Rear-yard setback. 1. Unless subsection 2 applies, ~~the minimum rear-yard setback is 15 feet~~no minimum rear-yard setback is required. 2. If the rear lot line abuts the side of an R- or OB-zoned lot and is not separated by an ~~public~~ alley, the minimum rear-yard setback is 15 feet.

Section	Current Text	Proposed Amendment
Chapter 17.220 Article VI. MRD Zone – Manufacturing, Research and Development Zone 17.220.610 A. Permitted uses	“Temporary commercial building” is currently listed under the “Industrial and Agricultural Uses” category.	Moves “Temporary commercial building” to the “Commercial and Institutional Uses” category.
Chapter 17.220 Article VI. MRD Zone – Manufacturing, Research and Development Zone 17.220.610 A. Permitted uses	None	Adds “Wholesale store” as a permitted use with the following limitations language: “Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform”
Chapter 17.220 Article VI. MRD Zone – Manufacturing, Research and Development Zone 17.220.610 B. Conditional uses	None	Adds “Assembly – cultural, religious social” as a conditional use with PDC approval.
Chapter 17.220 Article VI. MRD Zone – Manufacturing, Research and Development Zone 17.220.610 B. Conditional uses	None	Adds “Wholesale store” as a conditional use with PDC approval and with the following limitations language: Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform
Chapter 17.220 Article VI. MRD Zone – Manufacturing, Research and Development Zone 17.220.610 B. Conditional uses	“Wholesale store” is currently listed under the “Industrial and Agricultural Uses” category.	Removes “Wholesale store” from the “Industrial and Agricultural Uses” category.

Section	Current Text	Proposed Amendment
Chapter 17.220 Article VI. MRD Zone – Manufacturing, Research and Development Zone 17.220.620 MRD-2 zone – Lot size, width, and depth.	The text reads: 17.220.620 MRD-2 zone – Lot size, width, and depth.	Amends the text to read: 17.220.620 MRD~~-2~~ zone – Lot size, width, and depth.
Chapter 17.220 Article VI. MRD Zone – Manufacturing, Research and Development Zone	The height and floor area ratios development standards were unintentionally omitted from text.	Amends the text to add the following: **17.220.625 MRD zone – Height and floor area ratios.** A. Height. The minimum height is 15 feet. The maximum height is 75 feet. B. Floor area ratios. Minimum and maximum floor area ratios are established in the general plan.
Chapter 17.220 Article VI. MRD Zone – Manufacturing, Research and Development Zone 17.220.630 MRD-2 zone – Setbacks	The text reads: 17.220.630 MRD-2 zone – Setbacks	Amends the text to read: 17.220.630 MRD~~-2~~ zone – Setbacks
Chapter 17.220 Article VI. MRD Zone – Manufacturing, Research and Development Zone 17.220.630.A. Front setback	The text reads: A. Front setback. The minimum front yard setback is 5 feet and the maximum setback is 100 feet.	Amends the text to read: A. Front setback. The minimum front yard setback is 5 feet and the maximum setback is ~~100~~ 110 feet.
Chapter 17.220 Article VI. MRD Zone – Manufacturing, Research and Development Zone 17.220.640 MRD-2 zone – Special development standards.	The text reads: 17.220.640 MRD-2 zone – Special development standards.	Amends the text to read: 17.220.640 MRD~~-2~~ zone – Special development standards.

Section	Current Text	Proposed Amendment
Amendments Affecting Chapter 17.224 – Miscellaneous Zones		
Chapter 17.224 Article I. H Zone – Hospital Zone 17.224.110 A. Permitted uses	"Laboratory" is currently listed under the "Commercial and Institutional Uses" category.	Moves "Laboratory" to the "Industrial and Agricultural Uses" category.
Chapter 17.224 Article I. H Zone – Hospital Zone 17.224.110 A. Permitted uses	The text reads: "Laboratory"	Amends the text to read: "Laboratory, research"
Chapter 17.224 Article I. H Zone – Hospital Zone 17.224.110 A. Permitted uses	"Temporary commercial building" is currently listed under the "Industrial and Agricultural Uses" category.	Moves "Temporary commercial building" to the "Commercial and Institutional Uses" category.
Chapter 17.224 Article I. H Zone – Hospital Zone 17.224.110 B. Conditional Uses	"Produce stand" is currently listed under the "Commercial and Institutional Uses category.	Moves "Produce stand" to the "Industrial and Agricultural Uses" category.
Chapter 17.224 Article 1. H Zone 17.224.110 A. Permitted uses	None	Adds the following text to the limitations column for "Non-profit organization, food preparation for off-site consumption": "Entire business, including storage and display, shall be conducted within a building"
Chapter 17.224 Article II. SPX Zone – Sports Complex Zone 17.224.210 A. Conditional uses	The text reads: "Community garden (exceeding 21,780 gross square feet)"	Amends the text to read: "Community garden ~~(exceeding 21,780 gross square feet)~~"
Chapter 17.224 Article II. SPX Zone – Sports Complex Zone 17.224.210 A. Conditional uses	"Produce stand" is currently listed under the "Commercial and Institutional Uses" category.	Moves "Produce stand" to the "Industrial and Agricultural Uses" category.

Section	Current Text	Proposed Amendment
Chapter 17.224 Article II. SPX Zone – Sports Complex Zone 17.224.210 A. Conditional uses	The text reads: "Retail"	Amends the text to read: "Retail store"
Chapter 17.224 Article III. TC Zone – Transportation Corridor Zone 17.224.310 TC zone - Permitted uses	The text reads: "TC Zone – Permitted uses"	Amends the text to read: "TC ~~Zone~~ zone – Permitted uses"
Chapter 17.224 Article III TC Zone – Transportation Corridor 17.224.310 B. Conditional uses	"Produce stand" is currently listed under the "Commercial and Institutional Uses" category.	Moves "Produce stand" to the "Industrial and Agricultural Uses" category.
Chapter 17.224 Article III. TC Zone – Transportation Corridor Zone 17.224.310 B. Conditional uses	The text reads: "Retail"	Amends the text to read: "Retail store"
Chapter 17.224 Article III. TC Zone – Transportation Corridor Zone 17.224.310 B. Conditional uses	The text reads: "Solid waste landfill or transfer station"	Amends the text to read: "Solid waste landfill ~~or transfer station~~"
Chapter 17.224 Article III. TC Zone – Transportation Corridor Zone 17.224.310 B. Conditional uses	None.	Adds "Solid waste transfer station" with Planning and Design Commission (PDC) approval.
Chapter 17.224 Article IV. HC Zone – Highway Commercial Zone 17.224.410 A. Permitted uses	None.	Adds "Retail store" as a permitted use and adds text to the limitations column to read: "Limited to 5,000 square feet".
Chapter 17.224 Article IV. HC Zone – Highway Commercial Zone 17.224.410 B. Conditional uses	None.	Adds Planning and Design Commission (PDC) in the "Approval Required" column for the "Non-profit organization, meal service facility" use.

Section	Current Text	Proposed Amendment
Chapter 17.224 Article IV. HC Zone – Highway Commercial Zone 17.224.410 B. Conditional uses	"Passenger terminal" is currently listed under the "Commercial and Institutional Uses" category.	Moves "Passenger terminal" to the "Industrial and Agricultural Uses" category.
Amendments Affecting Multiple Zone Chapters		
Setback standards for all zone chapters, except for ARP-F, EC, C-3, SPX, and TC	The text reads: "Levee setback. A minimum 20-foot setback from the landside toe any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback."	Amends the text to read: "Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback."
Standards for interior side-yard setbacks for the following zones: Single-unit or duplex dwelling zone (R-1A) Duplex Dwelling Zone (R-2) Multi-unit zones (R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-5) Residential mixed-use zones (RMX, RO)	The text reads: B. Interior side-yard setback. 1. Unless subsection 2 applies, no minimum interior side-yard setback is required. 2. The minimum interior side-yard setback is 5 feet if the interior side-yard lot line abuts a lot in an R-1 or R-1B zone, or abuts a lot containing a single-unit dwelling.	Amends the text to read: B. Interior side-yard setback. 1. Unless subsection 2 applies, no minimum interior side-yard setback is required. 2. The minimum interior side-yard setback is 5 feet if the interior side-yard lot line abuts a lot in an R-1 or R-1B zone, or abuts a lot containing a detached single-unit dwelling.
Conditional uses table for the following zone articles: Chapter 17.212 Residential Mixed Use Article I. RMX zone Chapter 17.216 Commercial, Office, and Mixed Use Article I. OB zone Article II. OB-2 zone Article III. OB-3 zone Article V. SC zone Article VI. C-1 zone Article VII. C-2 zone	"Rooming and boarding house" is permitted with a Commission level conditional use permit.	Remove the use "Rooming and boarding house" from the conditional use table.

Section	Current Text	Proposed Amendment
Amendments Affecting Chapter 17.228 – Special Use Regulations		
Chapter 17.228 Special Use Regulations Article 1. General 17.228.104.B. Bed and breakfast inn in residential zones.	The text reads: A. Bed and breakfast inn in R-1, R-1B and R-2 zones. A zoning administrator's conditional use permit is required to establish a bed and breakfast inn in the R-1, R-1B, and R-2 zones. The bed and breakfast inn shall not have more than seven guest rooms. Conferences, weddings, fund raisers, and similar gatherings of non-lodgers are prohibited. B. Bed and breakfast inn in R-2A, R-2B, R-3, Zones. A zoning administrator's conditional use permit is required to establish a bed and breakfast inn in the R-2A, R-2B, and R-3 zones. The bed and breakfast inn shall not have more than seven guest rooms. In these zones, the zoning administrator's conditional use permit may permit facilities for conferences, weddings, fund raisers, and other similar gatherings and functions attended by non-lodgers as a part of the bed and breakfast inn use, and may include conditions restricting type, frequency, and timing of events, and other limits on operations as the decision-maker determines necessary to issue the conditional use permit. Except as expressly authorized in the conditional use permit, gatherings and functions attended by non-lodgers are prohibited.	Amends the text to read: A. Bed and breakfast inn in R-1, R-1B and R-2 zones. A zoning administrator's conditional use permit is required to establish a bed and breakfast inn in the R-1, R-1B, and R-2 zones. The bed and breakfast inn shall not have more than seven guest rooms. Conferences, weddings, fund raisers, and similar gatherings of non-lodgers are prohibited. B. Bed and breakfast inn in R-2A, R-2B, R-3, and R-3A Zones. A zoning administrator's conditional use permit is required to establish a bed and breakfast inn in the R-2A, R-2B, ~~and~~ R-3 and R-3A zones. The bed and breakfast inn shall not have more than seven guest rooms. In these zones, the zoning administrator's conditional use permit may permit facilities for conferences, weddings, fund raisers, and other similar gatherings and functions attended by non-lodgers as a part of the bed and breakfast inn use, and may include conditions restricting type, frequency, and timing of events, and other limits on operations as the decision-maker determines necessary to issue the conditional use permit. Except as expressly authorized in the conditional use permit, gatherings and functions attended by non-lodgers are prohibited.

Section	Current Text	Proposed Amendment
Chapter 17.228. Special Use Regulations Article III. Antennas and Telecommunications Facilities 17.228.300.D.1.b. Historic Resouces	The text reads: b. Historic resources. A panel antenna mounted on a landmark or on an existing building or structure in a historic district, together with related equipment, is permitted subject to director-level site plan and design review.	Amends the text to read: b. Historic resources. A panel antenna mounted on a landmark parcel or on an existing building or structure in a historic district, together with related equipment, is permitted subject to director-level site plan and design review.
Chapter 17.228 Special Use Regulations Article III. Antennas and Telecommunications Facilities 17.228.320.B. – New telecommunications towers.	The text reads: B. New telecommunications towers. 1. Conditional use permit required. A new telecommunications tower requires approval of either a commission-level or director-level conditional use permit, as follows: a. Director-level – Replacement monopole. A director-level conditional use permit is required for a new monopole that replaces an existing monopole, does not exceed the maximum height limit in the zone where it is located, and is located in the same or proximate location as the monopole being replaced. b. Commission-level. A commission-level conditional use permit is required for a new telecommunications tower that is not subject to director-level review.	Amends the text to read: B. New telecommunications towers. 1. Conditional use permit required. A new telecommunications tower requires approval of either a commission-level or director-level conditional use permit, as follows: a. Director-level – Replacement monopole. A director-level ~~conditional use permit~~site plan and design review is required for a new monopole that replaces an existing monopole, does not exceed the height of the existing pole or the maximum height limit in the zone where it is located, and is located in the same or proximate location as the monopole being replaced. b. Commission-level. A commission-level conditional use permit is required for a new telecommunications tower that is not subject to director-level review.
Chapter 17.228 Special Use Regulations Article III. Antennas and Telecommunications Facilities 17.228.320.C. Existing telecommunications towers – Modifications.	The text reads: Existing telecommunications towers – Modifications. A modification to an existing telecommunication tower is subject to section 17.808.440	Amends the text to read: Existing telecommunications towers – Modifications. A modification to an existing telecommunication tower is subject to ~~section 17.808.440~~site plan and design review.
Chapter 17.228 Special Use Regulations Article IV. Recycling Facilities	None	Adds the following text: "F. Operating hours shall be between 8:00 a.m. and 7:00 p.m.

Section	Current Text	Proposed Amendment
17.228.410 Operational standards		when located within 200 feet of a residentially-zoned or occupied property. Operating hours for convenience recycling are pursuant to 17.228.430.J.”
Chapter 17.228 Special Use Regulations Article IV. Recycling Facilities 17.228.420	The text reads: **17.228.420 Development standards applicable to recycling facility that requires a conditional use permit.** The following standards apply to new or expanded recycling facilities that require a conditional use permit. A. If necessary to prevent visibility of processing operations and stockpiled or processed materials, the facility owner or operator shall install and maintain fencing around the site. B. All recyclable materials shall be stored in receptacles, within an on-site building, or behind a screened or fenced area to prevent visibility from adjacent roadways and parcels. C. No portion of the facility activities, operations, storage, or other work shall encroach into the required, landscaped areas, or setback. D. Any undeveloped area of a site shall be surrounded by a barrier constructed to prohibit access to the area. Barriers may include six-inch minimum barrier curbing, bollards, fencing, or landscaping. E. All on-site access areas, tipping areas, staging areas, and sorting areas shall be surfaced with asphalt concrete or concrete paving. F. Signs shall meet the requirements in the sign ordinance for the zone in which the facility is located and must be consistent with	Amends the text to read: **17.228.420 Development standards applicable to recycling facility types except for convenience recycling.~~that requires a conditional use permit.~~** The following standards apply to new or expanded recycling facilities, except for convenience recycling, that require a conditional use permit. See section 17.228.430 for development standards for convenience recycling A. ~~If necessary to prevent visibility of processing operations and stockpiled or processed materials, the facility owner or operator shall install and maintain fencing around the site.~~Solid fencing shall be installed and maintained around the site. Fencing shall be a minimum of six feet in height in order to prevent visibility of processing operations and stock piled or processed materials. Fencing shall be installed behind the required landscaped area. B. All recyclable materials shall be stored in receptacles, within an on-site building, or behind a screened or fenced area to prevent visibility from adjacent roadways and parcels. C. No portion of the facility activities, operations, storage, or other work shall encroach into the required, landscaped areas, or setback.

Section	Current Text	Proposed Amendment
	the character of the location. G. Fencing shall be solid and a minimum of six feet in height. Fencing shall be installed behind the required landscaped area. H. Operating hours shall be between 8:00 a.m. and 7:00 p.m. when located within 200 feet of a residentially-zoned or occupied property.	D. Any undeveloped area of a site shall be surrounded by a barrier constructed to prohibit access to the area. Barriers may include six-inch minimum barrier curbing, bollards, fencing, or landscaping. E. All on-site access areas, tipping areas, staging areas, and sorting areas shall be surfaced with asphalt concrete or concrete paving. F. Signs shall meet the requirements in the sign ordinance for the zone in which the facility is located and must be consistent with the character of the location. G. No recycling or trash enclosures or receptacle shall be located in any required setback area.~~Fencing shall be solid and a minimum of six feet in height. Fencing shall be installed behind the required landscaped area.~~ ~~H. Operating hours shall be between 8:00 a.m. and 7:00 p.m. when located within 200 feet of a residentially-zoned or occupied property.~~
Chapter 17.228 Special Use Regulations Article IV. Recycling Facilities 17.228.430.A. through 17.228.430.C.	The text reads: **17.228.430 Convenience recycling facility—Administrative permit—Development standards.** A convenience recycling facility requires an administrative permit. The following standards apply to new or expanded convenience recycling facilities and to small recyclable collection container facilities rendered nonconforming by Ordinance No. 2007-057 as provided below. A. The facility shall be operated only in conjunction with an existing commercial use or community service facility that is in compliance with all applicable zoning, building, and fire codes of the city and that is located in a convenience zone as	Amends the text to read: **17.228.430 Convenience recycling facility—Administrative permit—Development and operating standards.** A convenience recycling facility requires an administrative permit. The following standards apply to new or expanded convenience recycling facilities. ~~and to small recyclable collection container facilities rendered nonconforming by Ordinance No. 2007-057 as provided below.~~ A. The facility is an accessory use and shall be operated only in conjunction with an existing and operating commercial use or community service facility that is in

Section	Current Text	Proposed Amendment
	defined under the California Beverage Container Recycling and Litter Reduction Act (Public Resources Code section 14500 et seq.). B. The facility shall be no larger than 500 square feet and, if located in a parking lot, shall occupy no more than five parking spaces not including spaces that will be periodically needed for removal of materials or exchange of the collection receptacles. No parking spaces required for the primary host use may be occupied by the facility. C. The facility shall be set back at least 10 feet from any street or building and 25 feet from any property zoned or occupied for residential use; shall not be located in any required setback, and shall not obstruct pedestrian or vehicular circulation.	compliance with all applicable zoning, building, and fire codes of the city and that is located in a convenience zone as defined under the California Beverage Container Recycling and Litter Reduction Act (Public Resources Code section 14500 et seq.). B. The facility shall be no larger than 500 square feet and, if located in a parking lot, shall occupy no more than five parking spaces not including spaces that will be periodically needed for removal of materials or exchange of the collection receptacles. No parking spaces required for the primary host use may be occupied by the facility. C. The facility shall be set back at least 10 feet from any street or building on an adjacent parcel and 25 feet from any property zoned or occupied for residential use; shall not be located in any required setback, and shall not obstruct pedestrian or vehicular circulation.
Chapter 17.228 Special Use Regulations Article IV. Recycling Facilities 17.228.430.Q.	The text reads: Q. Ordinance No. 2007-057 (M06-058), effective July 26, 2007, renamed small recyclable collection container facilities “convenience recycling facilities,” amended their applicable development standards, and modified the types of recyclables these facilities are allowed to collect. At no cost to city, any small recyclable collection container facility in existence on the effective date of Ordinance No. 2007-057 and rendered nonconforming by the ordinance shall come into compliance with the provisions of this section 17.228.430 no later than December 31, 2008.	Amends the text to read: Q. A convenience recycling facility that cannot meet the standards listed above shall be considered a minor or major recycling facility subject to the permit specified in 17.228.400. ~~Ordinance No. 2007-057 (M06-058), effective July 26, 2007, renamed small recyclable collection container facilities “convenience recycling facilities,” amended their applicable development standards, and modified the types of recyclables these facilities are allowed to collect. At no cost to city, any small recyclable collection container facility in existence on the effective date of Ordinance No. 2007-057 and rendered nonconforming by the ordinance shall come into compliance with the provisions of this section 17.228.430 no later than December 31, 2008.~~

Section	Current Text	Proposed Amendment
Amendments Affecting Chapter 17.232 – Non-conforming Uses		
Chapter 17.232 Nonconforming Uses 17.232.100 Discontinuance of a nonconforming use	The text reads: "D. Extension of time. A zoning administrator conditional use permit is required to extend the period of time that a nonconforming use may be discontinued before it expires for discontinuance of use under subsection A. The conditional use permit application to extend time shall be filed prior to the expiration of the nonconforming use for discontinuance of use."	Amends the text to read: "D. Extension of time. A zoning administrator conditional use permit is required to extend the period of time that a nonconforming use or a use authorized by a deemed conditional use permit may be discontinued before it expires for discontinuance of use under subsection A and B. The conditional use permit application to extend time shall be filed prior to the expiration of the nonconforming use for discontinuance of use."
Amendments Affecting Division III – Overlay Zones		
Chapter 17.312 Executive Airport Overlay Zone 17.312.040 Restrictive categories. 17.312.040.C.2.	The text reads: 2. State Building Code, Part 2, Title 24, Section 3501, establishes a standard that limits noise to 45 dB CNEL, in any habitable room in affected dwellings. For residential dwellings, other than detached single-family, in areas having an airport-caused CNEL greater than 60 dB, the code requires an acoustical study showing that the structure has been designed to meet the interior standard of 45 dB CNEL.	Amends the text to read: 2. State Building Code, Part 2, Title 24, Section 3501, establishes a standard that limits noise to 45 dB CNEL, in any habitable room in affected dwellings. For residential dwellings, other than detached single-~~family~~unit dwelling, in areas having an airport-caused CNEL greater than 60 dB, the code requires an acoustical study showing that the structure has been designed to meet the interior standard of 45 dB CNEL.
Chapter 17.312 Executive Airport Overlay Zone 17.312.060 Land use compatibility guidelines for safety (Table)	Many uses reference a "v". This is a carry-over error from the original ordinance and is not consistent with ORD2000-002 which created the tables of allowed uses.	Amends the chart to be consistent with ORD2000-002.

Section	Current Text	Proposed Amendment
Chapter 17.312 Executive Airport Overlay Zone 17.312.110 Changes in nonconformities. 17.312.110 B.	The text reads: B. A nonconformity may be continued subject to the provisions of this subsection. Existing incompatible land uses may continue; however, no incompatible land use may be changed to another incompatible land use. No incompatible land use, building, or structures may be expanded, except single-family detached residences and schools that would increase in capacity by less than one-third.	Amends the text to read: B. A nonconformity may be continued subject to the provisions of this subsection. Existing incompatible land uses may continue; however, no incompatible land use may be changed to another incompatible land use. No incompatible land use, building, or structures may be expanded, except single-~~family~~ unit dwelling detached residences and schools that would increase in capacity by less than one-third.
Chapter 17.312 Executive Airport Overlay Zone 17.312.110 Changes in nonconformities. 17.312.110.D.	The text reads: D. The cessation of the use of a nonconforming structure or nonconforming land use for a period of one year, commencing on or after the effective date of the ordinance codified in this chapter, terminates all rights in the nonconformity. This subsection does not apply to single-family dwellings.	Amends the text to read: D. The cessation of the use of a nonconforming structure or nonconforming land use for a period of one year, commencing on or after the effective date of the ordinance codified in this chapter, terminates all rights in the nonconformity. This subsection does not apply to single-~~family~~ unit dwellings.

Section	Current Text	Proposed Amendment
Chapter 17.312 Executive Airport Overlay Zone 17.312.110 Changes in nonconformities. 17.312.110.E.	The text reads: E. Permitted changes in nonconformities. 1. No incompatible land use, building, or structure may be expanded, except: a. Single-family detached residences; and b. Schools that would increase in capacity by less than one-third. 2. If any incompatible land use, building, or structure is damaged and the damage exceeds 50 percent of the value of the use, building, or structure, any subsequent land use must be in conformity with this chapter, except the following: a. Single-family detached residences; b. Schools; and c. A nonconforming structure or a structure devoted to a nonconforming use, may be rebuilt even though the cost of reconstruction is greater than 50 percent of the replacement value of the structure immediately prior to the damage if the nonconforming structure, or any expansion or modification of that structure, was authorized by a city approval of discretionary entitlements given within two years of the date of damage. Pursuant to this provision, a nonconforming structure or structure devoted to a nonconforming use may be rebuilt to its previously approved size without any further discretionary entitlements.	Amends the text to read: E. Permitted changes in nonconformities. 1. No incompatible land use, building, or structure may be expanded, except: a. Single-~~family~~ unit dwelling detached residences; and b. Schools that would increase in capacity by less than one-third. 2. If any incompatible land use, building, or structure is damaged and the damage exceeds 50 percent of the value of the use, building, or structure, any subsequent land use must be in conformity with this chapter, except the following: a. Single-~~family~~ unit dwelling detached residences; b. Schools; and c. A nonconforming structure or a structure devoted to a nonconforming use, may be rebuilt even though the cost of reconstruction is greater than 50 percent of the replacement value of the structure immediately prior to the damage if the nonconforming structure, or any expansion or modification of that structure, was authorized by a city approval of discretionary entitlements given within two years of the date of damage. Pursuant to this provision, a nonconforming structure or structure devoted to a nonconforming use may be rebuilt to its previously approved size without any further discretionary entitlements.

Section	Current Text	Proposed Amendment
Chapter 17.332 PC Overlay – Parkway Corridor 17.332.030 PC overlay zone – Applicability of PC designation. 17.332.030.C.	The text reads: C. Except for the height limitations in section 17.332.070.B.2 and the minimum setbacks contained in section 17.332.070.F, this chapter does not apply to single-family and two-family detached dwellings.	Amends the text to read: C. Except for the height limitations in section 17.332.070.B.2 and the minimum setbacks contained in section 17.332.070.F, this chapter does not apply to single-~~family~~ unit and two-~~family~~ unit detached dwellings.
Chapter 17.332 PC Overlay – Parkway Corridor 17.332.050 PC overlay zone – Conditions of approval	The text reads: H. Control of location, number, color, size, height, lighting, and landscaping of signs in addition to the requirements of section 17.332.070.E and F;	Amends the text to read: H. Control of location, number, color, size, height, lighting, and landscaping of signs in addition to the requirements of section 17.332.070.E and F (but not for the content or graphic design of the message displayed);
Chapter 17.332 PC Overlay – Parkway Corridor 17.332.050 PC overlay zone – Conditions of approval	The text reads: D. Color and glare 1. Buildings, structures, signs, poles, lighting standards, and other improvements shall have an exterior surface that is painted in earth tones or finished in one or more of the following materials: a. Natural wood; b. Natural earth-toned stone, rock, or masonry; or c. Any other earth-tone material.	Amends the text to read: D. Color and glare 1. Buildings, structures, signs (but not for the content or graphic design of the message displayed), poles, lighting standards, and other improvements shall have an exterior surface that is painted in earth tones or finished in one or more of the following materials: a. Natural wood; b. Natural earth-toned stone, rock, or masonry; or c. Any other earth-tone material.
Chapter 17.332 PC Overlay – Parkway Corridor 17.332.070 PC overlay zone – Development regulations. 17.332.070.F.2.	The text reads: 2. Notwithstanding subsection F.1. accessory buildings appurtenant to single- and two-family residences not exceeding 500 square feet in floor area may be erected not closer than 15 feet from the reference line.	Amends the text to read: 2. Notwithstanding subsection F.1. accessory buildings appurtenant to single- and two-~~family~~ unit residences not exceeding 500 square feet in floor area may be erected not closer than 15 feet from the reference line.

Section	Current Text	Proposed Amendment
Chapter 17.340 TO Overlay Zone – Transit Overlay 17.340.050 TO zone – Prohibited uses	The text reads: "Auto-sales, storage"	Amends the text to read: "Auto-sales, storage, rental"
Chapter 17.340 TO Overlay Zone – Transit Overlay 17.340.050 TO zone – Prohibited uses	The use "Auto service, repair" was unintentionally omitted from the list of prohibited uses.	Adds "Auto service, repair"
Amendments Affecting Division IV – Special Planning Districts		
Chapter 17.404 Broadway-Stockton Special Planning District 17.404.040 Development standards.	The text reads: "B. The maximum height for properties located between 2nd Avenue and Broadway is 75 feet."	Amends the text to read: "B. The maximum height for properties located on Stockton Blvd. between 2nd Avenue and Broadway is 75 feet."
Chapter 17.428 Del Paso Nuevo SPD 17.428.030 Del Paso Nuevo SPD – Special regulations for single-unit dwelling in R-1A-SPD zone.	The text reads: 17.428.030 Del Paso Nuevo SPD – Special regulations for single-family in R-1A-SPD zone.	Amends the text to read: 17.428.030 Del Paso Nuevo SPD – Special regulations for single-~~family~~ unit dwelling in R-1A-SPD zone.
Chapter 17.436 River District Special Planning District 17.436.040 Uses and development standards—general. 17.436.040 B.2.	The text reads: 2. Density. A higher density may be approved in the Multifamily (R-3A SPD) and Residential Mixed Use (RMX-SPD) zones upon the issuance of a planning and design commission conditional use permit pursuant to and subject to the findings required by section17.808.200 and consistent with the applicable density range established by the city's general plan.	Amends the text to read: 2. Density. A higher density may be approved in the Multi~~family~~-unit dwelling (R-3A SPD) and Residential Mixed Use (RMX-SPD) zones upon the issuance of a planning and design commission conditional use permit pursuant to and subject to the findings required by section17.808.200 and consistent with the applicable density range established by the city's general plan.

Section	Current Text	Proposed Amendment
Chapter 17.444 R Street Corridor Special Planning District 17.444.070 R-3A multi-family zone	The text reads: 17.444.070 R-3A multi-family zone	Amends the text to read: 17.444.070 R-3A multi-~~family~~ unit dwelling zone
Amendments Affecting Division VI – Architectural Design and Site Development Standards, Design Review Districts, Historic Preservation, and Registered House Plans		
17.600 Architectural Design & Site Development Standards 17.600.125 Allowable projections into required set back areas	The text reads: "C. The following structures may project into a required front-yard or street side-yard setback up to 25% of the required width of the setback if the projection does not encroach into any public utility easement or other public easement of record."	Amends the text to read: "C. The following structures may project into a required front-yard or street side-yard setback up to 25% of the required ~~width~~ depth of the setback if the projection does not encroach into any public utility easement or other public easement of record."
17.600 Architectural Design & Site Development Standards 17.600.125 Allowable projections into required setback areas.	The text reads: H. Side-yard setbacks for additions to existing single-family homes. Where an existing single-unit or duplex dwelling has been built with less than a 5-foot interior side-yard setback or 12-foot, 6-inch street side-yard setback, the side-yard setback requirement for additions may follow existing building lines, provided that the side-yard setback shall not be reduced below 3 feet.	Amends the text to read: H. Side-yard setbacks for additions to existing single-~~family homes~~unit dwellings. Where an existing single-unit or duplex dwelling has been built with less than a 5-foot interior side-yard setback or 12-foot, 6-inch street side-yard setback, the side-yard setback requirement for additions may follow existing building lines, provided that the side-yard setback shall not be reduced below 3 feet.
Chapter 17.600 Article I. Architectural Design and Site Development Standards 17.600.160 Standards for uses within ¼ mile of a light rail station	The text reads: "D. Parking shall be located to the rear or interior side of the building and not in front of the building; and"	Amends the text to read as follows: "D. Vehicle p~~P~~arking shall be located to the rear or interior side of the building and not in front of the building; and"

Section	Current Text	Proposed Amendment
Chapter 17.604 17.604.730 Preservation incentives – Open space waiver.	The text reads: At site plan and design review, the preservation director or preservation commission may waive up to 100% of required private open space requirements applicable to the reuse of a listed historic resource.	Amends the text to read: At site plan and design review, the preservation director ~~or preservation commission~~ may waive up to 100% of required private open space requirements applicable to the reuse of a listed historic resource.
Chapter 17.608 Parking Regulations 17.608.030 Parking requirement by land use type and parking district Table 17.608.030.B.	Land use column includes the following uses: "Bread and breakfast inn; rooming and boarding house"	Amends the text to read: "Bread and breakfast inn~~; rooming and boarding house"~~
Chapter 17.608 Parking Regulations 17.608.030 Parking requirement by land use type and parking district Table 17.608.030.B.	Land use column includes the following uses: "Office; medical clinic or office; tutoring center" "School requiring a conditional use permit"	Amends the text to read: "Office; medical clinic or office~~; tutoring center~~" "School ~~requiring a conditional use permit~~ K-12"
Chapter 17.608 Parking Regulations 17.608.030 Parking requirement by land use type and parking district Table 17.608.030.B.	None	Adds text to the land use chart to read: Land Use: School – dance; music; art; martial arts; vocational; and tutoring center Central Business and Arts & Entertainment District: No minimum requirements Urban District: 1 space per 2,000 square feet of building Traditional District: 1 space per 500 square feet of building Suburban District: 1 space per 400 gross square feet of building
Chapter 17.608 Parking Regulations 17.608.030 Parking requirement by land use type and parking district Table 17.608.030.C.	Land use column includes the following uses: "Bread and breakfast inn; rooming and boarding house"	Amends the text to read: "Bread and breakfast inn~~; rooming and boarding house~~"

Section	Current Text	Proposed Amendment
Chapter 17.608 Parking Regulations 17.608.040 Development standards for off-street parking facilities	The text reads: "A. Location of parking. Except for required off-street parking for single unit and duplex dwellings, on-site parking facilities in the Central Business and Arts & Entertainment District, Urban District, and Traditional District shall be located to the rear or interior side of the building and not in front of the building."	Amends the text to read: "A. Location of parking. Except for required off-street parking in M-zones and for single unit and duplex dwellings, on-site vehicle parking facilities in the Central Business and Arts & Entertainment District, Urban District, and Traditional District shall be located to the rear or interior side of the building and not in front of the building."
Chapter 17.616.050 Exceptions to the development standards for existing development	D. Exception—Waiver of setback requirement. Existing enclosures located in any minimum required setback may be enlarged in order to comply with the recycling design guidelines. The proposed addition shall not be located any closer to the property line than the existing enclosure and the addition shall not exceed 50 square feet in area.	Delete this section of the code.

Section	Current Text	Proposed Amendment
Chapter 17.620.120 Regulations for nonresidential development	The text reads: "The following regulations apply to walls and fences for nonresidential development: A. Parcel abutting residential zone or use. 1. A development, improvement, or use of a site for other than residential purposes shall provide a minimum 6-foot high solid wall of masonry, brick, or similar material along all property lines which abut a residential zone or use. 2. The wall shall not extend into any front yard or street side yard setback area, or beyond the required setbacks of the abutting residential zone or use. 3. If the development is separated from a residential zone or residence by an alley, no wall or fence is required. B. Front and street side yard. A wall or fence in the front-yard or street side-yard setback area shall comply with the residential requirements for a wall or fence in section 17.620.110.A.	Amends the text to read: "The following regulations apply to walls and fences for nonresidential development: A. Parcel abutting residential zone or use. 1. A development, improvement, or use of a site for other than residential purposes shall provide a minimum 6-foot high solid wall of masonry, brick, or similar material along all property lines which abut a residential zone or use. 2. The wall shall not extend into any front yard or street side yard setback area, or beyond the required setbacks of the abutting residential zone or use. 3. If the development is separated from a residential zone or residence by an alley, no wall or fence is required. ~~B~~4. Front and street side yard. A wall or fence in the front-yard or street side-yard setback area shall comply with the residential requirements for a wall or fence in section 17.620.110.A.

Section	Current Text	Proposed Amendment
Amendments Affecting Chapter 808 – Permits and Legislative Change Requests		
Chapter 17.808 Permits and Legislative Change Requests Article I. Site Plan and Design Review 17.808.110 Scope of site plan and design review	The text reads: A. The scope of site plan and design review extends to all aspects of the physical characteristics of development, such as the design features and site improvements of a development enumerated below. 1. Architectural design features of buildings and structures, including the size, scale, massing, articulation, colors, and materials of buildings and structures; the size, color, materials, design, and location of detached and attached signs; and the screening of roof-mounted mechanical equipment; 2. Site design features, including the location and orientation of buildings, structures, detached signs, parking areas, and open spaces; the location, dimensions, and design of access ways and facilities for pedestrians, bicyclists, and vehicles; and the layout, design, and visual and functional characteristics of the landscape plan, including plantings, hardscape, lighting, paving, grading, drainage, and the screening of storage and service areas and ground-mounted equipment; 3. The adequacy of, and any reasonably required improvements to, streets and other public access ways and facilities for pedestrians, bicyclists, and vehicles; parking facilities; and utility and other infrastructure, both on-site and off-site; all as required to serve the development; 4. Physical site and architectural design features related to energy consumption and use of renewable energy resources;	The text reads: A. The scope of site plan and design review extends to all aspects of the physical characteristics of development, such as the design features and site improvements of a development enumerated below. 1. Architectural design features of buildings and structures, including the size, scale, massing, articulation, colors, and materials of buildings and structures; the number, size, color, materials, design, and location of detached and attached signs (but not for the content or graphic design of the message displayed); and the screening of roof-mounted mechanical equipment; 2. Site design features, including subdivisions, the location and orientation of buildings, structures, detached signs, parking areas, and open spaces; the location, dimensions, and design of access ways and facilities for pedestrians, bicyclists, and vehicles; and the layout, design, and visual and functional characteristics of the landscape plan, including plantings, hardscape, lighting, paving, grading, drainage, and the screening of storage and service areas and ground-mounted equipment; 3. The adequacy of, and any reasonably required improvements to, streets and other public access ways and facilities for pedestrians, bicyclists, and vehicles; parking facilities; and utility and other infrastructure, both on-site and off-site; all as required to serve the development; 4. Physical site and architectural design features related to energy consumption and use of renewable energy resources;

Section	Current Text	Proposed Amendment
Chapter 17.808 Permits and Legislative Change Requests Article I. Site Plan and Design Review 17.808.120 Approval of deviations from design guidelines and development standards	The text reads: **“17.808.120 Approval of deviations from design guidelines and development standards.** A. Site plan and design review includes the authority to approve or require deviations that are more or less restrictive than the applicable design guidelines; subdivision standards; sign standards; lot coverage standards; setback and open space standards; height; development standards; parking facility standards, including the minimum and maximum off-street parking requirement; and allowable roof projections, including parapets, pitched roofs, mechanical penthouses, and spires. B. Except as otherwise provided in this title, a deviation from design guidelines and development standards for the matters listed in subsection A, above, is subject to review as follows: 1. A deviation that reduces any minimum or exceeds any maximum distance, area, or quantity stated in a development standard by an amount greater than 50% is subject to commission-level review. 2. A deviation that reduces any minimum or exceeds any maximum distance, area, or quantity stated in a development standard by an amount not exceeding 50% is subject to director-level review. 3. A deviation from a development standard that does not involve a distance, area, or quantity is subject to director-level review. 4. A deviation from a design guideline is subject to director-level review.”	Amends the text to read: **“17.808.120 Approval of deviations from design guidelines and development standards.** A. Site plan and design review includes the authority to approve or require deviations that are more or less restrictive than the applicable design guidelines; subdivision standards; subdivision standards; sign standards; lot coverage standards; setback and open space standards; height; development standards; parking facility standards, including the minimum and maximum off-street parking requirement; and allowable roof projections, including parapets, pitched roofs, mechanical penthouses, and spires. B. Except as otherwise provided in this title, a deviation from design guidelines and development standards for the matters listed in subsection A, above, is subject to review as follows: 1. A deviation that reduces any minimum or exceeds any maximum distance, area, or quantity stated in a development standard by an amount greater than 50% is subject to commission-level review. 2. A deviation that reduces any minimum or exceeds any maximum distance, area, or quantity stated in a development standard by an amount not exceeding 50% is subject to director-level review. 3. Any deviation for an accessory structure, wall, fence, or gate is subject to director-level review. ~~3~~4. A deviation from a development standard that does not involve a distance, area, or quantity is subject to director-level review. ~~4~~5. A deviation from a design guideline is subject to director-level review.”

Section	Current Text	Proposed Amendment
Chapter 17.808 Permits and Legislative change Requests Section 17.808.140 A(1) Director-level site plan and design review.	The text reads: "1. A development not subject to commission-level review and that the director determines is not in substantial compliance with applicable design guidelines or that includes a deviation from design guidelines or development standards subject to director-level review under section 17.808.120. A deviation that does not involve a distance, area, or quantity is subject to director-level review."	Amends the text to read: "1. A development not subject to commission-level review and that the director determines is not in substantial compliance with applicable design guidelines or that includes a deviation from design guidelines or development standards is subject to director-level review under section 17.808.120. A deviation that does not involve a distance, area, or quantity is subject to director-level review."
Chapter 17.808 Permits and Legislative Change Requests Article I. Site Plan and Design Review 17.808.160 Development exempt from site plan and design review	The text reads: "The following development projects are exempt from the site plan and design review requirement: A. For development projects that are not located in a historic district and do not involve a landmark: 1. Grading or paving of 5,000 square feet or less; 2. An alteration to an existing building or structure that does not substantially alter the exterior appearance of the building or structure, as determined by the director; 3. An alteration to an existing site that does not significantly alter the functioning of the site with respect to traffic circulation, parking, infrastructure, and environmentally sensitive features, as determined by the director; 4. Secondary dwelling units; 5. Sidewalk cafes; 6. Convenience recycling facilities; and 7. Registered house plans (subject to site plan review, but not design review)."	Amends the text to read: "The following development projects are exempt from the site plan and design review requirement: A. For development projects that are not located in a historic district and do not involve a landmark: ~~1. Grading or paving of 5,000 square feet or less;~~ ~~2~~1. An alteration to an existing building or structure that does not substantially alter the exterior appearance of the building or structure, as determined by the director; ~~3~~2. An alteration to an existing site that does not significantly alter the functioning of the site with respect to traffic circulation, parking, infrastructure, and environmentally sensitive features, as determined by the director; ~~4~~3. Secondary dwelling units (Secondary dwelling units that do not meet development standards are subject to director-level review); ~~5~~4. Sidewalk cafes; ~~6~~5. Convenience recycling facilities; and ~~7~~6. Registered house plans (subject to site plan review, but not design review).

Section	Current Text	Proposed Amendment
Chapter 17.808 Article IV. Permit Attributes 17.808.430 Modification of approved terms and conditions – Site plan and design review.	The text reads: **"17.808.430 Modification of approved terms and conditions – Site plan and design review.** Any modification of the terms and conditions of a site plan and design review permit requires a new site plan and design review application."	Amends the text to read: **"17.808.430 Modification of approved terms and conditions – Site plan and design review.** Any modification of the terms and conditions of a site plan and design review permit requires a new site plan and design review application. The director will determine the level of review. The decision of the director under this section is final and is not subject to reconsideration or appeal."

Section	Current Text	Proposed Amendment
Chapter 17.808 Article IV. Permit Attributes 17.808.440 Modification of approved terms and conditions – Site plan and design review. 17.808.440.A.2.	The text reads: 2. A major modification is one that will result in a material change in the nature of a project. The following are deemed major modifications for purposes of this section. This list is not inclusive, and the fact that a particular change is not included does not limit discretion or authority of the decision-maker to determine that a particular proposed change or set of changes to the permit constitutes a major modification. The following changes constitute major modifications for purposes of this provision: a. Any major change in the pattern or volume of traffic flow either on or off any property covered by the permit; b. Any change in the nature of the use; c. An increase in height of a building or structure that exceeds 25% of the height of such structure as approved, or that exceeds one story, whichever is less; d. Any increase in gross floor area of a building that exceeds 25% of the approved gross floor area; e. Any increase in the density of dwelling units per acre; and f. Any material changes in the orientation or location of structures on the parcel.	Amends the text to read: 2. A major modification is one that will result in a material change in the nature of a project. The following are deemed major modifications for purposes of this section. This list is not inclusive, and the fact that a particular change is not included does not limit discretion or authority of the decision-maker to determine that a particular proposed change or set of changes to the permit constitutes a major modification. The following changes constitute major modifications for purposes of this provision: a. Any major change in the pattern or volume of traffic flow either on or off any property covered by the permit; b. Any change in the nature of the use; ~~c. An increase in height of a building or structure that exceeds 25% of the height of such structure as approved, or that exceeds one story, whichever is less;~~ ~~d. Any increase in gross floor area of a building that exceeds 25% of the approved gross floor area;~~ ~~e~~c. Any increase in the density of dwelling units per acre; and ~~f~~d. Any material changes in the orientation or location of structures on the parcel.

Incorrect Section References

The following table lists incorrect references to sections of the Code. Staff proposes to amend the text to correct incorrect references.

Section	Current Text	Proposed Amendment
Chapter 17.212 Article I. RMX Zone – Residential Mixed Use Zone 17.212.110 A. Permitted uses	The limitations column for "Community market" reads: "Subject to special use regulations in section 17.228.112"	Amends the text in the limitations column for "Community market" to read: "Subject to special use regulations in section 17.228.~~112~~124"
Chapter 17.212 Article I. RMX Zone – Residential Mixed Use Zone 17.212.110 A. Permitted uses	The limitations column for "Community garden (not exceeding 21,780 gross square feet)" reads: "Subject to special use regulations in section 17.228.124"	Amends the text in the limitations column for "Community garden (not exceeding 21,780 gross square feet)" to read: "Subject to special use regulations in section 17.228.~~124~~122"
Chapter 17.216 Article I. OB Zone Article II. OB-2 Zone Article III. OB-3 Zone	The limitations column for "Childcare center" reads: "Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; Subject to special use regulations in section 17.228.112"	Amends the limitations column for "Childcare center" to read: "Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; Subject to special use regulations in section 17.228.113~~2~~"
Chapter 17.216 Article VII. C-2 Zone – General Commercial Zone 17.216.720 C-2 Zone – Height, density, lot coverage, and floor area ratios	The text reads: B. Transitional height. Portions of buildings in the C-2 zone within certain distances of the R-1, R-1B, and R-2 zones shall not exceed the following height limits, unless a deviation from the distance requirement has been approved in accordance with section 17.808.010.A.3.	Amends the text to read: B. Transitional height. Portions of buildings in the C-2 zone within certain distances of the R-1, R-1B, and R-2 zones shall not exceed the following height limits, unless a deviation from the distance requirement has been approved in accordance with section 17.808.~~010.A.3~~120.

Chapter 17.212 Article II. RO Zone Chapter 17.216 Article VI. C-1 Zone Article VII. C-2 Zone Article VIII. C-3 Zone Article IX. C-4 Zone	The limitations column for “Heliport; helistop” reads: “Subject to special use regulations in section 17.228.144”	Amends the limitations column for “Heliport; helistop” to read: “Subject to special use regulations in section 17.228.~~144~~114”
Chapter 17.216 Article IX. C-4 Zone Chapter 17.220 Article I. M-1 Zone Article II. M-1S Zone Article III. M-2 Zone Article IV. M-2(S) Zone	The limitations column for “Residential hotel” reads: “Subject to special use regulations in section 17.228.122”	Amends the text in the limitations column for “Residential hotel” to read: “Subject to special use regulations in section 17.228.~~122~~112”
Chapter 17.228 Special Use Regulations Article V. High Voltage Transmission Facilities 17.228.510 Definitions	The text reads: “High voltage transmission facility.” See definition in section 17.108.190.	Amends the text to read: “High voltage transmission facility.” See definition in section 17.108.090~~190~~.
Chapter 17.232 Nonconforming Uses 17.232.020 Definitions	The text reads: “Nonconforming use.” See definition in section 17.108.250.	Amends the text to read: “Nonconforming use.” See definition in section 17.108.~~250~~150.
Chapter 17.440 Sacramento Railyards Special Planning District 17.440.040 Zoning and uses D. Uses subject to regulation under chapter 17.228 or as stated.	The limitations column for “Residential hotel” reads: “Subject to special use regulations in section 17.228.122”	Amends the text in the limitations column for “Residential hotel” to read: “Subject to special use regulations in section 17.228.~~122~~112”
Chapter 17.808 Permits and Legislative change Requests Article IV. Permit Attributes 17.228.480 – Administrative permits - Revocation	The text reads: “17.228.480 Administrative permits – Revocation.”	Amends the text to read: “17.~~228~~808.480 Administrative permits – Revocation.”

Planning and Development Code – Missing References

The following table lists the references that need to be added to the use tables in the zone chapters.

Section	Current Text	Proposed Amendment
Chapter 17.200 – Agricultural and Open Space Zones		
Chapter 17.200 Article I. A Zone 17.200.110 B. Conditional uses	Language limiting the use "Solar energy system, commercial (non-city property)" was unintentionally omitted.	Adds the following text to the limitations column for "Solar energy system, commercial (non-city property)" to read: "Subject to special use regulations in section 17.228.123"
Chapter 17.200 Article II. A-OS Zone 17.200.210 B. Conditional uses	Language limiting the use "Solar energy system, commercial (non-city property)" was unintentionally omitted.	Adds the following text to the limitations column for "Solar energy system, commercial (non-city property)" to read: "Subject to special use regulations in section 17.228.123"
Chapter 17.208 – Multi-unit Dwellings		
Chapter 17.208 Article II. R-2B Zone 17.208.210 A. Permitted uses	Language limiting the use "Dwelling, multi-unit" was unintentionally omitted.	Adds the following text to the limitations column for "Dwelling, multi-unit" to read: "Subject to special use regulations in section 17.228.117"
Chapter 17.216 – Commercial, Office and Mixed-Use		
Chapter 17.216 Article II. OB-2 Zone 17.216.210 B. Conditional uses	Language limiting the use "Community garden" was unintentionally omitted.	Adds the following text to the limitations column for "Community garden" to read: "Subject to special use regulations in section 17.228.122"
Chapter 17.216 Article VII. C-2 Zone 17.216.710 B. Conditional uses	Language limiting the use "Mini storage; locker building" was unintentionally omitted.	Adds the following text to the limitations column for "Mini storage; locker building" to read: "Subject to special use regulations in section 17.228.106"

Section	Current Text	Proposed Amendment
Chapter 17.216 Article VII. C-2 Zone 17.216.710 B. Conditional uses	Language limiting the use “Towing service; vehicle storage yard” was unintentionally omitted.	Adds the following text to the limitations column for “Towing service; vehicle storage yard” to read: “Subject to special use regulations in section 17.228.107”
Chapter 17.216 Article V. SC-Zone Article VII. C-2 Zone Article IX. C-4 Zone	Language limiting the use “Drive-through restaurant” was unintentionally omitted from several zone chapters.	Adds the following text to the limitations column for “Drive-through restaurant” to read: “Subject to special use regulations in section 17.228.109”
Chapter 17.220 – Industrial and Manufacturing		
Chapter 17.220 Article VI. MRD Zone 17.220.610 B. Conditional uses	Language limiting the use “Alcoholic beverage sales, off-premises consumption” was unintentionally omitted.	Adds the following text to the limitations column for “Alcoholic beverage sales, off-premises consumption” to read: “Subject to special use regulations in section 17.228.108”
Chapter 17.220 Article I. M-1 Zone Article II. M-1S Zone Article III. M-2 Zone Article IV. M-2S Zone Article VI. MRD Zone	Language limiting the use “Drive-through restaurant” was unintentionally omitted from several zone chapters.	Adds the following text to the limitations column for “Drive-through restaurant” to read: “Subject to special use regulations in section 17.228.109”
Chapter 17.224 – Miscellaneous Zones		
Chapter 17.224 Article II. SPX Zone 17.224.210 A. Conditional uses	Language limiting the use “Childcare center” was unintentionally omitted.	Adds the following text to the limitations column for “Childcare center” to read: “Subject to special use regulations in section 17.228.113”
Chapter 17.224 Article III. TC Zone 17.224.310 B. Conditional uses	Language limiting the use “Solar energy system, commercial (non-city property)” was unintentionally omitted.	Adds the following text to the limitations column for “Solar energy system, commercial (non-city property)” to read: “Subject to special use regulations in section 17.228.123”

Uses that are Out of Alphabetical Order

The following table lists the uses that are out of alphabetical order and the section in which the error occurs. Staff proposes to amend the text to put the uses in alphabetical order.

Use that is Out of Order	Section
“Amusement center, indoor”	Chapter 17.216, Article VI. C-1 Zone, 17.216.610 B. Conditional uses
“Boat dock”	Chapter 17.212, Article I. RMX Zone, 17.212.110 B. Conditional uses
“Cinema”	Chapter 17.208, Article VII. R-5 Zone, 17.208.710 B. Conditional uses
“College campus”	Chapter 17.208, Article VII. R-5 Zone, 17.208.710 B. Conditional uses
“Drive-in theater”	Chapter 17.216, Article VII. C-2 Zone, 17.216.710 B. Conditional uses Chapter 17.216, Article IX. C-4 Zone, 17.216.910 B. Conditional uses
“Dwelling, single”	Chapter 17.204, Article II, R-1 Zone, 17.204.210 A. Permitted uses Chapter 17.204, Article III, R-1A Zone, 17.204.310 A. Permitted uses Chapter 17.204, Article IV, R-1B Zone, 17.204.410 A. Permitted uses Chapter 17.204, Article V, R-2 Zone, 17.204.510 A. Permitted uses Chapter 17.216, Article VI, C-1 Zone, 17.216.610 A. Permitted uses Chapter 17.216, Article VII, C-2 Zone, 17.216.710 A. Permitted uses
“Hazardous waste facility”	Chapter 17.220, Article IV. M-2(S) Zone, 17.220.410 B. Conditional uses
“Non-profit organization, food storage and distribution”	Chapter 17.224, Article I. H Zone, 17.224.110 B. Conditional uses
“Office”	Chapter 17.220, Article III. M-2 Zone, 17.220.310 A. Permitted uses Chapter 17.220, Article IV. M-2(S) Zone, 17.220.410 A. Permitted uses Chapter 17.224, Article I. H Zone, 17.224.110 A. Permitted uses
“Passenger terminal”	Chapter 17.212, Article I. RMX Zone, 17.212.110 B. Conditional uses Chapter 17.212, Article II. RO Zone, 17.212.210 B. Conditional uses
“Surface mining operation”	Chapter 17.200, Article I. A Zone, 17.220.110 B. Conditional uses Chapter 17.200, Article II. A-OS Zone, 17.220.210 B. Conditional uses

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ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING VARIOUS SECTIONS IN TITLES 2, 3, 5, 8, 9, 10, 12, 13, 15, 16, AND 18, AND REPEALING VARIOUS SECTIONS IN CHAPTER 16.40, OF THE SACRAMENTO CITY CODE, RELATING TO PLANNING AND DEVELOPMENT

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

SECTION 1.

A. Subsection C.2.b of section 1.28.010 of the Sacramento City Code is amended to read as follows:

All violations of the city charter and other codes or ordinances adopted by the city, including, but not limited to, the Planning and Development Code;

B. Except as specifically amended by subsection A, above, all provisions of section 1.28.010 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 2. Section 2.36.050 of the Sacramento City Code is amended to read as follows:

2.36.050 Zoning administrator.

The director of planning and development shall designate an employee of the planning division to serve as zoning administrator. The zoning administrator shall perform such duties and responsibilities as specified in the Planning and Development Code, other provisions of this code, or other city laws or regulations. The zoning administrator may adopt such rules, regulations and procedures as are necessary for the conduct of business.

SECTION 3. Section 2.60.070 of the Sacramento City Code is amended to read as follows:

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. Planning and Development Code relating to zoning and design review;

D. Recommend to the city council policies and programs in support of the urban design program established under the Planning and Development Code, 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 17.808 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.

SECTION 4.

A. Subsection A of Section 3.76.040 of the Sacramento City Code is amended to read as follows:

A. Sidewalk cafés are permitted on a city sidewalk, alley, or pedestrian mall located in the public right-of-way, subject to issuance of a sidewalk café revocable encroachment permit under this section and compliance with the application, development, and operational requirements of this section.

B. Except as specifically amended by subsection A, above, all provisions of section 3.76.040 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 5.

A. Subsection A of section 5.32.200 of the Sacramento City Code is amended to read as follows:

A. If any section, subdivision, section, clause, phrase or portion of this chapter conflicts with any section, subdivision, clause, phrase or portion of an express provision of the Planning and Development Code of the city, or conditions of a use permit or other permit issued pursuant thereto, or other administrative approvals issued under the Planning and Development Code , the conditions of the use or other conditional permit under the Planning and Development Code or the administrative approvals issued under the Planning and Development Code shall prevail.

B. Except as specifically amended by subsection A, above, all provisions of section 5.32.200 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 6.

A. Subsection B of section 5.68.190 of the Sacramento City Code is amended to read as follows:

B. Notwithstanding subsection A of section 17.608.030, the operation of food vending vehicles shall be allowed on parking facilities, subject to the following restrictions:

1. The food vending vehicle shall not occupy or block any parking spaces required for the primary use of the parcel as determined pursuant to chapter 17.608; and

2. The operation of the food vending vehicle shall comply with all other provisions of this code.

B. Except as specifically amended by subsection A, above, all provisions of section 5.68.190 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 7. Section 5.68.240 of the Sacramento City Code is amended to read as follows:

5.68.240 Private property – Stand-alone parking facilities.

Notwithstanding any other provision of this code to the contrary, food vending vehicles shall not be operated in a stand-alone parking facility as described in section 17.108.200 .

SECTION 8.

A. Subsection A of section 5.68.250 of the Sacramento City Code is amended to read as follows:

A. The operation of a food vending vehicle on private property shall be exempt from sections 5.68.210, 5.68.220 and chapter 17.232 of this code until January 1, 2018, if the food vending vehicle permittee has an established operation on private property.

B. Except as specifically amended by subsection A, above, all provisions of section 5.68.250 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 9. Section 5.80.070 of the Sacramento City Code is amended to read as follows:

5.80.070 Location of business.

It is unlawful for a person to conduct or operate a business mentioned in Section 5.80.010 of this chapter except in the location specified in the permit. A business for which a permit must be obtained and maintained pursuant to this chapter may only be established and conducted at a location for which such use is authorized under the Planning and Development Code .

Nothing in this chapter is intended to allow an applicant to operate a business for which a permit is required under this chapter in a location, building or structure that does not comply with the requirements of thePlanning and Development Code , building code, or other local, state or federal regulations or laws.

SECTION 10.

A. Subsection B of section 5.88.070 of the Sacramento City Code is amended to read as follows:

B. The provisions of chapter 3.72 relating to outdoor sidewalk cafés notwithstanding, an application for a revocable permit under this section shall be submitted to the Old Sacramento management office, and shall be accompanied by a nonrefundable application fee set by resolution of the city council. At the director's discretion, the permit may be renewed annually upon payment of a renewal fee set by resolution of the city council.

B. Except as specifically amended by subsection A, above, all provisions of section 5.88.070 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 11.

A. The introductory paragraph of section 5.88.200 of the Sacramento City Code is amended to read as follows:

5.88.200 Certain activities or businesses excepted.

The prohibition of section 5.88.190 of this chapter shall not apply to the following activities or businesses, when conducted in a zone where such sale or display is permitted as a matter of right pursuant to the city'sPlanning and Development Code:

B. Except as specifically amended by subsection A, above, all provisions of section 5.88.200 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 12.

A. Section 5.108.020 of the Sacramento City Code is amended as follows:

1. The definition of special permit is repealed.

2. A new definition for conditional use permit is added to read as follows:

"Conditional use permit" means any conditional use permit issued by the city pursuant to the Planning and Development Code related to the operation of a public dance, entertainment establishment, or amusement premises.

B. Except as specifically amended by subsection A, above, all provisions of section 5.108.020 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 13.

A. Subsection A.3 of section 5.124.090 of the Sacramento City Code is amended to read as follows:

3. The permittee has failed to comply with any applicable provision of this chapter, any other provisions of this code or the city Planning and Development Code, or any other local, state, or federal law or regulation applicable to the permittee's activities, or has committed a crime of moral turpitude.

B. Except as specifically amended by subsection A, above, all provisions of section 5.124.090 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 14.

A. Subsection A.1 of section 5.124.170 of the Sacramento City Code is amended to read as follows:

The permittee has failed to comply with any applicable provision of this chapter, any other provisions of this code or the city'sPlanning and Development Code, or any other local, state or federal law or regulations applicable to the establishment's activities, or the permittee has committed a crime of moral turpitude;

B. Except as specifically amended by subsection A, above, all provisions of section 5.124.170 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 15.

A. Section 5.150.020 of the Sacramento City Code is amended as follows:

1. The definition of "special permit" is repealed.

2. A new definition for "conditional use permit" is added to read as follows:

"Conditional use permit" means any conditional use permit issued by the city pursuant to the Planning and Development Code related to the operation of a medical marijuana dispensary.

B. Except as specifically amended by subsection A, above, all provisions of section 5.150.020 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 16.

A. Subsection N of section 5.150.130 of the Sacramento City Code is amended to read as follows:

N. Indemnification. Every application filed or permit issued under this chapter shall contain a term or condition requiring the dispensary, through its management members, to execute an agreement in a form approved by the city attorney whereby the dispensary: (1) releases the city, and its agents, officers, elected officials, and employees from any injuries, damages, or liabilities of any kind that result from: (a) any repeal or amendment of this chapter and/or the Planning and development Coderelating to medical marijuana dispensaries, or (b) any arrest or prosecution of the dispensary or its management members, employees, or members for violation of state or federal laws; and (2) defends, indemnifies and holds harmless the city and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by adjacent or nearby property owners or other third parties due to the operations at the dispensary, and for any claims brought by any of their clients for problems, injuries, damages, or liabilities of any kind that may arise out of the distribution of medical marijuana provided at the dispensary.

B. Except as specifically amended by subsection A, above, all provisions of section 5.150.130 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 17.

A. Subsection D of section 8.04.080 of the Sacramento City Code is amended to read as follows:

D. Reasonable Period to Correct Violations. No administrative penalty shall be imposed for violations of provisions of the Planning and Development Code unless the owner has been provided a reasonable period of time to correct the violation before imposition of the penalty, except in those cases in which there is an immediate danger to health or safety. The reasonable period for purposes of this title shall be 30 days from service of a notice of violation relating to the violation of thePlanning and Development Code.

B. Except as specifically amended by subsection A, above, all provisions of section 8.04.080 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 18.

A. Subsection H of section 8.04.100 of the Sacramento City Code is amended to read as follows:

H. Any condition in violation of the Planning and Development Code, set forth in Title 17 of this cod;

B. Except as specifically amended by subsection A, above, all provisions of section 8.04.100 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 19. 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 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, 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 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 conditional use permits as set forth in shapter 17.808.

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 conditional use permit. Notice of the hearing shall also be given by publication in at least one newspaper of general circulation at least ten 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 may appeal that decision to the city council by filing a notice of appeal with the city clerk pursuant to section 1.24.010. Any appeal shall be filed within ten 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 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 17.808.

B. Applications Filed on or Before July 1, 1995. An application to deviate from the requirements of section 8.68.160 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 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 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 may appeal that decision to the city council by filing a notice of appeal with the city clerk pursuant to section 1.24.010. Any appeal shall be filed within ten 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 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 17.808.

SECTION 20.

A. Subsection B of section 8.68.260 of the Sacramento City Code is amended to read as follows:

B. Except as provided in subsections C and D of this section, relating to required findings, terms and conditions of granting a variance, and factors to take into consideration, the application for a variance under this section shall be accepted and processed and a decision on the application shall be made in the same manner and subject to the same procedures and requirements as a zoning administrator variance under section 17. 808.210.

B. Except as specifically amended by subsection A, above, all provisions of section 8.68.260 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 21. Section 8.68.270 of the Sacramento City Code is amended to read as follows:

8.68.270 Appeals.

The decision of the zoning administrator on a variance under this chapter shall be subject to appeal as provided in chapter 17.812.

SECTION 22.

A. Subsection C of section 8.96.070 of the Sacramento City Code is amended to read as follows:

C. Reasonable Period to Correct Violations. No administrative penalty shall be imposed for violations of city building, plumbing, electrical, or structural codes or provisions of the Planning and Development Code unless the owner has been provided a reasonable period of time to correct the violation before imposition of the penalty, except in those cases in which there is an immediate danger to health or safety. The reasonable period for purposes of this chapter shall be 30 days from service of a notice and order issued pursuant to this chapter.

B. Except as specifically amended by subsection A, above, all provisions of section 8.96.070 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 23. Section 8.100.040 of the Sacramento City Code is amended to read as follows:

8.100.040 Additions to, alterations or repairs of existing buildings and structures—Additions to, alterations or repairs of listed historic resources, and applicability of California Historical Building Code.

Existing buildings and structures that are altered, modified, repaired, enlarged or in any way changed shall be made to conform to this chapter insofar as the new work is concerned and in accordance with the California Building Code as amended by Title 15 of this code; provided that if the building or structure to be altered or enlarged is a listed historic resource as defined in chapter 17. 604 or is otherwise a qualified historical building or structure within the meaning of Health and Safety Code Section 18955, then alteration or enlargement may be made pursuant to the alternative building standards and building regulations of the State Historical Building Code.

SECTION 24. Section 8.100.050 of the Sacramento City Code is amended to read as follows:

8.100.050 Relocation of existing buildings and structures.

Existing buildings and structures which are moved or relocated shall be considered as new buildings and shall comply with all the requirements of the chapter; provided that if the building or structure to be moved or relocated is a listed historic resource as defined in chapter 17.604 or is otherwise a qualified historical building or structure within the meaning of Health and Safety Code Section 18955, then such building or structure may comply with the alternative building standards and building regulations of the State Historical Building Code.

SECTION 25.

A. Subsection C of section 8.100.170 of the Sacramento City Code is amended to read as follows:

C. Reasonable Period to Correct Violations. No administrative penalty shall be imposed for violations of city building, plumbing, electrical, or structural codes or provisions of the Planning and Development Code unless the owner has been provided a reasonable period of time to correct the violation before imposition of the penalty, except in those cases in which there is an immediate danger to health or safety. The reasonable period for purposes of this chapter shall be 30 days from service of a notice and order issued pursuant to this chapter.

B. Except as specifically amended by subsection A, above, all provisions of section 8.100.170 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 26. Section 9.32.140 of the Sacramento City Code is amended to read as follows:

9.32.140 Firearms—Use for certain purposes.

The provisions of the preceding section as to the use of firearms shall not apply to peace officers in the discharge of their official duties and using reasonable care, nor to persons using firearms in necessary self-defense, or in a careful manner for the purpose of destroying noxious animals upon land owned or occupied by them, nor to persons using the Sacramento Trap Shooting Range in Del Paso Park, nor to persons using the Mangan Rifle and Pistol Range, nor to persons using the shooting ranges at the California Army National Guard armories at 1013-58th Street, 3250 Meadowview Road, and 440 Arden Way, nor to gun/rifle ranges authorized and established pursuant to the Planning and Development Code, nor to persons lawfully using such gun/rifle ranges.

SECTION 27. Section 9.44.330 of the Sacramento City Code is amended to read as follows:

9.44.330 Keeping of beehives.

It is unlawful to permanently keep, have or ranch more than two beehives on a single parcel of property within the city, unless such parcel of property is zoned for agricultural uses by applicable provisions of the Planning and Development Code of the city, or unless such keeping, harboring, or maintaining of hives would constitute a valid nonconforming use under the applicable provisions of the Planning and Development Code; provided, however, that nothing in this section shall be deemed to authorize anyone to keep, harbor or maintain any such hives in violation of any other applicable law.

SECTION 28.

A. Subsection B of section 9.44.340 of the Sacramento City Code is amended to read as follows:

B. Subsection A of this section shall not apply:

1. To any parcel of property zoned for agricultural uses by applicable provisions of the Planning and Development Code of the city or to any property zoned rural estates and located within the area bounded by Sotnip Road on the south, Sorento Road on the west, and East Levee Road on the north and east (and generally known as Valley View Acres), or to any property zoned M-1(S)R-AOL and located with the area fronting on Ascot Avenue and bounded by Dry Creek Road on the west and Raley Boulevard on the east (and generally known as the Ascot Avenue overlay zone).

2. Where such keeping, harboring, or maintaining of such animals would constitute a valid nonconforming use under the applicable provisions of the Planning and Development Code of the city.

3. To the keeping, harboring, or maintaining of no more than a total of ten (10) such animals, each weighing no more than two hundred fifty (250) pounds, if the parcel on which they are kept is owned by a charitable organization described in Section 501(c)(3) of the Internal Revenue Code and is ten (10) acres or larger in size, if the animals are confined to an enclosure which complies with Section 9.44.360 of this chapter except when adequately tethered elsewhere on the property, and if the animals are an integral part of a therapeutic program offered by the organization and supervised by a California licensed physician and surgeon, psychologist, clinical social worker, or marriage, family and child counselor.

B. Except as specifically amended by subsections A, above, all provisions of section 9.44.340 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 29.

A. Section 9.44.370 of the Sacramento City Code is amended to read as follows:

9.44.370 Number of dogs, swine or cats per dwelling unit.

A. It is unlawful for any person or group of persons to keep, harbor, or maintain in or about any dwelling unit, or yard area adjacent thereto, more than three dogs or three swine permitted by section 9.44.320 of this chapter, or any combination thereof exceeding three animals, each of which is over the age of four months, unless the owner is duly authorized to operate a kennel under the Planning and Development Code.

B. It is unlawful for any person or group of persons to keep, harbor or maintain in or about any dwelling unit, or yard area adjacent thereto, more than seven cats, each of which is over the age of eight weeks.

C. For the purposes of this section the term "dwelling unit" shall be defined in the same manner as such term is defined in the Planning and Development Code.

SECTION 30.

A. Subsection A.3 of section 9.44.860 of the Sacramento City Code is amended to read as follows:

3. All hen chickens shall be kept within an enclosure that is at least 20 feet distant from any dwelling unit on an adjacent parcel. The definition of "dwelling unit" in section 17.108.050 shall apply to this section. Enclosures shall be situated in the rear yard. Enclosures shall not obstruct or partially obstruct any required exits from any dwelling unit.

B. Except as specifically amended by subsection A, above, all provisions of section 9.44.860 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 31. Section 9.44.900 of the Sacramento City Code is amended to read as follows:

9.44.900 Exceptions to restrictions.

This article shall not apply:

A. To any parcel of property zoned for agricultural uses by applicable provisions of the Planning and Development Code or to any property zoned rural estates and located within the area bounded by Sotnip Road on the south, Sorento Road on the west, and East Levee Road on the north and east (and generally known as Valley View Acres), or to any property zoned M-1(S)R-AOL and located with the area fronting on Ascot Avenue and bounded by Dry Creek Road on the west and Raley Boulevard on the east (and generally known as the Ascot Avenue overlay zone).

B. Where keeping, harboring, or maintaining hen chickens would constitute a valid nonconforming use under the applicable provisions of the Planning and Development Code.

SECTION 32.

A. Section 10.44.020 of the Sacramento City Code is amended as follows:

1. Subsection D.5 is amended to read as follows:

5. In the C-1 (limited commercial) zone adjacent to residentially zoned lots or residential uses, the vehicle shall be parked at least 25 feet from the front yard property line and 25 feet from the side yard property line. On other C-1 property, the vehicle shall not be parked in the setback required by the Planning and Development Code.

2. Subsection F is amended to read as follows:

F. The planning director may issue a planning director's conditional use permit to allow the parking of one commercial vehicle weighing 10,000 pounds or more on a parcel which does not meet all of the conditions set forth in subsection D of this section in accordance with the procedure set forth in chapter 17.808.

B. Except as specifically amended by subsection A, above, all provisions of section 10.44.020 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 33. Section 12.24.030 of the Sacramento City Code is amended to read as follows:

12.24.030 Certain uses of sidewalks permitted.

Except as otherwise provided in sections 5.88.010 through 5.88.070, chapter 12.44 and the Planning and Development Code, no person shall use any portion of the sidewalks of the city for any purpose whatsoever, except for sidewalk purposes or for such purposes as may otherwise be provided by this title; provided, however, that merchants or persons having occasion to receive or deliver goods may use the sidewalk in front of the premises occupied by them for the purpose of receiving or delivering such goods, and provided, further, that space on the sidewalk at least six feet in width shall at all times be kept clear for the accommodation of pedestrians.

SECTION 34.

A. Subsection B.2 of section 12.52.030 of the Sacramento City Code is amended to read as follows:

2. Nothing in this chapter is intended to prohibit or make unlawful, activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes; and provided further, nothing is intended to prohibit or make unlawful, activities of a property owner or other lawful user if such activities are expressly authorized by the city's comprehensive Planning and Development Code or other laws, ordinances, and regulations.

B. Except as specifically amended by subsection A, above, all provisions of section 12.52.030 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 35.

A. Subsection D of section 12.56.110 of the Sacramento City Code is amended to read as follows:

D. In connection with the relocation of a listed historic resource as defined in chapter 17.604, the director shall give greater consideration to the removal of street trees if there is no alternative way to preserve the structure. Factors to be considered by the director include the historical significance of the structure, whether it could be preserved in its present location, the condition, size, and species of the trees to be removed, and other related factors.

B. Except as specifically amended by subsection A, above, all provisions of section 12.56.110 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 36.

A. Subsection C.1 of section 12.64.050 of the Sacramento City Code is amended to read as follows:

1. In the case of removal, (a) that the heritage tree must be removed in order for the applicant to use the property for any use permitted as of right or by conditional use permit under the city Planning and Development Code for the zoning district in which the property is located and that such use could not be made of the property unless the tree is removed; or (b) that the condition of the tree with respect to disease, danger of falling or interference with utility services is such that the public health, safety or welfare require its removal; or (c) that the tree or tree roots are causing, or threatening to cause, damage to any main structure on the owner's property and there are no reasonable alternative means to mitigate the damage or threatened damage while minimizing the impact on the tree. Reasonable alternative means of mitigation include, but are not limited to, cutting tree roots, trimming the tree canopy, or installing a root barrier. Removing, relocating, or in any way altering any main structure on the owner's property shall not be considered a reasonable alternative means of mitigation; or (d) that the tree no longer meets the criteria for a heritage tree set forth in Section 12.64.020 of this chapter;

B. Except as specifically amended by subsection A, above, all provisions of section 12.64.050 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 37. Section 12.84.050 of the Sacramento City Code is amended to read as follows:

12.84.050 Dropping objects from planes.

It is unlawful for any person to cause to be dropped or permit to be dropped from any aircraft or anything attached thereto any articles or objects, unless special waiver has been issued by the Federal Aviation Administration and a special permit issued by the city manager or his or her duly authorized representative.

SECTION 38. Section 13.04.075 of the Sacramento City Code is amended to read as follows:

13.04.075 Water service for community gardens.

The director may authorize lots or parcels utilized for a community garden, as defined in section 17. 108.040 of this code, to use the existing water service connection of an adjoining lot or parcel to provide irrigation for the community garden if the owner of the adjoining lot or parcel consents to such use, provided that:

A. A backflow prevention device is installed and periodically tested in accordance with such requirements as may be specified by the director to protect the potable water supply of the city and of the adjoining lot or parcel served by the existing water service connection; and

B. A water meter is installed on the existing water service connection. The owner of the adjoining lot or parcel served by the existing water service connection shall notify the director prior to the initiation of any such use, and shall be liable for all rates, charges, and fees for the water service furnished to the existing water service connection used to provide irrigation for the community garden.

SECTION 39.

A. Subsection C of section 15.04.060 of the Sacramento City Code is amended to read as follows:

C. Reasonable Period to Correct Violations. No administrative penalty shall be imposed for violations of city building, plumbing, electrical, or structural codes or provisions of the Planning and Development Code unless the owner has been provided a reasonable period of time to correct the violation before imposition of the penalty, except in those cases in which there is an immediate danger to health or safety. The reasonable period for purposes of this title shall be 30 days from service of any notice issued pursuant to this title.

B. Except as specifically amended by subsection A, above, all provisions of section 15.04.060 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 40. Section 15.08.080 of the Sacramento City Code is amended to read as follows:

15.08.080 Work without permits—Additional fee for work done without a permit.

Where work for which a permit is required is commenced prior to the obtaining of the required permit(s), the chief building official shall charge up to four times all applicable plan review and permit (inspection) fees related to the required permit(s), including, but not limited to, building permits, sign permits and demolition permits. The payment of the increased fee(s) shall not relieve any person from fully complying with the requirements of this code, other codes adopted by the city, or the requirements of thePlanning and Development Code. Failure to comply with the provisions of this chapter may also subject the violator to any other penalties, sanctions or remedies provided elsewhere in this code.

SECTION 41.

A. Section 15.44.020 of the Sacramento City Code is amended as follows:

1. Subsection B is amended to read as follows:

B. No demolition permit shall be approved for demolition of a historic resource as defined in chapter 17.108, except pursuant to the provisions of chapter 17. 604.

2. Subsection C is amended to read as follows:

C. No demolition permit shall be issued for demolition of a building which is adjacent to a historic resource as defined in chapter 17.108 and which the building official has determined is structurally connected to the historic resource so that the demolition of the adjacent structures presents the potential for substantial damage to, or collapse or demolition of, the historic resource until the building official has consulted with, or made reasonable efforts to consult with, the preservation director and the chairperson of the preservation commission. Prior to issuance of any demolition permit, the building official may require the wrecker to submit a report from a licensed architect or licensed civil or structural engineer or such other reports as the building official deems reasonable and necessary to evaluate the potential impact of demolition of the structure on the adjacent historic resource and to determine the adequacy of the proposed method of demolition in terms of protecting the adjacent historic resource. The building official shall require such a report unless he or she determines that the proposed method of demolition will protect adequately the adjacent historic resource. The building official shall impose such conditions on the demolition permit as he or she determines necessary and appropriate to protect the historic resource. Nothing in this section is intended to affect or interfere with the authority of the building official to order or approve the immediate demolition of a building or structure determined to be immediately dangerous as defined in Section 8.96.120.

B. Except as specifically amended by subsection A, above, all provisions of section 15.44.020 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 42.

A. Section 15.48.010 of the Sacramento City Code is amended as follows:

1. Subsection C is amended to read as follows:

C. Applications to relocate a landmark or contributing resource, including accessory buildings and structures; applications to relocate a building or structure to the site of an existing landmark, contributing resource, non-contributing resource, or to a vacant lot in a historic district; and applications to relocate a building or structure 50 years old older shall be subject to the requirements of the Planning and development Code in addition to the requirements of this chapter.

2. Subsection D is amended to read as follows:

D. Applications to relocate any building or structure that is not subject to review under chapter 17. 604 shall be subject to site plan and design review under the Planning and Development Code in addition to the requirements of this chapter.

B. Except as specifically amended by subsection A, above, all provisions of section 15.48.010 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 43. Section 15.52.020 of the Sacramento City Code is amended to read as follows:

15.52.020 Applicability of chapter.

This chapter shall apply to any structure or any portion of a structure which is designed and used, or is designed and formerly used for commercial uses (as such uses are defined by the Planning and Development Code of the city) which remains vacant and unoccupied for a period in excess of 45 days. This chapter shall also apply to any building or any portion of a building which is designed and used or is designed and formerly used for residential purposes which remains vacant and unoccupied for a period in excess of ten days. The incidental use of any vacant structure for storage purposes shall not be deemed to exempt it from the provisions of this chapter.

SECTION 44. Section 15.72.010 of the Sacramento City Code is amended to read as follows:

15.72.010 Definitions.

As used in this chapter only, the following terms shall have the definitions shown:

"Commercial structure" means and includes only a structure no part of which is used for housing.

"Encroachment" means and includes any part of a commercial structure proposed to be located under, over or upon public property or a public right-of-way.

"Central City " means that area defined by the same term in the Planning and Development Code of the city.

"Public benefit" means that the public gains a substantial benefit from a proposed structure, including, without limitation, shelter from direct sunlight or from inclement weather.

SECTION 45. Section 15.72.020 of the Sacramento City Code is amended to read as follows:

15.72.020 Variance.

In the Central City area only, subject to the other provisions of this chapter, the council may grant for an encroachment by a commercial structure a variance from the requirements of this title; provided, however, such variance shall be granted only where such encroachment will produce a substantial public benefit when balanced against any detriment which the proposed encroachment may cause.

SECTION 46.

A. Subsection A of section 15.88.090 of the Sacramento City Code is amended to read as follows:

A. No grading shall be approved unless the project conforms to the city's general plan, any adopted specific or community plans, and applicable city ordinances, including the Planning and Development Code and the subdivision ordinance.

B. Except as specifically amended in subsection A, above, all provisions of section 15.88.090 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 47.

A. Subsection B of section 15.92.040 of the Sacramento City Code is amended to read as follows:

B. This chapter shall not be applied so as to modify landscaping requirements set forth as a condition on a conditional use permit or other land use entitlement.

B. Except as specifically amended in subsection A, above, all provisions of section 15.92.040 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 48. Section 15.120.040 of the Sacramento City Code is amended to read as follows:

15.120.040 General definitions.

As used in this chapter only, the following terms shall have the definitions shown:

"Contractor of a federal agency" means any person, association or corporation which has entered into a contract or agreement with a federal agency in connection with the planning, design, development, management or disposition of experimental or prototype housing at a project site within the city which has been designated for residential experimental housing in accordance with this chapter.

"Federal agency" means a department or agency of the federal government.

"Variance" as used in connection with the provisions of Articles IV and V of this chapter means and include both variances from the regulations of the Planning and Development Code and conditional use permits which vary the regulations of such ordinances.

SECTION 49. Section 15.120.110 of the Sacramento City Code is amended to read as follows:

15.120.110 Zoning classification.

The "XH experimental residential housing" designation does not establish a zoning classification. If the project requires rezoning of the property to accomplish its purposes, the council shall adopt a resolution rezoning the property to the appropriate zone at the same time that it adopts the resolution of designation. The appropriate zone shall be the zone contained within the Planning and Development Code which most nearly corresponds with the proposed land usage set forth in the general schematic plan. A copy of such plan shall be submitted with the application for the experimental housing designation.

SECTION 50. 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 Planning and Development Code shall be applicable to such rezonings.

SECTION 51. Section 15.120.130 of the Sacramento City Code is amended to read as follows:

15.120.130 Development standards.

The development standards for the project site shall be those described in the plans approved by the federal agency for the development and construction of the project. If such standards conflict with any or all of the regulations contained within the Planning and

Development Code, the planning director shall have the authority and obligation to grant variances from those regulations in the manner prescribed in Article V of this chapter.

SECTION 52. Section 15.120.140 of the Sacramento City Code is amended to read as follows:

15.120.140 Application of zoning ordinance.

All provisions of the Planning and Development Code shall be applicable to property within the project site except to the extent that such provisions have been waived, modified or altered by the granting of a variance granted by the planning director under the procedures prescribed in Article V of this chapter.

SECTION 53. Section 15.120.180 of the Sacramento City Code is amended to read as follows:

15.120.180 Variances—Application.

At any time following review of the development plans by the planning director, the federal agency or its contractors may make application to the planning director for variances from any and all provisions of the Planning and Development Code when the granting of such variances is necessary to permit the construction, alteration, occupancy, or disposal for intended uses of experimental residential housing and related uses which are described in the development plans.

SECTION 54. Section 15.120.190 of the Sacramento City Code is amended to read as follows:

15.120.190 Variances—Granting.

The requested variances shall be summarily granted by the planning director without necessity of public hearing. No provision of the Planning and Development Code shall be applicable to the granting of such variances.

SECTION 55. Section 15.120.200 of the Sacramento City Code is amended to read as follows:

15.120.200 Modification of development plans—Additional variances.

If at any time following the review of the development plans by the planning director, minor modifications are made to such plans, the planning director may summarily grant such variances from the regulations of the Planning and Development Code as are necessary to accommodate such modifications. The procedure for granting such variances shall be that set forth in section 15.120.190. If major modifications are made to the

development plans, the modified development plans shall be resubmitted to the planning director for review and comment in accordance with the procedure set forth in section 15.120.170.

SECTION 56. Section 15.144.120 of the Sacramento City Code is amended to read as follows:

15.144.120 Application of article.

The provisions of this article shall be applicable to the use, erection and maintenance of a tent or other canvas-covered structures for any of those temporary land uses of a noncommercial nature for which a special use permit would be required under the Planning and Development Code. A temporary land use is a land use of less than 60 continuous days, and less than 90 days total in any 12 month period. Where this chapter is applicable, it shall supersede the provision of the Planning and Development Code.

SECTION 57. Section 15.148.010 of the Sacramento City Code is amended to read as follows:

15.148.010 Purpose.

The purpose of the sign regulations set forth in this chapter shall be to eliminate potential hazards to motorists and pedestrians; to encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites which they occupy, and which eliminate excessive and confusing sign displays; to preserve and improve the appearance of the city as a place in which to live and to work and as an attraction to nonresidents who come to visit or trade; to safeguard and enhance property values; to protect public and private investment in buildings and open spaces; to supplement and be a part of the regulations imposed and the plan set forth under the Planning and Development Code; and to promote the public health, safety and general welfare.

SECTION 58. Section 15.148.100 of the Sacramento City Code is amended to read as follows:

15.148.100 Regulations established.

The regulations in this article are adopted governing the number, size, type, location, subject matter and other provisions relating to signs within the various zones of the city as

the zones are established and designated by the Planning and Development Code. No signs shall be allowed in these zones unless exempt under this article or expressly permitted by this article, or unless such signs comply with the regulations established in Article IX of this chapter relating to legal nonconforming uses.

SECTION 59.

A. Section 15.148.110 of the Sacramento City Code is amended as follows:

1. Subsection D.1 is amended to read as follows:

1. For multi-family uses, one project identification sign is permitted at each major entrance into the development. No more than one project identification sign is permitted per street frontage. For corner lots, a project identification sign may be substituted from a street front-age and placed within the landscaped setback area at the street corner. Placement of said corner project identification sign shall adhere to the visibility requirements for corner lots in the Planning and Development Code.

2. Subsection F is amended to read as follows:

F. All illuminated signs in the residential zones, including bulletin boards, shall be indirectly illuminated. Directly illuminated signs are allowed subject to approval of a zoning administrator's conditional use permit.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.110 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 60.

A. Subsection C of section 15.148.120 of the Sacramento City Code is amended to read as follows:

C. All signs shall conform to building setback requirements specified by thePlanning and Development Code.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.120 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 61.

A. Subsection D of section 15.148.130 of the Sacramento City Code is amended to read as follows:

D. A conditional use permit may be granted to permit signage in excess of that allowed by this section for facilities which regularly provide emergency medical care.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.130 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 62.

A. Subsection E.7.g of section 15.148.190 of the Sacramento City Code is amended to read as follows:

g. If not specifically approved as part of the design approval for the building, the following types of signs shall require a zoning administrator's conditional use permit pursuant to chapter 17.808:

i. Signs not located in the "upper signage area," as defined in subsection (E)(7)(e) of this section.

ii. Signs which use construction materials other than marble, granite, ceramic tile or individual solid metal letters pursuant to subsection (E)(7)(c) of this section.

Except as provided in subsection (E)(7)(g) of this section, attached signs consistent with this section shall be subject to administerial permit issuance procedure.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.190 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 63.

A. Subsection E.7.g of section 15.148.193 of the Sacramento City Code is amended to read as follows:

g. If not specifically approved as part of the design approval for the building, the following types of signs shall require a zoning administrator's conditional use permit pursuant to chapter 17.808:

i. Signs not located in the "upper signage area," as defined in subsection (E)(7)(e) of this section.

ii. Signs which use construction materials other than marble, granite, ceramic tile or individual solid metal letters pursuant to subsection (E)(7)(c) of this section.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.193 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 64.

A. Subsection A of section 15.148.270 of the Sacramento City Code is amended to read as follows:

A. All illuminated signs in the A and R zones shall be indirectly illuminated. Directly illuminated signs are allowed in the A and R zones subject to approval of a zoning administrator's conditional use permit.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.270 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 65. Section 15.148.290 of the Sacramento City Code is amended to read as follows:

15.148.290 Conditional use permit required—Rotating signs.

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

SECTION 66. Section 15.148.300 is amended to read as follows:

15.148.300 Conditional use permit required—Roof signs.

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

SECTION 67. 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 conditional use 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 68. Section 15.148.780 of the Sacramento City Code is amended to read as follows:

15.148.780 Signs for legal nonconforming uses.

Subject to the provisions of this section, signs for a legal nonconforming use as defined in the Planning and Development Code of the city are permitted. Signs for a legal nonconforming use shall be deemed to comply with the provisions of this article if they comply with the sign regulations for the most restrictive zoning district which permits the nonconforming use as an allowed use. Such signs shall be permitted only so long as the nonconforming use is permitted. Any such sign legally existing on the effective date of this article but which does not comply with the regulations of this article shall be deemed to be a nonconforming sign under the provisions of this chapter and shall be subject to alteration or removal in accordance with the provisions of Section 15.148.790 of this article. Notwithstanding any provision to the contrary herein, no new or additional detached sign after the effective date of this chapter for a nonconforming use shall be permitted. The owner of the property on which the sign is located shall have the primary responsibility for removing the signs required to be removed or altered under this article.

SECTION 69. Section 15.148.810 of the Sacramento City Code is amended to read as follows:

Any sign which becomes nonconforming subsequent to the effective date of this article, either by reason of annexation to the city of the territory upon which the sign is located, or the amendment of this article, thePlanning and Development Code, or other provision of this code so as to render such sign nonconforming shall be subject to the provisions of this article. The period within which such sign must be removed shall commence to run upon the effective date of the annexation, amendment or the date upon which the sign otherwise becomes nonconforming.

SECTION 70.

A. Subsection D of section 15.148.815 of the Sacramento City Code is amended to read as follows:

D. Relocation agreements shall be approved by the city council. Applications for relocation agreements shall be noticed and heard before the planning and design commission and city council in the same manner as applications for city council approved conditional use permits are noticed and heard pursuant to Planning and Development Code.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.815 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 71.

A. Subsection C.4.e of section 15.148.860 of the Sacramento City Code is amended to read as follows:

e. Review and Approval. Proposed signs shall require a zoning administrator's conditional use permit pursuant to chapter 17.808 of this code.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.860 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 72. Section 15.148.870 of the Sacramento City Code is amended to read as follows:

15.148.870 Neighborhood identification signs.

In any zone, a sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood or tract identification provided a conditional use permit has been granted by the zoning administrator. The legend of such a sign or display shall consist only of the neighborhood or tract name.

SECTION 73. Section 15.148.880 of the Sacramento City Code is amended to read as follows:

15.148.880 Subdivision development signs.

A. On-site marketing signs in any zone in connection with the marketing of lots or structures in a subdivision require zoning administrator review in conjunction with the review of the model home complex/temporary sales office permit. A sign is considered an on-site marketing sign if it is located within the boundaries of the subdivision being marketed. On-site marketing signs are subject to the following conditions:

1. Such signs are allowed for a period not exceeding two years. The zoning administrator may renew the permit for additional one-year periods upon written application at least 30 days prior to expiration.

2. Subdivision identification signs shall be limited to signs which shall not exceed eight feet in height, eight feet by four feet in dimension and 32 square feet in area.

3. Individual unit identification signs shall be limited to one square foot in size and two feet in height.

4. Signs may be located within the required setback areas; however, in no case shall signs be located closer than ten feet to any public right-of-ways and driveways.

B. Off-site marketing signs require a zoning administrator's conditional use permit in any zone in connection with the marketing of lots or structures in a subdivision. A sign is considered an off-site marketing sign if it is located outside the boundaries of the subdivision it is marketing. Off-site marketing signs are subject to the following conditions:

1. Individual directional marketing signs shall not exceed four feet by eight feet in dimension, 32 square feet in area, eight feet in height, and shall be located outside on any setback imposed under the city Planning and Development Code for the zoning district in which the property is located.

2. The entire off-site signage program for subdivision shall be reviewed and approved in one application. No additional requests may be submitted.

3. Multi-faced regional subdivision signs shall be limited to 15 feet in height, shall contain no more than four panels, with a maximum of four feet by eight feet in size 32 square feet in area) per panel. The overall sign area shall not exceed eight feet by 18 feet (144 square feet). Signs shall be located outside the setback of the zoning district in which it is located.

4. Such permits shall be issued for a period of two years. The zoning administrator may renew such permits for an additional year upon written application at least 30 days prior to its expiration.

SECTION 74.

A. Section 15.148.1060 of the Sacramento City Code is amended as follows:

1. Subsection B is amended to read as follows:

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 17.812.

2. Subsection C is amended to read as follows:

C. Written notice of the hearing shall be given as specified in chapter 17.812 of this code.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.1060 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 75. Section 15.148.1070 of the Sacramento City Code is amended to read as follows:

15.148.1070 Authority for conditional use permits.

Where a conditional use 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 76. 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 conditional use 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 conditional use permit under his or her authority.

SECTION 77. Section 15.148.1090 of the Sacramento City Code is amended to read as follows:

15.148.1090 Application.

Application for a conditional use 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 78. 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 conditional use 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 79. Section 15.148.1110 of the Sacramento City Code is amended to read as follows:

15.148.1110 Hearing.

A. A conditional use 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 conditional use 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 17.812.

C. Written notice of the hearing shall be given as specified in chapter 17.812.

SECTION 80.

A. Subsection A of section 15.148.1120 of the Sacramento City Code is amended to read as follows:

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

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.1120 of the Sacramento City Code remain unchanged and in full force and effect

SECTION 81.

A. Subsection A of section 15.148.1130 of the Sacramento City Code is amended to read as follows:

A. Any person aggrieved or dissatisfied with any action of the planning and design commission on a variance, conditional use 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 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. Except as specifically amended by subsection A, above, all provisions of section 15.148.1130 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 82. Section 15.148.1150 of the Sacramento City Code is amended to read as follows:

15.148.1150 Hearing procedure.

To the extent that the provisions of this chapter are not inconsistent therewith, the procedural requirements of chapter 17.812 of this code govern any hearing required by this chapter.

SECTION 83.

A. Section 15.148.1170 of the Sacramento City Code is amended as follows:

1. The definition of "R Zone" is amended to read as follows:

"R zone" means an R-1, R-1A, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-5, RMX, and RO zone as defined in the Planning and Development Code.

2. The definition of "setback area" is amended to read as follows:

"Setback area" means the open space area defined in Planning and Development Code under the term yard, and, where applicable, includes the definitions of yard, rear; yard, front; and yard, side; as defined.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.1170 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 84.

A. Subsection B.3 of section 15.156.020 of the Sacramento City Code is amended to read as follows:

3. Concertina wire, serpentine wire, barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury, except as permitted by the Planning and Development Code

B. Except as specifically amended by subsection A, above, all provisions of section 15.156.020 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 85. Section 16.04.020 of the Sacramento City Code is amended to read as follows:

16.04.020 Relationship to general plan and other city land use regulations.

The regulations established by this title are designed to assist in the systematic implementation of the general plan, specific and community plans, thePlanning and Development Code, and other land use regulations, and to provide for public needs, health and safety, convenience, and general welfare.

Neither the approval nor conditional approval of the tentative map shall constitute or waive compliance with any other applicable provisions of the city code or other applicable ordinances or regulations adopted by the city, nor shall any such approval authorize or be deemed to authorize a violation or failure to comply with other applicable provisions of the city code or other applicable ordinances or regulations adopted by the city. Nothing in these regulations shall be construed to permit the premature or haphazard subdivision of lands in violation of the applicable zoning and land use regulations.

SECTION 86.

A. Section 16.04.040 of the Sacramento City Code is amended as follows:

The definition of "zoning ordinance" is repealed.

B. Except as specifically amended by subsection A, above, all provisions of section 16.04.040 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 87.

A. Subsection C of section 16.16.040 of the Sacramento City Code is amended to read as follows:

C. That the resulting parcels conform to the requirements of the city's general plan, building code, and the city's Planning and Development Code.

B. Except as specifically amended by subsection A, above, all provisions of section 16.16.040 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 88.

A. Subsection B of section 16.20.050 of the Sacramento City Code is amended to read as follows:

B. That the resulting parcel conforms to the requirements of this title, the city's general plan, the Planning and Development Code, and the city's building code.

B. Except as specifically amended by subsection A, above, all provisions of section 16.20.050 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 89.

A. Subsection B.3 of section 16.24.030 is amended to read as follows:

3. Planning and Development Code;

B. Except as specifically amended by subsection A, above, all provisions of section 16.24.030 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 90.

A. Subsection C.7 of section 16.24.040 of the Sacramento City Code is amended to read as follows:

7. With respect to tentative maps for residential condominium conversion projects, a conditional use permit for such conversion project approved pursuant to chapter 17.716. The planning director or designated representative may waive this requirement if at the time of the filing of the tentative map the subdivider, in writing, irrevocably offers to the advisory agency and city council to extend the time limits specified in the subdivision map act for reporting and acting upon the tentative map by said bodies. The extension shall be for such periods of time as are reasonably necessary to permit the processing, review, and final action on the conditional use permit concurrently with the tentative map.

B. Except as specifically amended by subsection A, above, all provisions of section 16.24.040 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 91.

A. Subsection A.1 of section 16.24.090 of the Sacramento City Code is amended to read as follows:

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. 812. Notice of the hearing shall be given by publication, posting and mail pursuant to section 17.812.030 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. Except as specifically amended by subsection A, above, all provisions of section 16.24.090 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 92.

A. Subsection A of section 16.24.095 of the Sacramento City Code is amended to read as follows:

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 17.812. Notice of the hearing shall be given by publication, posting and mail pursuant to section17.812.030, except that the notice by mail required by section 17.812.030 shall be given to the owners of real property located within 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 17.716 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. Except as specifically amended by subsection A, above, all provisions of section 16.24.095 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 93.

A. Subsection H of section 16.28.050 of the Sacramento City Code is amended to read as follows:

H. Building setback lines, if they differ from the standard requirements established by the Planning and Development Code.

B. Except as specifically amended by subsection A, above, all provisions of section 16.28.050 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 94.

A. Section 16.36.050 of the Sacramento City Code is amended as follows:

1. Subsection B.14 is amended to read as follows:

14. In those circumstances where a development plan review is required by ordinance, development agreement, conditional use permit, or by a condition of previous approval, such review application and all exhibits necessary for the review shall be submitted concurrently with the application for a vesting tentative map;

2. Subsection B.15 is amended to read as follows:

15. In those circumstances where the project requires concurrent discretionary approval as set forth in the cityPlanning and Development Code, all exhibits necessary for such application shall be submitted concurrently with the application for a vesting tentative map;

3. Subsection C is amended to read as follows:

C. In the case of a vesting tentative map, the application shall be filed concurrently with any plan amendments, rezoning, PUD designations, conditional use permits, or other entitlements necessary to make the vesting tentative map comply with all applicable plans and ordinances. Vesting tentative maps may not be approved with the condition that the necessary entitlement(s) be subsequently approved.

B. Except as specifically amended by subsection A, above, all provisions of section 16.36.050 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 95. Section 16.40.010 of the Sacramento City Code is amended to read as follows:

16.040.10 General design standards—General

A. The size, design, character, grade, location and orientation and configuration of lots within a proposed subdivision and improvements required in connection therewith shall be consistent with the density and uses authorized for the area by the general plan, the applicable specific plan, thePlanning and Development Code, and other land use regulations, and shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

B. The density, timing or sequence of development may be restricted by considerations of safety, traffic access or circulation, the slope of the natural terrain, the physical suitability of the site (including soil conditions), the nature or extent of

existing development, the availability of public utilities, environmental habitat or wildlife preservation or protection, or other provisions of this title.

C. All subdivisions shall result in lots which can be used or built upon. No subdivision shall create lots which are impractical for improvement or use due to steepness of terrain, location of watercourses, size, shape, inadequate frontage, access, building area, or other physical condition. Except for lots within a planned unit development, all residentially zoned lots shall have not less than 20 feet of public street or approved private street frontage.

SECTION 96. Section 16.40.220 of the Sacramento City Code is repealed.

SECTION 97. Section 16.40.230 of the Sacramento City Code is repealed.

SECTION 98. Section 16.40.240 of the Sacramento City Code is repealed.

SECTION 99. 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 thePlanning and Development Code. 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 Planning and Development Code, a separate variance or deviation under the Planning and Development Code shall not be required.

SECTION 100. Section 18.04.210 of the Sacramento City Code is amended to read as follows:

18.04.210 Appeal procedure.

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 Planning and Development Code 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.

SECTION 102.

A. Subsection C of section 18.16.020 of the Sacramento City Code is amended to read as follows:

C. Except in cases covered by subsection B of this section, a development agreement shall be considered only in conjunction with a completed application for any required general and community plan amendments, rezoning, conditional use permit, subdivision map, master parcel map, or other land use entitlement.

B. Except as specifically amended by subsection A, above, all provisions of section 18.16.020 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 103.

A. Subsection C of section 18.16.030 of the Sacramento City Code is amended to read as follows:

C. For purposes of these regulations, a "project" shall mean a specific proposal for rezoning or other land use entitlement for development of a parcel or combined parcels of property for which a development agreement application is submitted and may be, in connection with such application, a proposed rezoning, conditional use permit, subdivision map or other land use entitlement, or combination thereof, provided that the development agreement, if entered into for such project, may also include according to its terms all subsequent land use entitlements and all easements, dedications and public and private improvements to be installed pursuant thereto and other requirements to be imposed in connection therewith.

B. Except as specifically amended by subsection A, above, all provisions of section 18.16.030 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 104.

A. Subsection C of section 18.16.080 of the Sacramento City Code is amended to read as follows:

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, conditional use 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.

B. Except as specifically amended by subsection A, above, all provisions of section 18.16.080 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 105.

A. Subsection I of section 18.16.160 of the Sacramento City Code is amended to read as follows:

I. Termination of the agreement shall not affect any of landowner's obligations to comply with the general plan, any applicable specific or community plan, any applicable financing plan, any applicable zoning, conditional use permit, subdivision map or other land use entitlement approved with respect to the property, nor shall it affect other covenants of landowner specified in the agreement to continue after termination of the agreement.

B. Except as specifically amended by subsection A, above, all provisions of section 18.16.160 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 106.

A. Subsection A of section 18.20.090 of the Sacramento City Code is amended to read as follows:

A. No building permit, demolition permit, conditional use permit or other land use entitlement which would result in withdrawal from rent or lease of one or more residential hotel units shall be issued for a building subject to this chapter unless the city council issues a conversion certificate indicating that the owner has complied with all requirements of this chapter, or has provided satisfactory guarantees of future compliance. An owner who has demonstrated substantial and reasonable, good faith efforts within the meaning of Section 18.20.060 shall be considered to have complied with the requirements of this chapter.

B. Except as specifically amended by subsection A, above, all provisions of section 18.20.090 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 107. Section 18.20.120 of the Sacramento City Code is amended to read as follows:

18.20.120 Preservation of historic structures.

This chapter does not supersede the requirements of chapter 17.604 (Historic Preservation).

SECTION 108.

A. Subsection A of section 18.24.110 of the Sacramento City Code is amended to read as follows:

A. Except as otherwise provided in subsection (B) below, or in any measures adopted by the city council as provided under section 18.24.120 of this chapter pertaining to deferral of payment of fees, the fees established by this chapter shall be paid for the property on which a development project is proposed at the time of the issuance of any required building permit relating to such development or, in the case of a drainage fee, at the time of their recordation of a final master parcel map, parcel map, or subdivision map, or at the time of approval of a conditional use permit, whichever is sooner, relating to development. With respect to development projects completed or commenced as of the effective date of this chapter, the director may enter into agreements with landowners regarding the amount, time, and manner of payment of fees payable with respect to such development projects.

B. Except as specifically amended by subsection A, above, all provisions of section 18.24.110 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 109.

A. Subsection A.3 of section 18.36.080 of the Sacramento City Code is amended to read as follows:

3. The alteration or renovation of a structure in the Richards Boulevard area that is designated as a landmark or contributing resource on the Sacramento register pursuant to chapter 17. 604 of this code, as such chapter may be amended from time to time. The exemption provided by this subsection shall not apply to any expansion of such structure;

B. Except as specifically amended by subsection A, above, all provisions of section 18.36.080 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 110.

A. Subsection A.3.a of section 18.38.080 of the Sacramento City Code is amended to read as follows:

a. If, while the zoning of a parcel is the same as it was on January 10, 2012, a conditional use permit is sought for a development project authorized under the zoning

designation for that parcel, then the city shall not issue building permits for construction in accordance with the conditional use permit until the regional infrastructure fee for the parcel is paid.

B. Except as specifically amended by subsection A, above, all provisions of section 18.38.080 of the Sacramento City Code remain unchanged and in full force and effect.

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RESOLUTION NO. 2013-

Adopted by the Sacramento City Council

APPROVING ENVIRONMENTAL REVIEW FOR THE PLANNING AND DEVELOPMENT CODE, AS AMENDED, AND ASSOCIATED TECHNICAL AMENDMENTS TO OTHER PROVISIONS OF THE CITY CODE AS AN ANTICIPATED SUBSEQUENT PROJECT UNDER THE MASTER ENVIRONMENTAL IMPACT REPORT

BACKGROUND

On April 9, 2013, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(1) [Noticed on 3-18-13, Passed for Publication on 3-26-13, Published on 3-29-13] and received and considered evidence concerning Planning and Development Code.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Council finds as follows:

A. On April 9, 2013, pursuant to the California Environmental Quality Act (Public Resources Code §21000 *et seq*. ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq*.), and the City of Sacramento environmental guidelines, the City Council reviewed the initial study that had been prepared for the Planning and Development Code, and found that the Planning and Development Code was an anticipated subsequent project, and that it did not have any project-specific significant effects not identified and evaluated in the Master Environmental Impact Report (EIR). See Resolution No. 2013-01019, Attachment A.

B. The amendments to the Planning and Development Code would make minor technical and clerical changes to the adopted Code. By separate action, various other provisions of the City Code would be amended to correct references to the Planning and Development Code. The changes are technical and minor, and would not result in any new significant effects on the environment.

C. The proposed adoption of the Planning and Development Code, as amended, has been adequately evaluated in the initial study and notice required by the California Environmental Quality Act has been provided. Notice of the determination that the project is a subsequent project under the Master EIR was

provided in the manner required by the CEQA Guidelines section 15177(d) and 15087. The Notice of Subsequent Project was posted in the Office of the County Clerk/Recorder on February 19, 2013 and published in the Daily Recorder on February 19, Resolution 2013-0109 April 9, 2013. The Notice established a thirty-day comment period, beginning on February 19, 2013 and ending on March 21, 2013.

D. The corrections to other provisions of the City Code were not referenced in the initial study and notice of anticipated subsequent project. The changes to other provisions of the City Code are technical and minor, and are made for purposes of referencing and to avoid confusion, and the initial study and notice are adequate for purposes of the California Environmental Quality Act and Guidelines.

Section 2. The City Council finds that the Master EIR for the 2030 General Plan was certified on March 3, 2009 and the 2030 General Plan was adopted on that date.

Section 3. The City of Sacramento was the Lead Agency for the Master EIR.

Section 4. An initial study was prepared for the Planning and Development Code and concluded that the project was described in the Master EIR, and that the project would not cause any additional significant environmental effects that were not examined in the Master EIR. No new additional mitigation measures or alternatives are required for the proposed amendments to the City Code, and the project is within the scope of the Master EIR.

Section 5. The City has incorporated all feasible mitigation measures or feasible alternatives appropriate to the project as set forth in the Master EIR.

Section 6. The City Council has reviewed and considered the information contained in the initial study for the Planning and Development Code, and all oral and documentary evidence received during the hearing on the proposed amendments of the Code. The City Council finds that the Planning and Development Code, as amended, and associated technical corrections to other provisions of the City Code is an anticipated subsequent project, that it would result in no new project-specific effects that have not been identified and evaluated in the Master EIR, and that notice has been given as required under CEQA.

Section 3. Based on its review of the initial study and notice of anticipated subsequent project, the previously adopted findings in City Council Resolution No. 2013-0109, and all oral and documentary evidence received during the hearing on the proposed amendments, the City Council finds that the Planning and Development Code, as amended, and associated technical corrections to

other provisions of the City Code is an anticipated subsequent project, that notice has been provided, and that no additional environmental review is required.

Section 5. Upon approval of the proposed amendments of the Code, the City Manager shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and, if the project requires a discretionary approval from any State agency, with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code, and the State EIR Guidelines adopted pursuant thereto.

Section 6. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in, and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

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Exhibit A: City Council Resolution No. 2013-0109

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RESOLUTION NO. 2013-0109

Adopted by the Sacramento City Council

April 9, 2013

APPROVING ENVIRONMENTAL REVIEW FOR THE PLANNING AND DEVELOPMENT CODE AS A SUBSEQUENT PROJECT UNDER THE MASTER EIR

BACKGROUND

A. On February 28, 2013 the City Planning and Design Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve the Planning and Development Code.

B. On March 14, 2013 the City Planning and Design Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve the Industrial Design Guidelines, a part of the Planning and Development Code Project.

C. On April 9, 2013 the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(2) by publication and posting, and received and considered evidence concerning the Planning and Development Code.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Council finds that the Master Environmental Impact Report for the 2030 General Plan was certified on March 3, 2009 and the 2030 General Plan was adopted on that date.

Section 2. The City of Sacramento was the Lead Agency for the Master EIR.

Section 3. An initial study has been prepared for the project, and concluded that the project was described in the Master EIR and that the project would not cause any additional significant environmental effects that were not examined in the Master EIR. No new additional mitigation measures or alternatives are required, and the project is within the scope of the Master EIR.

Section 4. The City has incorporated all feasible mitigation measures or feasible alternatives appropriate to the project as set forth in the Master EIR.

Section 5. Notice of the determination that the project is a subsequent project under the Master EIR was provided in the manner required by the CEQA Guidelines section 15177(d) and 15087. The Notice of Subsequent Project was posted in the Office of the County Clerk/Recorder on February 19, 2013 and published in the Daily Recorder on February 19,

2013. The Notice established a thirty-day comment period, beginning on February 19, 2013 and ending on March 21, 2013.

Section 6. The City Council directs that, upon approval of the Project, the City's Environmental Planning Services shall file a notice of determination with the County Clerk of Sacramento County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA section 21152.

Section 7. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

Section 8. Exhibit A is a part of this Resolution.

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EXHIBIT A: Notice of Subsequent Project Within the Scope of the Master EIR for the 2030 General Plan: The Planning and Development Code (Initial Study attached)

Adopted by the City of Sacramento City Council on April 9, 2013 the following vote:

Ayes: Councilmembers Cohn, Fong, Hansen, McCarty, Schenirer, Warren and Mayor Johnson

Noes: Councilmember Ashby

Abstain: None

Absent: Councilmember Pannell

Vice Mayor Angelique Ashby

Attest:

Shirley Concolino, City Clerk

COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

300 RICHARDS BLVD. 3RD FLR
SACRAMENTO, CA
95811-0218

February 19, 2013

SUBJECT: **NOTICE OF SUBSEQUENT PROJECT WITHIN THE SCOPE OF THE MASTER ENVIRONMENTAL IMPACT REPORT FOR THE 2030 GENERAL PLAN: THE PLANNING AND DEVELOPMENT CODE (LR11-006)**

PROJECT LOCATION: **Citywide**

COMMENT PERIOD: **30 days beginning February 19, 2013 and ending March 21, 2013**

The City of Sacramento, Department of Community Development, Environmental Planning Services has determined, pursuant to CEQA Guidelines section 15177, that the Planning and Development Code is a subsequent project within the scope of the Master EIR for the City of Sacramento 2030 General Plan, certified by the City as lead agency on March 3, 2009, and that no additional environmental review for the project is required. The City has prepared an Initial Study for the project and has determined that the project would not result in any additional significant environmental effect not previously analyzed in the Master EIR. No new additional mitigation measures or alternatives are required.

A copy of the Initial Study is attached to this Notice. The Master EIR is available for review on the City's web site at http://www.sacgp.org/MasterEIR.html. The document is also available for review at the offices of the Community Development Department, 300 Richards Boulevard, Sacramento, California during public counter hours and at the office of the Sacramento County Clerk Recorder.

The Planning and Development Code is a comprehensive update to the zoning code to align it with the vision, goals, policies, and development standards of the General Plan.

Specific actions included within the project are as follows:

- Reorganizing the code by individual zones for ease of use;
- Creating a consistent citywide site plan and design review process;
- Providing flexibility in development standards to facilitate development of smaller urban infill lots; and
- Updating development standards to recognize urban and traditional development patterns identified in the General Plan.

A detailed project description is included in the attached Initial Study.

Comments regarding the project may be submitted to:

Greg Sandlund, Associate Planner
City of Sacramento, Community Development Department
300 Richards Boulevard, Third Floor
Sacramento, CA 95811
Telephone: (916) 808-8931
Email: gsandlund@cityofsacramento.org

Comments must be submitted no later than March 21, 2013 at 5:00 p.m.

THE PLANNING AND DEVELOPMENT CODE (LR11-006)

INITIAL STUDYFOR ANTICIPATED SUBSEQUENT PROJECTS UNDER THE 2030 GENERAL PLAN MASTER EIR

This Initial Study has been prepared by the City of Sacramento, Community Development Department, 300 Richards Boulevard, Third Floor, Sacramento, CA 95811, pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 *et seq.*), CEQA Guidelines (Title 14, Section 15000 *et seq.* of the California Code of Regulations) and the Sacramento Local Environmental Regulations (Resolution 91-892) adopted by the City of Sacramento.

ORGANIZATION OF THE INITIAL STUDY

This Initial Study is organized into the following sections:

SECTION I - BACKGROUND: Provides summary background information about the project name, location, sponsor, and the date this Initial Study was completed.

SECTION II - PROJECT DESCRIPTION: Includes a detailed description of the proposed project.

SECTION III - ENVIRONMENTAL CHECKLIST AND DISCUSSION: Reviews proposed project and states whether the project would have additional significant environmental effects (project-specific effects) that were not evaluated in the Master EIR for the 2030 General Plan.

SECTION IV - ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: Identifies which environmental factors were determined to have additional significant environmental effects.

SECTION V - DETERMINATION: States whether environmental effects associated with development of the proposed project are significant, and what, if any, added environmental documentation may be required.

REFERENCES CITED: Identifies source materials that have been consulted in the preparation of the Initial Study.

SECTION I - BACKGROUND

Project Name and File Number:	The Planning and Development Code (LR11-006)
Project Location:	Citywide
Project Applicant:	City of Sacramento Community Development Department
Project Planner:	Greg Sandlund, Associate Planner (916) 808-8931 gsandlund@cityofsacramento.org
Environmental Planner:	Scott Johnson, Associate Planner (916) 808-5842 srjohnson@cityofsacramento.org
Date Initial Study Completed:	February 16, 2013

This Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Sections 1500 *et seq.*). The Lead Agency is the City of Sacramento.

The City of Sacramento, Community Development Department, has reviewed the proposed project and, on the basis of the whole record before it, has determined that the proposed project is an anticipated subsequent project identified and described in the 2030 General Plan Master EIR and is consistent with the land use designation and the permissible densities and intensities of use for the project site as set forth in the 2030 General Plan. See CEQA Guidelines Section 15176 (b) and (d).

The City has prepared the attached Initial Study to analyze whether the subsequent project was described in the MEIR and whether the subsequent project may cause any additional significant effect on the environment which was not previously examined in the MEIR (see CEQA Guidelines Section 15177(b)). The City has determined that the proposed project would not cause any additional significant environmental effect on the environment which was not previously examined in the Master EIR. The City will provide notice of this determination in the manner provided in CEQA Guidelines Section 15087.

As part of the Master EIR process, the City is required to incorporate all feasible mitigation measures or feasible alternatives appropriate to the project as set forth in the Master EIR (CEQA Guidelines Section 15177(d)). The Master EIR mitigation measures that are identified as appropriate are set forth in the applicable technical sections below.

This analysis incorporates by reference the general discussion portions of the 2030 General Plan Master EIR. (CEQA Guidelines Section 15150(a)). The Master EIR is available for public review at the City of Sacramento, Community Development Department, 300 Richards Boulevard, Third Floor, Sacramento, CA 95811, and on the City's web site at: www.sacg.org/MasterEIR.html

Interested persons and agencies may comment on this Initial Study and the City's determination regarding environmental effects.

Please send written responses to:

Greg Sandlund
Community Development Department
City of Sacramento
300 Richards Blvd, 3rd Floor
Sacramento, CA 95811
Direct Line: (916) 808-8931
gsandlund@cityofsacramento.org

SECTION II - PROJECT DESCRIPTION

INTRODUCTION

The 2030 General Plan includes a number of priority implementation measures that will help to promote a sustainable and livable built environment for the City of Sacramento. One of these measures includes a comprehensive update to the zoning code to align it with the vision, goals, policies, and development standards of the General Plan. The result will be a newly restructured zoning code that will be called the Planning and Development Code. The project area would be citywide.

PROJECT BACKGROUND

Until recently, suburban sprawl has been the primary means of growth for the City of Sacramento and the counties that surround it. This sprawl has permanently covered some of the most productive agricultural land in the world, contributed to increasingly congested freeways, and made for homogenous, auto oriented communities with strictly segregated uses.

In 2004, the Sacramento Area Council of Governments (SACOG) adopted the Regional Blueprint (Blueprint), a nationally recognized regional planning document that identified a growth vision for 2050 that emphasized compact development; greater housing and transportation choices; a mix of land uses; distinctive communities with quality design; and preservation of open space and farmland. These principles informed the 2030 General Plan in 2009 to put local policy behind the Blueprint's Vision and set a new direction for the future of Sacramento.

One of the key implementation measures identified in the 2030 General Plan called for approval of a development code that facilitates sustainable, transit oriented, infill development, as well as one that implements the land use, transportation, and energy efficiency measures called for in its Climate Action Plan, adopted in 2012.

The City's Zoning Code has not been comprehensively updated in over 50 years. The current code was designed to promote and accommodate predominantly suburban, auto-oriented development, with low residential densities, deep setback requirements, large parking lots and segregated land uses, all of which contribute to poor air quality and increased greenhouse gas emissions. In order to build complete neighborhoods with moderate to higher density mixed uses and transit-oriented, walkable streets, a developer is required to navigate through a maze of City approvals, including conditional use permits, variances and parking waivers. The time and money needed for these planning entitlements constrain economic development and reduce the affordability and diversity of housing, while ensuring that the automobile remains as the primary means of transportation.

PROJECT DESCRIPTION

The Planning and Development Code is an effort to implement the goals and policies identified in the 2030 General Plan and the Climate Action Plan. The new code would be applied citywide and includes the following key objectives:

Reorganizing the code by individual zones for ease of use

- Zoning chapters will include allowed land use, development standards (height and area, density) and architectural design standards.
- Development regulations from several different titles will be consolidated into a single code.

Creating a consistent citywide site plan and design review process

- Consolidate existing Plan Review, "-R" review, design review, PUD review into a single, consistent citywide process.
- Provide staff-level approval of projects consistent with standards and guidelines.
- Provide a flexible process for deviations from development standards at director hearing level.
- Ensure only major projects go to Commission (and projects otherwise requiring Commission approval, such as subdivisions and use permits).

Providing flexibility in development standards to facilitate development of smaller urban infill lots

- Give authority to vary development standards (e.g., setbacks, step backs etc.) through approvals at the director and commission levels.

Updating development standards to recognize urban and traditional development patterns identified in the General Plan

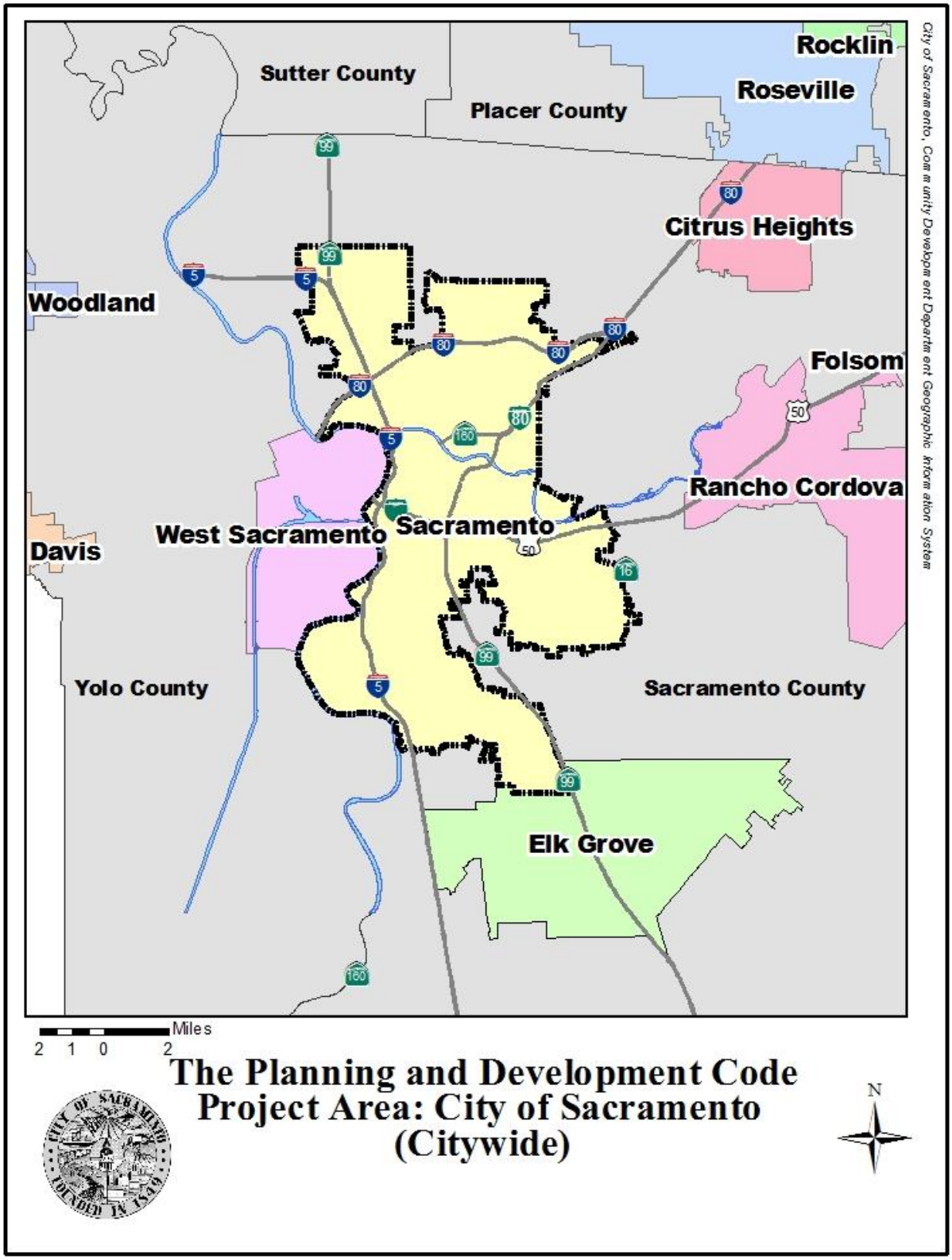
- Increase density and height in key zones including RMX, C-2, OB, and several multi-family zones.
- Create two new OB zones for greater height and density that could be applied in the urban neighborhoods, centers, and corridors.
- Allow for flexibility in use, including limited retail by right in the OB, R-4, R-4A and R-5 zones and residential use by right in the OB zone.
- Allow for density and height bonuses for affordable housing, senior housing, or green building (Cal Green Tier 1 or 2).

The 2030 General Plan may be reviewed on line at http://www.sacgp.org/. The general plan web page includes a link to the Master EIR for the general plan. The current zoning code may be reviewed online at http://www.qcode.us/codes/sacramento/ (Title 17). The proposed code may be viewed online at INSERT LINK. All documents are available for review at the Community Development Department, 300 Richards Boulevard, Sacramento, CA 95811 during public counter hours.

Attachments

Attachment 1 - Vicinity Map

ATTACHMENT 1
VICINITY MAP



Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
1. AESTHETICS, LIGHT AND GLARE Would the proposal: A) Have a substantial adverse effect on a scenic vista?			X
B) Substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X
C) Substantially degrade the existing visual character or quality of the site and its surroundings?			X
D) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X

ENVIRONMENTAL SETTING

As stated in the City of Sacramento 2030 General Plan, the City (policy area) is located on a valley floor characterized by flat terrain in a predominately built-out environment. The average elevation is 25 feet above sea level. Long-range views within the City are generally expansive because of the flat terrain throughout the City. However, due to the flat terrain, existing mature trees and buildings often block views. The western portion of the City lies at an elevation of about 20 feet and the terrain slopes upward to the east. Gentle topographical changes are occasionally present, sometimes originating as natural banks of the Sacramento and American rivers. The American River, Morrison Creek, and other local drainages have down-cut through the plain, forming low near-vertical stream banks from place to place. With the exception of these stream banks, ground slope within the City does not exceed eight percent and is most often between zero and three percent.

Views onto and across the City to the east include views of the foothills and mountains. The Sierra Nevada mountain range can be seen directly behind the City skyline driving east across the Sacramento-Yolo Causeway on Interstate 80 (I-80).

The City includes large portions of developed areas, ranging from single-family residential homes to high-rise office buildings in the downtown area. The areas where homes dominate the view shed are generally areas with more green space, less artificial light meaning darker nighttime views, and less glare due to the limited amount of reflective materials.

STANDARDS OF SIGNIFICANCE

For purposes of this Initial Study, aesthetics impacts may be considered significant if the proposed

project would result in one or more of the following:

Glare. Glare is considered to be significant if it would be cast in such a way as to cause public hazard or annoyance for a sustained period of time.

Light. Light is considered significant if it would be cast onto oncoming traffic or residential uses.

SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS

The Master EIR described the existing visual conditions in the general plan policy area, and the potential changes to those conditions that could result from development consistent with the 2030 General Plan. See Master EIR, Chapter 6.13, Urban Design and Visual Resources.

The Master EIR identified potential impacts for glare (Impact 6.13-1). Mitigation Measure 6.13-1, set forth below, was identified to reduce the effect to a less-than-significant level.

Light cast onto oncoming traffic or residential uses was identified as a potential impact (Impact 6.13-2). The Master EIR identified Policy LU 6.1.14 (Compatibility with Adjoining Uses) and its requirement that lighting must be shielded and directed downward as reducing the potential effect to a less-than-significant level.

MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO PROJECT

The 2030 General Plan includes goals and policies that encourage the retention of urban neighborhoods with attention to design of buildings and a mix if uses. (See 2030 General Plan, Land Use, Goal LU 4.4 and Policies 4.4.1 through 4.4.6) Major circulation corridors are recognized as important to access and travel within the community, but policies encourage good design and careful attention to visual and physical character. (See Goal LU 6.1 and Policies 6.1.10 through 6.1.14).

Potential impacts due to light and glare were identified in the Master EIR. Mitigation in the form of general plan policies reduced the cumulative impact to a less-than-significant level. (See Master EIR, Section 6.13, Urban Design and Visual Resources).

MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO PROJECT

6.13-1 City shall amend the Zoning Code, in phase 2, to prohibit new development from:

1) using reflective glass that exceeds 50 percent of any building surface and on the ground three floors:
2) using mirrored glass;
3) using black glass that exceeds 25 percent of any surface of a building; and,
4) using metal building materials that exceed 50 percent of any street-facing surface of a primarily residential building.

The Zoning Code has not yet been amended to include the restrictions identified in Mitigation Measure 6.13-1.

ANSWERS TO CHECKLIST QUESTIONS

A-D

The Measures and Actions identified in the Proposed Planning and Development Code are consistent with the Goals and Policies of the City of Sacramento 2030 General Plan. The Proposed Planning and Development Code would not allow any development that would not be allowed under the 2030 General Plan.

Plan Review, "-R" review, design review, and PUD review all ensure that projects remain consistent with the City's regulations regarding lighting, ensure that development activity in the policy area would not have a demonstrably negative aesthetic effect, and that light sources would not affect neighboring properties or traffic.

The project is consistent with the goals of the 2030 General Plan, and the project would not have any additional significant environmental effects that were not considered in the Master EIR.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The project would have no additional project-specific environmental effects relating to Aesthetics.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
2. AIR QUALITY *Would the proposal:* A) Conflict with or obstruct implementation of the applicable air quality plan?			X
B) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X
C) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?			X
D) Exposure sensitive receptors to substantial pollutant concentrations?			X
E) Create objectionable odors affecting a substantial number of people?			X
F) Interfere with or impede the City's efforts to reduce greenhouse gas emissions?			X

ENVIRONMENTAL AND REGULATORY SETTING

In December 2006 the Environmental Protection Agency (EPA) revised the national ambient air quality standard for fine particle pollution to provide increased protection of public health and welfare. The revised standard is 35 micrograms per cubic meter (ug/m^3) for particles less than or equal to 2.5 micrometers in diameter ($PM_{2.5}$), averaged over 24 hours. In December 2008 the EPA Administrator identified nonattainment areas, and in October 2009 confirmed the designations. Sacramento County is included on this list, along with portions of surrounding counties that contribute to the nonattainment conditions.

The City of Sacramento is within the Sacramento Valley Air Basin (SVAB) and is under the jurisdiction of the Sacramento Metropolitan Air Quality Management District (SMAQMD). According to SMAQMD, Sacramento County is a federal severe nonattainment area and State nonattainment area for ozone, a State nonattainment area and federal moderate nonattainment area for PM_{10}, and a State and federal nonattainment area for $PM_{2.5}$.

STANDARDS OF SIGNIFICANCE

The SMAQMD adopted the following thresholds of significance in 2002:

Ozone and Particulate Matter. An increase of nitrogen oxides (NOx) above 85 pounds per day for short-term effects (construction) would result in a significant impact. An increase of either ozone precursor, nitrogen oxides (NOx) or reactive organic gases (ROG), above 65 pounds per day for long-term effects (operation) would result in a significant impact (as revised by SMAQMD, March 2002). The threshold of significance for PM_{10} is a concentration based threshold equivalent to the California Ambient Air Quality Standard (CAAQS). For PM_{10}, a project would have a significant impact if it would emit pollutants at a level equal to or greater than five percent of the CAAQS (50 micrograms/cubic meter for 24 hours) if there were an existing or projected violation; however, if a project is below the ROG and NOx thresholds, it can be assumed that the project is below the PM_{10} threshold as well (SMAQMD, 2009).

Carbon Monoxide. The pollutant of concern for sensitive receptors is carbon monoxide (CO). Motor vehicle emissions are the dominant source of CO in Sacramento County (SMAQMD, 2009). For purposes of environmental analysis, sensitive receptor locations generally include parks, sidewalks, transit stops, hospitals, rest homes, schools, playgrounds and residences. Commercial buildings are generally not considered sensitive receptors. Carbon monoxide concentrations are considered significant if they exceed the 1-hour state ambient air quality standard of 20.0 parts per million (ppm) or the 8-hour state ambient standard of 9.0 ppm (state ambient air quality standards are more stringent than their federal counterparts).

Toxic Air Contaminants. The project would create a significant impact if it created a risk of 10 in 1 million for cancer (stationary sources only).

MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO THE PROJECT

The following mitigation measures applicable to air quality were identified in the 2030 General Plan Master EIR, and will be applied to the project:

Greenhouse Gas Emissions and Climate Change: The Master EIR identified numerous policies included in the 2030 General Plan that addressed greenhouse gas emissions and climate change. See Draft MEIR, Chapter 8, and pages 8-49 et seq. The Master EIR is available for review at the offices of Development Services Department, 300 Richards Boulevard, 3rd Floor, Sacramento, CA during normal business hours, and is also available online at http://www.cityofsacramento.org/dsd/planning/environmental-review/eirs/.

Policies identified in the 2030 General Plan include directives relating to sustainable development patterns and practices, and increasing the viability of pedestrian, bicycle and public transit modes. A complete list of policies addressing climate change is included in the Master EIR in Table 8-5, pages 8-50 et seq; the Final MEIR included additional discussion of greenhouse gas emissions and climate change in response to written comments. See changes to Chapter 8 at Final MEIR pages 2-19 et seq. See also Letter 2 and response.

ANSWERS TO CHECKLIST QUESTIONS

A-F

The proposed Planning and Development Code would not allow any development that would not be allowed under the 2030 General Plan.

The project would not result in overall emissions in excess of those utilized in the Master EIR for analysis of cumulative effects, and the project would not have any additional significant environmental effects.

Decreasing vehicle miles travelled is a key strategy in the City's efforts to reduce greenhouse gas emissions, and the project would support this effort. The cumulative effects of greenhouse gas emissions that could be generated by development under the 2030 General Plan was evaluated in the Master EIR, as noted above, and the project would not impede the City's efforts to comply with statewide mandates for reduction of greenhouse gases. The project would not have any additional significant environmental effect.

MITIGATION MEASURES

None required.

Findings

The project would have no additional project-specific environmental effects relating to Air Quality.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
3. BIOLOGICAL RESOURCES Would the proposal result in impacts to: A) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X
B) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X
C) Have substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X
D) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X
E) Conflict with any local policies or ordinances protecting biological resources such as a tree preservation policy or ordinance?			X
F) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community conservation Plan, or other approved local, regional, or state habitat conservation plan?			X

ENVIRONMENTAL SETTING

The Master EIR provided that biological resources in the City include plant and animal species listed as threatened or endangered, proposed for federal and/or state listing as threatened or endangered, or any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS). Additionally, sensitive habitats, habitat for any of the listed or sensitive species described above, and wetlands or other waters regulated by the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act (CWA) are considered significant biological resources. The 2030 General Plan contains policies to guide the location, design, and quality of development to protect important biological resources such as wildlife habitat, open space corridors, and ecosystems. Conservation and protection of important biological resources contribute to human health and nurture a viable economy.

Generally, the City is bordered by farmland to the north, farmland and the Sacramento River to the west, the City of Elk Grove to the south, and developed unincorporated portions of Sacramento County to the east. Historically, the natural habitats within the City included perennial grasslands, riparian woodlands, oak woodlands, and a variety of wetlands including vernal pools, seasonal wetlands, freshwater marshes, ponds, streams and rivers. Over the last 150 years, development from agriculture, irrigation, flood control, and urbanization has resulted in the loss or alteration of much of the natural habitat within the Policy Area boundaries. Nonnative annual grasses have replaced the native perennial grasslands, many of the natural streams have been channelized, much of the riparian and oak woodlands have been cleared, and most of the marshes have been drained and converted to agricultural or urban uses. (City of Sacramento 2009)

Though the majority of the City's land is committed to residential, commercial, and other urban development, the general plan also emphasizes the importance of habitat areas, parks and open space uses. Habitats that are present in the City and surrounding areas include annual grasslands, riparian woodlands, oak woodlands, riverine (rivers and streams), ponds, freshwater marshes, seasonal wetlands, and vernal pools. (City of Sacramento 2009)

GENERAL PLAN POLICIES CONSIDERED MITIGATION

The General Plan Master EIR identified the following potentially significant impacts and mitigation measures (policies):

Impact 6.3-2: Implementation of the 2030 General Plan could adversely affect special-status plant species due to the substantial degradation of the quality of the environment or reduction of population or habitat below self-sustaining levels.

and

Impact 6.3-3: Implementation of the 2030 General Plan could result in substantial degradation of the quality of the environment or reduction of habitat or population below self-sustaining levels of special-status invertebrates.

and

Impact 6.3-4: Implementation of the 2030 General Plan could result in substantial degradation

of the quality of the environment or reduction of habitat or population below self-sustaining levels with special-status birds, through the loss of both nesting and foraging habitat.

and

Impact 6.3-5: Implementation of the 2030 General Plan could result in substantial degradation of the quality of the environment or reduction of habitat or population below self-sustaining levels of special-status amphibians and reptiles.

and

Impact 6.3-6: Implementation of the 2030 General Plan could result in substantial degradation of the quality of the environment or reduction of habitat or population below self-sustaining levels of special-status mammals.

and

Impact 6.3-10: Implementation of the 2030 General Plan could result in the loss of California Department of Fish and Game (CDFG)-defined sensitive natural communities such as elderberry savanna, northern claypan vernal pools, and northern hardpan vernal pools.

and

Impact 6.3-13: Implementation of the City's 2030 General Plan and regional buildout assumed in the Sacramento Valley could result in a regional loss of special-status plant or wildlife species or their habitat.

Mitigation Measure 6.3-2 - General Plan Policy ER 2.1.10 - Habitat Assessments: The City shall consider the potential impact on sensitive plants for each project requiring discretionary approval and shall require preconstruction surveys and/or habitat assessments for sensitive plant and wildlife species. If the preconstruction survey and/or habitat assessment determines that suitable habitat for sensitive plant and/or wildlife species is present, then either (1) protocollevel or industry recognized (if no protocol has been established) surveys shall be conducted; or (2) presence of the species shall be assumed to occur in suitable habitat on the project site. Survey Reports shall be prepared and submitted to the City and the CDFG or USFWS (depending on the species) for further consultation and development of avoidance and/or mitigation measures consistent with state and federal law.

Impact 6.3-8: Implementation of the 2030 General Plan could result in the loss or modification of riparian habitat, resulting in a substantial adverse effect.

Mitigation Measure 6.3-8 – General Plan Policy ER 2.1.5 - Riparian Habitat Integrity: The City shall preserve the ecological integrity of creek corridors, canals, and drainage ditches that support riparian resources by preserving native plants and, to the extent feasible, removing invasive, non-native plants. If not feasible, adverse impacts on riparian habitat shall be mitigated by the preservation and/or restoration of this habitat at a 1:1 ratio, in perpetuity.

Impact 6.3-9: Implementation of the 2030 General Plan could result in a substantial adverse effect on state or federally protected wetlands and/or waters of the United States through direct removal, filling, or hydrological interruption.

Mitigation Measure 6.3-9 – General Plan Policy ER 2.1.6 – Wetland Protection: The City shall preserve and protect wetland resources including creeks, rivers, ponds, marshes, vernal pools, and other seasonal wetland, to the extent feasible. If not feasible, the mitigation of all adverse impacts on wetland resources shall be required in compliance with State and Federal regulations protecting wetland resources, and if applicable, threatened or endangered species. Additionally, the City may require either on- or off-site permanent preservation of an equivalent amount of wetland habitat to ensure no-net-loss of value and/or function.

Impact 6.3-14: Implementation of the 2030 General Plan and regional buildout assumed in the Sacramento Valley could contribute to the cumulative loss of sensitive natural communities including wetlands and riparian habitat in the region.

Implement Mitigation Measures 6.3-8 and 6.3-9.

STANDARDS OF SIGNIFICANCE

For purposes of this environmental document, an impact would be significant if any of the following conditions or potential thereof, would result with implementation of the proposed project:

- Creation of a potential health hazard, or use, production or disposal of materials that would pose a hazard to plant or animal populations in the area affected;
- Substantial degradation of the quality of the environment, reduction of the habitat, reduction of population below self-sustaining levels of threatened or endangered species of plant or animal; or
- Affect other species of special concern to agencies or natural resource organizations (such as regulatory waters and wetlands).

For the purposes of this document, “special-status” has been defined to include those species, which are:

- Listed as endangered or threatened under the federal Endangered Species Act (or formally proposed for, or candidates for, listing);
- Listed as endangered or threatened under the California Endangered Species Act (or proposed for listing);
- Designated as endangered or rare, pursuant to California Fish and Game Code (Section 1901);
- Designated as fully protected, pursuant to California Fish and Game Code (Section 3511, 4700, or 5050);
- Designated as species of concern by U.S. Fish and Wildlife Service (USFWS), or as species of special concern to California Department of Fish and Wildlife (CDFW);
- Plants or animals that meet the definition of rare or endangered under the California Environmental Quality Act (CEQA).

ANSWERS TO CHECKLIST QUESTIONS

A-F

The proposed Planning and Development Code would not allow any development that would not be allowed under the 2030 General Plan.

Chapter 6.3 of the Master EIR evaluated the effects of the 2030 General Plan on biological resources within the general plan policy area. The Master EIR identified potential impacts in terms of degradation of the quality of the environment or reduction of habitat or population below self-sustaining levels of special-status birds, through the loss of both nesting and foraging habitat.

Policies in the 2030 General Plan were identified as mitigating the effects of development that could occur under the provisions of the 2030 General Plan. Policy 2.1.5 calls for the City to preserve the ecological integrity of creek corridors and other riparian resources; Policy ER 2.1.10 requires the City to consider the potential impact on sensitive plants for each project and to require pre-construction surveys when appropriate; and Policy 2.1.11 requires the City to coordinate its actions with those of the California Department Fish and Wildlife, U.S. Fish and Wildlife Service, and other agencies in the protection of resources.

The Master EIR concluded that the cumulative effects of development that could occur under the 2030 General Plan would be significant and unavoidable as they related to effects on special-status plant species (Impact 6.3-2), reduction of habitat for special-status invertebrates (Impact 6.3-3), loss of habitat for special-status birds (Impact 6.3-4), loss of habitat for special status amphibians and reptiles (Impact 6.3-5), loss of habitat for special-status mammals (Impact 6.5-6), special-status fish (Impact 6.3-7) and, in general, loss of riparian habitat, wetlands and sensitive natural communities such as elderberry savannah (Impacts 6.3-8 through 10).

MITIGATION MEASURES

None required.

FINDINGS

The project would have no additional project-specific environmental effects relating to Biological Resources.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
4. CULTURAL RESOURCES *Would the proposal:* A) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?			X
B) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X
C) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X
D) Disturb any human remains, including those interred outside of formal cemeteries?			X

ENVIRONMENTAL SETTING

The 2030 General Plan states that the Sacramento Delta was one of the first regions in California to attract intensive archaeological fieldwork. The first settlements in the Sacramento Valley likely occurred during the late Pleistocene and early Holocene (14,000 to 8,000 B.P.) period. Sacramento's location within a great valley and at the confluence of two rivers, the Sacramento River and the American River, shaped its early and modern settlements. It is highly likely that Paleo-Indian populations occupied the area with villages located near watercourses. However, the archaeological record of such use is sparse, probably due to recurring natural flood events. (City of Sacramento 2009)

The City of Sacramento contains areas of high sensitivity for archaeological resources; these generally occur adjacent to major waterways (i.e. American and Sacramento Rivers), which is where the Nisenan villages were primarily located. Creeks, other watercourses, and early high spots near waterways that seem likely to have been used for prehistoric occupation are areas of moderate sensitivity for the presence of archaeological resources. Even sites where waterways may have existed in the past but have now been developed could contain archaeological resources due to the presence of "significant historic activities." (City of Sacramento 2009) Other areas within the City are considered to have low sensitivity for potential archaeological resources (based on previous research); however, this does not rule out the possibility that a site could exist. (City of Sacramento 2009)

According to the 2030 General Plan, the City of Sacramento has designated 29 Historic Districts, 10 historic district surveys in progress, one adopted survey, and two Special Planning Districts. The City Code provides for the compilation of Landmarks, Contributing Resources, and Historic Districts into the Sacramento Register of Historic and Cultural Resources (Sacramento Register). The Sacramento Register includes all listed or surveyed historic resources in the City of Sacramento. The Sacramento Register also includes listings or maps of

the properties within two of the City's Special Planning Districts that have been afforded preservation protection by ordinance, but are not designated as a Historic District. (City of Sacramento 2009)

STANDARDS OF SIGNIFICANCE

For purposes of this Initial Study, cultural resource impacts may be considered significant if the proposed project would result in one or more of the following:

1. Cause a substantial change in the significance of a historical or archaeological resource as defined in CEQA Guidelines Section 15064.5 or

2. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Answers to Checklist Questions

SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS

The Master EIR evaluated the potential effects of development under the 2030 General Plan on prehistoric and historic resources. See Chapter 6.4. The Master EIR identified significant and unavoidable effects on historic resources and archaeological resources.

General plan policies identified as reducing such effects call for identification of resources on project sites (Policy HCR 2.1.1), implementation of applicable laws and regulations (Policy HCR 2.1.2 and HCR 2.1.15), early consultation with owners and land developers to minimize effects (Policy HCR 2.1.10 and encouragement of adaptive reuse of historic resources (Policy HCR 2.1.13). Demolition of historic resources is deemed a last resort. (Policy HCR 1.1.14)

ANSWERS TO CHECKLIST QUESTIONS

A-D

The Historic and Cultural Resources element of the 2030 General Plan addresses the treatment of such resources if they are encountered as part of development activity. The policies calls for identification of such resources, and requires efforts to be undertaken to preserve such resources, with demolition being a last resort. (Policy HCR 2.1.14).

The proposed Planning and Development Code is consistent with the 2030 General Plan. The cumulative effects of the proposed project have been considered in the Master EIR, and the project would have no additional significant effects on historic and cultural resources.

MITIGATION MEASURES

None required.

FINDINGS

The project would have no additional project-specific environmental effects relating to Cultural Resources.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
5.GEOLOGY AND SOILS Would the project: A) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i.) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii.) Strong seismic ground shaking? iii.) Seismic-related ground failure, including liquefaction? iv.) Landslides?			X
B) Result in substantial soil erosion or the loss of topsoil?			X
C) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X
D) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X
E) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X

ENVIRONMENTAL SETTING

According to the City's 2030 General Plan Master EIR, the City of Sacramento is located in the Great Valley of California. The Great Valley is a flat alluvial plain approximately 50 miles wide and 400 miles long in the central portion of California. The City's topography is relatively flat. There is a gradual slope rising from elevations as low as sea level in the southwest up to approximately 75 feet above sea level in the northeast. The predominant soil units in the City are the San Joaquin, Clear Lake, Galt, Cosumnes, and Sailboat soils, which account for over 60 percent of the total land area. The remaining soil units each account for only a few percent or less of the total. (City of Sacramento 2009)

Many of the soil units present within the City exhibit high shrink-swell potential. This hazard occurs primarily in soils with high clay content and can cause structural damage to foundations and roads that do not have proper structural engineering and are generally less suitable or desirable for development than non-expansive soils. (City of Sacramento 2009)

There are no known faults within the greater Sacramento region and Policy Area. Faults located closest to the City are the Bear Mountain and New Melones faults to the east, and the Midland Fault to the west. The Dunnigan Hills fault lies northwest of Sacramento. The Sacramento region has experienced ground shaking originating from faults in the Foothills fault zone. (City of Sacramento 2009)

According to the Master EIR, the City is in an area of relatively low severity, characterized by peak ground accelerations between 10 and 20 percent of the acceleration of gravity. This is primarily due the lack of known major faults and low historical seismicity in the region. The maximum earthquake intensity expected from this amount of ground shaking would be between VII and VIII on the Modified Mercalli Intensity Scale (MMI). (City of Sacramento 2009)

STANDARDS OF SIGNIFICANCE

For the purposes of this Initial Study, an impact is considered significant if it allows a project to be built that will either introduce geologic or seismic hazards by allowing the construction of the project on such a site without protection against those hazards.

SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS

The Master EIR indicated that soil and geologic conditions are site-specific, and there is little, if any, cumulative relationship between implementation of the general plan and cumulative actions in other jurisdictions. Adherence to relevant plans, codes and regulations with respect to project design and construction reduces project-specific and cumulative effects to a less-than-significant level. (Master EIR, page 6.5-26).

MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO THE PROJECT

Goals and policies in the 2030 General Plan that apply to geologic and soil conditions are set forth at pages 6.5-17-19. These provide that the City shall conduct a geotechnical investigation of proposed development sites that determine the potential for ground rupture, earth shaking and liquefaction.

ANSWERS TO CHECKLIST QUESTIONS

A-E

Impacts related to seismic and soil hazards generally occur when new structures or uses are placed within areas of high seismic risk or on unstable soils, such that human safety risks could occur. The Proposed Planning and Development Code would not allow the construction of any structures that would not be allowed under the General Plan or that would be inconsistent with current City building requirements or State building code. Implementation of the Planning and Development Code would not increase risk with respect to seismic hazard or soil instability.

These issues were fully analyzed in the Master EIR, and the impacts related to implementation of the Proposed Planning and Development Code would be consistent with those identified in the Master EIR. There would no additional significant effects not identified and evaluated in the Master EIR.

MITIGATION MEASURES

None required.

FINDINGS

The project would have no additional project-specific environmental effects relating to Geology and Soils.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
6. HAZARDS Would the project: A) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X
B) Create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X
C) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X
D) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X
E) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X
F) For a project within the vicinity of private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X
G) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X
H) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X

ENVIRONMENTAL AND REGULATORY SETTING

Federal regulations and regulations adopted by the Sacramento Metropolitan Air Quality Management District (SMAQMD) apply to the identification and treatment of hazardous materials during demolition and construction activities. Failure to comply with these regulations respecting asbestos may result in a Notice of Violation being issued by the AQMD and civil penalties under state and/or federal law, in addition to possible action by U.S. EPA under federal law.

Federal law covers a number of different activities involving asbestos, including demolition and renovation of structures (40 CFR § 61.145).

SMAQMD Rule 902 and Commercial Structures

The work practices and administrative requirements of Rule 902 apply to all commercial renovations and demolitions where the amount of Regulated Asbestos-Containing Material (RACM) is greater than:

- 260 lineal feet of RACM on pipes, or
- 160 square feet of RACM on other facility components, or
- 35 cubic feet of RACM that could not be measured otherwise.

The administrative requirements of Rule 902 apply to any demolition of commercial structures, regardless of the amount of RACM.

Asbestos Surveys

To determine the amount of RACM in a structure, Rule 902 requires that a survey be conducted prior to demolition or renovation unless:

- the structure is otherwise exempt from the rule, or
- any material that has a propensity to contain asbestos (so-called "suspect material") is treated as if it is RACM.

Surveys must be done by a licensed asbestos consultant and require laboratory analysis. Asbestos consultants are listed in the phone book under "Asbestos Consultants." Large industrial facilities may use non-licensed employees if those employees are trained by the U.S. EPA. Questions regarding the use of non-licensed employees should be directed to the AQMD.

Removal Practices, Removal Plans/Notification and Disposal

If the survey shows that there are asbestos-containing materials present, the SMAQMD recommends leaving it in place.

If it is necessary to disturb the asbestos as part of a renovation, remodel, repair or demolition, Cal OSHA and the Contractors State License Board require a licensed asbestos abatement contractor be used to remove the asbestos-containing material.

There are specific disposal requirements in Rule 902 for friable asbestos-containing material, including disposal at a licensed landfill. If the material is non-friable asbestos, any landfill willing to accept asbestos-containing material may be used to dispose of the material.

STANDARDS OF SIGNIFICANCE

For the purposes of this Initial Study, an impact is considered significant if the proposed project would:

- expose people (e.g., residents, pedestrians, construction workers) to existing contaminated soil during construction activities;
- expose people (e.g., residents, pedestrians, construction workers) to asbestos-containing materials or other hazardous materials; or
- expose people (e.g., residents, pedestrians, construction workers) to existing contaminated groundwater during dewatering activities.

SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS

The Master EIR indicated that the impacts from potential hazards and materials are usually site-specific, and there is a relative absence of cumulative effects. Due to the regulation that substantially controls the use and disposition of hazardous materials, the Master EIR concluded that effects from development that could occur pursuant to the 2030 General Plan were less than significant.

MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO THE PROJECT

Goals and policies of the 2030 General Plan require investigation of development sites for contamination (Policy PHS 3.1.1), compliance with regulations that require a hazardous materials management plan when appropriate, and preparation of various plans to provide community-wide programs for response to spills or other incidents. See Master EIR, pages 6.6-1920.

ANSWERS TO CHECKLIST QUESTIONS

A-H

The Proposed Planning and Development Code is consistent with the Goals, Policies, and Implementation Measures of the City's 2030 General Plan. No additional construction activities involving asbestos removal, groundwater dewatering, or contaminated soils remediation would occur as a result of the Planning and Development Code that were not anticipated in the General Plan and evaluated in the General Plan Master EIR. The potential impacts resulting from the Planning and Development Code are consistent with the impacts analyzed in the General Plan Master EIR. There would no additional significant effects not identified and evaluated in the Master EIR.

MITIGATION MEASURES

None required.

FINDINGS

The project would have no additional project-specific environmental effects relating to Hazards.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
7. HYDROLOGY AND WATER QUALITY Would the project: A) Violate any water quality standards or waste or discharge requirements?			X
B) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to level which would not support existing land uses or planned uses for which permits have been granted)?			X
C) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X
D) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X
E) Otherwise substantially degrade water quality?			X
F) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X
G) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X
H) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X

ENVIRONMENTAL SETTING

Precipitation in the City occurs mostly as rain during the months of November through March. Climate data collected from 1941 through 2003 shows that annual rainfall averaged 17.22 inches, but is variable. Recorded annual rainfall has ranged from a low of 6.25 inches in 1976 to a high of 33.44 inches in 1983. (City of Sacramento 2009)

Primary surface water resources in the City include the Sacramento River and the American River. These rivers provide municipal, agricultural, and recreational water supply, as well as freshwater habitat, spawning grounds, wildlife habitat, navigation on the Sacramento River, and the American River. Local surface water drainages and creeks include Steelhead Creek, Bannon Creek, Dry Creek, Magpie Creek, Arcade Creek, Hagginwood Creek, Willow Slough, South Sac Drainage Canal, Pocket Canal, Morrison Creek, Elder Creek, Union House Creek, Strawberry Creek, Laguna Creek North. Man-made drainage canals provide drainage for a large portion of the urbanized areas that are not served by the City's combined sewer system (CSS) or the City's storm drainage collection system. These canals include the Natomas East Main Drain Canal and the East, West, and Main Drainage Canals. (City of Sacramento 2009)

The American and Sacramento rivers are both excellent supplies for drinking water. (City of Sacramento 2009) Other major creeks, drainage canals, and sloughs in the City boundaries are also listed for pesticides and copper. The Natomas East Main Drainage Canal is listed for the pesticide diazinon and polychlorinated biphenyls (PCBs). (City of Sacramento 2009)

In general, stormwater runoff within the City of Sacramento flows into either the City's CSS or into individual drainage pump stations located throughout the Policy Area which discharge to creeks and rivers. The CSS is considered at or near capacity and requires all additional inflow into the system to be mitigated. (City of Sacramento 2009)

GENERAL PLAN POLICIES CONSIDERED MITIGATION

The following General Plan policy would avoid or lessen environmental impacts as identified in the Master EIR and is considered a mitigation measure for the following project-level and cumulative impacts.

Impact 6.7-3: Implementation of the 2030 General Plan could increase exposure of people and/or property to risk of injury and damage from a localized 100-year flood.

and

Impact 6.7-6: Implementation of the 2030 General Plan, in addition to other projects in the watershed, could result in increased numbers of residents and structures exposed to a localized 100-year flood event.

Mitigation Measure 6.7-6 - General Plan Policy ER 1.1.5 - No Net Increase: The City shall require all new development to contribute no net increase in stormwater runoff peak flows over existing conditions associated with a 100- year storm event.

STANDARDS OF SIGNIFICANCE

For purposes of this Initial Study, impacts to hydrology and water quality may be considered significant if construction and/or implementation of the Proposed Project would result in the

following impacts that remain significant after implementation of General Plan policies or mitigation from the General Plan Master EIR:

- substantially degrade water quality and violate any water quality objectives set by the State Water Resources Control Board, due to increases in sediments and other contaminants generated by construction and/or development of the Specific Plan or
- substantially increase the exposure of people and/or property to the risk of injury and damage in the event of a 100-year flood.

SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS

Chapter 6.7 of the Master EIR evaluates the potential effects of the 2030 General Plan as they relate to surface water, groundwater, flooding, stormwater and water quality. Potential effects include water quality degradation due to construction activities (Impacts 6.7-1, 6.7-2), and exposure of people to flood risks (Impacts 6.7-3, 6.7-4). Policies included in the 2030 General Plan, including a directive for regional cooperation (Policies ER 1.1.2, EC 2.1.1, EC 2.1.1), comprehensive flood management (Policy EC 2.1.14), and construction of adequate drainage facilities with new development (Policy U 4.1.1) were identified that reduced all impacts to a less-than-significant level.

MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO THE PROJECT

None required.

ANSWERS TO CHECKLIST QUESTIONS

QUESTIONS A-H

The Proposed Planning and Development Code is consistent with the Goals, Policies, and Implementation Measures of the City's 2030 General Plan. The Planning and Development Code is consistent with General Plan Policies to enhance stormwater quality (Policies ER 1.1.3 Stormwater Quality, ER 1.1.4 New Development, ER 1.1.5 No Net Increase, and ER 1.1.6 Post-Development Runoff).

The Proposed Planning and Development Code would not allow development that is not allowed under the City's General Plan and would not result in construction activities not anticipated in the City's General Plan. Because the Proposed Planning and Development Code is consistent with the Policies of the General Plan and would not increase development or construction beyond what was analyzed in the General Plan EIR, the Proposed Planning and Development Code would not result in any impacts related to stormwater quality, and development within floodplains beyond what was analyzed in the General Plan Master EIR.

MITIGATION MEASURES

None required.

FINDINGS

The project would have no additional project-specific environmental effects relating to Hydrology and Water Quality.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
8. NOISE Would the project result in: A) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X
B) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X
C) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X
D) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X
E) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X
F) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X

ENVIRONMENTAL SETTING

According to the City's 2030 General Plan, land uses within the City include a range of residential, commercial, institutional, industrial, recreational, and open space areas. Although there are many noise sources within the City, the primary noise source is traffic. Motor vehicles commonly cause sustained noise levels in the vicinity of busy roadways or freeways. Several major freeways run through the Policy Area, including Interstate 5 (I-5), Interstate 80 (I-80), Capital City Freeway (SR 51), US 50, State Route (SR) 99, and SR 160. The City also has many local roads that experience high traffic volumes and contribute traffic noise. (City of Sacramento 2009)

Noise is also generated by airplane traffic, railroads, and various stationary sources. Five airports serve the City: Sacramento International Airport, Executive Airport, Mather Airport,

McClellan Air Field and Rio Linda Airport. Union Pacific trains and light rail trains traverse the City, including through downtown. (City of Sacramento 2009)

A wide variety of stationary sources are also present in the City including heating and cooling equipment, landscape maintenance activities such as leaf-blowing and gasoline-powered lawnmowers, shipping and loading facilities, concrete crushing facilities, and recycling centers. Outdoor sporting facilities that can attract large numbers of spectators, such as high school or college football fields, can also produce noise that can affect nearby receptors. (City of Sacramento 2009)

Sensitive noise receptors in the City generally include residences, schools, child care centers, hospitals, long-term health care facilities, convalescent centers, and retirement homes. (City of Sacramento 2009)

STANDARDS OF SIGNIFICANCE

Thresholds of significance are those established by the Title 24 standards and by the 2030 General Plan Noise Policies and the City Noise Ordinance. Noise and vibration impacts resulting from the implementation of the proposed project would be considered significant if they cause any of the following results:

- Exterior noise levels at the proposed project exceeding the upper value of the normally acceptable category for various land uses caused by noise level increases due to the project. (2030 General Plan, Table EC-1, 2009).

- Residential interior noise levels of L_{dn} 45 dB or greater caused by noise level increases due to the project;

- Construction noise levels not in compliance with the City of Sacramento Noise Ordinance;

- Occupied existing and project residential and commercial areas are exposed to vibration and peak particle velocities greater than 0.5 inches per second due to project construction;

- Project residential and commercial areas are exposed to vibration peak particle velocities greater than 0.5 inches per second due to highway traffic and rail operations; and

- Historic buildings and archaeological sites are exposed to vibration peak particle velocities greater than 0.25 inches per second due to project construction, highway traffic, and rail operations.

SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS

Noise and vibration associated with development that could occur pursuant to the 2030 General Plan could increase on a cumulative basis. The Master EIR concluded that residential development that could occur could be exposed to significant noise levels that exceed the City's applicable thresholds, and that such effects were significant and unavoidable.

MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO THE PROJECT

The general plan goals and policies that serve to reduce the effects from increased noise due to new development are set forth in the Master EIR, pages 6.8-24 to 26. These goals and policies establish noise standards for interior and exterior for various land uses. New mixed-use, commercial and industrial development is required to mitigate operational noise impacts to adjoining sensitive uses. (Policy EC 3.1.8)

ANSWERS TO CHECKLIST QUESTIONS

A-F

Construction noise is regulated by the City Code and would result in less-than-significant effects. The cumulative effects of development that could occur consistent with the 2030 General Plan were evaluated in the Master EIR, and the project would have no additional significant environmental effects relating to noise or vibration.

The Proposed Planning and Development Code would not allow any development to occur that would not be allowed under the General Plan. Therefore, implementation of the Proposed Planning and Development Code would not generate new traffic noise and no new impact would occur beyond impacts evaluated in the 2030 General Plan Master EIR.

MITIGATION MEASURES

None required.

Findings

The project would have no additional project-specific environmental effects relating to Noise.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
9. PUBLIC SERVICES Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: A) Fire protection?			X
B) Police protection?			X
C) Schools?			X
D) Parks?			X
E) Other public facilities?			X

ENVIRONMENTAL SETTING

According to the City's 2030 General Plan Master EIR, the Sacramento Police Department (SPD) is principally responsible for providing police protection services for areas within the City. In addition to the SPD, the Sacramento County Sheriff's Department, California Highway Patrol (CHP), University of California, Davis (UC Davis) Medical Center Police Department, and the Regional Transit Police Department support the SPD to provide police protection within the General Plan Policy Area.(City of Sacramento 2009)

The Sacramento Fire Department (SFD) provides fire protection services to the entire City, which includes approximately 98 square miles within the existing City limits as well as three contract areas that include 47 square miles immediately adjacent to the City boundaries within the unincorporated county. (City of Sacramento 2009)

The City of Sacramento and County of Sacramento both implement programs to facilitate emergency preparedness. Specifically, the City of Sacramento Multi-Hazard Emergency Plan addresses the City's planned response to extraordinary emergency situations associated with natural disasters, technological incidents, and nuclear defense operations for areas within the City's jurisdictional boundaries. (City of Sacramento 2009)

The Sacramento City Unified School District (SCUSD) is the primary provider of primary and secondary education within the City. Other districts serving residents within the City include the, Robla School District (RSD), Twin Rivers Unified School District (TRUSD), Natomas Unified School District (NUSD), San Juan Unified School District (SJUSD), Rio Linda Union School District (RLUSD), and the Elk Grove Unified School District (EGUSD). Some of these districts have schools outside the City limits but within the General Plan Policy Area. (City of Sacramento 2009)

STANDARDS OF SIGNIFICANCE

For the purposes of this Initial Study, an impact would be considered significant if the project resulted in the need for new or altered services related to fire protection, police protection, school facilities, roadway maintenance, or other governmental services beyond what was anticipated in the 2030 General Plan.

SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS

The Master EIR identified goals and policies that would mitigate the effects of new development on public health and safety (Master EIR, pages 6.10-10 to 11); fire protection (Master EIR, pages 6.10-21 to 22); schools (Master EIR, pages 6.10-39 to 40); libraries (Master EIR, pages 6.10-51 to 53); and emergency services (Master EIR, pages 6.10-64 to 65). The Master EIR concluded that these policies were effective to reduce all cumulative effects to a less-than-significant level.

MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO THE PROJECT

None applicable.

ANSWERS TO CHECKLIST QUESTIONS

The Proposed Planning and Development Code is consistent with the Goals, Policies, and Implementation Measures of the City's 2030 General Plan. The Proposed Planning and Development Code would also not allow any development that is not currently allowed under the General Plan. Therefore, implementation of the Proposed Planning and Development Code would not result in impacts to public services beyond those analyzed in the 2030 General Plan Master EIR.

MITIGATION MEASURES

None required.

FINDINGS

The project would have no additional project-specific environmental effects relating to Public Services.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
10. RECREATION A) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X
B) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X

ENVIRONMENTAL SETTING

The Parks Department maintains more than 2,400 acres of developed parkland, and manages more than 215 parks, 81 miles of off-street bikeways and trails, 17 lakes, ponds or beaches, over 20 aquatic facilities and provides park and recreation services at City-owned facilities within the City of Sacramento. Several facilities within the City of Sacramento are owned or operated by other jurisdictions, such as the County of Sacramento and the State of California. The City of Sacramento Parks and Recreation Master Plan (PRMP) guides park development in the City. (City of Sacramento 2009)

According to the 2030 General Plan MEIR, the City maintains a service level of approximately 8.7 acres per 1,000 residents. With the existing trails and bikeways located throughout the City, the current service level is 0.2 miles of trails/bikeways per 1,000 residents. (City of Sacramento 2009)

STANDARDS OF SIGNIFICANCE

For purposes of this Initial Study, impacts to recreational resources are considered significant if the proposed project would do either of the following:

- cause or accelerate substantial physical deterioration of existing area parks or recreational facilities; or
- create a need for construction or expansion of recreational facilities beyond what was anticipated in the 2030 General Plan.

SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS

Goals and policies in the 2030 General Plan that relate to recreation and recreational resources were identified in the Master EIR at pages 6.9-13 to 18. The Master EIR concluded that the cumulative effects on such resources were less than significant.

MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO THE PROJECT

None required.

ANSWERS TO CHECKLIST QUESTIONS

A-B

Implementation of the Proposed Planning and Development Code would not result in development that is not currently allowed under the City's General Plan. Therefore, the Proposed Planning and Development Code would not result in increased residential development that would increase demand for parks such that new parks would be necessary or increase the use of parks and recreational facilities such that physical deterioration would occur.

The project would not result in any substantial increase in population beyond that identified in the 2030 General Plan, and would not increase the demand for existing recreational facilities. The cumulative effects were evaluated in the Master EIR, and the project would have no additional significant environmental effects relating to recreation.

MITIGATION MEASURES

None required.

FINDINGS

The project would have no additional project-specific environmental effects relating to Recreation.

Issues:	Effect remains significant with all identified mitigation	Effect can be mitigated to less than significant	No additional significant environmental effect
11. TRANSPORTATION AND CIRCULATION Would the project: A) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?			X
B) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X
C) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X
D) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X
E) Result in inadequate emergency access?			X
F) Result in inadequate parking capacity?			X
G) Conflict with adopted policies, plans, or programs supporting alternative modes of transportation (e.g., bus turnouts, bicycle racks)?			X

ENVIRONMENTAL SETTING

The City's roadway network includes federal interstates, state highways, and City streets (arterial, collector, and local streets).

Interstate, U.S., and State numbered routes are an integral part of the City's transportation system. These facilities are maintained by the California Department of Transportation (Caltrans). The City's roadway network consists of local, collector, and arterial roadways. The most common type of major roadway within the City is a four-lane arterial, although six and eight-lane arterials are also provided in areas with high traffic volumes.

The Sacramento Regional Transit District (RT) provides local bus and light rail service within the City and greater Sacramento area. The Sacramento Regional Transit District (RT) operates 67

bus routes and 38.6 miles of light rail covering a 418 square-mile service area. Buses and light rail run 365 days a year using 76 light rail vehicles, 182 buses (with an additional 30 buses in reserve) powered by compressed natural gas (CNG) and 11 shuttle vans. (SacRT 2013)

STANDARDS OF SIGNIFICANCE

The standards of significance for Transportation utilize policies in the 2030 General Plan, Mobility Element and, when appropriate, standards used by regulatory agencies. For traffic flow on the freeway system, the standards of Caltrans have been used.

Roadway Segments

A significant traffic impact occurs for roadway segments when:

1. The traffic generated by a project degrades peak period Level of Service (LOS) from A,B,C or D (without the project) to E or F (with project); or

2. The LOS (without project) is E or F, and project generated traffic increases the Volume-to-Capacity Ratio (V/C ratio) by 0.02 or more.

Intersections

A significant traffic impact occurs for intersections when:

1. The traffic generated by a project degrades peak period level of service from A, B, C or D (without project) to E or F (with project); or

2. The LOS (without project) is E or F, and project generated traffic increases the peak period average vehicle delay by five seconds or more.

Freeway Facilities

Caltrans considers the following to be significant impacts:

- Off-ramps with vehicle queues that extend into the ramp's deceleration area or onto the freeway;
- Project traffic increases that cause any ramp's merge/diverge level of service to be worse than the freeway's level of service;
- Project traffic increases that cause the freeway level of service to deteriorate beyond level of service threshold defined in the Caltrans Route Concept Report for the facility; or
- The expected ramp queue is greater than the storage capacity.

Transit

Impacts to the transit system are considered significant if the proposed project would:

- Adversely affect public transit operations or
- Fail to adequately provide for access to public transit.

Bicycle Facilities

Impacts to bicycle facilities are considered significant if the proposed project would:

- Adversely affect bicycle travel, bicycle paths or
- Fail to adequately provide for access by bicycle.

Pedestrian Circulation

Impacts to pedestrian circulation are considered significant if the proposed project would:

- adversely affect pedestrian travel, pedestrian paths or
- fail to adequately provide for access by pedestrians.

Parking

Impacts to parking are considered significant if the proposed project would eliminate or adversely affect an existing parking facility, interfere with the implementation of a proposed parking facility, or result in an inadequate supply of parking.

SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS

The Master EIR acknowledged that cumulative development associated with the 2030 General Plan would result in significant and unavoidable effects. The goals and policies relating to transportation infrastructure were identified at pages 6.12-49 to 58.

MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO THE PROJECT

New projects in the project area would be subject to Policy M 1.2.2 that calls for the City to allow flexible level of service (LOS) standards. A central theme of the 2030 General Plan is the encouragement of infill projects and the re-use and redevelopment of parcels within the urban core.

Goal 4.2 in the Mobility Element calls for development of a transportation system that balances the diverse needs of the users of the public right-of-way. Policies M 4.2.1 to M 4.2.6 implement this goal and would apply to the project area.

ANSWERS TO CHECKLIST QUESTIONS

A-G

The City's roadway infrastructure, including ways of travel for pedestrians and bicycles, is identified in the Master EIR, and any new, expanded or redeveloped uses would be required to adhere to the standards set forth in the 2030 General Plan Mobility Element as part of individual projects. The project would not have any additional significant environmental effects relating to transportation and circulation.

MITIGATION MEASURES

None required.

FINDINGS

The project would have no additional project-specific environmental effects relating to Transportation and Circulation.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
12. UTILITIES AND SERVICE SYSTEMS Would the project: A) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X
B) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X
C) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X
D) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X
E) Result in a determination by the wastewater treatment provider which serves or may serve the project's projected demand in addition to the provider's existing commitments?			X
F) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid water disposal needs?			X
G) Comply with federal, state, and local statutes and regulations related to solid waste?			X

ENVIRONMENTAL SETTING

The City of Sacramento provides municipal water service to the area within the City limits and to several small areas within the county of Sacramento. The City's water facilities also include water storage reservoirs, pumping facilities, and a system of transmission and distribution mains. The City possesses surface water rights to divert both Sacramento and American river water. The Fairbairn Water Treatment Plant (FWTP) and the Sacramento River Water Treatment Plant divert water from the American and Sacramento rivers, respectively. The City also operates permitted municipal groundwater supply wells within the City limits that pump from the North American and South American Groundwater basins. (City of Sacramento 2009)

The City provides wastewater collection to about two-thirds of the area within the City limits.

Within the City, there are two distinct areas: areas served by a separate sewer system, and an area served by a combined sewer system. The Sacramento Regional County Sanitation District (SRCSD) and the Sacramento Area Sewer District (formerly County Services District [CSD-1]) provide both collection and treatment services within their service area for the portions of the City served by the separate sewer system. The older Central City area is served by a system in which sanitary sewage and storm drainage are collected and conveyed in the same system of pipelines, referred to as the Combined Sewer System (CSS). The Sacramento Regional Wastewater Treatment Plant, which is located just south of the City Limits, is owned and operated by SRCSD and provides sewage treatment for the entire Policy Area. Sewage is routed to the wastewater treatment plant by collections systems owned by SRCSD and the cities of Sacramento and Folsom. (City of Sacramento 2009)

The City's separate storm drainage system includes conveyance of storm water and dry weather urban runoff to the adjacent creeks and rivers. The separate drainage system consists of street drains, conveyance systems, and usually a pump station to discharge ultimately into either the Sacramento or American River. These discharges are regulated for water quality by the Regional Water Quality Control Board NPDES permit. (City of Sacramento 2009)
Solid waste in the City of Sacramento is collected by City and permitted private haulers. The City offers both commercial and residential solid waste collection services. Construction and demolition waste is collected by the City and private companies. Commercial solid waste is transported to either the Sacramento Recycling and Transfer Station owned by BLT Enterprises or the North Area Transfer Station. From the City's transfer stations the commercial solid waste is then transported to the Lockwood Regional Landfill located in Sparks, Nevada. If residential and municipal solid waste is taken to the North Area Recovery Station (NARS)/County Facility or processing the waste is then transported to the Sacramento County (Kiefer) Landfill, operated by the County's Solid Waste Management and Recycling Department (the primary solid waste disposal facility in Sacramento County). Kiefer Landfill, categorized as a Class III facility, also accepts waste from the general public, businesses, and private waste haulers. (City of Sacramento 2009)

The City also provides residential curb-side recycling pick-up. Following collection, recyclables are transferred to the Sacramento Transfer Station for processing. The City also offers a commercial recycling program in which businesses are provided containers for co-mingled recyclable materials. (City of Sacramento 2009)

The Sacramento Municipal Utility District (SMUD) is responsible for the generation, transmission, and distribution of electrical power to its 900 square mile service area, which includes most of Sacramento County and a small portion of Placer County. SMUD is a publicly owned utility governed by a board of seven directors that make policy decisions and appoint the general manager, the individual responsible for the District's operations. SMUD obtains its electricity from a variety of sources, including hydro-generation, cogeneration plants, advanced and renewable technologies (such as wind, solar, and biomass/landfill gas power) and power purchased on the wholesale market. (City of Sacramento 2009)

Natural gas service is provided to the City of Sacramento by PG&E. PG&E provides electrical and natural gas services through state regulated public utility contracts. The utility company is bound by contract to update its systems to meet any additional demand. (City of Sacramento 2009)

STANDARDS OF SIGNIFICANCE

For the purposes of this Initial Study, an impact would be considered significant if the project resulted in the need for new or altered services related to fire protection, police protection, or school facilities beyond what was anticipated in the 2030 General Plan:

- result in the determination that adequate capacity is not available to serve the project's demand in addition to existing commitments or
- require or result in either the construction of new utilities or the expansion of existing utilities, the construction of which could cause significant environmental impacts.

SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS

The Master EIR evaluated the effects of development under the 2030 General Plan on water supply, sewer and storm drainage, solid waste, electricity, natural gas and telecommunications. See Chapter 6.11.

The Master EIR evaluated the impacts of increased demand for water that would occur with development under the 2030 General Plan. Policies in the general plan would reduce the impact generally to a less-than-significant level (see Impact 6.11-1) but the need for new water supply facilities results in a significant and unavoidable effect (Impact 6.11-2). The potential need for expansion of wastewater treatment facilities was identified as having a significant and unavoidable effect (Impacts 6.11-4, 6.11-5 Impacts on solid waste facilities were less than significant (Impacts 6.11-7, 6.11-8). Implementation of energy efficient standards as set forth in Titles 20 and 24 of the California Code of Regulations for residential and non-residential buildings, would reduce effects for energy to a less-than-significant level.

MITIGATION MEASURE FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO THE PROJECT

None available.

ANSWERS TO CHECKLIST QUESTIONS

A-G

The Proposed Planning and Development Code is consistent with the Goals, Policies, and Implementation Measures identified in the City's 2030 General Plan. Implementation of the Proposed Planning and Development Code would not result in an increased demand for electricity or natural gas, but would result in a decrease in demand from levels that would occur upon buildout of the General Plan and from what were analyzed in the General Plan Master EIR.

MITIGATION MEASURES

None required.

FINDINGS

The project would have no additional project-specific environmental effects relating to Utilities and Service Systems.

MANDATORY FINDINGS OF SIGNIFICANCE

Issues:	Effect remains significant with all identified mitigation	Effect can be mitigated to less than significant	No additional significant environmental effect
13. MANDATORY FINDINGS OF SIGNIFICANCE A.) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X
B.) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X
C.) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X

Answers to Checklist Questions

A -C

The Proposed Planning and Development Code would result in a less-than-significant impact related to quality of the environment, reduction of wildlife habitat or population, elimination of plant or animal community, or reduction in number or restriction in range of special-status species, which is consistent with what has been evaluated in the General Plan Master EIR.

The Proposed Planning and Development Code would not result in development or other ground disturbing construction activities beyond those anticipated under the 2030 General Plan; therefore, subsurface archaeological resources would not be affected beyond what was evaluated under the General Plan Master EIR. The project would result in a less-than-significant

impact related to elimination of important examples of the major periods of California history or prehistory.

The Master EIR evaluated cumulative impacts associated with implementation of the 2030 General Plan. The Proposed Planning and Development Code is consistent with the Goals, Policies, and Implementation Measures identified in the 2030 General Plan and would not allow development that is not allowed under the 2030 General Plan. Therefore, as described throughout this Initial Study, impacts resulting from the Proposed Planning and Development Code, including cumulative impacts, would not be greater than the impacts analyzed in the Master EIR.

SECTION IV - ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would potentially be affected by this project.

	Aesthetics		Hazards
	Air Quality		Noise
	Biological Resources		Public Services
	Cultural Resources		Recreation
	Energy and Mineral Resources		Transportation/Circulation
	Geology and Soils		Utilities and Service Systems
	Hydrology and Water Quality		
X	None Identified		

SECTION V - DETERMINATION

On the basis of the initial study:

I find that (a) the proposed project is an anticipated subsequent project identified and described in the 2030 General Plan Master EIR; (b) the proposed project is consistent with the 2030 General Plan land use designation and the permissible densities and intensities of use for the project site; and (c) the proposed project **will not** have any project-specific additional significant environmental effects not previously examined in the Master EIR, and no new mitigation measures or alternatives will be required. Mitigation measures from the Master EIR will be applied to the proposed project as appropriate. Notice shall be provided pursuant to CEQA Guidelines Section 15087. (CEQA Guidelines Section 15177(b))

Signature

2/19/13
Date

Greg Sandlund, Associate Planner

REFERENCES CITED

City of Sacramento. 2009 *2030 General Plan.*

City of Sacramento. 2009. *Sacramento 2030 General Plan Master Environmental Impact Report*

Sacramento Metropolitan Air Quality Management District (SMAQMD) 2009. *Guide to Air Quality Assessment in Sacramento County.* (Revised May 2011)

SacRT, 2013. Sacramento Regional Transit Website: http://www.sacrt.com/rtataglance.stm Accessed: February 11, 2013.

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ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING TITLE 17,
RELATING TO PLANNING AND DEVELOPMENT

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

SECTION 1. Title 17 of the Sacramento City Code (Planning and Development Code) is amended as set forth in Exhibit A, attached to this Ordinance and incorporated herein.

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Title 17 – Planning and Development Code

Division I
General Provisions

Chapter 17.100
Title, Purpose, and Authority

17.100.010 Title and purpose.

A. This title and its accompanying maps shall be known and cited as the "Planning and Development Code of the City of Sacramento," and also may be cited as the "Planning and Development Code" or the "Development Code."

B. To implement the city's general plan through the adoption and administration of zoning laws, ordinances, rules, and regulations, this title:

1. Divides the city into zones of such shape, size, and number best suited to carry out these regulations, and to provide for their enforcement;

2. Regulates the use of land, buildings, or other structures for residences, commerce, industry, and other uses required by the community;

3. Regulates the physical characteristics of buildings, structures, and site development, including the location, height, and size of buildings and structures; yards, courts, and other open spaces; lot coverage; land use intensity through regulation of residential density and floor area ratios; and architectural and site design;

4. Ensures the provision of adequate open space for recreational, aesthetic, and environmental amenities; and

5. Establishes requirements for off-street parking.

17.100.020 Legislative authority and scope of powers.

This title is adopted by the city as a charter city pursuant to the home rule provisions of the Sacramento City Charter. Accordingly, the provisions of the Planning and Zoning Law, Title 7 (commencing with section 65000) of the Government Code of the state of California, shall not be applicable to the adoption or amendment of this title, or to any act taken by the city, or its officers or employees, under this title, except to the extent:

A. That the provisions of the Planning and Zoning Law are expressly adopted herein; or

B. That the provisions of the Planning and Zoning Law are lawfully and constitutionally made applicable to the city as a chartered city.

17.100.030 Planning agency – Designation and composition.

A. Planning agency established.

The city planning agency is established and shall perform the functions required by the provisions of this title; other applicable provisions of this code; other ordinances, resolutions, or actions of the city council; and state law.

B. Planning agency composition.

The planning agency is comprised of the planning and design commission, the preservation commission, and the manager and staff of the planning division of the city's community development department.

17.100.040 Planning agency – Directors.

A. Planning director.

1. The manager of the planning division is designated as the planning director.

2. The planning director, or designee, shall perform the functions required by, and have the authority granted under, the provisions of this title; other applicable provisions of this code; other ordinances, resolutions, or actions of the city council; and state law.

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

B. Zoning administrator.

1. The planning director shall designate one or more employees of the planning division to serve as zoning administrator, who shall serve in that capacity at the pleasure of the planning director.

2. The zoning administrator shall perform the functions required by, and have the authority granted under, the provisions of this title; other applicable provisions of this code; other ordinances, resolutions, or actions of the city council; and state law.

C. Design director.

1. The planning director shall designate one or more employees of the planning division to serve as design director, who shall serve in that capacity at the pleasure of the planning director.

2. The design director shall oversee and perform the site plan and design review functions required by, and have the authority granted under, the provisions of this title; other applicable provisions of this code; other ordinances, resolutions, or actions of the city council; and state law.

D. Preservation director.

1. The planning director shall designate one or more employees of the planning division to serve as preservation director, who shall serve in that capacity at the pleasure of the planning director.

2. The preservation director shall oversee and perform the preservation review functions required by, and have the authority granted under, the provisions of this title; other applicable provisions of this code; other ordinances, resolutions, or actions of the city council; and state laws.

3. The preservation director shall serve as secretary to, and shall provide administrative support to, the preservation commission.

4. The preservation director shall 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 public and private development projects and other discretionary actions, and adoption of new or amendments to existing community plans, specific plans, and this code.

5. The preservation director shall maintain a list of properties for which a preliminary determination of eligibility has been made in accordance with the criteria of the Sacramento register or the California Register; consult with city departments regarding potential protections, mitigations, thresholds of significance, and standards suitable for historic resources involved public and private development projects and other discretionary actions, and in the adoption of new or amendments to existing community plans, specific plans, and this code; and monitor cultural resource mitigation measures.

Chapter 17.104
How to Use the Planning and Development Code

17.104.010 Structure of the development code.

The development code is divided into nine divisions:

Division I—General Provisions
Division II—Zoning Districts and Land Use Regulations
Division III—Overlay Zones
Division IV—Special Planning Districts and Planned Unit Developments
Division V—Infrastructure Design and Improvement Standards
Division VI—Architectural Design and Site Development Standards, Design Review Districts, Historic Preservation, and Registered House Plans
Division VII—City-Wide Programs
Division VIII—Administrative Matters
Division IX—General Plan and Development Code Administration

Each of the divisions is further subdivided by chapters that pertain to the various topics discussed in the division.

17.104.020 Types of regulations.

Three types of zoning regulations control the use and development of property:

A. Land use regulations specify land uses permitted or conditionally permitted in each zoning district, and may include special requirements for specific uses. Five types of land use regulations, along with their location in this title, are listed below:

1. Zoning districts, chapters 17.200 through 17.224;

2. Overlay zones, chapters 17.300 through 17.344;

3. Special planning districts, chapters 17.400 through 17.448;

4. Planned unit developments (PUDs), chapter 17.452. Land use regulations for PUDs are set forth in PUD schematic plans and development guidelines adopted individually for each PUD development, separate from this title; and

5. City-wide programs, chapters 17.700 through 17.720.

B. Development and design standards control the height, bulk, location, and appearance of structures on development sites. Development standards pertaining to height and density; lot width, area, and coverage; setbacks and open space; and

architectural design standards are located in the individual zoning chapters in Division II. Generally applicable development standards pertaining to parking; landscaping and paving; recycling and solid waste; walls, fences, and gates; and accessory structures are located in Division III. Development standards for development projects within a PUD are set forth in the project's PUD development guidelines, separate from this title.

C. Administrative regulations contain detailed procedures for the administration and enforcement of this title, including requirements for public hearings, notice, and appeals and processes for various permits and requests, including plan amendments, rezoning, site plan and design reviews, conditional use permits, and variances. Administrative regulations are located in Division VIII.

17.104.030 Land use permits and legislative change requests.

Prior to issuance of a building permit, a developer, homeowner, or builder must obtain approval of the specific development project as provided in this title. A project must receive site plan and design review approval and be consistent with the land use designations of the general plan, any applicable specific plan, and with the zoning district in which it is located. If the use proposed for the development requires special consideration to be compatible with surrounding uses, a conditional use permit is required. If the development request does not fully comply with the regulations of this title, approval of a deviation from design guidelines or development standards, or a variance, is required. Approvals to subdivide land, including tentative maps, subdivision modifications, post-subdivision modifications, lot line adjustments, and mergers, are governed by Title 16, Subdivisions, of this code.

17.104.040 How to use the definitions chapter.

Chapter 17.108 contains the definitions used within this title that are technical or specialized or may not reflect common usage. The definitions are listed in alphabetical order. Other specialized definitions may be located in various sections throughout this title.

17.104.050 Fractional requirements.

A. Number of residential units. When the calculation of residential density results in a fraction, the number of allowed units is rounded down to the whole number. For example, assuming a minimum lot area per unit of 1,500 square feet and a 16,350 square foot lot, divide 16,350 by 1,500, which equals 4.9. The number of units allowed on the lot is 4 units (4.9 rounded down to the whole number 4).

B. Number of housing units for housing trust fund calculation. When the calculation of housing units and fees related to the housing trust fund program in chapter 17.708

creates an obligation to construct a fractional housing unit, that fraction shall be rounded up to an additional unit.

C. Number of parking spaces. When the calculation of the number of parking spaces required for a given land use results in a fraction that is less than one-half, the number of parking spaces required is rounded down to the whole number. If the fraction is one-half or greater, the number of required spaces is rounded up to the next whole number. For example, to calculate the number of parking spaces for a 1,120 square foot building that requires one parking space for every 250 square feet, divide 1,120 by 250 (the number of square feet per required space), which equals 4.48. Since 4.48 is less than 4.5, the number of parking spaces required is 4. If the division equaled 4.5, the number of parking spaces required would equal 5.

17.104.060 Language.

A. Planning director to include designee. References to the planning director shall include his or her designee, unless otherwise specifically defined.

B. Word construction. When used in this title, the words “must,” “shall,” “will,” “is to,” and “are to” refer to mandatory provisions. “Should” is not mandatory but is strongly recommended; and “may” is permissive. The present tense includes the past and future tenses, and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. When a list is introduced by words such as “including,” “such as,” or similar words, the list is non-exclusive. When reference is made to a federal, state, or other governmental law, rule, or regulation, the reference includes any amendments thereto, unless stated otherwise.

C. Number of days. Whenever a number of days is specified in this title, or in any permit, condition of approval, or notice issued or given as provided in this title, the number of days shall be construed as calendar days. The time in which any act is to be done is computed by excluding the first day and including the last, unless the last day is a holiday or a weekend, and then it is also excluded.

D. Minimum requirements. When interpreting and applying regulations of this title, all provisions shall be considered to be minimum requirements, unless stated otherwise.

17.104.070 Written notice – When given.

A. Mailed written notice is given when placed in the U.S. mail, stamped and addressed to the intended recipient. Mailed written notice to an applicant shall be mailed to the applicant’s address shown on the application.

B. Personally delivered written notice is given when delivered to the intended recipient or delivered to the intended recipient's address. Personally delivered written notice to an applicant may be delivered to the applicant's address shown on the application.

17.104.080 Map boundaries.

If there is uncertainty about the location of any zoning district boundary shown on the official zoning map, the following rules are to be used in resolving the uncertainty:

A. Where district boundaries approximately follow lot, alley, or street lines, the lot lines and street and alley centerlines shall be construed as the district boundaries; and

B. If a district boundary divides a parcel and the boundary line location is not specified by distances printed on the zoning map, the location of the boundary shall be determined by using the scale appearing on the zoning map.

17.104.090 Allowable uses of land.

If a proposed use of land is not specifically listed in Divisions II, III, or IV, the use shall not be allowed, except as follows:

A. The zoning administrator may determine that a proposed use that is not listed is allowable if all of the following findings are made:

1. The characteristics of, and activities associated with, the proposed use are substantially similar to those of one or more of the uses listed as allowable in that zoning district, and will not involve a higher level of activity or population density than the uses listed in the district;

2. The proposed use will meet the purpose and intent of the zoning district that is applied to the site; and

3. The proposed use will be consistent with the goals, objectives, and policies of the general plan.

B. When the zoning administrator determines that a proposed, but unlisted, use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this title apply.

C. The zoning administrator may forward questions about equivalent uses directly to the planning and design commission for a determination at a public hearing.

17.104.100 Conflicting requirements.

A. Other zoning title provisions. If conflicts occur between requirements of this title, the most restrictive applies.

B. City code provisions. If conflicts occur between the provisions of this title and other provisions of this code, the most restrictive applies.

C. General plan and specific plans. When conflicts occur between the requirements and standards of this title and requirements and standards established in the general plan or a specific plan, the requirements and standards of the general plan or specific plan apply. Density standards and floor area ratios established in this title shall not be deemed to conflict with the general plan or a specific plan unless the density standards and floor area ratios established in this title exceed those established in the general plan or a specific plan.

D. Planned unit development (PUD) guidelines. When conflicts occur between the requirements of this title and development guidelines adopted for a PUD, the requirements of the PUD development guidelines apply.

E. Private agreements. It is not intended that the requirements of this title interfere with, repeal, abrogate, or annul any easement, covenant, or other agreement that existed when this title became effective. This title applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of buildings, structures, or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction. The city shall not enforce any private covenant or agreement.

17.104.110 Authority to interpret.

The zoning administrator is responsible for and has the authority to interpret the provisions of this title.

17.104.120 Appeals and referral.

An interpretation of this title by the zoning administrator is subject to appeal to the planning and design commission under section 17.812.060. The zoning administrator may refer any interpretation of this title to the planning and design commission for a determination.

Chapter 17.108 Definitions

17.108.010 General.

As used in this title, certain terms and words have the meanings set forth in this chapter. The words are arranged in alphabetical order by section and within each section. When a definition contains a list introduced by words such as “including,” “such as,” or similar words, the list is non-exclusive.

17.108.020 “A” definitions.

“Accessory antenna” and related definitions:

1. “Accessory antenna” means an antenna designed and intended for the exclusive use of the occupants of the property on which the antenna is located and that is incidental and customary to the primary permitted use on the property. An accessory antenna includes an amateur radio antenna, a common skeletal antenna, and a satellite receive-only antenna. An accessory antenna is an accessory structure subject to chapter 17.600. An accessory antenna is not an antenna that is subject to article III of chapter 17.228, Antennas and Telecommunication Facilities.

2. “Amateur radio antenna” means an antenna used to receive or transmit radio signals on the amateur radio bandwidth, as designated by the Federal Communications Commission.

3. “Common skeletal antenna” means a ground- or building-mounted receive-only antenna used to receive UHF, VHF, AM, and FM signals of off-air broadcasts from radio and television stations.

4. “Satellite receive-only antenna” means a ground or building mounted receive only antenna, including a dish antenna, used to receive radio or television signals from orbiting communications satellites.

“Accessory drive-through facility” means a facility designed for customers to receive services or obtain goods while remaining in their motor vehicles and is accessory to the primary use, such as a pharmacy or bank. An accessory drive-through facility does not include a drive-through restaurant.

“Accessory structure**”** means a detached or attached structure, the use of which is appropriate, subordinate, and customarily incidental to that of the primary building or structure on, or the primary use of, the lot. Accessory structure includes a detached building, deck, gazebo, attached covered patio, garage, trellis, solar panel, and swimming pool.

“Accessory use” means a use conducted upon the same lot or parcel as the principal use to which it is accessory. An accessory use is customary, incidental, appropriate,

and subordinate to the use of the principal building or the principal use of the land. Uses accessory to uses permitted without first obtaining a conditional use permit shall be activated with, or subsequent to, the activation of the principal use. Uses accessory to uses permitted by a conditional use permit shall be activated with, or subsequent to, the activation of the principal use only if authorized by the conditional use permit. Otherwise, the addition of such accessory uses shall require a modification of the conditional use permit authorizing the principal use.

“Adaptive reuse” means the rehabilitation and utilization of existing (typically historical) structures for a different use than the structure was originally built to accommodate.

“Addition” means adding gross floor area to an existing structure.

“Administrative parking permit” means a permit that allows for alternatives and other modifications to the standard off-street parking requirements.

“Administrative permit” means a permit that is used to determine the conformance of a proposed project to applicable development standards, use regulations, location restrictions, and similar requirements. Administrative permits are ministerial permits.

“Adult entertainment business” means an adult-entertainment business defined in Chapter 5.06

“Adult-related establishment” means an adult-related establishment defined in chapter 5.04.

“Affordable housing” means housing that is capable of being purchased or rented by a household at an affordable sales price or an affordable rent.

“Affordable rent” means the monthly housing expenses, including a reasonable allowance for utilities, for rental units reserved for very low or lower income households, not exceeding the following calculations:

1. Very Low Income: 50 percent of the area median income for Sacramento County, adjusted for household size, multiplied by 30 percent, and then divided by 12.

2. Lower Income: 60 percent of the area median income for Sacramento County, adjusted for household size, multiplied by 30 percent, and then divided by 12.

“Affordable sales price” means a sales price of a dwelling unit at which lower or very low income households can qualify, calculated on the basis of underwriting standards of mortgage financing available for the development.

“Agriculture, general use” means the tilling of soil, the raising of crops, horticulture, silviculture, viticulture, aviculture, aquaculture, apiculture, livestock grazing, the raising

of small animals and poultry, domestic livestock farming, dairying, and animal husbandry.

“Airport” means an area licensed by the federal government or an appropriate state agency and approved for the loading, landing, and take-off of airplanes and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance.

“Alcoholic beverage sales, off-premises consumption” means the sale of alcohol or alcohol products for consumption outside the place of sale.

“Alley” means a public right-of-way that serves as a secondary means of access to abutting property.

“Amateur radio antenna.” See “Accessory antenna” and related definitions.

“Amusement center, indoor” means an establishment providing recreation activities in a completely enclosed building. Accessory uses may include the preparation and serving of food or the sale of equipment related to the activities. Included in this definition are bowling alleys, roller-skating or ice-skating rinks, billiards and pool halls, card rooms, and similar amusements.

“Amusement center, outdoor” means land or premises used for any combination of outdoor amusement uses, including paintball facilities, outdoor archery, miniature golf, bumper boats, batting cages, go-karts, skateboarding, BMX facilities, golf diving ranges not associated with a golf course, and similar uses.

“Animal slaughter” means an establishment that slaughters animals on premise for the purpose of packaging for offsite consumption.

“Antenna; telecommunications facility” and related definitions:

1. “Antenna” means any system of wires, poles, rods, reflecting discs, access points, and similar devices used for the transmission, reception, or both, of electromagnetic waves, when such system is either ground mounted or attached to the exterior of a building or structure, including those utilized by cellular utilities. “Antenna” does not include “accessory antenna.”

2. “Equipment cabinet” means a cabinet, building, or other structure used to house equipment used by telecommunications providers to house equipment at a telecommunications facility.

3. “Monopole” means a type of telecommunication tower that consists of a monopole structure, erected on the ground, to support telecommunication antennas and connecting appurtenances.

4. “Related equipment” means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Related equipment includes cable, conduit, and connectors.

5. “Telecommunications facility” means a facility that transmits or receives electromagnetic signals. A telecommunication facility includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals; telecommunications towers or similar structures that support the equipment; equipment buildings; parking area; and other accessory development.

6. “Telecommunications tower” means a mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas, to include dishes, arrays, and similar devices.

“Arcade” means a continuous passageway parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing, and accessible and open to the public.

“Arterial street” means a street with high traffic volumes (20,000 daily trips or more) that typically link freeways to collector streets and local streets.

“Arts and entertainment district” means that area shown in Exhibit A.

“Assembly – cultural, religious, social” means a meeting place at which the public or membership groups are assembled regularly or occasionally, including churches or faith congregations, auditoriums, stadiums, and similar places of assembly.

“Athletic club; fitness studio” means a facility that provides fitness services and facilities including classes, weight rooms, swimming pools, sauna baths, whirlpool baths, tennis and racquetball courts, and exercise equipment. Massages may be offered incidental to the fitness services. A facility where massages are the primary service offered is not an athletic club or fitness studio.

“Auto dismantler” means a person engaged in the business of buying, selling, or dealing in motor vehicles for the purpose of dismantling the vehicles; who buys or sells integral parts or component materials of those vehicles; or deals in used motor vehicle parts. Dismantled vehicles may include automobiles, motorcycles, trailers, recreation vehicles, or other vehicles subject to registration with the Department of Motor Vehicles.

“Auto – sales, storage, rental” means an establishment primarily engaged in the sale, long term storage, or rental or leasing of automobiles, light trucks, vans, trailers, and recreational vehicles subject to registration with the California Department of Motor Vehicles. Regulation of this use varies, depending on the distance from a light rail station. Sales of heavy trucks and tractors are included within the category of “tractor or heavy truck sales, storage, rental.”

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

17.108.030 “B” definitions.

“Bar; nightclub” means any establishment designed, maintained, operated, used, or intended to be used for the selling or serving of alcoholic beverages to the public for consumption on the premises which does not qualify as, or is not part of, a bona fide public eating place as defined in Business and Professions Code section 23038.

“Bay window” means a window forming a recess in a room and projecting outwards from the main wall of the building either in a rectangular, polygonal, or semi-circular form. A bay window includes a bay, greenhouse, or any similar type of projecting window.

“Bed and breakfast inn” means a dwelling, including on-site accessory structures, in which the inn owner or manager resides; and in which, for compensation, temporary night-to-night lodging not to exceed 14 consecutive days with or without meals is being provided, and special events such as banquets, conferences, and weddings may be held.

“Bicycle parking facility” is either a “long-term” or “short-term” bicycle parking facility as described below:

1. “Long-term bicycle parking facility” means: (a) a bicycle locker comprised of an enclosed box or compartment with a locking door, where a bicyclist has access to a single bicycle storage compartment; or (b) a short-term bicycle parking facility that is located in an area completely enclosed and covered and to which entry is secured by a locking door.

2. “Short-term bicycle parking facility” means a stationary rack designed to support a bicycle upright in at least two places to prevent it from tipping over. The design of the rack shall allow the user to lock the frame and one or more wheels to the rack using a

user-supplied U-lock. A bicycle rack design that solely supports the bicycle by a wheel does not meet the requirements of a short-term bicycle parking facility.

“Boat dock; marina” means a fixed or floating structure, including moorings, that serves as a general landing area for boats.

“Breezeway.” See “porch.”

“Building” means any structure having a roof supported by columns or walls. Mobilehomes and recreational vehicles with wheels are not buildings.

“Building, height of” means the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the plate line, where the roof meets the wall.

“Building official” means the building official designated in chapter 15.04 of Title 15, and his or her designee.

17.108.040 “C” definitions.

“California Environmental Quality Act” or “CEQA” means California Public Resources Code section 21000 et seq., as it may be amended from time to time.

“California Register.” See “Historic preservation” related definitions.

“California Register resource.” See “Historic preservation” related definitions.

“California Historical Building Code.” See “Historic preservation” related definitions.

“Card room” means any place that meets the requirements set forth in section 5.32.010 of this code. See “amusement center, indoor.”

“Carport” means any covered structure or portion of a building or structure, other than an attached or detached garage, used to shelter self-propelled vehicles.

“Cemetery” means land and structures principally dedicated to the burial of the dead, including mausoleums, columbariums, and related administrative and maintenance facilities.

“Central city” means that area of the City of Sacramento lying between the American River on the north, Broadway on the south, the Sacramento River on the west, and Alhambra Boulevard on the east. The properties fronting upon the eastern side of Alhambra and the southern side of Broadway are within the central city.

“Certified local government (CLG).” See “Historic preservation” related definitions.

“Check-cashing center” means one or both of the following:

1. An establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving a similar purpose, and includes an establishment primarily engaged in cashing payroll or personal checks for a fee or advancing funds on future checks.

2. An establishment that offers, originates, or makes a deferred deposit transaction, also known as a payday lender business. A “deferred deposit transaction” is a transaction whereby a person defers depositing a customer’s personal check until a specific date, pursuant to a written agreement.

A check-cashing center does not include a state or federally chartered bank, savings association, credit union, or similar financial institution, or retail stores or other establishments selling consumer goods, including consumables, that incidentally charge a fee not exceeding two dollars to cash checks or money orders as a service to customers.

“Childcare center” means a center that provides primarily nonmedical supervision to 15 or more children on a less than 24 hour a day basis. See “childcare, in home (family day care home)” for 14 or fewer children.

“Childcare, in-home (family day care home)” means the provision of care, protection, and supervision of 14 or fewer children, for periods of less than 24 hours per day, in the provider’s own home, while the children’s parents or guardians are away. Children under the age of ten years who reside at the home shall be counted in determining the number of children being served (Health and Safety Code section 1596.78). See “childcare center” for 15 or more children.

“Church or faith congregation” means a structure or place used primarily for religious worship and related religious activities. See also “Assembly – cultural, religious, social.”

“Cinema” means a specialized theatre for showing movies or motion pictures that contains audience seating and one or more screens and auditoriums.

“Class III landfill” means a “classified waste management unit,” as defined by 27 California Code of Regulations section 20164, that has been classified by a regional water control board as a Class III landfill pursuant to the provisions of the California Code of Regulations.

“Cleaning plant, commercial” means a service establishment primarily engaged in high-volume laundry and garment services, including power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; and carpet and upholstery cleaners. “Cleaning plant, commercial” does not include coin-operated laundries or dry cleaning drop-off and pick-up stores without dry cleaning equipment.

“College campus” means a major educational institution in a campus setting offering a wide range of services, including classes, laboratories, research, commercial services, on-site housing, and administration.

“College extension” means a college, usually part of a major educational institution, that is located in one building to serve primarily the continuing educational needs of working adults. A private college or university that locates in an office park is a college extension.

“Commercial service” means an establishment that primarily renders services rather than goods to the general public.

“Common area” means the entirety of a common interest development, as defined in California Civil Code section 1351, excepting the separate interests, or any area defined as a “common area” within a homeowners association’s declaration of covenants, conditions, and restrictions.

“Common skeletal antenna.” See “Accessory antenna” and related definitions.

“Community garden” means an otherwise undeveloped lot divided into multiple plots for the growing and harvesting of fruits, vegetables, flowers, or herbs, primarily for the personal use of the growers, and that is established, operated, and maintained by a group of persons. A community garden does not include a garden or edible landscaping that is incidental to the primary use of the lot, including a garden or edible landscaping: (1) on a lot developed with one or more residences and devoted to the personal use of the occupants of the residences; or (2) on a lot developed with a nonresidential use. Regulation of this use varies, depending on the size of the garden.

“Community market” means a temporary outdoor market, covering an area 500 square feet or less, that sells agricultural products, including flowers.

“Conditional use permit” means a zoning instrument used primarily to review the location and conduct of certain land uses that are known to 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 conditional use permit is a discretionary permit and is not the automatic right of an applicant.

“Contractor storage yard” means a lot used for the storage of large equipment, vehicles, or other materials commonly used in the contractor’s type of business; storage of scrap materials used for repair and maintenance of contractor’s own equipment; and buildings or structures used for related offices and repair facilities.

“Contributing resource.” See “Historic preservation” related definitions.
“Corner lot.” See “Lot.”

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

“Covered deck or patio.” See “Patio cover.”

“Crematory.” See “Mortuary; crematory.”

17.108.050 “D” definitions.

“Dangerous building” means a dangerous building as defined in section 8.96.110.

“Demolition.” See “Historic preservation” related definitions, for the definition of this term as it relates to historic preservation and the review of a development project involving a landmark or a contributing resource.

“Design director” means the individual designated by the planning director under section 17.100.040 to carry out the functions of the design director under this code.

“Design guidelines” means a set of guidelines regarding the architectural appearance of a building, structure, or other improvement that governs the alteration, construction, demolition, or relocation of the building, structure, or other improvement.

“Development” means any of the following:

1. The placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials;

2. Change in the density of intensity of use of land, including, subdivision of land pursuant to the Subdivision Map Act (Government Code section 66410 et seq.), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use;

3. Change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; or

4. The removal or harvesting of major vegetation other than for agricultural purposes, and timber harvesting operations.

“Development project.” See “Historic preservation” related definitions, for the definition of this term as it relates to historic preservation and the review of a development project involving a landmark or a contributing resource.

“Development standards” means regulations that address the size, bulk, height, siting conditions, and improvement standards of particular types of buildings or uses located within any zone.

“Director” means the planning director, design director, zoning administrator, or preservation director, as appropriate.

“Disposal facility.” See “Hazardous waste facility” and related definitions.

“Discretionary permit” means a permit that requires the decision maker to exercise judgment or deliberation in the approval or disapproval of the permit, as distinguished from a permit that requires the decision maker merely to determine whether there is conformity with applicable design guidelines, development standards, provisions of this code, and other statutes, ordinances, and regulations.

“Dormitory” means a dwelling containing six or more beds or guest rooms intended to be used for rental purposes for a minimum of 30 days, in which common kitchen and bathroom facilities are provided, and in which the property owner or a manager resides. Dormitory does not include a family care or residential care facility. Regulation of this use varies, depending on its location within or outside the boundaries of the central city.

“Drive-in theater” means a facility for outdoor presentation of motion pictures for viewing from vehicles, and may include ancillary eating places.

“Drive-through restaurant” means a restaurant that is designed to encourage or permit customers to receive their food while remaining in their motor vehicles.

“Dwelling” means a structure that contains one or more dwelling units.

“Dwelling, duplex” means a dwelling containing two dwelling units, or a pair of single-unit dwellings sharing a common wall. Regulation of this use varies, depending on distance from a light rail station.

“Dwelling, multi-unit” means a dwelling containing three or more dwelling units. This use can include laundry facilities, gyms, and other services that are for residents only.

“Dwelling, single-unit” means a structure designed for residential occupancy containing not more than one dwelling unit.

“Dwelling unit” means one or more rooms that include permanent provision for living, sleeping, eating, cooking, and sanitation that are occupied for residential purposes by

one or more persons living as a single housekeeping unit. All rooms within a dwelling unit must have their principal entrance from inside said dwelling unit.

"Dwelling unit, secondary" means a dwelling unit that is accessory to a single-unit dwelling located on the same parcel as the single-unit dwelling unit is situated.

17.108.060 “E” definitions.

“Earth tones” means muted shades of gray and muted shades and medium to dark tones of the following colors: burnt umber, raw umber, burnt sienna, raw sienna, yellow ocher, chrome green, English red, Indian red, terra verte.

“Elevation” means a drawing showing the vertical elements of a building, either interior or exterior, as a direct projection to a vertical plane.

“Enlargement.” See “addition.”

“Equipment cabinet.” See “Antenna; telecommunications facility” and related definitions.

“Equipment rental, sales yard” means a service establishment primarily engaged in the outdoor sales or rental of moving vans, motorized equipment, including construction and farm machinery, or industrial supplies, on a lot occupying greater than 300 square feet in area. Regulation of this use varies, depending on distance from a light rail station.

“Executive airport comprehensive plan (1982)” means the plan so named in the form adopted by the airport land use commission on April 15, 1982. See chapter 17.312.

“Exploration or prospecting.” See “Surface mining operation” and related definitions.

17.108.070 “F” definitions.

“Family care facility” means a state licensed facility that provides primarily nonmedical, 24-hour-a-day resident services to six or fewer individuals in need of personal assistance essential for sustaining the activities of daily living, or for the protection of the individual; and which is a residential care facility within the meaning of the Community Care Facilities Act (Health and Safety Code section 1500 et seq.) or is a state licensed home for the mentally disordered or otherwise handicapped, or dependent and neglected children, within the meaning of sections 5115 and 5116 of the Welfare and Institutions Code. Facilities that do not fall under these categories or provide services to more than six individuals, excluding members of the resident family or persons employed as facility staff, are residential care facilities.

“Family day care facility” means a state licensed facility that provides primarily nonmedical supervision, care, therapy and instruction to six or fewer individuals,

excluding members of the resident family or persons employed as facility staff on a less than 24—hour-a-day basis within the meaning of the Community Care Facilities Act (Health and Safety Code section 1500 et seq.).

“Farm worker housing” means housing for agricultural employees.

“Feature or characteristic.” See “Historic preservation” related definitions.

“Floor area ratio (FAR)” means the gross building area (GBA) of development, exclusive of structured parking areas, proposed on the site divided by the total net lot area (NLA). The formula is GBA/NLA = FAR. (Example: 43,560 / 43,560 = FAR 1.0)

“Fraternity house; sorority house” means a dwelling or dwelling unit maintained for sorority or fraternity members and their guests or visitors and affiliated with an academic or professional college, university, or other institution for higher learning.

“Front-yard.” See “Yard.”

“Front-yard setback.” See “Setback.”

“Frontage” means that portion of a lot that abuts a public street or private street for which the street alignments, widths, and design standards have been approved by the planning and design commission, preservation commission, or city council.

“Fuel storage yard” means portions of properties where flammable and combustible liquids and gases are received by tank vessels, pipe lines, tank cars, or tank vehicles, and are stored above ground, blended in bulk, or compressed, for the purpose of distributing such liquids by tank vessels, pipelines, tank cars, tank vehicles, or containers.

“Funeral chapel” means a building used primarily for human funeral services in relation to a mortuary or crematory.

17.108.080 “G” definitions.

“Gas station” means any building, land area, or other premises used primarily for the retail dispensing or sales of gasoline or alternative fuel for vehicles.

“General plan” means a statement of policies, including text and diagrams, setting forth objectives, principles, standards, and plan proposals, for the future physical development of the city (see Government Code section 65300 et seq.).

“Golf course; driving range” means a lot used for the playing of golf, including pitch-and-putt courses, and limited areas on which golf players drive golf balls from a central driving tee, but shall not include miniature golf courses or other similar commercial enterprises.

“Greenwaste.” See “Recycling facility” and related definitions.

“Greenwaste facility.” See “Recycling facility” and related definitions.

“Gross floor area” means the area included within the surrounding walls of a building.

“Gun range; rifle range” means a facility where firearms are fired or discharged.

17.108.090 “H” definitions.

“Hazardous waste.” See “Hazardous waste facility” and related definitions.

“Hazardous waste facility” and related definitions:

1. “Disposal facility” means a facility at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure. (See California Health and Safety Code section 25114)

2. “Hazardous waste” means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may either cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of, or otherwise managed.

3. “Hazardous waste facility” means a hazardous waste facility that includes all contiguous land and structures, other appurtenances, and improvements on the land, used for handling, treating, storing, or disposing of hazardous waste.

4. “Off-site facility” means a hazardous waste facility that is not an on-site facility.

5. “On-site facility” means an on-site facility at which hazardous waste is produced and which is owned by, leased to, or under the control of the producer of the waste.

6. “Storage facility” means a hazardous waste facility at which the hazardous waste is contained: (1) for periods greater than 90 days at an on-site facility; (2) in a tank for any period of time and the quantities of waste exceed 5,000 gallons or 45,000 pounds, whichever is greater; (3) for any period of time at an off-site facility that is not a transfer facility; or (4) at a transfer facility for periods greater than 96 hours.

7. “Transfer facility” or “transfer station” means any hazardous waste facility where hazardous wastes are loaded, unloaded, pumped, or packaged. (California Health and Safety Code Section 25114)

8. “Treatment” and “treatment facility” mean treatment as defined in California Health and Safety Code section 25123.5 as that section may be amended from time to time. “Treatment facility” means any off-site or on-site facility at which hazardous waste is subject to treatment.

“Height of building.” See “Building, height of.”

“Heliport; helistop” means an area of land or water or a structural surface that is used or intended to be used for the landing and take-off of helicopters, along with any appurtenant areas that are used, or intended to be used, for heliport buildings and other heliport facilities, and that is permitted or licensed by the California Department of Transportation.

“High voltage transmission facility” means electrical transmission supply lines, poles, and accessory structures operated at the electrical potential of 100,000 volts or greater, and substations where at least one of the transmission lines connecting with the substation is operated at the electrical potential of 100,000 volts or greater.

“Historic preservation” related definitions.

1. “California Register” means the California Register of Historical Resources as defined in California Public Resources Code Section 5020.1 as it may be amended from time to time.

2. “California Register resource” means any resource listed in the California Register, as it may be amended from time to time.

3. “California Historical Building Code” means Part 8 of Title 24 (California Building Standards Code) of the California Code of Regulations, as it may be amended from time to time.

4. “Certified local government” (CLG) means a local government that has been certified by the National Park Service to carry out the purposes of the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470 et seq.) as amended, pursuant to section 101(c) of that Act and the regulations adopted under this Act, which are set forth in Part 61 (commencing with Section 61.1) of Title 36 of the Code of Federal Regulations.

5. “Contributing resource” means a resource designated as a contributing resource by the city council under chapter 17.604.

6. “Demolition” means the following:

a. The complete demolition of the entirety of a landmark or contributing resource;

b. The partial demolition of a landmark or contributing resource that involves any of the following:

i. The demolition of an aggregate of 50 or more linear feet of exterior wall or more than 50% of the footprint of the landmark or contributing resource,

ii. The remodeling or other alteration of the landmark or contributing resource, where the proposed work affects or may affect significant features or characteristics, or

iii. The demolition is other than minor, inconsequential, or insignificant and it has been determined that the demolition will affect the significance of the landmark or contributing resource;

c. For purposes of chapter 17.604, the demolition of any structure 50 years old or older means the removal of an aggregate of 50 or more linear feet of exterior wall or more than 50% of the footprint of the structure.

7. “Development project” is liberally interpreted in light of the findings and purpose of chapter 17.600 and includes the following:

a. The demolition of a landmark or a contributing resource;

b. The relocation of a landmark or a contributing resource;

c. The addition to, remodel, repair, rehabilitation and any other modification of the exterior of a landmark, contributing resource, or noncontributing resource, along with all associated facilities and appurtenances such as walls, fences and signs;

d. The remodel, repair, rehabilitation or any other modification of the interior of a landmark or contributing resource where the interior constitutes “features or characteristics” as defined herein and is accessible to or is made available to the public.

e. The new construction of a building or structure on the same lot as a landmark, contributing resource, or noncontributing resource, or on a vacant lot in a historic district;

f. The relocation of an existing building or structure to the same lot as a landmark, contributing resource, or noncontributing resource, or to a vacant lot in a historic district.

8. “Feature or characteristic” means fixtures, components or appurtenances attached to, contiguous with, or otherwise related to a structure or property including but not limited to landscaping, setbacks, massing, distinguishing aspects, roof attributes,

materials, moldings, sculptures, fountains, light fixtures, windows and monuments. “Feature or characteristic” may include historically or architecturally significant interior areas that are accessible to or made available to the public, including, without limitation, areas commonly used as public spaces such as lobbies, meeting rooms, gathering rooms, public hallways, great halls, bank lobbies, or other similar spaces. Interior areas that generally are not accessible to or made available to the public, but which occasionally may be visited by business invitees or members of the public, including those on a tour of a facility, do not constitute a “feature or characteristic.”.

9. “Historic resource” and “cultural resource” mean those properties determined to be a historic resource or cultural resource under CEQA or NEPA, under any other provision of California law, or listed or nominated for listing on the Sacramento register.

10. “Historic district” means a geographic area designated as a historic district by the council in accordance chapter 17.604.

11. “Historic district plan” means a plan adopted by the council pursuant to chapter 17.604 or the prior versions of that chapter.

12. “Landmark” means all historic resources designated as landmarks by the council in accordance with chapter 17.604.

13. “Listed historic resource” means any resource listed in the Sacramento register, the California Register, or the National Register of Historic Places; provided, that listed historic resource does not include a noncontributing resource in a historic district or resources in the Old Sacramento national historic landmark district.

14. “Mills Act” means California Government Sections 50280 et seq., as it may be amended from time to time.

15. “National Historic Preservation Act” means 16 U.S.C. section 470 et seq., as it may be amended from time to time.

16. “National Register of Historic Places” means the official inventory of districts, sites, buildings, structures and objects significant in American history, architecture, archeology and culture which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966(16 U.S.C. 470 et seq., 36 C.F.R. sections 60, 63).

17. “National register resource” means any resource listed in the National register of Historic Places.

18. “Nominated resource” means a resource nominated for listing on the Sacramento register as provided for in chapter 17.604.

19. “Nomination” means a nomination for listing of a resource on the Sacramento register pursuant to chapter 17.604.

20. “Noncontributing resources” means all resources within a historic district that are not identified as contributing resources.

21. “Resource” means any building, structure, site, area, place, feature, characteristic, appurtenance, landscape, landscape design, or improvement.

22. “Sacramento register of historic and cultural resources” or “Sacramento register” means the register created by chapter 17.604.

23. “Secretary of the Interior’s Standards” means the Secretary of the Interior’s Standards for Treatment of Historic Properties found at 36 C.F.R. 68.3, as it may be amended from time to time.

24. “Significant feature or characteristic” means a feature or characteristic identified by the city council as significant from a historical standpoint pursuant to chapter 17.604.

25. “Survey” means a process by which properties are documented for eligibility for listing in the Sacramento register, the California Register, or the National Register of Historic Places.

“Historic district.” See “Historic preservation” related definitions.

“Historic district plan.” See “Historic preservation” related definitions.

“Historic resource” and “cultural resource.” See “Historic preservation” related definitions.

“Home occupation” means a nonresidential use conducted in a dwelling unit that is clearly incidental and subordinate to the use of the dwelling for residential purposes.

“Hotel; motel” means a building designed for occupancy as temporary lodging with or without meals, in which there are six or more guest rooms. A hotel is typically larger than a motel and often includes conference and banquet facilities.

17.108.100 “I definitions.

“Immediately dangerous building or structure” means an immediately dangerous building or structure as defined in section 8.96.120.

“Improvements” means buildings, structures, and fixtures erected on, or affixed to, land, except telephone, telegraph, and electrical lines.

“Infill” means development on, or reuse of, a site that has been previously developed, or development on a vacant site, where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with existing uses.

“Integrated development site” means a site consisting of two or more contiguous parcels sharing parking facilities with reciprocal access and parking easements or similar shared-parking agreements.

“Interior lot.” See “Lot.”

“Interior side yard.” See “Yard.”

“Interior side-yard setback.” See “Setback.”

17.108.110 “J” definitions.

“Junk yard” means any yard, plot, space, enclosure, building, or any other place where junk is collected, stored, gathered together, and kept. See also section 5.80.020.

17.108.120 “K” definitions.

“Kennel” means any premises, buildings, or structures that are used for the commercial breeding, boarding, training, grooming, or bathing of dogs, cats, and/or other small domesticated household pets (not farm animals), or for the breeding or keeping of dogs for racing purposes.

“Key lot.” See “Lot.”

17.108.130 “L” definitions.

“Laboratory, research” means a building or group of buildings that have facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products.

“Landmark.” See “Historic preservation” related definitions.

“Landscape setback” means an area planted and maintained with a combination of trees, turf, or live ground cover and shrubs.

“Landscaping” means plants, other physical site elements, and plans.

“Laundromat, self-service” means a commercial establishment offering self-serve and assisted laundry facilities for public use.

“Legislative change requests” means an application to change the legislative regulations applicable to a parcel of land. Changes to legislative actions are discretionary.

“Library; archive” means an establishment primarily engaged in maintaining collections of documents (e.g., books, journals, newspapers, music, and other recorded information regardless of its physical form and characteristics) and facilitating the use of the documents to meet the informational, research, educational, or recreational needs of the user. These establishments may also acquire, research, store, preserve, and generally make accessible to the public historical documents, photographs, maps, audio material, audiovisual material, and other archival material of historical interest. All or portions of these collections may be accessible electronically.

“Listed historic resource.” See “Historic preservation” related definitions.

“Livestock yard” means an establishment to which the public may consign livestock for sale by auction open to public bidding or sold on a commission basis.

“Living quarters” means one or more rooms in a building designed for occupancy by one or more persons for living or sleeping purposes.

“Lot” means a parcel of land shown on a subdivision map or a record of survey map, or a parcel described by metes and bounds, or a building site in one ownership having an area for each main building as hereinafter required in each zone.

1. “Corner lot” means a lot situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees.

2. “Interior lot” means a lot other than a corner lot.

3. “Key lot” means the first interior lot to the rear of a reversed corner lot.

4. “Reversed corner lot” means a corner lot, the rear of which abuts upon the side of another lot.

5. “Through lot” means a lot having frontage and public access on two parallel public streets.

“Lot area” means the total area within the lot lines of a lot.

“Lot area, net” means the area of a lot excluding publicly dedicated land; private streets which meet city standards; and other public use areas.

“Lot coverage” means the amount of lot, stated in terms of a percentage, that is covered by all buildings or structures. Lot coverage includes all buildings, porches, breezeways, patio roofs, and the like, whether open box type or lathe roofs, or fully roofed, but does not include fences, walls, or hedges used as fences, uncovered porches or patios, or swimming pools. On a residential structure, an eave overhang measuring two feet or less in width, shall not be included in lot coverage. If the overhang exceeds two feet in width, the entire overhang shall be included in lot coverage.

“Lot depth” means the distance between the front and rear lot lines. If the side lot lines differ in length, the depth of the lot is defined as the average of the lengths of the side lot lines.

“Lot line, front” means, in the case of an interior lot, a lot line separating the lot from the street, and in the case of a corner lot, a lot line separating the narrowest street frontage of the lot from the street.

“Lot line, rear” means a lot line that is opposite and most distant from the front lot line, and in the case of an irregularly shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

“Lot line, side” means any lot boundary line that is neither a front lot line nor a rear lot line.

“Lot width” means the distance between the side lot lines measured at the front building setback line.

“Lumber yard, retail” means an area used for the storage, distribution, and sale of lumber and lumber products at retail, but not including the manufacture, remanufacture, or fabrication of lumber, lumber products, or firewood.

17.108.140 “M” definitions

“Major medical facility” means an institution that provides intensive supervision or medically supervised treatment to patients who are generally non-ambulatory. This category shall include general and special hospitals, children’s treatment centers, extended care facilities for treatment and convalescence, and nursing homes as defined in Health and Safety Code section 129435. Ancillary retail uses, such as gift shops, restaurants or cafeterias, pharmacies, food carts, produce sales/stands, are permitted.

“Major recycling facility” See “Recycling facility” and related definitions.

“Major Transit Station” means a rail stop or bus corridor that provides at least 15-minute frequency service during peak hours.

“Manufactured home” means factory-built, single-unit dwelling or multi-unit dwelling structure designed to be used with a foundation. A manufactured home is treated in the same manner as “dwelling” in the individual zone chapters.

“Manufacturing, service, and repair” means the compounding, processing, reprocessing, assembly, packaging, maintenance, or repair of goods. Regulation of this use varies, depending on size of building.

“Master plan” means an overall plan for development, consistent with the goals and policies of the general plan and applicable community plan, specific plan, or area plan. A master plan shall include, but may not be limited to, an overall schematic plan designating acreage proposed for each parcel, location of proposed land uses, general description of the types and intensities of uses, building elevations, heights, square footage, parking, open space, and the proposed pedestrian, bicycle, and traffic circulation system.

“Medical clinic or office” means a facility in which substantially all of the services provided constitute the practice of medicine, surgery, dentistry, optometry, podiatry, chiropractic, acupuncture, acupressure, psychology, psychiatry, counseling, medical-related laboratory services, or similar health services; are provided by state licensed health professionals; and are rendered on a one-to-one patient to health professional ratio, on an out-patient or less than 24 hour a day basis.

“Medical marijuana dispensary” means a medical marijuana dispensary as defined in chapter 5.150.

“Mills Act.” See “Historic preservation” related definitions.

“Mined lands.” See “Surface mining operation” and related definitions.

“Minerals.” See “Surface mining operation” and related definitions.

“Mini storage; locker building” means a facility that offers individually secured units or surface space for the storage of goods, other than hazardous materials, for rental to the public, each of which is accessible only by the renter of the individual unit or space. Regulation of this use varies, depending on distance from a light rail station.

“Minor recycling facility.” See “Recycling facility” and related definitions.

“Mobilehome” means a dwelling transportable in one or more sections, designed and equipped for human habitation and to be used with or without a foundation system. Mobilehome does not include a recreational vehicle.

“Mobilehome park” means any lot or parcel where one or more mobilehome spaces are rented or leased or held out for rent or lease to accommodate mobilehomes used for human habitation.

“Mobilehome – sales, storage” means an establishment where mobilehomes are sold or stored.

“Model home temporary sales office” means a dwelling temporarily used as an on-site sales office for a residential development under construction.

“Monopole.” See “Antenna; telecommunications facility” and related definitions.

“Mortuary; crematory” means an establishment that prepares the human dead for burial, cremates human remains, or arranges and manages funerals. A funeral chapel may be included as part of this use.

“Museum” means a building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, cultural, or artistic value.

17.108.150 “N” definitions.

“National Environmental Policy Act” or “NEPA” means 42 U.S.C. section 4321 et seq., as it may be amended from time to time.

“National Historic Preservation Act.” See “Historic preservation” related definitions.

“National Register of Historic Places.” See “Historic preservation” related definitions.

“National register resource.” See “Historic preservation” related definitions.

“Nominated resource.” See “Historic preservation” related definitions.

“Nomination.” See “Historic preservation” related definitions.

“Nonconforming use” means any use, whether of a building, structure, or lot, that does not conform to the land use regulations of this title for the zone in which the use is located, either on the effective date of this title or as a result of subsequent amendments to this title, but that did conform to the applicable land use regulations in existence at the time the use was established.

“Noncontributing resource.” See “Historic preservation” related definitions.

“Non-profit organization, food preparation for off-site consumption” means a facility operated on a not-for-profit basis where food or meals are prepared for delivery and consumption off-site.

“Non-profit organization, food storage and distribution” means a facility that stores or distributes food to individuals and families in need on a not-for-profit basis. Such

facilities may be referred to as food banks, food pantries, or food closets. Regulation of this use varies, depending on size of building.

“Non-profit organization, meal service facility” means a facility where meals are served on-site to individuals or families on a not-for-profit basis. Such a facility may be referred to as a congregate meal facility or a dining hall.

“Non-residential care facility” means a facility that provides supervision, care, or therapy to seven or more individuals, excluding members of the resident family or persons employed as facility staff, on a less than 24-hour-a-day basis. A facility that provides this service for six or fewer individuals is a “family day care facility.”

17.108.160 “O” definitions.

“Off-site facility.” See “Hazardous waste facility” and related definitions.

“Office” means a room or group of rooms used for conducting the affairs of a business, profession, service industry, or government. Office includes "medical clinic or office."

“Old Sacramento” or “Old Sacramento national historic landmark historic district” means the Old Sacramento national historic landmark district as listed and described on the National Register of Historic Places established pursuant to the National Historic Preservation Act, an area located in the Sacramento central city roughly bounded by the Sacramento River on the west, Capitol Mall on the south, the Interstate 5 freeway on the east and I Street and the I Street Bridge on the north.

“On-site facility.” See “Hazardous waste facility” and related definitions.

“Open space” means land or water that is open to the sky and is intended to be used for landscaping, outdoor recreation, agriculture, nature conservation, or environmental protection.

“Open space, common” means open space that is reserved for the shared use of adjacent tenants or property owners. Common open space includes landscaping, roof gardens, atriums, natural water features (e.g., ponds), and other amenities used for outdoor use.

“Open space, private” means open space that is reserved for the use of a single tenant or property owner. Private open space includes balconies, decks, and porches.

“Open space, public” means open space that is provided for public use.

“Outdoor market” means a marketplace, not confined to a building, with one or more individual stalls or vendors that sell products such as new or used goods, wares, merchandise, limited services, fresh food items, pre-packaged food items, and flowers

or plants. An outdoor market may be permanent or a periodic/occasional event. An outdoor market is also common known as a flea market, outdoor bazaar, farmer's market, open-air market, produce market, or community market. A businesses displaying merchandise outside a fully enclosed building in association with a business where purchase of such merchandise ordinarily takes place within a building is not considered an outdoor market. See section 5.88.200.

"Overburden." See "Surface mining operation" and related definitions.

17.108.170 "P" definitions.

"Parapet" means a low protective wall or railing along the edge of a roof, balcony, or similar structure; in an exterior wall, the part entirely above the roof.

"Parcel." See "lot."

"Park" means all publicly owned and operated parks that are used, operated, or maintained for recreational purpose.

"Parking lot; garage" means a parking facility intended to serve a particular building or use.

"Passenger terminal" means an enclosed building, including terminals, depots, and passenger waiting, loading, and unloading stations of bus, rail, and other transit companies and districts, public and private, that provide transportation services primarily for people, but that may transport freight as an incidental service. This term does not include bus or other transit passenger stops located within or immediately adjacent to a public right-of-way, and designed with or without a partially enclosed shelter.

"Patio" means a level, surfaced area usually adjacent to a principal building.

"Patio cover" means a solid or open roof structure that covers a patio, platform, or deck area. Patio covers may be detached or attached to another structure. Patio covers may be enclosed and used for recreational and outdoor living purposes, but do not include uses such as carports, garages, storage rooms, or habitable rooms.

"Planned unit development (PUD)" means a residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

"Planning and design commission" means the planning and design commission established pursuant to chapter 2.60.

“Planning and zoning law” means Title 7 Division 1 of the State of California Government Code, beginning with section 65000.

“Planning director” means the individual designated under section 17.100.040 to perform the functions required by, and to exercise the authority granted under, this title.

“Plant nursery” means a facility for propagation or sale of horticultural or ornamental plant materials and related products, including:

1. Sale of products to the general public, including plant materials, planter boxes, fertilizer, and related items;

2. Wholesale or distribution of plant materials, raised on the same site, to other business;

3. A facility for indoor propagation of plants constructed with transparent panels including lath houses; and

4. Agricultural establishments primarily engaged in the production of ornamental plants and other nursery products, grown under cover or outdoors.

“Porch” means a roofed open area usually attached to, or part of, and with direct access to one or more buildings.

“Porte-cochere” means a roofed structure extending from the entrance of a building over an adjacent drive to shelter persons getting into or out of buildings.

“Preservation commission” means the preservation commission established pursuant to chapter 2.58.

“Preservation director” means the individual designated by the planning director under section 17.100.040 to carry out the functions of the preservation director under this code.

“Primary use” means the primary or dominant use of land, such as residing within a dwelling, operating a business, manufacturing, or farming.

“Process.” See “Recycling facility” and related definitions, for the definition of this term as it relates to recycling uses.

“Produce stand” means a permanent structure used for the retail sale of fresh fruits, vegetables, and flowers and may include, as an incidental or accessory use, the sale of sealed or prepackaged food products or nonfood items.

“Public utility yard” mean public facilities that consist of buildings and premises used for the storage and maintenance of equipment and materials involved in construction, installation, maintenance, or landscaping on other property.

17.108.180 “Q” definitions.

17.108.190 “R” definitions.

“Railroad ROW” means a strip of land occupied by railroad tracks and spur tracks, and, if permitted in the applicable zoning district, loading and unloading platforms or structures.

“Railroad – yard, shop” means an area of land, a portion of which is covered by a system of tracks for the making up of trains by one or more railroads or private industry concerns. Necessary functions of a railyard or shop include the classifying, switching, storing, assembling, distributing, consolidating, moving, repairing, weighing, or transferring of cars, trains, engines, locomotives, and rolling stock.

“Rear yard.” See “Yard.”

“Rear-yard setback.” See “Setback.”

“Reclamation.” See “Surface mining operation” and related definitions.

“Reconstruction” means the rebuilding of a structure in such a manner and to such an extent as to substantially replace the existing structure.

“Recreational vehicle (RV)” means any of the following:

1. Travel trailer: a vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational, and vacation uses permanently identified as a travel trailer by the manufacturer.

2. Camper: a structure designed primarily to be mounted upon a motor vehicle and with sufficient facilities to render as suitable for use as a temporary dwelling for camping, travel, recreational, and vacation purposes.

3. Motorized home: a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

4. Full tent trailer: a folding structure mounted on wheels and designed for travel and vacation use.

5. Boats and boat trailers: boats, floats, and rafts, and associated highway transport equipment.

“Recyclable material.” See “Recycling facility” and related definitions, for the definition of this term as it relates to recycling uses.

“Recycling facility” and related definitions:

1. “Recycling facility, convenience” means a recycling facility located in a convenience zone and certified by the California Department of Conservation under the California Beverage Container Recycling and Litter Reduction Act (Public Resources Code section 14500 et seq.). Refer to chapter 17.228 of this title for convenience recycling facility development standards and criteria.

2. “Recycling facility – minor, major, greenwaste” means a facility for the acceptance of recyclable materials from the general public, other recycling facilities, local government agencies, and other business enterprises. The facility is used for the collection, short-term storage, processing, and transfer of recycled materials having a residual solid waste of 10 percent or less of non-putrescent material requiring transport to a landfill. A recycling facility may use portable or permanent equipment to chip, crush, grind, or process recyclable waste products.The categories of recycling facilities used by this title are:

a. Minor recycling facility. A “minor recycling facility” is a recycling facility that is not a major recycling facility and is not a convenience recycling facility. A minor facility cannot accept greenwaste. Refer to chapter 17.228 of this title for facility development standards and criteria.

b. Major recycling facility. A “major recycling facility” is a facility with an operation involving 50 tons or more of material per day; or that includes on-site stockpiled material of 5,000 tons or more; or that includes more than 50 truck trips per day; or with a site area that exceeds three acres. A major facility cannot accept greenwaste. Refer to chapter 17.228 of this title for facility development standards and criteria.

c. Greenwaste facility. A “greenwaste facility” is a facility that accepts garden, wood, and other organic waste to reprocess into compost, wood chips, or other products. “Chip and ship” or “chip and grind” facilities are included in this type of facility. Such a facility must meet the criteria and standards listed in chapter 17.228 of this title. Facilities which receive greenwaste (garden, wood, or other organic waste) for shipment to another facility for reprocessing or composting are included in this type of facility. Such a facility may use power-driven processing equipment. Refer to chapter 17.228 of this title.

3. “Greenwaste” means organic waste generated by landscape, garden or agricultural operations consisting of lawn clippings, tree and shrub prunings, wood, and miscellaneous soil material. This is categorized as material which can be used to process into compost or wood chips for reuse.

4. “Process” means the act of physically altering collected materials, including crushing cans and breaking glass bottles by hand or with manual or power-driven equipment.

5. “Recyclable material” means reusable material, including without limitation metals, glass, plastic, paper, concrete, and organic material that is intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous material.

6. “Reverse vending machine” means a mechanical device that accepts one or more types of empty CRV beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container’s refund value.

7. “Solid waste” means any material consisting of inert, putrescible, or non-putrescible material generated by residential, commercial, industrial, and agricultural uses. Inert materials generally have no active material that can break down into other forms, and therefore are considered not to decompose. Putrescible materials are capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases, or other offensive conditions. Non-putrescible materials are not easily decomposed into other matter or decomposed into other materials.

8. “Scrap metals” includes materials and equipment commonly used in construction, agricultural operations, irrigation, and electrical power generation and transmission, railroad equipment, automobile parts, oil well rigs, scrap iron, nonferrous materials, copper, stainless steel, and nickel that are offered for sale to any junk dealer or recycler, but does not include household generated waste or aluminum beverage containers.

“Related equipment.” See “Antenna; telecommunications facility” and related definitions.

“Relocation” means the moving of a building or structure from one place to another.

“Remodel” means any improvement to the exterior or interior of a building that requires an electrical, plumbing, or HVAC permit and that is not a structural alteration, new construction, reconstruction, or enlargement.

“Repair” means restoration of a facility or components to such condition that it may be used effectively for its designated purpose, by overhaul, or replacement of constituent parts or materials that have deteriorated by action of the elements, vandalism, and wear and tear that cannot be corrected through maintenance.

“Residential care facility” means a facility that provides primarily nonmedical resident services to seven or more individuals in need of personal assistance essential for sustaining the activities of daily living, or for the protection of the individual, excluding members of the resident family or persons employed as facility staff, on a 24-hour-a-day

basis. A facility that provides this service to six or fewer individuals is a “family care facility.”

“Residential hotel” means a building containing six or more guestrooms or efficiency units intended or designed to be used, rented, or occupied for sleeping or living purposes by guests, and that is the primary residence of the guests. An “efficiency unit” means an “efficiency living unit” as defined in section 8.100.230.

“Resource.” See “Historic preservation” related definitions, for the definition of this term as it relates to historic preservation and the review of a development project involving a landmark or a contributing resource.

“Restaurant” means an establishment where food and drink are prepared, served, and consumed primarily within the principal building. A restaurant use may or may not have within its premises a bar for the sale of alcoholic beverages for on-site consumption.

“Retail floor area” means floor area where merchandise is displayed for sale, including outdoor sales areas. Retail floor area does not include warehouse and storage areas used to support the retail areas.

“Retail store” means an establishment engaged in selling goods or merchandise to the general public for personal or household consumption or use. Goods or merchandise may be new or used. A retail store promotes itself to the general public; may buy, receive, and sell merchandise; may process or manufacture some of the products in stock, such as jewelry or baked goods; and may process articles owned by the customer, such as cleaners or shoe repair. Membership-type stores, indoor markets, bazaars, antique malls, consignment shops, thrift stores, and secondhand stores are examples of retail stores. Regulation of this use varies, depending on size of building. “Retail store” does not include superstores.

“Reverse vending machine.” See “Recycling facility” and related definitions, for the definition of this term as it relates to recycling uses.

“Reversed corner lot.” See “Lot.”

“Reversed frontage” means the situation where the rear lot line of a corner lot is contiguous to the side lot line of the adjacent interior lot.

“Riding stable” means a commercial horse, donkey, or mule facility, including a horse ranch, boarding stable, and riding school. A riding stable may have barns, stables, corrals, and paddocks accessory and incidental to the riding stable.

“Rooftop emergency facility” means a clear area of the roof of a tall building that is not permitted or licensed as a heliport or helistop and is not intended to function as a heliport, yet is capable of accommodating helicopters engaged in firefighting or

emergency evacuation operations. Rooftop emergency facility is also known as an "emergency evacuation facility."

17.108.200 "S" definitions.

"Sacramento register of historic and cultural resources" or "Sacramento register." See "Historic preservation" related definitions.

"Satellite receive-only antenna." See "accessory antenna" and related definitions.

"School – dance, music, art, martial arts" means a school that primarily teaches skills in the fine arts, performing arts, and martial arts.

"School, K—12" means any building, portion of building, or group of buildings designed, constructed, and used for public or private education or instruction for any or all grades from kindergarten through grade 12.

"School, vocational" means a school that primarily teaches usable skills to prepare students for jobs in a trade. This use is also known as a business school/college or trade school.

"Secretary of the Interior's Standards." See "Historic preservation" related definitions.

"Senior housing" means housing intended for elder adults, usually age 50 or over, with varying levels of care. The definition includes independent living and assisted living.

"Setback" means the line beyond which the main wall of a building or structure may not project. A required setback for one building or structure may not serve as the required setback for any other building or structure.

1. A front-yard setback, and a rear-yard setback that is adjacent to an alley, extend across the full width of the lot and are measured from the adjacent right-of-way line to the nearest point of the main wall of the building.

2. A rear-yard setback that is not adjacent to an alley extends across the full width of the lot and is measured from the property line to the nearest point of the main wall of the building.

3. An interior side-yard setback extends from the front-yard setback to the rear-yard setback and is measured from the property line to the nearest point of the main wall of the building.

4. A street side-yard setback extends from the front-yard setback to the rear-yard setback and is measured from the adjacent right of way line to the nearest point of the main wall of the building.

“Shopping center” means a group of five or more commercial establishments on one or more parcels with common off-street parking and vehicular access points. A shopping center can include an anchor tenant that wholly or partially occupies a structure in a shopping center; occupies not less than 4,000 square feet; and is a retail food store, drug store, department store, retail discount house, home improvement center, variety store, movie theater, or restaurant.

“Significant feature or characteristic.” See “Historic preservation” related definitions.

“Site” means a contiguous area of land, including a lot or lots or a portion thereof, upon which a project is developed or proposed for development.

“Site plan and design review” means a review process that ensures that the physical aspects of a development project are consistent with the general plan and applicable specific plan or transit village plan and with all applicable neighborhood specific and city-wide design guidelines and development standards. Site plan and design review is a discretionary permit and is not the automatic right of an applicant.

“Solar energy system, commercial (city property)” means a facility used for the conversion of solar energy for the commercial sale of electricity and located on a lot owned by the city. A solar energy system—commercial (city property) does not include a system that is accessory to the primary use of the lot and that generates electricity that is primarily used on-site or credited to the use of the lot.

“Solar energy system, commercial (non-city property)” means a facility used for the conversion of solar energy for the commercial sale of electricity and located on a lot that is not owned by the city. A solar energy system—commercial (non-city property) does not include a system that is accessory to the primary use of the lot and that generates electricity that is primarily used onsite or credited to the use of the lot.

“Solid waste.” See “Recycling facility” and related definitions, for the definition of this term as it relates to recycling uses.

“Solid waste landfill” means a solid waste landfill defined in California Public Resources Code section 40195.1.

“Solid waste transfer station” means a facility where solid waste is unloaded and then consolidated for shipment to a landfill.

“Special use” means uses that may have an impact on the area in which they are located, or are capable of creating special problems for bordering properties unless given special attention.

“Special permit.” See “conditional use permit.”

“Specific plan” means a plan addressing land use distribution, open space availability, infrastructure, and infrastructure financing for a portion of the community. (See Government Code section 65450 et seq.)

“Sports complex” means a commercial indoor or outdoor structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of athletic events. A sports complex may also be used for entertainment and other public gathering purposes, such as conventions, theater, circuses, or concerts. The facility may also provide other regular organized or franchised events, health and fitness club facilities, swimming pool, snack bar, restaurant, retail sales, offices, and other support facilities.

“Stand-alone parking lot” means a parking facility not intended to serve a particular building or use, or that does not include parking spaces required under chapter 17.608.

“Storage facility.” See “Hazardous waste facility” and related definitions.

“Street” means a public thoroughfare, including a public road and highway, that affords the principal means of access to abutting property.

“Side yard.” See “Yard.”

“Street side-yard setback.” See “Setback.”

“Structural alterations” means any change of the supporting members of a building or structure such as bearing walls, columns, beams, or girders.

“Structure” means anything constructed or erected that requires location on the ground or attached to something having location on the ground, including accessory buildings, signs and billboards, antennas and accessory antennas, swimming pools, paved surfaces, and solar panels, but not including fences or walls used as fences.

“Superstore” means a retail store with more than 90,000 gross square feet of floor area and more than 10% gross floor area devoted to the sale of non-taxable merchandise. Notwithstanding the foregoing, the term “superstore” shall exclude wholesale clubs or other establishments selling primarily bulk merchandise and charging membership dues or otherwise restricting merchandise sales to customers paying a periodic assessment or fee.

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving the resident’s health status, and maximizing the resident’s ability to live and, when possible, work in the community. As used in this definition, “target population” means persons, including persons with disabilities, and families who are “homeless” as that term is defined by section 11302 of Title 42 of the United States Code, or who are “homeless youth,” as that term is defined in paragraph (2) of subdivision (e) of section 11139.3 of the

California Government Code. (See subdivision (b) of section 50675.14 of the California Health and Safety Code and section 65582 of the California Government Code.) Supportive housing is considered to be a “dwelling” in the individual zone chapters.

“Surface mining operation” and related definitions:

1. “Exploration or prospecting” means the search for minerals by geological, geophysical, geochemical, or other techniques, including sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.

2. “Mined lands” includes the surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

3. “Minerals” includes any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

4. “Overburden” means soil, rock, or other minerals that lie above a natural mineral deposit or in between deposits, before or after their removal by surface mining operations.

5. “Reclamation” means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

6. “Surface mining operation” means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Surface mining operation includes:

a. In place distillation or retorting or leaching;

b. The production and disposal of mining waste; and

c. Prospecting and exploratory activities.

“Survey.” See “Historic preservation” related definitions, for the definition of this term as it relates to historic preservation and the review of a development project involving a landmark or a contributing resource.

17.108.210 “T” definitions.

“Tasting room, off-site.” See “Bar; nightclub”.

“Tasting room, on-site.” means an establishment where malt beverages or wine produced on the premises are served to the public for on-site consumption; also may include off-sales of malt beverages or wine produced on the premises.

“Telecommunications facility.” See “Antenna; telecommunications facility” and related definitions.

“Telecommunications tower.” See “Antenna; telecommunications facility” and related definitions.

“Temporary commercial use” means the temporary location of a commercial use intended to be used for not more than one year during which time the commercial use’s permanent location is prepared for occupancy.

“Temporary residential shelter” means a facility that provides short-term, temporary housing to individuals or families free or substantially below cost. The tenancies at such facilities generally do not exceed 60 days although individuals or families may sometimes stay longer before obtaining long-term, transitional, or permanent housing. This definition does not include emergency shelters established in the wake of disaster, such as shelters provided by the American Red Cross or the federal or state government. Related services that may be provided in conjunction with a temporary residential shelter include health care, mental health services, counseling, case management, permanent housing assistance programs, job training, day centers for single adults, meal service facilities, child day care, and day centers for families. See “family care facility” for a facility serving six or fewer individuals.

“Terminal yard, trucking” means a major truck assemblage station and maintenance and repair facility, as at a terminus where trucks originate or terminate, or at which they are distributed or combined.

“Theater” means a structure used for the performing arts such as dramatic, dance, musical, or other live performances.

“Through lot.” See “Lot.”

“Transfer facility or station.” See “Hazardous waste facility” and related definitions.

“Treatment, treatment facility.” See “Hazardous waste facility” and related definitions.

“Tobacco retailer” means any person who sells, offers for sale, exchanges, or offers to exchange, for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia without regard to the quantity sold, offered for sale, exchanged, or offered for exchange. Tobacco retailer includes a tobacco store.

“Towing service; vehicle storage yard” means the business of towing motor vehicles for compensation in the city by means of a tow car. A towing service includes the dispatching of tow cars and the reception of tow car dispatches. Facilities include an area used for the temporary storage of towed vehicles by a towing service operator pending the return of the vehicle to its owner. A towing service operated as an incidental service in conjunction with an auto-sales, storage, rental use; an auto-service, repair use; or a gas station use is not included in this definition. See also “tow car.”

“Tow car” means a motor vehicle altered or designed and equipped for, and primarily used in the business of towing vehicles by means of a crane, hoist, tow bar, tow line, dolly, or any combination thereof. Tow car does not include an “auto dismantler’s tow vehicle” as defined in Vehicle Code section 615(c).

“Tractor or heavy truck sales, storage, rental” means an establishment primarily engaged in the sale, long term storage, or rental or leasing of tractor or heavy trucks.

“Tractor or heavy truck service, repair” means an establishment for the service and repair of tractors or heavy trucks, but does not include storage of wrecked vehicles.

“Transit vehicle – service, repair, storage” means a facility providing any and all types of general or specialized maintenance services or storage areas for buses and other transit vehicles of a transit company or district, public or private, providing transportation services primarily for people, but which may transport freight as an incidental service.

“Transitional housing” means dwellings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. (See subdivision (h) of section 50675.2 of the California Health and Safety Code and section 65582 of the California Government Code.) Transitional housing is considered to be a “dwelling” in the individual zone chapters.

“Transportation systems management (TSM)” means measures to better utilize existing transportation facilities and services and promote alternative commute modes. See chapter 17.700 in this title for more information.

“Tutoring center” means a facility that provides assistance and instruction to students enrolled in schools. The assistance and instruction offered at the tutoring center does not result in the confirmation of a degree.

17.108.220 “U” definitions.

“University.” See “college.”

“Urban development permit” means a discretionary permit used to determine the consistency of development in the Sacramento Railyards specific plan area with the goals, policies, objectives and other provisions of the Sacramento Railyards specific plan, the Sacramento Railyards design guidelines, the Sacramento Railyards specific plan environmental impact report and mitigation monitoring program, any applicable development agreement, this title, and all other applicable plans, ordinances, and development regulations, and to ensure the development is compatible with surrounding development. The urban development permit is governed exclusively by chapter 17.440.

17.108.230 “V” definitions.

“Variance” means a limited waiver or modification of a requirement contained in this title and is intended to be applied in situations where the strict application of the requirement to a proposed development will result in practical difficulty or unnecessary hardship for the owner due to unusual physical characteristics of the subject parcel. A variance is a discretionary permit and is not the automatic right of any applicant.

“Veterinarian clinic; veterinary hospital” means an establishment used for the care and treatment of small domestic animals including dogs, cats, bird, and similar animals, with all operations being conducted wholly within a building.

17.108.240 “W” definitions.

“Warehouse; distribution center” means a building used primarily for the long-term or short-term storage of goods and materials awaiting transportation or distribution, and not generally accessible to the general public. Incidental storage, repair, and maintenance of trucks associated with the distribution of goods from the warehouse are allowed.

“Watchperson’s quarters” means one dwelling unit used as the living quarters for a watchperson of property used for non-residential purposes.

“Well – gas or oil” means the drilling, extraction, and transportation of subterranean fossil gas and petroleum, and necessary attendant uses and structures, but excluding refining, processing, or manufacturing.

“Wholesale store” means an establishment or place of business primarily engaged in the following:

1. Selling merchandise to retailers; to industrial, commercial, institutional, or professional business users;

2. Selling to other wholesalers; or

3. Acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Lumber, plywood, and mill work yards, such as building materials establishments, are generally classified as wholesale unless the primary operation is selling directly to the general public as opposed to builders and contractors. In such case, they are considered retail stores. Regulation of this use varies, depending on distance from a light rail station and the size of the building.

17.108.250 “X” definitions.

17.108.260 “Y” definitions.

“Yard” means an open space other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

1. “Front yard,” means a yard extending across the full width of the lot, the depth of which is the distance between the front lot line and the main wall of the building.

2. “Rear yard” means a yard extending across the full width of the lot between the most rear main building and the rear lot line, the depth of which is measured from the nearest point of a main building to the nearest part of the rear lot line.

3. “Side yard” means a yard between a main building and side lot line, extending from the front yard to the rear yard, the width of which is measured from the nearest point of the side lot line to the nearest part of main building.

a. “Interior side yard” means any side yard that is not a street side yard.

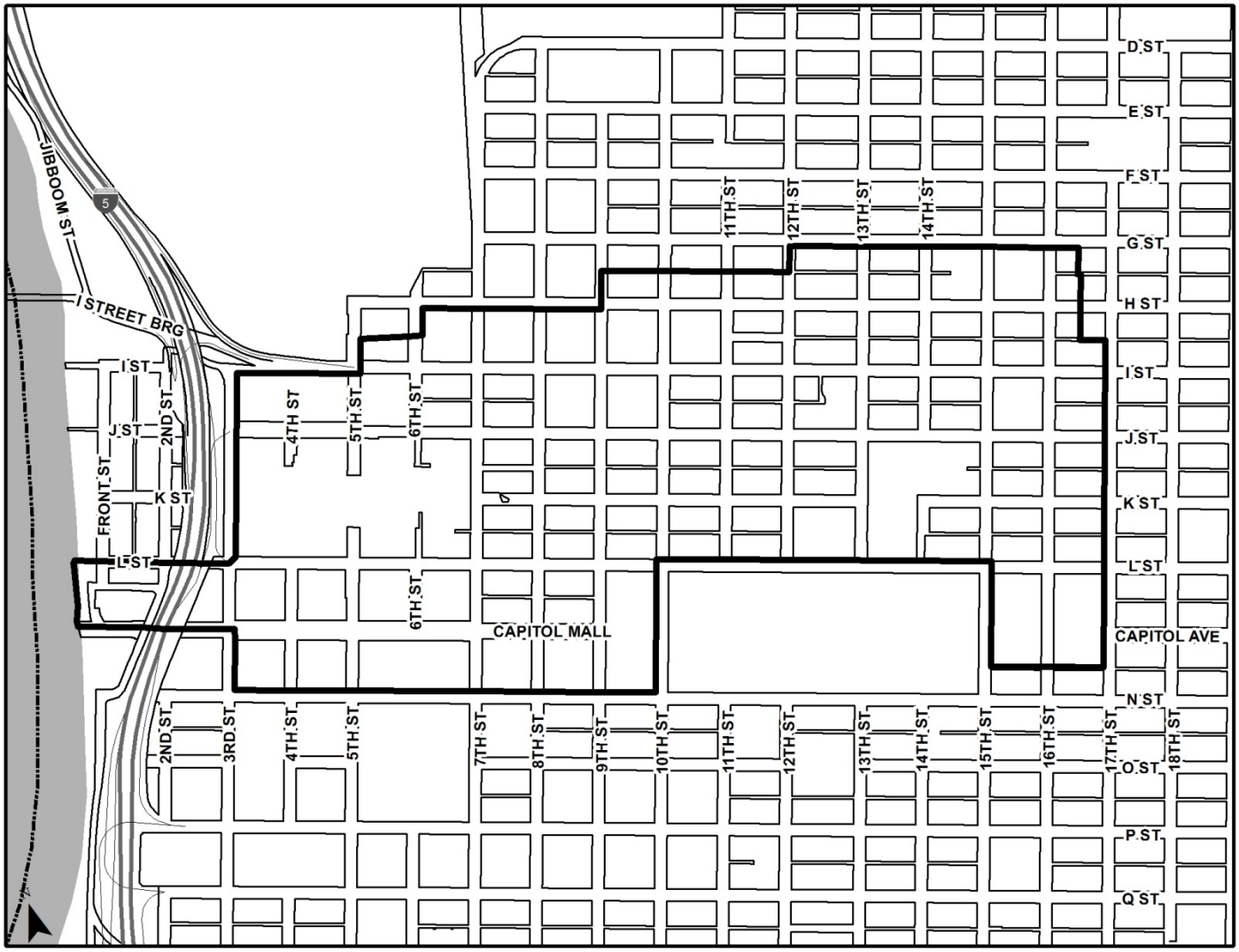
b. “Street side yard” means a side yard that is immediately contiguous to a public street or a private street serving a purpose similar to a public street. A side yard adjacent to an alley is not a street side yard.

17.108.270 “Z” definitions.

“Zone” means a specifically delineated area in the city within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings. This term is synonymous with “zoning district.”

“Zoning administrator” means the individual designated by the planning director under section 17.100.040 to carry out the functions of the zoning administrator under this code.

Exhibit A
Arts and Entertainment District



Chapter 17.112
Enforcement

17.112.010 Violations.

A. In addition to any other remedy allowed by law, any person who violates any provision of this title, or any condition of approval of a site plan and design review, conditional use permit, variance, or other permit approved under this title, is subject to criminal sanctions, civil actions, and administrative penalties under chapter 1.28.

B. Violations of any provision of this title, or of any condition of approval of a site plan and design review, conditional use permit, variance, or other permit approved under this title, are a public nuisance.

C. Any person who violates any provision of this title, or any condition of approval of a site plan and design review, conditional use permit, variance, or other permit approved under this title, is liable for civil penalties of not less than two hundred fifty dollars ($250.00) or more than twenty-five thousand dollars ($25,000.00) for each day the violation continues.

D. The remedies prescribed under this chapter are cumulative, and the election of one or more remedies shall not bar the city from pursuing any other remedy for the purpose of enforcing this title.

E. The city attorney, in the name of and on behalf of the city and the people of the state, may bring a civil action in a court of competent jurisdiction to enforce any provision of this title, or any condition of approval of a site plan and design review, conditional use permit, variance, or other permit approved under this title, or to restrain or abate any violation of the provisions of this title or any condition of approval of a site plan and design review, conditional use permit, variance, or other permit approved under this title as a public nuisance.

Division II
Zoning Districts and Land Use Regulations

Chapter 17.200
Agriculture and Open Space

Article I. A Zone – Agricultural Zone

17.200.100 A zone – Purpose.

The purpose of the A zone is to restrict the use of land primarily to agriculture and farming. It is also considered an open space zone. Property in this zone will be considered for reclassification when proposed for urban development that is consistent with the general plan.

17.200.110 A zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the A zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dwelling, single unit	
Farm worker housing	Appropriate density determined during project review
2. Commercial and Institutional Uses	
Temporary commercial building	Subject to special use regulations in section 17.228.126
3. Industrial and Agricultural Uses	
Agriculture, general use	
Community garden	
Produce stand (not exceeding 120 square feet)	
Solar energy system, commercial (city property)	Allowed in this zone and is exempt from the provisions of this title

B. Conditional uses. The following uses in the A zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Commercial and Institutional Uses		
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Cemetery		PDC
Golf course; driving range		PDC
Kennel		PDC
School, K-12		PDC
Transit vehicle – service, repair, storage		PDC
Veterinary clinic; veterinary hospital		PDC
3. Industrial and Agricultural Uses		
Animal slaughter		PDC
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Produce stand (exceeding 120 square feet)		ZA
Recycling facility	Subject to special use regulations in section 17.228.400 et seq.	ZA/PDC
Riding stable		PDC

Solar energy system, commercial (non-city property)	"Subject to special use regulations in section 17.228.123"	ZA
Surface mining operation		PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the A zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Childcare, in-home (family day care home)	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Watchperson's quarters	The structure shall be limited to 1,000 square feet

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the A zone.

17.200.120 A zone – Height, density, lot coverage, and floor area ratios.

A. Height. The maximum height is 50 feet.

B. Density. The maximum density is 1 dwelling unit per lot.

C. Lot coverage. No requirement.

D. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.200.130 A zone – Lot sizes, width, and depth.

A. Lot size. The minimum lot size is 5 acres.

B. Lot width. No requirement.

C. Lot depth. No requirement.

17.200.140 A zone – Setbacks.

A. Front-yard setback.

1. The minimum front-yard setback is determined as follows by taking into consideration all of the following:

a. If there are at least two other buildings with front-yard setbacks on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the average of the two front-yard setbacks of the nearest two buildings or 25 feet, whichever is less.

b. If there is only one other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the front-yard setback of that building or 25 feet, whichever is less.

c. If there is no other building with a front-yard setback on the same side of the street on the same block, the minimum front-yard setback is 20 feet.

2. If a parcel fronts a right-of-way that has a planter strip between the street pavement and the sidewalk, the width of the planter strip is counted in the front-yard setback.

B. Interior side-yard setback. The minimum interior side-yard setback is 10 feet.

C. Street side-yard. The minimum street side-yard setback is 12.5 feet.

D. Rear-yard setback. The minimum rear-yard setback is 15 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.200.150 A zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.200.160 A zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article II. A-OS Zone – Agricultural – Open Space Zone

17.200.200 A-OS zone – Purpose.

The purpose of the A-OS zone is to ensure the long-term preservation of agricultural and open space land. This zone is intended to prevent the premature development of land to urban uses.

17.200.210 A-OS zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the A-OS zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Farm worker housing	Appropriate density determined during project review
2. Commercial and Institutional Uses	
Temporary commercial building	Subject to special use regulations in section 17.228.126
3. Industrial and Agricultural Uses	
Agriculture, general use	
Community garden	
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the A-OS zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dwelling, single unit		PDC

2. Commercial and Institutional Uses		
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Cemetery		PDC
Golf course; driving range		PDC
Kennel		PDC
School, K-12		PDC
Transit vehicle – service, repair, storage		PDC
Veterinary clinic; veterinary hospital		PDC
3. Industrial and Agricultural Uses		
Animal slaughter		PDC
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Produce stand		ZA
Riding stable		PDC
Solar energy system, commercial (non-city property)	"Subject to special use regulations in section 17.228.123"	ZA
Surface mining operation		PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the A-OS zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Childcare, in-home (family day care home)	

Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Watchperson's quarters	The structure shall be limited to 1,000 square feet

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the A-OS zone.

17.200.220 A-OS zone – Height, density, lot coverage, and floor area ratios.

A. Height. The maximum height is 50 feet.

B. Density. The maximum density is 1 dwelling unit per lot.

C. Lot coverage. No requirement.

D. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.200.230 A-OS zone – Lot sizes, width, and depth.

A. Lot size. The minimum lot size is 20 acres.

B. Lot width: No requirement.

C. Lot depth: No requirement.

17.200.240 A-OS zone – Setbacks.

A. Front-yard setback. The minimum front-yard setback is 50 feet.

B. Interior side-yard setback. The minimum side-yard setback is 25 feet.

C. Street side-yard. The minimum street side-yard setback is 50 feet.

D. Rear-yard setback. The minimum rear-yard setback is 50 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.200.250 A-OS zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.200.260 A-OS zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article III. F Zone – Flood Zone

17.200.300 F zone – Purpose.

The purpose of the F zone is to conditionally permit specified uses along the Sacramento and American Rivers and their tributaries, and other areas subject to inundation. This is considered an open space zone.

17.200.310 F zone– Permitted uses.

A. Permitted uses. The following uses are permitted by right in the F zone, subject to the limitations specified:

Use	Limitations
1. Commercial and Institutional Uses	
Temporary commercial building	Subject to special use regulations in section 17.228.126
2. Industrial and Agricultural Uses	
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the F zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Commercial and Institutional Uses		
Amusement center, outdoor		PDC
Golf course; driving range		PDC
Restaurant		PDC

2. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in chapter 17.228.300 et seq.	PDC
Boat dock; marina		PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC

C. Accessory uses. The following uses are permitted in the F zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Home occupation	Subject to special use regulations in chapter 17.228.200 et seq.

D. Special developments in the F zone. Notwithstanding any other provision of this title, the planning and design commission may issue a conditional use 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:

1. Development will enhance the appearance and public use of the river, and is consistent with adopted specific plans;

2. Development will not adversely affect any natural resource;

3. Development will not adversely affect the use of adjacent property;

4. Development will have direct access to a major or collector street;

5. Development is fully served by all necessary utility services;

6. Adequate off-street parking is provided on the landward-side of the levee;

7. Development is consistent with the purposes of the flood zone, the general plan, master plans for waterways, flood management plans, and adopted specific plans.

E. Prohibited uses. All uses not listed permitted, conditional, or accessory uses, or otherwise having a conditional use permit issued by the planning and design commission under subsection D, are prohibited in the F zone.

17.200.320 F zone – Height, density, lot coverage, and floor area ratios.

A. Height. Height is determined with the required conditional use permit pursuant to development standards in section 17.200.310.D.

B. Density. Not applicable.

C. Lot coverage. Lot coverage is determined with the required conditional use permit pursuant to development standards in section 17.200.310.D.

D. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.200.330 F zone – Lot sizes, width, and depth.

A. Lot size. No requirement.

B. Lot width. No requirement.

C. Lot depth. No requirement.

17.200.340 F zone – Setbacks.

Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.200.350 F zone – Buildings in the F zone.

Notwithstanding any other provisions of this title, no building shall be constructed, erected, altered, or enlarged within the F zone unless the building either floats or is constructed so that no usable portion of the building is located below the 100-year flood line.

17.200.360 F Zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.200.370 F zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article IV. ARP-F Zone – American River Parkway—Floodplain Zone

17.200.400 ARP-F zone – Purpose.

The purpose of the ARP-F zone is to prevent the loss of life and property by prohibiting the erection of improvements or structures in a designated floodway; to protect the natural features of the American River floodplain; to prevent erosion and siltation; and to preserve valuable open space.

17.200.410 ARP-F zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the ARP-F zone, subject to the limitations specified:

Use	Limitations
1. Commercial and institutional uses	
Temporary commercial building	Subject to special use regulations in section 17.228.126
2. Industrial and Agricultural Uses	
Agriculture, general use	Agriculture is permitted if no building or structure is erected on the premises; Livestock grazing, the raising of small animals and poultry, domestic livestock farming, dairying, and animal husbandry are prohibited

B. Conditional uses. The following uses in the in the ARP-F zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC): Zoning Administrator (ZA); or City Council (CC)
2. Industrial and Agricultural Uses		
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC

C. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the ARP-F zone.

17.200.420 ARP-F zone – Height, density, lot coverage, and floor area ratios.

A. Height. Not applicable.

B. Density. Not applicable.

C. Lot coverage. Not applicable.

D. Floor area ratios. Not applicable.

17.200.430 ARP-F zone – Lot sizes, width, and depth.

A. Lot size. No requirement.

B. Lot width. No requirement.

C. Lot depth. No requirement.

17.200.440 ARP-F zone – Setbacks.

There are no setback requirements in the ARP-F zone.

17.200.450 ARP-F zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.200.460 ARP-F zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

17.200.470 ARP-F zone – Removal of natural features prohibited.

A. Except with a conditional use permit issued by the planning and design commission, no person shall remove trees, or other natural features, that exceed 6 feet in height.

B. No person shall remove topsoil for any purpose other than ordinary and necessary agricultural soil treatment or management such as disking, plowing, irrigation, and erosion prevention.

C. The planning and design commission may issue a conditional use permit for the removal of trees, or other natural features, that exceed 6 feet in height if it finds:

1. The removal is necessary for agricultural soil treatment and management;

2. The property owner will otherwise be deprived of reasonable agricultural use of the property; and

3. The removal will not contribute to erosion or siltation within the floodplain.

Chapter 17.204
Single-Unit and Duplex Dwellings

Article I. RE Zone – Rural Estates Zone

17.204.100 RE zone – Purpose.

The purpose of the RE zone is to accommodate very low density residential uses. It applies primarily to areas impacted by high noise levels; areas within designated approach or clear zones around airports; areas within identified floodway and floodway fringe areas; and other areas where physical or safety considerations necessitate very low density residential use. This zone is designated as “RE” with a suffix indicating one unit per a minimum number of acres (i.e., RE-1/4, RE-1/2, RE-1/1, RE-1/.5).

17.204.110 RE zone– Permitted uses.

A. Permitted uses. The following uses are permitted by right in the RE zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dwelling, single-unit	
Model home temporary sales office	Subject to special use regulations in chapter 17.228.125
2. Commercial and Institutional Uses	
Community market	Permitted if the primary use of the property is not a single-unit or duplex dwelling; Subject to special use regulations in section 17.228.124
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the RE zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Mobilehome park	Subject to special use regulations in section 17.228.115	PDC
2. Commercial and Institutional Uses		
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Cemetery		PDC
Childcare center	Subject to special use regulations in section 17.228.113	ZA
Golf course; driving range		PDC
Kennel		PDC

3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Surface mining operation		PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the RE zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Common area	
Dwelling unit, secondary	Subject to special use regulations in section 17.228.105
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Personal auto storage	Subject to special use regulations in section 17.228.101

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the RE zone.

17.204.120 RE zone – Height, density, lot coverage, and floor area ratios.

A. Height. The maximum height is 35 feet.

B. Density. The maximum of 1 single-unit dwelling is allowed per lot.

C. Lot coverage. The maximum lot coverage is determined by zone suffix:

1. RE-1/.5: 20% lot coverage;

2. RE-1/1: 15% lot coverage;

3. RE-1/2: 10% lot coverage; or

4. RE-1/4: 5% lot coverage.

D. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.204.130 RE zone – Lot sizes, width, and depth.

A. Lot size. The minimum lot area is determined by suffix:

1. RE-1/.5: .5 acres;

2. RE-1/1: 1 acre;

3. RE-1/2: 2 acres; or

4. RE-1/4: 4 acres.

B. Lot width.

1. Unless subsection 2 applies, the minimum lot width is 52 feet.

2. The minimum width of corner lots is 62 feet.

C. Lot depth. The minimum lot depth is 100 feet.

17.204.140 RE zone – Setbacks.

A. Front-yard setback.

1. The minimum front-yard setback is determined as follows:

a. If there are at least two other buildings with front-yard setbacks on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the average of the two front-yard setbacks of the nearest two buildings or 25 feet, whichever is less.

b. If there is only one other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the front-yard setback of the other building or 25 feet, whichever is less.

c. If there is no other building with a front-yard setback on the same side of the street on the same block, the minimum front-yard setback is 20 feet.

2. If a parcel fronts a right-of-way that has a planter strip between the street pavement and the sidewalk, the width of the planter strip is counted in the front-yard setback.

B. Interior side-yard setback. The minimum interior side-yard setback is 5 feet.

C. Street side-yard setback. The minimum street side-yard setback is 12.5 feet.

D. Rear-yard setback. The minimum rear-yard setback is 15 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.204.150 RE zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.204.160 RE zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article II. R-1 Zone – Single-Unit Dwelling Zone

17.204.200 R-1 zone– Purpose.

The purpose of the R-1 zone is to accommodate low-density residential uses composed of single-unit detached residences and duplex dwellings on corner lots. This zone may also include recreational, religious, and educational facilities as the basic elements of a balanced neighborhood. These areas should be clearly defined and without encroachment by uses not performing a neighborhood function.

17.204.210 R-1 zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the R-1 zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dwelling, duplex	Limited to corner lots
Dwelling, single-unit	
Model home temporary sales office	Subject to special use regulations in section 17.228.125
2. Commercial and Institutional Uses	
Community market	Permitted if the primary use of the property is not a single-unit or duplex dwelling; Subject to special use regulations in section 17.228.124
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the R-1 zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dormitory	Subject to special use regulations in section 17.228.111	PDC
Fraternity house; sorority house	Subject to special use regulations in section 17.228.111	PDC
Mobilehome park	Subject to special use regulations in section 17.228.115	PDC
Residential care facility		PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Bed and breakfast inn	Subject to special use regulations in section 17.228.104	ZA
Cemetery		PDC
Childcare center	Subject to special use regulations in section 17.228.113	ZA
Golf course; driving range		PDC
Kennel		PDC
Library; archive		PDC

Museum		PDC
Non-profit organization, food preparation for off-site consumption		PDC
Non-profit organization, food storage and distribution		PDC
Non-profit organization, meal service facility		PDC
Non-residential care facility		PDC
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Passenger terminal		PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the R-1 zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Childcare, in-home (family day care home)	
Common area	
Dwelling unit, secondary	Subject to special use regulations in section 17.228.105
Family care facility	

Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Personal auto storage	Subject to special use regulations in section 17.228.101

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the R-1 zone.

17.204.220 R-1 zone – Height, density, lot coverage, and floor area ratios.

A. Height. The maximum height is 35 feet.

B. Density. Unless subsections 1 or 2 apply, the maximum density is one single-unit dwelling per lot.

1. Corner lots may contain one or two single-unit dwelling(s) or a duplex dwelling.

2. Through-lots, with a depth of 125 feet or more, may have two single-unit dwellings constructed on the lot, consistent with development standards in chapter 17.600.

C. Lot coverage. The maximum lot coverage is 40% or 2,500 square feet, whichever is greater; provided, that lot coverage shall not exceed 50 percent.

D. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.204.230 R-1 zone – Lot size, width, and depth.

A. Lot size. The minimum lot size is 5,200 square feet for interior lots and 6,200 square feet for corner lots. The minimum area of a lot or lots containing two duplex units (one duplex dwelling) is 6,200 square feet.

B. Lot width. The minimum lot width is 52 feet for interior lots and 62 feet for corner lots. The minimum width of a lot or lots containing two duplex units (one duplex dwelling) is 62 feet.

C. Lot depth. The minimum lot depth is 100 feet. The maximum lot depth is 160 feet.

17.204.240 R-1 zone – Setbacks.

A. Front-yard setback.

1. Minimum front-yard setback.

a. If there are at least two other buildings with front-yard setbacks on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the average of the two front-yard setbacks of the nearest two buildings or 25 feet, whichever is less.

b. If there is only one other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the front-yard setback of that building or 25 feet, whichever is less.

c. If there is no other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is 20 feet.

2. If a lot fronts a right-of-way that has a planter strip between the street pavement and the sidewalk, the width of the planter strip is counted in the front-yard setback.

B. Interior side-yard setback.

1. Unless subsection 2 or 3 applies, the minimum interior side-yard setback is 5 feet.

2. A minimum interior side-yard setback of three feet applies to interior lots having a width of less than 52 feet and corner lots having a width of less than 62 feet.

3. No interior side-yard setback is required along the common-wall boundary of a subdivided duplex dwelling.

C. Street side-yard setback. The minimum street side-yard setback is 12.5 feet.

D. Rear-yard setback.

1. Unless subsection 2 applies, the minimum rear-yard setback is 15 feet.

2. If the rear lot line abuts a public alley, the minimum rear-yard setback is 5 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.204.250 R-1 zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.204.260 R-1 zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article III. R-1A Zone – Single-Unit or Duplex Dwelling Zone

17.204.300 R-1A zone – Purpose.

The purpose of the R-1A zone is to permit single-unit or duplex dwellings, whether attached or detached, at a higher density than is permitted in the R-1 zone. Dwellings that have no interior side yards, such as townhouses and rowhouses, are allowed.

17.204.310 R-1A zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the R-1A zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dwelling, duplex	
Dwelling, single-unit	
Model home temporary sales office	Subject to special use regulations in section 17.228.125
2. Commercial and Institutional Uses	
Community market	Permitted if the primary use of the property is not a single-unit or duplex dwelling; Subject to special use regulations in section 17.228.124
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the R-1A zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dormitory	Subject to special use regulations in section 17.228.111	PDC
Fraternity house; sorority house	Subject to special use regulations in section 17.228.111	PDC
Mobilehome park	Subject to special use regulations in section 17.228.115	PDC
Residential care facility		PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Cemetery		PDC
Childcare center	Subject to special use regulations in section 17.228.113	ZA
Golf course; driving range		PDC
Kennel		PDC
Library; archive		PDC
Museum		PDC
Non-profit organization, food preparation for off-site consumption		PDC

Non-profit organization, food storage and distribution		PDC
Non-profit organization, meal service facility		PDC
Non-residential care facility		PDC
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Passenger terminal		PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the R1-A zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Childcare, in-home (family day care home)	
Common area	
Dwelling unit, secondary	Subject to special use regulations in section 17.228.105
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Personal auto storage	Subject to special use regulations in section 17.228.101

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the R-1A zone.

17.204.320 R-1A zone – Height, density, lot coverage, and floor area ratios.

A. Height. The maximum height is 35 feet.

B. Density. A maximum of 2 dwelling units is allowed per lot.

C. Lot coverage. The maximum lot coverage is 50 percent.

D. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.204.330 R-1A zone – Lot sizes, width, and depth.

A. Lot size. The minimum lot size is 2,900 square feet per dwelling unit.

B. Lot width. The minimum lot width is 20 feet, except where abutting a lot in an R-1 zone, in which case the minimum lot width is 25 feet. The minimum lot width of corner lots is 38 feet.

C. Lot depth. The minimum lot depth is 80 feet. The maximum lot depth is 160 feet.

17.204.340 R-1A zone – Setbacks.

A. Front-yard setback.

1. Minimum front-yard setback.

a. If there are at least two other buildings with front-yard setbacks on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the average of the two front-yard setbacks of the nearest two buildings or 25 feet, whichever is less.

b. If there is only one other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the front-yard setback of that building or 25 feet, whichever is less.

c. If there is no other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is 20 feet.

2. If a lot fronts a right-of-way that has a planter strip between the street pavement and the sidewalk, the width of the planter strip is counted in the front-yard setback.

B. Interior side-yard setback.

1. Unless subsection 2 applies, no minimum interior side-yard setback is required.

2. The minimum interior side-yard setback is 5 feet if the interior side-yard lot line abuts a lot in an R-1 or R-1B zone, or abuts a lot containing a detached single-unit dwelling.

C. Street side-yard setback. The minimum street side-yard setback is 12.5 feet.

D. Rear-yard setback. The minimum rear-yard setback is 5 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.204.350 R-1A zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.204.360 R-1A zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article IV. R-1B Zone – Single-Unit or Duplex Dwelling Zone

17.204.400 R-1B zone – Purpose.

The purpose of the R-1B zone is to permit single-unit and duplex dwellings on lots generally located in the central city and in North Natomas.

17.204.410 R-1B zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the R-1B zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dwelling, duplex	
Dwelling, single-unit	
Model home temporary sales office	Subject to special use regulations in section 17.228.125
2. Commercial and Institutional Uses	
Community market	Permitted if the primary use of the property is not a single-unit or duplex dwelling; Subject to special use regulations in section 17.228.124
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the R-1B zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dormitory	Subject to special use regulations in section 17.228.111	PDC

Fraternity house; sorority house	Subject to special use regulations in section 17.228.111	PDC
Mobilehome park	Subject to special use regulations in section 17.228.115	PDC
Residential care facility		PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Bed and breakfast inn	Subject to special use regulations in section 17.228.104	ZA
Cemetery		PDC
Childcare center	Subject to special use regulations in section 17.228.113	ZA
Golf course; driving range		PDC
Kennel		PDC
Library; archive		PDC
Museum		PDC
Non-profit organization, food preparation for off-site consumption		PDC
Non-profit organization, food storage and distribution		PDC
Non-profit organization, meal service facility		PDC
Non-residential care facility		PDC
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA

3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Passenger terminal		PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the R-1B zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Childcare, in-home (family day care home)	
Common area	
Dwelling unit, secondary	Subject to special use regulations in section 17.228.105
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Personal auto storage	Subject to special use regulations in section 17.228.101

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the R-1B zone.

17.204.420 R-1B zone – Height, density, lot coverage, and floor area ratios.

A. Height. The maximum height is 35 feet.

B. Density. A maximum of 2 dwelling units is allowed per lot.

C. Lot coverage. The maximum lot coverage is 60 percent.

D. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.204.430 R-1B zone – Lot size, width, and depth.

A. Lot size. The minimum lot size is 3,200 square feet.

B. Lot width: The minimum lot width is 40 feet.

C. Lot depth: The minimum lot depth is 80 feet. The maximum lot depth is 160 feet.

17.204.440 R-1B zone – Setbacks.

A. Front-yard setback.

1. Minimum front-yard setback.

a. If there are at least two other buildings with front-yard setbacks on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the average of the two front-yard setbacks of the nearest two buildings or 25 feet, whichever is less.

b. If there is only one other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the front- yard setback of that building or 25 feet, whichever is less.

c. If there is no other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is 20 feet.

2. If a parcel fronts a right-of-way that has a planter strip between the street pavement and the sidewalk, the width of the planter strip is counted in the front-yard setback.

B. Interior side-yard setback.

1. Unless subsection 2 applies, the minimum interior side-yard setback is 5 feet.

2. A minimum interior side-yard setback of 3 feet applies to interior lots having a width of less than 52 feet and corner lots having a width of less than 62 feet.

3. No interior side-yard setback is required along the common-wall boundary of a subdivided duplex dwelling.

C. Street side-yard setback. The minimum street side-yard setback is 3 feet.

D. Rear-yard setback.

1. Unless subsection 2 applies, the minimum rear-yard setback is 15 feet.

2. If the rear lot line abuts a public alley, the minimum rear-yard setback is 5 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.204.450 R-1B zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.204.460 R-1B zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article V. R-2 Zone – Duplex Dwelling Zone

17.204.500 R-2 zone – Purpose.

The purpose of the R-2 zone is to provide a low density buffer between the R-1 zone and more intense land uses. This zone is intended to permit duplexes and single-unit attached or detached units.

17.204.510 R-2 zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the R-2 zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dwelling, duplex	
Dwelling, single-unit	
Model home temporary sales office	Subject to special use regulations in section 17.228.125
2. Commercial and Institutional Uses	
Community market	Permitted if the primary use of the property is not a single-unit or duplex dwelling; Subject to special use regulations in section 17.228.124
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Solar energy system, commercial (city property)	Allowed in this zone and is exempt from the provisions of this title

B. Conditional uses. The following uses in the R-2 zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dormitory	Subject to special use regulations in section 17.228.111	PDC
Fraternity house; sorority house	Subject to special use regulations in section 17.228.111	PDC
Mobilehome park	Subject to special use regulations in section 17.228.115	PDC
Residential care facility		PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Amusement center, outdoor		PDC
Assembly– cultural, religious, social		PDC
Bed and breakfast inn	Subject to special use regulations in section 17.228.104	ZA
Cemetery		PDC
Childcare center	Subject to special use regulations in section 17.228.113	ZA
Golf course; driving range		PDC
Kennel		PDC
Library; archive		PDC

Museum		PDC
Non-profit organization, food preparation for off-site consumption		PDC
Non-profit organization, food storage and distribution		PDC
Non-profit organization, meal service facility		PDC
Non-residential care facility		PDC
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Passenger terminal		PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the R-2 zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Childcare, in-home (family day care home)	
Common area	
Dwelling unit, secondary	Subject to special use regulations in section 17.228.105
Family care facility	

Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Personal auto storage	Subject to special use regulations in section 17.228.101

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the R-2 zone.

17.204.520 R-2 zone – Height, density, lot coverage, and floor area ratios.

A. Height. The maximum height is 35 feet.

B. Density. A maximum of 2 dwelling units is allowed per lot.

C. Lot coverage: The maximum lot coverage is 40 percent or 2,500 square feet, whichever is greater; provided, in no event shall lot coverage exceed 50 percent.

D. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.204.530 R-2 zone – Lot sizes, width, and depth.

A. Lot size. The minimum lot size is 5,200 square feet for interior lots and 6,200 square feet for corner lots. The minimum lot area per duplex unit is 2,600 square feet on interior lots and 3,100 square feet on corner lots.

B. Lot width. The minimum lot width is 52 feet, except for a corner lot or a lot containing two duplex units (one duplex dwelling), in which case the minimum lot width is 62 feet.

C. Lot depth. The minimum lot depth is 100 feet. The maximum lot depth is 160 feet.

17.204.540 R-2 zone – Setbacks.

A. Front-yard setback.

1. Minimum front-yard setback.

a. If there are at least two other buildings with front-yard setbacks on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the average of the two front-yard setbacks of the nearest two buildings or 25 feet, whichever is less.

b. If there is only one other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the front-yard setback of that building or 25 feet, whichever is less.

c. If there is no other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is 20 feet.

2. If a lot fronts a right-of-way that has a planter strip between the street pavement and the sidewalk, the width of the planter strip is counted in the front-yard setback.

B. Interior side-yard setback.

1. Unless subsection 1 applies, no minimum interior side-yard setback is required.

2. The minimum interior side-yard setback is 5 feet if the interior side-yard lot line abuts a lot in the R-1 or R-1B zone, or abuts a lot containing a detached single-unit dwelling.

C. Street side-yard setback. The minimum street side-yard setback is 12.5 feet.

D. Rear-yard setback.

1. Unless subsection 1 applies, the minimum rear-yard setback is 15 feet.

2. If the rear lot line abuts a public alley, the minimum rear-yard setback is 5 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.204.550 R-2 zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.204.560 R-2 zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Chapter 17.208
Multi-Unit Dwellings

Article I. R-2A Zone – Multi-Unit Dwelling Zone

17.208.100 R-2A zone – Purpose.

The purpose of the R-2A zone is to permit garden apartments and cluster housing. This zone is regulated to minimize the ground area covered by structures and maximize open space.

17.208.110 R-2A zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the R-2A zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dwelling, duplex	
Dwelling, multi-unit	Subject to special use regulations in section 17.228.117
Dwelling, single-unit	
Model home temporary sales office	Subject to special use regulations in section 17.228.125
2. Commercial and Institutional Uses	
Community market	Subject to special use regulations in section 17.228.124
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the R-2A zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dormitory	Subject to special use regulations in section 17.228.111	PDC
Fraternity house; sorority house	Subject to special use regulations in section 17.228.111	PDC
Mobilehome park	Subject to special use regulations in section 17.228.115	PDC
Residential care facility		PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Bed and breakfast inn	Subject to special use regulations in section 17.228.104	ZA
Cemetery		PDC
Childcare center	Subject to special use regulations in section 17.228.113	ZA
Golf course; driving range		PDC
Kennel		PDC
Library; archive		PDC

Museum		PDC
Non-profit organization, food preparation for off-site consumption		PDC
Non-profit organization, food storage and distribution		PDC
Non-profit organization, meal service facility		PDC
Non-residential care facility		PDC
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Passenger terminal		PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the R-2A zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Childcare, in-home (family day care home)	
Common area	
Dwelling unit, secondary	Subject to special use regulations in section 17.228.105

Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Personal auto storage	Subject to special use regulations in section 17.228.101

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory are prohibited in the R-2A zone.

17.208.120 R-2A zone – Height, density, lot coverage, and floor area ratios.

A. Height. The maximum height is 35 feet.

B. Density. The maximum density is 17 dwelling units per net acre.

C. Lot coverage. The maximum lot coverage is 50 percent.

D. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.208.130 R-2A zone – Lot size, width, and depth.

A. Lot size. The minimum lot size is 2,500 square feet.

B. Lot width.

1. Unless subsection 2 or 3 applies, the minimum lot width is 20 feet.

2. The minimum lot width is 25 feet when the lot abuts a lot in the R-1 zone.

3. The minimum width of corner lots is 38 feet.

C. Lot depth.

1. The minimum lot depth is 80 feet.

2. The maximum lot depth is 160 feet.

17.208.140 R-2A zone – Setbacks.

A. Front and street side-yard setback.

1. The minimum front and street side-yard setback is 10 feet.

2 The maximum front and street side-yard setback is 25 feet.

B. Rear-yard setback.

1. Unless subsection 2 applies, the minimum rear-yard setback is 15 feet.

2. If the rear lot line abuts a public alley, the minimum rear-yard setback is 5 feet.

C. Interior side-yard setback.

1. Unless subsection 2 applies, no minimum interior side-yard setback is required.

2. The minimum interior side-yard setback is 5 feet if the interior side-yard lot line abuts a lot in the R-1 or R-1B zone, or abuts a lot containing a detached single-unit dwelling.

D. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.208.150 R-2A zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.208.160 R-2A zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article II. R-2B Zone – Multi-Unit Dwelling Zone

17.208.200 R-2B zone – Purpose.

The purpose of the R-2B Zone is to accommodate broader density flexibility as a transition from the garden-apartment setting to a more traditional apartment setting.

17.208.210 R-2B zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the R-2B zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dwelling, duplex	
Dwelling, multi-unit	"Subject to special use regulations in section 17.228.117"
Dwelling, single-unit	
Model home temporary sales office	Subject to special use regulations in section 17.228.125
2. Commercial and Institutional Uses	
Community market	Subject to special use regulations in section 17.228.124
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the R-2B zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dormitory	Subject to special use regulations in section 17.228.111	PDC
Fraternity house; sorority house	Subject to special use regulations in section 17.228.111	PDC
Mobilehome park	Subject to special use regulations in section 17.228.115	PDC
Residential care facility		PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Bed and breakfast inn	Subject to special use regulations in section 17.228.104	ZA
Cemetery		PDC
Childcare center	Subject to special use regulations in section 17.228.113	ZA
Golf course; driving range		PDC
Kennel		PDC
Library; archive		PDC

Museum		PDC
Non-profit organization, food preparation for off-site consumption		PDC
Non-profit organization, food storage and distribution		PDC
Non-profit organization, meal service facility		PDC
Non-residential care facility		PDC
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Passenger terminal		PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in R-2B zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Childcare, in-home (family day care home)	
Common area	
Dwelling unit, secondary	Subject to special use regulations in section 17.228.105
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Personal auto storage	Subject to special use regulations in section 17.228.101

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the R-2B zone.

17.208.220 R-2B zone – Height, density, lot coverage, and floor area ratios.

A. Height. The maximum is 35 feet.

B. Density. The maximum density is 21 dwelling units per net acre.

C. Lot coverage. The maximum lot coverage is 50%.

D. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.208.230 R-2B zone – Lot size, width, and depth.

A. Lot size. The minimum lot size is 2,000 square feet.

B. Lot width.

1. Unless subsection 2 or 3 applies, the minimum lot width is 20 feet.

2. If the lot abuts a lot in the R-1 zone, the minimum lot width is 25 feet.

3. The minimum width of corner lots is 38 feet.

C. Lot depth.

1. The minimum lot depth is 80 feet.

2. The maximum lot depth is 160 feet.

17.208.240 R-2B zone – Setbacks.

A. Front and street side-yard setbacks.

1. The minimum front and street side-yard setback is 10 feet.

2. The maximum front and street side-yard setback is 25 feet.

B. Rear-yard setback.

1. Unless subsection 2 applies, the minimum rear-yard setback is 15 feet.

2. If the rear lot line abuts a public alley, the rear-yard setback is 5 feet.

C. Interior side-yard setback.

1. Unless subsection 2 applies, there is no minimum interior side-yard setback.

2. If the interior side-yard lot line abuts a lot in the R-1 or R-1B zone or a lot containing a detached single-unit dwelling, the minimum interior side-yard setback is 5 feet.

D. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.208.250 R-2B zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.208.260 R-2B zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article III. R-3 Zone – Multi-unit Dwelling Zone

17.208.300 R-3 zone – Purpose.

The purpose of the R-3 zone is to accommodate traditional types of apartments. This zone is located outside the central city, serving as a buffer along major streets and near shopping centers.

17.208.310 R-3 zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the R-3 zone, subject to the limitations as specified:

Use	Limitations
1. Residential Uses	
Dwelling, duplex	
Dwelling, multi-unit	Subject to special use regulations in section 17.228.117
Dwelling, single-unit	
Model home temporary sales office	Subject to special use regulations in section 17.228.125
2. Commercial and Institutional Uses	
Community market	Subject to special use regulations in section 17.228.124
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the R-3 zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dormitory	Subject to special use regulations in section 17.228.111	PDC
Fraternity house; sorority house	Subject to special use regulations in section 17.228.111	PDC
Mobilehome park	Subject to special use regulations in section 17.228.115	PDC
Residential care facility		PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Bed and breakfast inn	Subject to special use regulations in section 17.228.104	ZA
Cemetery		PDC
Childcare center	Subject to special use regulations in section 17.228.113	ZA
College campus		PDC
College extension		PDC
Correctional facility		PDC

Golf course; driving range		PDC
Kennel		PDC
Library; archive		PDC
Museum		PDC
Non-profit organization, food preparation for off-site consumption		PDC
Non-profit organization, food storage and distribution		PDC
Non-profit organization, meal service facility		PDC
Non-residential care facility		PDC
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Passenger terminal		PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the R-3 zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Childcare, in-home (family day care home)	
Common area	
Dwelling unit, secondary	Subject to special use regulations in section 17.228.105
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Personal auto storage	Subject to special use regulations in section 17.228.101

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the R-3 zone.

17.208.320 R-3 zone – Height, density, lot coverage, and floor area ratios.

A. Height. The maximum height is 35 feet.

B. Density. The maximum density is 30 dwelling units per net acre.

C. Lot coverage. The maximum lot coverage is 50%.

D. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.208.330 R-3 Zone – Lot size, width, and depth.

A. Lot size. The minimum lot size is 2,000 square feet.

B. Lot width.

1. Unless subsection 2 or 3 applies, the minimum lot width is 20 feet.

2. If the lot abuts a lot in the R-1 zone, the minimum lot width is 25 feet.

3. The minimum width of corner lots is 38 feet.

C. Lot depth.

1. The minimum lot depth is 80 feet.

2. The maximum lot depth is 160 feet.

17.208.340 R-3 zone – Setbacks.

A. Front and street side-yard setbacks.

1. The minimum front and street side-yard setback is 10 feet.

2. The maximum front and street side-yard setback is 25 feet.

B. Rear-yard setback.

1. Unless subsection 2 applies, the minimum rear-yard setback is 15 feet.

2. If the rear lot line abuts a public alley, the rear-yard setback is 5 feet.

C. Interior side-yard setback.

1. Unless subsection 2 applies, there is no minimum interior side-yard setback.

2. If the interior side-yard lot line abuts a lot in the R-1 or R-1B zone or a lot containing a detached single-unit dwelling, the minimum interior side-yard setback is 5 feet.

D. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.208.350 R-3 zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.208.360 R-3 zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article IV. R-3A Zone – Multi-Unit Dwelling Zone

17.208.400 R-3A zone – Purpose.

The purpose of the R-3A zone is to accommodate higher density development in the central city, along major commercial corridors, and in areas near major institutions and public transit facilities.

17.208.410 R-3A zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the R-3A zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dwelling, duplex	
Dwelling, multi-unit	Subject to special use regulations in section 17.228.117
Dwelling, single-unit	
Model home temporary sales office	Subject to special use regulations in section 17.228.125
2. Commercial and Institutional Uses	
Community market	Subject to special use regulations in section 17.228.124
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the R-3A zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dormitory	Subject to special use regulations in section 17.228.111	PDC
Fraternity house; sorority house	Subject to special use regulations in section 17.228.111	PDC
Mobilehome park	Subject to special use regulations in section 17.228.115	PDC
Residential care facility		PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Bed and breakfast inn	Subject to special use regulations in section 17.228.104	ZA
Cemetery		PDC
Childcare center	Subject to special use regulations in section 17.228.113	ZA
Golf course; driving range		PDC
Kennel		PDC

Library; archive		PDC
Museum		PDC
Non-profit organization, food preparation for off-site consumption		PDC
Non-profit organization, food storage and distribution		PDC
Non-profit organization, meal service facility		PDC
Non-residential care facility		PDC
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Passenger terminal		PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the R-3A zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Childcare, in-home (family day care home)	

Common area	
Dwelling unit, secondary	Subject to special use regulations in section 17.228.105
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Personal auto storage	Subject to special use regulations in section 17.228.101

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the R-3A zone.

17.208.420 R-3A zone – Height, density, lot coverage, and floor area ratios.

A. Height. The maximum height is 35 feet.

B. Density. The maximum density is 36 dwelling units per net acre.

C. Lot coverage. The maximum lot coverage is 60%.

D. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.208.430 R-3A zone – Lot size, width, and depth.

A. Lot size. The minimum lot size is 2,000 square feet.

B. Lot width.

1. Unless subsection 2 or 3 applies, the minimum lot width is 20 feet.

2. If the lot abuts a lot in the R-1 zone, the minimum lot width is 25 feet.

3. The minimum width of corner lots is 38 feet.

C. Lot depth.

1. The minimum lot depth is 80 feet.

2. The maximum lot depth is 160 feet.

17.208.440 R-3A zone – Setbacks.

A. Front and street side-yard setbacks.

1. The minimum front and street side-yard setback for single-unit and two-unit dwellings is 3 feet.

2. The minimum front and street side-yard setback for multi-unit dwellings is 5 feet.

3. The maximum front and street side-yard setback is 25 feet.

B. Rear-yard setback.

1. Unless subsection 2 applies, the minimum rear-yard setback is 15 feet.

2. If the rear lot line abuts a public alley, the rear-yard setback is 5 feet.

C. Interior side-yard setback.

1. Unless subsection 2 applies, there is no minimum interior side-yard setback.

2. If the interior side-yard lot line abuts a lot in the R-1 or R-1B zone or a lot containing a detached single-unit dwelling, the minimum interior side-yard setback is 5 feet.

D. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.208.450 R-3A zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.208.460 R-3A zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article V. R-4 Zone – Multi-Unit Dwelling Zone

17.208.500 R-4 zone – Purpose.

The purpose of the R-4 zone is to accommodate higher-density development in the central city, along major commercial corridors, and in areas near major institutions and public transit facilities. It permits dwellings, institutions, and limited commercial goods and services serving the surrounding neighborhood.

17.208.510 R-4 zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the R-4 zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dormitory (inside central city)	Subject to special use regulations in chapter section 17.228.111
Dwelling, duplex	
Dwelling, multi-unit	Subject to special use regulations in section 17.228.117
Dwelling, single-unit	
Model home temporary sales office	Subject to special use regulations in section 17.228.125
2. Commercial and Institutional Uses	
Amusement center, indoor	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Athletic club; fitness studio	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Bed and breakfast inn	
Childcare center	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater; Subject to special use regulations in section 17.228.113
Commercial service	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Community market	Subject to special use regulations in section 17.228.124
Hotel; motel	
Laundromat, self-service	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Library; archive	

Mortuary; crematory	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Museum	
Office	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Restaurant	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Retail store	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
School – dance, music, art, martial arts	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
School, vocational	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Theater	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the R-4 zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dormitory (outside central city)	Subject to special use regulations in section 17.228.111	PDC

Fraternity house; sorority house	Subject to special use regulations in section 17.228.111	PDC
Mobilehome park	Subject to special use regulations in section 17.228.115	PDC
Residential care facility		PDC
Residential hotel	Subject to special use regulations in section 17.228.112	PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Alcoholic beverage sales, off-premises consumption	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater; Subject to special use regulations in section 17.228.108	PDC
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Bar; nightclub	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater; Subject to special use regulations in section 17.228.108	PDC
Cemetery		PDC
Check-cashing center	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater; Subject to special use	PDC

	regulations in section 17.228.121	
Cinema (inside arts and entertainment district)	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater	PDC
College campus		PDC
College extension		PDC
Correctional facility		PDC
Golf course; driving range		PDC
Kennel	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater	PDC
Non-profit organization, food preparation for off-site consumption	Entire business, including storage and display, shall be conducted within a building	PDC
Non-profit organization, food storage and distribution	Entire business, including storage and display, shall be conducted within a building	PDC
Non-profit organization, meal service facility	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater	PDC
Non-residential care facility	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater	PDC
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development	ZA

	standards stated in sections 17.608.040 and 17.612.020	
Tobacco retailer	A zoning administrator conditional use permit is required for a tobacco retailer that has 15,000 square feet or less of gross floor area and is located within 1,000 feet, measured for the nearest property lines of the affected parcels, of a public or private school (K-12). Otherwise the use is to be treated as “Retail” in all applicable zones	ZA
Veterinary clinic; veterinary hospital	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater	PDC
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Passenger terminal		PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the R-4 zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Accessory drive-through facility	Subject to special use regulations in section 17.228.110
Childcare, in-home (family day care home)	
Common area	
Dwelling unit, secondary	Subject to special use regulations in section 17.228.105
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Personal auto storage	Subject to special use regulations in section 17.228.101

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the R-4 zone.

17.208.520 R-4 zone – Height, density, lot coverage, and floor area ratios.

A. Height. The maximum height is 45 feet.

B. Density. The maximum density is 60 dwelling units per net acre.

C. Lot coverage. The maximum lot coverage is 60%.

D. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.208.530 R-4 zone – Lot size, width, and depth.

A. Lot size. The minimum lot size is 2,000 square feet.

B. Lot width.

1. Unless subsection 2 or 3 applies, the minimum lot width is 20 feet.

2. If the lot abuts a lot in the R-1 zone, the minimum lot width is 25 feet.

3. The minimum width of corner lots is 38 feet.

C. Lot depth.

1. The minimum lot depth is 80 feet.

2. The maximum lot depth is 160 feet.

17.208.540 R-4 zone – Setbacks.

A. Front and street side-yard setbacks.

1. The minimum front and street side-yard setback for single-unit and two-unit dwellings is 3 feet.

2. The minimum front and street side-yard setback for multi-unit dwellings is 5 feet.

3. The maximum front and street side-yard setback is 25 feet.

B. Rear-yard setback.

1. Unless subsection 2 applies, the minimum rear-yard setback is 15 feet.

2. If the rear lot line abuts a public alley, the rear-yard setback is 5 feet.

C. Interior side-yard setback.

1. Unless subsection 2 applies, there is no minimum interior side-yard setback.

2. If the interior side-yard lot line abuts a lot in the R-1 or R-1B zone or a lot containing a detached single-unit dwelling, the minimum interior side-yard setback is 5 feet.

D. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.208.550 R-4 zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.208.560 R-4 zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article VI. R-4A Zone – Multi-Unit Dwelling Zone

17.208.600 R-4A zone – Purpose.

The purpose of the R-4A zone is to accommodate higher-density development in the central city, along major commercial corridors, and in areas near major institutions and public transit facilities. It permits dwellings, institutions, and limited commercial goods and services serving the surrounding neighborhood.

17.208.610 R-4A zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the R-4A zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dormitory (inside central city)	Subject to special use regulations in section 17.228.111
Dwelling, duplex	
Dwelling, multi-unit	Subject to special use regulations in section 17.228.117
Dwelling, single-unit	
Model home temporary sales office	Subject to special use regulations in section 17.228.125
2. Commercial and Institutional Uses	
Amusement center, indoor	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Athletic club; fitness studio	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Bed and breakfast inn	
Childcare center	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater; Subject to special use regulations in section 17.228.113
Commercial service	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Community market	Subject to special use regulations in section 17.228.124
Hotel; motel	
Laundromat, self-service	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Library; archive	
Mortuary; crematory	This and all other similarly restricted uses combined are

	limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Museum	
Office	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Restaurant	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Retail store	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
School – dance, music, art, martial arts	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
School, vocational	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Theater	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the R-4A zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dormitory (outside central city)	Subject to special use regulations in section 17.228.111	PDC

Fraternity house; sorority house	Subject to special use regulations in section 17.228.111	PDC
Mobilehome park	Subject to special use regulations in section 17.228.115	PDC
Residential care facility		PDC
Residential hotel	Subject to special use regulations in section 17.228.112	PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Alcoholic beverage sales, off-premises consumption	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater; Subject to special use regulations in section 17.228.108	PDC
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Bar; nightclub	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater; Subject to special use regulations in section 17.228.108	PDC
Cemetery		PDC
Check-cashing center	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater; Subject to special use	PDC

	regulations in chapter 17.228.121	
Cinema	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater	PDC
College campus		PDC
College extension		PDC
Correctional facility		PDC
Golf course; driving range		PDC
Kennel	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater	PDC
Non-profit organization, food preparation for off-site consumption	Entire business, including storage and display, shall be conducted within a building.	PDC
Non-profit organization, food storage and distribution	Entire business, including storage and display, shall be conducted within a building.	PDC
Non-profit organization, meal service facility	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater	PDC
Non-residential care facility	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater	PDC
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections	ZA

	17.608.040 and 17.612.020	
Tobacco retailer	A zoning administrator conditional use permit is required for a tobacco retailer that has 15,000 square feet or less of gross floor area and is located within 1,000 feet, measured for the nearest property lines of the affected parcels, of a public or private school (K-12). Otherwise the use is to be treated as “Retail” in all applicable zones	ZA
Veterinary clinic; veterinary hospital	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater	PDC
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Passenger terminal		PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the R-4A zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Accessory drive-through facility	Subject to special use regulations in section 17.228.110
Childcare, in-home (family day care home)	
Common area	
Dwelling unit, secondary	Subject to special use regulations in section 17.228.105
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Personal auto storage	Subject to special use regulations in section 17.228.101

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the R-4A zone.

17.208.620 R-4A zone – Height, density, lot coverage, and floor area ratios.

A. Height. The maximum height is 75 feet.

B. Density. The maximum density is 110 dwelling units per net acre.

C. Lot coverage. The maximum lot coverage is 70%.

D. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.208.630 R-4A zone – Lot Size, width, and depth.

A. Lot size.

1. The minimum lot size is 3,200 square feet.

2. The maximum lot size is 80,000 square feet.

B. Lot width. The minimum lot width is 40 feet.

C. Lot depth.

1. The minimum lot depth is 80 feet.

2. The maximum lot depth is 160 feet.

17.208.640 R-4A zone – Setbacks.

A. Front-yard and street side-yard setback.

1. The minimum front-yard and street side-yard setback for single-unit and two-unit dwellings is 3 feet.

2. The minimum front and street side-yard setback for multi-unit dwellings is 5 feet.

3. The maximum setback is 25 feet.

4. Structures such as storefronts and arcades, and covered and uncovered porches, decks, and patios may extend into the minimum front and street side setback area up to a maximum height of 15 feet, provided such structures are designed to accommodate the street tree canopy.

B. Interior side-yard setback.

1. Unless subsection 2 applies, there is no minimum interior side-yard setback.

2. If the interior side-yard lot line abuts a lot in the R-1 or R-1B zone or a lot containing a detached single-unit dwelling, the minimum interior side-yard setback is 5 feet.

C. Rear-yard setback.

1. Unless subsection 2 applies, the minimum rear-yard setback is 15 feet.

2. If the rear-yard lot line abuts a public alley, the rear-yard setback is 5 feet.

D. Tower.

1. Definitions. For the purposes of this article,

a. “Tower” means that portion of a building located above the building base.

b. “Building base” means the first 65 feet of building height.

2. Front-yard and street side-yard tower setback. The front-yard and street side-yard setback for a tower is the same as for the main wall of the building base.

3. Rear-yard tower setback. The minimum rear-yard tower setback is 40 feet from the rear lot line. If the rear lot line is adjacent to an alley, the setback is measured to the centerline of the alley.

4. Interior side-yard tower setback. The minimum interior side-yard tower setback is 40 feet.

5. Tower separation. The minimum setback between towers is 80 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.208.650 R-4A zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.208.660 R-4A zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article VII. R-5 Zone – High-rise Residential Zone

17.208.700 R-5 zone – Purpose.

The purpose of the R-5 zone is to permit dwellings, institutions, and limited commercial goods and services serving the surrounding neighborhood.

17.208.710 R-5 zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the R-5 zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dormitory (inside central city)	Subject to special use regulations in section 17.228.111
Dwelling, duplex	
Dwelling, multi-unit	Subject to special use regulations in section 17.228.117
Dwelling, single-unit	
Model home temporary sales office	Subject to special use regulations in section 17.228.125
2. Commercial and Institutional Uses	
Amusement center, indoor	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Athletic club; fitness studio	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Bed and breakfast inn	
Childcare center	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater; Subject to special use regulations in section 17.228.113
Commercial service	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Community market	Subject to special use regulations in section 17.228.124
Hotel; motel	
Laundromat, self-service	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Library; archive	
Mortuary; crematory	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater

Museum	
Office	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Restaurant	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Retail store	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
School – dance, music, art, martial arts	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
School, vocational	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
Theater	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the R-5 zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dormitory (outside central city)	Subject to special use regulations in section 17.228.111	PDC

Fraternity house; sorority house	Subject to special use regulations in section 17.228.111	PDC
Mobilehome park	Subject to special use regulations in section 17.228.115	PDC
Residential care facility		PDC
Residential hotel	Subject to special use regulations in section 17.228.112	PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Alcoholic beverage sales, off-premises consumption	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater; Subject to special use regulations in section 17.228.108	PDC
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Bar; nightclub	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater; Subject to special use regulations in section 17.228.108	PDC
Cemetery		PDC
Check-cashing center	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater; Subject to special use	PDC

	regulations in section 17.228.121	
Cinema	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater	PDC
College campus		PDC
College extension		PDC
Correctional facility		PDC
Golf course; driving range		PDC
Kennel	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater	PDC
Non-profit organization, food preparation for off-site consumption	Entire business, including storage and display, shall be conducted within a building	PDC
Non-profit organization, food storage and distribution	Entire business, including storage and display, shall be conducted within a building	PDC
Non-profit organization, meal service facility	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater	PDC
Non-residential care facility	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater	PDC
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA

Tobacco retailer	A zoning administrator conditional use permit is required for a tobacco retailer that has 15,000 square feet or less of gross floor area and is located within 1,000 feet, measured for the nearest property lines of the affected parcels, of a public or private school (K-12). Otherwise the use is to be treated as "Retail" in all applicable zones	ZA
Veterinary clinic; veterinary hospital	This and all other similarly restricted uses combined are limited to 25% of gross floor area or 6,400 square feet of a building, whichever is greater	PDC
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Passenger terminal		PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the R-5 zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Accessory drive-through facility	Subject to special use regulations in section 17.228.110
Childcare, in-home (family day care home)	

Common area	
Dwelling unit, secondary	Subject to special use regulations in section 17.228.105
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Personal auto storage	Subject to special use regulations in section 17.228.101

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the R-5 zone.

17.208.720 R-5 zone – Height, density, lot coverage, and floor area ratios.

A. Height. The maximum height is 240 feet.

B. Density. The maximum density is 175 dwelling units per net acre.

C. Lot coverage. The maximum lot coverage is 80%.

D. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.208.730 R-5 zone – Lot size, width, and depth.

A. Lot size.

1. The minimum lot size is 3,200 square feet.

2. The maximum lot size is 80,000 square feet.

B. Lot width. The minimum lot width is 40 feet.

C. Lot depth.

1. The minimum lot depth is 80 feet.

2. The maximum lot depth is 160 feet.

17.208.740 R-5 zone – Setbacks.

A. Front-yard and street side-yard setback.

1. The minimum front-yard and street side-yard setback for single-unit and two-unit dwellings is 3 feet.

2. The minimum front and street side-yard setback for multi-unit dwellings is 5 feet.

3.The maximum setback is 25 feet.

4. Structures such as storefronts and arcades, and covered and uncovered porches, decks, and patios may extend into the minimum front and street side setback area up to a maximum height of 15 feet, provided the structures are designed to accommodate the street tree canopy.

B. Interior side-yard setback.

1. Unless subsection 2 applies, there is no minimum interior side-yard setback.

2. If the interior side-yard lot line abuts a lot in the R-1 or R-1B zone or a lot containing a detached single-unit dwelling, the minimum interior side-yard setback is 5 feet.

C. Rear-yard setback.

1. Unless subsection 2 applies, the minimum rear-yard setback is 15 feet.

2. If the rear-yard lot line abuts a public alley, the rear-yard setback is 5 feet.

D. Tower setbacks.

1. Definitions. For the purposes of this article,

a. “Tower” means that portion of a building located above the building base.

b. “Building base” means the first 65 feet of building height.

2. Front-yard and street side-yard tower setback. The front-yard and street side-yard setback for a tower is the same as for the main wall of the building base.

3. Rear-yard tower setback. The minimum rear-yard tower setback is 40 feet from the rear lot line. If the rear lot line is adjacent to an alley, the setback is measured to the centerline of the alley.

4. Interior side-yard tower setback. The minimum interior side-yard tower setback is 40 feet.

5. Tower separation. The minimum setback between towers is 80 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for

development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.208.750 R-5 zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.208.760 R-5 zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Chapter 17.212
Residential Mixed Use

Article I. RMX Zone – Residential Mixed Use Zone

17.212.100 RMX zone – Purpose.

The purpose of the RMX zone is to allow a mix of residential and commercial uses as a matter of right, and to preserve the residential character of neighborhoods while encouraging the development of neighborhood-oriented ground-floor retail and service uses.

17.212.110 RMX zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the RMX zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dwelling, duplex	
Dwelling, multi-unit	Subject to special use regulations in section 17.228.117
Dwelling, single-unit	
Model home temporary sales office	Subject to special use regulations in section 17.228.125
2. Commercial and Institutional Uses	
Athletic club; fitness studio	
Bed and breakfast inn	
Commercial service	
Community market	Subject to special use regulations in section 17.228.124
Laundromat, self-service	
Library; archive	
Museum	
Office	
Restaurant	This use is limited to 6,400 gross square feet; if use exceeds this limitation, a conditional use permit is required
Retail store	This use is limited to 40,000 gross square feet; if use exceeds this limitation, a conditional use permit is required
School – dance, music, art, martial arts	
Temporary commercial building	Subject to special use regulations in section 17.228.126

3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the RMX zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dormitory (outside central city)	Subject to special use regulations in section 17.228.111	PDC
Fraternity house; sorority house	Subject to special use regulations in section 17.228.111	PDC
Residential care facility		PDC
Residential hotel	Subject to special use regulations in section 17.228.112	PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Alcoholic beverage sales, off-premises consumption	Subject to special use regulations in section 17.228.108	PDC
Amusement center, indoor		PDC
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Bar; nightclub	Subject to special use regulations in section 17.228.108	PDC
Cemetery		PDC

Check-cashing center	Subject to special use regulations in section 17.228.121	PDC
Childcare center	Subject to special use regulations in section 17.228.113	ZA
Golf course; driving range		PDC
Kennel		PDC
Non-profit organization, food preparation for off-site consumption		PDC
Non-profit organization, food storage and distribution		PDC
Non-profit organization, meal service facility		PDC
Non-residential care facility		PDC
Outdoor market	In granting a conditional use permit the zoning administrator may consider the traffic, parking, noise, hours of operation, and any applicable development standards related to the proposed outdoor market	ZA
Restaurant	Permitted with a conditional use permit if use exceeds 6,400 gross square feet; permitted by right if use does not exceed 6,400 gross square feet	PDC
Retail store	Permitted with a conditional use permit if use exceeds 40,000 gross square feet; permitted by right if use does not exceed 40,000 gross square feet	PDC
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
Tobacco retailer	A zoning administrator conditional use permit is required for a tobacco retailer that has 15,000 square feet or less of gross floor area and is located within 1,000 feet, measured	ZA

	for the nearest property lines of the affected parcels, of a public or private school (K-12). Otherwise the use is to be treated as “Retail” in all applicable zones	
Transit vehicle – service, repair, storage		PDC
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Boat dock; marina		PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Passenger terminal		PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the RMX zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Childcare, in-home (family day care home	
Common area	
Dwelling unit, secondary	Subject to special use regulations in section 17.228.105
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the RMX zone.

17.212.120 RMX zone – Nonresidential development limitations.

Commercial and office uses are limited to the ground floor only and may occupy up to a maximum of 50% of the building square footage; provided that:

A. On lots less than or equal to three acres, commercial or office use may be up to 100% of the building square footage with a zoning administrator-approved conditional use permit; and

B. On lots greater than three acres, commercial or office use may be up to 100% of the building square footage with a planning and design commission-approved conditional use permit.

17.212.130 RMX zone – Height, density, and floor area ratios.

A. Height. The maximum height is 45 feet

B. Density. The maximum density is 60 dwelling units per net acre

C. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.212.140 RMX zone – Setbacks.

A. Front-yard and street side-yard setbacks.

1. The minimum setback for the main building wall is 10 feet.

2. The maximum setback is 25 feet.

3. Structures such as storefronts and arcades, and covered and uncovered porches, decks, and patios may extend into the minimum front and street side setback area up to a maximum height of 15 feet, provided the structures are designed to accommodate the street tree canopy.

B. Rear-yard setback.

1. Unless subsection 2 applies, the minimum rear-yard setback is 15 feet.

2. If the rear-yard lot line abuts a public alley, the rear-yard setback is 5 feet.

C. Interior side-yard setback.

1. Unless subsection 2 applies, there is no minimum interior side-yard setback.

2. If the interior side-yard lot line abuts a lot in the R-1 or R-1B zone or a lot containing a detached single-unit dwelling, the minimum interior side-yard setback is 5 feet.

D. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.212.150 RMX zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.212.160 RMX zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article II. RO Zone – Residential Office Zone

17.212.200 RO zone – Purpose.

The purpose of the RO zone is to provide a medium-density multiple-family zone, generally located inside the central city and in certain adjacent areas. The zone permits development of office and other commercial uses that are compatible with adjacent residential uses.

17.212.210 RO zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the RO zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dwelling, duplex	
Dwelling, multi-unit	Subject to special use regulations in section 17.228.117
Dwelling, single-unit	
2. Commercial and Institutional Uses	
Bed and breakfast inn	
Community market	Subject to special use regulations in section 17.228.124
Office	
Temporary commercial building	Subject to special use regulations in section 17.228.126
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the RO zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dormitory	Subject to special use regulations in section17.228.111	PDC
Fraternity house; sorority house	Subject to special use regulations in section17.228.111	PDC
Mobilehome park	Subject to special use regulations in section 17.228.115	PDC
Residential care facility		PDC
Residential hotel	Subject to special use regulations in section17.228.112	PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Cemetery		PDC
Childcare center	Subject to special use regulations in section17.228.113	ZA
Golf course; driving range		PDC
Kennel		PDC
Non-profit organization, food preparation for off-site consumption		PDC
Non-profit organization, food storage and distribution		PDC

Non-profit organization, meal service facility		PDC
Non-residential care facility		PDC
Outdoor market	In granting a conditional use permit the zoning administrator may consider the traffic, parking, noise, hours of operation, and any applicable development standards related to the proposed outdoor market	ZA
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
Transit vehicle – service, repair, storage		PDC
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section17.228.300 et seq.	PDC
Boat dock; marina		PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section17.228.500 et seq.	CC
Passenger terminal		PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the RO zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Childcare, in-home (family day care home)	
Common area	

Dwelling unit, secondary	Subject to special use regulations in section17.228.105
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section17.228.200 et seq.

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the RO zone.

17.212.220 RO zone – Height, density, lot coverage, and floor area ratios.

A. Height. The maximum height is 35 feet.

B. Density. The maximum density is 36 dwelling units per net acre.

C. Lot coverage.

1. Outside the central city, the maximum lot coverage for dwellings in the RO zone is 60%.

2. Office uses in the RO zone have no maximum lot coverage.

3. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.212.230 RO zone – Setbacks.

A. Front-yard setback.

1. Minimum front-yard setback.

a. If there are at least two other buildings with front-yard setbacks on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the average of the two front-yard setbacks of the nearest two buildings or 25 feet, whichever is less.

b. If there is only one other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the front-yard setback of that building or 25 feet, whichever is less.

c. If there is no other building with a front-yard setback on the same side of the street on the same block, the minimum front-yard setback is 20 feet.

2. If a parcel fronts a right-of-way that has a planter strip between the street pavement and the sidewalk, the width of the planter strip is counted in the front-yard setback.

B. Street side-yard setback.

1. The minimum street side-yard setback for single-unit and two-unit dwellings is 3 feet.

2. The minimum street side-yard setback for multi-unit dwellings is 5 feet.

C. Interior side-yard setback.

1. Unless subsection 2 applies, there is no minimum interior side-yard setback.

2. If the interior side-yard lot line abuts a lot in the R-1 or R-1B zone or a lot containing a detached single-unit dwelling, the minimum interior side-yard setback is 5 feet.

D. Rear-yard setback.

1. Unless subsection 2 applies, the minimum rear-yard setback is 15 feet.

2. If the rear-yard lot line abuts a public alley, the rear-yard setback is 5 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.212.240 RO zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.212.250 RO zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. The structure shall be predominantly residential in appearance. To achieve this end, conditions may be placed on parking area location and design, signage, and landscaping.

3. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Chapter 17.216
Commercial, Office, and Mixed Use

Article I. OB Zone – Office Business Low-Rise Mixed-Use Zone

17.216.100 OB zone – Purpose.

The purpose of the OB zone is to provide for a low-rise mixed-use employment zone that is intended to permit business, office, institutional, or professional buildings; the sale of goods and services; and lodging and dwellings.

17.216.110 OB zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the OB zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dwelling, multi-unit	Subject to special use regulations in section 17.228.117
2. Commercial and Institutional Uses	
Amusement center, indoor	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Athletic club; fitness studio	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Bed and breakfast inn	
Childcare center	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; Subject to special use regulations in section 17.228.113
College extension	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Commercial service	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Community market	Subject to special use regulations in section 17.228.124
Hotel; motel	
Laundromat, self-service	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Library; archive	
Mortuary; crematory	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Museum	

Non-profit organization, food preparation for off-site consumption	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use Entire business, including storage and display, shall be conducted within a building
Non-profit organization, food storage and distribution	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; Entire business, including storage and display, shall be conducted within a building
Office	
Restaurant	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Retail store	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; This use is limited to 40,000 gross square feet; if use exceeds this limitation, a conditional use permit is required
School – dance, music, art, martial arts	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
School, vocational	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Temporary commercial building	Subject to special use regulations in section 17.228.126
Theater	Permitted in a building in which at least 50% of gross floor area is devoted to office or dwelling use
Wholesale store	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; This use is limited to 6,400 gross square feet
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Laboratory, research	
Manufacturing, service, and repair	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; This use is limited to 6,400 gross square feet. Use may include incidental, non-nuisance producing processing, packaging, and fabricating entirely within a building
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the OB zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Residential care facility		PDC
Residential hotel	Subject to special use regulations in section 17.228.112	PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Alcoholic beverage sales, off-premises consumption	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; Subject to special use regulations in section 17.228.108	PDC
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Bar; nightclub	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; Subject to special use regulations in section 17.228.108	PDC
Cinema (inside arts and entertainment district)	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use	PDC

College campus		PDC
Kennel	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use	PDC
Major medical facility		PDC
Non-profit organization, meal service facility	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use	PDC
Non-residential care facility	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use	PDC
Outdoor Market	In granting a conditional use permit the zoning administrator may consider the traffic, parking, noise, hours of operation, and any applicable development standards related to the proposed outdoor market	ZA
Retail store	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; Permitted with a conditional use permit if use exceeds 40,000 gross square feet; permitted by right if use does not exceed 40,000 gross square feet	PDC
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
Tobacco retailer	A zoning administrator conditional use permit is required for a tobacco retailer that has 15,000 square feet or less of gross floor area and is	ZA

	located within 1,000 feet, measured for the nearest property lines of the affected parcels, of a public or private school (K-12). Otherwise the use is to be treated as “Retail” in all applicable zones	
Transit vehicle – service, repair, storage		PDC
Veterinary clinic; veterinary hospital	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use	PDC
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Passenger terminal		PDC
Surface mining operation	Subject to chapter 17.720	PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the OB zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Accessory drive-through facility	Subject to special use regulations in section 17.228.110
Child care, in-home (family day care home)	
Common area	

Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the OB zone.

17.216.120 OB zone – Height, density, and floor area ratios.

A. Height. The maximum height is 35 feet.

B. Density. The maximum density is 36 dwelling units per net acre.

C. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.216.130 OB zone – Setbacks.

A. Front-yard setback. There is no minimum front-yard setback. The maximum front-yard setback is 25 feet.

B. Street side-yard setback. There is no minimum street side-yard setback. The maximum street side-yard setback is 25 feet.

C. Interior side-yard setback.

1. Unless subsection 2 applies, the minimum interior side-yard setback is 5 feet.

2. If the interior side-yard lot line abuts a public alley, no minimum interior side-yard setback is required.

D. Rear-yard setback.

1. Unless subsection 2 applies, the minimum rear-yard setback is 15 feet.

2. If the rear-yard lot line abuts a public alley, the minimum rear-yard setback is 5 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.216.140 OB zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.216.150 OB zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article II. OB-2 Zone – Office Business Mid-Rise Mixed-Use Zone

17.216.200 OB-2 zone – Purpose.

The purpose of the OB-2 Zone is to provide for a mid-rise mixed-use employment zone that is intended to permit business, office, institutional, or professional buildings; the sale of goods and services; and lodging and dwellings.

17.216.210 OB-2 zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the OB-2 zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dwelling, multi-unit	Subject to special use regulations in section 17.228.117
2. Commercial and Institutional Uses	
Amusement center, indoor	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Athletic club; fitness studio	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Bed and breakfast inn	
Childcare center	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; Subject to special use regulations in section 17.228.113
College extension	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Commercial service	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Community market	Subject to special use regulations in section 17.228.124
Hotel; motel	
Laundromat, self-service	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Library; archive	
Mortuary; crematory	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Museum	
Non-profit organization, food preparation for off-site consumption	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use Entire business, including storage and display, shall be conducted within a building
Non-profit organization, food	Permitted in a building in which at least 50% of the

storage and distribution	gross floor area is devoted to office or dwelling use; Entire business, including storage and display, shall be conducted within a building
Office	
Restaurant	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Retail store	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; This use is limited to 40,000 gross square feet; if use exceeds this limitation, a conditional use permit is required
School – dance, music, art, martial arts	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
School, vocational	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Temporary commercial building	Subject to special use regulations in section 17.228.126
Theater	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Wholesale store	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; This use is limited to 6,400 gross square feet
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Laboratory, research	
Manufacturing, service, and repair	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; This use is limited to 6,400 gross square feet. Use may include incidental, non-nuisance producing processing, packaging, and fabricating entirely within a building
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the OB-2 zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Residential care facility		PDC
Residential hotel	Subject to special use regulations in section 17.228.112	PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Alcoholic beverage sales, off-premises consumption	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; Subject to special use regulations in section 17.228.108	PDC
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Bar; nightclub	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; Subject to special use regulations in section 17.228.108	PDC
Cinema (inside arts and entertainment district)	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use	PDC
College campus		PDC

Kennel	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use	PDC
Major medical facility		PDC
Non-profit organization, meal service facility	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use	PDC
Non-residential care facility	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use	PDC
Outdoor market	In granting a conditional use permit the zoning administrator may consider the traffic, parking, noise, hours of operation, and any applicable development standards related to the proposed outdoor market	ZA
Retail store	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; Permitted with a conditional use permit if use exceeds 40,000 gross square feet; permitted by right if use does not exceed 40,000 gross square feet	PDC
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
Tobacco retailer	A zoning administrator conditional use permit is required for a tobacco retailer that has 15,000 square feet or less of gross floor area and is located within 1,000 feet, measured for the nearest property lines of the affected parcels, of a public or private school (K-12). Otherwise the use	ZA

	is to be treated as “Retail” in all applicable zones	
Transit vehicle – service, repair, storage		PDC
Veterinary clinic; veterinary hospital	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use	PDC
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Passenger terminal		PDC
Surface mining operation	Subject to chapter 17.720	PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the OB-2 zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Accessory drive-through facility	Subject to special use regulations in section 17.228.110
Childcare, in-home (family day care home)	
Common area	
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the OB-2 zone.

17.216.220 OB-2 zone – Height, density, and floor area ratios.

A. Height. The maximum height is 120 feet.

B. Density. The maximum density is 60 dwelling units per net acre.

C. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.216.230 OB-2 zone – Setbacks.

A. Front-yard and street side-yard setback.

1. The minimum front-yard and street side-yard setback is 10 feet. The maximum setback is 25 feet.

2. Structures such as storefronts and arcades, and covered and uncovered porches, decks, and patios may extend into the minimum front and street side setback area up to a maximum height of 15 feet, provided such structures are designed to accommodate the street tree canopy.

B. Interior side-yard setback.

1. Unless subsection 2 applies, there is no minimum interior side-yard setback.

2. If the interior side-yard lot line abuts a lot in the R-1 or R-1B zone or a lot containing a single-unit dwelling, the minimum interior side-yard setback is 5 feet.

C. Rear-yard setback.

1. Unless subsection 2 applies, the minimum rear-yard setback is 15 feet.

2. If the rear-yard lot line abuts a public alley, the minimum rear-yard setback is 5 feet.

D. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

E. Tower setbacks.

1. Definitions. For the purposes of this article,

a. “Tower” means that portion of a building located above the building base.

b. “Building base” means the first 65 feet of building height.

2. Front-yard and street side-yard tower setback. The front-yard and street side-yard setback for a tower is the same as for the main wall of the building base.

3. Rear-yard tower setback.

a. The minimum rear-yard tower setback for a residential tower is 40 feet from the rear lot line. If the rear lot line is adjacent to an alley, the setback is measured to the centerline of the alley.

b. The minimum rear-yard tower setback for a commercial or mixed-use tower shall be determined through the site plan and design review process.

4. Interior side-yard tower setback.

a. The minimum interior side-yard tower setback for a residential tower is 40 feet.

b. The minimum interior side-yard tower setback for a commercial or mixed-use tower shall be determined through the site plan and design review process.

5. Tower separation. The minimum setback between towers is 80 feet.

17.216.240 OB-2 zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.216.250 OB-2 Zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article III. OB-3 Zone – Office Business High-Rise Mixed-Use Zone

17.216.300 OB-3 – Purpose.

The purpose of the OB-3 zone is to provide for a high-rise mixed-use employment zone that is intended to permit business, office, institutional, or professional buildings; the sale of goods and services; and lodging and dwellings.

17.216.310 OB-3 zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the OB-3 zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dwelling, multi-unit	Subject to special use regulations in section 17.228.117
2. Commercial and Institutional Uses	
Amusement center, indoor	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Athletic club; fitness studio	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Bed and breakfast inn	
Childcare center	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; Subject to special use regulations in section 17.228.113
College extension	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Commercial service	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Community market	Subject to special use regulations in section 17.228.124
Hotel; motel	
Laundromat, self-service	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Library; archive	
Mortuary; crematory	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Museum	
Non-profit organization, food preparation for off-site consumption	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use Entire business, including storage and display, shall be conducted within a building

Non-profit organization, food storage and distribution	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; Entire business, including storage and display, shall be conducted within a building
Office	
Restaurant	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Retail store	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; This use is limited to 40,000 gross square feet; if use exceeds this limitation, a conditional use permit is required
School – dance, music, art, martial arts	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
School, vocational	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Temporary commercial building	Subject to special use regulations in section 17.228.126
Theater	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use
Wholesale store	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; This use is limited to 6,400 gross square feet
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Laboratory, research	
Manufacturing, service, and repair (not exceeding 6,400 gross square feet of floor area)	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; This use is limited to 6,400 gross square feet. Use may include incidental, non-nuisance producing processing, packaging, and fabricating entirely within a building
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the OB-3 zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Residential care facility		PDC
Residential hotel	Subject to special use regulations in section 17.228.112	PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Alcoholic beverage sales, off-premises consumption	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; Subject to special use regulations in section 17.228.108	PDC
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Bar; nightclub	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; Subject to special use regulations in section 17.228.108	PDC
Cinema (inside arts and entertainment district)	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use	PDC
College campus		PDC

Kennel	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use	PDC
Major medical facility		PDC
Non-profit organization, meal service facility	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use	PDC
Non-residential care facility	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use	PDC
Outdoor market	In granting a conditional use permit the zoning administrator may consider the traffic, parking, noise, hours of operation, and any applicable development standards related to the proposed outdoor market	ZA
Retail store	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use; Permitted with a conditional use permit if use exceeds 40,000 gross square feet; permitted by right if use does not exceed 40,000 gross square feet	PDC
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
Tobacco retailer	A zoning administrator conditional use permit is required for a tobacco retailer that has 15,000 square feet or less of gross floor area and is located within 1,000 feet, measured for the nearest property lines of the affected parcels, of a public or private school (K-12). Otherwise the use	ZA

	is to be treated as “Retail” in all applicable zones	
Transit vehicle – service, repair, storage		PDC
Veterinary clinic; veterinary hospital	Permitted in a building in which at least 50% of the gross floor area is devoted to office or dwelling use	PDC
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Passenger terminal		PDC
Surface mining operation	Subject to chapter 17.720	PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the OB-3 zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Accessory drive-through facility	Subject to special use regulations in section 17.228.110
Childcare, in-home (family day care home)	
Common area	
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.

D. Prohibited uses. All uses not listed as permitted, accessory, or conditional uses are prohibited in the OB-3 zone.

17.216.320 OB-3 zone – Height, density, and floor area ratios.

A. Height. The maximum height is 360 feet.

B. Density. The maximum density is 100 dwelling units per net acre.

C. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.216.330 OB-3 zone – Setbacks.

A. Front-yard and street side-yard setback.

1. The minimum front-yard and street side-yard setback is 10 feet. The maximum setback is 25 feet.

2. Structures such as storefronts and arcades, and covered and uncovered porches, decks, and patios may extend into the minimum front and street side setback area up to a maximum height of 15 feet, provided such structures are designed to accommodate the street tree canopy.

B. Interior side-yard setback.

1. Unless subsection 2 applies, there is no minimum interior side-yard setback.

2. If the interior side-yard lot line abuts a lot in the R-1 or R-1B zone, or abuts a lot containing a single-unit dwelling, the minimum interior side-yard setback is 5 feet.

C. Rear-yard setback.

1. Unless subsection 2 applies, the minimum rear-yard setback is 15 feet.

2. If the rear-yard lot line abuts a public alley, the minimum rear-yard setback is 5 feet.

D. Tower setbacks.

1. Definitions. For the purposes of this article,

a. “Tower” means that portion of a building located above the building base.

b. “Building base” means the first 65 feet of building height.

2. Front-yard and street side-yard tower setback. The front-yard and street side-yard setback for a tower is the same as for the main wall of the building base.

3. Rear-yard tower setback.

a. The minimum rear-yard tower setback for a residential tower is 40 feet from the rear lot line. If the rear lot line is adjacent to an alley, the setback is measured to the centerline of the alley.

b. The minimum rear-yard tower setback for a commercial or mixed-use tower shall be determined through the site plan and design review process.

4. Interior side-yard tower setback.

a. The minimum interior side-yard tower setback for a residential tower is 40 feet.

b. The minimum interior side-yard tower setback for a commercial or mixed-use tower shall be determined through the site plan and design review process.

5. Tower separation. The minimum setback between towers is 80 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.216.340 OB-3 zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.216.350 OB-3 zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article IV. EC Zone – Employment Center Zone

17.216.400 EC zone – Purpose.

The purpose of the EC zone is to provide a flexible zone for employment-generating uses in a pedestrian-friendly setting with ample open space. The EC zone also provides for a variety of supporting uses, including retail, residential, and light industrial. The close proximity of supporting uses allows for pedestrian, bicycle, transit, and rideshare-connection opportunities, which collectively help reduce dependence on the automobile. Consequently, parking needs are reduced and shared parking opportunities increase. The EC zone was developed specifically for North Natomas, but may be applicable to other areas of the city if the site is appropriate for a flexible, mixed–use, employment-generating complex.

17.216.410 Categories of permitted intensity.

The EC zone has several categories of permitted intensity, ranging from 30 employees per net acre (EC-30) to 80 employees per acre (EC-80). The intensity designation will be determined by proximity to planned transit service, freeway and roadway access, maintaining or improving housing opportunities, and maintaining or improving the environmental qualities in the EC PUD. Within a planned unit development or community plan land use cell, EC and other zones can vary depending on the location of the particular site within the planned unit development. For instance, within an EC-50 designated area, the site adjacent to a proposed light rail station could be zoned EC-80-PUD for intense office uses; the site furthest away from transit could be zoned M-1(S)-PUD for light industrial uses; and the site between could be zoned EC-50 for less intense office uses with support retail on the ground floor.

17.216.420 EC zone — Use regulations.

A. Planned unit development (PUD) designation required. All properties given an EC zone classification shall, at the time of the zoning or rezoning, be given a planned unit development (PUD) designation; and all such properties shall be developed in accordance with the requirements of chapter 17.452.

B. Uses and range of development allowed.

1. Land uses allowed in the EC zone are divided into two categories: Primary and Non-Primary. Primary uses, described in more detail below, are employment-generating uses that provide a ridership base that will reinforce the use of transit services. Non-primary uses are conditional and are generally uses supportive of primary uses. Non-primary uses are divided into “support retail” and “residential.” Primary and non-primary uses are set forth in Table 1.

Table 1

Category	Permitted uses
Primary	Office High-tech manufacturing research and development (not limited to 25% office—may have 100% office uses) Medical facilities: Hospital Laboratory Skilled nursing facility Research and development Physician's clinic Convalescent hospital Drug/alcohol treatment centers Pharmacy Optician lab or clinic Dental offices Psychiatric hospital or clinic Veterinary clinic; veterinary hospital1 Educational/vocational/training (public or private) Banks; savings and loans Post office Childcare center
	Light Industrial Uses: Distribution; warehousing Manufacturing High-tech manufacturing research and development (limited to 25 % office) Assembly
Support Retail	Health club School—dance, music, art, martial arts Automobile-related services (i.e., auto service, parts, repair) Gas sales Restaurant; café; deli Hotel; motel; inn Consumer retail (maximum 10,000 square feet per store, with an aggregate building size of 30,000 square feet)[2] (e.g., books, food, videos, etc.)
Residential	Multi-unit dwelling

1. Veterinary clinics and hospitals need a conditional use permit if there is outdoor boarding of animals.
2. Includes drug stores and office supply stores up to a maximum of 20,000 square feet per store, except EC-65 and EC-80 sites, which have a maximum of 10,000 square feet. Includes auto-related retail uses (excluding gas sales) up to a maximum of 15,000 square feet.

2. Range of development. Within each PUD, the percentage of net PUD acreage designated for and devoted to primary uses and to non-primary uses are as follows:

a. Primary Uses.

i. Allowable net acreage range in EC zone. A minimum of 65%, and a maximum of 100%, may be devoted to primary uses, except in the geographic area described in subsection B.2.b.ii, below.

ii. Light Industrial. Light industrial uses are conditionally permitted subject to design and development standards, including landscaping, setbacks, and allowable uses. Light industrial uses as a component of the primary use are allowed in the following proportions for the designated area:

(A) EC-30: not to exceed 50% of primary use acreage

(B) EC-40: not to exceed 20% of primary use acreage

(C) EC-45: not to exceed 20% of primary use acreage

(D) EC-50: not to exceed 20% of primary use acreage

(E) EC-65: incidental to primary use only

(F) EC-80: incidental to primary use only

b. Non-primary uses.

i. Support retail. Within each PUD, a maximum of 10% percent of the PUD net acreage shall be designated for and devoted to support retail uses. EC PUDs that are two acres or greater in size will be required to provide support retail uses within a primary use structure or within a stand-alone building. EC PUDs that are less than two acres in size may, but are not required to, include support retail uses, either within the primary use structure or a stand-alone building.

ii. Residential. Except as provided below, a maximum of 25% percent of the PUD net acreage may be designated for and devoted to residential uses.

Exception: Within the geographic area bounded by the East Drain, I-5, Del Paso Road, and Arena Boulevard (this area comprises about 340 acres, and includes several PUDs), acreage devoted to residential uses may exceed 25% of the individual EC PUD subject to a conditional use permit. In addition to the conditional use permit and the findings required by section 17.808.200, the following findings must also be made:

(A) The proposed increase in residential use is compatible with adjacent uses in the PUD as well as with adjacent uses within contiguous PUDs;

(B) The residential use has a component of mixed use or conjunctive use within the residential project to serve the residents and nearby workers or provides a component of affordable housing;

(C) The proposed increase in residential use will improve the balance of jobs and housing as provided in the Community Plan;

(D) The proposed increase in residential use will not result in an over-concentration of multi-unit dwelling projects in the area; and

(E) The project meets the Community Plan factors used to gauge the appropriateness of residential uses in an EC PUD.

(F) The total amount of acreage devoted to residential uses within this geographic area does not exceed 25%.

iii. Calculating net acreage devoted to non-primary uses. For purposes of subsection B.2.b of this section, the following rules apply when calculating the percentage of net PUD acreage devoted to non-primary uses:

(A) Support retail in a primary use structure. Support retail uses located within a building or structure devoted primarily to primary uses are not counted in the maximum percentage of support retail.

(B) Residential uses in a primary use structure. Residential uses located within a building or structure devoted primarily to primary uses (e.g., live/work space or second-floor residential over an office/retail building) are not counted in the maximum percentage of residential uses.

c. Conditionally permitted uses.

i. Drive-through facilities: In the EC-30, EC-40, or EC-45 zones, a drive-through service facility is permitted when incidental to a permitted use in the underlying zone, subject to a planning and design commission conditional use permit. A drive-through service facility is not permitted in the EC-50 zone. 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 project is the subject of a development agreement executed on or before July 1, 2001, then a drive-through service facility is permitted when incidental to a permitted use in the underlying zone, subject to a planning and design commission conditional use permit.

ii. Mini storage uses. “Mini storage” is an allowed light-industrial use for EC-30, subject to a conditional use permit. Mini storage is not allowed in the EC-40, EC-45, EC-50, EC-65, and EC-80 zones. Mini storage is not allowed within one-quarter mile of a transit station in an EC zone. Criteria for mini storage include the following:

(A) The proposed mini storage is compatible with adjacent land uses in the PUD and with adjacent uses within contiguous PUDs.

(B) The proposed mini storage use will not result in an over-concentration of mini storage projects in the community plan area.

(C) The proposed mini storage will not be located in an area where another use is more appropriate due to pedestrian and transit access opportunities.

(D) The proposed mini storage project shall provide quality building and landscape design, including the following:

(1) The buildings facing the street shall have an articulated design.
(2) Buildings facing the street shall have uses other than storage units (e.g., the business office, the manager’s residence or appropriate retail uses such as coffee shop, mailbox business, packaging business, etc.). The roll-up doors of the storage units shall not be visible from the street.
(3) Roof shall be pitched at least 4:1 slope, and roof materials shall be of high-quality dimensional composition or tile.
(4) Abundant landscaping of high quality shall be present at the street entrance to the mini storage project.

17.216.430 EC zone – Employment intensity.

A. Employment intensity. Each EC zone has a suffix number to specify the average number of employees allowed per net acre. For example, EC-40 has an average of 40 employees per net acre. The suffixes range from 30 to 80. The most intense EC zones shall be located within close proximity to transit service. The suffix provides the opportunity for a range of employment intensities on the site. The following chart identifies the minimum and average intensity for each EC zone:

Employees Per Net Acre

Zone	Min.	Avg.
EC-30	10	30
EC-40	20	40
EC-45	20	45
EC-50	90	50
EC-65	50	65
EC-80	65	80

B. Employees per net acre calculation. The number of employees per net acre is calculated using the following factors: gross square foot of building per employee is 350 for EC-30 and EC-40; gross square foot per employee is 300 for EC-45 and EC-50; and gross square foot per employee is 250 for EC-65 and EC-80. For support retail uses, gross square foot per employee is 450 and for light industrial uses, gross square foot per employee is 800.

17.216.440 EC zone – Site planning and design.

A. Building orientation. Buildings shall be oriented so the active, people-oriented functions face the street to the maximum extent possible. Service and loading areas shall be located away from the street, to the side or rear areas of the parcel.

B. Building height.

1. General rule. The following chart indicates the allowable building heights in each EC zone:

Building Height

Zone	Bldg. Ht. (# of floors)
EC-30	2
EC-40	3
EC-50	4
EC-65	6
EC-80	8 (see subsection B.2, below)

2. EC-80 building height exception. The height limit within one-eighth mile of the sports complex and town center LRT stations in North Natomas may be exceeded, subject to approval by the city. Also, the height limit for hotels and motels within the EC-80 zone may be exceeded, subject to approval by the city.

C. Parking. Required parking ratios shall be provided in the PUD development guidelines. Parking shall be provided in the rear of buildings, with alternative commute spaces located nearest the building entrances. Parking shall be located in areas that do not impede pedestrian circulation. Joint parking allowances for proximate uses shall be identified in the PUD development guidelines. Surface parking shall be designed to allow for future development of uses or structured parking when the intensity of the site is increased. Structured parking shall not be developed in a manner that discourages or precludes future development, redevelopment, or infill opportunities.

D. Provision of open space. Each EC PUD shall provide open space in the form of public plazas, courtyards, and landscaped parks that provide opportunities for active and passive recreation. Plazas and open space developed in conjunction with office buildings shall be accessible to the public and shall be oriented to pedestrian linkages throughout the area. Open space shall be located adjacent to people-oriented uses, such as small retail shops or restaurants. Specific site design will be guided by PUD development guidelines.

17.216.450 EC zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.216.460 EC zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article V. SC Zone – Shopping Center Zone

17.216.500 SC zone – Purpose.

The purpose of the SC zone is to provide a wide range of goods and services to the community. However, general commercial uses that are incompatible with a retail shopping center are prohibited.

17.216.510 SC zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the SC zone, subject to the limitations specified:

Use	Limitations
1. Commercial and Institutional Uses	
Amusement center, indoor	
Athletic club; fitness studio	
Childcare center	Subject to special use regulations in section 17.228.113
College extension	
Commercial service	
Community market	Subject to special use regulations in section 17.228.124
Laundromat, self-service	
Library; archive	
Museum	
Office	
Plant nursery	
Restaurant	
Retail store	This use is limited to 60,000 gross square feet; if use exceeds this limitation, a conditional use permit is required
School – dance, music, art, martial arts	
School, vocational	
Temporary commercial building	Subject to special use regulations in section 17.228.126
Theater	
2. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Solar energy system, commercial (city property)	Allowed in this zone and is exempt from the provisions of this title

B. Conditional uses. The following uses in the SC zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dormitory	Subject to special use regulations in section17.228.111	PDC
Dwelling, duplex		PDC
Dwelling, multi-unit	Subject to special use regulations in section 17.228.117	PDC
Dwelling, single-unit		PDC
Fraternity house; sorority house	Subject to special use regulations in section 17.228.111	PDC
Mobilehome park		PDC
Residential care facility		PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Alcoholic beverage sales, off-premises consumption	Subject to special use regulations in section 17.228.108	PDC
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Bar; nightclub	Subject to special use regulations in section 17.228.108	PDC
Check-cashing center	Subject to special use regulations in section 17.228.121	PDC
Cinema		PDC
College campus		PDC
Correctional facility		PDC

Drive-in theater		PDC
Drive-through restaurant	Subject to special use regulations in section 17.228.109	PDC
Gas station		PDC
Golf course; driving range		PDC
Hotel; motel		PDC
Kennel		PDC
Non-profit organization, food preparation for off-site consumption		PDC
Non-profit organization, food storage and distribution	This use is limited to 6,400 gross square feet	PDC
Non-profit organization, meal service facility		PDC
Non-residential care facility		PDC
Outdoor market	In granting a conditional use permit the zoning administrator may consider the traffic, parking, noise, hours of operation, and any applicable development standards related to the proposed outdoor market	ZA
Retail store	Permitted with a conditional use permit if use exceeds 60,000 gross square feet; permitted by right if use does not exceed 60,000 gross square feet	PDC
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
Superstore	Subject to special use regulations in section 17.228.119	PDC
Tobacco retailer	A zoning administrator conditional use permit is required for a tobacco retailer that has 15,000 square feet or less of gross floor area and is	ZA

	located within 1,000 feet, measured for the nearest property lines of the affected parcels, of a public or private school (K-12). Otherwise the use is to be treated as “Retail” in all applicable zones	
Transit vehicle – service, repair storage		PDC
Veterinary clinic; veterinary hospital		PDC
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Boat dock; marina		PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Passenger terminal		PDC
Surface mining operation	Subject to provisions of chapter 17.720	PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the SC zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Accessory drive-through facility	Subject to special use regulations in section 17.228.110
Childcare, in-home (family day care home)	
Common area	
Dwelling unit, secondary	Subject to special use regulations in section

	17.228.105
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Recycling facility, convenience	Subject to special use regulations in section 17.228.400 et seq.
Watchperson's quarters	The structure shall be limited to 1,000 square feet

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the SC zone.

17.216.520 SC zone – Height, density, and floor area ratios.

A. Height. The maximum height is 35 feet.

B. Density. The maximum density is 30 dwelling units per net acre.

C. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

17.216.530 SC zone – Setbacks.

A. Front and street side-yard setbacks. The minimum front and street side-yard setbacks are 20 feet.

B. Rear-yard setback.

1. Unless subsection 2 applies, there is no minimum rear-yard setback.

2. If the rear-yard lot line is adjacent to an R- or OB- zoned lot and is not separated by an alley, the minimum rear-yard setback is 15 feet.

C. Interior side-yard setback.

1. Unless subsection 2 applies, there is no minimum interior side-yard setback.

2. If the interior side-yard lot line is adjacent to an R- or OB-zoned lot and is not separated by an alley, the minimum interior side-yard setback is 5 feet.

D. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.216.540 SC zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.216.550 SC Shopping center zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article VI. C-1 Zone – Limited Commercial Zone

17.216.600 C-1 zone – Purpose.

The purpose of the C-1 zone is to provide for certain offices, retail stores, and commercial service establishments that are compatible with residential developments. This zone is intended to be applied to small lots that are surrounded by a residential neighborhood.

17.216.610 C-1 zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the C-1 zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dormitory (inside central city)	Subject to special use regulations in section 17.228.111
Dwelling, duplex	
Dwelling, multi-unit	Subject to special use regulations in section 17.228.117
Dwelling, single-unit	
2. Commercial and Institutional Uses	
Athletic club; fitness studio	
Bed and breakfast inn	
Childcare center	Subject to special use regulations in section 17.228.113
Cinema (insidearts and entertainment district)	
Commercial service	
Community market	Subject to special use regulations in section 17.228.124
Laundromat, self-service	
Library; archive	
Museum	
Office	
Restaurant	
Retail store	This use is limited to 40,000 gross square feet; if use exceeds this limitation, a conditional use permit is required
School – dance, music, art, martial arts	
Temporary commercial building	Subject to special use regulations in chapter 17.228.126
Theater	
3. Industrial and Agricultural Uses	
Community garden (not exceeding	Subject to special use regulations in section

21,780 gross square feet)	17.228.122
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the C-1 zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dormitory (outside central city)	Subject to special use regulations in section 17.228.111	PDC
Fraternity house; sorority house	Subject to special use regulations in section 17.228.111	PDC
Mobilehome park		PDC
Residential care facility		PDC
Residential hotel	Subject to special use regulations in section 17.228.112	PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Alcoholic beverage sales, off-premises consumption	Subject to special use regulations in section 17.228.108	PDC
Amusement center, indoor		PDC
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Bar; nightclub	Subject to special use regulations in section 17.228.108	PDC
Cemetery		PDC
Check-cashing center	Subject to special use regulations in section 17.228.121	PDC

Cinema (outside arts and entertainment district)		PDC
College campus		PDC
Correctional facility		PDC
Drive-in theater		PDC
Golf course; driving range		PDC
Kennel		PDC
Non-profit organization, food preparation for off-site consumption		PDC
Non-profit organization, food storage and distribution	This use is limited to 6,400 gross square feet	PDC
Non-profit organization, meal service facility		PDC
Non-residential care facility		PDC
Outdoor market	In granting a conditional use permit the zoning administrator may consider the traffic, parking, noise, hours of operation, and any applicable development standards related to the proposed outdoor market	ZA
Retail store	Permitted with a conditional use permit if use exceeds 40,000 gross square feet; permitted by right if use does not exceed 40,000 gross square feet	PDC
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
Superstore	Subject to special use regulations in section 17.228.119	PDC
Tobacco retailer	A zoning administrator conditional use permit is required for a tobacco retailer that has 15,000 square feet or less of gross floor area and is located within 1,000 feet, measured for the	ZA

	nearest property lines of the affected parcels, of a public or private school (K-12). Otherwise the use is to be treated as “Retail” in all applicable zones	
Transit vehicle – service, repair, storage		PDC
Veterinary clinic; veterinary hospital		PDC
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Boat dock; marina		PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Passenger terminal		PDC
Surface mining operation	Subject to provisions of chapter 17.720	PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the C-1 zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Childcare, in-home (family day care home)	
Common area	
Dwelling unit, secondary	Subject to special use regulations in section 17.228.105
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section

	17.228.200 et seq.
Recycling facility, convenience	Subject to special use regulations in section 17.228.400 et seq.
Watchperson's quarters	The structure shall be limited to 1,000 square feet

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the C-1 zone.

17.216.620 C-1 zone – Height, density, lot coverage, and floor area ratios.

A. Height. The maximum height is 35 feet.

B. Density. The maximum density is 30 dwelling units per net acre.

C. Floor area ratios. Minimum and maximum floor area ratios are established in the general plan.

17.216.630 C-1 zone – Setbacks.

A. Front-yard setback. There is no minimum front-yard setback. The maximum front-yard setback is 25 feet.

B. Street side-yard setback. There is no minimum street side-yard setback. The maximum street side-yard setback is 25 feet.

C. Interior side-yard setback.

1. Unless subsection 2 applies, the minimum interior side-yard setback is 5 feet.

2. If the interior side-yard lot line abuts a public alley, no minimum interior side-yard setback is required.

D. Rear-yard setback.

1. Unless subsection 2 applies, the minimum rear-yard setback is 15 feet.

2. If the rear-yard lot line abuts a public alley, the minimum rear-yard setback is 5 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.216.640 C-1 zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.216.650 C-1 zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article VII. C-2 Zone – General Commercial Zone

17.216.700 C-2 zone – Purpose.

The purpose of the C-2 zone is to provide for the sale of goods; the performance of services, including repair facilities; office uses; dwellings; small wholesale stores or distributors; and limited processing and packaging.

17.216.710 C-2 zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the C-2 zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dormitory (inside central city)	Subject to special use regulations in section 17.228.111
Dwelling, duplex	
Dwelling, multi-unit	Subject to special use regulations in section 17.228.117
Dwelling, single-unit	
2. Commercial and Institutional Uses	
Adult entertainment business	Subject to special use regulations in section 17.228.102
Amusement center, indoor	
Athletic club; fitness studio	
Bed and breakfast inn	
Childcare center	Subject to special use regulations in section 17.228.113
Cinema (inside arts and entertainment district)	
College extension	
Commercial service	
Community market	Subject to special use regulations in chapter 17.228.124
Hotel; motel	
Laundromat, self-service	
Library; archive	
Mortuary; crematory	
Museum	
Non-profit organization, food preparation for off-site consumption	Entire business, including storage and display, shall be conducted within a building
Non-profit organization, food storage and distribution	This use is limited to 6,400 gross square feet. Use may include incidental, non-nuisance producing processing, packaging, and fabricating entirely within a building.

Office	
Plant nursery	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
Restaurant	
Retail store	This use is limited to 40,000 gross square feet; if use exceeds this limitation, a conditional use permit is required
School – dance, music, art, martial arts	
School, vocational	
Temporary commercial building	Subject to special use regulations in section 17.228.126
Theater	
Veterinary clinic; veterinary hospital	Entire business to be conducted within a building, and no outdoor boarding of animals is allowed; a conditional use permit is required if animals are boarded outside, or entire business is not conducted within a building
Wholesale store	This use is limited to 6,400 gross square feet. Use may include incidental, non-nuisance producing processing, packaging, and fabricating entirely within a building
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Manufacturing, service, and repair	This use is limited to 6,400 gross square feet. Use may include incidental, non-nuisance producing processing, packaging, and fabricating entirely within a building
Passenger terminal	
Railroad ROW	Subject to special use regulations in section 17.228.116
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the C-2 zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); or Zoning Administrator (ZA) City Council (CC)
1. Residential Uses		
Dormitory (outside central city)	Subject to special use regulations in section 17.228.111	PDC
Fraternity house; sorority house	Subject to special use regulations in section 17.228.111	PDC
Mobilehome park		PDC
Residential care facility		PDC
Residential hotel	Subject to special use regulations in section 17.228.112	PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Adult-related establishment	Subject to special use regulations in section 17.228.103	PDC
Alcoholic beverage sales, off-premises consumption	Subject to special use regulations in section 17.228.108	PDC
Amusement center, outdoor		PDC
Assembly facility – cultural, religious, social		PDC
Auto – sales, storage, rental	Repair work is permitted if confined to a building; Subject to special use regulations in section 17.228.118	PDC
Auto – service, repair	Entire business shall be conducted within a building. No outdoor storage or display of merchandise is	PDC

	permitted in this zone; Subject to special use regulations in section 17.228.118	
Bar; nightclub	Subject to special use regulations in section 17.228.108	PDC
Cemetery		PDC
Check-cashing center	Subject to special use regulations in section 17.228.121	PDC
Cinema (outside arts and entertainment district)		PDC
College campus		PDC
Correctional facility		PDC
Drive-in theater		PDC
Drive-through restaurant	Prohibited in the Central City unless the drive-through facility is within 500 feet of freeway right-of-way Subject to special use regulations in section 17.228.109	PDC
Equipment – rental, sales yard	Repair work is permitted if confined to a building; Subject to special use regulations in section 17.228.118	PDC
Gas station	Repair work is permitted if confined to a building; Subject to special use regulations in section 17.228.118	PDC
Golf course; driving range		PDC
Kennel		PDC
Major medical facility		PDC
Medical marijuana dispensary	Subject to special use regulations in section 17.228.700 et seq.	ZA/PDC
Mini storage; locker building	"Subject to special use regulations in section 17.228.106"	PDC

Mobilehome – sales, storage	Repair work is permitted if confined to a building; Subject to special use regulations in section 17.228.118	PDC
Non-profit organization, meal service facility		PDC
Non-residential care facility		PDC
Outdoor market	In granting a conditional use permit the zoning administrator may consider the traffic, parking, noise, hours of operation and any applicable development standards related to the proposed outdoor market	ZA
Plant nursery	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform	PDC
Retail store	Permitted with a conditional use permit if use exceeds 40,000 gross square feet; permitted by right if use does not exceed 40,000 gross square feet	PDC
School, K - 12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
Superstore	Subject to special use regulations in section 17.228.119	PDC
Tobacco retailer	A zoning administrator conditional use permit is required for a tobacco retailer that has 15,000 square feet or less of gross floor area and is located within 1,000 feet, measured for the nearest property lines of the affected parcels, of a public or	ZA

	private school (K-12). Otherwise the use is to be treated as “Retail” in all applicable zones	
Towing service; vehicle storage yard	Subject to special use regulations in section 17.228.107	PDC
Transit vehicle – service, repair, storage		PDC
Veterinary clinic; veterinary hospital	Permitted with a conditional use permit if animals are boarded outside, or entire business is not conducted within a building	PDC
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Boat dock; marina		PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Surface mining operation	Subject to provisions of chapter 17.720	PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the C-2 zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Accessory drive-through facility	Subject to special use regulations in section 17.228.110
Childcare, in-home (family day care home)	
Common area	
Dwelling unit, secondary	Subject to special use regulations in section 17.228.105

Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Recycling facility, convenience	Subject to special use regulations in section 17.228.400 et seq.
Watchperson's quarters	The structure shall be limited to 1,000 square feet

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the C-2 zone.

17.216.720 C-2 Zone – Height, density, lot coverage, and floor area ratios.

A. Height. Unless subsection B applies, the maximum height is 65 feet.

B. Transitional height. Portions of buildings in the C-2 zone within certain distances of the R-1, R-1B, and R-2 zones shall not exceed the following height limits, unless a deviation from the distance requirement has been approved in accordance with section 17.808.120.

Distance (feet)	Height (feet)
0-39	45
40-79	55
80+	65

C. Density. The minimum and maximum densities are established in the general plan.

D. Lot Coverage. There is no lot coverage requirement.

E. Floor area ratios. Minimum and maximum floor area ratios are established in the general plan.

17.216.730 C-2 Zone – Setbacks.

A. Front-yard setback. No minimum front-yard setback is required. The maximum front-yard setback is 25 feet.

B. Street side-yard setback. No minimum street side-yard setback is required. The maximum street side-yard setback is 25 feet.

C. Interior side-yard setback.

1. Unless subsection 2 applies, there is no required minimum interior side-yard setback.

2. If the interior side yard of a lot is adjacent to an R- or OB-zoned lot and is not separated by an alley, the required minimum interior side-yard setback is 5 feet.

D. Rear-yard setback.

1. Unless subsection 2 applies, there is no minimum rear-yard setback.

2. If the rear yard of a lot is adjacent to an R-zoned or OB-zoned lot and is not separated by an alley, the minimum rear-yard setback is 15 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.216.740 C-2 zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.216.750 C-2 zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article VIII. C-3 Zone – Central Business District Zone

17.216.800 C-3 zone – Purpose.

The purpose of the C-3 zone – also known and referred to as the central business district (CBD) – is to provide for the most intense residential, retail, commercial, and office developments in the city.

17.216.810 C-3 zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the C-3 zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Dwelling, duplex	
Dwelling, multi-unit	Subject to special use regulations in section 17.228.117
2. Commercial and Institutional Uses	
Adult entertainment business	Subject to special use regulations in section 17.228.102
Amusement center, indoor	
Athletic club; fitness studio	
Bed and breakfast inn	
Childcare center	Subject to special use regulations in section 17.228.113
Cinema	
College extension	
Commercial service	
Community market	Subject to special use regulations in section 17.228.124
Hotel; motel	
Laundromat, self-service	
Library; archive	
Mortuary; crematory	
Museum	
Non-profit organization, food preparation for off-site consumption	Entire business, including storage and display, shall be conducted within a building
Non-profit organization, food storage and distribution	This use is limited to 6,400 gross square feet. Use may include incidental, non-nuisance producing processing, packaging, and fabricating entirely within a building.
Office	
Restaurant	
Retail store	This use is limited to 125,000 gross square feet; if

	use exceeds this limitation, a conditional use permit is required
School – dance, music, art, martial arts	
School, vocational	
Temporary commercial building	Subject to special use regulations in section 17.228.126
Theater	
Veterinary clinic; veterinary hospital	Entire business to be conducted within a building, and no outdoor boarding of animals is allowed; a conditional use permit is required if animals are boarded outside, or entire business is not conducted within a building
Wholesale store	This use is limited to 6,400 gross square feet. Use may include incidental, non-nuisance producing processing, packaging, and fabricating entirely within a building
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Manufacturing, service, and repair	This use is limited to 6,400 gross square feet. Use may include incidental, non-nuisance producing processing, packaging, and fabricating entirely within a building
Passenger terminal	
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the C-3 zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dormitory	Subject to special use regulations in section 17.228.111	PDC
Dwelling, single-unit		PDC
Fraternity house; sorority house	Subject to special use regulations in section 17.228.111	PDC

Residential care facility		PDC
Residential hotel	Subject to special use regulations in section 17.228.112	PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Adult-related establishment	Subject to special use regulations in section 17.228.103	PDC
Alcoholic beverage sales, off-premises consumption	Subject to special use regulations in section 17.228.108	PDC
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Auto – sales, storage, rental	Repair work is permitted if confined to a building	PDC
Auto – service, repair	Entire business shall be conducted within a building. No outdoor storage or display of new and/or used merchandise is permitted in this zone; Repair work is permitted if confined to a building	PDC
Bar; nightclub	Subject to special use regulations in section 17.228.108	PDC
Check-cashing center	Subject to special use regulations in section 17.228.121	PDC
College campus		PDC
Correctional facility		PDC
Gas station	Repair work is permitted if confined to a building	PDC
Kennel		PDC
Major medical facility		PDC
Non-profit organization, meal service facility		PDC
Non-residential care facility		PDC
Outdoor market	In granting a conditional use	ZA

	permit the zoning administrator may consider the traffic, parking, noise, hours of operation, and any applicable development standards related to the proposed outdoor market	
Retail store	Permitted with a conditional use permit if use exceeds 125,000 gross square feet; permitted by right if use does not exceed 125,000 gross square feet	PDC
School, K-12		PDC
Sports complex		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
Superstore	Subject to special use regulations in section 17.228.119	PDC
Tobacco retailer	A zoning administrator conditional use permit is required for a tobacco retailer that has 15,000 square feet or less of gross floor area and is located within 1,000 feet, measured for the nearest property lines of the affected parcels, of a public or private school (K-12). Otherwise the use is to be treated as “Retail” in all applicable zones	ZA
Transit vehicle – service, repair, storage		PDC
Veterinary clinic; veterinary hospital	Permitted with a conditional use permit if animals are boarded outside, or entire business is not conducted within a building	PDC
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Boat dock; marina		PDC

Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Produce stand		PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the C-3 zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Childcare, in-home (family day care home)	
Common area	
Dwelling unit, secondary	Subject to special use regulations in section 17.228.105
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Recycling facility, convenience	Subject to special use regulations in section 17.228.400 et seq.
Watchperson's quarters	The structure shall be limited to 1,000 square feet

D. Prohibited uses. All uses not listed as permitted, accessory, or conditional uses are prohibited in the C-3 zone.

17.216.820 C-3 zone – Ground-floor retail requirement.

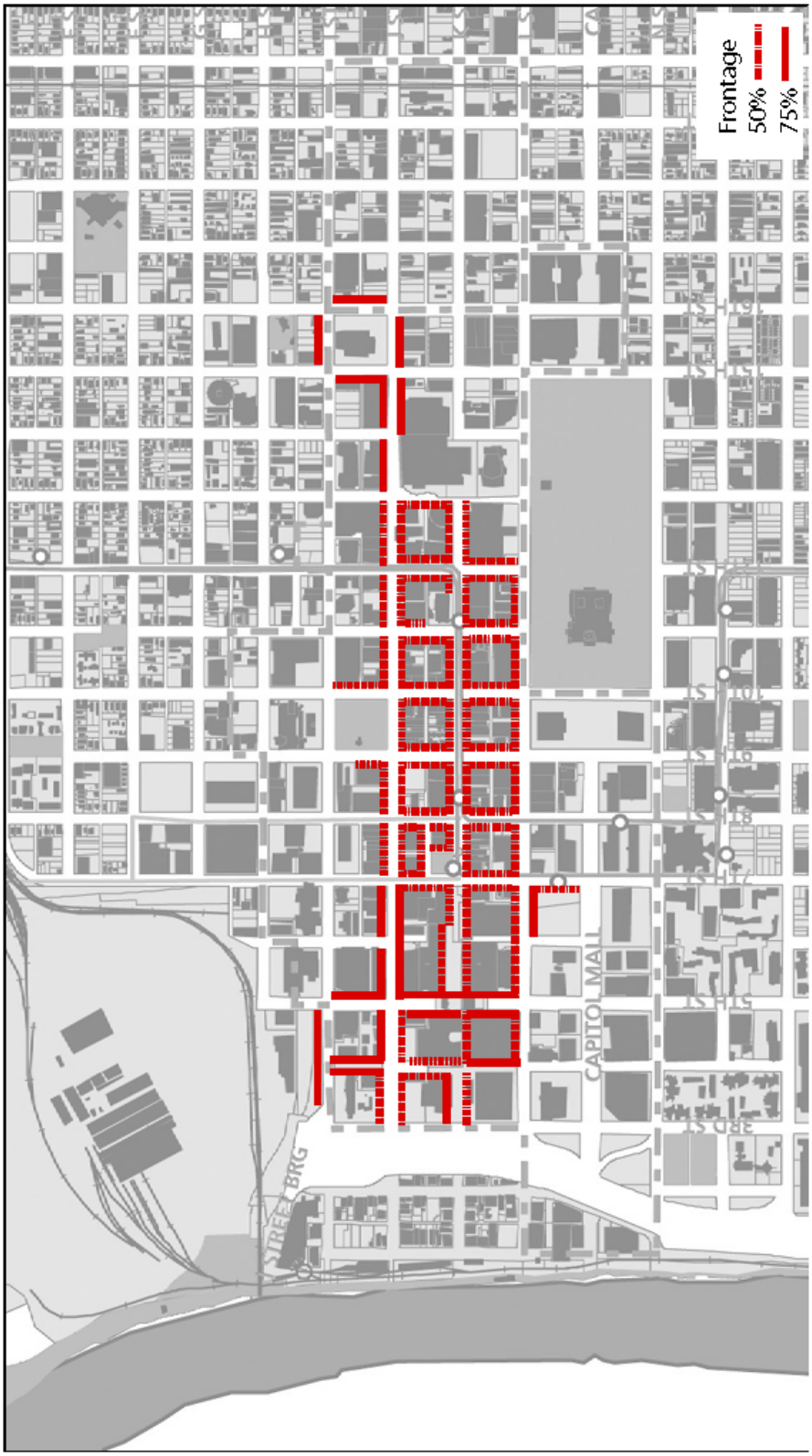
A. Purpose. The purpose and intent of the ground-floor retail requirement is to preserve, enhance, and ensure establishment of retail commercial, personal service, and pedestrian-oriented uses for the street level of buildings that abut a public street.

B. Retail blocks and use restrictions established.

1. Exhibit A identifies the retail blocks in the C-3 zone that are subject to the provisions of this section and designates ground-floor retail requirements of either 75% or 50% for each individual block-face, as shown.

Exhibit A

Required Retail Frontage



2. Retail, pedestrian-oriented, and personal service classifications indicated on Table 1 shall occupy a minimum of 50% to 75% of the street-frontage floor area of a building on a retail block, as indicated on Exhibit A, and subject to other applicable provisions of this title.

Table 1: Retail, Pedestrian-Oriented, and Personal Service Classifications
Amusement center, indoor
Athletic club; fitness studio
Bar; nightclub
Cinema
Commercial service
Museum
Restaurant
Retail store
Theater

3. All other uses permitted or allowed in the C-3 zone may occupy the remaining block face not devoted to the ground-floor retail classifications listed in Table 1.

4. A zoning administrator conditional use permit is required to deviate from the minimum ground-floor retail requirements in Exhibit A. The zoning administrator's approval may be for a limited period of time, depending upon present economic conditions, existing physical conditions, or any special circumstances related to the particular location.

C. New construction or conversions affecting ground-floor areas in buildings on designated retail streets must provide retail space within those buildings with either (1) a minimum interior space depth of 60 feet measured from the inside wall abutting the front property line, or (2) space modules containing a minimum area of 1,000 square feet along building frontage abutting designated retail streets, whichever is less.

D. A conditional use permit for a use not listed on Table 1 and located within a building's street-frontage floor area that is interrupted for a continuous period of one year or more shall be deemed automatically revoked.

17.216.830 C-3 zone – Height, density, lot coverage, and floor area ratios.

A. Height. Except as provided in section 17.216.860 (the Capitol View Protection area), there are no maximum height limits.

B. Density. The maximum density is 450 dwelling units per net acre.

C. Lot Coverage. There is no lot coverage requirement.

D. Floor Area Ratios. The minimum and maximum floor area ratios are established in the general plan.

17.216.840 C-3 zone – Lot size, width, and depth.

There are no minimum lot size, width, or depth requirements.

17.216.850 C-3 zone – Setbacks and stepbacks.

A. Front-yard and street side-yard setback. There is no minimum front-yard or street side-yard setback. The maximum setback is 10 feet.

B Interior side-yard setback.

1. Unless subsection 2 applies, there is no minimum interior side-yard setback.

2. If the side-yard lot line is adjacent to an R-zoned lot and is not separated by an alley, the minimum interior side-yard setback is 5 feet.

C. Rear-yard setback.

1. Unless subsection 2 applies, there is no required minimum rear-yard setback.

2. If the rear-yard lot line is adjacent to an R-zoned lot and is not separated by an alley, the minimum rear-yard setback is 15 feet.

D. Tower setbacks and stepbacks.

1. Definitions. For the purposes of this article,

a. “Tower” means that portion of a building located above the building base.

b. “Building base” means the first 65 feet of building height.

2. Front-yard and street side-yard setback. The front-yard and street side-yard setback for commercial, mixed-use, and residential towers is the same as for the main wall of the building base.

3. Rear-yard tower setback.

a. The minimum rear-yard tower setback for a residential tower is 40 feet from the rear lot line. If the rear lot line is adjacent to an alley, the setback is measured to the centerline of the alley.

b. The minimum rear-yard tower setback for a commercial or mixed-use tower shall be determined through the site plan and design review process.

4. Interior side-yard tower setback.

a. The minimum interior side-yard tower setback for a residential tower is 40 feet.

b. The minimum interior side-yard tower setback for a commercial or mixed-use tower shall be determined through the site plan and design review process.

5. Tower separation: The minimum setback between towers is 80 feet.

6. Additional step-backs shall be provided as required in the capitol view protection section below or as determined in the site plan and design review process.

17.216.860 C-3 zone – Capitol view protection requirements.

A. Purpose. The State Capitol building and the surrounding grounds of Capitol Park provide the city with a unique cultural and open-space resource. This section establishes height restrictions, setback requirements, and parking regulations for certain areas of the CBD located near the State Capitol building and Capitol Park. These regulations are designed to provide visual protection to and from the Capitol building and Capitol Park.

B. Height restrictions. The height limits are illustrated on the map that is Exhibit B to this chapter. The height limits apply notwithstanding any other provision of this title to the contrary. Building height limits apply to the highest point of the building except for the following unoccupied elements: building caps that serve a decorative function, roof-top mechanical equipment that is screened and placed in a location furthest away when viewed from the Capitol grounds, and other architectural embellishments approved by the city planning and design commission through site plan and design review.

C. Setback requirements. The overall setback requirements are illustrated on the map that is Exhibit C to this chapter. Additional setback requirements are illustrated on the map in Exhibits D, E, F, and G to this chapter. The setback requirements apply notwithstanding any other provision of this title to the contrary.

Exhibit B

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250'
350'
250'
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300'
400'
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Exhibit 1
Height Limits for
Capitol View Protection
HeightMax
80'
150'
250'
300'
350'
400'
450'

Exhibit C

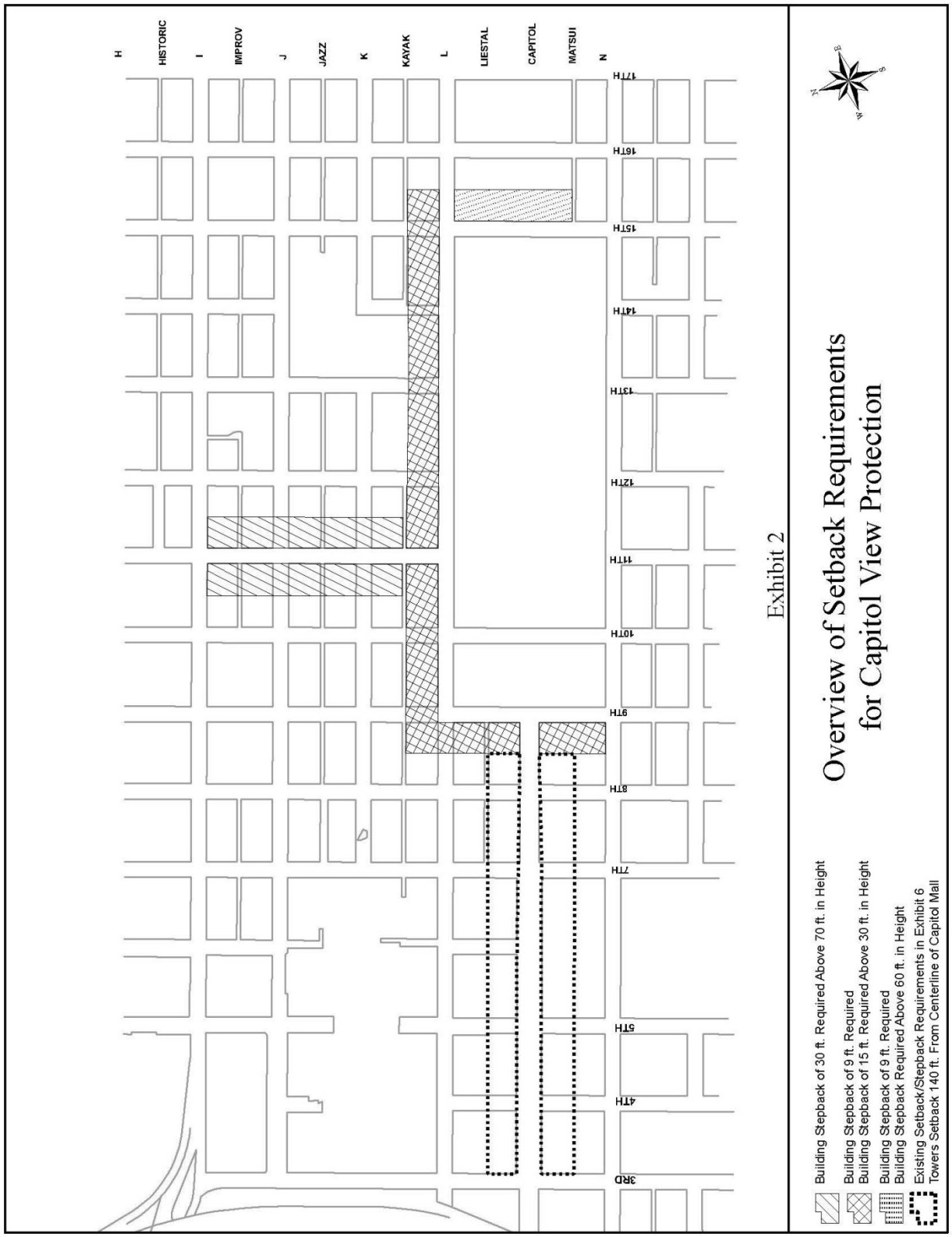
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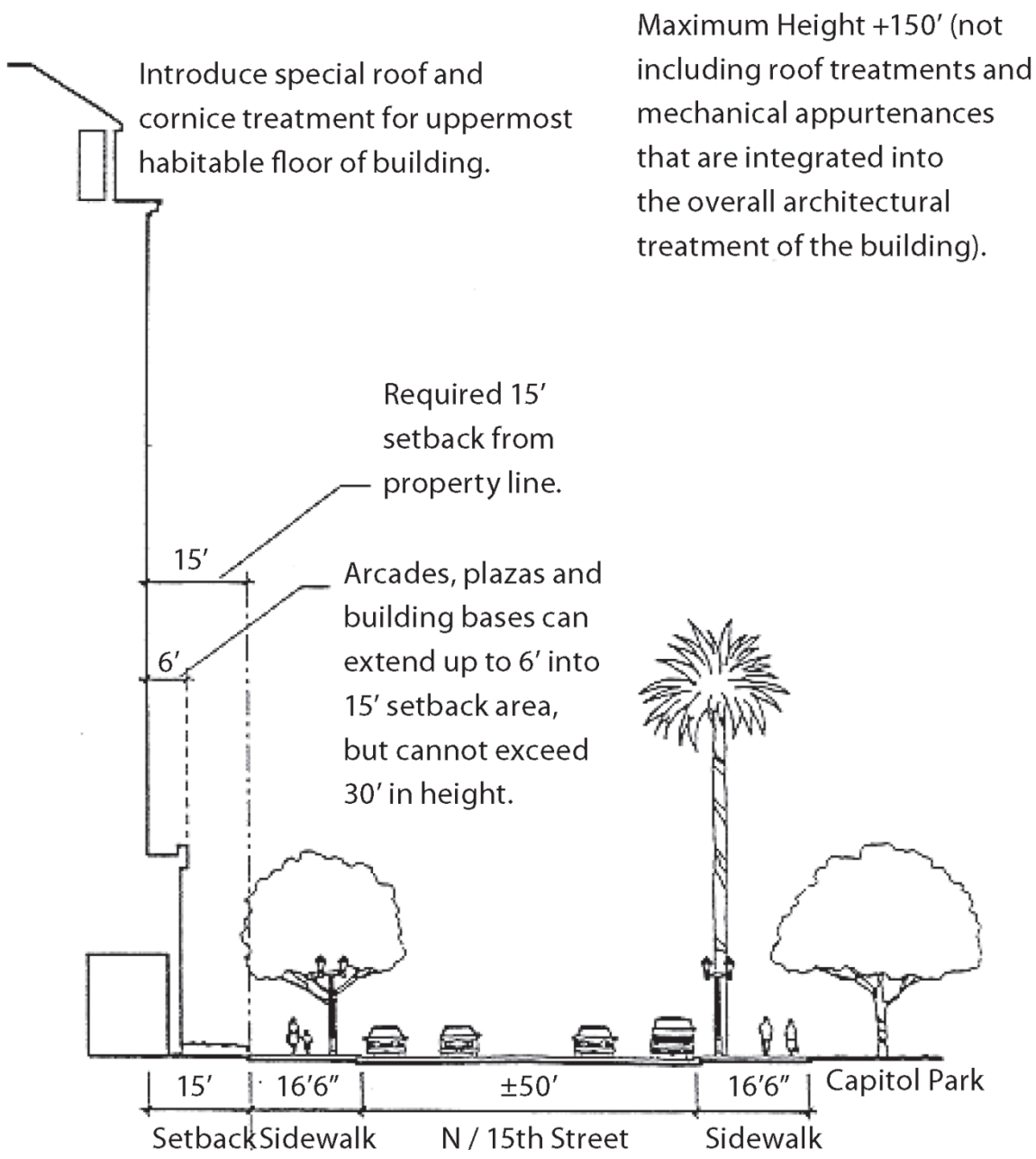
Exhibit 2
Overview of Setback Requirements
for Capitol View Protection
Building Stepback of 30 ft. Required Above 70 ft. in Height
Building Stepback of 9 ft. Required
Building Stepback of 15 ft. Required Above 30 ft. in Height
Building Stepback of 9 ft. Required
Building Stepback Required Above 60 ft. in Height
Existing Setback/Stepback Requirements in Exhibit 6
Towers Setback 140 ft. From Centerline of Capitol Mall

Exhibit D

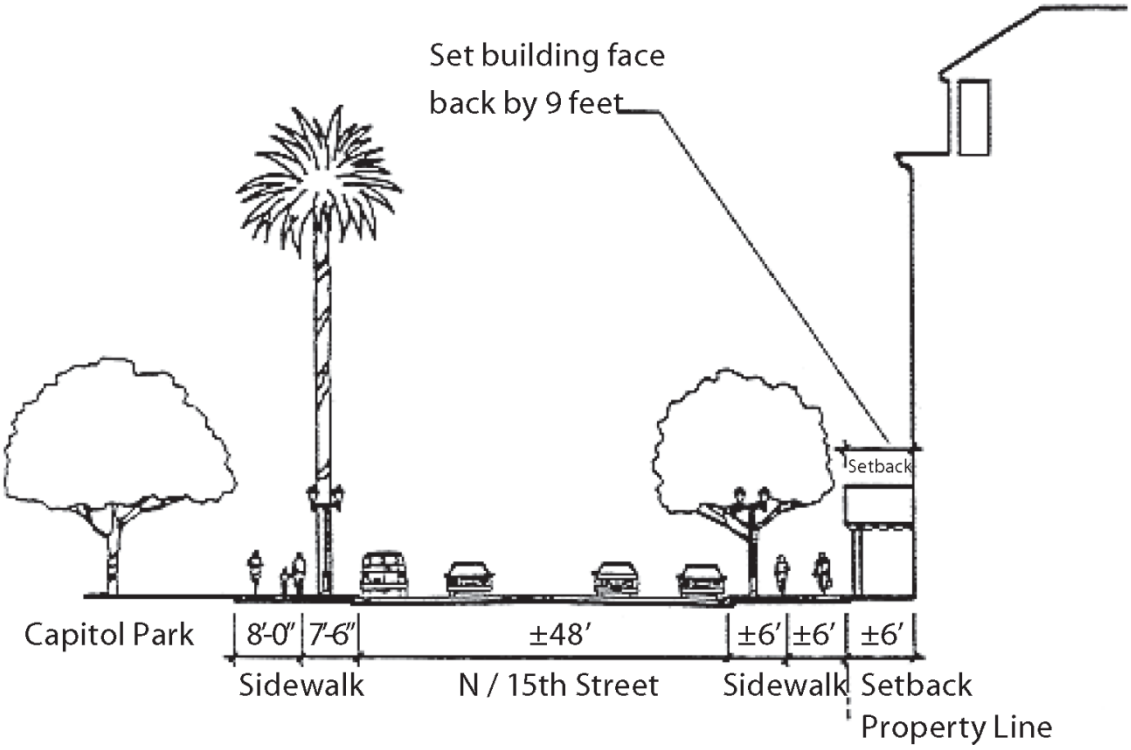


L Street / 9th Street Park Edge
Setback Requirements for Capitol View Protection

Exhibit E

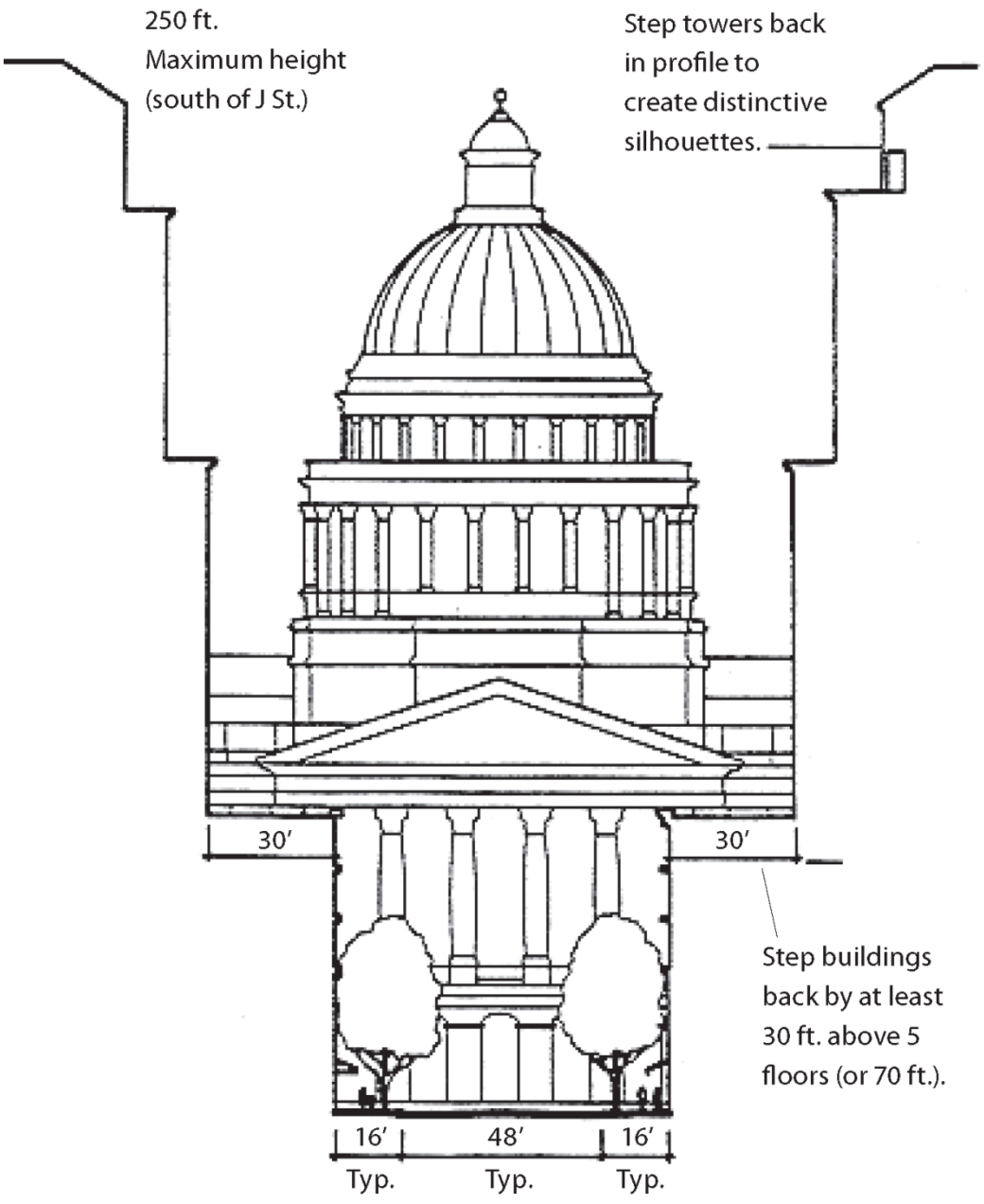
Maximum Height +80′ (not including roof treatments and mechanical appurtenances that are integrated into the overall architectural treatment of the building).

Introduce special roof and cornice treatment above 60 ft. (e.g. loggias, stepbacks, sloping roofs, etc.)



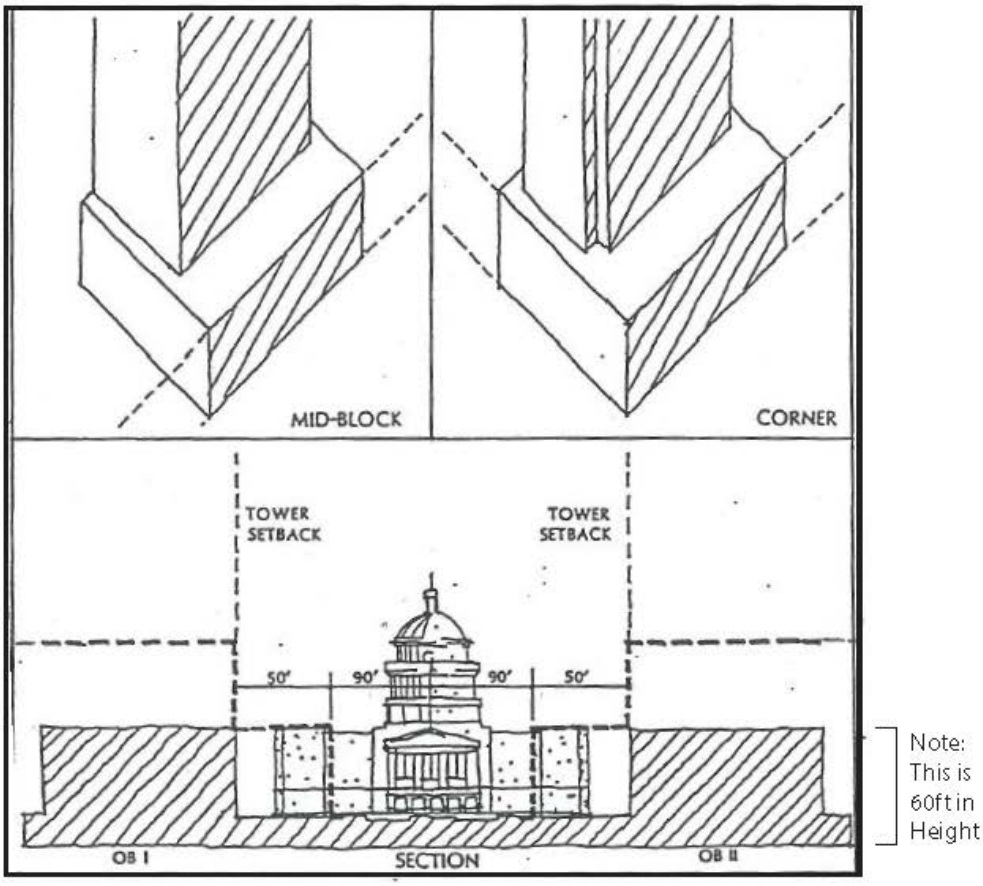
15th Street/N Street Park Edge
Setback Requirements for Capitol View Protection

Exhibit F



11th Street Corridor
Setback Requirements for Capitol View Protection

Exhibit G



CAPITOL MALL
SETBACK/STEPBACK
REQUIREMENTS FOR
CAPITOL VIEW PROTECTION

17.216.870 C-3 zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.216.880 C-3 zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article IX. C-4 Zone – Heavy Commercial Zone

17.216.900 C-4 zone – Purpose.

The purpose of the C-4 zone is to provide for warehousing, distribution activities, and commercial uses that have minimal undesirable impact upon nearby residential areas. Minimal light manufacturing and processing are permitted.

17.216.910 C-4 zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the C-4 zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Temporary residential shelter (24 or fewer beds)	Subject to special use regulations in section 17.228.600 et seq.
2. Commercial and Institutional Uses	
Adult entertainment business	Subject to special use regulations in section 17.228.102
Amusement center, indoor	
Athletic club; fitness studio	
Auto – sales, storage, rental	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
Auto – service, repair	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
Cinema (inside the arts and entertainment district)	
College extension	
Commercial service	This use is limited to 40,000 gross square feet; if use exceeds this limitation, a conditional use permit is required; Area calculation does not include areas that are not publicly accessible
Community market	Subject to special use regulations in section 17.228.124
Equipment – rental, sales yard	Repair work is permitted if confined to a building; Permitted if use is located ¼ mile or greater from

	the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
Gas station	
Hotel; motel	
Laundromat, self-service	
Library; archive	
Mini storage; locker building	Subject to special use regulations in section 17.228.106; Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
Mobilehome – sales, storage	Repair work is permitted if confined to a building
Mortuary; crematory	
Museum	
Non-profit organization, food preparation for off-site consumption	Entire business, including storage and display, shall be conducted within a building
Non-profit organization, food storage and distribution	This use is limited to 6,400 gross square feet. Use may include incidental, non-nuisance producing processing, packaging, and fabricating entirely within a building
Office	Permitted if use is limited to 10,000 gross square feet per parcel, or up to 25% of gross floor area of a building(s) per parcel, whichever is greater; Permitted with a conditional use permit if use exceeds 10,000 gross square feet per parcel, or over 25% of gross floor area of a building(s) per parcel, whichever is greater
Plant nursery	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
Restaurant	
Retail store	This use is limited to 40,000 gross square feet; if use exceeds this limitation, a conditional use permit is required; Area calculation does not include areas that are not publicly accessible
School – dance, music, art, martial arts	
School, vocational	

Temporary commercial building	Subject to special use regulations in section 17.228.126
Theater	
Towing service; vehicle storage yard	Subject to special use regulations in section 17.228.107
Veterinary clinic; veterinary hospital	Entire business to be conducted within a building, and no outdoor boarding of animals is allowed; a conditional use permit is required if animals are boarded outside, or entire business is not conducted within a building
Wholesale store	This use is limited to 6,400 gross square feet. Use may include incidental, non-nuisance producing processing, packaging, and fabricating entirely within a building
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Manufacturing, service, and repair	Permitted if use is limited to 6,400 gross square feet; Permitted with a conditional use permit if use exceeds 6,400 gross square feet; Use may include incidental, non-nuisance producing processing, packaging, fabricating entirely within a building
Passenger terminal	
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the C-4 zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dwelling, duplex	Permitted where less than ¼ mile from the center of a light rail station platform	ZA

Dwelling, multi-unit	Permitted in central city, or outside central city if use is located less than ¼ mile from the center of a light rail station platform; Subject to special use regulations in section 17.228.117	ZA
Mobilehome park		PDC
Residential care facility		PDC
Residential hotel	Subject to special use regulations in section 17.228.112	PDC
Temporary residential shelter (more than 24 beds)	Subject to special use regulations in section 17.228.600 et seq.	PDC
2. Commercial and Institutional Uses		
Adult-related establishment	Subject to special use regulations in section 17.228.103	PDC
Alcoholic beverage sales, off-premises consumption	Subject to special use regulations in section 17.228.108	PDC
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Auto – sales, storage, rental	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform	PDC
Auto – service, repair	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform	PDC
Bar; nightclub	Subject to special use regulations in section 17.228.108	PDC
Cemetery		PDC
Check-cashing center	Subject to special use regulations in section 17.228.121	PDC

Childcare center	Subject to special use regulations in section 17.228.113	ZA
Cinema (outside arts and entertainment district)		PDC
College campus		PDC
Commercial service	Permitted with a conditional use permit if use exceeds 40,000 gross square feet; permitted by right if use does not exceed 40,000 gross square feet; Area calculation does not include areas that are not publicly accessible	ZA
Correctional facility		PDC
Drive-in theater		PDC
Drive-through restaurant	Prohibited in the Central City unless the drive-through facility is within 500 feet of freeway right-of-way Subject to special use regulations in section 17.228.109	PDC
Equipment – rental, sales yard	Repair work is permitted if confined to a building; Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform	PDC
Gas station	Repair work is permitted if confined to a building	PDC
Golf course; driving range		PDC
Gun range; rifle range	Shall, at a minimum, meet the requirements established by the National Rifle Association for ranges	PDC
Kennel		PDC
Medical marijuana dispensary	Subject to special use regulations in section 17.228.700 et seq.	ZA/PDC
Mini storage; locker building	Permitted with a conditional use permit	PDC

	if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform; Subject to special use regulations in section 17.228.106	
Non-profit organization, meal service facility		PDC
Non-residential care facility		PDC
Office	Permitted with a conditional use permit if use exceeds 10,000 gross square feet per parcel, or over 25% of gross floor area of a building(s) per parcel, whichever is greater; Permitted by right if use is limited to 10,000 gross square feet per parcel, or up to 25% of gross floor area of a building(s) per parcel, whichever is greater	PDC
Outdoor market	In granting a conditional use permit the zoning administrator may consider the traffic, parking, noise, hours of operation, and any applicable development standards related to the proposed outdoor market	ZA
Plant nursery	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform	PDC
Retail store	Permitted with a conditional use permit if use exceeds 40,000 gross square feet; permitted by right if use does not exceed 40,000 gross square feet; Area calculation does not include areas that are not publicly accessible	ZA
School, K-12		PDC

Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
Superstore	Subject to special use regulations in section 17.228.119	PDC
Tobacco retailer	A zoning administrator conditional use permit is required for a tobacco retailer that has 15,000 square feet or less of gross floor area and is located within 1,000 feet, measured for the nearest property lines of the affected parcels, of a public or private school (K-12). Otherwise the use is to be treated as "Retail" in all applicable zones	ZA
Transit vehicle – service, repair, storage		PDC
Veterinary clinic; veterinary hospital	Permitted with a conditional use permit if animals are boarded outside, or entire business is not conducted within a building	PDC
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Boat dock; marina		PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Manufacturing, service, and repair	Permitted with a conditional use permit if use exceeds 6,400 gross square feet; Permitted if use is limited to 6,400 gross square feet; Use may include incidental, non-	PDC

	nuisance producing processing, packaging, fabricating entirely within a building	
Recycling facility	Subject to special use regulation in section 17.228.400 et seq.	ZA/PDC
Solar energy system, commercial (non-city property)	Subject to special use regulation in section 17.228.123	ZA
Surface mining operation	Subject to provisions of chapter 17.720	PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the C-4 zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Accessory drive-through facility	Subject to special use regulations in section 17.228.110
Child care, in-home (family day care home)	
Common area	
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Recycling facility, convenience	Subject to special use regulations in section 17.228.400 et seq.
Tasting room, on-site	Limited to on-site consumption and off-site sales of malt beverages or wine produced on the premises
Watchperson's quarters	The structure shall be limited to 1,000 square feet

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the C-4 zone.

17.216.920 C-4 zone – Office development

Notwithstanding the limitation stated in 17.216.910, office use is allowed by right when all of the following requirements are met:

A. The office use does not exceed 40,000 gross square feet per parcel;

B. The office use is in a building with an FAR of .4 or greater; and

C. The office use is located within ¼ mile of the center of a light rail station platform.

17.216.930 C-4 zone – Height, density, and floor area ratios.

A. Height. The maximum height is 75 feet.

B. Density. The maximum density is 60 dwelling units per net acre.

C. Floor area ratios. Minimum and maximum floor area ratios are established in the general plan.

17.216.940 C-4 zone – Setbacks.

A. Front-yard setback. There is no minimum front-yard setback. The maximum front-yard setback is 25 feet.

B. Street side-yard setback. There is no minimum street side-yard setback. The maximum street side-yard setback is 25 feet.

C. Interior side-yard setback.

1. Unless subsection 2 applies, there is no minimum interior side-yard setback.

2. If the interior side-yard lot line abuts the side of a R-zoned or OB-zoned lot and is not separated by an alley, the minimum side-yard setback is 5 feet.

D. Rear-yard setback.

1. Unless subsection 2 applies, no rear-yard is required.

2. If the rear-yard lot line abuts the side of an R- or OB-zoned lot and is not separated by an alley, the minimum rear-yard setback is 15 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.216.950 C-4 zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.216.960 C-4 zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Chapter 17.220
Industrial and Manufacturing

Article I. M-1 Zone – Light Industrial Zone

17.220.100 M-1 zone – Purpose.

The purpose of the M-1 zone is to permit the manufacture or treatment of goods.

17.220.110 M-1 zone – Permitted uses.

A. The following uses are permitted by right in the M-1 zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Temporary residential shelter (24 or fewer beds)	Subject to special use regulations in section 17.228.600 et seq.
2. Commercial and Institutional Uses	
Adult entertainment business	Subject to special use regulations in section 17.228.102
Amusement center, indoor	
Athletic club; fitness studio	
Auto – sales, storage, rental	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
Auto – service, repair	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
College extension	
Commercial service	This use is limited to 40,000 gross square feet; if use exceeds this limitation, a conditional use permit is required; Area calculation does not include areas that are not publicly accessible
Community market	Subject to special use regulations in section 17.228.124
Equipment – rental, sales yard	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform;

	Repair work permitted if confined to building
Gas station	Repair work permitted if confined to building
Hotel; motel	
Laundromat, self-service	
Library; archive	
Mini storage; locker building	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform; Subject to special use regulations in section 17.228.106
Mobilehome sales, storage	Repair work is permitted if confined to a building
Mortuary; crematory	
Museum	
Non-profit organization, food preparation for off-site consumption	Entire business, including storage and display, shall be conducted within a building
Non-profit organization, food storage and distribution	Entire business, including storage and display, shall be conducted within a building
Office	Permitted if use is limited to 10,000 gross square feet per parcel, or up to 25% of gross floor area of a building(s) per parcel, whichever is greater; Permitted with a conditional use permit if use exceeds 10,000 gross square feet per parcel, or over 25% of gross floor area of a building(s) per parcel, whichever is greater
Plant nursery	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
Restaurant	
Retail store	This use is limited to 40,000 gross square feet; if use exceeds this limitation, a conditional use permit is required; Area calculation does not include areas that are not publicly accessible
School – dance, music, art, martial arts	
School, vocational	
Theater	
Temporary commercial building	Subject to special use regulations in section 17.228.126
Towing service; vehicle storage	Subject to special use regulations in section

yard	17.228.107
Transit vehicle – service, repair, storage	
Veterinary clinic; veterinary hospital	Entire business to be conducted within a building, and no outdoor boarding of animals is allowed; a conditional use permit is required if animals are boarded outside, or entire business is not conducted within a building
Wholesale store	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Contractor storage yard	
Laboratory, research	
Lumber yard, retail	
Manufacturing, service, and repair	
Passenger terminal	
Railroad ROW	May be used for railroad tracks or spur tracks; Loading and unloading platforms or structures may be located on a railroad right-of-way only if: (i) the abutting property is located within a C-4 or M zone, and (ii) no residential zoning is within 300 feet of said facility on the same side of the right-of-way
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title
Terminal yard, trucking	
Tractor or heavy truck sales, storage, rental	
Tractor or heavy truck service, repair	
Warehouse; distribution center	

B. Conditional uses. The following uses in the M-1 zone require approval of a conditional use permit, subject to the conditions specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dwelling, multi-unit	Permitted in central city; permitted outside central city if use is located less than ¼ mile from the center of a light rail station platform; Subject to special use regulations in section 17.228.117	ZA
Mobilehome park		PDC
Residential care facility		PDC
Residential hotel	Subject to special use regulations in section 17.228.112	PDC
Temporary residential shelter (more than 24 beds)	Subject to special use regulations in section 17.228.600 et seq.	PDC
2. Commercial and Institutional Uses		
Adult-related establishment	Subject to special use regulations in section 17.228.103	PDC
Alcoholic beverage sales, off-premises consumption	Subject to special use regulations in section 17.228.108	PDC
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Auto – sales, storage, rental	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from	PDC

	the center of a light rail station platform	
Auto – service, repair	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform	PDC
Bar; nightclub	Subject to special use regulations in section 17.228.108	PDC
Cemetery		PDC
Check-cashing center	Subject to special use regulations in section 17.228.121	PDC
Childcare center	Subject to special use regulations in section 17.228.113	ZA
College campus		PDC
Commercial service	Permitted with a conditional use permit if use exceeds 40,000 gross square feet; permitted by right if use does not exceed 40,000 gross square feet; Area calculation does not include areas that are not publicly accessible	ZA
Correctional facility		PDC
Drive-in theater		PDC
Drive-through restaurant	Prohibited in the Central City unless the drive-through facility is within 500 feet of freeway right-of-way Subject to special use regulations in section 17.228.109	PDC
Equipment – rental, sales yard	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station	PDC

	platform; Repair work permitted if confined to building	
Gas station	Repair work permitted if confined to building	PDC
Golf course; driving range		PDC
Gun range; rifle range	Shall, at a minimum, meet the requirements established by the National Rifle Association for ranges	PDC
Kennel		PDC
Medical marijuana dispensary	Subject to special use regulations in section 17.228.700 et seq.	ZA/PDC
Mini storage; locker building	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform; Subject to special use regulations in section 17.228.106	PDC
Non-profit organization, meal service facility		PDC
Non-residential care facility		PDC
Office	Permitted with a conditional use permit if use exceeds 10,000 gross square feet per parcel, or over 25% of gross floor area of a building(s) per parcel, whichever is greater; Permitted by right if use is limited to 10,000 gross square feet per parcel, or up to 25% of gross floor area of a building(s) per parcel, whichever is greater	PDC
Outdoor market	In granting a conditional use permit the Zoning Administrator may consider the traffic, parking, noise, hours of operation, and any	ZA

	applicable development standards related to the proposed outdoor market	
Plant nursery	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform	PDC
Retail store	Permitted with a conditional use permit if use exceeds 40,000 gross square feet; permitted by right if use does not exceed 40,000 gross square feet; Area calculation does not include areas that are not publicly accessible	ZA
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
Superstore	Subject to special use regulations in section 17.228.119	PDC
Tobacco retailer	A zoning administrator conditional use permit is required for a tobacco retailer that has 15,000 square feet or less of gross floor area and is located within 1,000 feet, measured for the nearest property lines of the affected parcels, of a public or private school (K-12). Otherwise the use is to be treated as “Retail” in all applicable zones	ZA
Veterinary clinic; veterinary hospital	Permitted with a conditional use permit if animals are boarded outside, or entire business is not conducted within a building	PDC
Wholesale store	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail	PDC

	station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform	
3. Industrial and Agricultural Uses		
Airport		PDC
Animal slaughter		PDC
Antenna; telecommunications facility	Subject to special use regulations in section17.228.300 et seq.	PDC
Auto dismantler		PDC
Boat dock; marina		PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Fuel storage yard	Subject to special use regulations in section 17.228.120	PDC
Hazardous waste facility	Must be consistent with the provisions of the Sacramento County hazardous waste management plan	PDC
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Junk yard		PDC
Livestock yard		PDC
Public utility yard		PDC
Recycling facility	Subject to special use regulations in section 17.228.400 et seq.	ZA/PDC
Solar energy system, commercial (non-city property)	Subject to special use regulations in section 17.228.123	ZA
Solid waste landfill		PDC

Solid waste transfer station		PDC
Surface mining operation	Subject to provisions of chapter 17.720	PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the M-1 zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitation
Accessory antenna	
Accessory drive-through facility	Subject to special use regulations in section 17.228.110
Childcare, in-home (family day care home)	
Common area	
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Recycling facility, convenience	Subject to special use regulations in section 17.228.400 et seq.
Tasting room, on-site	Limited to on-site consumption and off-site sales of malt beverages or wine produced on the premises
Watchperson's quarters	The structure shall be limited to 1,000 square feet

D. Prohibited uses. All uses not listed as permitted, accessory, or conditional uses are prohibited in the M-1 zone.

17. 220.120 M-1 zone – Office development

Notwithstanding the limitation stated in 17.220.110, office use is allowed by right when all of the following requirements are met:

A. The office use does not exceed 40,000 gross square feet per parcel;

B. The office use is in a building with an FAR of .4 or greater; and

C. The office use is located within ¼ mile of the center of a light rail station platform.

17.220.130 M-1 zone – Height, density, and floor area ratios.

A. Height. The maximum height is 70 feet.

B. Density. There is no maximum density.

C. Floor area ratios. Minimum and maximum floor area ratios are established in the general plan.

17.220.140 M-1 zone – Setbacks.

A. Front-yard setback. There is no minimum front-yard setback.

B. Street side-yard setback. There is no minimum street side-yard setback.

C. Interior side-yard setback.

1.Unless subsection 2 applies, there is no minimum interior side-yard setback.

2. If the interior side-yard lot line abuts the side of an R- or OB-zoned lot and is not separated by an alley, the minimum side-yard setback is 5 feet.

D. Rear-yard setback.

1. Unless subsection 2 applies, no minimum rear-yard setback is required.

2. If the rear lot line abuts the side of an R- or OB-zoned lot and is not separated by an alley, the minimum rear-yard setback is 15 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.220.150 M-1 zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.220.160 M-1 zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article II. M-1(S) Zone – Light Industrial Zone

17.220.200 M-1(S) zone – Purpose.

The purpose of the M-1(S) zone is to permit the manufacture or treatment of goods. Setbacks are required in the M-1(S) zone to provide more attractive and uncrowded developments.

17.220.210 M-1(S) zone – Permitted uses.

A. The following uses are permitted by right in the M-1(S) zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Temporary residential shelter (24 or fewer beds)	Subject to special use regulations in section 17.228.600 et seq.
2. Commercial and Institutional Uses	
Adult entertainment business	Subject to special use regulations in section 17.228.102
Amusement center, indoor	
Athletic club; fitness studio	
Auto – sales, storage, rental	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
Auto – service, repair	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
College extension	
Commercial service	This use is limited to 40,000 gross square feet; if use exceeds this limitation, a conditional use permit is required; Area calculation does not include areas that are not publicly accessible
Community market	Subject to special use regulations in section 17.228.124
Equipment – rental, sales yard	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform; Repair work permitted if confined to building
Gas station	Repair work permitted if confined to building
Hotel; motel	

Laundromat, self-service	
Library; archive	
Mini storage; locker building	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform; Subject to special use regulations in section 17.228.106
Mobilehome – sales, storage	Repair work is permitted if confined to a building
Mortuary; crematory	
Museum	
Non-profit organization, food preparation for off-site consumption	Entire business, including storage and display, shall be conducted within a building
Non-profit organization, food storage and distribution	Entire business, including storage and display, shall be conducted within a building
Office	Permitted if use is limited to 10,000 gross square feet per parcel, or up to 25% of gross floor area of a building(s) per parcel, whichever is greater; Permitted with a conditional use permit if use exceeds 10,000 gross square feet per parcel, or over 25% of gross floor area of a building(s) per parcel, whichever is greater
Plant nursery	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
Restaurant	
Retail store	This use is limited to 40,000 gross square feet; if use exceeds this limitation, a conditional use permit is required; Area calculation does not include areas that are not publicly accessible
School – dance, music, art, martial arts	
School, vocational	
Temporary commercial building	Subject to special use regulations in section 17.228.126
Theater	
Towing service; vehicle storage yard	Subject to special use regulations in section 17.228.107
Transit vehicle – service, repair, storage	
Veterinary clinic; veterinary	Entire business to be conducted within a building, and

hospital	no outdoor boarding of animals is allowed; a conditional use permit is required if animals are boarded outside, or entire business is not conducted within a building
Wholesale store	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Contractor storage yard	
Laboratory, research	
Lumber yard, retail	
Manufacturing, service, repair	
Passenger terminal	
Railroad ROW	May be used for railroad tracks or spur tracks; Loading and unloading platforms or structures may be located on a railroad right-of-way only if: (i) the abutting property is located within a C-4 or M zone, and (ii) no residential zoning is within 300 feet of said facility on the same side of the right-of-way
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title
Terminal yard, trucking	
Tractor or heavy truck sales, storage, rental	
Tractor or heavy truck service, repair	
Warehouse; distribution center	

B. Conditional uses. The following uses in the M-1(S) zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Level of Review: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dwelling, multi-unit	Permitted in central city, or outside central city if use is located less than ¼ mile from the center of a light rail station platform; Subject to special use regulations in section 17.228.117	ZA
Mobilehome park		PDC
Residential care facility		PDC
Residential hotel	Subject to special use regulations in section 17.228.112	PDC
Temporary residential shelter (more than 24 beds)	Subject to special use regulations in section 17.228.600 et seq.	PDC
2. Commercial and Institutional Uses		
Adult-related establishment	Subject to special use regulations in section 17.228.103	PDC
Alcoholic beverage sales, off-premises consumption	Subject to special use regulations in section 17.228.108	PDC
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC

Auto – sales, storage, rental	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform	PDC
Auto – service, repair	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform	PDC
Bar; nightclub	Subject to special use regulations in section 17.228.108	PDC
Cemetery		PDC
Check-cashing center	Subject to special use regulations in section 17.228.121	PDC
Childcare center	Subject to special use regulations in section 17.228.113	ZA
College campus		PDC
Commercial service	Permitted with a conditional use permit if use exceeds 40,000 gross square feet; permitted by right if use does not exceed 40,000 gross square feet; Area calculation does not include areas that are not publicly accessible	ZA
Correctional facility		PDC
Drive-in theater		PDC
Drive-through restaurant	Subject to special use regulations in section 17.228.109	PDC
Equipment – rental, sales yard	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform;	PDC

	Repair work permitted if confined to building	
Gas station	Repair work permitted if confined to building	PDC
Golf course; driving range		PDC
Gun range; rifle range	Shall, at a minimum, meet the requirements established by the National Rifle Association for ranges	
Kennel		PDC
Medical marijuana dispensary	Subject to special use regulations in section 17.228.700	ZA/PDC
Mini storage; locker building	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform; Subject to special use regulations in section 17.228.106	PDC
Non-profit organization, meal service facility		PDC
Non-profit residential care facility		PDC
Office	Permitted with a conditional use permit if use exceeds 10,000 gross square feet per parcel, or over 25% of gross floor area of a building(s) per parcel, whichever is greater; Permitted by right if use is limited to 10,000 gross square feet per parcel, or up to 25% of gross floor area of a building(s) per parcel, whichever is greater	PDC
Outdoor market	In granting a conditional use permit the zoning administrator may consider the traffic, parking, noise, hours of operation, and any	ZA

	applicable development standards related to the proposed outdoor market	
Plant nursery	Permitted by right if farther than ¼ mile from the center of a light rail station platform; conditional if within ¼ mile from the center of a light rail station platform	PDC
Retail store	Permitted with a conditional use permit if use exceeds 40,000 gross square feet; permitted by right if use does not exceed 40,000 gross square feet; Area calculation does not include areas that are not publicly accessible	ZA
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
Superstore	Subject to special use regulations in section 17.228.119	PDC
Tobacco retailer	A zoning administrator conditional use permit is required for a tobacco retailer that has 15,000 square feet or less of gross floor area and is located within 1,000 feet, measured for the nearest property lines of the affected parcels, of a public or private school (K-12). Otherwise the use is to be treated as “Retail” in all applicable zones	ZA
Veterinary clinic; veterinary hospital	Permitted with a conditional use permit if animals are boarded outside, or entire business is not conducted within a building	PDC
Wholesale store	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform	PDC

3. Industrial and Agricultural Uses		
Airport		PDC
Animal slaughter		PDC
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Auto dismantler		PDC
Boat dock; marina		PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Fuel storage yard	Subject to special use regulations section 17.228.120	PDC
Hazardous waste facility	Must be consistent with the provisions of the Sacramento County hazardous waste management plan	PDC
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations section 17.228.500 et seq.	CC
Junk yard		PDC
Livestock yard		PDC
Public utility yard		PDC
Recycling Facility	Subject to special use regulations in section 17.228.400 et seq.	ZA/PDC
Solar energy system, commercial (non-city property)	Subject to special use regulations in section 17.228.123	ZA
Solid waste landfill		PDC
Solid waste transfer station		PDC
Surface mining operation	Subject to provisions of chapter 17.720	PDC

Well – gas, oil		PDC

C. Accessory uses. The following uses in the M-1(S) zone are permitted when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitation
Accessory antenna	
Accessory drive-through facility	Subject to special use regulations in section 17.228.110
Childcare, in-home (family day care home)	
Common area	
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Recycling facility, convenience	Subject to special use regulations in section 17.228.400 et seq.
Tasting room, on-site	Limited to on-site consumption and off-site sales of malt beverages or wine produced on the premises
Watchperson's quarters	The structure shall be limited to 1,000 square feet

D. Prohibited uses. All uses not listed as permitted, accessory, or conditional uses are prohibited in the M-1(S) zone.

17.220.220 M-1(S) zone – Office development

Notwithstanding the limitation stated in 17.230.210, office use is allowed by right when all of the following requirements are met:

A. The office use does not exceed 40,000 gross square feet per parcel;

B. The office use is in a building with an FAR of .4 or greater; and

C. The office use is located within ¼ mile of the center of a light rail station platform.

17.220.230 M-1(S) zone – Height, density, and floor area ratios.

A. Height. The maximum height is 70 feet.

B. Density. There is no maximum density.

C. Floor area ratios. Minimum and maximum floor area ratios are established in the general plan.

17.220.240 M-1(S) zone – Setbacks.

A. Front setback. The minimum front yard setback is 25 feet.

B. Street side-yard setback. The minimum street side-yard setback is 25 feet.

C. Interior side-yard setback.

1. Unless subsection 2 applies, no minimum interior side-yard setback is required.

2. If the interior side-yard lot line abuts the side of an R- or OB-zoned lot and is not separated by an alley, the minimum side-yard setback is 5 feet.

D. Rear-yard setback.

1. Unless subsection 2 applies, no minimum rear-yard setback is required.

2. If the rear lot line abuts the side of an R- or OB-zoned lot and is not separated by an alley, the minimum rear-yard setback is 15 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.220.245 M-1(S) zone – Screening.

All uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six feet in height.

17.220.250 M-1(S) zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.220.260 M-1(S) zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article III. M-2 Zone – Heavy Industrial Zone

17.220.300 M-2 zone – Purpose.

The purpose of the M-2 zone is to permit the manufacture or treatment of goods.

17.220.310 M-2 zone – Permitted uses.

A. The following uses are permitted by right in the M-2 zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Temporary residential shelter (24 or fewer beds)	Subject to special use regulations in section 17.228.600 et seq.
2. Commercial and Institutional Uses	
Adult entertainment business	Subject to special use regulations in section 17.228.102
Amusement center, indoor	
Athletic club; fitness studio	
Auto – sales, storage, rental	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
Auto – service, repair	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
College extension	
Commercial service	This use is limited to 40,000 gross square feet; if use exceeds this limitation, a conditional use permit is required; Area calculation does not include areas that are not publicly accessible
Community Market	Subject to special use regulations in section 17.228.124
Equipment rental, sales yard	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform; Repair work permitted if confined to building
Gas station	Repair work permitted if confined to building
Hotel; motel	
Laundromat, self-service	

Library; archive	
Mini storage; locker building	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform; Subject to special use regulations in section 17.228.106
Mobilehome – sales, storage	Repair work is permitted if confined to a building
Mortuary; crematory	
Museum	
Non-profit organization, food preparation for off-site consumption	Entire business, including storage and display, shall be conducted within a building
Non-profit organization, food storage and distribution	Entire business, including storage and display, shall be conducted within a building
Office	Permitted if use is limited to 10,000 gross square feet per parcel, or up to 25% of gross floor area of a building(s) per parcel, whichever is greater; Permitted with a conditional use permit if use exceeds 10,000 gross square feet per parcel, or over 25% of gross floor area of a building(s) per parcel, whichever is greater
Plant nursery	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
Restaurant	
Retail store	This use is limited to 40,000 gross square feet; if use exceeds this limitation, a conditional use permit is required; Area calculation does not include areas that are not publicly accessible
School – dance, music, art, martial arts	
School, vocational	
Temporary commercial building	Subject to special use regulations in section 17.228.126
Theater	
Towing service; vehicle storage yard	Subject to special use regulations in section 17.228.107
Transit vehicle – service, repair, storage	
Veterinary clinic; veterinary	Entire business to be conducted within a building, and

hospital	no outdoor boarding of animals is allowed; a conditional use permit is required if animals are boarded outside, or entire business is not conducted within a building
Wholesale store	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Contractor storage yard	
Laboratory, research	
Lumber yard, retail	
Manufacturing, service, and repair	
Passenger terminal	
Railroad ROW	May be used for railroad tracks or spur tracks; Loading and unloading platforms or structures may be located on a railroad right-of-way only if: (i) the abutting property is located within a C-4 or M zone, and (ii) no residential zoning is within 300 feet of said facility on the same side of the right-of-way
Railroad – yard, shop	
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title
Terminal yard, trucking	
Tractor or heavy truck sales, storage, rental	
Tractor or heavy truck service, repair	
Warehouse; distribution center	

B. Conditional uses. The following uses in the M-2 zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dwelling, multi-unit	Permitted in central city, or outside central city if use is located less than ¼ mile from the center of a light rail station platform; Subject to special use regulations in section 17.228.117	ZA
Mobile home park		PDC
Residential care facility		PDC
Residential hotel	Subject to special use regulations in section 17.228.112	PDC
Temporary residential shelter (more than 24 beds)	Subject to special use regulations in section 17.228.600 et seq.	PDC
2. Commercial and Institutional Uses		
Adult-related establishment	Subject to special use regulations in section 17.228.103	PDC
Alcoholic beverage sales, off-premises consumption	Subject to special use regulations in section 17.228.108	PDC
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Auto – sales, storage, rental	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by	PDC

	right if use is located ¼ mile or greater from the center of a light rail station platform	
Auto – service, repair	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform	PDC
Bar; nightclub	Subject to special use regulations in section 17.228.108	PDC
Cemetery		PDC
Check-cashing center	Subject to special use regulations in section 17.228.121	PDC
Childcare center	Subject to special use regulations in section 17.228.113	ZA
College campus		PDC
Commercial service	Permitted with a conditional use permit if use exceeds 40,000 gross square feet; permitted by right if use does not exceed 40,000 gross square feet; Area calculation does not include areas that are not publicly accessible	ZA
Correctional facility		PDC
Drive-in theater		PDC
Drive-through restaurant	Prohibited in the Central City unless the drive-through facility is within 500 feet of freeway right-of-way Subject to special use regulations in section 17.228.109	PDC
Equipment – rental, sales yard	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by	PDC

	right if use is located ¼ mile or greater from the center of a light rail station platform; Repair work permitted if confined to building	
Gas station	Repair work permitted if confined to building	PDC
Golf course; driving range		PDC
Gun range; rifle range	Shall, at a minimum, meet the requirements established by the National Rifle Association for ranges	
Kennel		PDC
Medical marijuana dispensary	Subject to special use regulations in section 17.228.700 et seq.	ZA/PDC
Mini storage; locker building	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform; Subject to special use regulations in section 17.228.106	PDC
Non-profit organization, meal service facility		PDC
Non-profit residential care facility		PDC
Office	Permitted with a conditional use permit if use exceeds 10,000 gross square feet per parcel, or over 25% of gross floor area of a building(s) per parcel, whichever is greater; Permitted by right if use is limited to 10,000 gross square feet per	PDC

	parcel, or up to 25% of gross floor area of a building(s) per parcel, whichever is greater	
Outdoor market	In granting a conditional use permit the zoning administrator may consider the traffic, parking, noise, hours of operation, and any applicable development standards related to the proposed outdoor market	ZA
Plant nursery	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform	PDC
Retail store	Permitted with a conditional use permit if use exceeds 40,000 gross square feet; permitted by right if use does not exceed 40,000 gross square feet; Area calculation does not include areas that are not publicly accessible	PDC
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
Superstore	Subject to special use regulations in section 17.228.119	PDC
Tobacco retailer	A zoning administrator conditional use permit is required for a tobacco retailer that has 15,000 square feet or less of gross floor area and is located within 1,000 feet, measured for the nearest property lines of the affected parcels, of a public or private school (K-12). Otherwise the use is to be treated as	ZA

	"Retail" in all applicable zones	
Veterinary clinic; veterinary hospital	Permitted with a conditional use permit if animals are boarded outside, or entire business is not conducted within a building	PDC
Wholesale store	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform	PDC
3. Industrial and Agricultural Uses		
Airport		PDC
Animal slaughter		PDC
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Auto dismantler		PDC
Boat dock; marina		PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Fuel storage yard	Subject to special use regulations section 17.228.120	PDC
Hazardous waste facility	Must be consistent with the provisions of the Sacramento County hazardous waste management plan	PDC
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations section 17.228.500 et seq.	CC
Junk yard		PDC

Livestock yard		PDC
Recycling facility	Subject to special use regulations section 17.228.400 et seq.	ZA/PDC
Solar energy system, commercial (non-city property)	Subject to special use regulations chapter 17.228.123	ZA
Solid waste landfill		PDC
Solid waste transfer station		PDC
Surface mining operation	Subject to provisions of chapter 17.720	PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the M-2 zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Accessory drive-through facility	Subject to special use regulations in section 17.228.110 et seq.
Child care, in-home (family day care home)	
Common area	
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Recycling facility, convenience	Subject to special use regulations in section 17.228.400 et seq.
Tasting room, on-site	Limited to on-site consumption and off-site sales of malt beverages or wine produced on the premises
Watchperson's quarters	The structure shall be limited to 1,000 square feet

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses shall be prohibited in the M-2 zone.

17.220.320 M-2 zone – Office development

Notwithstanding the limitation stated in 17.220.310, office use is allowed by right when all of the following requirements are met:

A. The office use does not exceed 40,000 gross square feet per parcel;

B. The office use is in a building with an FAR of .4 or greater; and

C. The office use is located within ¼ mile of the center of a light rail station platform.

17.220.330 M-2 zone – Height, density, and floor area ratios.

A. Height. The maximum height is 70 feet.

B. Density. There is no maximum density.

C. Floor area ratios. Minimum and maximum floor area ratios are established in the general plan.

17.220.340 M-2 zone – Setbacks.

A. Front setback. There is no minimum front-yard setback.

B. Street side-yard setback. There is no minimum street side-yard setback.

C. Interior side-yard setback.

1. Unless subsection 2 applies, there is no minimum interior side-yard setback.

2. If the interior side-yard lot line abuts the side of an R- or OB-zoned lot and is not separted by an alley, the minimum side-yard setback is 5 feet.

D. Rear-yard setback.

1. Unless subsection 2 applies, no minimum rear-yard setback is required.

2. If the rear lot line abuts the side of an R- or OB-zoned lot and is not separated by an alley, the minimum rear-yard setback is 15 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.220.350 M-2 zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.220.360 M-2 zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article IV. M-2(S) Zone – Heavy Industrial Zone

17.220.400 M-2(S) zone– Purpose.

The purpose of the M-2(S) zone is to permit the manufacture or treatment of goods. Setbacks are required in the M-2(S) zone to provide more attractive and uncrowded developments.

17.220.410 M-2(S) zone – Permitted uses.

A. The following uses are permitted by right in the M-2(S) zone, subject to the limitations specified:

Use	Limitations
1. Residential Uses	
Temporary residential shelter (24 or fewer beds)	Subject to special use regulations in section 17.228.600 et seq.
2. Commercial and Institutional Uses	
Adult entertainment business	Subject to special use regulations in section 17.228.102
Amusement center, indoor	
Athletic club; fitness studio	
Auto – sales, storage, rental	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
Auto service, repair	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
College extension	
Commercial service	This use is limited to 40,000 gross square feet; if use exceeds this limitation, a conditional use permit is required; Area calculation does not include areas that are not publicly accessible
Community market	Subject to special use regulations in section 17.228.124
Equipment – rental, sales yard	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform; Repair work permitted if confined to building
Gas station	Repair work permitted if confined to building

Hotel; motel	
Laundromat, self-service	
Library; archive	
Mini storage; locker building	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform; Subject to special use regulations in section 17.228.106
Mobilehome – sales, storage	Repair work is permitted if confined to a building
Mortuary; crematory	
Museum	
Non-profit organization, food preparation for off-site consumption	Entire business, including storage and display, shall be conducted within a building
Non-profit organization, food storage and distribution	Entire business, including storage and display, shall be conducted within a building
Office	Permitted if use is limited to 10,000 gross square feet per parcel, or up to 25% of gross floor area of a building(s) per parcel, whichever is greater; Permitted with a conditional use permit if use exceeds 10,000 gross square feet per parcel, or over 25% of gross floor area of a building(s) per parcel, whichever is greater
Plant nursery	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
Restaurant	
Retail store	This use is limited to 40,000 gross square feet; if use exceeds this limitation, a conditional use permit is required; Area calculation does not include areas that are not publicly accessible
School – dance, music, art, martial arts	
School, vocational	
Temporary commercial building	Subject to special use regulations in section 17.228.126
Theater	
Towing service; vehicle storage yard	Subject to special use regulations in section 17.228.107

Transit vehicle – service, repair, storage	
Veterinary clinic; veterinary hospital	Entire business to be conducted within a building, and no outdoor boarding of animals is allowed; a conditional use permit is required if animals are boarded outside, or entire business is not conducted within a building
Wholesale store	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
3. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Contractor storage yard	
Laboratory, research	
Lumber yard, retail	
Manufacturing, service, and repair	
Passenger terminal	
Railroad ROW	May be used for railroad tracks or spur tracks; Loading and unloading platforms or structures may be located on a railroad right-of-way only if: (i) the abutting property is located within a C-4 or M zone, and (ii) no residential zoning is within 300 feet of said facility on the same side of the right-of-way
Railroad yard, shop	
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title
Terminal yard, trucking	
Tractor or heavy truck sales, storage, rental	
Tractor or heavy truck service, repair	
Warehouse; distribution center	

B. Conditional uses. The following uses in the M-2(S) zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Level of Review: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dwelling, multi-unit	Permitted in central city, or outside central city if use is located less than ¼ mile from the center of a light rail station platform; Subject to special use regulations in section 17.228.117	ZA
Mobilehome park		PDC
Residential care facility		PDC
Residential hotel	Subject to special use regulations in section 17.228.112	PDC
Temporary residential shelter (more than 24 beds)	Subject to special use regulations in section 17.228.600 et seq.	PDC
2. Commercial and Institutional Uses		
Adult-related establishment	Subject to special use regulations in section 17.228.103	PDC
Alcoholic beverage sales, off-premises consumption	Subject to special use regulations in section 17.228.108	PDC
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Auto - sales, storage, rental	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the	PDC

	center of a light rail station platform	
Auto – service, repair	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform	PDC
Bar; nightclub	Subject to special use regulations in section 17.228.108	PDC
Cemetery		PDC
Check-cashing center	Subject to special use regulations in section 17.228.121	PDC
Childcare center	Subject to special use regulations in section 17.228.113	ZA
College campus		PDC
Commercial service	Permitted with a conditional use permit if use exceeds 40,000 gross square feet; permitted by right if use does not exceed 40,000 gross square feet; Area calculation does not include areas that are not publicly accessible	ZA
Correctional facility		PDC
Drive-in theater		PDC
Drive-through restaurant	Subject to special use regulations in section 17.228.109	PDC
Equipment – rental, sales yard	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform; Repair work permitted if confined to building	PDC
Gas station	Repair work permitted if confined to building	PDC
Golf course; driving range		PDC

Gun range; rifle range	Shall, at a minimum, meet the requirements established by the National Rifle Association for ranges	PDC
Kennel		PDC
Medical marijuana dispensary	Subject to special use regulations in section 17.228.700 et seq.	ZA/PDC
Mini storage; locker building	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform; Subject to special use regulations in section 17.228.106	PDC
Non-profit organization, meal service facility		PDC
Non-profit residential care facility		PDC
Office	Permitted with a conditional use permit if use exceeds 10,000 gross square feet per parcel, or over 25% of gross floor area of a building(s) per parcel, whichever is greater; Permitted by right if use is limited to 10,000 gross square feet per parcel, or up to 25% of gross floor area of a building(s) per parcel, whichever is greater	PDC
Outdoor market	In granting a conditional use permit the zoning administrator may consider the traffic, parking, noise, hours of operation, and any applicable development standards related to the proposed outdoor market	ZA
Plant nursery	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform	PDC

Retail store	Permitted with a conditional use permit if use exceeds 40,000 gross square feet; permitted by right if use does not exceed 40,000 gross square feet; Area calculation does not include areas that are not publicly accessible	ZA
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
Superstore	Subject to special use regulations in section 17.228.119	PDC
Tobacco retailer	A zoning administrator conditional use permit is required for a tobacco retailer that has 15,000 square feet or less of gross floor area and is located within 1,000 feet, measured for the nearest property lines of the affected parcels, of a public or private school (K-12). Otherwise the use is to be treated as "Retail" in all applicable zones	ZA
Veterinary clinic; veterinary hospital	Permitted with a conditional use permit if animals are boarded outside, or entire business is not conducted within a building	PDC
Wholesale store	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform	PDC
3. Industrial and Agricultural Uses		
Airport		PDC
Animal slaughter		PDC
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC

Auto dismantler		PDC
Boat dock; marina		PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Fuel storage yard	Subject to special use regulations section 17.228.120	PDC
Hazardous waste facility	Must be consistent with the provisions of the Sacramento County hazardous waste management plan	PDC
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations section 17.228.500 et seq.	CC
Junk yard		PDC
Livestock yard		PDC
Recycling facility	Subject to special use regulations section 17.228.400 et seq.	ZA/PDC
Solar energy system, commercial (non-city property)	Subject to special use regulations section 17.228.123	ZA
Solid waste landfill		PDC
Solid waste transfer station		PDC
Surface mining operation	Subject to provisions of chapter 17.720	PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the M-2(S) zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Accessory drive-through facility	Subject to special use regulations in section 17.228.110
Childcare, in-home (family day	

care home)	
Common area	
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Recycling facility, convenience	Subject to special use regulations in section 17.228.400 et seq.
Tasting room, on-site	Limited to on-site consumption and off-site sales of malt beverages or wine produced on the premises
Watchperson's quarters	The structure shall be limited to 1,000 square feet

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses shall be prohibited in the M-2(S) zone.

17.220.420 M-2(S) zone – Office development

Notwithstanding the limitation stated in 17.220.410, office use is allowed by right when all of the following requirements are met:

A. The office use does not exceed 40,000 gross square feet per parcel;

B. The office use is in a building with an FAR of .4 or greater; and

C. The office use is located within ¼ mile of the center of a light rail station platform.

17.220.430 M-2(S) zone – Height, density, and floor area ratios.

A. Height. The maximum height is 70 feet.

B. Density. There is no maximum density.

C. Floor area ratios. Minimum and maximum floor area ratios are established in the general plan.

17.220.440 M-2(S) zone – Setbacks.

A. Front setback. The minimum front-yard setback is 25 feet.

B. Street side-yard setback. The minimum street side-yard setback is 25 feet.

C. Interior side-yard setback.

1. Unless the provisions of subsection 2 apply, no minimum interior side-yard setback is required.

2. If the interior side-yard lot line abuts the side of an R- or OB-zoned lot and is not separated by an alley, the minimum side-yard setback is 5 feet.

D. Rear-yard setback.

1. Unless subsection 2 applies, no minimum rear-yard setback is required.

2. If the rear lot line abuts the side of an R- or OB-zoned lot and is not separted by an alley, the minimum rear-yard setback is 15 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.220.445 M-2(S) zone – Screening.

All uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six feet in height.

17.220.450 M-2(S) zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.220.460 M-2(S) zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article V. MIP Zone – Manufacturing-Industrial Park Zone

17.220.500 MIP zone – Purpose.

The purpose of the MIP zone is to achieve a nuisance-free environment for light manufacturing, warehousing, and distribution in an industrial park setting in accordance with the policies of the general plan, community plans, and the planned unit development guidelines adopted for each industrial park.

The MIP zone classification shall be used in conjunction with a planned unit development designation established in accordance with chapter 17.452.

17.220.510 MIP zone – Permitted uses.

A. The following uses are permitted by right in the MIP zone, subject to the limitations specified:

Use	Limitations
1. Commercial and Institutional Uses	
Childcare center	Subject to special use regulations in section17.228.113
Office	Allowed when incidental to a manufacturing or laboratory use; Not to exceed 25% percent of the total floor area of the primary use
Restaurant	
Temporary commercial building	Subject to special use regulations in section 17.228.126
2. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Laboratory, research	
Manufacturing, service, and repair	
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the MIP zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Industrial and Agricultural Uses		
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
High voltage transmission facility	Subject to special use regulations section 17.228.500 et seq.	CC
Solar energy system, commercial (non-city property)	Subject to special use regulations section 17.228.123	ZA

C. Prohibited uses. All uses not listed as permitted or conditional uses are prohibited in the MIP zone.

17.220.520 MIP zone – Height, density, and floor area ratios.

A. Height. The maximum height is 40 feet.

B. Density. Not applicable.

C. Floor area ratios. Minimum and maximum floor area ratios are established in the general plan.

17.220.530 MIP zone – Setbacks.

A. Front and street setback. The minimum front yard setback is 25 feet. A landscaped setback shall be provided adjacent to all public street rights-of-way.

B. Street side-yard setback. The minimum street side-yard setback is 25 feet.

C. Interior side-yard setback. No minimum side yard setback is required unless the side yard abuts the side of an R- or OB-zoned lot, in which case a minimum setback of 150 feet or 10 feet landscaped setback, respectively, is required.

D. Rear-yard setback. No minimum rear yard setback yard setback is required unless the rear yard abuts the side of an R- or OB-zoned lot, in which case a minimum setback of 150 feet or 25 feet, respectively, is required.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.220.540 MIP zone – Development standards specific to the MIP zone.

A. Storage. No outside storage is permitted, except that company vehicles incidental to the primary use may be parked outside if the vehicles are screened by a solid masonry wall no less than 6 feet in height or by equivalent screening using landscaping and earth berms, so that no vehicles are visible from adjacent public streets.

B. Enclosed building requirements. All uses shall be conducted wholly within a completely enclosed building, with the exception of off-street parking spaces, off-street loading facilities, storage of company vehicles, employee recreational areas, and childcare center recreational areas.

C. Landscaping.

1. Minimum landscape coverage per parcel is 15 percent.

2. Front and street side-yard setbacks shall be landscaped with evergreen trees, shrubs, and groundcover, and shall be irrigated with permanent timed automatic underground systems.

3. Setbacks abutting public or private streets shall be landscaped with undulating berms that screen parking areas from the streets. Berm height will be determined in connection with each special permit.

4. Seventy-five feet of the rear and interior yard setbacks immediately abutting residentially used, zoned, or designated property shall be landscaped consistent with the PUD development guidelines adopted for the area, including trees capable of reaching a height of 30 feet at maturity planted at least every 30 feet along the barrier wall.

D. Exterior building and wall materials.

1. Finished building materials shall be applied to all sides of a building, including trash enclosures and mechanical and communications equipment screens.

2. Exterior wall materials shall be compatible with those used on other buildings in the industrial park. Examples of acceptable exterior materials are stucco, textured concrete, wood, glass, brick, stone, and masonry.

3. Building colors shall be harmonious and compatible with the colors of other buildings in the industrial park and with the natural surroundings. The general overall palette shall be earth tones.

E. Signs.

1. Designated park identification sign.

   a. One monument sign, as defined in section 15.148.1170, is allowed per designated industrial park. Directly-illuminated signs are prohibited. Indirectly-illuminated signs are subject to planning staff review and approval.

   b. Maximum area: 40 square feet.

   c. Maximum height: 5 feet, measured at grade directly behind the sidewalk.

   d. Location. The sign shall be located at the major entry to the designated park. The sign may be placed in the setback area; however, it must be located farther than 10 feet from both the public right-of-way and any driveway. No sign shall be allowed in the public right-of-way.

2. Detached signs.

   a. One monument sign, as defined in section 15.148.1170, is allowed per parcel. Directly-illuminated signs are prohibited. Indirectly-illuminated signs are subject to planning staff review and approval.

   b. Maximum area: 40 square feet.

   c. Maximum height: 5 feet, measured at grade directly behind the sidewalk.

   d. Location. The sign shall be located at the major entry to the parcel. The sign may be placed in the setback area; however, the sign must be located farther than 10 feet from both the public right-of-way and any driveway.

3. Attached signs.

a. One attached sign, as defined in section 15.148.1170, is allowed per tenant. Each sign and business name shall be of individual raised-letter type. Canned plastic signs are not permitted.

b. Maximum Area. The total area of an attached sign shall not exceed 30 square feet, except that a building occupied by only one tenant is allowed a maximum of 60 square feet. The vertical height of the sign or letters, including logo, shall not exceed 2 feet.

c. Location. The attached sign shall be placed flat against the wall of the building in which the business is located.

17.220.550 MIP zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.220.560 MIP zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article VI. MRD Zone – Manufacturing, Research and Development Zone

17.220.600 MRD zone – Purpose.

The purpose of the Manufacturing, Research and Development (MRD) zone is to accommodate innovative technology businesses and related support services, while allowing flexibility for transitional uses in areas where existing uses may be incompatible with planned development. The regulations of this zone are intended to achieve a high-quality, nuisance-free environment for manufacturing, assembly, research and development type land uses in accordance with the policies of the general plan, community plans, and any applicable development guidelines adopted for the area, and may be applied primarily to areas designated in the general plan for mixed uses, employment, or industrial uses.

17.220.610 MRD zone – Permitted uses.

A. The following uses are permitted by right in the MRD zone, subject to the limitations specified:

Use	Limitations
1. Commercial and Institutional Uses	
Athletic club; fitness studio	
Childcare center	Subject to special use regulations in section 17.228.113
College campus	
College extension	
Commercial service	
Hotel; motel	
Library; archive	
Museum	
Office	
Restaurant	
Retail store	This use is limited to 40,000 gross square feet; if use exceeds this limitation, a conditional use permit is required
Temporary commercial building	Subject to special use regulations in section 17.228.126
Wholesale store	Permitted if use is located ¼ mile or greater from the center of a light rail station platform; a conditional use permit is required if use is located less than ¼ mile from the center of a light rail station platform
2. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Laboratory, research	

Manufacturing, service and repair	
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title
Warehouse; distribution center	

B. Conditional uses. The following uses in the MRD zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Dwelling, multi-unit	Subject to special use regulations in section 17.228.117	PDC
2. Commercial and Institutional Uses		
Alcoholic beverage sales, off-premises consumption	Subject to special use regulations in section 17.228.108	PDC
Assembly – cultural, religious, social		PDC
Bar; nightclub		PDC
Drive-through restaurant	Subject to special use regulations in section 17.228.109	PDC
Equipment – rental, sales yard		PDC
Gas station		PDC
Retail store	Permitted with a conditional use permit if use exceeds 40,000 gross square feet; permitted by right if use does not exceed 40,000 gross square feet	PDC
School, vocational		ZA
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA

Wholesale store	Permitted with a conditional use permit if use is located less than ¼ mile from the center of a light rail station platform; permitted by right if use is located ¼ mile or greater from the center of a light rail station platform	PDC
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Recycling facility	This use shall be located wholly within a completely enclosed building; Subject to special use regulations in section 17.228.400 et seq.	ZA/PDC
Solar energy system, commercial (non-city property)	Subject to special use regulations in section 17.228.123	ZA

C. Accessory uses. The following uses are permitted in the MRD zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Child care, in-home (family day care home)	
Common area	
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Watchperson's quarters	The structure shall be limited to 1,000 square feet

D. Prohibited uses. All uses not listed as permitted, accessory, or conditional uses are prohibited in the MRD zone.

17.220.620 MRD zone – Lot size, width, and depth.

A. Lot size. The minimum lot size is 10,000 square feet.

B. Lot width. The minimum lot width is 62 feet.

C. Lot depth. The minimum lot depth is 100 feet.

17.220.625 MRD zone – Height and floor area ratios.

A. Height. The minimum height is 15 feet. The maximum height is 75 feet.

B. Floor area ratios. Minimum and maximum floor area ratios are established in the general plan.

17.220.630 MRD zone – Setbacks.

A. Front setback. The minimum front yard setback is 5 feet and the maximum setback is 110 feet.

B. Street side-yard setback. The minimum street site yard setback is 5 feet and the maximum street side yard setback is 100 feet.

C. Interior side-yard setback. None.

D. Rear-yard setback.

1. Unless subsection 2 applies, there is no required minimum rear-yard setback.

2. If the rear-yard lot line is adjacent to an R- or OB- zoned lot and is not separated by an alley, the required minimum rear-yard setback is 15 feet.

E. Landscaped parking setbacks. The following minimum landscaped setbacks shall be provided between parking lots and adjacent property lines.

1. Front: The minimum planter width is 25 feet.

2. Street side: The minimum planter width is 25 feet.

3. Interior side: The minimum planter width is 10 feet.

4. Rear: The minimum planter width is 10 feet.

F. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.220.640 MRD zone – Special development standards.

A. Entrance. The primary building entrance shall be oriented to and visible from the street. Direct pedestrian connections shall be provided from the street to the building entrance. Entries shall incorporate overhangs, recessed openings, canopies, or other features to emphasize the entrance area.

B. Windows required. To ensure public safety and visual connections to the street, windows shall be provided on the front and street side façades with views from active use areas such as offices, retail sales areas, classrooms, living rooms, dining rooms, bedrooms, and kitchens.

C. Uses enclosed by buildings. To avoid unsightly views and noise emissions, all uses, except outdoor storage and loading areas, shall be located entirely within an enclosed building. Roll-up doors, service entrances, and similar building openings should preferably be located along interior side or rear façades or shall be screened from public streets and adjacent residential uses by a solid masonry wall and landscaping.

D. Equipment screening.

1. All ground-mounted mechanical equipment shall be completely screened from view from adjacent streets and lots by a masonry wall, fence or landscaping.

2. All roof-mounted mechanical equipment shall be completely screened from view from adjacent streets and lots by a parapet or equipment screen designed to match the colors and materials of the building.

E. Signs in the MRD zone shall be subject to the following regulations:

1. For each occupancy, 1 attached sign is permitted. The total area for all such signs shall not exceed 3 square feet of sign area for each front foot of building occupancy. Such signs shall be placed flat against the building, on an architectural projection, or attached to the underside thereof.

2. One detached sign is permitted for each driveway not exceeding 48 square feet in area. All detached signs shall be monument type signs. All detached signs shall be located 10 feet from any property line and 5 feet from any driveway in order to provide a clear vision area. The height of the monument sign shall not exceed 6 feet.

17.220.650 MRD zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.220.660 MRD zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Chapter 17.224
Miscellaneous

Article I. H Zone – Hospital Zone

17.224.100 H zone – Purpose.

The purpose of the H zone is to provide primarily for medical-type uses, such as hospitals and convalescent homes, and for group care facilities for physically- and mentally-challenged persons. Offices, laboratories, and pharmacies are also permitted.

17.224.110 H Zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the H zone, subject to the limitations specified:

Use	Limitations
1. Commercial and Institutional Uses	
Childcare center	Subject to special use regulations in section 17.228.113
Community market	Subject to special use regulations in section 17.228.124
Non-profit organization, food preparation for off-site consumption	Entire business, including storage and display, shall be conducted within a building
Office	
Temporary commercial building	Subject to special use regulations in section 17.228.126
2. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Laboratory, research	
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the H zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Residential care facility		PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Athletic club; fitness studio		PDC
Cemetery		PDC
College extension		PDC
Correctional facility		PDC
Major medical facility		PDC
Non-profit organization, food storage and distribution		PDC
Non-profit organization, meal service facility		PDC
Non-residential care facility		PDC
Outdoor market	In granting a conditional use permit the Zoning Administrator may consider the traffic, parking, noise, hours of operation, and any applicable development standards related to the proposed outdoor market	ZA

School, K - 12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Produce stand		PDC
Surface mining operation	Subject to provisions of chapter 17.720	PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the H zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Accessory drive-through facility	Subject to special use regulations in section 17.228.110
Common area	
Family care facility	
Family day care facility	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Recycling facility, convenience	Subject to special use regulations in section 17.228.400 et seq.
Watchperson's quarters	The structure shall be limited to 1,000 square feet

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the H zone.

17.224.120 H zone – Height, density, and floor area ratios.

A. Height. Unless subsections B or C apply, the maximum height is 120 feet.

B. Transitional height. Portions of buildings in the H zone within certain distances of R-zones shall not exceed the following height limits, unless a deviation from the distance requirement has been approved in accordance with section 17.808.010.A.3:

Distance from R-zone (feet)	Height allowed (feet)
0-39	45
40-79	55
80-119	65
120-159	90
160+	120

C. Height – major medical facilities. In granting a conditional use permit for a major medical facility, the planning and design commission may permit a height exceeding the limits of subsections A and B.

D. Density. Not applicable.

E. Floor area ratios. Minimum and maximum floor area ratios are established in the general plan.

17.224.130 H zone – Setbacks.

A. Front-yard setback. The minimum front-yard setback is 10 feet. The maximum front-yard setback is 25 feet.

B. Street side-yard setback. The minimum street side-yard setback is 5 feet. The maximum street side-yard setback is 25 feet.

C. Interior side-yard setback.

1. Unless subsection 2 or 3 applies, the minimum interior side-yard setback is 5 feet.

2. If the interior side-yard lot line abuts a public alley, no minimum interior side-yard setback is required.

3. If the interior side-yard lot line abuts a residential zone, the minimum interior side-yard setback is 10 feet.

Rear-yard setback.

1. Unless subsection 2 or 3 applies, the minimum rear-yard setback is 15 feet.

2. If the rear lot line abuts a public alley, no minimum rear-yard setback is required.

3. If the rear lot line abuts a residential zone, the minimum rear-yard setback is 25 feet.

D. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.224.140 H zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.224.150 H Zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article II. SPX Zone – Sports Complex Zone

17.224.200 SPX zone – Purpose.

The purpose of the SPX zone is to ensure the proper development and use of land and improvements to achieve a sports complex that, at a minimum, accommodates the design requirements of professional and amateur sports; and accommodates events, exhibitions, and performances that provide for the education, information, recreation, culture, or entertainment of Sacramento area residents and visitors, in accordance with the specific land use policies of the city general plan, community plans, and the planned unit development (PUD) guidelines. A conditional use permit is required for each use in this zone.

17.224.210 SPX zone – Permitted Uses

A. Conditional uses. The following uses in the SPX zone require approval of a conditional use permit, subject to the conditions specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Amusement center, indoor		PDC
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Athletic club; fitness studio		PDC
Childcare center	Subject to special use regulations in section 17.228.113	PDC
Commercial services		PDC
Golf course; driving range		PDC

Office		PDC
Outdoor market	In granting a conditional use permit the Zoning Administrator may consider the traffic, parking, noise, hours of operation and any applicable development standards related to the proposed outdoor market	ZA
Restaurant		PDC
Retail store		PDC
Sports complex		PDC
Tobacco retailer	A zoning administrator conditional use permit is required for a tobacco retailer that has 15,000 square feet or less of gross floor area and is located within 1,000 feet, measured for the nearest property lines of the affected parcels, of a public or private school (K-12). Otherwise the use is to be treated as “Retail” in all applicable zones.	PDC
3. Industrial and Agricultural Uses		
Community garden	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Produce stand		PDC
Well – gas, oil		PDC

B. Accessory uses. The following uses are permitted in the SPX zone when accessory to a conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Accessory drive-through facility	Subject to special use regulations in section 17.228.110
Common area	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Recycling facility, convenience	Subject to special use regulations in section 17.228.400 et seq.
Watchperson's quarters	The structure shall be limited to 1,000 square feet

C. Additional uses. Other uses compatible with on-site and adjacent existing or designated land uses, may be conditionally permitted if they are specified by the PUD.

D. Prohibited uses. All uses not listed as conditional or accessory uses are prohibited in the SPX zone.

17.224.220 SPX zone – Development standards.

A. The SPX zone classification shall be used in conjunction with a PUD designation established as provided in chapter 17.452.

B. Site design and development standards shall be established with each PUD. These standards shall include setbacks, height, parking, landscaping, signage, exterior building materials, lighting, and mechanical/utility/communications equipment.

17.224.230 SPX zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, "permit" means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article III. TC Zone – Transportation Corridor Zone

17.224.300 TC zone – Purpose.

The purpose of the TC zone is to regulate land uses within, above, and below public agency transportation corridors to ensure that development is consistent with the general plan, and to provide uniform standards for the development of ground rights and air rights within the corridor.

17.224.310 TC zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the TC zone, subject to the limitations specified:

Use	Limitations
Temporary commercial building	Subject to special use regulations in section 17.228.126
Public / Quasi-Public Uses	
Community market	Subject to special use regulations in section 17.228.124
Freeways and highways, including interchanges and bridges	
Public streets	
Public utility yard	
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the TC zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential uses		
Temporary residential shelter		PDC

2. Commercial and Institutional Uses		
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Childcare center	Subject to special use regulations in section 17.228.113	PDC
College extension		PDC
Correctional facility		PDC
Drive-in theater		PDC
Golf course; driving range		PDC
Kennel		PDC
Office		PDC
Outdoor market	In granting a conditional use permit the Zoning Administrator may consider the traffic, parking, noise, hours of operation, and any applicable development standards related to the proposed outdoor market	ZA
Restaurant		PDC
Retail store		PDC
School, K - 12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
Transit vehicle – service, repair, storage		ZA
Veterinary clinic; veterinary hospital		PDC
3. Industrial and Agricultural Uses		
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Community garden (exceeding 21,780 gross	Subject to special use regulations in section 17.228.122	ZA

square feet)		
Contractor storage yard		ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Produce stand		PDC
Solar energy system, commercial (non-city property)	Subject to special use regulations in section 17.228.123	ZA
Solid waste landfill		PDC
Solid waste transfer station		PDC
Surface mining operation	Subject to provisions of chapter 17.720	PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses are permitted in the TC zone when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory drive-through facility	Subject to special use regulations in section 17.228.110
Common area	
Home occupation	Subject to special use regulations in section 17.228.200 et seq.
Recycling facility, convenience	Subject to special use regulations in section 17.228.400 et seq.
Watchperson's quarters	The structure shall be limited to 1,000 square feet

D. Other uses. All uses not specifically listed in this chapter are allowed only upon the issuance of a conditional use permit by the zoning administrator.

E. Change of use to existing buildings in the TC zone. A conditional use permit is required for the construction of new buildings and land use changes in the TC zone. Land use changes for existing buildings in the TC zone are subject to site plan and design review only if the land use is permitted by right in the General Commercial (C-2) zone.

17.224.320 TC zone – Development standards specific to the TC zone.

Height, setbacks, parking, landscaping, signage, exterior building materials, lighting, and mechanical / utility / communications equipment shall be reviewed and approved as part of the conditional use permit process.

17.224.330 TC zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.224.340 TC zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is

approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Article IV. HC Zone – Highway Commercial Zone

17.224.400 HC zone – Purpose.

The HC zone is for establishments offering accommodations or services to motorists, and for certain other specialized non-merchandising activities. The HC zone is ordinarily located in areas along federal and state freeways or other highways or major streets.

17.224.410 HC zone – Permitted uses.

A. Permitted uses. The following uses are permitted by right in the HC zone, subject to the limitations specified:

Use	Limitations
1. Commercial and Institutional Uses	
Amusement center, indoor	
Auto – service, repair	
Community market	Subject to special use regulations in section 17.228.124
Drive-through restaurant	Subject to special use regulations in section 17.228.109
Gas station	
Hotel; motel	
Retail store	Limited to 5,000 square feet
Restaurant	
Temporary commercial building	Subject to special use regulations in section 17.228.126
Theater	
Tobacco Retailer	Tobacco retailers are permitted by right if the space allocated to tobacco products does not exceed 10% of gross square footage of floor area
2. Industrial and Agricultural Uses	
Community garden (not exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

B. Conditional uses. The following uses in the HC zone require approval of a conditional use permit, subject to the limitations specified:

Use	Limitations	Approval Required by: Planning and Design Commission (PDC); Zoning Administrator (ZA); or City Council (CC)
1. Residential Uses		
Mobilehome park		PDC
Residential care facility		PDC
Temporary residential shelter		PDC
2. Commercial and Institutional Uses		
Amusement center, outdoor		PDC
Assembly – cultural, religious, social		PDC
Bar; nightclub	Subject to special use regulations in section 17.228.108	PDC
Cemetery		PDC
Childcare center	Subject to special use regulations in section 17.228.113	ZA
Cinema		PDC
College campus		PDC
Correctional facility		PDC
Drive-in theater		PDC
Golf course; driving range		PDC
Kennel		PDC
Non-profit organization, food preparation for office-site consumption		PDC
Non-profit organization, food storage and distribution		PDC

Non-profit organization, meal service facility		PDC
Non-residential care facility		PDC
Outdoor market	In granting a conditional use permit the Zoning Administrator may consider the traffic, parking, noise, hours of operation, and any applicable development standards related to the proposed outdoor market	ZA
School, K-12		PDC
Stand-alone parking facility	The zoning administrator may waive the development standards stated in sections 17.608.040 and 17.612.020	ZA
Transit vehicle – service, repair, storage		PDC
Veterinary clinic; veterinary hospital		PDC
3. Industrial and Agricultural Uses		
Airport		PDC
Antenna; telecommunications facility	Subject to special use regulations in section 17.228.300 et seq.	PDC
Boat dock, marina		PDC
Community garden (exceeding 21,780 gross square feet)	Subject to special use regulations in section 17.228.122	ZA
Heliport; helistop	Subject to special use regulations in section 17.228.114	PDC
High voltage transmission facility	Subject to special use regulations in section 17.228.500 et seq.	CC
Passenger terminal		PDC

Solid waste landfill		PDC
Solid waste transfer station		PDC
Surface mining operation	Subject to provisions of chapter 17.720	PDC
Well – gas, oil		PDC

C. Accessory uses. The following uses in the HC zone are permitted when accessory to a permitted or conditional use, subject to the limitations specified:

Use	Limitations
Accessory antenna	
Accessory drive-through facility	Subject to special use regulations in section 17.228.110
Child care, in-home (family day care home)	
Common area	
Family care facility	
Family day care facility	
Watchperson's quarters	The structure shall be limited to 1,000 square feet

D. Prohibited uses. All uses not listed as permitted, conditional, or accessory uses are prohibited in the HC zone.

17.224.420 HC zone – Height, density, and floor area ratios.

A. Height. The maximum height is 35 feet.

B. Density. Not applicable.

C. Floor area ratios. Minimum and maximum floor area ratios are established in the general plan.

17.224.430 HC zone – Setbacks.

A. Front-yard setback. The minimum front-yard setback is 15 feet.

B. Street side-yard setback. The minimum street side-yard setback is 15 feet.

C. Interior side-yard setback. The minimum interior side-yard setback is 5 feet.

D. Rear-yard setback. The minimum rear-yard setback is 15 feet.

E. Levee setback. A minimum 20-foot setback from the landside toe of any flood control levee is required for development less than 5 acres in size. A minimum 50-foot setback is required from the landside toe of any flood control levee for development 5 acres or greater in size. No primary or accessory structures may encroach into the levee setback.

17.224.440 HC zone – Generally applicable development standards.

A. For architectural design guidelines and exceptions to the height and area standards, see chapter 17.600.

B. For parking requirements, see chapter 17.608.

C. For landscaping and paving requirements, see chapter 17.612.

D. For recycling and solid waste disposal regulations, see chapter 17.616

E. For wall, fence, and gate regulations, see chapter 17.620.

F. For residential accessory structure and use regulations, see chapter 17.624.

G. For sign standards and regulations, see chapter 15.148.

H. For historic preservation program generally, see chapter 17.604. For preservation design review of development projects, see section 17.808.100 et seq.

17.224.450 HC zone – Site plan and design review.

A. General.

1. For development projects not located in a historic district or involving a landmark, a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection A, “permit” means a building permit, a demolition permit, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

B. Historic districts and landmarks.

1. For development projects located in a historic district or involving a landmark, a person shall not commence construction or otherwise undertake, and a final subdivision map shall not be approved and a permit shall not be issued unless and until an application for site plan and design review of the proposed project is approved in accordance with chapter 17.808 or the project is exempt under section 17.808.160.

2. As used in this subsection B, “permit” means a building permit, a demolition permit, a sewer or water connection or disconnection, a sign permit, a grading permit, a paving permit, an encroachment permit, and a certificate of occupancy.

Chapter 17.228
Special Use Regulations

Article I - General

17.228.101 Personal auto storage.

Auto storage is a permissible accessory use if the vehicle being stored is registered to a resident of the premises. Any service, repair, or storage of the vehicle shall be located on an approved paved surface and must not violate any other provision of this title or the city code. No more than two vehicles may be undergoing service or repair or may be stored on the premises at any one time. A vehicle that is inoperable or in pieces is presumed to be undergoing repair.

17.228.102 Adult entertainment business.

An adult entertainment business is a permitted use in this zone, subject to compliance with the locational standards set forth below; and subject further to compliance with the permitting requirements, development, and operational standards and other requirements set forth in chapter 5.06.

A. Locational requirements. No permit shall be issued or approved for an adult-entertainment business unless the proposed location satisfies all of the following locational requirements:

1. No adult-entertainment business shall be established or located within 1,000 feet, measured from the nearest property lines of each such use, of any other adult-entertainment business or an adult-related establishment.

2. No adult-entertainment business shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any existing agricultural zone, residential zone, or residential use.

3. No adult-entertainment business shall be established or located within 1,000 feet, measured from the nearest property lines of each parcel containing such use, of any existing park; church or faith congregation; school, K-12; childcare center; gymnasium for children; roller skating rink; or ice skating rink.

B. Relevant date for determining compliance with locational requirements. For purposes of determining whether the locational requirements set forth above are met, the following rules apply:

1. For purposes of the locational requirements, the relevant date is the date of the filing of a completed application under chapter 5.06, and except as provided in

subsection 2, below, only those uses lawfully established at the time of the filing of a completed application under chapter 5.06 shall be considered for purposes of determining whether the locational requirements are met.

2. For further purposes of the locational requirements, a location for which a completed application for an adult-entertainment business permit has been filed pursuant to chapter 5.06 shall be considered to be the site of an established adult-entertainment business from the date that the completed application is filed until the application is approved or denied.

17.228.103 Adult-related establishment.

A conditional use permit is required to establish an adult-related establishment in this zone. This requirement shall be in addition to compliance with the permitting requirements, development, and operational standards and other requirements set forth in chapter 5.04.

A. Locational requirements. In addition to the other requirements for approval of a conditional use permit, no conditional use permit shall be issued or approved for an adult-related establishment unless the proposed location satisfies all of the following locational requirements:

1. No adult-related establishment shall be established or located within 1,000 feet, measured from the nearest property lines of each such use, of any other adult-entertainment business or an adult-related establishment.

2. No adult-related establishment shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any existing agricultural or residential zone or residential use.

3. No adult-related establishment shall be established or located within 1,000 feet, measured from the nearest property lines of each parcel containing such use, of any park; church or faith congregation; school, K-12; childcare center; gymnasium for children; roller skating rink; or ice skating rink.

B. Relevant date for determining compliance with locational requirements. For purposes of determining whether the locational requirements set forth above are met, the following rules apply:

1. For purposes of the locational requirements, the relevant date is the date that the application for a conditional use permit is determined or deemed to be complete, and only those uses lawfully established as of the date that the application is determined or deemed to be complete shall be considered for purposes of determining whether the locational requirements are met.

2. For further purposes of the locational requirements, a location for which a completed application for an adult entertainment business permit has been filed under chapter 5.06 or a location for which a completed application for a conditional use permit for an adult-related establishment has been filed shall be considered to be the site of an established adult-entertainment business or an established adult-related establishment from the date that the completed application is filed until the application is approved, withdrawn or denied.

17.228.104 Bed and breakfast inn in residential zones.

A. Bed and breakfast inn in R-1, R-1B and R-2 zones. A zoning administrator's conditional use permit is required to establish a bed and breakfast inn in the R-1, R-1B, and R-2 zones. The bed and breakfast inn shall not have more than seven guest rooms. Conferences, weddings, fund raisers, and similar gatherings of non-lodgers are prohibited.

B. Bed and breakfast inn in R-2A, R-2B, R-3, and R-3A Zones. A zoning administrator's conditional use permit is required to establish a bed and breakfast inn in the R-2A, R-2B, R-3 and R-3A zones. The bed and breakfast inn shall not have more than seven guest rooms. In these zones, the zoning administrator's conditional use permit may permit facilities for conferences, weddings, fund raisers, and other similar gatherings and functions attended by non-lodgers as a part of the bed and breakfast inn use, and may include conditions restricting type, frequency, and timing of events, and other limits on operations as the decision-maker determines necessary to issue the conditional use permit. Except as expressly authorized in the conditional use permit, gatherings and functions attended by non-lodgers are prohibited.

17.228.105 Secondary dwelling unit.

A. General requirements.

1. The lot on which the secondary dwelling unit is located shall be improved with a single-unit dwelling prior to or at the same time as the construction of the secondary dwelling unit.

2. Only one secondary dwelling unit is permitted on any one lot.

3. A secondary dwelling unit shall not be included in the calculation of the density of the lot on which the secondary dwelling unit is located.

4. A secondary dwelling unit located within a historic district or accessory to a landmark is subject to site plan and design review under chapter 17.808.

B. Maximum area—Calculation.

1. The floor area of a detached secondary dwelling unit shall not exceed 1,000 square feet. The calculation of floor area of the detached secondary dwelling unit includes all of the floor area within the building envelope of the entire detached structure, excluding garage space and exterior stairs.

2. The floor area of an attached secondary dwelling unit shall not exceed 30% of the floor area of the primary single-unit dwelling on the lot. If a garage is provided for the attached secondary dwelling unit, the calculation of floor area of the secondary dwelling unit does not include the floor area of the garage.

C. Development standards.

1. The minimum distance between the primary single-unit dwelling and a detached secondary dwelling unit is six feet.

2. The height, lot coverage, and setback requirements applicable to the lot on which the secondary dwelling unit is located apply to the secondary unit.

D. Design standards.

1. The secondary dwelling unit shall be designed to be architecturally compatible with the primary single-unit dwelling and the surrounding neighborhood in terms of scale; massing; and color, material, and texture of all exterior materials, including the roof, siding, window types, detailing, and trim.

2. The design of the secondary dwelling unit shall conform to the design guidelines applicable to the lot on which the secondary dwelling unit is located. Should the design of the primary single-unit dwelling or surrounding neighborhood conflict with the applicable design guidelines, the design guidelines control.

3. New secondary dwelling units should use universal access design features, including “no step” entrances, where topography and site constraints allow.

E. Deviations from development and design standards. A request to deviate from the development standards contained in subsection C and the design guidelines contained in subsection D may be made by application for site plan and design review under chapter 17.808.

17.228.106 Mini storage; locker building.

A mini storage or locker building shall comply with the development standards in this section.

A. A minimum 10-foot wide landscape setback shall be provided along all street frontages and freeway rights-of-way.

B. Open or outdoor storage areas are permitted only if screened by a minimum six-foot high solid masonry wall.

C. A minimum of two waste disposal areas shall be provided. Waste facilities shall be screened by a minimum six-foot high solid masonry wall and provide for easy access of mini-storage clients.

D. No retail business of any kind shall be permitted to operate in any of the mini storage or locker building units.

17.228.107 Towing service; vehicle storage yard.

A towing service and vehicle storage yard for the temporary storage of vehicles may not engage in auto dismantling and shall comply with the development standards in this section.

A. A minimum 10-foot wide landscape setback shall be provided along all street frontages and freeway rights-of-way. If the towing service and vehicle storage yard is utilizing an existing building with less than 10 feet between the building and any right-of-way, the provided setback shall be landscaped.

B. All outdoor storage areas shall be screened by a minimum six-foot high solid fence or masonry wall around the entire perimeter of the outdoor storage area.

C. Outdoor vehicle storage areas are not subject to the parking lot tree shading requirements in section 17.612.040.

D. The address of the company shall be visible from the public right-of-way. At least one illuminated, instructional sign shall be located at the main entrance to the site and contain the following information:

1. Name of company;

2. Address;

3. Phone number; and

4. Address of company office if not located on the subject site.

E. Tow car storage. A tow car may not be parked or stored in a residential zone when it is not in use, but must be stored in a zone that permits automobile storage.

17.228.108 Alcoholic beverage sales, off-premises consumption.

A. Conditional use permit required. Except as provided in subsection C, below, a conditional use permit is required for alcoholic beverage sales for off-premises consumption.

1. Findings. The decision-maker may approve a conditional use permit for alcoholic beverage sales for off-premises consumption based on the following findings, in addition to the findings required in section 17.808.200:

a. The proposed alcoholic beverage sales will not adversely affect the peace or general welfare of the surrounding neighborhood;

b. The proposed alcoholic beverage sales will not result in undue concentration of establishments dispensing alcoholic beverages;

c. The proposed alcoholic beverage sales will not enlarge or encourage the development of a skid row or blighted area; and

d. The proposed alcoholic beverage sales will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation.

2. Considerations.

a. The decision-maker shall consider whether the proposed alcoholic beverage sales will detrimentally affect nearby residentially zoned areas, and shall give consideration to the distance of the proposed alcoholic beverage sales from residential buildings; churches and faith congregations; schools, K-12; hospitals; parks and playgrounds; childcare centers; social services; and other similar uses.

b. In addition to the considerations applicable to all conditional use permit applications, the decision-maker may consider the following under this section: hours of operation; quantity and size of containers sold; alcoholic content of wines; 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; and any other activities proposed for the premises.

B. Deemed conditional use permit. Alcoholic beverage sales for off-premises consumption operating under a deemed conditional use permit shall not do any of the following unless a new conditional use permit is approved:

1. Change the type of retail liquor license within a license classification;

2. Recommence alcoholic beverage sales for off-premises consumption after sales were discontinued for a continuous period of at least one year, including the case where the license for such sales is suspended or revoked; provided, however, that a suspension for violation of Business and Professions Code section 23790.5(e) shall not constitute a break in the continuous operation of the sales of alcoholic beverages. An establishment that has discontinued alcoholic beverage sales shall not be deemed to have resumed sales unless the establishment is open for business for alcoholic beverage sales for off-premises consumption for at least 60 continuous days in substantially the same manner that it operated before its alcoholic beverage sales were discontinued. Whether an establishment is being operated in substantially the same manner shall be determined by reference to the type and amount of merchandise for sale, the hours and days of operation, the number of persons on duty to serve customers, and such other factors as may be relevant; or

3. Substantially change the business of alcohol sales for off-premises consumption, including:

a. Increasing the floor space devoted to display or storage of alcoholic beverages; or

b. Modifying the premises by expanding the gross floor area more than 10 percent, which requires issuance of a building permit (not including routine maintenance and repair).

C. Conditional use permit not required.

1. A conditional use permit is not required for alcoholic beverage sales for off-premises consumption in a store with greater than 15,000 square feet in gross floor area if the shelving allocated to alcoholic beverages does not exceed 10% of the total shelving within the store.

2. A conditional use permit is not required for an on-sale licensee, other than a bar, on account of the licensee's statutory off-sale privileges if the licensee does not hold itself out as selling alcoholic beverages for off-premises consumption.

17.228.109 Drive-through restaurant.

A. Findings. A conditional use permit shall not be granted for a drive-through restaurant unless the decision-maker, in addition to the findings required by Section 17.808.200, makes the following additional findings:

1. The design and location of the drive-through restaurant service facility will not contribute to increased congestion on public or private streets or alleys adjacent to the subject property.

2. The design and location of the drive-through restaurant service 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 properties.

B. Development standards. The development standards in this subsection B shall be used to analyze the adequacy of the design of a drive-through restaurant.

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

2. A drive-through restaurant service facility with a separate ordering point and pick-up window 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.

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

4. A drive-through restaurant service facility shall not be considered as justification for reducing the number of required parking spaces.

5. The minimum width of each drive-through lane is 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.

6. Operation of the drive-through restaurant service facility is restricted to the hours between 7:00 a.m. and 10:00 p.m. when the site is contiguous to residentially zoned or used property, unless the decision-maker approves different hours of operation as a condition of approval of the conditional use permit.

C. Guidelines. The guidelines in this subsection C shall be used in analyzing the adequacy of the design of the drive-through restaurant. The decision-maker may require redesign of a drive-through restaurant to comply with these guidelines.

1. Public address speakers, on-site lighting, and drive-through lanes shall be designed and located such that noise, exhaust fumes, and stray light shall not unreasonable impact adjacent properties.

2. 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.

3. Interior landscaping shall be installed on the site to offset the extensive pavement area devoted to the drive-through lane.

17.228.110 Accessory drive-through service facility.

A. Development standards. An accessory drive-through service facility shall conform to the development standards in this subsection A.

1. A minimum stacking distance of 100 feet shall be provided to each pick-up window or automated machine.

2. A drive-through service facility with a separate ordering point and pick-up window 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.

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

4. 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.

B. Hours of operation. Operation of the accessory drive-through service facility is restricted to the hours between 7:00 a.m. and 10:00 p.m. if the site is contiguous to residentially zoned or used property.

17.228.111 Fraternity house; sorority house; dormitory.

A. Operational standards. Fraternity house, sorority house, and dormitory uses shall conform to the operational standards in this subsection A.

1. Every room used for sleeping purposes shall have not less than 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 50 square feet for each occupant in excess of one.

2. The facility shall provide a common lounge area. The lounge shall be centrally located.

3. A property owner or a manager shall reside on the premises.

B. Modifications. A planning and design commission conditional use permit is required to modify the operational standards stated in subsection A.

17.228.112 Residential hotel.

A. Minimum floor size. Floor size of individual residential hotel units shall be no smaller than 100 gross square feet, exclusive of bathroom facilities, if bathroom facilities are provided within the unit in a separately partitioned area. Units accommodating two persons shall be no smaller than 150 square feet, exclusive of bathroom facilities, if bathroom facilities are provided within the unit in a separately partitioned area.

B. Occupancy. Residential hotel units shall be occupied by no more than two persons, subject to the minimum floor sizes described above.

C. Common dining, lounge and meeting room facilities. All residential hotels shall provide one or more common dining, lounge and meeting room facilities. The minimum total amount of common space provided shall be 10 square feet per unit with a minimum of 150 square feet.

D. Security. Security shall be provided in residential hotels by means of a separate dead bolt and latch lock.

E. Manager's office. Residential hotels with 12 or more units shall be required to have an on-site manager in the form of a resident manager or 24-hour desk service. An office for the manager shall be provided and shall be located near the entry to the residential hotel and have full view of the entry area.

17.228.113 Childcare center.

A childcare center shall conform to the development standards in this section.

A. 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. A masonry wall shall not be required if:

1. The center is separated from a residential zone or residence by an alley;

2. 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; and

3. The proposed center abuts a zone or use other than residential.

B. Outdoor play areas. Outdoor play areas shall be separated from vehicular circulation, parking areas, equipment enclosures, storage areas, and refuse and recycling areas. Play areas shall be adequately fenced.

C. Noise. All indoor or outdoor activity areas anticipated to emit loud noise shall be mitigated to comply with the city's noise ordinance. Outdoor playground areas located in areas where the noise level is greater than the maximum "normally acceptable" level of 70 dB Ldn must be mitigated to comply with this requirement.

17.228.114 Heliport; helistop.

A. A conditional use permit approved by the planning and design commission under section 17.808.200 is required to establish or operate a heliport or helistop at a location other than at an existing airport.

B. Approval of the conditional use permit by the planning and design commission is 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 are conditions of approval of the conditional use permit.

D. Each conditional use permit shall be conditioned on the owner and operator of the heliport or helistop complying at all times with chapter 12.92 and with the rules and regulations governing airports and heliports issued by the California State Department of Transportation Division of Aeronautics (21 California Code of Regulations section 3525 et seq.), including the recommendations contained in the Federal Aviation Administration's Advisory Circular AC 150/5390-2C and all other AC's referenced by or incorporated into the rules and regulations governing airports and heliports issued by the California State Department of Transportation Division of Aeronautics.

E. Rooftop emergency facilities, emergency medical services helicopter landing areas, temporary helicopter landing sites, and emergency use facilities are not heliports, and are allowed in any zone subject to compliance with chapter 12.92 and the state regulations identified in subsection D.

17.228.115 Mobilehome park.

Mobilehome parks shall conform to the operational and development standards in this section.

A. Site area. The minimum site area is five acres.

B. Density. The minimum density is10 mobilehome spaces per acre.

C. Use. No mobilehome shall be used for any purpose other than residential occupancy. No commercial enterprise shall be carried on within the confines of a mobilehome park other than that allowed by the zoning of the property on which the use is located or such other use as may be specified in the conditional use permit.

D. Site standards.

1. Front and street side-yard setbacks. If the zoning district in which a mobilehome park is located requires a front or street side-yard setback, the setback shall be provided and shall be permanently landscaped and maintained with groundcover, trees, and shrubs.

2. Interior side yard setback. The minimum interior side-yard setback is 15 feet.

3. Rear yard setback. The minimum rear yard setback is15 feet.

4. Screen planting. All minimum interior side yard and rear yard setbacks shall have a minimum of a 10-foot wide planting area of groundcover, trees and shrubs to act as a screen between the mobilehome park and abutting residential uses.

5. Access points. Access points shall be controlled through review of plans submitted on each individual conditional use permit application.

6. Lighting. Lighting shall consist of street electrolier type rather than flood lighting.

7. Driveways. All driveways and interior access streets shall be surfaced with a minimum of three inches of Portland cement or a minimum of two inches, after compaction, of hard, durable plant mix asphalt paving, over four inches of aggregate base rock in accordance with standard specifications adopted by the city. All driveways and interior access streets shall be surfaced and graded so that the drainage for the mobilehome park drains to a centrally-located drain or system of drains connected to the nearest storm sewer or other system of drainage approved by the planning director.

8. Fencing. A fence not less than five feet in height shall be erected along all interior side and rear lot lines and along street setback lines.

9. Accessory buildings or structures. No accessory building or structure shall be erected or maintained in any required minimum setback area.

E. Mobilehome space standards. The site standards in this subsection E apply to each mobilehome space within a mobilehome park.

1. Space size. The average mobilehome space shall not be less than 1,750 square feet with no space to be less than 1,000 square feet.

2. Setbacks. The minimum front, side, and rear yard setback for each mobilehome space is five feet.

3. Landscaping. All minimum setback areas shall be permanently landscaped and maintained with groundcover, trees, and shrubs.

4. Accessory buildings or structures. No accessory building or structure shall be erected or maintained in any required minimum setback area for any individual mobilehome space.

17.228.116 Conditions on use of railroad rights-of-way.

A. A railroad right-of-way may be used for railroad tracks or spur tracks.

B. Loading and unloading platforms or structures may be located on a railroad right-of-way only if:

1. The abutting property is located within a C-4 or M zone; and

2. No residential zoning is within 300 feet of the facility on the same side of the right-of-way.

C. Railroad right-of-way located in the central city between B Street on the north, the north side of the R Street light rail tacks on the south, 19th Street on the west, and 20th Street on the east may be used for surface off-street vehicle parking facilities. The development standards in section 17.608.040, chapter 17.612, or in any other section of this title shall not apply to surface off-street vehicle parking facilities located in the railroad right-of-way in this area.

17.228.117 Multi-unit dwellings.

A. Maintenance and repair. 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.

B. Operational standards. The operational standards in this subsection B apply to multi-unit dwellings:

1. For projects of 15 or more dwelling units, a manager shall reside on-site;

2. The owner or operator shall post and maintain signage on the premises that provides the phone number to contact maintenance and management staff, which signage is subject to approval by the planning director;

3. The owner or operator shall conduct periodic inspections, not less than monthly, of the exterior of all buildings, trash enclosures, and recreation facilities;

4. The owner or operator shall establish and conduct a regular program of routine maintenance for the property. The program shall include common areas and scheduled repainting, replanting, and other similar activities that typically require attention at periodic intervals but not necessarily continuously. The owner or operator shall repaint or retreat 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;

5. The owner or operator shall maintain landscaping and irrigation in a healthy and serviceable condition; and

6. The owner or operator shall indicate and maintain all locations of parking stalls for disabled access and strictly enforce applicable rules.

C. Modifications. A zoning administrator conditional use permit is required to waive or modify the operational standards in subsection B.

17.228.118 Special uses in the C-2 zone.

A. Outdoor storage. Outdoor storage of any inventory or supplies in view of any public right-of-way is prohibited, except for auto and mobilehome sales, rental, and storage uses. Outdoor storage or parking of vehicles overnight for auto service or repair uses is prohibited.

B. Operating standards. Auto service or repair work performed within 300 feet of property used or zoned for residential purposes shall not be conducted before 6:00 a.m. or after 10:00 p.m. All such work shall be performed within a building.

17.228.119 Superstore.

A. The requirement for a conditional use permit for a superstore applies to proposals to construct a new building or structure for a superstore, and it applies to proposals to utilize an existing building or structure for a superstore.

B. Upon submittal and acceptance of an application for a conditional use permit for a superstore, and in addition to all other requirements of this title relating to applications for conditional use permits, an Economic Impact Analysis ("EIA") shall be prepared for the project. The EIA shall be prepared by the city or by a qualified entity or consultant selected and retained by the city, the cost of which shall be an expense of the applicant. The EIA shall not be prepared by or under the direction of the applicant.

C. The EIA shall analyze the potential economic impacts of the proposed superstore and shall include at least the following information:

1. A survey of existing retail stores in the city reasonably likely to be impacted or materially affected by the proposed superstore. A survey of the number of persons employed by existing retail stores in the city, and estimate of the number of persons who will likely be employed by the proposed superstore, and an analysis of whether the proposed superstore will result in a net increase or decrease of jobs in the city;

2. A survey of the wage and benefit differentials, if any, between the proposed superstore and existing retail stores in the city;

3. An analysis of the effects of the proposed superstore on retail sales and whether there will be a net increase or decrease in net retail sales in the city; and

4. An analysis of the sales tax revenues that are likely to be generated by the proposed superstore, and an analysis of the effect of the proposed superstore on sales tax revenues generated by existing retail stores in the city, including an analysis of the sales tax revenues that are likely to be lost by existing retail stores in the city, either due to loss of business or from closure.

D. The EIA shall be considered by the planning and design commission at the time of consideration of the conditional use permit application.

17.228.120 Fuel storage yard.

A. No fuel storage yard shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone or residential use.

B. Notwithstanding chapters 17.216 and 17.220, a planning and design commission conditional use permit is required to establish a fuel storage yard that:

1. Is located on a parcel that is greater than two acres;

2. Contains one or more tanks of 500 gallon or greater capacity containing liquefied or compressed flammable or combustible gases;

3. Generates or manufactures liquefied or compressed flammable or combustible gases on the site; and

4. Distributes liquefied or compressed flammable or combustible gases in containers with a capacity of greater than 20 gallons.

17.228.121 Check-cashing center.

A. Locational requirements. In addition to the other requirements for approval of a conditional use permit, no conditional use permit shall be issued or approved for a check-cashing center unless the proposed location satisfies all of the following locational requirements:

1. No check-cashing center shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any other check-cashing center; church or faith congregation; school, K-12; childcare center; or financial institution including a state or federally chartered bank, savings association, or credit union.

2. No check-cashing center shall be established or located within 500 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone or residential use.

3. Only those uses lawfully established as of the date that the application for a check-cashing center conditional use permit is determined or deemed to be complete shall be considered for purposes of determining whether the locational requirements are met.

B. Hours of operation. Operation of the check-cashing center shall be restricted to between the hours of 7:00 a.m. and 7:00 p.m. unless different hours of operation are approved by condition of the conditional use permit.

C. Operational considerations. The application for a conditional use permit for a check-cashing center shall include a security plan, sign program, lighting plan, and good neighbor policy. In its review of the conditional use 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 conditional use permit, shall impose conditions as it finds necessary or appropriate to ensure that the check cashing

center is not operated in a manner that will be detrimental to the public health, safety, or welfare, or that will result in the creation of a nuisance.

D. Discontinuance. Notwithstanding the provisions of section 17.808.410, if the operation of a check-cashing center is discontinued for a continuous period exceeding one year, the conditional use permit expires for discontinuance of use and thereafter is void.

17.228.122 Community garden.

A. Fencing. Notwithstanding section 17.620.120, the development, improvement, or use of a lot for a community garden shall not require the provision of a solid wall along property lines abutting a residential zone or use.

B. On-site sales. A community garden may include the incidental on-site sale of fruits, vegetables, flowers, or herbs grown in the community garden.

17.228.123 Solar energy system, commercial (non-city property).

Notwithstanding section 17.808.410, if the operation of a solar energy system, commercial (non-city property) is discontinued for a continuous period exceeding one year, the conditional use permit expires for discontinuance of use and thereafter is void. Upon expiration of the conditional use permit, the solar energy system and all related equipment and accessory structures shall be removed from the site.

17.228.124 Community market.

A. A community market shall conform to the development standards in this subsection A.

1. The use shall be located on an improved surface, such as a parking lot. If located in a parking lot the use shall not be located in any required parking or maneuvering areas.

2. The use shall not be larger than 500 square feet in area. The perimeter of the community market shall be designated by a temporary barrier such as tape, rope, temporary fencing, bollards, or cones;

3. The community market shall operate not more than one day out of the week for a maximum of five consecutive hours. The community market may operate only between the hours of 8:00 a.m. and 7:00 p.m.; and

4. One sign is permitted. The sign shall be a portable sign, and may be an A-frame. The sign, including supports, shall fit into an area of not more than four feet in height, three feet in width, and three feet in depth.

B. If the market does not conform to the development standards stated in subsection A, the market is an outdoor market.

17.228.125 Model home temporary sales office.

A. Administrative permit. A model home temporary sales office for a new subdivision requires the issuance of an administrative permit. The permit shall be obtained prior to issuance of a building permit for a model home temporary sales office.

B. Application. The applicant shall submit the following documents with the application:

1. Floor plans and elevations of each unit to be used as a model home or sales office;

2. An overall site plan and landscape plan of the complex, including off-site parking facilities and outdoor lighting, if any;

3. A copy of the subdivision map; and

4. A sign program that conforms to chapter 15.148.

C. Off-site parking. Any off-site parking facility shall conform to chapters 17.608 and 17.612, except as follows:

1. If the off-site parking facility is adjacent to the public right-of-way, the required landscaped planter shall have a minimum width of four feet.

2. The parking lot tree shading requirements in section 17.612.040 do not apply to the off-street parking facility.

D. Term. The model home temporary sales office permit shall be valid for two years from the date of its issuance and may be renewed for additional one-year periods.

E. Other requirements. All buildings and structures associated with the model home temporary sales office shall comply with all height and area requirements of the zoning district in which it is located. The model home temporary sales office shall be located so as to be easily accessible from existing improved streets during construction of the model home and not more than 300 feet from the nearest existing source of water supply for fire-fighting purposes.

F. Restoration. Upon expiration of the model home temporary sales office permit, or at the time the model unit is no longer used for display or as a sales office, all pavement used for a parking area shall be removed, and all signage associated with the marketing of the subdivision shall be removed.

17.228.126 Temporary commercial building.

A. Administrative permit. A temporary commercial building intended to be used for not more than one year while the commercial use's permanent location is prepared for occupancy requires the issuance of an administrative permit. The temporary commercial building shall be located in up to two trailers or modular buildings and must be located within 300 feet of the commercial use's permanent building or tenant location.

B. Application. The applicant shall submit the following documents with the application:

1. Floor plans and elevations of the trailer or modular building;

2. An overall site plan and landscape plan, including off-site parking facilities and outdoor lighting, if any;

3. A sign program that conforms to chapter 15.148.

C. Off-site parking. Any off-site parking facility shall conform to chapters 17.608 and 17.612, except as follows:

1. If the off-site parking facility is adjacent to the public right-of-way, the required landscaped planter shall have a minimum width of four feet.

2. The parking lot tree shading requirements in section 17.612.040 do not apply to the off-street parking facility.

D. Term. The temporary commercial building permit shall be valid for one year from the date of its issuance and may be renewed for up to an additional one-year period.

E. Other requirements. The trailer or modular building shall comply with all height and area requirements of the zoning district in which it is located. The temporary commercial building shall be located so as to be easily accessible from existing improved streets during construction of the associated permanent building or tenant space and not more than 300 feet from the nearest existing source of water supply for fire-fighting purposes.

F. Restoration. Upon expiration of the temporary commercial building permit, all temporary pavement used for a parking area shall be removed, and all signage associated with the temporary commercial building shall be removed.

Article II. Home Occupations

17.228.200 Intent and definition.

A. The intent of these regulations is to reduce and control the impact of a home occupation so that its effects on a neighborhood are undetectable from normal and usual residential activity.

B. For purposes of this chapter, the term “permitted residence” means the dwelling unit (including accessory structures) for which a home occupation permit is issued under this chapter.

17.228.210 Home occupations requiring administrative permit.

The following occupations are permitted with an administrative permit. The application for an administrative permit for a home occupation shall include a signed declaration of the applicant confirming that all of the special conditions stated in this section, and the general conditions stated in section 17.228.230 that are applicable to the proposed occupation, will be satisfied.

A. General office uses, such as accountant, administrative assistant, answering service, appraiser, architect, attorney, bookkeeper, broker or agent (real estate, insurance, etc.), counselor, consultant, drafting service, engineer, interior decorator, secretarial service, word processing service, and other office uses whose characteristics are substantially similar to those listed, as determined by the zoning administrator.

B. Commission merchant, direct sale product distribution, internet, or mail order business.

C. Dressmaker, tailor, fashion designer.

D. Mobile vehicle glass installation and mobile vehicle detailing, subject to the following special conditions:

1. Vehicle detailing is limited to cleaning the exterior and/or interior passenger area and truck area of a vehicle. It includes washing, waxing, and polishing the vehicle and cleaning the interior carpet and upholstery. Cleaning under the hood of a vehicle (including engine cleaning and engine steam cleaning), painting, tinting, or dying the vehicle or parts of the vehicle is prohibited.

2. No installation of glass or vehicle detailing work is allowed at the permitted residence.

3. If the installation or detailing work is to be performed on a vehicle at a location in a residential zone, the vehicle must be registered to a current occupant of the premises where work is performed.

4. The elapsed time for the installation or detailing work may not exceed a continuous 48 hours.

5. Installation or detailing work may not be performed on more than two vehicles at one time on the same premises.

6. Installation or detailing work may not be performed on a public street.

E. Pet services, such as pet sitting, pet grooming, pet training, and veterinarian care, subject to the following special condition: pet services shall not be conducted at the permitted residence.

F. Contractor, handyperson, janitorial service, landscape contractor, and gardening service, subject to the following special conditions: the permitted residence may contain only an office related to the occupation. No employees may report to the permitted residence for work assignments. One employee who is a nonresident of the permitted residence may work at the permitted residence as provided in section 17.228.230.A.4.

G. Artist.

H. Tutoring, subject to the following special condition: if tutoring is conducted at the permitted residence, all tutoring must be conducted inside the residence.

I. Small equipment, appliance, and computer assembly, repair, or reconstruction, subject to the following special conditions: there shall be no pickup or delivery of items to the permitted residence by the public. All storage, assembly, repair, and reconstruction work shall be performed within an enclosed building. The equipment, appliances, and computers assembled, repaired, or reconstructed at the permitted residence shall not exceed six feet in height, six feet in length, six feet in width, 100 pounds in weight, or five horsepower. No more than 12 pieces of equipment, in any condition, shall be on-site at the permitted residence at any one time.

J. Healing arts professional, including physician, surgeon, chiropractor, physical therapist, acupuncturist, and somatic practitioner, subject to the following special condition: office visits and treatment shall not occur at the permitted residence.

K. Hair stylist, barber, manicurist.

L. Swimming instructor, subject to the following special condition: swimming instruction shall not be given at or in a swimming pool at the permitted residence.

M. Cottage food operation, as defined in section 113758 of the California Health and Safety Code.

17.228.220 Home occupations requiring conditional use permit.

Except for the prohibited home occupations listed in section 17.228.240, the following home occupations are permitted with a zoning administrator conditional use permit:

A. A home occupation not listed in section 17.228.210;

B. A home occupation listed in section 17.228.210 that does not comply with one or more of the applicable special conditions there listed; and

C. A home occupation that does not comply with the requirements stated in section 17.228.230.

17.228.230 Requirements applicable to all home occupations.

A. Requirements.

In addition to the special conditions and other provisions in sections 17.228.210 and 17.228.220, all home occupations shall satisfy all of the following requirements:

1. All of the requirements stated in this section 17.228.230 shall apply to each permitted residence without regard to the number of home occupation permits issued for the residence.

2. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. The home occupation may be conducted in the principal dwelling or accessory structures on the subject property provided that the area does not exceed 10% of the habitable floor area of the residence, including storage of items used or produced by the home occupation.

3. If the home occupation is conducted in a garage, parking for the permitted residence must still be maintained as required by this title.

4. A total of no more than three persons may be engaged in home occupations at a permitted residence, of which no more than one person may be a nonresident of the permitted residence. The home occupation may have more than one off-site employee or partner if that person does not work at the permitted residence.

5. Unless prohibited by a special condition under section 17.228.210, or by a condition of approval of a home occupation conditional use permit under section

17.228.220, clients or customers are permitted to visit the permitted residence; provided, that on any single day there shall be no more than one client or customer per hour and no more than eight customers or clients visiting the residence in a day. A family unit, such as a parent and one or more children, is considered one client or customer for purposes of this restriction.

6. No more than two home occupation permits shall be granted per dwelling unit.

7. The permitted residence shall comply with all building code standards made applicable to the residence because of the operation of the home occupation.

8. Only one vehicle of a size no larger than one ton shall be permitted in conjunction with a home occupation.

9. There shall be no sign, nameplate, or any other form of advertising displayed at the permitted residence.

B. Waiver of requirements. The zoning administrator shall have the authority to issue a home occupation conditional use permit under section 17.228.220 to waive the requirements set forth in subsection A. of this section.

17.228.240 Prohibited home occupations.

An administrative permit or conditional use permit shall not be issued for any of the following home occupations:

A. A home occupation for an auto service, repair shop. Vehicle glass installation and detailing only are permitted subject to the special conditions listed in subsection D of section 17.228.210.

B. A home occupation for any adult business or adult-related establishment that is subject to the permit requirements of chapter 5.04 of this code.

C. A home occupation that involves a nuisance-producing activity.

D. A home occupation for a towing service or vehicle storage yard.

E. A home occupation that creates noise, odor, dust, vibration, fumes, or smoke readily discernible at the exterior boundaries of the parcel on which the home occupation is situated.

F. A home occupation that will create any electrical disturbance adversely affecting the operation of any equipment located in any other dwelling unit or on property not owned by the person conducting the home occupation.

17.228.250 Permit not transferrable.

An administrative or conditional use permit for a home occupation is valid only for the occupation and the residence for which it is issued.

Article III. Antennas and Telecommunications Facilities

17.228.300 Antenna mounted on existing building or structure.

A. Antenna mounted on existing building or structure - General. Except as provided in subsections B, C, and D, and except for an antenna subject to section 17.228.310 or section 17.228.320, an antenna mounted on an existing building or structure, together with related equipment, is subject to director-level site plan and design review and shall conform to the following development standards:

1. The antenna, and its related equipment, shall not project above the roof parapet or penthouse roof line of the building, or the highest point of the structure to which the antenna is attached, by more than 12 feet.

2. The antenna, and its related equipment, shall not extend out more than six feet from the face of the building or surface of the structure to which is it attached.

3. The antenna panels and all brackets and cables shall be painted to match the building or structure at the point of attachment.

4. The equipment cabinet, if any, is located in one of the following locations:

a. On the roof of, or within, the building or structure on which the antenna is mounted;

b. Within any building located on the same parcel as the building or structure on which the antenna is mounted; or

c. On the ground and outside of any required setback or parking area on the same parcel as the building or structure on which the antenna is mounted.

5. An equipment cabinet located on a building roof shall conform to the requirements for roof-mounted mechanical equipment in chapter 17.600.

B. Antenna mounted on an existing building or structure - Single-unit and duplex dwellings. An antenna shall not be mounted on the exterior of a single-unit or duplex dwelling.

C. Antenna mounted on an existing building or structure - Antenna not visible from adjacent streets or public areas. An antenna mounted on an existing building or structure, together with related equipment, that is not visible from adjacent streets or public areas, is subject to staff-level site plan and design review.

D. Antenna mounted on an existing building or structure – Panel antenna.

1. Site plan and design review.

a. General. Except as provided in subsection b, a panel antenna mounted on an existing building or structure, together with related equipment, is subject to staff-level site plan and design review.

b. Historic resources. A panel antenna mounted on a landmark or on an existing building or structure in a historic district, together with related equipment, is permitted subject to director-level site plan and design review.

2. Development standards. A panel antenna mounted on an existing building or structure, together with related equipment, shall conform with the following development standards:

a. The antenna, and its related equipment, shall not project above the roof parapet or penthouse roof line of the building, or the highest point of the structure to which the antenna is attached.

b. The antenna, and its related equipment, shall not extend out more than 18 inches from the face of the building or surface of the structure to which is it attached.

c. The antenna panels and all brackets and cables shall be painted to match the building or structure at the point of attachment.

d. The equipment cabinet, if any, shall be located in one of the following locations:

i. On the roof of, or within, the building or structure on which the antenna is mounted;

ii. Within any building located on the same parcel as the building or structure on which the antenna is mounted; or

iii. On the ground and outside of any required setback or parking area on the same parcel as the building or structure on which the antenna is mounted.

e. An equipment cabinet located on a building roof shall conform to the requirements for roof-mounted mechanical equipment in chapter 17.600.

17.228.310 Panel antenna and satellite dish located on active high voltage electrical transmission towers.

A panel antenna, or a satellite dish not exceeding 26 inches in diameter, mounted on an active high voltage electrical transmission tower is permitted subject to staff-level site plan and design review, and shall conform to the following development standards:

A. The panel antenna or dish shall not exceed the height of the tower by more than 12 feet.

B. The panel antenna or dish and all brackets and cables shall be painted to match the structure at the point of attachment.

C. The equipment cabinet, if any, is located in one of the following locations:

1. At the base of the tower on which the antenna is mounted;

2. Within any building located on the same parcel as the tower on which the antenna is mounted; or

3. On the ground and outside of any required setback or parking area on the same parcel as the tower on which the antenna is mounted.

17.228.320 Telecommunications tower.

A. Telecommunications tower on residentially zoned lots. A telecommunication tower is prohibited on a residentially zoned lot unless either of the following applies:

1. The residentially zoned lot is developed and used for non-residential purposes; or

2. The residentially zoned lot is owned by a governmental entity.

B. New telecommunications towers.

1. Conditional use permit required. A new telecommunications tower requires approval of either a commission-level or director-level conditional use permit, as follows:

a. Director-level – Replacement monopole. A director-level site plan and design review is required for a new monopole that replaces an existing monopole, does not exceed the height of the existing pole or the maximum height limit in the zone where it is located, and is located in the same or proximate location as the monopole being replaced.

b. Commission-level. A commission-level conditional use permit is required for a new telecommunications tower that is not subject to director-level review.

2. Site plan and design review. A new telecommunications tower is subject to site plan and design review approval at the same level as the conditional use permit.

C. Existing telecommunications towers – Modification. A modification to an existing telecommunications tower is subject to site plan and design review.

D. Development standards.

1. The equipment cabinet, if any, shall be located in one of the following locations:

a. At the base of the tower on which the antenna is mounted;

b. Within any building located on the same parcel as the tower on which the antenna is mounted; or

c. On the ground and outside of any required setback and parking area on the same parcel as the tower on which the antenna is mounted.

Article IV. Recycling Facilities

17.228.400 Recycling facility—General.

A. Zones and permit required. Recycling facilities are permitted in the zones listed in the table below, subject to the permit specified and the other requirements of this chapter:

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 permit
Minor recycling facility	C-4, M-1, M-2, M-1(S), M-2(S)	Zoning administrator conditional use permit
Major recycling facility	C-4, M-1, M-2, M-1(S), M-2(S)	Planning and design commission conditional use permit
Greenwaste facility	A	Zoning administrator conditional use permit
	C-4, M-1, M-2, M-1(S), M-2(S)	Planning and design commission conditional use permit
Temporary recycling at manufacturing facility	C-4, M-1, M-2, M-1(S), M-2(S)	Zoning administrator conditional use permit

B. Permit for multiple sites. A single administrative permit, zoning administrator conditional use permit, or planning and design commission conditional use permit may be approved for more than one facility on more than one site if:

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 or operational standards in this section are met for each such proposed facility.

17.228.410 Operational standards.

A. A facility owner or operator shall remove all litter generated by the recycling operation. The facility owner or operator shall provide litter control at the entrance(s) of the facility and along the street, sidewalk and setback areas adjacent to the facility.

B. A facility owner or operator shall control dust generated from the facility to the maximum extent feasible, subject to the direction of the solid waste manager or designee. Dust control measures may include, but are not limited to, misting systems, water trucks, manual or mechanical sweeping, and use of negative ventilation.

C. A facility owner or operator shall control odors generated by the facility and prevent the migration of odors off-site to the maximum extent feasible, subject to the direction of the solid waste manager or designee. Odor control measures may include misting systems, masking agents, containment and use of negative ventilation. At the request of the solid waste manager or designee, the facility owner or operator shall conduct an odor investigation, provide a written report of the investigation, and correct identified problems.

D. Upon request of a city representative, the facility owner or operator shall attend neighborhood meetings to answer questions about facility operations.

E. Noise levels shall not exceed standards established by the Sacramento City Code.

F. Operating hours shall be between 8:00 a.m. and 7:00 p.m. when located within 200 feet of a residentially-zoned or occupied property. Operating hours for convenience recycling are pursuant to 17.228.430.J.

17.228.420 Development standards applicable to recycling facility types except for convenience recycling.

The following standards apply to new or expanded recycling facilities, except for convenience recycling, that require a conditional use permit. See section 17.228.430 for development standards for convenience recycling.

A. Solid fencing shall be installed and maintained around the site. Fencing shall be a minimum of six feet in height in order to prevent visibility of processing operations and stock piled or processed materials. Fencing shall be installed behind the required landscaped area.

B. All recyclable materials shall be stored in receptacles, within an on-site building, or behind a screened or fenced area to prevent visibility from adjacent roadways and parcels.

C. No portion of the facility activities, operations, storage, or other work shall encroach into the required, landscaped areas, or setback.

D. Any undeveloped area of a site shall be surrounded by a barrier constructed to prohibit access to the area. Barriers may include six-inch minimum barrier curbing, bollards, fencing, or landscaping.

E. All on-site access areas, tipping areas, staging areas, and sorting areas shall be surfaced with asphalt concrete or concrete paving.

F. Signs shall meet the requirements in the sign ordinance for the zone in which the facility is located and must be consistent with the character of the location.

G. No recycling or trash enclosures or receptacle shall be located in any required setback area.

17.228.430 Convenience recycling facility—Administrative permit—Development and operating standards.

A convenience recycling facility requires an administrative permit. The following standards apply to new or expanded convenience recycling facilities.

A. The facility is an accessory use and shall be operated only in conjunction with an existing and operating commercial use or community service facility that is in compliance with all applicable zoning, building, and fire codes of the city and that is located in a convenience zone as defined under the California Beverage Container Recycling and Litter Reduction Act (Public Resources Code section 14500 et seq.).

B. The facility shall be no larger than 500 square feet and, if located in a parking lot, shall occupy no more than five parking spaces not including spaces that will be periodically needed for removal of materials or exchange of the collection receptacles. No parking spaces required for the primary host use may be occupied by the facility.

C. The facility shall be set back at least 10 feet from any street or building on an adjacent parcel and 25 feet from any property zoned or occupied for residential use; shall not be located in any required setback, and shall not obstruct pedestrian or vehicular circulation.

D. The facility owner or operator shall accept only post-consumer recyclable containers comprised of glass, plastic, or metal and commonly found in household generated waste.

E. The facility owner or operator shall not accept scrap metals.

F. Materials may be processed on site, but only within an enclosed structure and only to the extent necessary for volume reduction to accommodate the collection schedule. No power-driven processing equipment may be used except for reverse vending machines and battery-powered compactors. In facilities located within 100 feet of a property zoned or occupied for residential use, transferring glass bottles from one receptacle to another shall be done only within an enclosed structure or shall utilize sound baffles or other acoustical shielding.

G. The facility owner or operator shall use only durable waterproof and rustproof collection receptacles of sufficient capacity to accommodate the materials collected and the collection schedule. The receptacles shall be covered and secured when the attendant is not present. The receptacles shall be clearly marked to identify the type of material which may be deposited.

H. All recyclable material shall be stored in the collection receptacles at all times, and shall not be left outside of the collection receptacles when no attendant is present.

I. The owner or operator shall maintain the facility free of litter and any other undesirable materials and shall sweep the facility at the end of each collection day.

J. Facilities located within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m. Facilities that are operated by an attendant and that are located more than 100 feet of a property zoned or occupied for residential use shall operate only during the hours between dawn and dusk. Unattended facilities located more than 100 feet of a property zoned or occupied for residential use may operate 24 hours a day.

K. Materials shall be removed from the facility on a routine basis. Materials may be collected and transported from the facility and collection receptacles may be delivered only during the facility's hours of operation or between dawn and dusk, whichever is more restrictive.

L. The facility shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.

M. The facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and shall display a notice stating that no material shall be left outside the collection receptacles.

N. The facility shall not impair the landscaping required for any concurrent use by this title or any permit issued pursuant thereto.

O. No parking spaces are required for customers of a convenience recycling facility located in the established parking lot of a host use. One space will be provided for the attendant, if needed.

P. The design and color of the facility shall be compatible with the existing commercial use or community service facility on the site. Improvements may be required to ensure compatibility, including, but not limited to, landscaping, screening, trailer skirting, and parking lot improvements.

Q. A convenience recycling facility that cannot meet the standards listed above shall be considered a minor or major recycling facility subject to the permit specified in 17.228.400.

17.228.440 Temporary recycling at manufacturing facilities.

Temporary recycling operations at manufacturing facilities are permitted with a zoning administrator's conditional use permit in the C-4, M-1, M-2, M-1(S), and M-2(S) zones. Temporary operations must meet the criteria in this section.

A. One temporary permit will be issued for a maximum of 90 days per calendar year for a site qualifying as a manufacturing site. No extensions of time will be permitted per site per calendar year.

B. The proposed site for the temporary permit shall comply with all recycling operation standards in section 17.228.410.

C. All equipment brought in for the temporary recycling operations shall be removed on or before the last day of the temporary permit.

D. Recycling operations are limited to the recycling of on-site materials that result from normal business operations conducted on the site. Off-site materials are not allowed to be accepted for recycling during the temporary recycling period granted.

Article V. High Voltage Transmission Facilities

17.228.500 Purpose and intent.

It is the intent of this article to implement with a single procedure section 12808.5 of the California Public Utilities Code and sections 53091 and 53096 of the California Government Code, which authorize the city to review and to approve or disapprove the location and construction of facilities for the transmission of electrical energy, operating at 100,000 volts or more, such as substations, transmission lines and poles, and accessory structures, by the Sacramento Municipal Utility District. It is the purpose of this article to provide for these facilities in the city in the most compatible and least obtrusive manner, while insuring that electrical energy is made available to every part of the city. The procedural rules in this article are designed to insure that sufficient information is provided in a timely manner to allow the city to make a reasonable and informed decision on applications submitted. The provisions of this article shall not be construed as to interfere with the use of property in any zone for public underground and aerial transmission or supply lines or transmission structures required to provide a service to the immediate area, provided that such lines and structures do not carry 100,000 volts, or more, of electricity.

17.228.510 Definitions.

As used in this article,

“Direct impact” means interference with the use of enjoyment of a person’s property, real or personal, such as visual impacts, noise impacts, and interference with antenna reception.

“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

“High voltage transmission facility.” See definition in section 17.108.090.

“SMUD” means the Sacramento Municipal Utility District.

“Substation” means a facility that transforms electrical energy to a lesser voltage for the purposes of sub-regional or localized distribution, or that functions as a transition point from overhead to underground electrical transmission lines, or that acts as the point of convergence for two or more transmission lines.

17.228.520 Procedures.

A. Permits required. A transmission facilities permit approved by the city council is required to construct and locate a high voltage transmission facility. A transmission facilities permit is a discretionary permit and is not the right of the applicant. Application for a transmission facilities permit is subject to chapter 17.800. The fee for a transmission line is the same as a conditional use permit fee, and the fee for a substation is the same as a rezoning fee.

B. Information to accompany permit application. An application for a transmission facilities permit shall be accompanied by plans and the environmental document prepared and approved by the lead agency pursuant to the California Environmental Quality Act, 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 the following information:

1. The expected electrical requirements, as determined by SMUD, of the areas within the district that will be affected by the project;

2. 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;

3. An assessment of the type and magnitude of the direct impacts of the proposed project and of each alternative;

4. Mitigation measures:

a. The measures to be implemented by SMUD to compensate for or mitigate the direct impacts of the project; and

b. Where any portion of a proposed project is adjacent to residentially zoned or residentially-used property, a discussion of feasible routing alternatives; and

5. 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 its direct impacts.

17.288.530 Approval authority.

A. Commission level – Recommendation.

1. A transmission facilities permit application shall be reviewed by the planning and design commission. The commission shall conduct its hearing on the application within

30 days after the application is filed and accepted as complete. Notice of the hearing shall be given as provided in section 17.812.030, except as follows:

a. Notice shall be given by mail or personal delivery to the owners of property within 500 feet of the property subject to the permit; and

b. If the number of owners to whom notice would be mailed or delivered would be greater than 250, then in lieu of mailed or personally delivered notice, notice may be given by placing a display advertisement of at least one-eighth page in the official newspaper of the city or another newspaper of general circulation within the city reasonably calculated to provide effective notice to the public, at least 10 days prior to the hearing.

2. At the conclusion of the hearing, the commission shall forward its recommendation to the city council or, if no motion to approve a recommendation receives enough votes to pass, shall forward to the city council a report of the votes taken on each motion on the application.

B. Council level. A transmission facilities permit application shall be reviewed by the city council upon receipt of the recommendation or report from the planning and design commission. The city council shall conduct its hearing within 60 days of the date the application is filed and accepted as complete.

17.228.540 Review criteria and findings.

The planning and design commission and the city council shall evaluate an application for a transmission facilities permit in accordance with the intent and purpose statement contained in section 17.228.500 and any applicable land use plans and policies adopted by the city council. The city council's decision shall be based on findings concerning:

A. The consistency of the proposed facilities with the city's general plan and applicable redevelopment and specific plans;

B. Whether there are feasible alternatives to the proposal; and

C. Such other factors related to the public health, safety, and welfare as are included within the policies set forth in section 17.228.550.

17.228.550 Policies.

The policies listed in this section apply to the review of a transmission facilities permit application.

A. Lattice towers along new transmission lines right-of-way or along portions of existing right-of-way utilized for expansion of the transmission system are discouraged.

B. Projects shall incorporate mitigation measures appropriate to the site of a particular project and each transmission line segment of a project whenever feasible, such as undergrounding or rerouting transmission lines to reduce visual impacts and antenna reception interference, reducing the number of poles or towers used for a project, using landscaping to screen or soften the visual impacts of projects, and sound attenuation measures.

C. Substations shall be on other than local or collector streets.

D. Preference shall be given to the location of transmission lines in the following rank order:

1. Within existing SMUD transmission rights-of-way or rights-of-way anticipated for other projects proposed pursuant to this section.

2. Adjacent to railroads or adopted freeway routes.

3. Along or adjacent to major arterial streets where existing or planned uses are commercial or industrial.

4. Adjacent to or through existing or planned commercial, industrial, or agricultural uses.

5. Along arterial streets where residential uses designated in an adopted plan are R-2 or greater density.

6. Through areas where land uses in an adopted plan are predominantly commercial, but include residential uses.

7. Through residential areas, including side and rear yards, irrespective of density.

E. Preference shall be given to the location of substations in the following rank order:

1. Areas designated for industrial or commercial land uses in an adopted plan.

2. Undeveloped areas designated for residential use in an adopted plan.

3. Areas designated agricultural-urban reserve in an adopted plan.

4. Sites designated for residential use in an adopted plan and surrounded by existing residential uses.

Article VI. Temporary Residential Shelters

17.228.600 Small temporary residential shelter.

A. A temporary residential shelter having not more than 24 beds is a “small temporary residential shelter” and is allowed outside of the River District special planning district if all of the location requirements and development standards in sections 17.228.610 and 17.228.620 are satisfied.

B. A planning and design commission conditional use permit is required to establish a small temporary residential shelter in the River District special planning district or if the small temporary residential shelter does not meet all of the location requirements and development standards in sections 17.228.610 and 17.228.620.

17.228.610 Small temporary residential shelter – Location requirements.

A. Small temporary residential shelter serving single adults only.

1. A small temporary residential shelter serving single adults only shall be located more than 1,000 feet from any other temporary residential shelter, measured from property line to property line.

2. Small temporary residential shelter serving single adults only shall be located more than 500 feet from any park, school (K-12), church or faith congregation, or single-unit or duplex dwelling zone in chapter 17.204, measured from property line to property line.

3. Programs may have multiple buildings on a single parcel.

B. All other small temporary residential shelters shall be located more than 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. A small temporary residential shelter shall be located either within 1,000 feet of a designated transit corridor or bus route, or shall provide transportation between the temporary residential shelter and transit lines or services.

17.228.620 Small temporary residential shelter – Development standards.

A. Parking. Off-street parking shall be provided on-site in the ratio of one space for every four adult beds, plus an additional space designated exclusively for the manager.

B. Hours of operation. Regular hours for client intake and discharge shall be posted.

C. On-site personnel. On-site personnel shall be present during hours of operation when clients are present. The manager's area shall be located near the entry to the facility.

D. Lighting. Exterior lighting shall be provided on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.

E. Telephones. A telephone for use by clients shall be provided.

F. Personal property. Secure areas for clients' personal property shall be provided.

G. Waiting area. If client intake occurs on-site, an enclosed or screened waiting area shall be provided on the property to prevent queuing in the public right-of-way. For purposes of this condition, small temporary residential shelters shall have a waiting area consisting of not less than 100 square feet in the same location.

H. Common space. Interior or exterior common or recreational space for clients to congregate shall be provided on the property at a ratio of not less than 15 square feet per occupant and a minimum overall area of 100 square feet. The waiting area does not count as common space.

17.228.630 Large temporary residential shelter.

A. A temporary residential shelter having more than 24 beds is a "large temporary residential shelter" and is allowed with a planning director's conditional use permit if located outside of the River District special planning district and all of the location requirements and development standards in sections 17.228.640 and 17.228.650 are satisfied.

B. A planning and design commission conditional use permit is required to establish a large temporary residential shelter in the River District special planning district or if the large temporary residential shelter does not meet all of the location requirements and development standards in sections 17.228.640 and 17.228.650.

17.228.640 Large temporary residential shelter – Location requirements.

A. Large temporary residential shelter serving single adults only.

1. A large temporary residential shelter serving single adults only shall be located more than 1,000 feet from any other temporary residential shelter, measured from property line to property line.

2. A large temporary residential shelter serving single adults only shall be located and no closer than 500 feet from a park, school (K-12), church or faith congregation, or single-unit dwelling zone, measured from property line to property line.

3. Programs may have multiple buildings on the same parcel.

B. All other large temporary residential shelters shall be situated more than 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. A large temporary residential shelter shall be located either within 1,000 feet of a designated transit corridor or bus route, or shall provide transportation between the temporary residential shelter and transit lines, to the satisfaction of the planning director.

17.228.650 Large temporary residential shelter – Development standards.

A. Parking. Off-street parking shall be provided on-site in the ratio of one space for every five adult beds, plus an additional space designated exclusively for the manager.

B. Hours of operation. Regular hours for client intake and discharge shall be posted.

C. On-site personnel. On-site personnel shall be present during hours of operation when clients are present. The manager's area shall be located near the entry to the facility.

D. Lighting. Exterior lighting shall be provided on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.

E. Telephones. A telephone for use by clients shall be provided.

F. Personal property. Secure areas for clients' personal property shall be provided.

G. Waiting area. If client intake occurs on-site, an enclosed or screened waiting area shall be provided on the property to prevent queuing in the public right-of-way. For purposes of this condition, 200 square feet constitutes 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 or exterior common or recreational space for residents to congregate shall be provided on the property at a ratio of not less than 15 square feet per occupant. The waiting area does not count as common space.

Article VII. Medical Marijuana Dispensary

17.228.700 Definitions.

As used in this article:

"Medical marijuana dispensary registration" or "registration" means a medical marijuana dispensary's registration with the city manager pursuant to Ordinance No. 2009-033.

"Registered medical marijuana dispensary" means a medical marijuana dispensary:

(i) That was properly registered with the city manager pursuant to Ordinance No. 2009-033; and

(ii) That is operating and has operated continuously at the location for which a conditional use permit is requested under this article since at least October 26, 2010; and

(iii) That is organized and operates as a cooperative or a collective within the meaning of Chapter 5.150; and

(iv) The location of which does not meet the location requirements stated in section 17.228.015; and

(v) The owner and operator of which has not been cited or convicted of maintaining a public nuisance or of a public safety violation of state or local law relating to the operation of a medical marijuana dispensary by the city or other governmental law enforcement agency.

"Substance abuse rehabilitation center" means any facility that provides care for persons who have a dependency on alcohol or controlled substances, or both alcohol and controlled substances. This care shall include, but not be limited to, the following basic services: medication, patient counseling, group therapy, physical conditioning, family therapy, and dietetic services. This definition does not include any hospital, city or county jail, or state prison.

"Youth-oriented facility" means any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

17.228.705 Medical marijuana dispensary permit required.

A medical marijuana dispensary must obtain and maintain at all times a valid medical marijuana dispensary permit as required by Chapter 5.150.

17.228.710 Conditional use permit required.

A. A planning and design commission conditional use permit is required to establish or operate a medical marijuana dispensary, except as provided in subsection B, below.

B. A zoning administrator's conditional use 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 in section 17.228.715 are satisfied.

17.228.715 Location requirements.

A. Except as provided in section 17.228.755, the following location requirements apply to all medical marijuana dispensaries. The following location requirements may not be waived or modified by conditional use permit, variance, or site plan and design review approval:

1. No medical marijuana dispensary shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any other medical marijuana dispensary;

2. No medical marijuana dispensary shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone; and

3. No medical marijuana dispensary shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any childcare center, child care, in-home (family day care home), youth-oriented facility, church or faith congregation, substance abuse center, cinema, or tobacco retailer.

4. No medical marijuana dispensary shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any park or school, K-12. Notwithstanding contrary language in this section 17.228.715, and except as otherwise provided by state law, the location requirement for a park or school, K-12 may be modified by a planning and design commission conditional use permit to allow a medical marijuana dispensary to be located 600 feet or more, measured from the nearest property lines of each of the affected parcels, of any park or school, K-12.

B. Only those uses established and in operation as of the date that the application for a medical marijuana dispensary conditional use permit is determined or deemed to be complete shall be considered for purposes of determining whether the location requirements are met.

17.228.720 Conditions of approval.

The zoning administrator or planning and design commission may address development and operational standards through conditions on the conditional use permit as it determines to be necessary or appropriate for the medical marijuana dispensary conditional use 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.

17.228.725 Parking.

Off-street parking shall be provided as required for retail stores under chapter 17.608.

17.228.730 Application.

The application for a conditional use permit for a medical marijuana dispensary shall include a floor plan, site plan, neighborhood context map, and a security and lighting plan.

17.228.735 Findings.

In granting a conditional use permit for a medical marijuana dispensary, and in addition to the findings required by section 17.808.200, the zoning administrator or planning and design commission shall find the following:

A. 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;

B. 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; and

C. The proposed location, size, and other development standards of the medical marijuana dispensary are consistent with state law and this code.

17.228.740 Discontinuance.

Notwithstanding the provisions of section 17.808.200, if a medical marijuana dispensary authorized by a conditional use permit approved under this article is discontinued for a continuous period of one year, the conditional use permit expires for discontinuance of use and thereafter is void.

17.228.745 Pre-existing medical marijuana dispensaries not nonconforming.

No medical marijuana dispensary operating or purporting to operate prior to January 8, 2011, shall be deemed to have been a legally established use under the provisions of this code, nor shall the operation of such dispensary be deemed a legal nonconforming use under this Title 17.

17.228.750 Additional grounds for revocation of medical marijuana dispensary conditional use permit.

In addition to the grounds stated in section 17.808.450 for revocation of a conditional use permit, a conditional use permit for a medical marijuana dispensary may be revoked on either of the following grounds:

A. The medical marijuana dispensary is operated in a manner that violates any of the provisions of state law or this code; or

B. The medical marijuana dispensary does not have a valid medical marijuana dispensary permit required by Chapter 5.150.

17.228.755 Registered medical marijuana dispensaries.

If a conditional use permit is requested and approved for a registered medical marijuana dispensary under this section, the following limitations and requirements shall apply to the conditional use permit, and these limitations and requirements shall control over any other provisions of this title that may conflict:

A. A planning and design commission conditional use permit shall be required for a registered medical marijuana dispensary under this section.

B. The applicant for the conditional use permit must be the same owner or principal named on the medical marijuana dispensary's registration as of July 27, 2010, and must be a managing member of the registered medical marijuana dispensary. The application must be for the registered dispensary's location established as of October 26, 2010.

C. The location requirements stated in section 17.228.715 shall not apply.

D. The conditional use permit shall expire for discontinuance of use and shall thereafter be void if the medical marijuana dispensary ceases operation at any time, voluntarily or involuntarily, for 30 consecutive days.

E. The conditional use permit shall expire and thereafter shall be void if the medical marijuana dispensary fails to obtain a medical marijuana dispensary permit under Chapter 5.150 and commence operation within 90 days of the date of approval of the conditional use permit.

F. The conditional use permit shall become void upon transfer of ownership or management control of the dispensary to another person.

G The conditional use permit shall be deemed automatically revoked upon revocation of the medical marijuana dispensary permit issued under Chapter 5.150.

H. A conditional use permit modification may not be approved to allow an expansion of the registered medical marijuana dispensary.

Chapter 17.232
Nonconforming Uses

17.232.010 Intent.

In the zones established by this title or by amendments later adopted, there exist uses that were lawful before this title was passed or amended but that would be prohibited, regulated, or restricted under the terms of this title or future amendment. The city council declares that nonconforming uses are generally incompatible with permitted uses, and that nonconforming uses shall not be enlarged, modified, or otherwise changed, except as provided in this chapter.

17.232.020 Definitions.

As used in this chapter:

“Change of use” means a change from the existing land use to another land use that is regulated under this title.

“Nonconforming use.” See definition in section 17.108.150.

17.232.030 Change of ordinance or policy that results in a nonconforming use.

A lawful use existing or substantially under construction at the time this title was adopted or amended may be continued although the use does not conform with the current use regulations of the zone in which it is located.

17.232.040 Nonconforming residential use.

A nonconforming residential use may continue in use, may be enlarged to occupy a greater portion of the building or lot on which it is located, and may be relocated to another location on the same lot, but the number of dwelling units within the building may not be increased.

17.232.050 Nonconforming nonresidential use.

A. A nonconforming nonresidential use may continue in use.

B. A commission-level conditional use permit is required to enlarge the nonconforming nonresidential use to occupy a greater portion of the building or lot on

which it is located, or to relocate the nonconforming nonresidential use to another location on the same lot.

17.232.060 Deemed conditional use permit approval.

A. A use that was lawfully established when a conditional use permit was not required, but for which a requirement for a conditional use permit was later adopted, is deemed to have an approved conditional use permit and shall be subject to all of the provisions of this title relating to conditional use permits.

B. This section applies to uses for which a conditional use permit is required under this title that were lawfully established on property at the time the property was annexed to the city.

17.232.070 Deemed site plan and design review permit approval.

A. All development that existed on the effective date of the ordinance that first adopted this title as the Planning and Development Code of the City of Sacramento shall be deemed to have an approved site plan and design review permit with respect to the architectural design, site design, and other features of the development that are within the scope of site plan and design review under chapter 17.808. Any features that do not conform to design guidelines and development standards applicable to the development on that date are deemed to have approval of a deviation from those design guidelines and development standards as provided in chapter 17.808. The continued use of development subject to a deemed approved site plan and design review permit or a deemed approved deviation from applicable design guidelines or development standards is subject to all of the provisions of this title relating to site plan and design review.

B. Development with a new or a deemed approved site plan and design review permit that, because of a change in zoning designation or amendment to adopted design guidelines or development standards, no longer conforms with the design guidelines or development standards applicable to the development, is deemed to have approval of a deviation from those design guidelines or development standards. The continued use of the development is subject to all of the provisions of this title relating to site plan and design review.

C. This section applies to all development at the time the development is annexed to the city.

17.232.080 Deemed variance approval.

A. Any lawfully established development that, because of a change in zoning designation or amendment to adopted design guidelines or development standards, no longer conforms with the design guidelines or development standards applicable to the development and requires a variance, is deemed to have an approved variance and is subject to all of the provisions of this title relating to variances.

B. This section applies to developments for which a variance is required under this title at the time the property is annexed to the city.

17.232.090 Change from a nonconforming use to another nonconforming use.

A. Conditional use permit required. A zoning administrator conditional use permit is required to change an existing nonconforming use to another nonconforming use. The zoning administrator may approve the conditional use permit based on the finding that the proposed nonconforming use is similar to, or less intensive than, the existing nonconforming use, in addition to the findings required by section 17.808.200.

B. Establishment of use. Notwithstanding section 17.808.400, a conditional use permit for a change to another nonconforming use expires and is thereafter void if the new nonconforming use is not established within six months of the effective date of approval, unless a different date is specified by condition of approval.

C. Discontinuance of previous nonconforming use. At the time a new nonconforming use is legally established and replaces another nonconforming use, all rights to continue the prior nonconforming use expire.

17.232.100 Discontinuance of a nonconforming use.

A. Expiration for discontinuance of use. Except as provided in subsections C and D, if a nonconforming use is discontinued for a continuous period exceeding one year, the right to continue the nonconforming use expires for discontinuance of use.

B. Expiration of deemed conditional use permit. Except as provided in subsections C and D, if the use authorized by a deemed conditional use permit is discontinued for a continuous period exceeding one year, the deemed conditional use permit expires for discontinuance of use and is thereafter void.

C. Temporary suspension of expiration pending application for change of use.

1. For purposes of this chapter, a nonconforming use for which an application to change from one nonconforming use to another nonconforming use is timely filed under section 17.232.090 is considered to have been discontinued from the date that the prior

nonconforming use ceases until the date that an application to change from one nonconforming use to another nonconforming use is filed. The time of discontinuance of the nonconforming use resumes, and is considered to have been continuous, on the date a decision on the application is final.

2. If the application to change from one nonconforming use to another nonconforming use is denied and less than 30 days remain of the one-year period resulting in expiration for discontinuance of use, additional applications may be filed not later than 30 days from the date of denial of the prior application. For purposes of this subsection, the date of denial shall be the date the decision becomes final.

D. Extension of time. A zoning administrator conditional use permit is required to extend the period of time that a nonconforming use or a use authorized by a deemed conditional use permit may be discontinued before it expires for discontinuance of use under subsection A and B. The conditional use permit application to extend time shall be filed prior to the expiration of the nonconforming use for discontinuance of use.

17.232.110 Re-establishment of prior nonconforming use.

A zoning administrator conditional use permit is required to re-establish a prior nonconforming use after the nonconforming use expires for discontinuance of use. The use may be re-established only if the building, structure, or lot used for the prior nonconforming use has been vacant continuously from the time the nonconforming use was discontinued until the time the use is re-established under the conditional use permit.

17.232.120 Nonconforming adult entertainment uses.

The following regulations apply to nonconforming adult entertainment uses, in addition to the other requirements of this chapter.

A. All adult bookstores, adult cabarets, adult motion picture theaters, adult arcades and adult hotel-motels legally established or in legal existence prior to December 6, 1983 (Ord. 83-145), are deemed nonconforming and may continue to operate subject to the provisions of this chapter.

B. A legally established adult bookstore, adult cabaret, adult motion picture theater, adult arcade, or adult hotel-motel shall not be deemed nonconforming solely by virtue of the subsequent creation or expansion of any use or zone designated in Divisions II, III, and IV.

17.232.130 Listed historic resource.

A listed historic resource may be used for a use not permitted in the zoning district where the historic resource is located with a zoning administrator conditional use permit. The zoning administrator may approve the conditional use permit based on the findings required in section 17.808.200 and the following:

A. The proposed use provides a demonstrable benefit toward the preservation of the listed historic resource; and

B. The public benefits of the preservation of the listed historic resource as derived from the proposed nonconforming use outweigh the public benefits that would result from the action that would be required for the use to be brought into, or remain in, conformance.

Division III
Overlay Zones

Chapter 17.300
Overlay Zones Generally

17.300.010 Purpose and definition.

An overlay zone is a zoning district that encompasses one or more underlying zones and imposes additional or alternate requirements to those of the underlying zone. Overlay zones deal with special situations that are not appropriate to a specific district or that apply to several zones.

Chapter 17.304

Ascot Avenue (AOL) Overlay Zone

Development in the Ascot Avenue (AOL) overlay zone is subject to the requirements of the underlying zone.

Chapter 17.308

Building Conservation (BC) Overlay Zone

Development in the Building Conservation (BC) overlay zone is subject to the requirements of the underlying zone.

Chapter 17.312

Executive Airport Overlay Zone (EA-1 through EA-4)

17.312.010 Purpose.

The purpose of this chapter is to help protect the health, safety, and general welfare of people in the vicinity of the Sacramento Executive Airport and to improve air navigation safety. More specifically, this chapter is intended to provide for the sensible growth and maintenance of the airport environs, and to effectuate the policies reflected in the Airport Land Use Commission Law in California Public Utilities Code section 21670 et seq., and the Executive Airport Comprehensive Land Use Plan ("CLUP") as revised by the Airport Land Use Commission in May 1998 and May 1999. Some existing development in the area surrounding the Sacramento Executive Airport is inconsistent with the compatibility guidelines set forth in the CLUP and in this chapter. The CLUP and this chapter are primarily directed at preventing new problems of land use incompatibility, rather than removing existing incompatible uses. Existing incompatible land uses may continue notwithstanding other requirements of this chapter. However, with the exception of those uses identified in section 17.312.100, no incompatible land use may be expanded or changed to another incompatible land use.

17.312.020 Sacramento Executive Airport property development.

Any proposal to construct, enlarge, or alter any building, structure, or related facility that is occupied or proposed to be constructed for occupancy on land leased by the county of Sacramento at the Sacramento Executive Airport shall be referred to the county director of airports. The county director of airports shall confer, coordinate, review, and act on such proposals with the planning director. All proposals shall be reviewed for conformity with adopted plans for the Sacramento Executive Airport and all agreements relating thereto between the city and county of Sacramento. Upon an affirmative recommendation from the planning director, the county director of airports has authority under this chapter to approve the proposal.

17.312.030 Definitions

Unless otherwise stated, as used in this chapter the words and terms below have the following meanings:

"Height of a structure" means the vertical distance from the average elevation of the finished lot grade to the high point of the structure. Roof-top mechanical equipment, whether or not housed in a penthouse, is not included in this measurement.

"Shopping center" means a group of five or more architecturally unified commercial establishments, managed as a unit, and with common off-street parking and vehicular access points.

“Structural lot coverage” means that portion of a lot covered by all structures on the same lot. For the purposes of this definition, a shopping center shall be considered a single lot.

17.312.040 Restrictive categories.

A. General.

1. Three categories of land use restrictions are included in the Executive Airport Comprehensive Land Use Plan:

    a. Height restrictions (protecting the navigable airspace around airports for aircraft safety);

    b. Noise compatibility (minimizing the number of people exposed to noise from aircraft operations); and

    c. Safety of persons on the ground (minimizing the number of people exposed to hazards related to aircraft operations and accidents).

2. Airport planning boundaries define areas where height, noise, or safety restrictions are imposed.

    a. Height standards for defining obstructions to air navigation are established by the Federal Aviation Administration (FAA) and are defined in Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace.

    b. Noise restrictions are governed by California Administrative Code, title 21, subchapter 6.

    c. Airport safety areas are determined by the airport land use commission. The total area encompassed by these three sets of boundaries is referred to as the “airport area of influence.”

B. Height standards.

1. Height restrictions are necessary to ensure that objects will not impair flight safety or decrease the operational capability of the airport. Any object or structure that would penetrate any of the imaginary surfaces (defined below) is considered by the Federal Aviation Authority (FAA) to be an obstruction to air navigation. Height guidelines for determining if an object is an obstruction to air navigation are set forth in Federal Aviation Regulation (FAR) Part 77.

2. Any proposed new construction or expansion of existing structures that would penetrate any of the imaginary surfaces, as adopted by the airport land use commission, is deemed to be an incompatible land use unless either the FAA has determined that the proposed structure does not constitute a hazard to air navigation or the Caltrans Aeronautics Program has issued a permit allowing construction of the proposed structure. Process and requirements of these agencies are identified in the Executive Airport Comprehensive Land Use Plan (as amended 1998).

C. Noise restrictions. The state of California has established noise standards in the California Code of Regulations, title 21, subchapter 6, which designate the community noise equivalency level (CNEL) as the noise rating method to be used at airports in California.

1. The state has deemed the following land uses incompatible within the noise contours adopted for the Sacramento Executive Airport of 65 dB CNEL: residential dwellings; public and private schools; hospitals and convalescent homes; churches, synagogues, temples, and other places of worship.

2. State Building Code, Part 2, Title 24, Section 3501, establishes a standard that limits noise to 45 dB CNEL, in any habitable room in affected dwellings. For residential dwellings, other than detached single-unit dwelling, in areas having an airport-caused CNEL greater than 60 dB, the code requires an acoustical study showing that the structure has been designed to meet the interior standard of 45 dB CNEL.

D. Safety areas. Airport safety areas are established to minimize the number of people exposed to aircraft crash hazards. This is accomplished by placing restrictions on land uses in various safety areas. Land use compatibility is determined by comparing proposed land uses against height, noise, and safety guidelines. Proposed land uses must be compatible with each.

17.312.050 Executive Airport (EA) Overlay Zones.

A. The EA designation appearing after a land use classification on the official zoning map means the property is subject to the requirements and restrictions set forth in this chapter in addition to those of the underlying zone. If a provision in this chapter conflicts with another provision in this title, the most restrictive provision applies. Airport safety areas are established to minimize the number of people exposed to aircraft crash hazards. This is accomplished by placing restrictions on land uses in various safety areas.

B. The EA designation is applied to the area included within the four airport zones, as generally delineated on Figure 11 of the 1999 CLUP (Exhibit A at the end of this chapter). The four safety areas are: the clear zone; the approach-departure zone 1; the approach-departure zone 2; and the overflight zone. The clear zone (EA-1) is

near the end of the runway and is the most restrictive. The approach-departure zones (EA-2, EA-3) are located under the takeoff and landing slopes and are less restrictive. The overflight zone (EA-4) is the area under the traffic pattern and is the least restrictive.

17.312.060 Land use compatibility guidelines for safety.

The “Land Use Compatibility Guidelines for Safety” table below is adopted for the determination of compatible land uses in the airport area of influence. A “yes” on the table indicates that the use is permitted in the particular zone; a “no” indicates that the use is prohibited in the particular zone; a footnote after a “yes” indicates the use is permitted subject to the limitations stated in that footnote.

Sacramento Executive Airport Land Use Compatibility Guidelines for Safety				
Land Use Category (Standard Industrial Classification Code)	**Clear Zone (EA-1)**	**Approach-Departure Zone 1 (EA-2)**	**Approach-Departure Zone 2 (EA-3)**	**Overflight Zone (EA-4)**
Residential[1]				
Single-unit dwelling	No	Yes[1]	Yes[1]	Yes
Duplex dwelling	No	No	No	Yes
Multi-unit dwelling (3+ units)	No	No	No	Yes
Group quarters and rooming houses (702, 704)	No	No	No	Yes
Mobilehome parks or courts (6515)	No	No	No	Yes
Manufacturing				
Food and kindred products (20)	No	Yes[2,4]	Yes	Yes
Textiles and apparel (22, 23)	No	Yes[2,4]	Yes	Yes
Transportation equipment (37)	No	Yes[2,4]	Yes	Yes
Lumber and wood products (24)	No	Yes[2,4]	Yes	Yes
Furniture and fixtures (25)	No	Yes[2,4]	Yes	Yes
Paper and allied products (26)	No	Yes[2,4]	Yes	Yes
Printing and publishing (27)	No	Yes[2,4]	Yes	Yes
Chemicals and allied products (28)	No	No	No	Yes
Asphalt paving and misc. petroleum (295, 299)	No	No	No	Yes
Petroleum refining (2911)	No	No	No	No
Rubber and plastics (30)	No	No	No	No
Stone, clay, glass, and concrete products (32)	No	Yes[2,4]	Yes	Yes
Primary and fabricated metals (33, 34)	No	Yes[2,4]	Yes	Yes
Electrical and electronic equipment (36)	No	Yes[2,4,13]	Yes[13]	Yes[13]
Leather products (31)	No	Yes[2,4]	Yes	Yes

Sacramento Executive Airport Land Use Compatibility Guidelines for Safety				
Land Use Category (Standard Industrial Classification Code)	**Clear Zone (EA-1)**	**Approach-Departure Zone 1 (EA-2)**	**Approach-Departure Zone 2 (EA-3)**	**Overflight Zone (EA-4)**
Industrial, commercial and computer equip. (35)	No	Yes[2,4,13]	Yes[13]	Yes[13]
Photo, optical and medical equipment (38)	No	Yes[2,4]	Yes	Yes
Miscellaneous manufacturing (39)	No	Yes[2,4]	Yes	Yes
Transportation, Communications and Utilities				
Streets, roads, and highways	No	Yes	Yes	Yes
Heavy rail lines: freight and passenger (40)	No	Yes[2,4]	Yes	Yes
Light rail lines: passenger (41)	No	Yes[2]	Yes	Yes
Trucking and rail freight terminals (42)	No	Yes[2,4]	Yes	Yes
Warehousing and storage (422)	No	Yes[2,4]	Yes	Yes
Passenger terminals and stations	No	No	No	Yes
Water transportation: freight and passenger (44)	No	Yes[2]	Yes	Yes
Parking lots (752)	No	Yes[2]	Yes	Yes
Transportation services (47)	No	Yes[2,5]	Yes5	Yes
Radio, TV, and telephone (48)	No	Yes[2,13]	Yes[13]	Yes[13]
Courier service (4215)	No	Yes[2]	Yes	Yes
Electrical and natural gas generation and switching (491, 492)	No	No	No	Yes[13]
Natural gas and petroleum pipelines and storage (46)	No	No	No	Yes
Water treatment plants (494)	No	No	No	Yes[6]
Sewer treatment plants (4952)	No	No	No	Yes[6]
Sanitary landfills (4953)	No	No	No	Yes[6]

Sacramento Executive Airport Land Use Compatibility Guidelines for Safety				
Land Use Category (Standard Industrial Classification Code)	**Clear Zone (EA-1)**	**Approach-Departure Zone 1 (EA-2)**	**Approach-Departure Zone 2 (EA-3)**	**Overflight Zone (EA-4)**
Recycling and transfer facilities (4953)	No	Yes[2,6]	Yes[6]	Yes[6]
Hazardous material facilities (4953)	No	No	No	Yes[6]
Wholesale Trade				
Paints, varnishes, and supplies (5198)	No	Yes[2,4]	Yes[4]	Yes
Chemicals and allied products (516)	No	Yes[2,4]	Yes[4]	Yes
Petroleum terminals and wholesalers (517)	No	Yes[2,4]	Yes[4]	Yes
Miscellaneous wholesale trade (50, 51)	No	Yes[2,4]	Yes[4]	Yes
Retail Trade				
Department and variety stores (single) (53)	No	Yes[2]	Yes[2]	Yes
Lumber, building materials, and nurseries (521, 526)	No	Yes[2]	Yes[2]	Yes
Grocery and drug stores (54)	No	Yes[2]	Yes[2]	Yes
Paint, glass, wallpaper, and hardware (523, 525)	No	Yes[2]	Yes	Yes
Auto, truck, boat, and RV dealers (55)	No	Yes[2]	Yes	Yes
Mobile home dealers (527)	No	Yes[2]	Yes	Yes
Auto and truck service stations (554)	No	Yes[2]	Yes	Yes
Fuel dealers (598)	No	No	No	Yes
Apparel and shoes (56)	No	Yes[2]	Yes	Yes
Home furnishings (57)	No	Yes[2]	Yes	Yes
Bar; cocktail lounge	No	Yes[15]	Yes[15]	Yes
Ice cream parlor (with table service or serving meals)	No	Yes[15]	Yes[15]	Yes

Sacramento Executive Airport Land Use Compatibility Guidelines for Safety				
Land Use Category (Standard Industrial Classification Code)	**Clear Zone (EA-1)**	**Approach-Departure Zone 1 (EA-2)**	**Approach-Departure Zone 2 (EA-3)**	**Overflight Zone (EA-4)**
Lunch room—coffee shop	No	Yes[15]	Yes[15]	Yes
Restaurant	No	Yes[15]	Yes[15]	Yes
Miscellaneous retail trade (59)	No	Yes[2]	Yes[2]	Yes
Business and Personal Services				
Auto, truck, boat, RV and miscellaneous repair (75, 76)	No	Yes[2]	Yes	Yes
Mobile home repair (1521)	No	Yes[2]	Yes	Yes
Commercial laundries and cleaning (721)	No	Yes[2]	Yes	Yes
Coin-operated laundries (7215)	No	Yes[2]	Yes	Yes
Photographers, beauty and barber, shoe repair (722, 725)	No	Yes[2]	Yes	Yes
Funeral services (726)	No	No	No	Yes
Business services (73)	No	Yes[2]	Yes	Yes
Computer programming/data processing (737)	No	Yes[2]	Yes	Yes
Travel agencies (4724)	No	Yes[2]	Yes	Yes
Legal and engineering (81, 87)	No	Yes[2]	Yes	Yes
Banks, credit unions and financial (63, 64, 65)	No	Yes[2]	Yes	Yes
Hotels, motels, inns, bed and breakfast (701)	No	No	No	Yes
Business parks and industrial clusters	No	Yes[2,8,14]	Yes[2,8,14]	Yes
Office buildings (offices for rent or lease)	No	Yes[2,8,14]	Yes[2,14]	Yes
Business and vocational schools (824, 829)	No	No	No	Yes
Construction businesses (15, 16, 17)	No	Yes[2]	Yes	Yes

Sacramento Executive Airport Land Use Compatibility Guidelines for Safety				
Land Use Category (Standard Industrial Classification Code)	**Clear Zone (EA-1)**	**Approach-Departure Zone 1 (EA-2)**	**Approach-Departure Zone 2 (EA-3)**	**Overflight Zone (EA-4)**
Miscellaneous personal services (729)	No	Yes[2]	Yes	Yes
Shopping Districts				
Neighborhood shopping centers	No	No[14]	No[14]	Yes
Community shopping centers	No	No[14]	No[14]	Yes
Regional shopping centers	No	No	No	No
Public and Quasi-Public Services				
Post offices (53)	No	No	Yes[2]	Yes
Government offices (91-96)	No	No	Yes[2]	Yes
Government social services (83)	No	No	Yes[2]	Yes
Elementary and secondary schools (821)	No	No	No	Yes
Colleges and universities (822)	No	No	No	No
Hospitals (806)	No	No	No	No
Medical and dental laboratories (807)	No	Yes[2]	Yes	Yes
Doctor and dentist offices (801-804)	No	No	Yes	Yes
Museums and art galleries (84)	No	No	No	Yes
Libraries (823)	No	No	No	Yes
Churches (866)	No	No	No	Yes
Cemeteries (6553)	No	Yes[2,10]	Yes[10]	Yes
Jails and detention centers (9223)	No	No	No	No
Childcare programs (6 or more children) (835)	No	No	No	Yes
Nursing care facilities (805)	No	No	No	Yes
Recreation				
Neighborhood parks	No	Yes[12]	Yes[12]	Yes
Community-wide and regional parks	No	No	Yes[12]	Yes
Riding stables (7999)	No	Yes[12]	Yes	Yes

Sacramento Executive Airport Land Use Compatibility Guidelines for Safety				
Land Use Category (Standard Industrial Classification Code)	**Clear Zone (EA-1)**	**Approach-Departure Zone 1 (EA-2)**	**Approach-Departure Zone 2 (EA-3)**	**Overflight Zone (EA-4)**
Golf courses (7992)	No	Yes[2,11]	Yes[11]	Yes
Open space and natural areas	Yes[3,6]	Yes[2,6,12]	Yes[6, 12]	Yes[6]
Natural water areas	Yes[3,6]	Yes[2,6,12]	Yes[6,12]	Yes[6]
Recreation and amusement centers (793, 799)	No	No	Yes[2]	Yes
Physical fitness and gyms (7991)	No	Yes[2]	Yes	Yes
Camps, campgrounds, and RV parks (703)	No	No	No	Yes
Dance halls, studios, schools (792)	No	No	No	Yes
Theaters—live performance (7922)	No	No	No	Yes
Motion picture theater—single or double (783)	No	No	No	Yes
Motion picture theater complex—3 or more	No	No	No	No
Professional sports (7941)	No	No	No	No
Stadiums and arenas	No	No	No	No
Auditoriums, concert halls, amphitheaters	No	No	No	No
Fairgrounds and expositions (7999)	No	No	No	No
Racetracks (7948)	No	No	No	No
Theme parks	No	No	No	No
Agriculture and Mining				
Row and field crops (011, 013, 016)	Yes[3,6]	Yes[2,6]	Yes[6]	Yes[6]
Tree crops (012)	No	Yes[2,6]	Yes[6]	Yes[6]
Intensive livestock (021, 024, 027)	No	Yes[2,6]	Yes[6]	Yes[6]
Nursery products (018)	No	Yes[2,6]	Yes[6]	Yes[6]
Poultry (025)	No	Yes[2,6]	Yes[6]	Yes[6]
Pasture and grazing	Yes[3,6]	Yes[2,6]	Yes[6]	Yes[6]

Sacramento Executive Airport Land Use Compatibility Guidelines for Safety				
Land Use Category (Standard Industrial Classification Code)	**Clear Zone (EA-1)**	**Approach-Departure Zone 1 (EA-2)**	**Approach-Departure Zone 2 (EA-3)**	**Overflight Zone (EA-4)**
Agricultural services (07)	No	Yes[2]	Yes	Yes
Mining and quarrying (10, 12, 14)	No	Yes[2,6]	Yes[6]	Yes[6]
Oil and gas extraction (13)	No	No	No	Yes

Footnotes:

[1] No residential uses in excess of four dwelling units per gross acre.

[2] Uses compatible only if they do not result in concentrations of people greater than 50 persons per acre at any time (See Exhibit B).

[3] No building, structures, aboveground transmission lines, or storage of flammable or explosive material above ground, and no uses resulting in a gathering of more than 10 persons per acre at any time.

[4] No storage of flammable or explosive material above ground.

[5] Tour operator passenger facilities not allowed.

[6] Uses compatible only if they do not result in a possibility that a water area may cause ground fog or result in a bird hazard.

[7] Household hazardous waste facilities operated as part of an integrated waste management program and resulting in only temporary storage of materials are allowed.

[8] Uses in buildings must be compatible.

[9] Use compatible only if requirements of California Education Code sections 17215, 81036, and 81038 are fulfilled.

[10] No chapels or funeral homes.

[11] No club houses, bars, restaurants, or banquet facilities. Ancillary uses such as pro shops, snack bars, and specialty food and beverage services are allowed. New course layouts and revisions to existing courses must be reviewed by the ALUC for safety impacts.

[12] No high-intensity uses or facilities, such as structured playgrounds, ballfields, or picnic pavilions.

[13] No uses that would cause electrical interference that would be detrimental to the operation of aircraft or aircraft instrumentation.

[14] Exhibit B establishes a list of uses that are not subject to the concentrations of persons-per-acre standard requirement of Footnote 2. Uses on this list are considered compatible

uses within existing multi-tenant complexes, provided that the multi-tenant complexes were in existence as of May 20, 1999.

[15] Use permitted subject to issuance of a conditional use permit pursuant to section 17.808.020 and this chapter. The planning and design commission may approve or conditionally approve the conditional use 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) above-ground storage of flammable or explosive material; or (2) structural lot coverage greater than 20% if a new building or expansion of an existing structure is proposed as part of the use application.

17.312.070 Discretionary permit in overlay zones EA-2 and EA-3.

A. The owner of an existing multi-tenant complex on property located within overlay zones EA-2 or EA-3 may submit a written application to the zoning administrator, requesting permission to establish or modify a land use that is identified in Exhibit B as a “Conditional Use,” and is not prohibited by any other provision in this title or code.

B. The application shall include:

1. A processing fee in the amount established by city council resolution;

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 30 days after receipt of a complete application, the zoning administrator shall either:

1. Notify the applicant in writing that the zoning administrator has determined that the use should not be permitted, and a brief statement of the reasons for the determination;

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. Above-ground storage of flammable or explosive material; or

   b. Any structure that 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 site

plan and design review. The commission shall approve or conditionally approve the use if it finds that the use will not result in any of the conditions specified in subsection C.2 of this section.

D. In accordance with the procedures in section 17.812.060, 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.

17.312.080 Home occupation permits.

Home occupation permits may be issued pursuant to section 17.228.200 if the activity requiring the permit is permitted in the applicable EA overlay zone.

17.312.090 General prohibitions.

A. No land within overlay zones EA-1, EA-2, or EA-3 shall be used:

1. For the erection or operation of any object that could reflect the sunlight toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at executive airport;

2. For the erection or operation of an object that directs a steady light or a flashing light of white, red, green, or amber color toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at executive airport, other than an FAA-approved navigational signal light or a visual approach slope indicator (VASI); or

3. In a way that would generate a substantial volume of smoke, attract large concentrations of birds, generate electrical interference, or that would otherwise affect safe air navigation in the vicinity of executive airport.

B. No land within overlay zones EA-1, EA-2, or EA-3 shall be used for the erection or operation of hazardous installations such as above-ground oil, gas, or chemical storage facilities, but excluding facilities for noncommercial, private domestic, or private agricultural use.

17.312.100 Concentration of persons per acre standards.

The standards of concentration of persons per acre are intended to protect public health, safety, and welfare by ensuring that large concentrations of people are not allowed in areas exposed to safety hazards within areas around airports.

A. Calculation of the anticipated maximum number of persons per acre associated with a particular use shall be based on the processes described in Appendix A of the 1999 Executive Airport Comprehensive Land Use Plan, as follows:

1. Ten persons per acre at any time. Number of persons per acre is calculated as follows:

    a. Determine size, in gross acres, of the development proposal or project area using a parcel-specific development plan map. If acres are not known, divide project size in square feet by 43,560 to obtain size in acres;

    b. Determine highest number of persons expected in the proposal or project area at any time during a typical 24 hour period ending at midnight; and

    c. Divide highest number of persons expected at any time during typical 24 hour period by size of proposal or project in acres to determine highest number of persons per acre at any time.

2. Fifty persons per acre at any time. Number of persons per acre is calculated as follows:

    a. Determine size, in gross acres, of the development proposal or project, using a parcel specific development plan map. If acres are not known, divide project size in square feet by 43,560 to obtain size in acres;

    b. Determine highest number of persons expected in the proposal or project area at any time during a typical 24 hour period ending at midnight; and

    c. Divide highest number of persons expected at any time during typical 24 hour period by size of proposal or project in acres to determine highest number of persons per acre at any time.

B. At the request of the city, the airport land use commission may perform a review for conformity with the concentrations of persons per acre standards and issue a determination. The commission must be able to review parcel specific development proposals; general plan or zoning amendment proposals for large areas usually do not provide sufficient parcel-specific or site-specific information on which to base a conformity determination on the concentration of persons standard.

C. Development proposals found not to contain sufficient site-specific information may be deemed “Incompatible, due to lack of specific information,” or may be deemed “Compatible, subject to conditions placed on the project.”

17.312.110 Changes in nonconformities.

A. As used in this chapter, “nonconformity” means a land use or structure that:

1. Existed or was lawfully under construction on the effective date of the ordinance that first adopted this title as the Planning and Development Code of the City of Sacramento, or existed prior to that date and became vacant or unoccupied less than one year prior to the effective date of the ordinance codified in this chapter; and

2. Was legal immediately prior to the effective date of the ordinance that first adopted this title as the Planning and Development Code of the City of Sacramento; and

3. Does not conform to a provision contained in this chapter.

B. A nonconformity may be continued subject to the provisions of this subsection. Existing incompatible land uses may continue; however, no incompatible land use may be changed to another incompatible land use. No incompatible land use, building, or structures may be expanded, except single-unit dwelling detached residences and schools that would increase in capacity by less than one-third.

C. A nonconformity shall not be expanded, enlarged, or changed to another use prohibited by this chapter except as provided in subsection E; only repairs that are part of normal, necessary maintenance and construction activity not likely to facilitate expansion, enlargement, or change in use of the nonconformity are permitted.

D. The cessation of the use of a nonconforming structure or nonconforming land use for a period of one year, commencing on or after the effective date of the ordinance codified in this chapter, terminates all rights in the nonconformity. This subsection does not apply to single-unit dwellings.

E. Permitted changes in nonconformities.

1. No incompatible land use, building, or structure may be expanded, except:

a. Single-unit dwelling detached residences; and

b. Schools that would increase in capacity by less than one-third.

2. If any incompatible land use, building, or structure is damaged and the damage exceeds 50 percent of the value of the use, building, or structure, any subsequent land use must be in conformity with this chapter, except the following:

a. Single-unit dwelling detached residences;

b. Schools; and

c. A nonconforming structure or a structure devoted to a nonconforming use, may be rebuilt even though the cost of reconstruction is greater than 50 percent of the replacement value of the structure immediately prior to the damage if the nonconforming structure, or any expansion or modification of that structure, was authorized by a city approval of discretionary entitlements given within two years of the date of damage. Pursuant to this provision, a nonconforming structure or structure devoted to a nonconforming use may be rebuilt to its previously approved size without any further discretionary entitlements.

F. Discretionary changes in nonconformities.

1. Notwithstanding subsection E, a property owner may submit a written application requesting authorization to expand or enlarge a nonconformity, or to reconstruct a structure for a similar or less intensive nonconforming use.

2. The procedure applicable to a conditional use permit in chapters 17.800 and 17.808 govern the application except as provided in subsection F of this section.

3. The planning and design commission, and the city council on appeal, may grant or conditionally grant a request submitted pursuant to this subsection F only after finding that either:

   a. Under the circumstances of the particular case the benefit to the public health, safety, and welfare outweighs any detriment inherent in such change; or

   b. That the literal application of the provisions of this chapter will result in practical difficulties or unusual hardships for the property owner that outweigh the public purposes articulated in section 17.312.010.

4. Approval or conditional approval of a request submitted pursuant to subsection F , may occur notwithstanding noncompliance with any finding mandated in section 17.808.020.

17.312.120 Referrals to the airport land use commission.

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, that could affect the area within the executive airport planning area in a manner inconsistent with the purposes articulated in section 17.312.010.

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 that determination. The planning and design commission shall 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 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 in California Public Utilities Code section 21670 et seq.

C. In the event that the airport land use commission fails to notify the planning director of its determination on a proposed action within 60 days from the receipt of the proposed action, the proposed action shall be deemed consistent with the executive airport comprehensive land use plan, and may thereafter be approved, conditionally approved, or denied in the manner provided in this chapter, or other provisions of this title or code.

Exhibit A

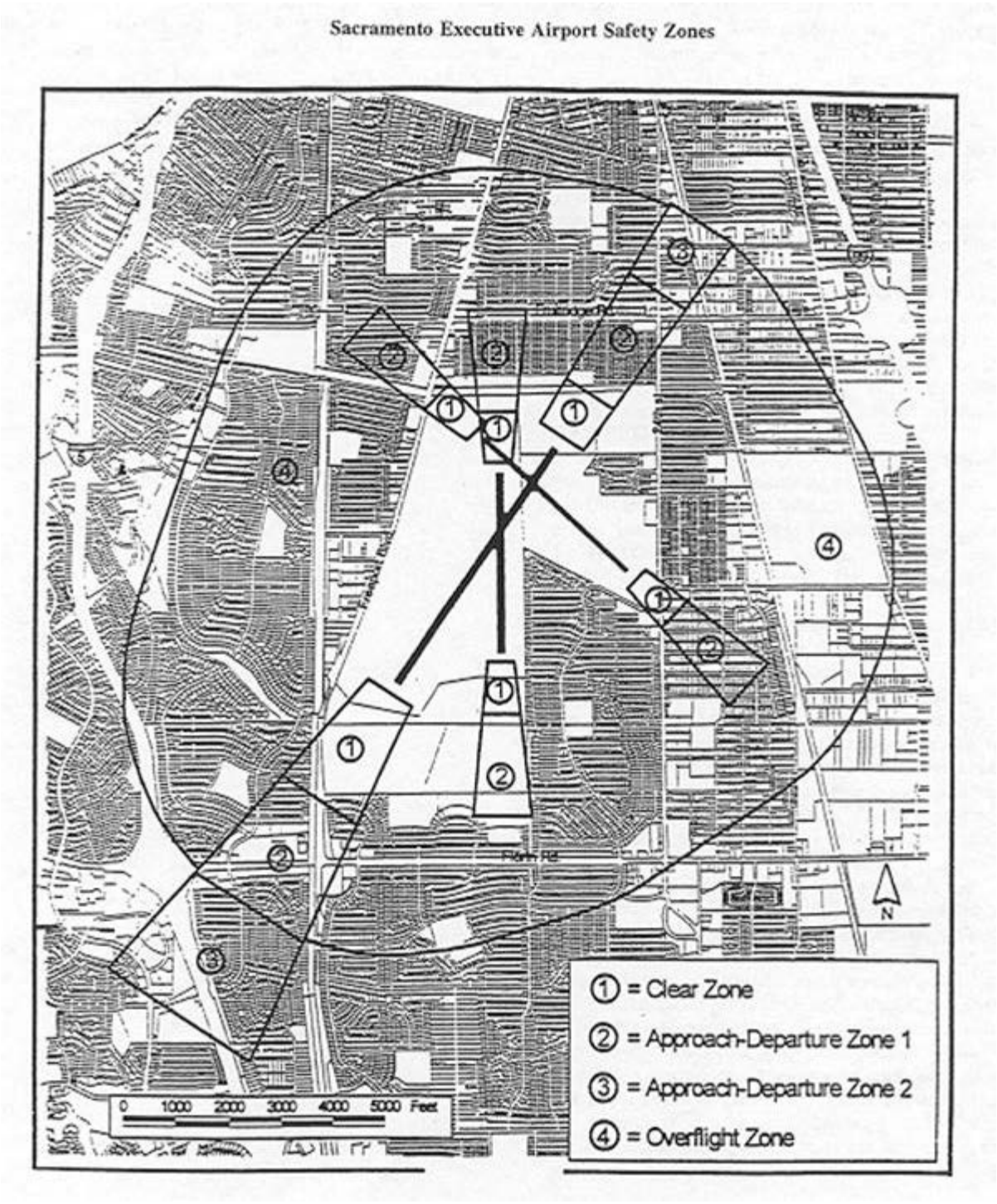

Sacramento Executive Airport Safety Zones
① = Clear Zone
② = Approach-Departure Zone 1
③ = Approach-Departure Zone 2
④ = Overflight Zone
0 1000 2000 3000 4000 5000 Feet
N

Exhibit B

Allowable Uses

The following uses are considered compatible uses within existing multi-tenant complexes, and are not subject to the concentration of persons-per-acre requirement for uses located within approach-departure zones 1 and 2 (EA-2 and EA-3). Multi-tenant uses consist of business parks, industrial clusters, office buildings for rent or lease, and neighborhood and community shopping centers. Only those multi-tenant uses in existence as of May 20, 1999 are considered to be existing uses. All multi-tenant uses approved after that date are subject to the persons-per-acre requirement established by the Sacramento Executive Land Use Compatibility Guidelines for Safety in section 17.312.060.

Aircraft sales

Ambulance service

Antique store

Appliance store

Art gallery

Art supplies—store

Auto body and fender shop

Auto car wash

Auto dealer

Auto parts house

Auto rental company

Auto repair shop

Auto upholstery

Bait shop

Bakery (no table service or serving of meals)

Bank

Barber shop

Beauty shop

Bicycle shop

Blueprinter

Boat sales

Bookstore

Broadcasting studio (without live audience)

Building contractor

Building supplies

Cabinet shop

Camera store

Camper sales

Candy store

Canteen or vending service center

Cigar store

Cleaning—laundry agency

Clothing store

Collection agency

Contractor’s shop

Cookware shop

Costume shop

Credit union association

Curio or novelty shop

Delicatessen (no table service)

Dental office

Department store (under 3000 sq. ft.)

Dress shop

Drug store (under 3000 sq. ft.)

Electrical contractor

Electrical goods store (retail)

Employment agency

Employment rental and sales yard

Fabric store

Feed store—retail only

Finance, insurance, and real estate

Floor covering

Florist

Food store (specialized, under 6400 sq. ft.)

Furniture refinishing
Furrier shop
General contractor
Gift card shop
Gift shop
Glazier shop
Grocery (under 6400 sq. ft.)
Hardware store
Hat shop
Hearing aid sales and service
Heating and sheet metal contractor
Hobby supplies store
Home improvement center retail (under 6400 sq. ft.)
Ice cream parlor (no table service or serving of meals)
Interior decorator’s studio
Janitorial service company
Jewelry store
Knit shop
Lapidary shop
Laundromat—self-service
Laundry—commercial
Lawnmower sales and service
Leather goods store
Liquor store
Loan office
Locksmith
Masseur
Meat market
Medical office
Messenger service
Millinery shop
Motorcycle and power scooter sales

Music store and instrument repair

Newsstand

Notions store (under 6400 sq. ft.)

Nursery, plants, etc.

Office

Office equipment sales and service

Optician

Oriental rug shop

Orthopedic supply

Paint store

Pawn shop

Pest control service

Pet shop

Photo engraving shop

Photographic studio

Plumbing contractor

Pottery and glass store

Power tool sales

Prescription pharmacy

Printing plant

Public stenographic service

Radio and television sales and service

Real estate office

Recording studio (without live audience)

Records—poster (under 6400 sq. ft.)

Roofing or building contractor

Rug and drapery shop

Savings and loan company

Second hand store

Service station

Sewing machine sales

Sheetrock or plastering contractor

Shoe repair shop

Shoe store

Shoeshine stand

Sign shop

Spa and pool sales

Sporting goods store

Stamps and coins

Stationary stores

Tailor

Taxidermist

Tile contractor

Tire shop—including recapping

Tobacco shop

Toy shop (under 6400 sq. ft.)

Trailer sales yard

Trophy and emblem store

Upholstery shop

Used car lot

Variety store (under 6400 sq. ft.)

Veterinary services

Voice studio

Watch repair shop

Wholesale store and distributors

Wig sales

Yardage shop

—or any combination of permitted uses

Conditional Uses

The following uses are considered conditionally compatible uses within existing multi-tenant complexes, and are not subject to the concentration of persons-per-acre requirement for uses located within approach-departure zones 1 and 2 (EA-2 and EA-3). These uses must meet all of the other requirements for compatible uses contained in Title 17, and must be approved by the city pursuant to section 17.312.070.

Department store (over 3000 sq. ft.)

Discount house—retail merchandise (over 6400 sq. ft.)

Drug store (over 3000 sq. ft.)

Home improvement center (over 6400 sq. ft.)

Grocery store (over 6400 sq. ft.)

Medical or dental office complex

Toy shop (over 6400 sq. ft.)

Variety store (over 6400 sq. ft.)

Chapter 17.316

Interstate 5 Corridor (I-5) Overlay Zone

Development in the Interstate 5 Corridor (I-5) overlay zone is subject to the requirements of the underlying zone.

Chapter 17.320

Labor Intensive (LI) Overlay Zone

Development in the Labor Intensive (LI) overlay zone is subject to the requirements of the underlying zone.

Chapter 17.324

Midtown Commercial (MC) Overlay Zone

Development in the Midtown Commercial overlay zone is subject to the requirements of the underlying zone.

Chapter 17.328

Neighborhood Corridor (NC) Overlay Zone

Development in the Neighborhood Corridor overlay zone is subject to the requirements of the underlying zone.

Chapter 17.332
Parkway Corridor (PC) Overlay Zone

17.332.010 PC overlay zone – Purpose.

Since the American River and its adjacent flood plain are situated within an intensively-developed urban area, it is necessary to mitigate the potential adverse environmental impacts associated with contiguous urban development. The special development regulations for this overlay zone serve to reduce those impacts that are incompatible with the maintenance of the American River as a natural resource. This chapter also implements the general plan and the American River Parkway plan.

17.332.020 PC overlay zone – Definition.

As used in this chapter, “American River Parkway corridor” (or “PC”) means all that property within the city of Sacramento zoned ARP-F.

17.332.030 PC overlay zone – Applicability of PC designation.

A. The PC designation appearing after a land use classification on the official zoning map indicates that the property is subject to the requirements and restrictions in this chapter in addition to those of the indicated land use classification (underlying zone).

B. The PC designation may be applied to all areas of the city for which the council determines that development might have an impact upon the preservation or enhancement of the scenic, recreational, fishery, or wildlife value of the American River Parkway.

C. Except for the height limitations in section 17.332.070.B.2 and the minimum setbacks contained in section 17.332.070.F, this chapter does not apply to single-unit and two-unit detached dwellings.

17.332.040 PC overlay zone – Permitted Uses.

Except as otherwise provided in this chapter, the uses permitted in the PC zone are those permitted in the underlying zone.

17.332.050 PC overlay zone – Conditions of approval.

In granting a conditional use permit, the planning and design commission may impose conditions it deems necessary to implement the general plan and the American River Parkway plan and to protect the scenic, recreational, fishery, and wildlife value of the American River Parkway, including the following:

A. Requirement of setbacks and yards greater than the minimum required by this chapter or by the underlying zone;

B. Requirement of screening of any portion of the use from adjoining premises or from any street by walls, fences, planting, or other devices in addition to that required by section 17.332.070;

C. Modification of the exterior features or appearance of any structure to preserve property values;

D. Limitation of size and extent of facilities, machine capacity, number of employees or occupants, and method or times of operation;

E. Regulation of number, design, and location of access drives or other traffic features;

F. Requirement of off-street parking or other special features beyond the minimum required by this title;

G. Location, design, and capacity of utilities;

H. Control of location, number, color, size, height, lighting, and landscaping of signs in addition to the requirements of section 17.332.070.E and F (but not for the content or graphic message displayed);

I. Maintenance of the grounds, landscaping, and irrigation system;

J. Regulation of noise, vibration, odors, and other similar performance standards;

K. A time period within which the proposed use must be developed, plus any duration of the conditional use permit;

L. Phasing of the development plan; and

M. A bond or deposit of money for the completion of street improvements and other facilities or to guarantee the change or removal of any designated use or structure within a specified period of time to assure faithful performance on the part of the applicant.

17.332.060 PC overlay zone – Prohibited Uses.

Notwithstanding any provision of the zoning district chapters of Division II of this title or chapter 15.148, the uses listed below are prohibited in the PC zone.

A. Airport.
B. Amusement center, outdoor.
C. Animal slaughter.
D. Drive-in theater.

E. Heliport; helistop.
F. Junk yard.
G. Kennel.
H. Livestock yard.
I. Passenger terminal.
J. Railroad – yard, shop.
K. Terminal yard, trucking.
L. Veterinary clinic; veterinary hospital.

17.332.070 PC overlay zone – Development regulations.

A. General rule. All regulations of the underlying zone apply to the PC zone unless a more restrictive regulation is set forth in this chapter. Chapter 15.148 applies to signs in the PC zone unless a more restrictive regulation is set forth in this chapter.

B. Height.

1. Definitions. As used in this chapter, the following words have the meanings set forth in this subsection.

"Height" means the vertical distance from the finished grade of a building site to the high point of the building, structure, or other improvement.

"High point" means the peak of the roof, mechanical apparatus, lighting stand, sign, or other structural feature that extends to the greatest vertical distance above the finished grade of the building site.

"Reference line" means a line that is (i) parallel to and 10 feet landward from the landslide toe of the levee, or (ii) the landward boundary of a recorded levee maintenance easement, whichever is more landward.

2. Maximum height.

a. The height of any building, structure, sign, pole, lighting standard, or other improvement erected, constructed, altered, enlarged, or modified shall not be more than 5 feet above the levee crown closest to the building site.

b. The maximum height may be increased by one foot for each 5 feet by which the distance from the building, structure, or improvement to the reference line exceeds 25 feet.

c. Notwithstanding subsection B.2.b, the height of any building, structure, sign, pole, lighting stand, or other improvement shall not exceed the maximum height permitted for the underlying zone or 75 feet, whichever is less.

C. Visible width.

1. Definition. As used in this paragraph, “visible width” means the distance between the two parallel lines that start at the two opposite corners of the side of the building or structure most nearly parallel to the reference line and that run perpendicular to (or nearly perpendicular to) and intersect the reference line.

2. Maximum visible width. The maximum visible width of buildings or structures is 250 feet.

D. Color and glare.

1. Buildings, structures, signs (but not for the content or graphic design of the message displayed), poles, lighting standards, and other improvements shall have an exterior surface that is painted in earth tones or finished in one or more of the following materials:

a. Natural wood;

b. Natural earth-toned stone, rock, or masonry; or

c. Any other earth-tone material.

2. This paragraph does not apply to any roof or portion of a roof that is enclosed by a parapet, mansard, or other similar architectural feature if no portion of the roof or ridge line projects above the enclosure.

E. Signs. No sign shall be erected, constructed, or maintained except on that portion of a building or structure having public street frontage or that portion of a lot or parcel having public street frontage. Free-standing, off-site advertising signs are prohibited.

F. Minimum setbacks.

1. No building or structure in the PC zone shall be erected within 25 feet of the reference line.

2. Notwithstanding subsection F.1, accessory buildings appurtenant to single- and two-unit residences not exceeding 500 square feet in floor area may be erected not closer than 15 feet from the reference line.

G. Fences or walls.

1. Fence or wall required along reference line. For development of any parcel within the PC zone abutting or including within its boundaries the reference line, a six-foot masonry wall or six-foot woven wire fence shall be erected along the reference line in accordance with city standard specifications. This paragraph shall not be construed to prohibit the installation of gates or any other means of private ingress and egress.

2. Tree planting strip. A tree planting strip at least 10 feet wide shall be established and maintained adjacent to the landward side of the fence or masonry wall required by subsection G.1. The city landscape architect shall promulgate regulations listing the native species or related genera appropriate to riparian and flood plain areas of the Sacramento Valley and the size and maturity of those plants. Only listed trees may be planted within the tree planting strip.

H. Exterior Lighting. All exterior lighting shall be shielded at the source and shall be directed away from the American River parkway to the greatest degree possible.

17.332.080 PC overlay zone – Nonconforming uses regulation inapplicable.

A. No use lawfully existing on the effective date of the ordinance that first adopted this title as the Planning and Development Code of the City of Sacramento is subject to chapter 17.232 solely by noncompliance with the provisions of this chapter, except as provided in subsection B.

B. Fence or wall required. Notwithstanding subsection A, section 17.332.070.G applies when:

1. A use is enlarged to occupy a greater area of land;

2. A use is moved to a different portion of a lot;

3. A use of land or a building or structure has been abandoned for at least one year and then reoccupied; or

4. A building or structure damaged or destroyed by more than 50 percent of its market value is restored.

17.332.090 PC overlay zone – Relation to public easements.

This chapter is to be interpreted to avoid a conflict with, or regulation of, any easement held by a public agency for flood control, flowage, or other regulation of the American River.

17.332.100 PC overlay zone – Administrative regulations.

The director has the authority to promulgate written standards and guidelines to implement the provisions of this chapter, but shall not vary the provisions of this chapter.

Chapter 17.336

Solid Waste Restricted (SWR) Overlay Zone

17.336.010 SWR overlay zone – Purpose.

The purpose of the Solid Waste Restricted (SWR) overlay zone is to address the heavy concentration of solid waste facilities in certain areas of the city. Heavy concentration of solid waste facilities leads to increased traffic congestion, air quality impacts, and hazards to human health. This overlay zone restricts the establishment or expansion of solid waste facilities in the areas where it applies. This overlay zone also stimulates the establishment of new solid waste facilities near new growth areas, so waste disposal services can more efficiently serve the increasing needs of current and future populations, without further impacting areas of the city that already contain a heavy concentration of such facilities.

17.336.020 SWR overlay zone – Applicability.

The SWR designation appearing after a land use classification on the official zoning map indicates that the property is subject to the restrictions in this chapter in addition to those for the land use classification (underlying zone). The SWR designation may be applied to all areas of the city where the city council determines there exists a heavy concentration of solid waste facilities.

17.336.030 SWR overlay zone – Use regulations.

A. Except as otherwise provided in this chapter, uses permitted in the underlying zone outside of the SWR overlay zone are permitted in the SWR overlay zone. If this title requires the approval of a conditional use permit or other discretionary entitlement to establish a use in the underlying zone outside of the SWR overlay zone, approval of the same discretionary entitlement is required to establish the use in the underlying zone within the SWR overlay zone.

B. Additional prohibited uses in the SWR overlay zone. In addition to the uses prohibited in the underlying zone outside of the SWR overlay zone, new hazardous waste facilities, new solid waste landfills, and new solid waste transfer stations are prohibited within the SWR overlay zone. And, except as provided in subsection C below, no existing hazardous waste facility, existing solid waste landfill, or existing solid waste transfer station within the SWR overlay zone may be modified, expanded, or otherwise altered.

C. Modification, expansion, or alteration of existing facilities.

1. Notwithstanding subsection B, the planning and design commission may approve a conditional use permit modification to modify the conditions of operation of an existing hazardous waste facility, solid waste landfill or solid waste transfer station located within the SWR overlay zone. However, the planning and design commission has no

authority to approve an increase in the tonnage, volume, or other capacity restriction, and no variance shall be approved to authorize such an increase.

2. Notwithstanding subsection B, the planning and design commission may approve a conditional use permit or conditional use permit modification to expand an existing inert landfill or existing Class III landfill facility that is within or immediately adjacent to the SWR overlay zone, into adjacent property that is within the SWR overlay zone. However, other than an increase in the overall tonnage and volume of solid waste associated with the use of the expansion area, the planning and design commission has no authority to approve an increase in the daily tonnage, volume, or other capacity restriction, and no variance shall be approved to authorize such an increase. The purpose of this provision is to allow existing inert and Class III landfills in or immediately adjacent to the SWR overlay zone to expand the area in which they may deposit fill, while prohibiting any increase in the tonnage, volume, or other capacity restriction.

17.336.040 SWR overlay zone – Nonconformities.

A. Except as provided in subsection B, chapter 17.232 applies to nonconforming uses within the SWR overlay zone.

B. Exception. The nonconforming use regulations of chapter 17.232 are not applicable or available to any hazardous waste facility, solid waste landfill, or solid waste transfer station lawfully established and existing within the SWR overlay zone.

Chapter 17.340

TO Zone – Transit Overlay

17.340.010 TO zone – Purpose.

The TO zone allows a mix of moderate- to high-density residential and nonresidential uses by right, within walking distance of an existing or proposed light rail transit station, to promote transit ridership. This overlay zone is intended to promote coordinated and cohesive site planning and design that maximize transit-supportive development; to create continuity of pedestrian-oriented streetscapes and activities; and to encourage pedestrian, bicycle, and transit – rather than exclusive automobile access – to employment, services, and residences. This zone permits increased heights, densities, and intensities over the underlying zone for projects with a residential component; and encourages housing and mixed-use projects. This zone also restricts certain uses that do not support transit ridership.

17.340.020 TO zone – Applicability.

A. The TO zone may be applied to RMX and C-2 zoned property any portion of which is located within a one-half mile radius of an existing or proposed light rail transit (LRT) station. The one-half mile radius is measured as follows:

   1. For existing stations, from the center of the station platform, as determined by the planning director, to the edge of the property closest to the station.

   2. For proposed stations, from the center point of the block designated for the station to the edge of the property closest to the center of the designated block.

B. A “TO” designation appearing after a RMX or C-2 zone classification on the official zoning map means the property is subject to the requirements and restrictions set forth in this chapter in addition to those of the underlying zone, unless otherwise specified. If a conflict exists between the provisions in this chapter and other provisions of this title, the provisions of this chapter prevail.

17.340.030 Uses in the RMX-TO zone.

A. Except as provided in section 17.340.050, uses permitted in the RMX zone outside of a TO zone are permitted in the RMX-TO zone. If this title requires the approval of a conditional use permit or other discretionary entitlement, or imposes other restrictions or requirements on the establishment of a particular use in the RMX zone outside of a TO zone, approval of the same discretionary entitlement and compliance with the same restrictions or requirements are required to establish the use within the RMX-TO zone.

B. In addition to uses permitted under subsection A, the following use is permitted in the RMX-TO zone:

1. Hotel; motel.

17.340.040 Uses in the C-2-TO zone.

A. Except as provided in subsections B and C, and section 17.340.050, uses permitted in the C-2 zone outside of a TO zone are permitted in the C-2-TO zone. If this title requires the approval of a conditional use permit or other discretionary entitlement, or imposes other restrictions or requirements on the establishment of a particular use in the C-2 zone outside of a TO zone, approval of the same discretionary entitlement and compliance with the same restrictions or requirements are required to establish the use within the C-2-TO zone.

B. Notwithstanding subsection A, all residential uses permitted in the RMX zone are permitted in the C-2-TO zone. If this title requires the approval of a conditional use permit or other discretionary entitlement, or imposes other restrictions or requirements on the establishment of the residential use in the RMX zone, approval of the same discretionary entitlement and compliance with the same restrictions or requirements are required to establish the residential use within the C-2-TO zone.

17.340.050 TO zone – Prohibited uses.

A. Notwithstanding sections 17.340.030 and 17.340.040, and in addition to all other uses prohibited in the RMX and C-2 zones under this title, the following uses are prohibited in the RMX-TO and C-2-TO zones:

1. Amusement center, outdoor.

2. Auto - sales, storage, rental.
3. Auto service, repair

4. Building contractor shop.

5. Cleaning plant, commercial.

6. Drive-through restaurant.

7. Equipment – rental, sales yard.

8. Manufacturing, service and repair.

9. Mini storage; locker building.

10. Plant nursery.

11. Gas station.

12. Wholesale store (greater than 6400 square feet).

17.340.060 TO zone – Development standards.

A. Floor area ratios.

1. Minimum floor area ratio. Nonresidential development shall have a net FAR of not less than 0.4.

2. Maximum floor area ratio. Nonresidential development shall not exceed a net FAR of 3.0.

B. Residential Density. Residential projects shall have a minimum of 15 dwelling units per net acre and shall not exceed 100 dwelling units per net acre.

C. Nonresidential development limitations in the RMX-TO Zone. Nonresidential uses may occupy a maximum of 50% of the gross square footage of each new building in the RMX-TO zone.

Chapter 17.344

Urban Neighborhood (UN) Overlay Zone

Development in the Urban Neighborhood overlay zone is subject to the requirements of the underlying zone.

Division IV
Special Planning Districts and Planned Unit Developments

Chapter 17.400
Special Planning Districts Generally

17.400.010 Purpose and intent.

The purpose of this chapter is to establish procedures for the planning and design commission and city council to regulate properties under multiple ownership that are in need of general physical and economic improvement, or have special environmental features that standard 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. This chapter is intended 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, subject to minimum health and safety regulations;

C. Providing mechanisms for preserving and enhancing unique environmental features, wildlife habitat, or other considerations located on the property; and

D. Encouraging coordinated development of properties through a unified development theme consistent with the goals and criteria established for the area.

17.400.020 Designation – SPD.

The designation “SPD” appearing on official zoning maps means that the property is included in a special planning district, and is subject to the requirements set forth in this chapter and the chapter in this Division IV adopted for the specific SPD.

17.400.030 Application and amendment of SPD zoning designation and SPD chapter.

A. An SPD designation is adopted, amended, or removed in the same manner as city-initiated rezonings set forth in chapter 17.916. Only the planning and design commission or city council may initiate the proceedings.

B. An SPD chapter is adopted, amended, or removed in the same manner as text amendments to this title set forth in chapter 17.916. Only the planning and design commission or city council may initiate the proceedings.

17.400.040 General criteria.

To justify an SPD designation and adoption of an SDP chapter, the planning and design commission and city council must determine that routinely-used zoning and other standard regulatory provisions should be replaced by, or supplemented with, specifically tailored provisions intended to positively benefit the district and its immediate surrounding area, based on one or more of the following criteria:

A. The SPD designation and chapter will offer a greater mix of land uses or intensities, thereby increasing the likelihood of attracting new private investment;

B. The SDP designation and chapter will promote retention of unique geographic or historic features consistent with quality land-use design practices;

C. The SPD designation and chapter will promote a significant reversal in a long-term trend of area economic stagnation or physical blight;

D. The SPD designation and chapter will stimulate major multiple-use development around a central or unique theme that has been supported by a market analysis;

E. The SPD designation and chapter will encourage significant elimination of incompatible land uses and the aggregation or massing of problem parcels for better development potential; or

F. The SPD designation and chapter will retain or enhance highly significant environmental areas or features worth retaining for the general public's benefit.

17.400.050 Mandatory contents of SPD chapter.

An SPD chapter shall include provisions that address the following:

A. Reasons for adopting the SPD designation and chapter;

B. Description of properties included within the SPD;

C. A list of general or specific uses permitted within the SPD;

D. Performance and development standards, including setbacks, landscaping, building height, building intensity, security, parking, and pedestrian and auto traffic flow; and

E. Design standards, including an overall design theme, façade treatments, lighting, and signage requirements.

17.400.060 Optional contents of SPD chapter.

The following provisions may be included in an SPD chapter:

A. Regulations governing nonconforming lots, structures, and uses;

B. Project phasing and sequence of development;

C. Financing mechanisms; and

D. Any other provisions that may be required to address specific conditions or circumstances within the SPD.

Chapter 17.404
Broadway-Stockton Special Planning District

17.404.010 Purpose and Intent.

A. General. The rules and regulations established by this chapter to govern development within the Broadway-Stockton Special Planning District (SPD) are designed to improve the image and competitiveness of this commercial corridor by drawing upon the area's existing assets, including historic buildings, landmarks, multi-cultural commerce, medical facilities, and surrounding neighborhoods.

The city council finds and declares that, given the history, nature, and scope of development patterns in the Broadway-Stockton area, special rules are necessary to revitalize the area.

B. Goals. The Broadway-Stockton SPD regulations are intended to implement applicable recommendations of the Broadway-Stockton urban design plan (Resolution RA98-043, adopted by the redevelopment agency of the city on September 15, 1998), and to encourage development that is consistent with the following goals:

1. Encourage revitalization efforts within three "catalyst" areas identified in the Broadway-Stockton urban design plan. (See Figures 16-18, urban design plan). These areas include properties in the vicinity of Broadway at 35th Street, Broadway at Stockton Boulevard (medical center), and Stockton Boulevard at Fruitridge Road (international marketplace). Goals specific to these areas are as follows:

a. Preserve and re-use the unique and historic storefront buildings along Broadway near 35th Street and the northern portion of Stockton Boulevard. Neighborhood-serving uses are encouraged in this area.

b. Retain and improve the character, quality, and vitality of the unique multi-cultural commercial district along the southern portion of the SPD along Stockton Boulevard. Stores supporting the international marketplace theme and supporting multi-cultural shops and services are encouraged.

c. Encourage the further expansion of the medical center campus and supporting uses, and encourage uses that serve the medical facilities and their employees.

2. Discourage or prohibit uses that are incompatible with residential neighborhoods or that contribute to visual or economic blight.

3. Encourage a mixture of residential and commercial mixed-use projects, as well as cultural and entertainment uses. Where possible, these uses shall be designed to accommodate pedestrian, bicycling, and transit opportunities.

4. Enhance the bike and pedestrian connections and accessibility between the commercial uses on Broadway and Stockton Boulevard and the surrounding residential neighborhoods.

5. Encourage reduction of motor vehicle parking requirements for new commercial development as allowed by this title as a means of attracting desirable businesses.

6. Encourage the use of bicycle parking in accordance with designs preferred by the city-county bicycle advisory committee.

7. Promote aesthetic improvements to the area by implementing the development standards and design guidelines, as provided in sections 17.404.040 and 17.404.050.

17.404.020 Broadway-Stockton SPD boundaries.

The Broadway-Stockton SPD includes properties located along the east and west sides of Broadway, from Highway 99 on the west to Martin Luther King Boulevard on the east; along the north and south sides of Broadway, from Martin Luther King Boulevard on the west to Stockton Boulevard on the east; and along the east and west sides of Stockton Boulevard, between 2nd Avenue on the north and 65th Street on the south. The SPD boundaries are identified in Exhibit A.

17.404.030 Special land use regulations.

A. Development within the Broadway-Stockton SPD is subject to the following special regulations in addition to the other regulations of this title. In the event of conflict between the provisions of this chapter and other provisions of this title, the provisions in this chapter prevail.

B. Except as otherwise provided in this chapter, uses permitted in a specified zone outside the Broadway-Stockton SPD are permitted in the same zone within the Broadway-Stockton SPD.

C. If this title requires the approval of a conditional use permit or other discretionary entitlement to establish a particular use in a specified zone outside of the Broadway-Stockton SPD, approval of the same discretionary entitlement is required to establish the use within the same zone in the Broadway-Stockton SPD.

D. Prohibited Uses. In addition to other uses prohibited in the underlying zones, the following uses are prohibited in all zones within the Broadway-Stockton SPD.

1. Auto – sales, storage, rental.

2. Bar; nightclub.

3. Transit vehicle – service, repair, storage.

4. Check-cashing center.

5. Alcoholic beverage sales, off-premises consumption (15,000 square feet or less of gross floor area).

6. Towing service; vehicle storage yard.

17.404.040 Development standards.

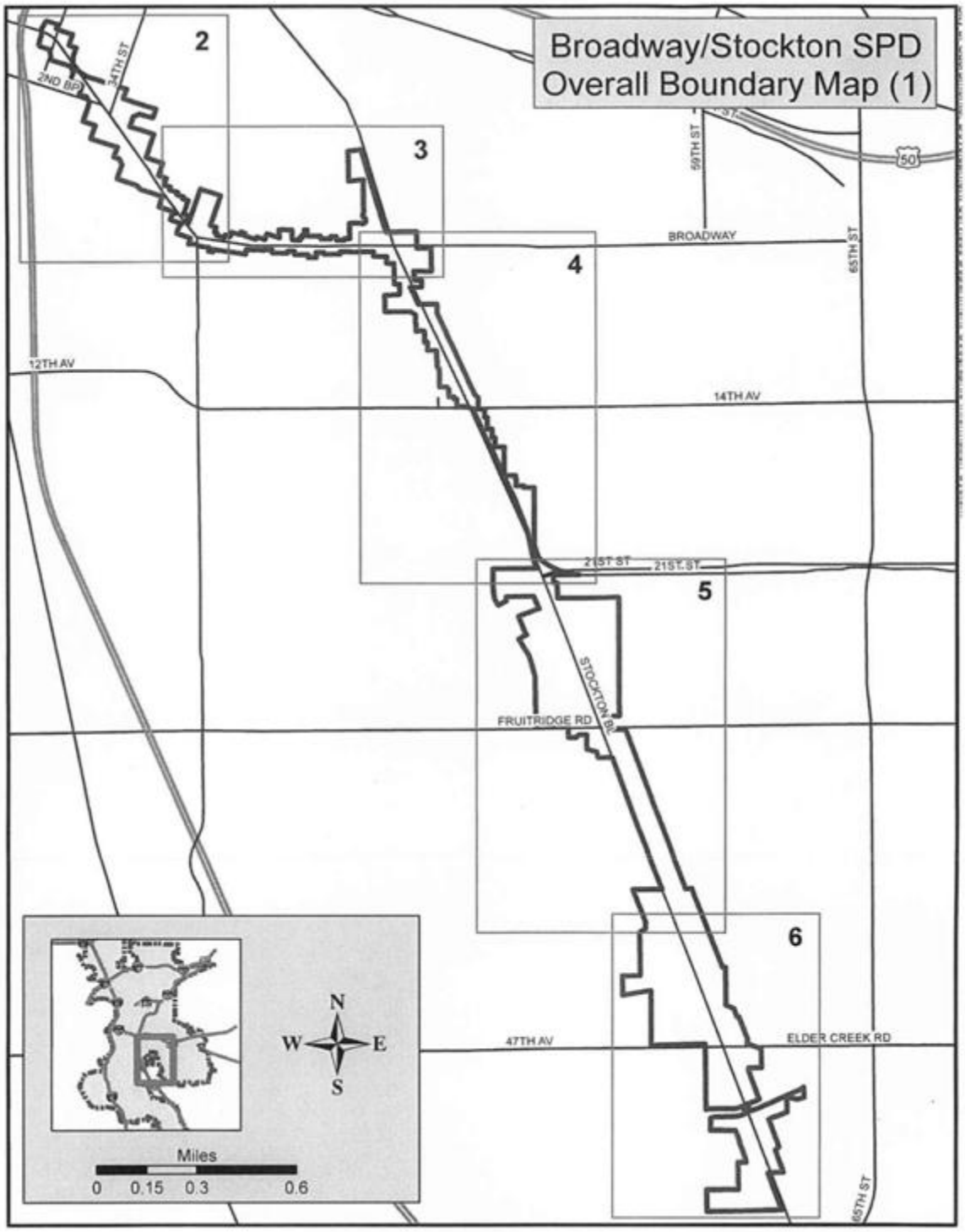
A. Development in the Broadway-Stockton SPD is subject to the regulations and development standards in this chapter and to those of the underlying zone. The provisions of this chapter prevail over any conflicting provisions of this title.

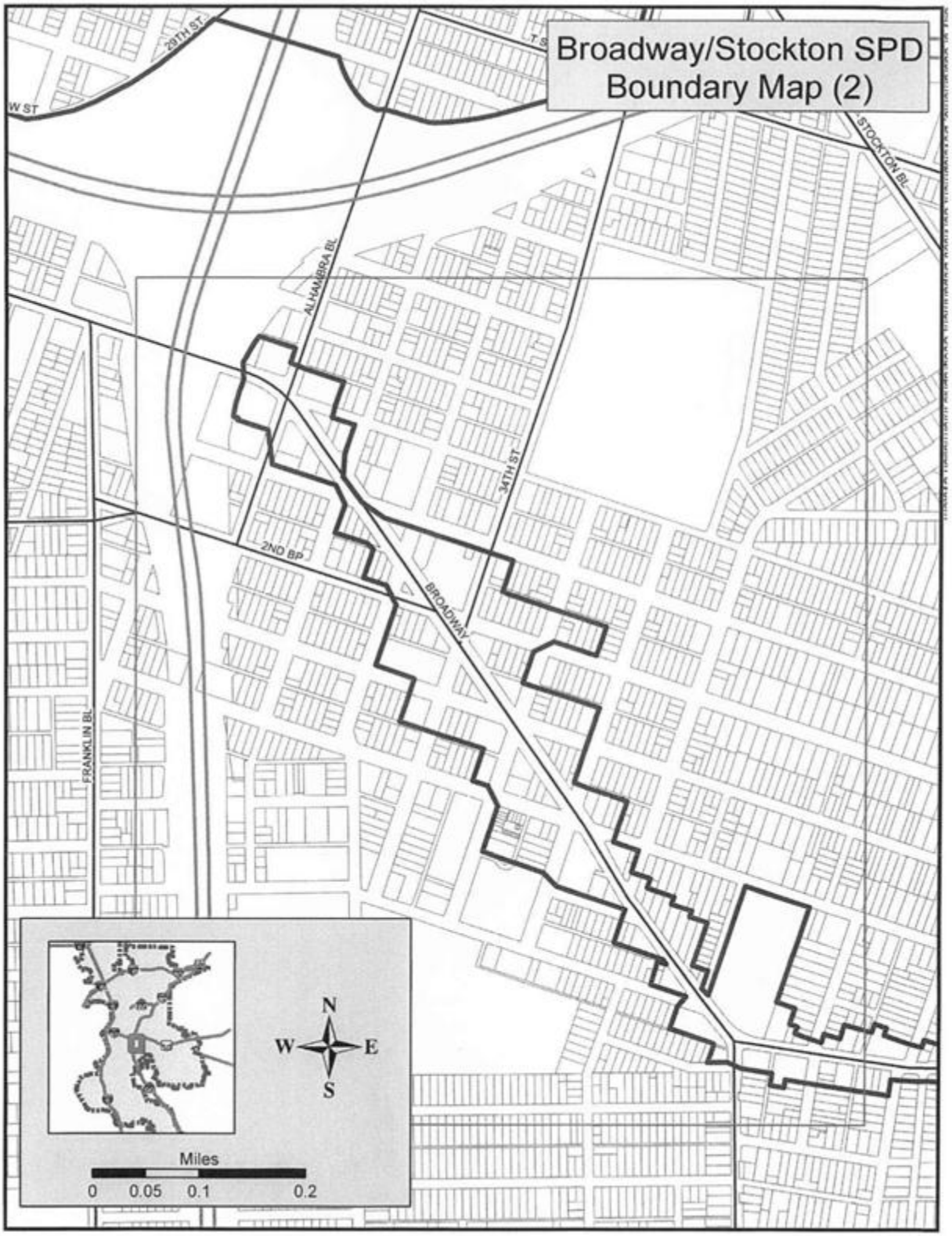
B. The maximum height for properties located on Stockton Blvd. between 2nd Avenue and Broadway is 75 feet.

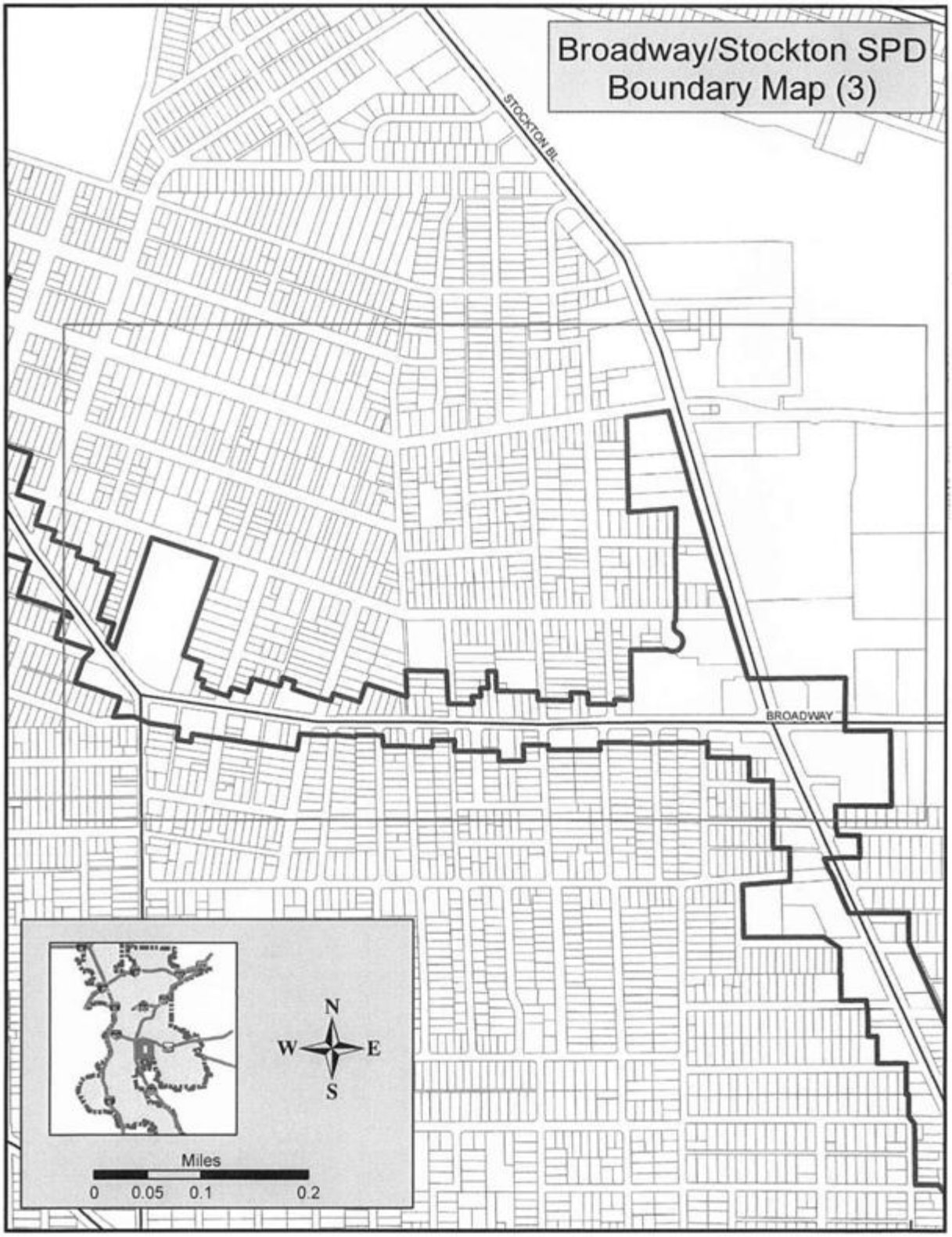
17.404.050 Design guidelines.

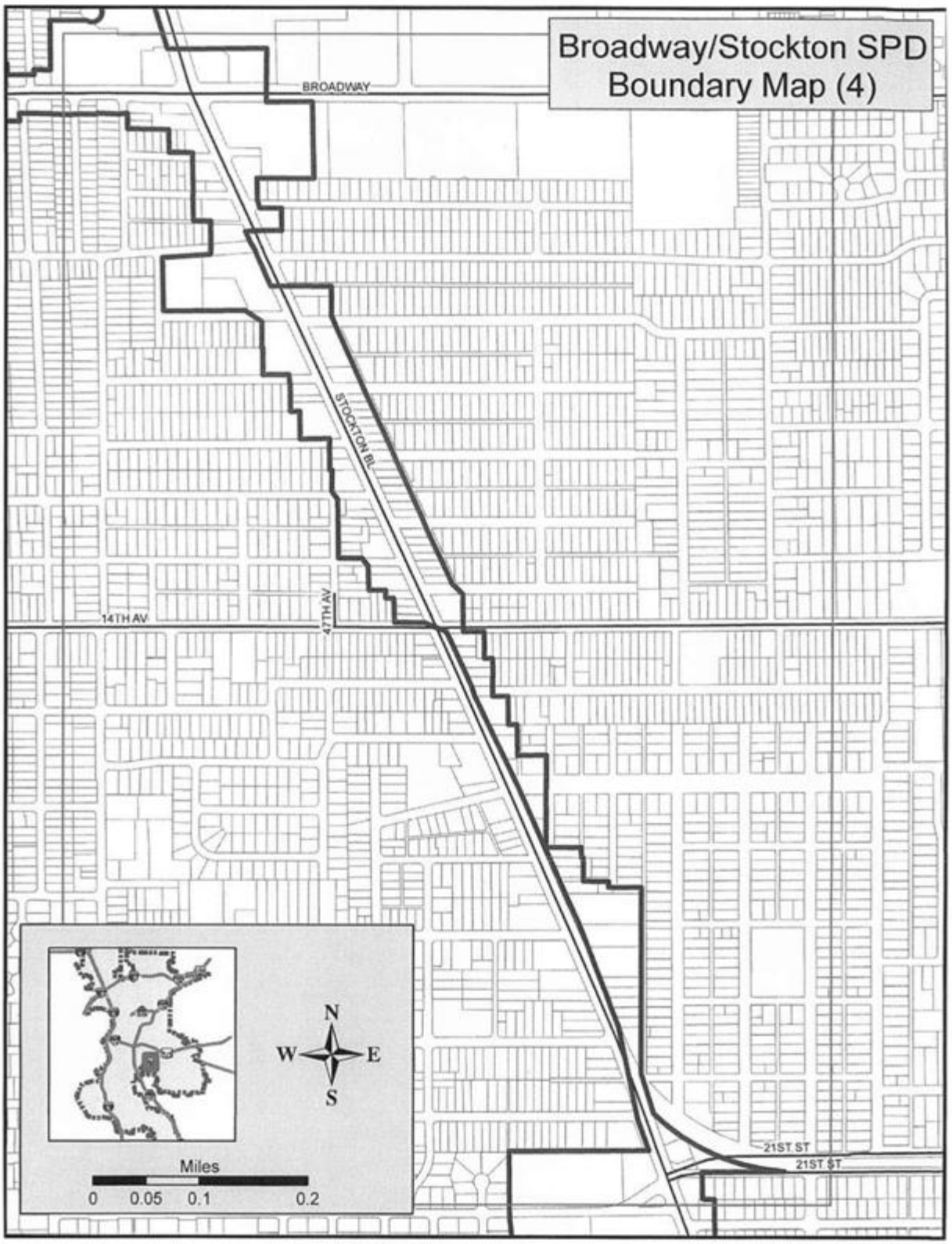
General architectural design guidelines include basic criteria for building massing and form, facade design, storefront design, and signage design. Detailed specific information for designated districts within the SPD are provided within the Broadway-Stockton urban design plan (Resolution RA98-043, adopted by the redevelopment agency of the city on September 15, 1998), and should be used in evaluating development projects within the Broadway-Stockton SPD.

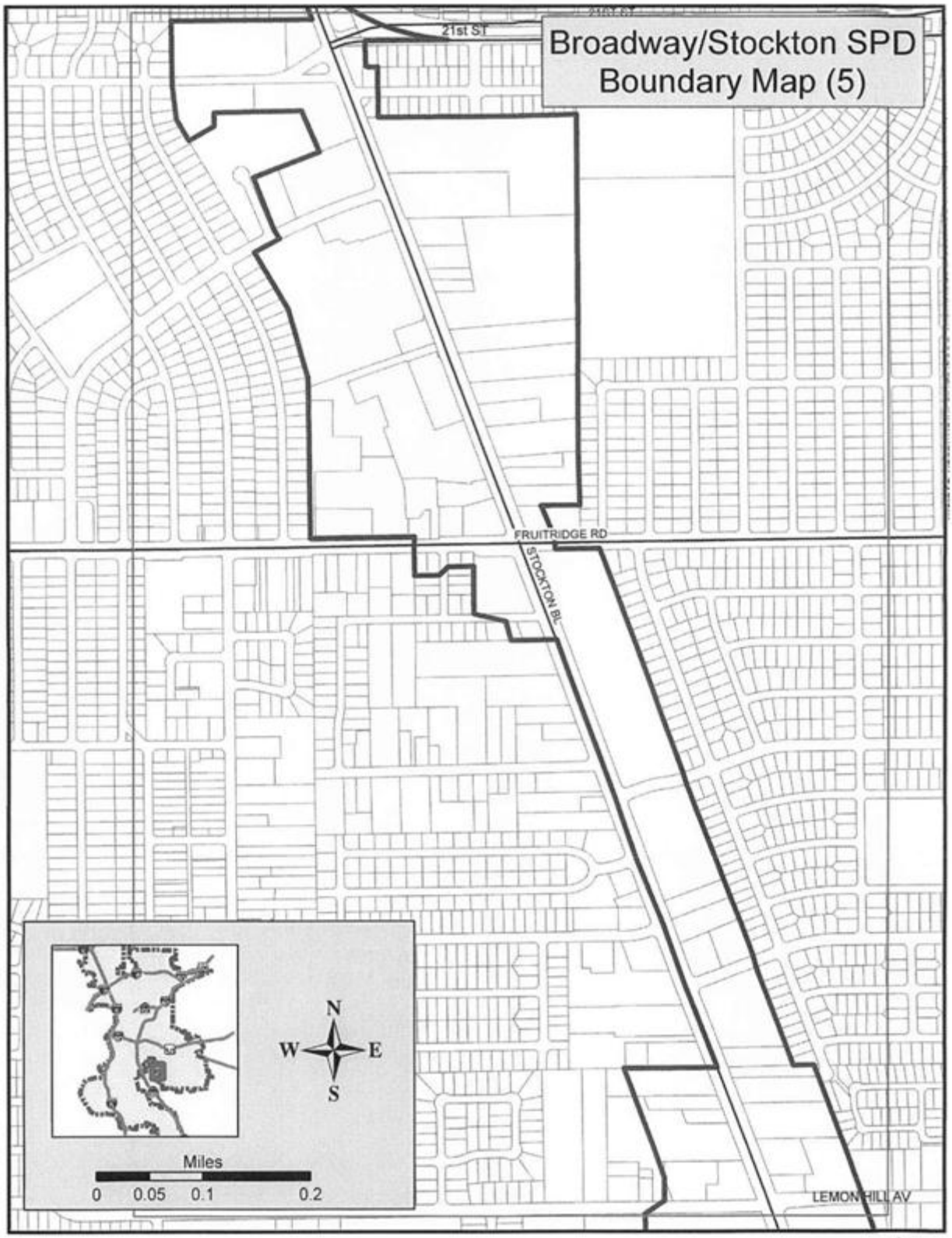
Exhibit A – Map of Broadway/Stockton SPD Boundaries

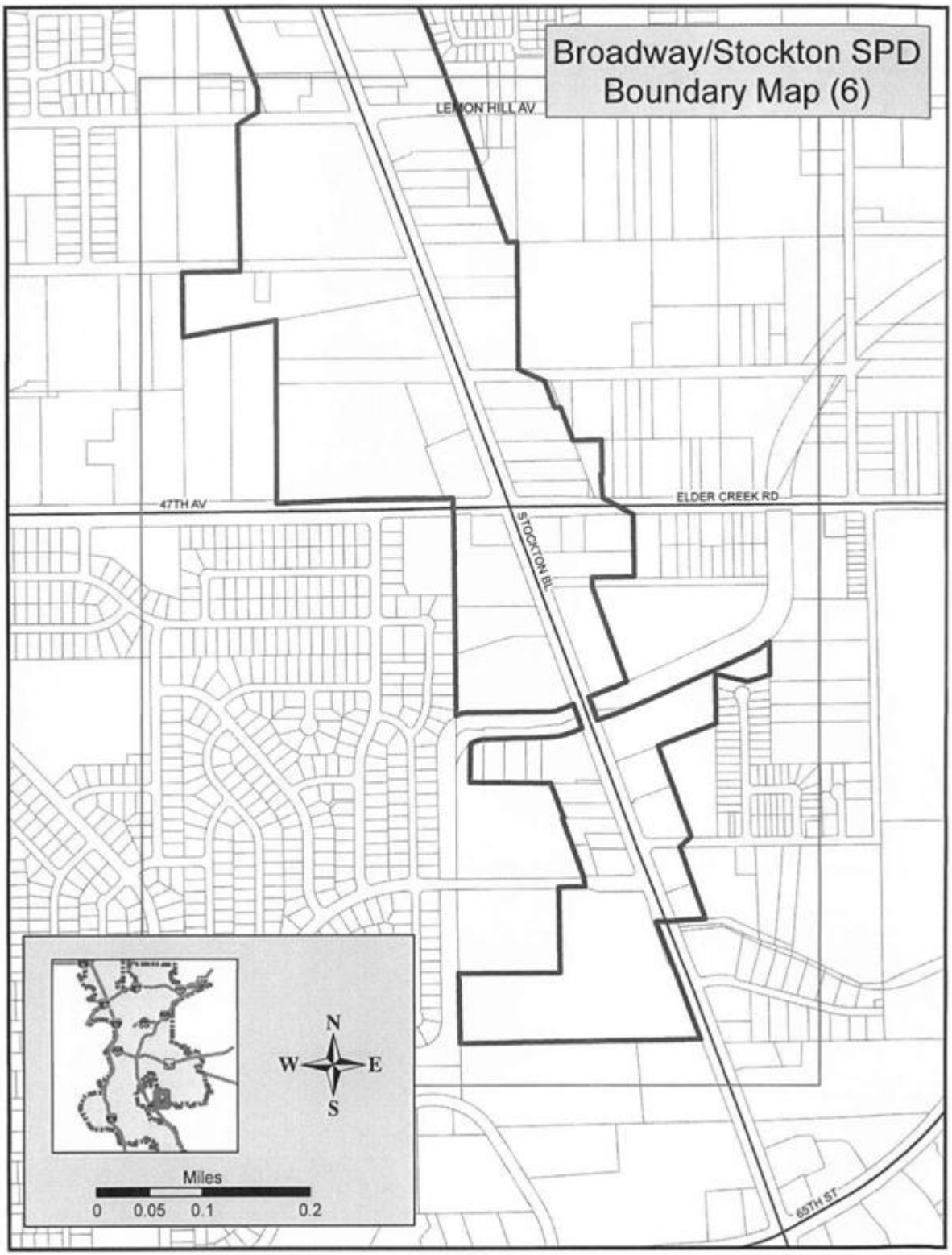



Broadway/Stockton SPD
Boundary Map (2)
29TH ST
W ST
STOCKTON BL
ALHAMBRA BL
34TH ST
2ND BP
BROADWAY
FRANKLIN BL
N
W
E
S
Miles
0
0.05
0.1
0.2


Broadway/Stockton SPD
Boundary Map (3)
STOCKTON BL
BROADWAY
N
W
E
S
Miles
0
0.05
0.1
0.2


Broadway/Stockton SPD
Boundary Map (4)
BROADWAY
STOCKTON BL
14TH AV
47TH AV
21ST ST
21ST ST
N
W
E
S
Miles
0
0.05
0.1
0.2


Broadway/Stockton SPD
Boundary Map (5)
21st ST
FRUITRIDGE RD
STOCKTON BL
LEMON HILL AV
N
W
E
S
Miles
0
0.05
0.1
0.2


Broadway/Stockton SPD
Boundary Map (6)
LEMON HILL AV
47TH AV
ELDER CREEK RD
STOCKTON BL
65TH ST
N
W
E
S
Miles
0
0.05
0.1
0.2

Chapter 17.408
Central Business District Special Planning District

Development in the Central Business District special planning district is subject to the requirements of the underlying zone.

Chapter 17.412
McClellan Heights and Parker Homes Special Planning District

17.412.010 Purpose and intent.

A. The McClellan Heights and Parker Homes special planning district (SPD) is intended to establish development standards to implement the goals and policies of the McClellan Heights and Parker Homes land use and infrastructure plan (plan), which encompasses a portion of the North Sacramento Community Plan. These regulations further the following plan goals:

1. Strengthen the residential character and identity of the McClellan Heights and Parker Homes neighborhoods;

2. Provide high-quality, safe housing in a variety of housing types and levels of affordability;

3. Ensure that McClellan Heights and Parker Homes neighborhoods have access to neighborhood-serving retail and other amenities to meet community needs;

4. Ensure safety and compatibility between residential land uses and the adjacent McClellan Airport;

5. Ensure safety and compatibility between residential land uses and nonresidential uses within the plan area, particularly as existing non-conforming uses transition to land uses allowed in the plan; and

6. Promote opportunities for new open space and community facilities to meet the needs of residents.

B. The SPD is also intended to help protect the health, safety, and general welfare of the residents in the vicinity of the McClellan Airport, a general aviation airport that lies northeast of the plan area, by ensuring that new development is compatible with the McClellan Airport comprehensive land use plan to effectuate the policies stated in the Airport Land Use Commission Law.

C. The restrictions in this SPD are also intended to prevent new problems of land use incompatibility between industrial and residential developments, and to prevent existing incompatible land uses from expanding or changing to other incompatible uses.

17.412.020 McClellan Heights and Parker Homes SPD boundaries.

The McClellan Heights and Parker Homes SPD zone is that area designated “McClellan Heights/Parker Homes Special Planning District” in Exhibit A at the end of this chapter, and is generally that area of North Sacramento bounded by North Avenue

and the I-80 freeway on the south, Raley Boulevard on the west, Bell Avenue on the north, and Winters Street on the east.

17.412.030 Use regulations.

A. Land uses. Development within the McClellan Heights and Parker Homes SPD is subject to the requirements and restrictions of this chapter in addition to those of the underlying zone. The provisions of this chapter prevail over any conflicting provisions of this title.

B. McClellan Airport comprehensive land use plan. The McClellan Airport planning boundaries and the McClellan Airport overflight zone encompass a portion of the SPD as set out in the McClellan Airport comprehensive land use plan (CLUP). Three categories of land use restrictions are included in the CLUP for the area within the overflight zone: (1) land use restrictions to minimize the number of people exposed to hazards related to aircraft operations and accidents; (2) residential land use restrictions or conditions to minimize the number of persons exposed to noise from aircraft operations; and (3) height restrictions to protect the navigable airspace around the airport for aircraft safety. The county of Sacramento has adopted noise contours for the McClellan Airport based on projected aircraft operations in the year 2022. A depiction of the location of the 2022 McClellan Airport 60 CNEL noise contour within the SPD boundary is provided in Exhibit B at the end of this chapter. The following restrictions apply to developments within the SPD that are located within the McClellan Airport overflight zone:

1. Any new construction or expansion of existing buildings or structures on property within the CLUP overflight zone must be consistent with the CLUP land use compatibility guidelines for safety.

2. No new residential development requiring a discretionary permit or entitlement is allowed within the McClellan Airport noise contour that exceeds 65 CNEL. The owners of residential development requiring a discretionary permit or entitlement that is located within the McClellan Airport noise contour that exceeds 60 CNEL shall record an official statement that discloses to current and future property owners that the property is subject to overflights and associated noise and other impacts of aircraft operating at McClellan Airport.

3. No building, structure, or other object may be located within the overflight zone if it (a) exceeds 100 feet measured from the ground; (b) reflects the light of the sun or directs a steady light or a flashing light towards the area where aircraft approach or depart from McClellan Airport; or (c) would generate a substantial volume of smoke, attract a large concentration of birds, generate electrical interference, or otherwise affect safe navigation in the vicinity of McClellan Airport.

C. RMX zone in the McClellan Heights and Parker Homes SPD.

1. Uses permitted in the RMX zone within the McClellan Heights and Parker Homes SPD are the same as the uses permitted for the RMX zone. 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 RMX zone outside of the McClellan Heights and Parker Homes SPD, approval of the same discretionary entitlement and compliance with the same restrictions or requirements is required to establish the use in the RMX zone within the McClellan Heights and Parker Homes SPD.

2. Manufacturing, service, and repair (not exceeding 6,400 gross square feet of floor area) is allowed if the use includes incidental, non-nuisance producing processing, packaging, and fabricating entirely within a building.

D. C-2 zone in the McClellan Heights and Parker Homes SPD.

1. Except as provided in subsection D.2, uses permitted in the C-2 zone within the McClellan Heights and Parker Homes SPD are the same as the uses permitted in the C-2 zone. 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-2 zone outside of the McClellan Heights and Parker Homes SPD, approval of the same discretionary entitlement and compliance with the same restrictions or requirements is required to establish the use in the C-2 zone within the McClellan Heights and Parker Homes SPD.

2. Notwithstanding any provision in this chapter, and in addition to all other uses prohibited in the C-2 zone, the following uses are prohibited in a C-2 zone within the McClellan Heights and Parker Homes SPD:

a. Adult entertainment business.

b. Adult-related establishment.

c. Check-cashing center.

d. Mini storage; locker building.

E. M-1 zone in the McClellan Heights and Parker Homes SPD.

1. Except as provided in subsections E.2 and E.3, uses permitted in the M-1 zone within the McClellan Heights and Parker Homes SPD are the same as the uses permitted in the M-1 zone. 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 McClellan Heights and Parker Homes SPD, approval of the same discretionary entitlement and compliance with the same restrictions or requirements is required to establish the use in the M-1 zone within the McClellan Heights and Parker Homes SPD.

2. Notwithstanding any provision in this chapter, and in addition to all other uses prohibited in the M-1 zone under this title, the following uses are prohibited in a M-1 zone within the McClellan Heights and Parker Homes SPD:

a. Adult entertainment business.

b. Adult-related establishment.

c. Animal slaughter.

d. Auto dismantler.

e. Hazardous waste facility.

f. Junk yard.

g. Solid waste landfill.

h. Solid waste transfer station.

3. Notwithstanding any provision in this chapter, and in addition to all other uses conditionally permitted in the M-1 zone under this title, the following uses are conditionally permitted in a M-1 zone within in the McClellan Heights and Parker Homes SPD and require a conditional use permit:

a. Towing service; vehicle storage yard.

Exhibit A

McClellan Heights/ Parker Homes Special Planning District

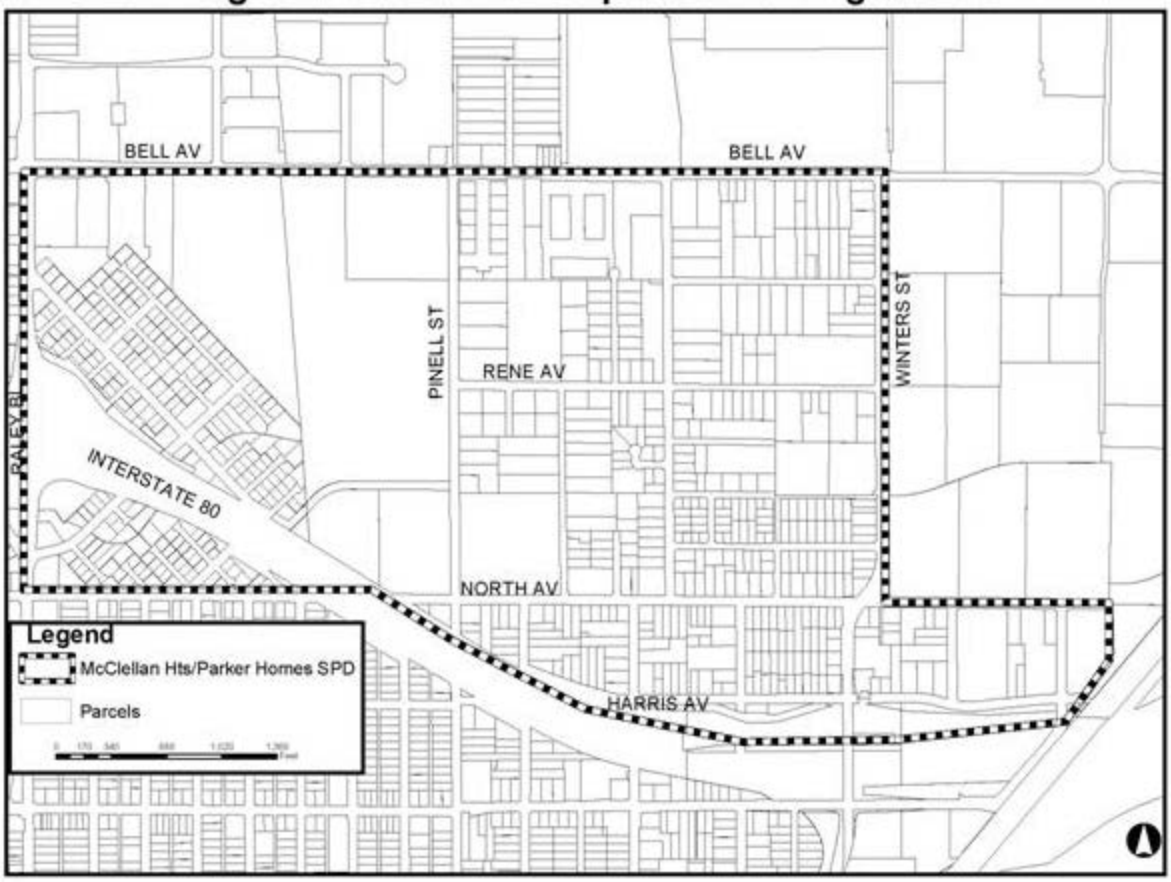
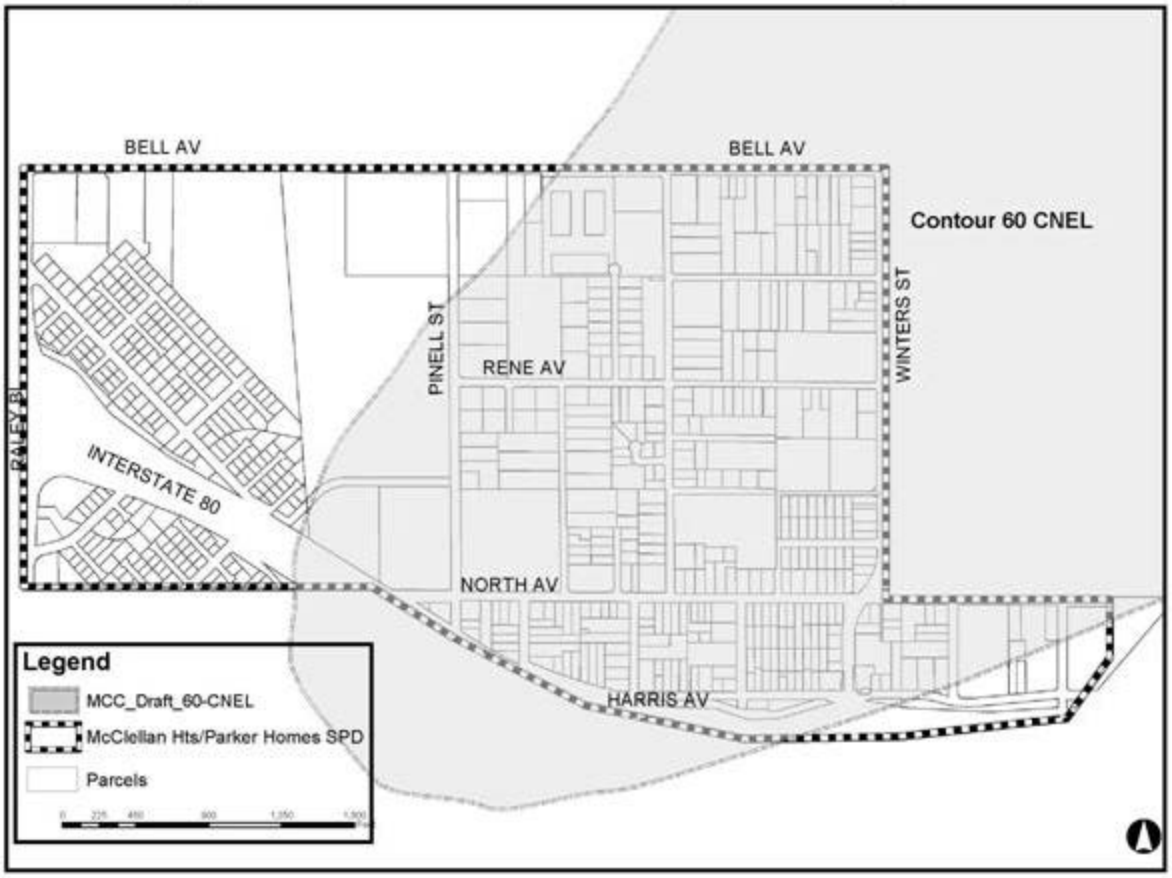


Exhibit B

McClellan Heights/ Parker Homes 60 CNEL Noise Contour Map



Chapter 17.416
Northgate Special Planning District

17.416.010 Purpose and intent.

A. The designation of the Northgate special planning district (SPD) recognizes the area as one requiring unique guidance to revitalize commercial areas and protect viable residential sites located to the east. The zone encourages upgrading and reuse of commercial development along the east side of Northgate Boulevard, while providing for local-serving commercial and business opportunities that are compatible with adjacent residential uses. The intent is to retain and encourage commercial and neighborhood office uses that serve the surrounding area and through traffic, thus maintaining the district's importance to the community. The goals of the Northgate SPD are to:

1. Upgrade and revitalize existing commercial developments on the east and west sides of Northgate Boulevard;

2. Ensure that new commercial and office developments are compatible with adjacent residential uses;

3. Ensure well-balanced local-serving office and commercial uses in the special planning district zone;

4. Encourage new commercial and office uses at focused commercial centers located at the intersection of West El Camino Avenue and Northgate Boulevard and the intersection of San Juan Road and Northgate Boulevard, to attract a number of patrons at one time and encourage interaction between the public and the service or product provider; and

5. Encourage both vertical and horizontal mixed-use development along Northgate Boulevard.

B. Development within the Northgate SPD is subject to the special rules and regulations in this chapter in addition to the other regulations of this title. The provisions of this chapter prevail over any conflicting provisions of this title.

17.416.020 Northgate SPD boundaries.

The Northgate SPD zone applies to that area of South Natomas located on the east side and portions of the west side of Northgate Boulevard south of Patio Avenue and north of Garden Highway. The zone is depicted on the map in Exhibit A at the end of this chapter.

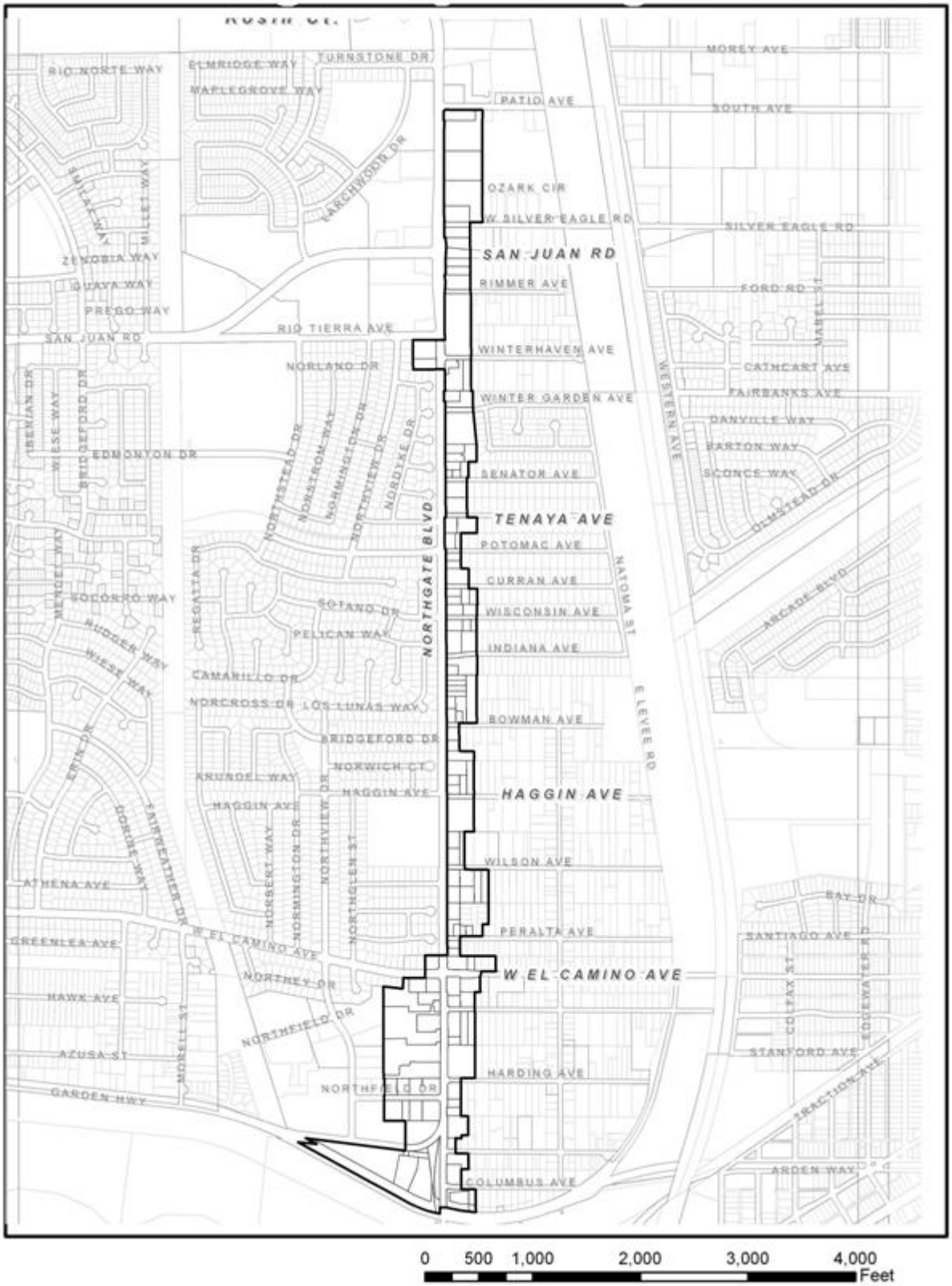
17.416.030 Prohibited uses.

In addition to all other uses prohibited in the RMX and C-2 zones, the following uses are prohibited in RMX zones and C-2 zones within the Northgate SPD.

A. Drive-through restaurant.
B. Mini storage; locker building.
C. Auto – sales, storage, rental.
D. Auto – service, repair.
E. Towing service; vehicle storage yard.
F. Check-cashing center.

Exhibit A

Northgate Blvd. Special Planning District



Chapter 17.420
Alhambra Corridor Special Planning District

17.420.010 Purpose and intent.

The Alhambra Corridor special planning district (SPD) consists of properties located between 26th and 34th streets from the Southern Pacific railroad mainline levee to the W/X Freeway. The district boundaries are identified on the map in Exhibit A at the end of this chapter. This district includes a number of different neighborhoods and is intended to assist in the preservation of the neighborhood scale and character, along with providing additional housing opportunities in the area. The goals of the Alhambra Corridor SPD are to:

A. Maintain and improve the character, quality, and vitality of individual neighborhoods;

B. Maintain the diverse character and housing opportunities provided in these urban neighborhoods; and

C. Provide the opportunity for a balanced mixture of uses in neighborhoods adjacent to transit facilities and transportation corridors.

17.420.020 Alhambra Corridor special regulations and restrictions.

A. Development within the Alhambra Corridor SPD is subject to the regulations and development standards of this chapter, in addition to the other regulations of this title. The provisions of this chapter prevail over any conflicting provisions of this title.

B. Residential preservation transition buffer zone.

1. General Rule. Except as provided below, development located within 300 feet of a residential zone (measured from the street centerline) shall not exceed 35 feet in height. This restriction is intended to establish a buffer zone to protect residential neighborhoods from visual intrusion by new development that is out of scale with the adjacent residential neighborhood.

2. Exception. The planning and design commission may approve a conditional use permit allowing additional height, provided that the height may not exceed the limits established by the applicable base zoning chapter. To approve the conditional use permit, the planning and design commission must find that the development will not be out of scale with the adjacent residential neighborhood. An example where the intent of the buffer zone is maintained while allowing additional height is a development incorporating design features or step-backs that reduce the walled effect on adjacent smaller-scaled residential development.

C. Restricted limited commercial. Property zoned C-1 and located between Granada Way and Folsom Boulevard on the east side of 32nd Street is subject to the following additional provisions:

1. The total building square footage of any structure in the C-1 zone shall not exceed 6,400 square feet, except that the planning and design commission may issue a conditional use permit to exceed 6,400 square feet, subject to a finding that the proposed building scale is compatible with adjacent residential development.

2. Height. The maximum height for this zone is 35 feet.

D. Drive-through services. Drive-through services are prohibited for parcels that abut Alhambra Boulevard and are located in the Alhambra Corridor SPD. This prohibition includes both drive-through services for restaurants and as an accessory use.

Exhibit A

Chapter 17.424
Del Paso Boulevard/Arden Way Special Planning District

17.424.010 Purpose and intent.

A. General.

1. When established in 1994, the Del Paso Boulevard SPD area consisted of C-2 zoned properties located along Del Paso Boulevard, between approximately Globe Avenue and El Camino Avenue. In 1997, the SPD boundary was expanded and M-1 zoning standards were adopted. In 2010, the SPD boundary was expanded to include the portion of Arden Way between Del Paso Boulevard and Beaumont Street and the SPD was renamed the Del Paso Boulevard/Arden Way Special Planning District ("Del Paso Boulevard/Arden Way SPD").

2. The Del Paso Boulevard/Arden Way SPD consists of a number of different neighborhoods that include residential uses, light industrial uses, and commercial uses. The SPD zoning regulations are intended to assist in the preservation of the economic climate in these neighborhoods through the retention of existing businesses while accommodating new development.

B. Goals. The general goals for properties within the Del Paso Boulevard/Arden Way SPD are as follows:

1. Maintain and improve the character, quality, and vitality of this unique commercial neighborhood, drawing on the opportunities for an arts and entertainment orientation;

2. Provide the opportunity for a balanced mixture of uses in neighborhoods adjacent to transit facilities and transportation corridors;

3. Maintain the neighborhood stability of existing commercial neighborhoods while allowing existing nonconforming uses to continue to serve the community needs in this area;

4. Retain and improve economic vitality of this commercial neighborhood;

5. Provide the opportunity for reuse and rehabilitation of heavy commercial and industrial uses to take advantage of the light rail facilities in the area, thereby reducing the number of obsolete and underutilized buildings and sites;

6. Promote land use characteristics for M-1 and C-2 properties that consider the neighborhood changes that resulted from the westerly extension of Arden Way across the Natomas East Main Drainage Canal;

7. Promote orderly transition of land uses from underutilized buildings and sites to new commercial and industrial uses; and

8. Discourage outdoor storage in the SPD by limiting stored materials to those that are incidental to primary business uses in the M-1 and C-2 zones and enforcing minimum standards for outdoor storage of materials and products. By discouraging outdoor storage, the city can reverse the adverse aesthetic conditions.

17.424.020 Del Paso Boulevard/Arden Way SPD boundaries.

The boundaries of the Del Paso Boulevard/Arden Way SPD are shown on the map set out at the end of this chapter as Exhibit A.

17.424.030 Del Paso Boulevard/Arden Way SPD special regulations.

Development in the Del Paso Boulevard/Arden Way SPD is subject to the regulations and development standards in this chapter and to those of the underlying zone. The provisions of this chapter govern over any conflicting provisions of this title.

17.424.040 RMX residential mixed use zone.

A. Allowed uses.

1. Except as provided in subsection B, the uses permitted in the RMX zone under this title outside of the Del Paso Boulevard/Arden Way SPD are allowed in the RMX zone within the Del Paso Boulevard/Arden Way SPD.

2. If this title requires the approval of a conditional use permit or other discretionary permit, or imposes other restrictions or requirements on the establishment of a particular use in the RMX zone outside of the Del Paso Boulevard/Arden Way SPD, approval of the same discretionary permit and compliance with the same restrictions or requirements are required for the use in the RMX zone within the Del Paso Boulevard/Arden Way SPD.

B. Prohibited uses. The following use is prohibited in the Del Paso/Arden Way SPD:

1. Check-cashing center.

17.424.050 OB office building zone.

A. Allowed uses.

1. Except as provided in subsection B, the uses permitted in the OB zone under this title outside of the Del Paso Boulevard/Arden Way SPD are allowed in the OB zone within the Del Paso Boulevard/Arden Way SPD.

2. If this title requires the approval of a conditional use permit or other discretionary permit, or imposes other restrictions or requirements on the establishment of a particular use in the OB zone outside of the Del Paso Boulevard/Arden Way SPD, approval of the same discretionary permit and compliance with the same restrictions or requirements are required for the use in the OB zone within the Del Paso Boulevard/Arden Way SPD.

B. Prohibited uses. The following uses are prohibited in the OB zone in the Del Paso Boulevard/Arden Way SPD:

1. Check-cashing center; and

2. Tobacco retailer.

17.424.060 C-2 general commercial zone.

A. Allowed uses.

1. Except as provided in subsections B and C, the uses permitted in the C-2 zone under this title outside of the Del Paso Boulevard/Arden Way SPD are allowed in the C-2 zone within the Del Paso Boulevard/Arden Way SPD.

2. If this title requires the approval of a conditional use permit or other discretionary permit, or imposes other restrictions or requirements on the establishment of a particular use in the C-2 zone outside of the Del Paso Boulevard/Arden Way SPD, approval of the same discretionary permit and compliance with the same restrictions or requirements are required for the use in the C-2 zone within the Del Paso Boulevard/Arden Way SPD.

B. Allowed uses – Manufacturing, service, and repair. Manufacturing, service, and repair uses are allowed in the C-2 zone within the Del Paso Boulevard/Arden Way SPD as follows:

1. Manufacturing, service, and repair uses not exceeding 6,400 gross square feet of floor area are allowed.

2. Manufacturing, service, and repair uses greater than 6,400 but less than 20,000 gross square feet of floor area are allowed, subject to the following requirements:

a. The use requires a zoning administrator conditional use permit;

b. Newly constructed buildings for this use shall be designed to be convertible to commercial use; and

c. If located on Del Paso Boulevard, the use shall have an office or another active commercial use facing the street.

C. Prohibited uses. The following uses are prohibited in the C-2 zone in the Del Paso Boulevard/Arden Way SPD:

1. Adult entertainment business;

2. Adult-related establishment;

3. Check-cashing center;

4. Mortuary; crematory; and

5. Tobacco retailer.

17.424.070 M-1 light industrial zone.

A. Allowed uses.

1. Except as provided in subsections B and C, the uses permitted in the M-1 zone under this title outside of the Del Paso Boulevard/Arden Way SPD are allowed in the M-1 zone within the Del Paso Boulevard/Arden Way SPD.

2. If this title requires the approval of a conditional use permit, or other discretionary permit, 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 permit and compliance with the same restrictions or requirements are required for the use in the M-1 zone within the Del Paso Boulevard/Arden Way SPD.

B. Allowed uses – Office. Office uses are allowed in the M-1 zone in the Del Paso Boulevard/Arden Way SPD, as follows:

1. Office uses not exceeding 10,000 gross square feet of floor area, or up to 35% of gross floor area of building per parcel, whichever is greater, are allowed.

2. Office uses located less than ¼ mile from a light rail station that do not exceed 40,000 gross square feet of floor area and are located in a building with a floor area ratio of .4 or greater are allowed.

3. Office uses that are not covered by subsection 1 or 2 require a planning and design commission conditional use permit.

C. Prohibited uses. The following uses are prohibited in the M-1 zone in the Del Paso Boulevard/Arden Way SPD:

1. Adult entertainment business;

2. Adult-related establishment;

3. Auto dismantler;

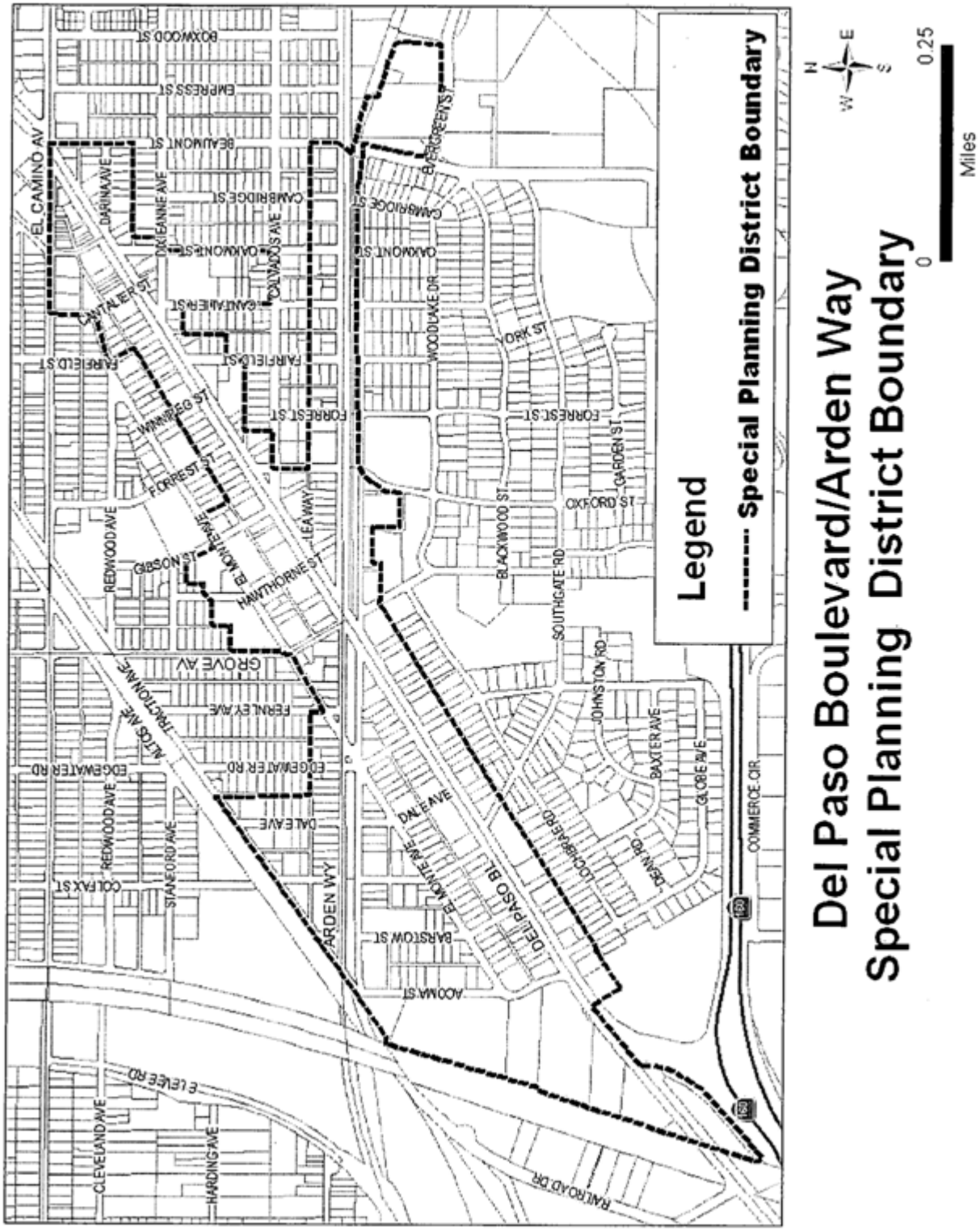
4. Mobilehome sales, storage;

5. Recycling facility; and

6. Tobacco retailer.

D. Development standards. In the M-1 zone in the Del Paso Boulevard/Arden Way SPD, outdoor storage incidental to a manufacturing use is allowed within 100 feet of the manufacturing use it serves. Outdoor storage shall be screened within an area enclosed on all sides by a solid fence (such as woven wire with slats) or a solid wall, at least six feet in height.

Exhibit A


Legend
Special Planning District Boundary
Del Paso Boulevard/Arden Way
Special Planning District Boundary
0
0.25
Miles
N
E
S
W
BOXWOOD ST
EMPRESS ST
BEAUMONT ST
EL CAMINO AV
DARINA AVE
DORIANNE AVE
CAMBRIDGE ST
OAKMONT ST
OLYMPIC AVE
CANTALER ST
FAIRFIELD ST
WINNIPEG ST
FORREST ST
REDWOOD AVE
GIBSON ST
EL MONTE AVE
HAWTHORNE ST
LEA WAY
GROVE AV
FERNLEY AVE
TRACTION AVE
ALTOS AVE
EDGEWATER RD
DALE AVE
COLFAX ST
STANFORD AVE
ARDEN WY
BARSTOW ST
ADOMA ST
ELEVEE RD
CLEVELAND AVE
HARDING AVE
RAILROAD DR
DEL PASO BL
EL MONTE AVE
LOCHBRAE RD
DEAN RD
GLOBE AVE
BAXTER AVE
JOHNSTON RD
SOUTHGATE RD
BLACKWOOD ST
OXFORD ST
GARDEN ST
FOREST ST
WOODLAKE DR
YORK ST
EVERGREEN ST
COMMERCE CIR
80

Chapter 17.428
Del Paso Nuevo Special Planning District

17.428.010 Del Paso Nuevo SPD – Purpose and intent.

A. General. The Del Paso Nuevo special planning district (SPD) consists of approximately 154 acres, bounded by Norwood Avenue, South Avenue, Altos Avenue, and Arcade Creek, as depicted on Exhibit A set out at the end of this chapter. This SPD is intended to create homeownership opportunities within this Del Paso Heights neighborhood.

The city council further finds and declares that, given the history, nature, and scope of development patterns in the Del Paso Heights area, special regulations are necessary to control deep lot and infill development. The SPD guides development towards a cohesive neighborhood that would not otherwise evolve through more typical incremental, piecemeal development.

B. Goals. The general goals for properties within the Del Paso Nuevo SPD are as follows:

1. New development shall incorporate planning principles of “new urbanism,” with public and commercial facilities clustered in the neighborhood core, and with residential densities radiating outward from the core.

2. Development shall view the neighborhood as a cohesive unit.

3. The neighborhood should be compact and pedestrian-oriented, forming identifiable areas that encourage citizens to take responsibility for their maintenance and evolution.

4. Building densities and land uses should be designed to encourage transit usage.

C. Site plan and design review. The site plan and design review process applies to new construction projects. The regulations in this chapter apply in addition to other regulations in this title.

17.428.020 Del Paso Nuevo SPD – Basic height and area regulations.

A. The following standards apply to new construction.

	R-1-SPD	R-1A-SPD	C-1-SPD
Minimum front yard setback—Porch/entry	12.5 feet	12.5 feet	n/a
Minimum front yard setback—Main structure	17.5 feet	17.5 feet	12.5 feet along Norwood Ave.; 0 feet elsewhere
Minimum side-yard setback (interior)	5 feet; 0 feet for garage	5 feet; 0 feet for garage	See section 17.216.730. B
Minimum lot area	5,200 sq. ft.	4,000 sq. ft.	1,600 sq. ft.

B. Notwithstanding subsection A, the planning and design commission and the planning director each have the authority to vary the minimum yard setbacks and the minimum lot area per dwelling unit requirements in the R-1A-SPD zone through site plan and design review. The density of a project may not exceed the maximum density under section17.428.030 and Exhibit A.

17.428.030 Del Paso Nuevo SPD – Special regulations for single-unit dwelling in R-1A-SPD zone.

As shown on Exhibit A set out at the end of this chapter, density is limited to 8 to 12 dwelling units per net acre, with the exception of two areas designated for 10 to 15 dwelling units per net acre. Housing types within the area designated for 8 to 12 dwelling units per acre are limited to detached single-unit dwellings.

17.428.040 Del Paso Nuevo SPD – Institutional uses.

A. This section applies only to the area designated on Exhibit A as "public/quasi-public," which is generally located both north and south of Silver Eagle Road, and approximately 300 feet east of Norwood Avenue.

B. Notwithstanding the provisions of this title that otherwise require a conditional use permit for institutional uses, the following uses are allowed subject to site plan and design plan review, provided that the use meets all development standards:

1. Assembly – cultural, religious, social;

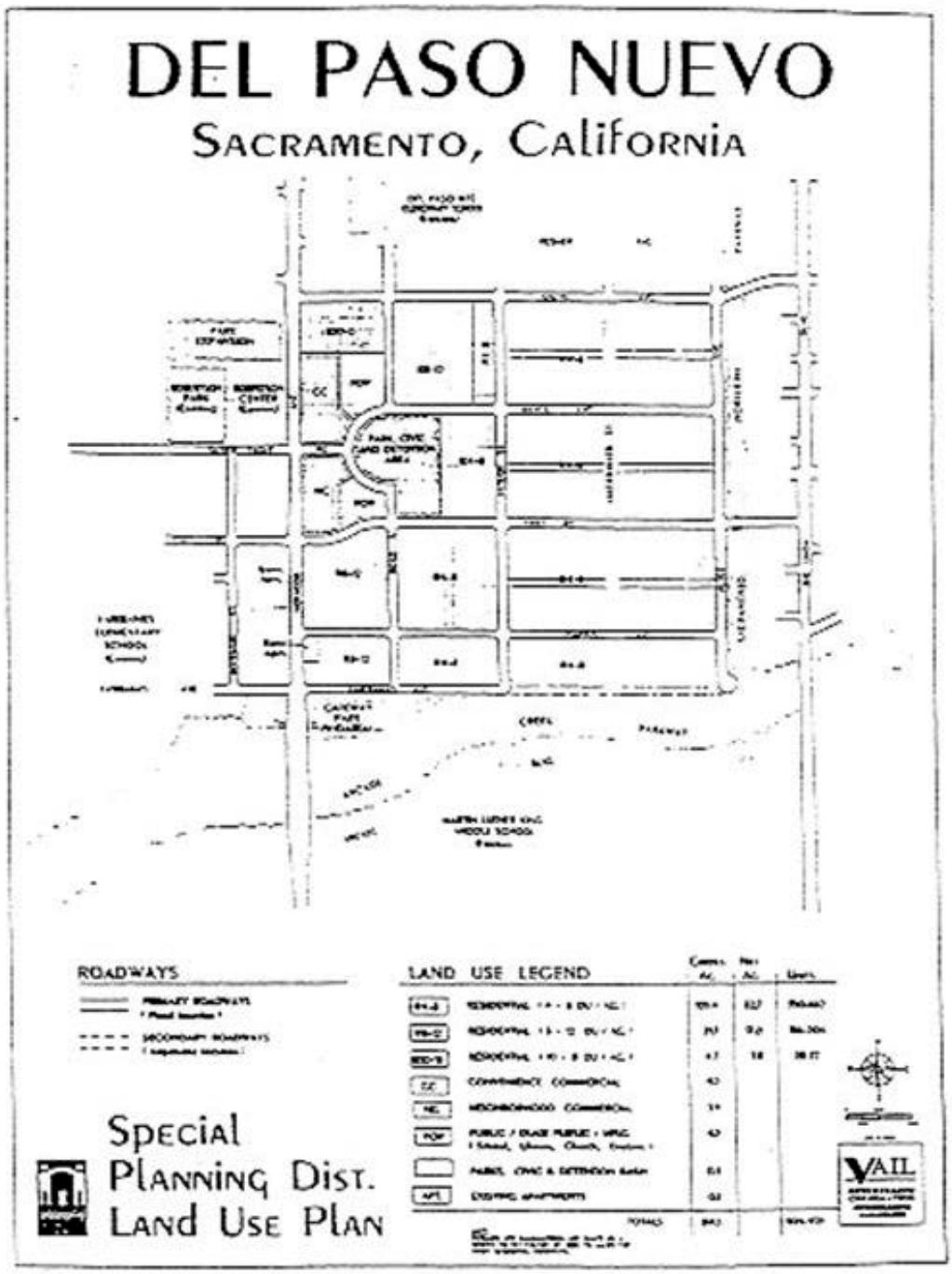
2. School, K-12;

3. Childcare center; and

4. Non-residential care facility.

C. Height limit for civic uses. Allowed civic buildings and institutional uses may be erected to a height not exceeding 40 feet; height step-backs may be imposed through the site plan and design review process.

Exhibit A



Sacramento Housing and Redevelopment Agency

Chapter 17.432
Sacramento Army Depot Special Planning District

17.432.010 Sacramento Army Depot SPD – Purpose.

The purpose of the Sacramento Army Depot special planning district (SPD) is to guide the establishment of land uses during the development of the Sacramento Army Depot reuse plan.

17.432.020 Sacramento Army Depot SPD – Boundaries.

The Sacramento Army Depot SPD is that area shown on Exhibit A set out at the end of this chapter.

17.432.030 Sacramento Army Depot SPD – Allowed Uses.

A. Use permitted if standards met.

1. Notwithstanding any other provision of this title, a use that meets the standards of this subsection A.1 may be established in the SPD as if permitted by right.

a. The use is either permitted by right in the M-2 zone or is an office use. For an office use to qualify under this provision, it must not raise the total amount of office space in the SPD above 349,748 square feet.

b. The new use will be served by existing infrastructure (water, sewer, storm drainage, and streets).

c. The total number of employees for the use does not raise the total number of employees in the SPD above 3,000.

d. Construction is one of two types:

i. New construction that does not increase either ground coverage or height more than 10%; or

ii. Construction necessary for compliance with applicable structural, safety, energy, or access standards.

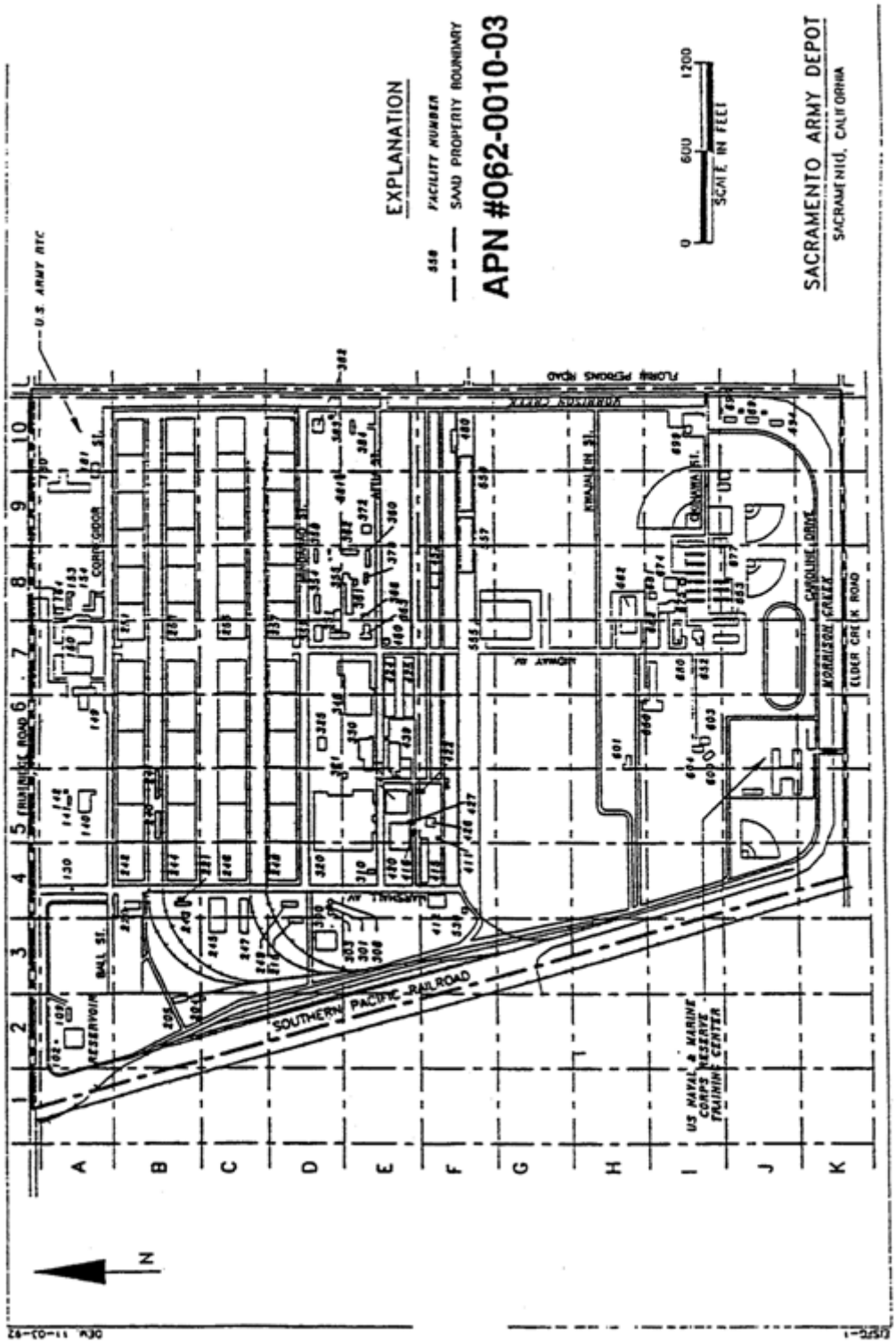
2. Prior to establishing the use, the lessee shall demonstrate compliance with the above standards to the satisfaction of the planning director.

B. Conditional use permits. For a use allowed in the M-2 zone that does not meet the standards in subsection A.1, one of the following permits is required:

1. Conditional use permit—zoning administrator. The zoning administrator may approve a conditional use permit for a use in the M-2 zone if the use will be conducted within an existing structure in the SPD. The existing structure may be modified with tenant improvements, fencing, landscaping, and parking only.

2. Conditional Use Permit—planning and design commission. The planning and design commission may approve a conditional use 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.d.

Exhibit A


EXPLANATION
FACILITY NUMBER
SAND PROPERTY BOUNDARY
APN #062-0010-03
0 600 1200
SCALE IN FEET
SACRAMENTO ARMY DEPOT
SACRAMENTO, CALIFORNIA
U.S. ARMY RTC
FLORIN PERKINS ROAD
VINCENTI CREEK
CONTI GATE
BALL ST.
RESERVOIR
SOUTHERN PACIFIC RAILROAD
US NAVAL & MARINE CORPS RESERVE TRAINING CENTER
MORRISON CREEK
ELDER CREEK ROAD
N

Chapter 17.436
River District Special Planning District

17.436.010 Purpose and intent.

A. The River District special planning district (SPD) establishes procedures to implement the policies and development standards of the River District Specific Plan. The River District Specific Plan designates the land uses within the boundaries of the River District Specific Plan area and is the primary policy and regulatory document used to guide development of the properties within the River District Specific Plan area.

B. The goals of the River District SPD are to:

1. Establish a greater mix of land uses and intensities to attract private investment;

2. Provide the opportunity for reuse and rehabilitation of heavy commercial and industrial uses; to take advantage of the light rail facilities in the area; and to reduce the number of obsolete and underutilized buildings and sites;

3. Allow for the retention and continued operation of industrial and service-oriented uses;

4. Provide for improved circulation, infrastructure, and community facilities that will serve existing and future needs within the area;

5. Provide for the future creation of a significant residential population within the River District area as industrial uses relocate or are replaced; achieve the housing objectives of the general plan and Central City Community Plan; and provide a jobs-housing balance for future office growth;

6. Provide for the intensification of commercial and office uses within close proximity to the planned and existing light rail stations and Interstate 5;

7. Discourage uses that contribute to visual or economic blight;

8. Encourage the preservation of historic structures; and

9. Promote aesthetic improvements to the area by implementing development standards and design guidelines.

17.436.020 River District SPD boundaries.

The River District SPD consists of approximately 748 acres of land within the River District Specific Plan area and is generally bounded by the Sacramento River on the west, the American River on the north, the Sacramento Railyards on the south, and 18th Street on the east. The map in Exhibit A at the end of this chapter shows the boundaries of the River District SPD.

17.436.030 River District special regulations.

Development in the River District SPD is subject to the regulations and development standards set forth in this chapter in addition to the regulations of this title and code. The provisions of this chapter prevail over any conflicting provisions of this title or code.

17.436.040 Uses and development standards—general.

A. Allowed uses. Except as provided below, the uses allowed within the River District SPD are the same as the allowed uses outside of the River District SPD.

1. Dwelling, multi-unit. Multi-unit dwellings located in the Heavy Commercial (C-4 SPD) zone are permitted subject to site plan and design review approval.

2. Medical marijuana dispensary. Medical marijuana dispensaries are subject to special use regulations in chapter 17.228, except that a planning and design commission conditional use permit is required in the General Commercial (C-2 SPD) and Heavy Commercial (C-4 SPD) zones.

3. Support commercial in the Office zone. Retail, commercial services, and restaurants are allowed to occupy greater than 50% of the gross floor area in the Office (OB SPD) zone, subject to the approval of a zoning administrator conditional use permit.

B. Development Standards.

1. Height. The height standards for all parcels in the River District SPD are set out in Exhibit B at the end of this chapter.

a. Design review or preservation review conducted at the director or commission level under chapter 17.808 may address and modify the required height to achieve the intent and purposes of the River District Urban Design Guidelines.

b. The director or commission may approve up to an additional 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.

2. Density. A higher density may be approved in the Multi-multi dwelling (R-3A SPD) and Residential Mixed Use (RMX-SPD) zones upon the issuance of a planning and design commission conditional use permit pursuant to and subject to the findings required by section17.808.200 and consistent with the applicable density range established by the city's general plan.

3. Setbacks on Richards Boulevard. Notwithstanding other provisions of this chapter, the minimum setback on the north side of Richards Boulevard from North 7th Street to North 16th Street is 35 feet; provided, upon establishment of a 30-foot wide right-of-way at this location for light rail transit purposes, the minimum setback is 5 feet.

4. Parking. If the use of an existing building is changed to another use that is consistent with this chapter, the following parking requirements apply.

a. If the change of use is not accompanied by a building expansion or reconstruction, no additional parking is required.

b. If the change in use is accompanied by a building expansion, the new use must meet the parking requirements only as applied to the square footage added by the expansion.

c. If the change in use is accompanied by the building demolition and rebuilding, in whole or in part, the new use must conform to all applicable parking requirements.

5. Building design to accommodate ground floor retail. New buildings shall be designed to accommodate future ground floor retail uses consistent with Exhibit C at the end of this chapter and the River District Urban Design Guidelines. The design review or preservation review conducted under chapter 17.808 may address and modify or waive the ground floor retail accommodation requirement, provided that the design or preservation review is performed at the director or commission level.

6. Open space. Open space requirements shall be satisfied on-site; provided the planning and design commission may approve a conditional use permit pursuant to and subject to the findings required by section 17.808.200 to allow not more than 20% of the required open space off-site. Required off-site open space shall be located within the River District SPD.

7. Outdoor storage. Storage for appliance repair shops; cabinet shops; contractor storage yards; building/landscape contractor shops; equipment rental and sales yards; furniture refinishing; retail lumber yards; 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 or solid fencing.

C. Notice of industrial uses. To avoid conflicts and incompatibility between existing industrial uses and new development in the River District SPD, the city, as a condition of approval of any application for new development, may require the owners and developers of the new development to provide written notice of the existing industrial uses and potential impacts associated with the continued use and operation of such industrial uses, to tenants and occupants of the new development.

17.436.050 Nonconforming use regulations.

A. General. Except as provided below, the nonconforming use regulations set forth in chapter 17.232 apply to nonconforming uses, deemed conditional use permits and variances, and deemed site plan and design review approval apply to uses, buildings, structures, and lots within the River District SPD.

B. Discontinuance of nonconforming uses. Notwithstanding the provisions of section 17.232.100:

1. Except as provided in subsection C of section 17.232.100, if a nonconforming use of a lot, building, or structure is discontinued for a continuous period exceeding four years, the right to continue the nonconforming use expires for discontinuance of use.

2. The zoning administrator may approve a single extension of time of not more than two years to resume the operation of a nonconforming use upon a showing of good cause and a determination that the applicant has made reasonable and diligent efforts to resume the nonconforming use. The application for an extension of time to resume the operation of a nonconforming use shall be filed not less than 30 days prior to the expiration of the four year period within which the nonconforming use may be resumed by right. The application for extension of time shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a zoning administrator conditional use permit.

C. Allowed expansion of nonresidential nonconforming uses. Notwithstanding the provisions of chapter 17.232, a nonconforming nonresidential use may be enlarged within the building it occupies; enlarged; increased to occupy a greater area of land than that occupied by the use at the time the use became

nonconforming; or moved in whole or in part to any other portion of the lot or parcel of land occupied by the nonconforming use upon the approval of a zoning administrator conditional use permit pursuant to, and subject to the findings required by, section 17.808.200.

D. Change from a nonconforming use to another nonconforming use. Notwithstanding the provisions of section 17.232.090.A, an existing nonconforming use is permitted by right to change to another nonconforming use if the new nonconforming use is listed in Table 1, below. The zoning administrator may approve a conditional use permit pursuant to, and subject to the findings required by, section 17.808.200 to allow a nonconforming use to be changed to another nonconforming use listed in Table 2 below.

17.436.060 Repair and reconstruction of buildings and structures damaged or destroyed by disaster.

A. If a building or structure has a deemed approved site plan and design review permit with a deviation from applicable design guidelines and development standards under section 17.232.070, and is damaged or destroyed by disaster, the building or structure may be repaired or reconstructed as provided in sections 17.232.070 and 17.808.410.B, except the repaired or reconstructed building or structure may differ in height, lot coverage, design, or other features if it complies with the development standards for new development in the River District SPD.

B. Notwithstanding the provisions of section 17.808.410, the zoning administrator may approve a single extension of time of not more than two years to commence the repair or reconstruction of a damaged or destroyed building or structure within the River District SPD upon a showing of good cause and a determination that the applicant has made reasonable and diligent efforts to commence the repair or reconstruction of the building or structure. The application for extension of time to commence the repair or reconstruction of the building or structure shall be filed not less than 30 days prior to expiration of the two year period for commencement of work under section 17.808.410.B. The application for extension of time shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a zoning administrator conditional use permit.

C. If a nonconforming use of the building or structure existed at the time the building or structure was damaged or destroyed by disaster, the use may be resumed within the time stated in section 17.232.100. A, or not later than six months following issuance of a certificate of occupancy or approval of final inspection of the repair or reconstruction work, whichever is later.

Table 1: Nonconforming Use Change Permitted by Right
Appliance repair shop
Assembly of electrical or electronic equipment
Assembly of plastic or rubber items
Beverage bottling plant
Billboard manufacture
Building/Landscape contractor shop
Cabinet shop
Cement or clay products manufacturing
Cleaning plant, commercial
Contractor storage yard
Equipment – rental, sales yard
Furniture refinishing
Garment shop
Janitorial service company
Laboratory
Laundry, commercial plant
Lumber yard, retail
Machine shop
Manufacturing, assembly, and treatment of merchandise
Monument works, stone
Plant nursery
Printing and blueprinting
RV storage (commercial)
Warehouse; distribution center
Wholesale stores and distributors

Table 2: Nonconforming Use Change With Zoning Administrator Conditional Use Permit
Auto dismantler
Concrete batch plant
Food processing plant
Fuel storage yard
Junk yard
Planing mill
Recycling facility — minor, major, greenwaste
Terminal yard, trucking
Towing service; vehicle storage yard
Truck and tractor – sales, service, and repair

Exhibit A: River District Specific Plan Boundary

Exhibit B: Maximum Allowed Height (Measured from Existing Grade)

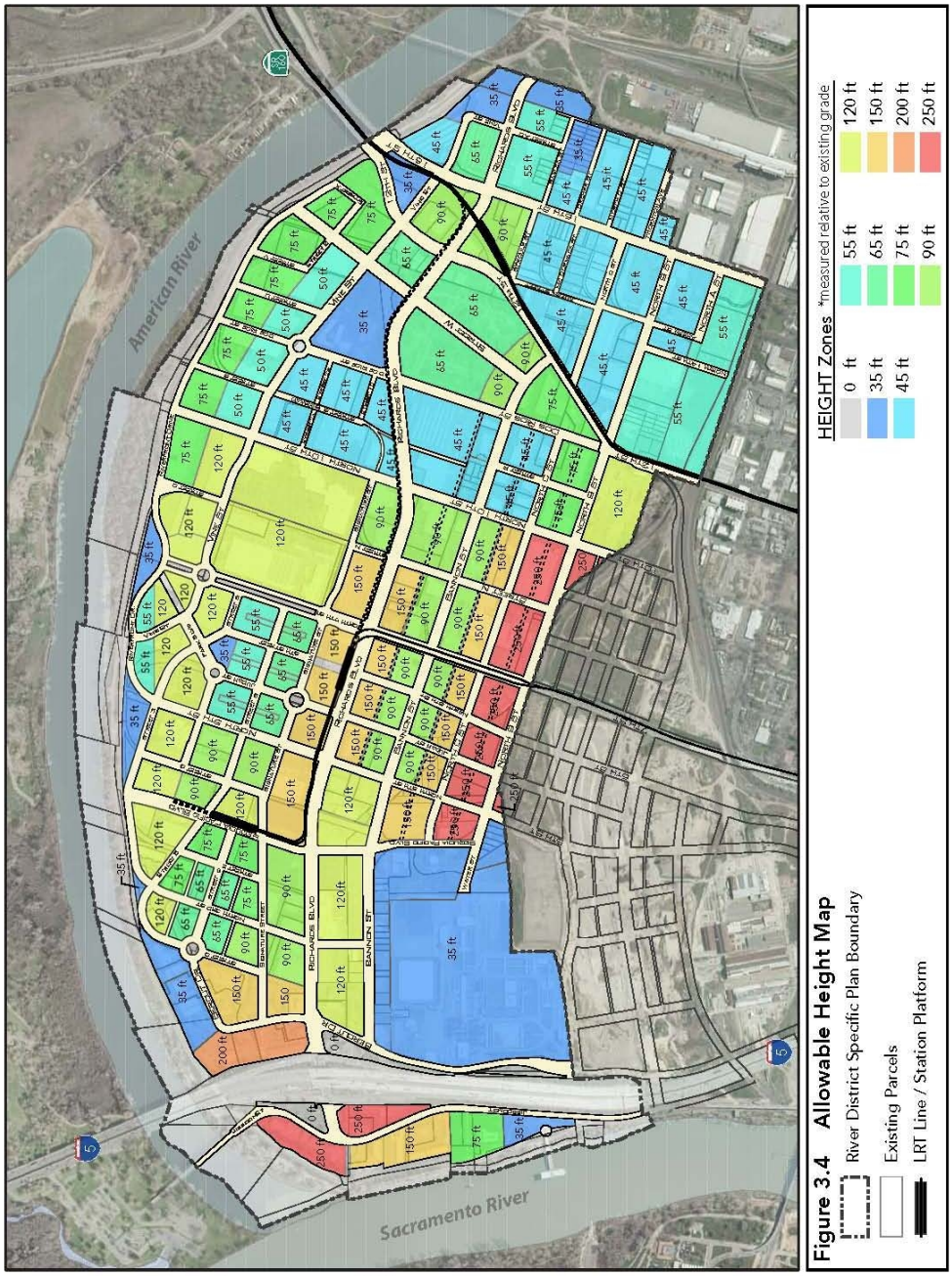
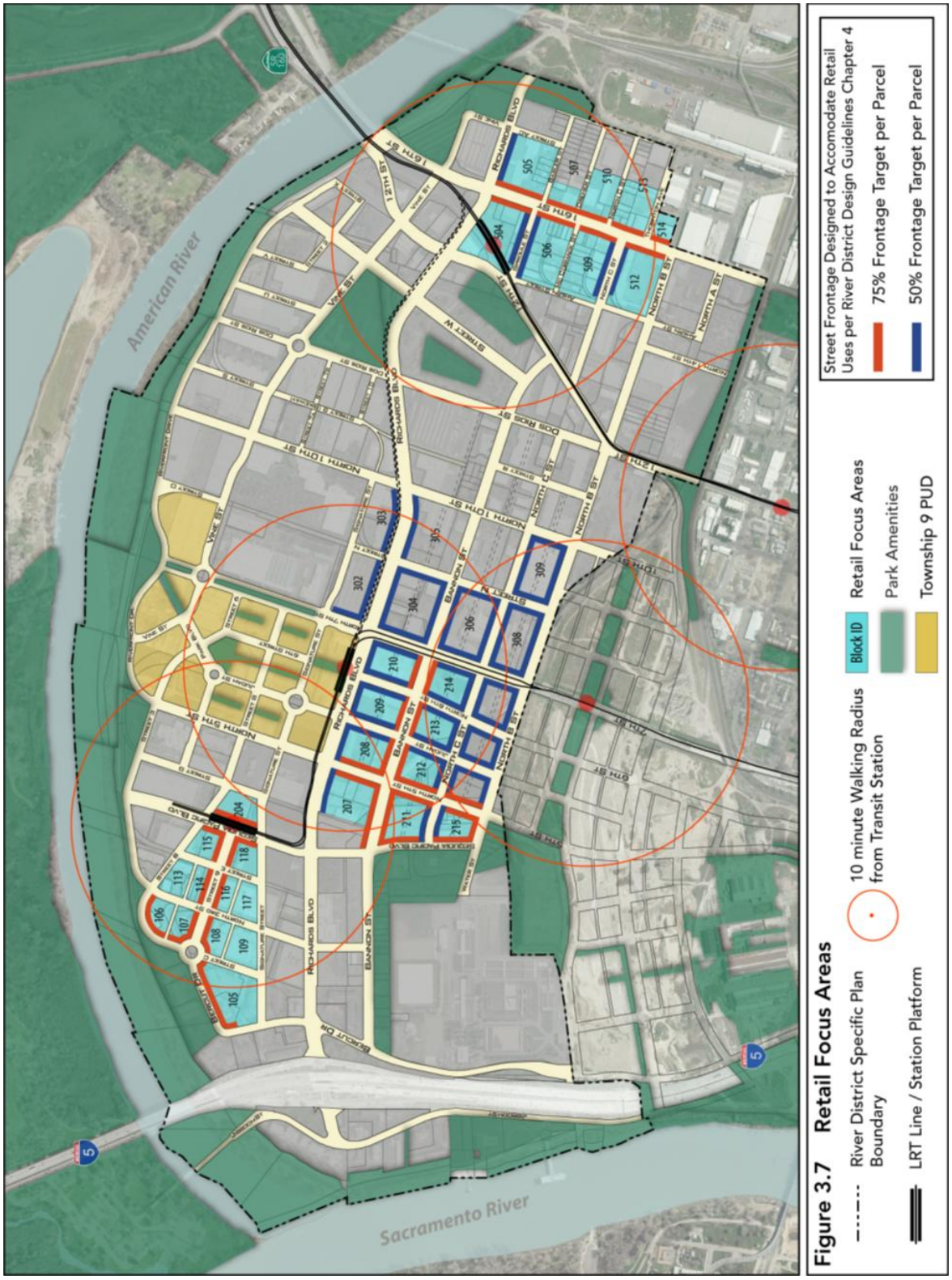


Figure 3.4 Allowable Height Map
River District Specific Plan Boundary
Existing Parcels
LRT Line / Station Platform
HEIGHT Zones *measured relative to existing grade
0 ft
35 ft
45 ft
55 ft
65 ft
75 ft
90 ft
120 ft
150 ft
200 ft
250 ft
American River
Sacramento River
RICHARDS BLVD
BANNON ST
Bannon Street
Vine St
Vine St
Vine St

Exhibit C: Ground Floor Retail Accommodation



Chapter 17.440
Sacramento Railyards Special Planning District

17.440.010 Purpose and intent.

A. The Sacramento Railyards special planning district (SPD) establishes procedures to implement the policies, development standards, and design guidelines of the Sacramento railyards specific plan, which governs reuse of the Sacramento railyards site as a transit-oriented mixed-use district. The Sacramento railyards specific plan designates the land uses within the boundaries of the Sacramento railyards specific plan area and is the primary policy and regulatory document used to guide redevelopment of properties within the Sacramento railyards site.

B. The goals of the Sacramento Railyards SPD are to:

1. Create, facilitate, and encourage the infill development of a dynamic 24-hour mixed-use urban environment that provides a range of complimentary uses that will make the site a regional destination;

2. Create cohesive mixed-use neighborhoods that contain integrated housing types;

3. Protect the historic integrity of the site and ensure that new construction complements existing historic resources;

4. Provide connectivity between the districts, utilizing pedestrian-friendly streetscapes;

5. Provide a mixture of transit oriented uses that compliment and support the Sacramento Intermodal Facility and 7th Street transit station;

6. Create a sustainable community that utilizes green building technology and renewable energy sources;

7. Connect and integrate development with vibrant open space along the Sacramento River; and

8. To facilitate infill redevelopment of the Sacramento railyards by allowing a broad mixture of uses, flexible development standards, and an efficient approval process that provides certainty for the city, developers, and lenders.

17.440.020 Sacramento Railyards SPD boundaries.

The Sacramento Railyards SPD consists of approximately 244 acres of land within the Sacramento railyards specific plan area generally bounded by the Sacramento River to the west, North B Street to the north, the Alkali Flat neighborhood to the east, and the existing downtown area to the south. The map in Appendix A at the end of this chapter sets forth the boundaries of the Sacramento Railyards SPD.

17.440.030 Conflicting requirements.

Development within the Sacramento Railyards SPD is subject to the special rules and regulations set forth in this chapter in addition to the other regulations of this title and code. The provisions of this chapter prevail over any conflicting provisions of this title and code.

17.440.040 Zoning and uses.

A. Land use zones. All parcels within the Sacramento Railyards SPD shall be zoned consistent with their corresponding land use designation in the Sacramento railyards specific plan as follows:

1. RCMU-SPD—Residential/Commercial Mixed Use Zone. The RCMU-SPD zone corresponds to the residential/commercial mixed use designation in the Sacramento railyards specific plan. This zone is designed to create an area that features a wide mixture of urban uses, with an emphasis on commercial uses with a residential component.

2. ORMU-SPD—Office/Residential Use Zone. The ORMU-SPD zone corresponds to the office/residential mixed use land use designation in the Sacramento railyards specific plan. This zone allows for a broad range of office, residential, hotel, and supporting retail, with an emphasis on office and residential.

3. RMU-SPD—Residential Mixed-Use Zone. The RMU-SPD zone corresponds to the residential mixed-use designation in the Sacramento railyards specific plan. This zone allows for a broad range of residential mixed uses, including high-density residential, neighborhood-serving retail uses, and restaurants, with an emphasis on residential.

4. TC-SPD—Transportation Corridor and M-2-SPD—Industrial. The TC-SPD zone and the M-2-SPD zone correspond to the transportation use designation in the Sacramento railyards specific plan. These zones are intended to regulate land uses around, within, above, and below public transportation corridors to ensure the development is consistent with the Sacramento railyards specific plan. This zone allows

for dense transit-oriented development, including retail, office, hotel, and residential uses. See section 17.224.300 et seq. for more details.

5. Open space land use designation. The Sacramento railyards specific plan open space land use designation encompasses both traditional public parks and other forms of urban open space. Parcels subject to the open space land use designation in the Sacramento railyards specific plan shall have an underlying zone to indicate appropriate private development if the parcel is not used for public open space.

B. Allowed uses. The Sacramento railyards specific plan envisions a dynamic, 24-hour mixed-use urban environment that provides a full range of complimentary uses in each land use designation. To realize this goal, the RCMU-SPD, ORMU-SPD, RMU-SPD, TC-SPD, and M-2-SPD zones are intended to allow for any type of urban function. Therefore, except as provided in subsections C, D, E, and F, all uses are allowed in each of these zones, subject to issuance of a planning director urban development permit as required under section 17.440.060. The purpose of the planning director urban development permit required under section 17.440.060 is to ensure that development is consistent with the goals, policies, objectives, and other provisions of the Sacramento railyards specific plan; the Sacramento railyards design guidelines; the Sacramento railyards specific plan environmental impact report and mitigation monitoring program; any applicable development agreement; this title; all other applicable plans, ordinances, and development regulations; and is compatible with surrounding development.

C. Uses requiring a conditional use permit. The uses listed below require a planning director's conditional use permit under this chapter in addition to a planning director urban development permit.

1. Mobilehome.

2. Temporary residential shelter.

3. Auto – sales, storage, rental (unless entirely within a building or parking structure).

4. Auto – service, repair.

5. Bar; nightclub (not exceeding 4,000 gross square feet).

6. Boat dock; marina.

7. Passenger terminal.

8. Transit vehicle – service, repair, storage.

9. Cemetery.

10. Cleaning plant, commercial.

11. Drive-in theater.

12. Drive-through service facility.

13. Equipment – rental, sales.

14. Flea market.

15. Laundry, commercial.

16. Mini storage; locker building (on street level).

17. Non-residential care facility.

18. Plant nursery.

19. Amusement center, outdoor.

20. Stand-alone parking lot.

21. Railroad ROW.

22. Railroad yard, shop.

23. RV or mobilehome sales yard.

24. RV storage (commercial).

25. School, K-12 (private).

26. Gas stations (including car wash).

27. Social club greater than 10,000 gross square feet.

28. Tire shop.

29. Any other use that the planning director determines is similar in nature, function, or operation to the uses listed in this subsection.

D. Uses subject to regulation under chapter 17.228 or as stated. The uses listed in the chart below are allowed subject to the limitations specified. The limitations specified apply in addition to the planning director urban development permit.

Use	Limitations
Adult entertainment business	Subject to special use regulations in chapter 17.228.102
Adult-related establishment	Subject to special use regulations in chapter 17.228.103
Alcoholic beverage sales, off-premises	Subject to special use regulations in chapter 17.228.108
Antenna; telecommunications facility	Subject to special use regulations in chapter 17.228.300 et seq.
Beer and wine (off-premises)	Subject to special use regulations in chapter 17.228.108
Bar; nightclub (greater than 4,000 gross square feet)	Subject to special use regulations in chapter 17.228.108
Building contractor shop	Entire business shall be conducted within a building; No outdoor storage or display is permitted
Cabinet shop	Entire business shall be conducted within a building; No outdoor storage or display is permitted
Electrical transmission facilities	Subject to special use regulations in chapter 17.228.500 et seq.
Furniture refinishing	Entire business shall be conducted within a building; No outdoor storage or display is permitted
Heliport; helistop	Subject to special use regulations in chapter 17.228.114
Home occupation	Subject to special use regulations in chapter 17.228.200 et seq.
Major medical facility	Planning and design commission conditional use permit required
Non-profit organization, meal service facility	Planning and design commission conditional use permit required
Non-profit organization, food storage and distribution	Planning and design commission conditional use permit required
Non-profit organization, food prep for off-site consumption	Planning and design commission conditional use permit required
Recycling facility	Subject to special use regulations in chapter 17.228.400 et seq.
Residential hotel	Subject to special use regulations in chapter 17.228.112
Superstore	Subject to special use regulations in chapter 17.228.119

E. Prohibited uses. The uses listed below are prohibited in the Sacramento Railyards SPD.

1. All industrial and agricultural land uses, unless otherwise specified above.

2. Mobilehome park.

3. Correctional facility.

4. Check-cashing center.

F. Uses in the TC-SPD zone and the M-2-SPD zone. Only the uses permitted in the TC zone outside of the Sacramento Railyards SPD are permitted in the TC zone and the M-2 zone inside of the Sacramento Railyards SPD. If this title requires the approval of a conditional use permit or other discretionary entitlement or imposes other restrictions or requirements on the establishment of a particular use in the TC zone outside of the Sacramento Railyards SPD, approval of the same discretionary entitlement and compliance with the same restrictions or requirements is required to establish the use in a TC zone and M-2 zone within the Sacramento Railyards SPD.

17.440.050 Development standards.

A. Floor area ratio (FAR) and density. The Sacramento railyards specific plan establishes maximum development densities and intensities for the specific plan area as a whole and in each of the plan's five districts and five land use designations. The specific plan also envisions a range of residential and hotel densities and nonresidential building intensities within each district and land use designation. The purpose and scope of the planning director urban development permit required under section 17.440.060 is to ensure that development is consistent with the goals, policies, objectives and other provisions of the Sacramento railyards specific plan; the Sacramento railyards design guidelines; the Sacramento railyards specific plan environmental impact report and mitigation monitoring program; any applicable development agreement; this title; all other applicable plans, ordinances, and development regulations; and is compatible with surrounding development. Therefore, the planning director urban development permit may restrict residential and hotel densities and floor area ratios below the maximums stated in this section to ensure the development project is consistent with these governing documents.

1. RCMU-SPD.

a. The maximum FAR for nonresidential development, except hotels, is 5.0 per parcel.

b. The maximum density for residential development and hotels (measured by number of rooms) is 230 dwelling units per net acre.

c. The maximum allowed development square footage in the RCMU-SPD zone is limited to the maximum development allowed in the railyards specific plan RCMU land use designation.

2. RCMU flexible mixed-use. The Sacramento railyards specific plan allows for the development of additional building square footage in the RCMU-SPD zone in areas designated as "mixed-use flex space." These areas are primarily focused on second floors on the parcels set forth in Appendix B at the end of this chapter. The aggregate additional square footage allowed in the RCMU mixed-use flex space is 491,000 square

feet. Development within the mixed-use flex space in the RCMU-SPD zone is subject to the same density requirements established for the RCMU-SPD zone.

3. RCMU – Central Shops Historic District. Development in the RCMU-SPD zone in the Central Shops Historic District shall not exceed an aggregate of 485,390 square feet. Development within the Central Shops Historic District under this subsection is subject to the same density requirements established for the RCMU-SPD zone.

4. ORMU-SPD.

a. The maximum FAR for nonresidential development, except hotels, is 8.0 per parcel.

b. The maximum density for residential development and hotels (measured by number of rooms) is 230 dwelling units per net acre.

c. The maximum allowed development square footage in the ORMU-SPD is limited to the maximum development allowed in the railyards specific plan ORMU land use designation.

d. In mixed-use office and residential projects both the residential and the nonresidential uses must conform to the maximum FAR while not exceeding the maximum density for the residential component.

5. RMU-SPD.

a. The maximum FAR for nonresidential development, except hotels, is 1.0 per parcel.

b. The maximum density for residential development and hotels (measured by number of rooms) is 310 dwelling units per net acre.

c. The maximum allowed development square footage in the RMU-SPD is limited to the maximum development allowed in the railyards specific plan RMU land use designation.

6. TC-SPD and M-2-SPD. The provisions of this title relating to height, yard, court, lot coverage/building size, and lot area per dwelling unit requirements for the TC zone apply in the TC and M-2 zones in the Sacramento Railyards SPD.

B. Build-to lines, building frontages, and street wall heights. The standards in this subsection apply to build-to lines and street wall heights in the Sacramento Railyards SPD; provided, the planning director may modify these standards as a condition of the urban development permit.

1. Build-to lines and building frontage. Except as specified below in subsection b for the Central Shops Historic District and subsection d for the Riverfront District, street walls and building frontages are permitted up to the property line or the edge of the public right-of-way. One hundred percent of the building frontage is permitted along the build-to line. Minimum building frontages at the build-to line are established as follows:

a. Depot District. A minimum of 95% of the building frontage shall be established along the build-to line.

b. Central Shops Historic District. Street walls and building frontages on parcel 14 shall be separated by not less than 30 feet from any historic structure located on parcel 26, as shown in Appendix C.

c. West End. A minimum of 70% percent of the building frontage shall be established along the build-to line.

d. East End. A minimum of 60% percent of the building frontage shall be established along the build-to line.

e. Riverfront District. Buildings and structures shall be set back a minimum of 80 feet from the property line adjacent to the waterfront.

2. Street wall height.

a. Street wall height—Depot District. The maximum street wall height in the Depot District is 85 feet, with the following exceptions:

i. The maximum street wall height for buildings facing existing blocks outside of the Sacramento Railyards SPD is 60 feet, except buildings fronting H Street between 5th and 6th Streets have a maximum street wall height of 85 feet.

ii. The maximum street wall height of buildings fronting 7th Street between F Street and the railroad tracks is 35 feet.

b. Street wall height—Central Shops Historic District.

i. The maximum street wall height in the Central Shops Historic District shall not exceed the tops of the historic Central Shops.

ii. Street walls along Camille Lane are limited to 60 feet.

c. Street wall height – West End District. Street wall height in the West End District is limited to 85 feet, with the following exceptions:

i. Street walls along Camille Lane are limited to 60 feet.

ii. Street walls of buildings facing the Central Shops Historic District shall not exceed the tops of the historic Central Shops.

d. Street wall height—East End District. The maximum street wall height in the East End District is 85 feet, except buildings facing Boxcar Park have a maximum street wall height of 60 feet.

e. Street wall height—Riverfront District. The maximum street wall height in the Riverfront District is 85 feet or the maximum building height, whichever is less.

C. Building height.

1. Except as provided below in subsection 2, building heights in the Sacramento Railyards SPD are unrestricted; provided, the planning director may establish a maximum building height as a condition of the urban development permit.

2. Maximum height for buildings in those areas described below and shown in Appendix C at the end of this chapter are set forth below:

a. Depot District. The maximum height for buildings located on parcel 46 that front on 7th Street is 85 feet.

b. Central Shops Historic District.

i. The maximum height for buildings on parcels 12 and 22 is 67 feet.

ii. The maximum height for buildings on parcel 23 is 78 feet.

iii. The maximum height for buildings on parcels 13 and 14 is determined as follows:

(A) If parcel 13 is developed first, or if parcel 14 is developed first to a building height not exceeding 67 feet, then the maximum building height for parcel 13 is 100 feet; otherwise, the maximum building height for parcel 13 is 67 feet.

(B) If parcel 14 is developed first, or if parcel 13 is developed first to a building height not exceeding 67 feet, then the maximum building height for parcel 14 is 120 feet; otherwise, the maximum building height for parcel 14 is 67 feet.

c. West End District.

i. The maximum height for buildings on parcel 18 is 67 feet.

ii. The maximum height for buildings on parcel 15 is 85 feet.

d. East End District. The maximum height for buildings that front on the north side of North Park Street and for buildings that front on the south side of South Park Street is 120 feet and no greater than eight stories.

e. Riverfront District. The maximum height for buildings in the Riverfront District ranges from 450 feet to 35 feet in a pattern that steps down towards the Sacramento River, as shown in Appendix C at the end of this chapter.

D. Lot coverage requirements. The maximum ground floor lot coverage is 100%, exclusive of pedestrian, open space, recreation, and similar easements. The maximum lot coverage requirement for residential floors located above ground floor garages or retail spaces is 75%. The planning director may modify these standards as a condition of the urban development permit.

E. Open space.

1. Office.

a. Open space shall be provided for office development at a ratio of 1 square foot of open space per 15 square feet of the total square footage of development.

b. Open space shall be provided on-site; provided, the planning director may approve a conditional use permit under this chapter to allow not more than 20% percent of the required open space off-site. Required off-site open space shall be located within the same Sacramento railyards specific plan district as the proposed office development.

c. Open space shall be in the form of courtyards or public plazas.

2. Residential.

a. Areas specifically designed for recreation or passive enjoyment of the outdoors are required for residential development.

b. A minimum of 80 square feet of common usable open space per unit is required. The space may include courtyards, gardens, recreational, and similar areas.

c. A minimum of 50 square feet of private usable open space per unit is required. This space is for the exclusive use of the unit. It may include decks, balconies, and patios. Private useable open space shall be directly accessible from its associated unit.

d. Common open space shall be provided on site or on the immediately adjacent parcel if the common open space is accessible to the residents in both of the adjoining parcels that the open space serves. The combined 130-square foot common and private open space per unit requirement may be met by any combination of common and private open space if each unit has some amount of private open space.

F. Parking.

Off-street parking shall be provided in accordance with chapter 17.608. The planning director may, through the urban development permit, either increase or decrease the required parking ratios based on the project's parking management plan to ensure adequate parking capacity based on the goals and objectives of the Central City Parking Master Plan.

17.440.060 Development permitting process—general provisions.

One of the goals of this chapter is to encourage infill development and the redevelopment of the Sacramento railyards by establishing a streamlined and certain permit process that provides certainty for the city, developers, and lenders, while also maximizing public review and input. As such, development in the Sacramento Railyards SPD is subject to the discretionary entitlement processes set forth in this chapter.

A. Urban development permit. A planning director urban development permit is required for all development in the Sacramento Railyards SPD, except that development in the TC-SPD and M-2-SPD zones is subject to section 17.440.040.F and section 17.224.300 et seq. and does not require a planning director urban development permit. The purpose of the planning director urban development permit is to ensure that development is consistent with the goals, policies, objectives and other provisions of the Sacramento railyards specific plan; the Sacramento railyards design guidelines; the Sacramento railyards specific plan environmental impact report and mitigation monitoring program; any applicable development agreement; this title; all other applicable plans, ordinances, and development regulations; and is compatible with surrounding development. The planning director urban development permit is processed, heard, and considered according to sections 17.440.070 and 17.440.080.

B. Design review. The Sacramento Railyards SPD is included in the Sacramento railyards design review district. Design review is required for all development in the Sacramento Railyards SPD that is not subject to review under subsection C, below. Design review is conducted under the provisions of this chapter and is not subject to site plan and design review under chapter 17.808.

C. Preservation review. All development within the Central Shops Historic District is subject to preservation review conducted as site plan and design review under chapter 17.808. All development within the Central Shops transition zone is subject to preservation review under the provisions of this chapter and is not subject to site plan and design review under chapter 17.808. The Central Shops transition zone is that area generally bounded by Camille Lane, 5th Street, the relocated rail easement, and Interstate 5, as shown in Appendix D at the end of this chapter.

D. Planning director conditional use permit. A planning director conditional use permit is required for any use listed in section 17.440.040.C. The conditional use permit

application is processed, heard, and considered according to sections 17.440.070 and 17.440.090.

E. Planning director variance. The planning director has the authority to approve a variance from the provisions of this title for development within the Sacramento Railyards SPD. The variance application is processed, heard, and considered according to sections 17.440.070 and 17.440.100.

F. Planning director approval of tentative subdivision and tentative parcel maps. The planning director has the authority to hear and take action on all tentative subdivision maps, tentative parcel maps, and tentative master parcel maps, including requests for subdivision modifications relating to the tentative map, for property within the Sacramento Railyards SPD. The tentative map application is processed, heard, and considered according to sections 17.440.070 and 17.440.110.

G. Legislative entitlements. If a development project for property within the Sacramento Railyards SPD requires one or more legislative entitlements that require approval by the city council in addition to approval of an entitlement under this chapter, a separate application for the legislative entitlements must be submitted, processed, and heard according to section 17.808.230. The development project application for the entitlements under this chapter will not be scheduled for hearing before the planning director until the application for the legislative entitlements is approved. For purposes of this section, legislative entitlements include general plan amendments, community plan amendments, specific plan amendments, and rezonings.

17.440.070 Applications.

A. Pre-application review and comment.

1. Before submitting an application for an urban development permit or a planning director conditional use permit for new construction under this chapter, an applicant must file with the planning director a request for a pre-application review and comment on the proposed project. The request must be in writing on a form provided by the city. For purposes of this subsection, new construction means the construction of a new building or structure, along with all associated facilities and appurtenances, such as walls, fences, and signs, but does not include additions to existing buildings or structures.

2. A request for pre-application review and comment must be accompanied by the initial concept drawings of the proposed project, including the exterior architectural design (including height), the site design (including build-to lines, street-wall heights, setbacks, and lot coverage), landscaping design, sign design, and exhibits showing the proposed project in the context of the existing built environment surrounding the project site.

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 17.440.060.C and Appendix D, by the preservation commission. Notice of the hearing shall be given by posting and mail pursuant to chapter 17.812, except that the notice by mail shall be given to all of the owners of real property located within the Sacramento Railyards SPD and within 500 feet of the boundary of the Sacramento Railyards SPD.

4. Based on the information received from city staff, the applicant, and members of the public at the hearing, the commission shall provide comments and recommendations for changes to the project based on the vision, goals, policies, and objectives of the Sacramento railyards specific plan; the Sacramento railyards design guidelines; the Sacramento railyards specific plan environmental impact report and mitigation monitoring program; any applicable development agreement; this title; and all other applicable plans, ordinances, or development regulations. Within two business days of the hearing, the secretary to the commission shall provide the applicant a written summary of the comments and recommendations.

5. Review and comment by a commission under this subsection does not imply ultimate approval or denial of any project or project design. Nothing in this subsection is intended to prevent the planning director, city council, or other authority from concluding, upon further consideration during the normal application review process, that the project is consistent with, or in conflict with, the Sacramento railyards specific plan; the Sacramento railyards design guidelines; the Sacramento railyards specific plan environmental impact report and mitigation monitoring program; any applicable development agreement; this title; and all other applicable plans, ordinances, or development regulations, even though a different preliminary conclusion may have been reached during the review and comment process.

B. Applications—general. This subsection B applies to applications for a planning director urban development permit, planning director conditional use permit, planning director variance, applications for modifications or extensions, and applications for tentative maps for development in the Sacramento Railyards SPD.

1. Application—submittal. The applicant shall submit an application and plans in conformance with chapter 17.800. The plans must be in sufficient detail to allow the planning director to consider all aspects of the proposed development project, as described in this section. The application must also include a list of the comments received in the pre-application review and comment proceeding under subsection A and a specific response to each comment.

2. Remediation. Each application must be supported by certification or other writing from the California Department of Toxic Substance Control satisfactory to the planning director:

a. That the site has been remediated pursuant to a DTSC-certified remedial action plan;

b. That the proposed use of the project site and the design of the proposed development are consistent with the remediation level of the site and any applicable deed restrictions; and

c. Except for projects within the Central Shops Historic District, that the appropriate remediation has been completed for the entire block containing the project site and full right-of-way of all surrounding streets.

3. Conformity with the Sacramento railyards specific plan environmental impact report and mitigation monitoring program. Each application must include a report demonstrating that the proposed development is fully compliant with the Sacramento railyards specific plan environmental impact report and mitigation monitoring program. The report must include the information in this subsection B.3.

a. Parking. A parking management plan demonstrating adequate parking capacity based on the goals and objectives of the Central City Parking Master Plan and identifying parking management strategies.

b. Wind analysis. For all structures over 100 feet in height, an evaluation of the potential for the creation of uncomfortable or hazardous wind accelerations at ground level for pedestrians, vehicles, and structures, including wind tunnel testing at ground level and elevated levels. If the proposed building design would generate wind tunnel impact potential, the building design must be modified to reduce or eliminate the adverse wind impacts.

c. Vibration analysis. For areas identified on Appendix E, a site-specific vibration analysis for residential uses and historic structures for freight and passenger trains or light rail trains in conformance with the Sacramento railyards specific plan mitigation monitoring program. The results must be incorporated into the project design.

d. Noise. The engineering and acoustical specifications for the project HVAC equipment that demonstrate that equipment design (types, location, enclosures, and specifications) will control noise in conformance with the Sacramento railyards specific plan mitigation monitoring program.

e. Light and glare.

i. For projects adjacent to major roadways that propose glass walls, a design plan showing use of low emission (Low-E) glass. Highly-reflective glass walls may not be used as the primary building material for more than 35% percent of the building façades.

ii. A lighting plan that specifies lighting type and placement to ensure that the effects of security and other outdoor lighting on adjacent uses are minimized and do not create spillover effects.

iii. For projects located east of 6th Street, a design plan demonstrating that all exterior lighting and advertising (including signage) is directed onto the specific location intended for illumination (e.g., parking lots, driveways, and walkways) and shielded away from adjacent properties and public rights-of-ways, to minimize light spillover onto adjacent areas. Light structures for surface parking areas, vehicular access ways and walkways may not exceed 25 feet in height. Monument lighting and night-lit signs are prohibited on building façades that face existing residential neighborhoods.

4. Fees. Each application has filing and investigation fees as established in the fee and charge report.

5. Conditions may be imposed. In approving an application, the planning director may impose conditions that are reasonably necessary to carry out the intent and purpose of this chapter and title; provided, that conditions may not be imposed if they would conflict with or would be contrary to the requirements of the Sacramento railyards specific plan; the Sacramento railyards design guidelines; the Sacramento railyards specific plan mitigation monitoring program; any applicable development agreement; this title; other applicable plans, ordinances, or development regulations; or with conditions of approval imposed by prior approvals other than approvals by the planning director under this chapter.

6. Withdrawal of application. The planning director may permit the withdrawal of an application, provided such request is made in writing by the applicant.

7. Resubmittal of application. If an application has been denied wholly or in part, a new application for substantially the same planning director urban development permit, planning director conditional use permit, or modification or extension of either, may not be resubmitted for a period of six months from the effective date of the final denial of the application, unless approval of an earlier filing has been granted by the planning director.

17.440.080 Planning director urban development permit.

A. Authority—scope of review. The purpose and scope of the planning director urban development permit is to ensure that development is consistent with the goals, policies, objectives and other provisions of the Sacramento railyards specific plan; the Sacramento railyards design guidelines; the Sacramento railyards specific plan environmental impact report and mitigation monitoring program; any applicable development agreement; this title; all other applicable plans, ordinances, and development regulations; and is compatible with surrounding development. A planning director urban development permit is discretionary.

B. Considerations. In reviewing a planning director urban development permit application, the planning director shall consider how the proposed project conforms to and furthers the vision, goals, policies, and objectives of the Sacramento railyards specific plan; the Sacramento railyards design guidelines; the Sacramento railyards specific plan environmental impact report and mitigation monitoring program; any applicable development agreement; this chapter; and all other applicable plans, ordinances, and development regulations, with respect to the following:

1. The proposed use. Consideration of the proposed use or uses to ensure an appropriate mix (both horizontal and vertical) and balance of uses is achieved within each land use designation and each zone and compatibility with surrounding development.

2. The density and intensity of the proposed development. Consideration of the density or floor area ratio for each parcel and development project to ensure that development capacity is appropriately allocated throughout each district, land use designation, and zone when considered in the context of all previously approved and reasonably foreseeable future projects.

3. The site layout and design. Consideration of the location and the orientation of buildings and other structures, public and private open space, build-to lines, street wall heights, landscaping, and other development features in relation to the physical characteristics of the site.

4. The building design. Consideration of the building envelope and architectural design, including building height, development of urban streetscape, articulation of building massing and details, and usage of quality materials.

5. Traffic safety, parking, and traffic congestion. Consideration of the effect of the site development plan on traffic conditions on abutting streets; the locations and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways; the circulation patterns within the boundaries of the development; and the location, accessible path of travel to, and the adequacy of, off-street parking facilities, including consideration of the parking management plan; increases or decreases in off-street parking ratios; and implementation of a transportation management plan.

6. Energy conservation. Consideration of the use of green building technology and techniques and energy conservation, including the presence and orientation of structures, vegetation, and other objects (both on-site and off-site), and building design and materials.

7. City services. Consideration of the availability of city services, including water, sewer, drainage, police, and fire; and whether such services are adequate based upon applicable city standards.

8. Conformity with applicable plans and regulations. Consideration of any other things necessary to ensure that the proposed development conforms to and furthers the vision, goals, policies and objectives of the Sacramento railyards specific plan; the Sacramento railyards design guidelines; the Sacramento railyards specific plan environmental impact report and mitigation monitoring program; any applicable development agreement; this chapter; and all other applicable plans, ordinances, and development regulations.

C. Design director and preservation director review.

1. Design director review. Except for applications involving development within the Central Shops Historic District subject to preservation review conducted as site plan and design review under chapter 17.808, an application for a planning director urban development permit is subject to design director review under this chapter. The design director shall review all urban design elements of a proposed project, including the exterior architectural design (including height), the site design (including build-to lines, street-wall heights, setbacks, and lot coverage), landscaping design, and sign design. The design director shall prepare and submit to the planning director a report on the project design. The report must include a detailed evaluation of the proposed project design and the design's consistency with the Sacramento railyards design guidelines both as a stand-alone project and in the context of the Sacramento railyards specific plan area and the central city. The report may include recommendations for conditions and design modifications as the design director finds appropriate to achieve the design goals of the Sacramento railyards specific plan and design guidelines.

2. Preservation director review.

a. All development within the Central Shops Historic District is subject to preservation review conducted as site plan and design review under chapter 17.808 in addition to this chapter.

b. In addition to design director review under subsection C.1, an application for a planning director urban development permit within the Central Shops transition zone, as described in section 17.440.060.C and Appendix D, is subject to preservation review under this chapter. The preservation director shall review all urban design elements of a proposed project, including the exterior architectural design (including height), the site design (including build-to lines, street-wall heights, setbacks, and lot coverage), landscaping design, and sign design. The preservation director shall prepare and submit to the planning director a report on the project design. The report must include a detailed evaluation of the proposed project design and the design's consistency with the Sacramento railyards design guidelines both as a stand-alone project and in its context within the Sacramento railyards specific plan area and the central city. The report may include recommendations for conditions and design modifications as the preservation

director finds appropriate to achieve the design goals of the Sacramento railyards specific plan and design guidelines.

D. Hearing and decision—Urban development permit.

1. Notice and hearing. At least one public hearing shall be held on an application for a planning director urban development permit. The public hearing for the planning director urban development hearing shall occur within 45 days from the date the city deems the application complete and the release of the required environmental document, if any. The procedural requirements for the hearing are governed by the provisions of chapter 17.812. Notice of the hearing is given by posting and mail pursuant to chapter 17.812, except that the notice by mail shall be given to all of the owners of real property located within the Sacramento Railyards SPD and within 500 feet of the boundary of the Sacramento Railyards SPD.

2. Consideration of report from design director or preservation director. At the public hearing on an application for a planning director urban development permit, the planning director shall receive and consider as evidence the report submitted by the preservation director or the design director, or both, under subsection C.

3. Decision and notification. The planning 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 to the applicant written notice of the decision pursuant to chapter 17.812.

4. Findings. The planning director shall not approve a planning director urban development permit unless the planning director makes the following findings:

a. The proposed development, including the proposed use, the density and intensity of the development, the site design and layout, the height and architectural design of the buildings and structures, the landscaping, the parking, and the open space, is consistent with the goals, policies, objectives and other provisions of the Sacramento railyards specific plan; the Sacramento railyards design guidelines; the Sacramento railyards specific plan environmental impact report and mitigation monitoring program; any applicable development agreement; this title; all other applicable plans, ordinances, and development regulations; and is compatible with surrounding development;

b. Facilities, including utilities, access roads, sanitation, and drainage are adequate and consistent with applicable city standards, and the proposed improvements are properly related to existing and proposed streets and highways;

c. 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 chapter; and

d. Approval of the planning director urban development permit will not be contrary to the public health or safety, nor injurious to the property or improvements of adjacent properties.

5. Decision, appeal. The approval, conditional approval, or denial by the planning director of a planning director urban development permit is subject to appeal pursuant to chapter 17.812, except that the appeal is directly to the city council. The appeal of the planning director's decision stays the proceedings until the determination on appeal is final. The decision of the planning director on a planning director urban development permit becomes final upon the expiration of the time within which an appeal may be taken if no appeal is filed. No building permit, license, or other permit may be issued for the development project until the decision approving or conditionally approving the planning director urban development permit is final.

E. Urban development permit—modification. No modification of a project for which a planning director urban development permit is approved may be made unless approved by the planning director.

1. Determination of major or minor modification. The planning director shall determine whether a proposed modification to an approved planning director urban development permit is major or minor. This determination is not subject to a hearing, is final, and is not subject to appeal.

2. Definition of major modification. A major modification is one that will result in a material change in the nature of the project when all circumstances surrounding the approval of the planning director urban development permit are considered. Set forth below is a list of changes that constitute major modifications for purposes of this provision. This list is not exclusive and the fact that a particular change is not included does not limit the discretion or authority of the planning director to determine that a particular proposed change or set of changes is major. The following are major modifications:

a. A major change in the pattern or increase in the volume of traffic flow, either on or off any property covered by the plan review;

b. A change in the nature of the use;

c. An increase in structure height that exceeds 25% of the height of the structure as approved or that exceeds one story, whichever is less;

d. An increase in a building's gross floor area that exceeds 25% of the approved gross floor area;

e. An increase in the density of dwelling units per acre;

f. A material change in the orientation or location of structures on the parcel;

g. A material change in the site and landscape plan approved for the project; this includes changes that involve the location of walkways, plazas, or planting areas and the types of plantings and hardscape approved for the project; and

h. In the Central Shops transition zone, a material change in the final approved design of a project's site or exterior building/structure that involve changes to items a through g above; changes to overall building and site design or changes in materials and their placement on the building or within the site that exceeds 10% of the overall building exterior or site/landscape plan; changes in overall window and door opening patterns, or changes in window and door opening placement that involves more than 10% percent of all window and door openings in the project; changes in roof forms; or any decrease in setbacks or step-backs that exceeds 10% of the approved setbacks or stepbacks.

3. Review and approval of proposed modifications. The planning director has the authority to review and approve proposed modifications to a planning director urban development permit pursuant to the following provisions.

a. Minor modification. If the planning director determines that a proposed modification is minor, then a planning director urban development permit minor modification, with no required public hearing, is required for approval of the minor modification. The planning director shall take into consideration all aspects of the development project with the proposed modification and apply the standards set forth in this section for the approval of a planning director urban development permit. For modifications involving building or site design, the planning director shall consider recommendations on the proposed modifications from the design director or preservation director. When approving a minor modification to a planning director urban development permit, the planning director may impose such additional conditions as may be required to mitigate any deleterious effect of the modification.

b. Major Modification. If the planning director determines that a proposed modification is major, then a planning director urban development permit major modification, with a required public hearing, is required for approval of the major modification. The public hearing shall be noticed and heard in the same manner described in subsections A through D of this section. The planning director shall take into consideration all aspects of the development project with the proposed modification and apply the standards set forth in this section for the approval of a planning director urban development permit. For modifications involving building or site design, the planning director shall consider recommendations on the proposed modifications from the design director or preservation director. When granting a modification to a planning director urban development permit, the planning director may impose such additional conditions as may be required to mitigate any deleterious effect of the modification.

F. Time within which use must be established. A use for which a planning director urban development permit is approved must be established within three years from the effective date of final approval of the planning director urban development permit. If not

so established the planning director urban development permit is deemed expired and is void. A use is deemed established when the building permit is secured and construction is physically commenced. The planning director shall determine whether a use has been established, which decision is final and not subject to appeal.

G. Extension of time for establishing use. Upon application filed prior to the expiration of a planning director urban development permit, the time within which the use must be established as provided in subsection A may be extended by the planning director for good cause. One or more extensions may be granted for a planning director urban development permit up to a cumulative extension period of five years. An application for a time extension for a planning director urban development permit is noticed and heard, and is subject to appeal, in the same manner as an application for a planning director urban development permit. The request for an extension of time is subject to filing and investigation fees as established in the fee and charge report.

17.440.090 Planning director conditional use permit.

A planning director conditional use permit required by this chapter, including an extension or modification, is processed, heard, and considered in the same manner as a planning director urban development permit, except that no conditional use permit may be approved by the planning director under this chapter unless the findings required in section17.808.200 are made by the planning director. The approval, conditional approval, or denial by the planning director of a planning director conditional use permit is subject to appeal pursuant to chapter 17.812, except that the appeal is made directly to the city council. The appeal of the planning director's decision stays the proceedings until the determination of the matter on appeal is final. The decision of the planning director on a planning director conditional use permit becomes final upon the expiration of the time within which an appeal may be taken if no appeal is filed. No building permit, license, or other permit may be issued for the development project until the decision on the planning director conditional use permit is final.

17.440.100 Planning director variance.

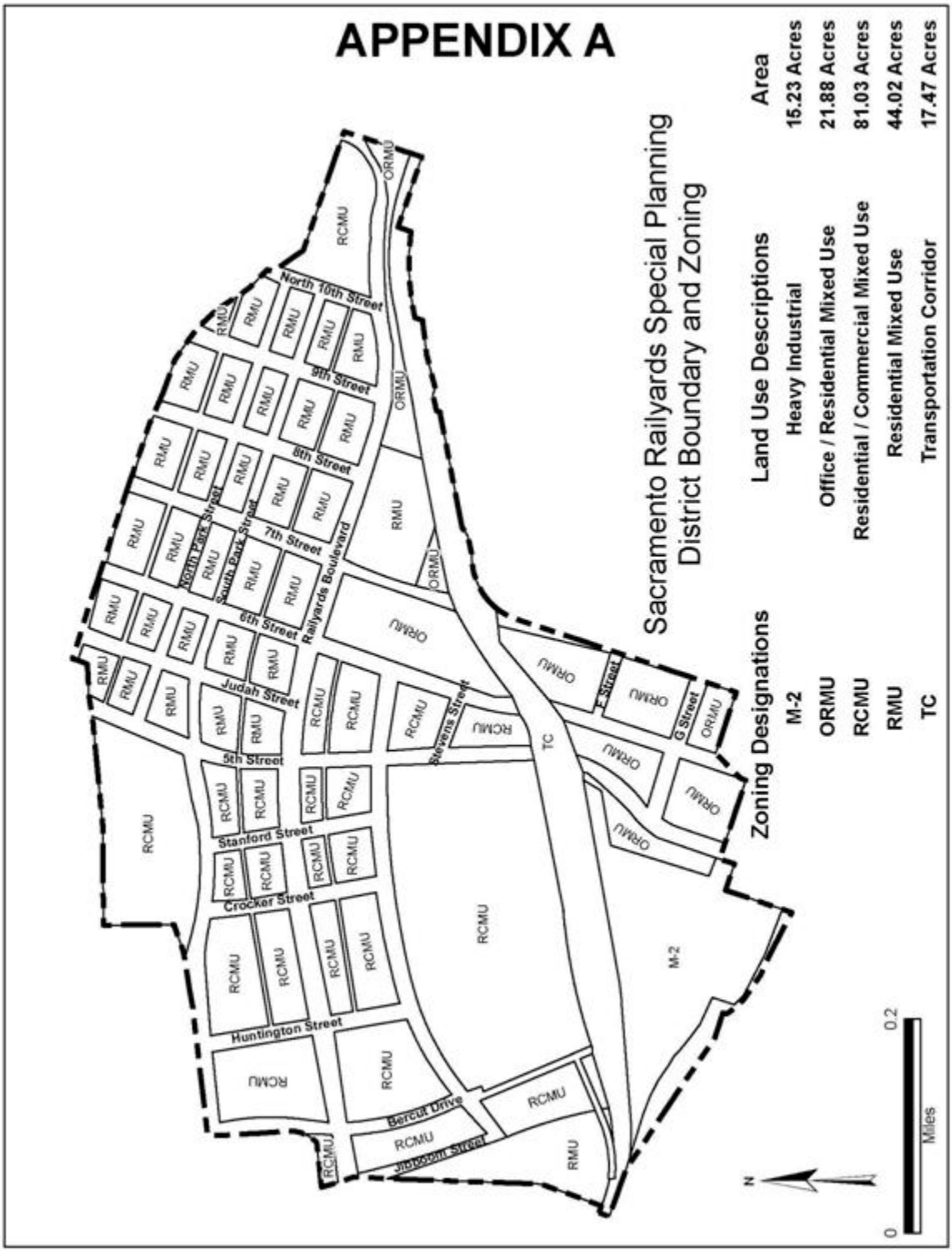
The planning director has the authority to approve a variance from the provisions of this title for development within the Sacramento Railyards SPD. An application for a variance under this section, including an extension or modification, is processed, heard, and considered in the same manner as a planning director urban development permit, except that no variance may be approved by the planning director under this section unless the findings required in section 17.808.210 are made by the planning director. The approval, conditional approval, or denial by the planning director of a planning director variance is subject to appeal pursuant to chapter 17.812, except that the appeal is made directly to the city council. The appeal of the planning director's decision stays the proceedings until the determination of the matter on appeal is final. The decision of the planning director on a planning director variance becomes final upon the expiration

of the time within which an appeal may be taken if no appeal is filed. No building permit, license, or other permit may be issued for the development project until the decision on the planning director variance is final.

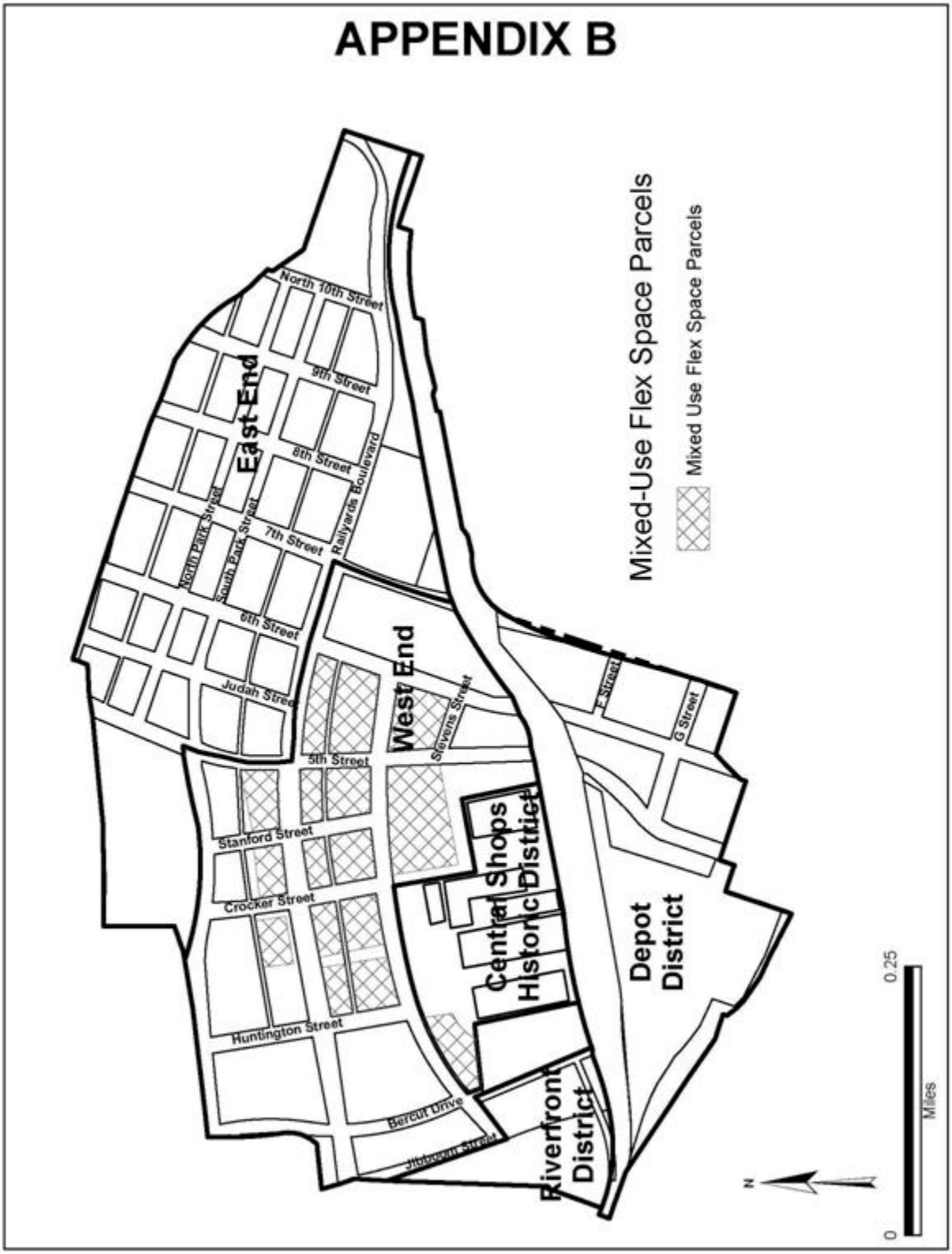
17.440.110 Subdivision maps.

Notwithstanding title 16 or any other provisions of this code, the planning director shall hear and take action on all tentative subdivision maps, tentative parcel maps, and tentative master parcel maps, including requests for subdivision modifications relating to the tentative map, for property within the Sacramento Railyards SPD. The planning director shall comply with the provisions of title 16 relating to notice, hearing, findings, and all other relevant procedural matters, except that the notice by mail required by sections 16.24.090A.1 and 16.24.095.A, and chapter 17.812, shall be given to all of the owners of real property located within the Sacramento Railyards SPD and within 500 feet of the boundary of the Sacramento Railyards SPD. An appeal from a decision of the planning director on a tentative map or subdivision modification is processed and heard in the same manner as an appeal from a zoning administrator action on a tentative parcel map, except that the appeal is made directly to the city council.

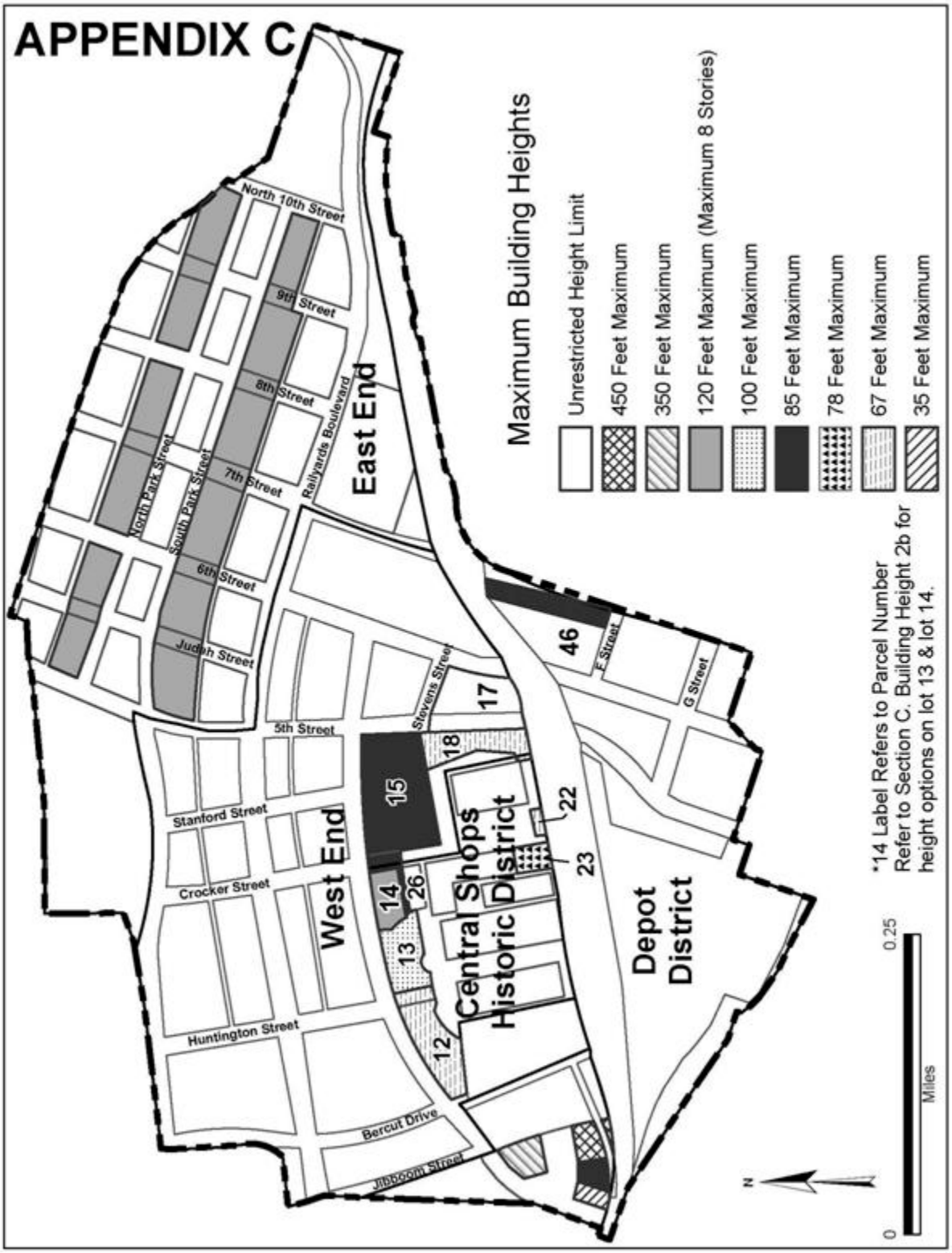
Appendix A


APPENDIX A
Sacramento Railyards Special Planning
District Boundary and Zoning
Zoning Designations
M-2
ORMU
RCMU
RMU
TC
Land Use Descriptions
Heavy Industrial
Office / Residential Mixed Use
Residential / Commercial Mixed Use
Residential Mixed Use
Transportation Corridor
Area
15.23 Acres
21.88 Acres
81.03 Acres
44.02 Acres
17.47 Acres
North 10th Street
9th Street
8th Street
7th Street
6th Street
5th Street
North Park Street
South Park Street
Railyards Boulevard
Judah Street
Stevens Street
Stanford Street
Crocker Street
Huntington Street
Bercut Drive
Jibboom Street
F Street
G Street
N
0
0.2
Miles

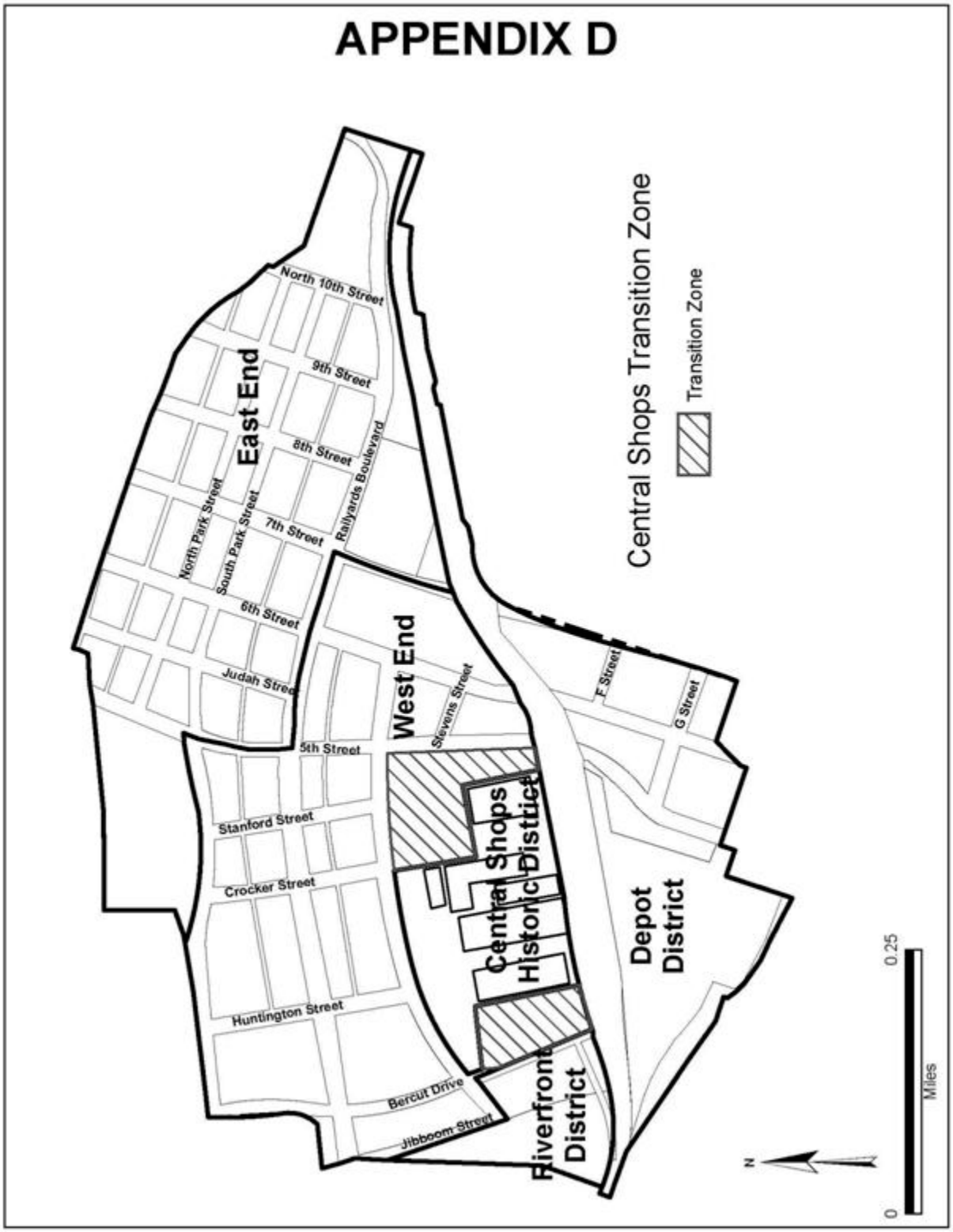
Appendix B


APPENDIX B
Mixed-Use Flex Space Parcels
Mixed Use Flex Space Parcels
East End
West End
Central Shops Historic District
Depot District
Riverfront District
North 10th Street
9th Street
8th Street
7th Street
6th Street
5th Street
North Park Street
South Park Street
Railyards Boulevard
Judah Street
Stevens Street
Stanford Street
Crocker Street
Huntington Street
Bercut Drive
Jibboum Street
F Street
G Street
N
0
0.25
Miles

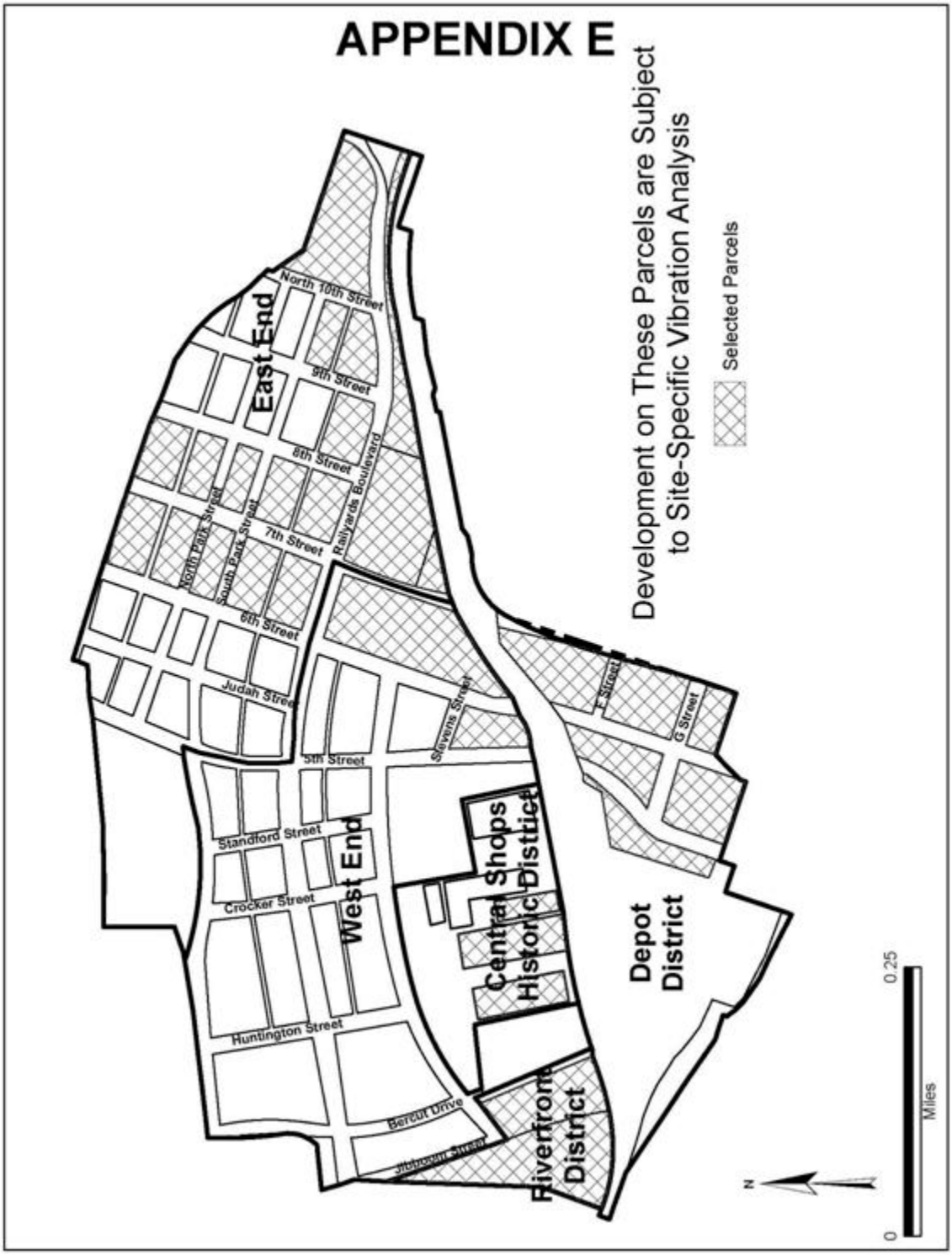
Appendix C


APPENDIX C
Maximum Building Heights
Unrestricted Height Limit
450 Feet Maximum
350 Feet Maximum
120 Feet Maximum (Maximum 8 Stories)
100 Feet Maximum
85 Feet Maximum
78 Feet Maximum
67 Feet Maximum
35 Feet Maximum
*14 Label Refers to Parcel Number
Refer to Section C. Building Height 2b for
height options on lot 13 & lot 14.
0
0.25
Miles
N
East End
West End
Central Shops
Historic District
Depot
District
North 10th Street
9th Street
8th Street
7th Street
6th Street
5th Street
Railyards Boulevard
North Park Street
South Park Street
Judith Street
Stevens Street
E Street
G Street
Stanford Street
Crocker Street
Huntington Street
Bercut Drive
Jibboom Street
46
17
18
15
14
26
13
12
22
23

Appendix D


APPENDIX D
Central Shops Transition Zone
Transition Zone
East End
West End
Central Shops Historic Distrtict
Depot District
Riverfront District
North 10th Street
9th Street
8th Street
7th Street
6th Street
Judah Street
5th Street
Stanford Street
Crocker Street
Huntington Street
Bercut Drive
Jibboom Street
North Park Street
South Park Street
Railyards Boulevard
Stevens Street
F Street
G Street
0
0.25
Miles
N

Appendix E


APPENDIX E
Development on These Parcels are Subject to Site-Specific Vibration Analysis
Selected Parcels
East End
West End
Central Shops Historic District
Depot District
Riverfront District
North 10th Street
9th Street
8th Street
7th Street
6th Street
5th Street
Judah Street
Stevens Street
Railyards Boulevard
North Park Street
South Park Street
Standford Street
Crocker Street
Huntington Street
Bercut Drive
Jibboom Street
I Street
G Street
N
0
0.25
Miles

Chapter 17.444
R Street Corridor Special Planning District

17.444.010 Purpose and intent.

The R Street Corridor special planning district (SPD) provides a transition area between the more intensive central business district, the state mixed-use district to the northwest, and residential neighborhoods to the south and northeast. The R Street Corridor SPD establishes development standards to implement goals and policies of the Sacramento central city community plan relating to the R Street Corridor SPD.

17.444.020 R Street corridor SPD boundaries.

The R Street Corridor SPD is located in the central city and encompasses 54 blocks bounded by Q Street on the north, S Street on the south, 2nd Street on the west, and 29th Street on the east. The R Street Corridor SPD includes two geographic sub-areas, designated the West Area and the Central Area. The boundaries and geographical sub-areas of the R Street Corridor SPD are shown on the map set out at the end of this chapter as Exhibit A.

17.444.030 R Street Corridor special regulations.

Development in the River District SPD is subject to the regulations and development standards set forth in this chapter in addition to the regulations of this title and code. The provisions of this chapter prevail over any conflicting provisions of this title or code.

17.444.040 OB office building zone.

A. Allowed uses.

1. Except as provided in subsection 2:

a. The uses permitted in the OB zone under this title outside of the R Street Corridor SPD are allowed in the OB zone within the R Street Corridor SPD.

b. If this title requires the approval of a conditional use permit or other discretionary permit, or imposes other restrictions or requirements on the establishment of a particular use in the OB zone outside of the R Street Corridor SPD, approval of the same discretionary permit and compliance with the same restrictions or requirements are required for the use in the OB zone within the R Street Corridor SPD.

2. Allowed uses – Office. Office uses are allowed in the OB zone in the R Street Corridor SPD with a planning and design commission conditional use permit.

B. Development standards. The development standards applicable to development in the OB zone under this title outside the R Street Corridor SPD are applicable to development in the OB zone within the R Street Corridor SPD, except as follows:

1. Residential component and ground floor retail and commercial service requirement for office development. Except as provided in subsection 1.c, below, a newly constructed office development (i) that is located on a vacant site or on a site with an existing building that will be demolished; (ii) that is a reuse project utilizing buildings that have been vacant for over three years; or (iii) to which an addition of greater than 10% of gross floor area is being constructed, shall include a residential component and ground floor retail and commercial services, as follows:

a. Residential component.

i. The office development shall include residential development at a rate of either one dwelling unit for every 3,000 gross square feet of office development or one square foot of housing for every three gross square feet of office development, whichever is less.

ii. The residential component shall be either included in and constructed as part of the same development project as the office development, or located in an adjacent residential district within the R Street Corridor SPD.

iii. The residential component shall be either constructed prior to, or concurrently with, the office development; or construction and occupancy of the office development may precede construction of the residential component if so provided in a development agreement or other agreement that requires the construction of the residential component within a reasonable period of time, not to exceed two years, following completion of the office development. The development agreement or other agreement shall be approved by the city council and executed prior to commencement of construction of the office development.

b. Ground floor retail and commercial service requirement. A building containing office development shall have a minimum of 20% of the length of the ground floor street frontage occupied by or devoted to retail or commercial services, as follows:

i. The area of the ground floor occupied by or devoted to retail or commercial services shall have a minimum interior depth of 30 feet, or a minimum floor area of 1,000 gross square feet, whichever is less.

ii. For purposes of this subsection B.1.b, ground floor street frontage means the interior floor area within a structure that has the same elevation, or the nearest corresponding elevation, as the public street providing principal access to the building.

c. For existing buildings being converted to office use, the ground floor retail and commercial services requirement may be modified or waived with a zoning administrator conditional use permit. In granting a conditional use permit for this purpose, the zoning administrator must find, in addition to the findings required by section 17.808.200, that the required retail or commercial services use is not viable due to constraints created by the physical characteristics of the building, such as the presence of a loading dock, accessibility barriers, and the absence of windows.

d. Listed historic resources. If a building is a landmark or a contributing resource on the Sacramento register, all or a portion of the building may be devoted to office use without satisfying either the residential component or the ground floor retail and commercial service requirement, subject to approval of a planning and design commission conditional use permit.

2. Density and intensity.

a. Floor area ratios. The minimum and maximum floor area ratios are established in the general plan.

b. Residential density.

i. Within the West Area, the minimum density is 60 dwelling units per net acre. The maximum density is 100 dwelling units per net acre.

ii. Within the Central Area, the minimum density is 30 dwelling units per net acre. The maximum density is 100 dwelling units per net acre.

3. Height. The maximum height is set out in Exhibit B.

4. Stepbacks from listed historic resources. For development adjacent to a listed historic resource, upper floors shall be set back so that within 20 feet of the nearest wall of the historic building, new construction shall not exceed the highest point of a listed historic resource.

17.444.050 C-2 general commercial zone.

A. Allowed uses.

1. Except as provided in subsection 2:

a. The uses permitted in the C-2 zone under this title outside of the R Street Corridor SPD are allowed in the C-2 zone within the R Street Corridor SPD.

b. If this title requires the approval of a conditional use permit or other discretionary permit, or imposes other restrictions or requirements on the establishment of a particular

use in the C-2 zone outside of the R Street Corridor SPD, approval of the same discretionary permit and compliance with the same restrictions or requirements are required for the use in the C-2 zone within the R Street Corridor SPD.

2. Prohibited uses. The following uses are prohibited in the C-2 zone in the R Street Corridor SPD:

a. Auto – sales, storage, rental;

b. Auto – service, repair;

c. Drive-through restaurant;

d. Equipment rental, sales yard;

e. Gas station;

f. Wholesale store and distributor;

g. Mini storage;

h. Towing service; vehicle storage yard;

i. Accessory drive-through facility; and

j. Retail and commercial services, other than grocery stores, in excess 10,000 gross square feet of floor area.

B. Development standards. The development standards applicable to development in the C-2 zone under this title outside the R Street Corridor SPD are applicable to development in the C-2 zone within the R Street Corridor SPD, except as follows:

1. Office development—Ground floor retail and commercial services requirement – General.

a. A building containing office development shall have a minimum of 20% of the length of the ground floor street frontage occupied by or devoted to retail or commercial services, as follows:

i. The area of the ground floor occupied by or devoted to retail or commercial services shall have a minimum interior depth of 30 feet or minimum floor area of 1,000 gross square feet, whichever is less.

ii. For purposes of this subsection B.1.a, ground floor street frontage means the interior floor area within a structure that has the same elevation, or the nearest corresponding elevation, as the public street providing principal access to the building.

b. For existing buildings being converted to office use, the ground floor retail and commercial services requirement may be modified or waived with a zoning administrator conditional use permit. In granting a conditional use permit for this purpose, the zoning administrator shall find, in addition to the findings required by section 17.808.200, that the required retail or commercial services use is not viable due to constraints created by the physical characteristics of the building, such as the presence of a loading dock, accessibility barriers, and the absence of windows.

2. Ground floor retail and commercial services requirement for office development—Development at specified locations.

a. In addition to the ground floor retail and commercial services requirement in subsection 1, above, the requirements of this subsection 2 shall apply to all buildings containing office development that have street frontage along one of the street segments identified in subsection b, or that have street frontage on either of the streets forming one of the corners identified in subsection b and that are located within one-half block of the corner. For purposes of this subsection 2, the half-block of a given street shall mean (i) the block face from the corner to the nearest alley, or (ii) the block face from the corner to a distance of 170 feet, whichever is less.

b. Street segments and corners.

i. Segment of 5th Street, between R Street and the alley to the south: each side of 5th Street.

ii. Segment of Whitney, between 12th and 13th Streets: each side of Whitney.

iii. Segment of R Street, between 23rd and 24th Streets: each side of R Street.

iv. Intersection of 5th and R Streets: the southwest and southeast corners.

v. Intersection of 12th Street and Whitney: the northwest and northeast corners.

vi. Intersection of 16th and R Streets: the northwest and southwest corners.

vii. Intersection of 19th and R Streets: the northeast and southeast corners.

viii. Intersection of 23rd and R Streets: the northeast and southeast corners.

ix. Intersection of 24th and R Streets: the northwest and southwest corners.

x. Intersection of 29th and R Streets: the northwest and southwest corners.

c. Location of ground floor retail and commercial service uses at corners. To promote activity at the corners specified in subsection b, above, not less than 50% of the square footage of floor area devoted to satisfaction of the ground floor retail and commercial services requirement shall be located in that half of the ground floor street frontage located closest to the specified corner. If there is more than one building within the half-block that is subject to the ground floor retail and commercial service requirement, the building located closest to the corner is required to locate all of the square footage of floor area necessary to satisfy the requirement within the half of the ground floor street frontage closest to the designated corner.

d. Buildings with partial frontage. A building that has only a portion of its ground floor street frontage within one half-block of a corner specified in subsection b, above, shall comply with the ground floor retail and commercial services requirement under this subsection 2 for its full street frontage.

2. Height. The maximum height is set out in Exhibit B.

3. Stepbacks from listed historic resources. For development adjacent to a listed historic resource, upper floors shall be set back so that within 20 feet of the nearest wall of the historic building, new construction shall not exceed the highest point of a listed historic resource.

17.444.060 C-4 heavy commercial zone.

A. Allowed uses.

1. Except as provided in subsection 2:

a. The uses permitted in the C-4 zone under this title outside of the R Street Corridor SPD are allowed in the C-4 zone within the R Street Corridor SPD.

b. If this title requires the approval of a conditional use permit or other discretionary permit, or imposes other restrictions or requirements on the establishment of a particular use in the C-4 zone outside of the R Street Corridor SPD, approval of the same discretionary permit and compliance with the same restrictions or requirements are required for the use in the C-4 zone within the R Street Corridor SPD.

. 2. Prohibited uses. The following uses are prohibited in the C-4 zone within the R Street Corridor SPD:

a. Manufacturing, service, repair (exceeding 6,400 gross square feet of floor area);

b. Auto dismantler;

c. Fuel storage yard;

d. Transit vehicle – service, repair, storage;

e. Junk yard;

f. Lumber yard, retail;

g. Recycling facility;

h. Office use, unless office is accessory to a commercial or industrial use on the site and does not exceed 25% of the gross floor area of the building in which located;

i. Public utility yard;

j. Railroad yard or shop;

k. Terminal yard, trucking;

l. Towing service; vehicle storage yard;

m. Tractor or heavy truck sales, storage, rental; and

n. Tractor or heavy truck service, repair.

B. Development standards. The development standards applicable to development in the C-4 zone under this title outside the R Street Corridor SPD are applicable to development in the C-4 zone within the R Street Corridor SPD, except as follows:

1. Height. The maximum height is set out in Exhibit B.

2. Stepbacks from listed historic resources. For development adjacent to a listed historic resource, upper floors shall be set back so that within 20 feet of the nearest wall of the historic building, new construction shall not exceed the highest point of a listed historic resource.

17.444.070 R-3A multi-unit dwelling zone.

A. Allowed uses.

1. The uses permitted in the R-3A zone under this title outside of the R Street Corridor SPD are allowed in the R-3A zone within the R Street Corridor SPD.

2. If this title requires the approval of a conditional use permit or other discretionary permit, or imposes other restrictions or requirements on the establishment of a particular

use in the R-3A zone outside of the R Street Corridor SPD, approval of the same discretionary permit and compliance with the same restrictions or requirements are required for the use in the R-3A zone within the R Street Corridor SPD.

B. Development Standards. The development standards applicable to development in the R-3A zone under this title outside the R Street Corridor SPD are applicable to development in the R-3A zone within the R Street Corridor SPD, except as follows:

1. Height. The maximum height is set out in Exhibit B.

2. Stepbacks from listed historic resources. For development adjacent to a listed historic resource, upper floors shall be set back so that within 20 feet of the nearest wall of the historic building, new construction shall not exceed the highest point of a listed historic resource.

17.444.080 RMX residential mixed use zone.

A. Allowed uses.

1. The uses permitted in the RMX zone under this title outside of the R Street Corridor SPD are allowed in the RMX zone within the R Street Corridor SPD.

2. If this title requires the approval of a conditional use permit or other discretionary permit, or imposes other restrictions or requirements on the establishment of a particular use in the RMX zone outside of the R Street Corridor SPD, approval of the same discretionary permit and compliance with the same restrictions or requirements are required for the use in the RMX zone within the R Street Corridor SPD.

B. Development standards. The development standards applicable to development in the RMX zone under this title outside the R Street Corridor SPD are applicable to development in the RMX zone within the R Street Corridor SPD, except as follows:

1. Residential density.

a. On sites less than ¼ mile of a light rail station, the minimum density is 30 dwelling units per net acre. The maximum density is 100 dwelling units per net acre.

b. On sites ¼ mile or greater from a light rail station, the minimum density is 15 dwelling units per net acre. The maximum density is 60 dwelling units per net acre.

c. Residential density exceeding that specified in subsections a and b is allowed with a planning and design commission conditional use permit.

2. Commercial uses. Commercial uses shall be located on the ground floor only and shall not exceed 35% of the gross square footage of the building.

3. Height. The maximum height is set out in Exhibit B

4. Stepbacks from listed historic resources. For development adjacent to a listed historic resource, upper floors shall be set back so that within 20 feet of the nearest wall of the historic building, new construction shall not exceed the highest point of a listed historic resource.

17.444.090 Height standards.

Exhibit B sets forth the maximum height for the blocks indicated. The following footnotes correspond to the notes indicated in the Exhibit.

a. The maximum height in the C-2 zone at this location is 45 feet. Any deviation from the height standard is subject to commission level review, and may not exceed 75 feet.

b. The maximum height in the RMX zone at this location is 75 feet. A deviation from the height standard may be approved for residential buildings or mixed use buildings with at least 80% of the gross building square footage devoted to residential use. The deviation from the height standard is subject to commission level review, and may not exceed 90 feet.

Exhibit A
Boundary Map

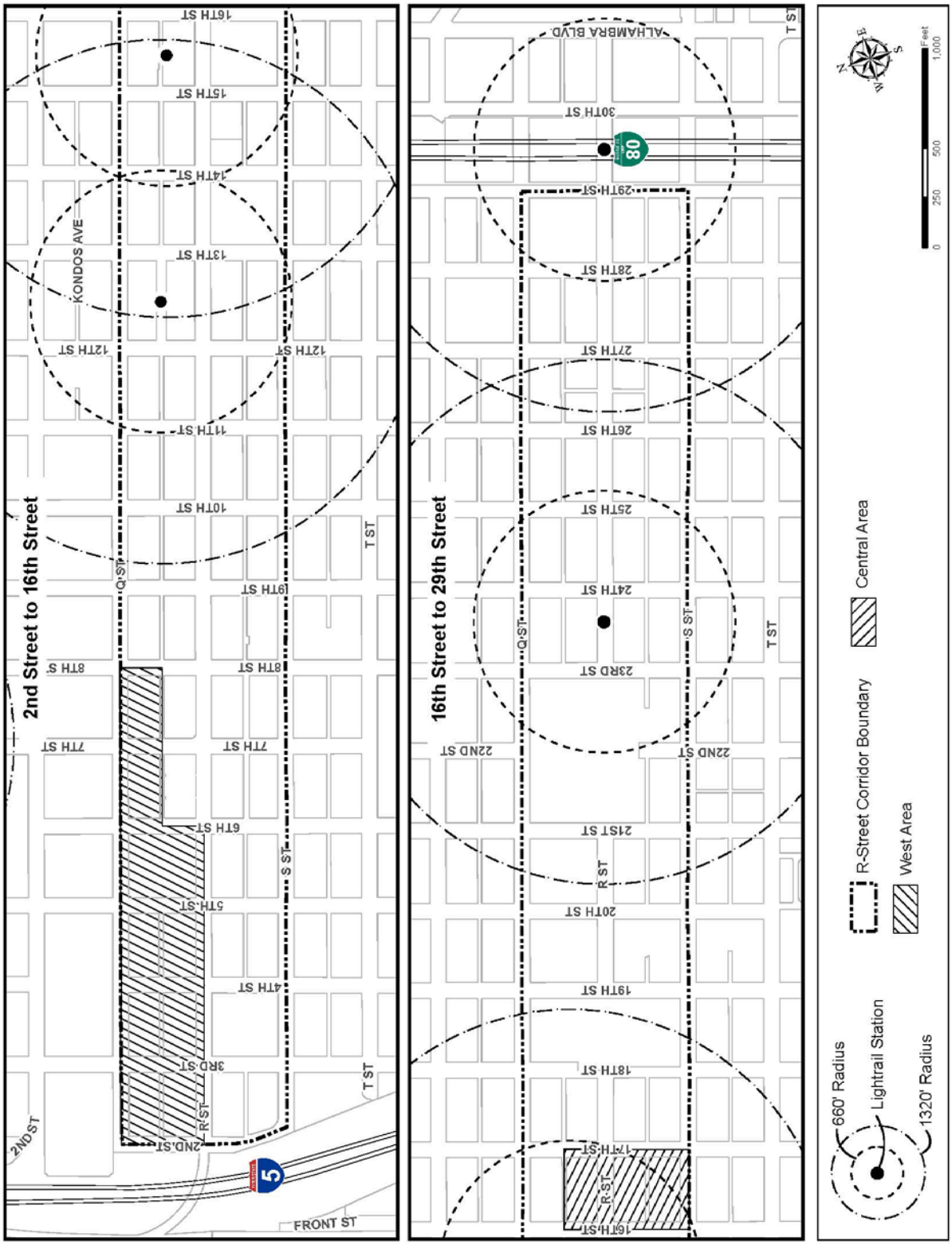
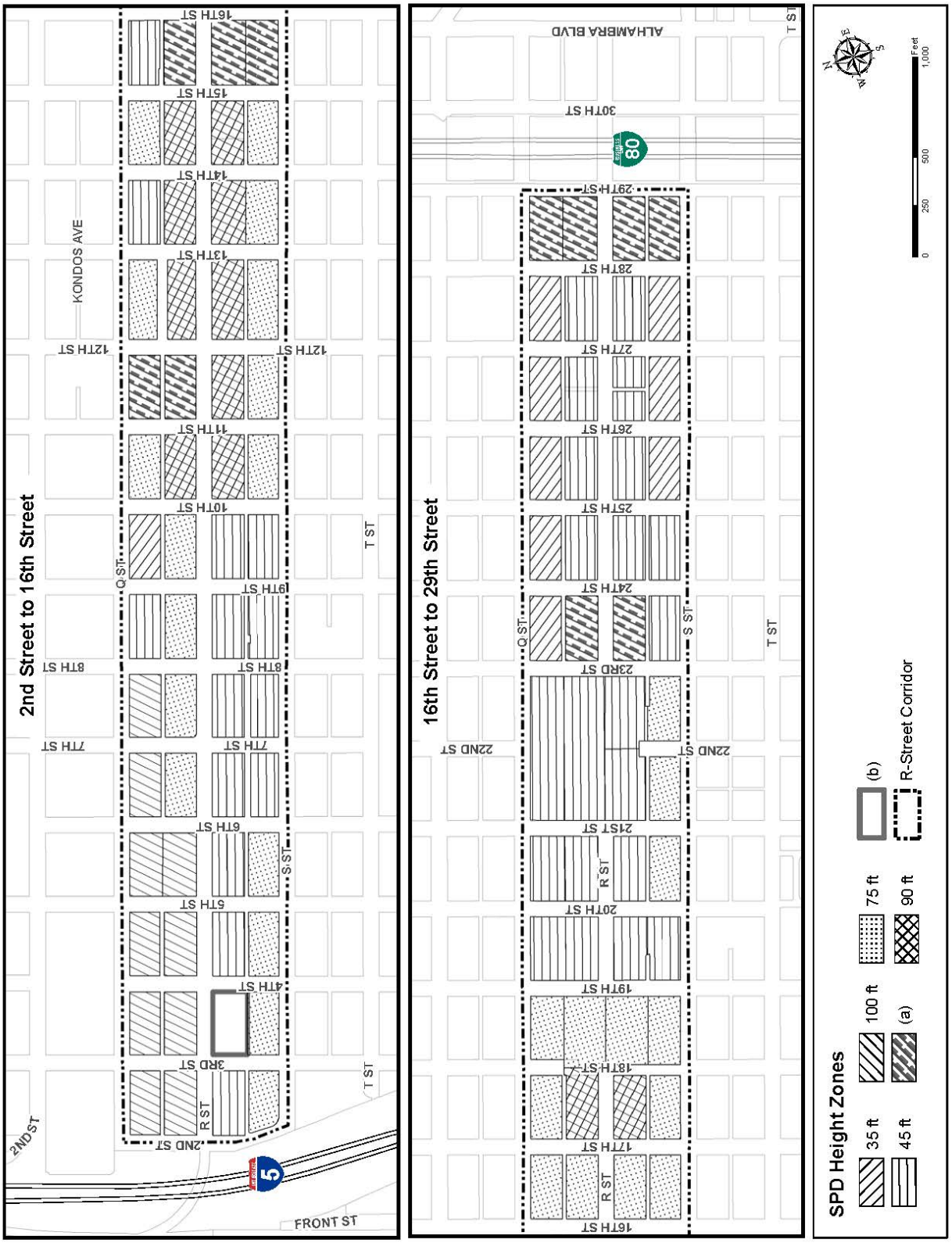


Exhibit B
Maximum Height Map



Chapter 17.448
Freeport Special Planning District

17.448.010 Freeport SPD – Purpose and intent.

The Freeport special planning district (SPD) encompasses the area that was formerly the town of Freeport, located on the southwestern edge of the city, on the eastern bank of the Sacramento River. The area consists primarily of residential homes and neighborhood-scale retail businesses, including restaurants, a grocery, offices, bait shops, and a marina. These uses, as a whole, give Freeport a unique and historic Sacramento River delta river town character. The purpose of the Freeport SPD is to protect this character, minimize the intrusion of incompatible design and inappropriate uses, and ensure that future development is consistent with the existing character.

The Freeport SPD is intended to establish development standards to implement the goals and policies of the South Area Community Plan and the general plan.

These standards further the following goals:

A. Retain the “delta river town” identity and unique historical characteristics of Freeport;

B. Improve the level of municipal services to the area;

C. Guide future development in the SPD to ensure that it will integrate and reinforce the existing character; and

D. Promote the preservation of historic structures and features.

17.448.020 Freeport SPD – Boundaries.

The Freeport SPD applies to that area of the southwestern portion of the city of Sacramento formerly known as the town of Freeport, and generally located south of Pocket/Meadowview Road, north of the southernmost boundary of the city-owned Bartley Cavanaugh Golf Course, and between the Sacramento River on the west, and, on the east, the eastern boundary of the town of Freeport as it existed at the time of annexation into the city, as depicted in the map in Exhibit A at the end of this chapter.

17.448.030 Freeport SPD – Land use regulations.

A. Development within the Freeport SPD is subject to the requirements and restrictions of this chapter in addition to those of the underlying zoning district. The provisions of this chapter prevail over any conflicting provisions of this title.

B. Notwithstanding any other provision of this chapter, uses existing on the effective date of the ordinance first establishing the Freeport SPD are considered conforming uses.

17.448.040 Freeport SPD – Allowed, conditional, and prohibited uses.

A. Except as otherwise provided in subsections B and C, uses permitted in the underlying zone outside of the Freeport SPD are permitted in the Freeport SPD. If this title requires the approval of a conditional use permit or other discretionary entitlement to establish a use in the underlying zone outside of the Freeport SPD, approval of the same discretionary entitlement is required to establish the use in the underlying zone within the Freeport SPD.

B. Conditional Uses. The following uses are permitted in the Freeport SPD upon approval of a conditional use permit by the planning and design commission in accordance with the requirements of chapter 17.808:

1. Boat sales, service and repair, storage and rental; and

2. Retail stores greater than 15,000 square feet.

C. Additional prohibited uses in the Freeport SPD. In addition to the uses prohibited in the underlying zone outside of the Freeport SPD, the following uses are prohibited in all zones within the Freeport SPD:

1. Auto – sales, storage, rental;

2. Auto – service and repair;

3. Check-cashing center;

4. Drive-through service facility;

5. Mini storage; locker building; and

6. Towing service; vehicle storage yard;.

17.448.050 Freeport SPD – Pre-application meeting, site plan and design review.

All development in the Freeport SPD, including the expansion of existing buildings, is subject to site plan and design review in accordance with chapter 17.808. No application for development in the Freeport SPD is complete until a pre-application meeting with planning staff has been conducted on the proposed development.

17.448.060 Freeport SPD – Development standards.

The following development standards apply to all development, including the expansion of existing buildings, within the Freeport SPD:

A. Setbacks. Setbacks for new structures are determined during the site plan and design review process. Setbacks must be consistent with existing development adjacent to,

and in the vicinity of, the new structure. Projects with frontage on Freeport Boulevard must have setbacks sufficient to incorporate shade trees or planters into the project design.

B. Fences. Fences shall be designed to encourage free and safe pedestrian and bicycle movement between uses. New fences shall be constructed of masonry, wrought iron, or other materials consistent and compatible with the materials and architecture of adjacent buildings. No cyclone, concertina, or wire fences are permitted where visible from the public right-of-way, except that wire fencing may be installed on properties used for agricultural purposes.

C. Trees. Development projects shall be designed to preserve the existing healthy trees in the landscaping of the development, to the extent feasible.

D. Building and site design. Development shall be designed to integrate and relate to the existing construction and development in the town, including attention to the height, location, shape, and proportion of structures; parking; and the scale of the projects.

1. Entrances to buildings should address the street;

2. Rear and side elevations visible from roads or public areas shall be designed with such visibility in mind;

3. Blank walls are discouraged on elevations which face streets or public areas;

4. Elevations shall be broken with reveals, recesses, trim elements, and other architectural features to provide visual interest; and

5. Roofs shall be articulated to provide varied rooflines.

E. Loading docks and service areas.

1. Loading docks and service areas shall be screened from view by site planning, landscaping, or walls.

2. Loading docks proposed as part of future commercial development within the Freeport SPD shall be located as far as practicable from existing residences.

3. Diesel trucks shall be immediately shut off when docking is completed to avoid establishing a toxic hot spot.

F. Solid waste, recycling, and energy conservation. Solid waste and recycling enclosures shall be screened from view. Floor plans and internal features shall be designed to facilitate recycling, including recycling enclosures.

G. Mechanical equipment. Heating, cooling, antennas, and air conditioning equipment, including fans or similar devices, may be placed on the building roof, provided they are sufficiently screened from view. Mechanical equipment shall be installed consistent with the Comprehensive Flood Management Plan.

H. Building materials and colors.

1. Materials. Building façades shall be finished with materials in a variation of textures and colors to avoid blank façades and to diminish the massing effect of the structure.

2. Architectural features such as awnings, overhangs, arcades, and other similar enhancements are encouraged and are allowed within setbacks and within the sidewalk portion of the public street or other right-of-way, subject to all applicable requirements, including an encroachment permit.

3. Acceptable roofing materials include wood shake, clay and concrete tile, composition shingles, and standing seam non-reflective metal.

4. Variety in building façades shall be achieved, in part, by using a variety of colors. Building colors and materials shall add to the visual interest of the buildings. Innovative colors and textures may be used, with brighter and more radiant color choices used primarily for accent or trim purposes, or detailing relating to pedestrian areas.

I. The visual impact of parking areas should be reduced by integrating landscaping, hedges, berming or swales, planted islands, and fingers into the parking area as well as the perimeter.

J. Signage. Notwithstanding chapter 15.148, the design, location, size, and type of signage proposed for each development project is subject to review and approval during the plan review process and may be subject to conditions necessary to ensure the purpose and intent of this chapter.

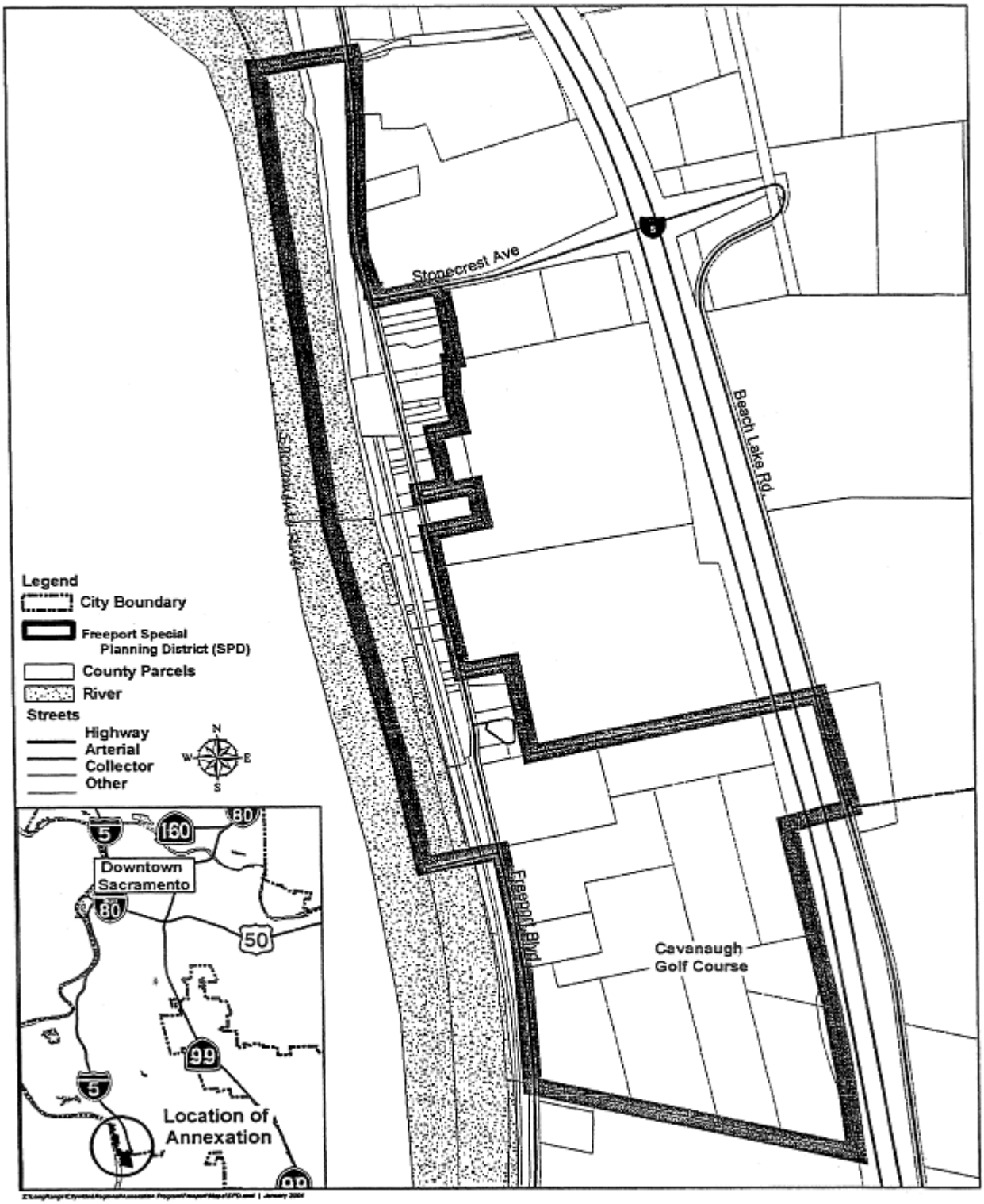
K. Lighting.

1. Lighting shall not produce hazardous or annoying glare to motorists, building occupants, adjacent residents, or the public.

2. Lighting shall be designed to provide safety, comfort, and security for occupants of the development and the public.

3. Lighting shall be oriented away from adjacent properties within the SPD, and shall not produce a glare or reflection or any nuisance, inconvenience, or hazardous interference on adjoining streets or property. The source of the light shall not be visible from adjacent property or a public street.

Exhibit A: Freeport special planning district (SPD) boundary map



Chapter 17.452
Planned Unit Development Regulations

17.452.010 Purpose and intent.

The purpose of this chapter is to provide for greater flexibility in the design of integrated developments than otherwise possible through strict application of zoning regulations. It is the intent of this chapter to encourage the design of well-planned facilities that offer a variety of housing or other land uses through creative and imaginative planning, among them the following types of developments:

A. Residential. Residential subdivision developments that may include a variety of housing types and site plans, accessible open “green spaces,” or common recreational areas, an attractive and well-oriented community meeting place or recreational facility, and other features of substantial benefit to a viable and balanced community;

B. Residential-business development. Mixed residential-business developments combining apartments, convenience shopping facilities, motel-hotel combinations, offices, commercial recreation facilities, or other compatible uses grouped in a well-designed and coordinated site development; and

C. Industrial development. Well-designed and controlled groupings of research, service, or light industrial uses within an area containing visual and operational amenities and features, such as selective occupancies, setbacks, landscaping, and bulk and building material controls.

17.452.020 General provisions.

A. General criteria.

1. This chapter is intended to be used for large acreage developments capable of achieving the distinct environmental characteristics intended by the planned unit development criteria set forth in section 17.452.030.

2. This chapter is not intended to increase the development potential of property merely by increasing project density contrary to the regulations imposed by the zoning applicable to the property.

3. This chapter is not intended to be used solely to create a development potential for small or difficult parcels of property created or remaining as a result of subdividing, freeway construction, or other contributing factors.

4. This chapter is not intended to be used to create incompatible uses within a general neighborhood, notwithstanding the quality of the particular planned unit development proposed.

B. Issuance of building permits. A building permit shall not be issued for any building or structure within the boundaries of a planned unit development until the plans submitted for the building permit have been reviewed by the planning director to determine if the plans conform to the schematic plan and development guidelines adopted for the planned unit development and the site plan and design review approved for the project. No building or structure within a planned unit development may be occupied until an inspection of the project has been made by the planning director to see that all conditions of the site plan and design review have been satisfied.

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 chapter as it deems necessary or desirable to carry out the purpose and intent of this chapter.

17.452.030 Planned unit development designation.

The planned unit development ("PUD") designation appearing on the official zoning map means the property is subject to the requirements of this chapter and the schematic plan and development guidelines adopted for the planned unit development, in addition to the indicated land use zone (underlying zone).

A. Criteria. The planned unit development designation may be applied to all areas of the city for which the council determines that the purpose and general criteria of this chapter are met or that, due to the mixture of conditions or the relation of the property to adjacent land uses and its community, development in accordance with the requirements and restrictions of this chapter is necessary in order to properly evaluate the interrelationships of land uses, buildings, structures, and other features of the area and to provide design and other controls as may be necessary to insure that the development of the area will be consistent with the general plan and all applicable specific plans, will not be injurious to the public welfare, nor to other property in the vicinity of the development and will be in harmony with the general purposes and intent of this title.

B. Designation of property as a planned unit development. Designation of property as a planned unit development is legislative in nature and is subject to the procedural requirements in sections 17.808.230 and 17.916.020.

1. Property in single or common ownership. The planning and design commission, the city council, or the property owner may initiate proceedings to designate as a planned unit development any single parcel or any contiguous parcels owned by the same person or persons.

2. Property in multiple ownership. Proceedings to designate as a planned unit development multiple parcels of property that are not all in the same ownership may be initiated only by a petition submitted on behalf of all of the owners of all of the property.

C. Effect of planned unit development designation. A planned unit development designation constitutes an overlay zone. A planned unit development designation does not establish an underlying zone or enlarge the uses provided by a zoning classification.

17.452.040 Planned unit development schematic plan and development guidelines.

A. Adoption of planned unit development schematic plan and development guidelines. Adoption of a planned unit development schematic plan and development guidelines is legislative in nature and is subject to the procedural requirements in sections 17.808.230 and 17.916.020. Proceedings to adopt a planned unit development schematic plan or development guidelines may be initiated in the same manner as a planned unit development designation. Development within a planned unit development shall not be approved until the city council has adopted a schematic plan and development guidelines for the entire area subject to the planned unit development designation.

B. Contents of the schematic plan and development guidelines.

1. The schematic plan and development guidelines shall contain the development standards applicable to development within the planned unit development and shall include specific details, elements, conditions and restrictions as the council may deem warranted to carry out the purpose of this chapter, including conditions and restrictions related to size, timing, and sequence of development.

2. In approving a schematic plan and development guidelines for a planned unit development, the city council may modify zoning regulations relating to height, setback and area requirements, and other provisions of this title otherwise applicable to the property; provided that the following standards shall be applied:

a. Design standards. The schematic plan and development guidelines provide overall standards of open space, circulation, off-street parking and other conditions in such a way as to form a harmonious, integrated project of such quality to justify exceptions to the normal regulations of this title.

b. Sign program. In order to preserve the design and character of the planned unit development, the schematic plan and development guidelines adopted for the planned unit development may specify a sign program that allows for signage that otherwise would be prohibited under Chapter 15.148 (Signs) or that prohibits signage that otherwise would be allowed under this title.

c. Density standards. The density standards of the zone in which the property is located shall apply to residential uses, except that the schematic plan and development guidelines may authorize a greater density if the proposed design will result in a development project that provides greater open spaces and other desirable features not a regular requirement of the zone.

d. Uses. Property within a planned unit development may be used only for the uses that are permitted in the underlying zone in which it is located and that are authorized by the schematic plan and development guidelines adopted for the property.

C. Amendment of a planned unit development schematic plan or development guidelines. An amendment to a planned unit development schematic plan or development guidelines may be initiated by the city council, the planning and design commission, or by request by the owner of any parcel of property within the planned unit development. The amendment is subject to the same procedural requirements as adoption of the schematic plan and development guidelines, except that if the amendment to the planned unit development schematic plan or development guidelines does not change the intensity of land uses by more than 10%, the amendment is subject to review and approval by the planning and design commission only.

Division V
Infrastructure Design and Improvement Standards

(Reserved)

Division VI
Architectural Design and Site Development Standards, Design Review Districts, Historic Preservation, and Registered House Plans

Chapter 17.600
Architectural Design and Site Development Standards, Design Review Districts, and Registered House Plans

Article I. Architectural Design and Site Development Standards

17.600.100 Applicable design guidelines.

For purposes of site plan and design review, and whenever design review is otherwise required under this title, the design guidelines applicable to a development project are as follows:

A. Citywide design guidelines. Except as provided in subsections B, C, D, and E below,

1. The Single Family Residential Design Principles (Resolution No. 2000-523) apply to single-unit and duplex dwelling development;

2. The Multifamily Residential Design Principles (Resolution No. 2000-487) apply to multi-unit dwelling development;

3. The Neighborhood Commercial Corridor Design Principles (Resolution No. 2003-773) apply to non-residential and mixed-use development; and

4. The Industrial and Business Park Design Guidelines (Resolution No. 2013-0110) apply to industrial development.

B. Design review districts. The design guidelines applicable to a design review district apply to development located in that district.

C. Historic districts and landmarks. The Secretary of the Interior's Standards for the Treatment of Historic Properties and the applicable provisions of the historic district plan, if any, apply to development in that historic district or involving a landmark.

D. Planned unit developments. The guidelines and schematic plan adopted for a planned unit development apply to development in that planned unit development.

E. Special planning districts. The guidelines identified for a special planning district in Division IV or, if none are specified, the guidelines under subsection A, above, apply to development in that special planning district.

17.600.105. Architectural design for single-unit dwellings.

A. The architectural standards in this subsection A apply to single-unit dwellings.

1. Main entrance. The primary dwelling entrance shall be accessed from the front yard or street side yard and shall be oriented to and visible from a street. If the dwelling has steps leading to an entry visible from any street, the steps and any enclosure surrounding the steps shall be attached to a permanent foundation and designed and constructed as an integral part of the exterior of the dwelling.

2. Foundation; exterior appearance of foundation.

a. The dwelling shall have a solid or perimeter foundation. Alternatively, if the dwelling has a pier foundation, interior foundation, or other type of foundation that is not a solid or perimeter foundation, the dwelling shall have a solid perimeter curb or skirt made of concrete, masonry, or other solid nonmetal, all-weather material.

b. The covering material used on a substantial portion of each exterior perimeter wall of the dwelling shall touch or overlap the foundation or the solid perimeter curb or skirt.

3. Roofing overhang. The dwelling shall have eave and gable overhangs of not less than one foot measured from the vertical exterior side of the structure, unless the overhangs would be incompatible with the overall architectural style of the structure, as determined by the design director.

4. Roofing material. No dwelling shall have a roof covered with continuous rolled metal.

5. Exterior siding. No dwelling shall have exterior perimeter walls covered with corrugated or reflective metal siding.

6. Windows on front façade required. The dwelling shall have windows on the front façade with views from active use areas such as living rooms, dining rooms, bedrooms, and kitchens.

7. Minimum width and depth. The dwelling shall have a minimum width and depth of 20 feet.

8. Garages and carports.

a. A garage or carport may be attached to or detached from the dwelling. The roofing material on a garage or carport shall be the same as the roofing material used on the dwelling. The exterior covering material used on a garage or carport shall be the same as an exterior covering material used on a substantial portion of the dwelling.

b. Garages and carports shall be set back from the front property line farther than, or equal to, the front façade of the dwelling. An enclosed garage or carport shall meet the residential accessory building and use regulations in chapter 17.624.

9. Mobilehomes not permitted in central city. A mobilehome used as a single-unit dwelling is not permitted within the central city.

B. Bulk controls in the R-1 zone. In the R-1 zone, the dwelling shall be contained within the base building envelope.

1. The base building envelope is the three-dimensional air space contained between the front setback and the rear setback of a lot and conforming to the following side planes and roofline planes: the side planes of the envelope begin at the side property lines at the average elevation of the finished lot grade at the front setback line and rise directly vertical and perpendicular to each side property line to a height of 12 feet; at this point, the envelope slopes inward from each side at a 45 degree angle to form the roofline planes that continue inward until the roofline planes intersect; provided, that if the line of intersection of the two roofline planes is greater than 35 feet above the average elevation of the finished lot grade at the front setback line, then at the height of 35 feet above the finished grade, the roofline planes shall continue horizontal to the finished grade until they intersect.

2. Dormers and other extensions are permitted up to a maximum of 40 square feet of front profile on each side of the structure that is outside of the base building envelope; provided, however, the length of projecting construction along a side elevation does not exceed 15 feet aggregate.

17.600.110 Architectural design for duplex dwellings.

A. The architectural standards in this subsection A apply to duplex dwellings in the R-1 and R-1B zones.

1. Main entrance.

a. Except as provided in b, below, a duplex dwelling on a corner lot shall have the main entrance and driveway of each dwelling unit on different streets.

b. When a corner lot fronts on an arterial or collector street on one side and a local street on another side, the driveways and dwelling unit entrances may be located on the local street.

2. Minimum setbacks for duplex dwellings. The minimum setback requirements of the applicable zone apply to the duplex dwelling, and not to the individual dwelling units.

3. Open space in the R-1B zone only. In the R-1B zone, each dwelling unit shall have a minimum of 150 square feet of private open space beyond the minimum required front-yard, rear-yard, and side-yard setbacks.

4. Garages and carports. A garage or carport may be attached to or detached from each dwelling unit. The roofing material on a garage or carport shall be the same as the roofing material used on the dwelling. The exterior covering material used on a garage or carport shall be the same as an exterior covering material used on a substantial portion of the dwelling. Garages and carports shall be set back from the front property line farther than, or equal to, the front façade of the dwelling. An enclosed garage or carport shall meet the residential accessory building and use regulations in chapter 17.624.

5. Exceptions for subdivided duplex dwelling. The requirements of provisions 1, 2, 3, and 4 of this subsection do not apply to an existing duplex dwelling being subdivided to create a separate lot for each dwelling unit, where the existing dwelling units do not meet one or more of these requirements.

B. Bulk controls in the R-1 zone. In the R-1 zone, a duplex dwelling shall be contained within the base building envelope.

1. The base building envelope is the three-dimensional air space contained between the front setback and the rear setback of a lot and conforming to the following side planes and roofline planes: the side planes of the envelope begin at the side property lines at the average elevation of the finished lot grade at the front setback line and rise directly vertical and perpendicular to each side property line to a height of 12 feet; at this point, the envelope slopes inward from each side at a 45 degree angle to form the roofline planes that continue inward until the roofline planes intersect; provided that if the line of intersection of the two roofline planes is greater than 35 feet above the average elevation of the finished lot grade at the front setback line, then at the height of 35 feet above the finished grade, the roofline planes shall continue horizontal to the finished grade until they intersect.

2. Dormers and other extensions are permitted up to a maximum of 40 square feet of front profile on each side of the structure that is outside of the base building envelope; provided, however, the length of projecting construction along a side elevation does not exceed 15 feet aggregate.

17.600.115 Relocated rear yard for corner lots.

A. Single-unit and duplex dwellings. For single-unit or duplex dwellings located on a corner lot, the rear yard may be relocated to the interior side yard of the lot. The minimum rear-yard setback and area standards apply to a relocated rear yard; provided that the rear-yard setback of a relocated rear yard may be less than 15 feet at some locations if the setback is at least 5 feet along the entire interior side lot boundary.

B. Other uses. For all uses other than single-unit and duplex dwellings located on a corner lot, the planning and design commission may, in approving site plan and design review, allow a relocated rear yard in accordance with subsection A; provided, that the relocated rear yard meets the rear-yard setback and area requirements of subsection A.

17.600.120 Requirements for through-lots.

A. If a through-lot has a depth of less than 125 feet, one street frontage may be considered the front of the lot and the other street frontage may be considered the rear of the lot.

B. If a through-lot has a depth of 125 feet or more, each street frontage shall be considered a front yard. For through lots zoned R-1, the lot may have two dwellings constructed on the lot subject to the following requirements:

1. For purposes of applying development standards, the lot will be treated as two lots (deemed lots), with a common rear lot line approximately equally distant from the front lot lines;

2. Each deemed lot shall have an area of not less than 2,500 square feet;

3. The setback requirements of the R-1 zone shall apply; and

4. Each street frontage shall have public access approved by the public works department.

17.600.125 Allowable projections into required setback areas.

Every part of a required setback shall be open and unobstructed from its lowest point to the sky, except as permitted in this section.

A. Chimneys and eaves may project into any required setback up to a maximum of two feet.

B. A bay window may project:

1. Two feet into the required interior side-yard setback, provided that it is at least three feet from the interior side lot line; and

2. Two feet six inches into the required front-yard, street side-yard, or rear-yard setback, provided that it is at least 3 feet from the front, street-side, or rear lot line; but

3. Not into any required vehicle parking, access, or maneuvering areas, unless the bay window is located at or above the second level of the building.

C. The following structures may project into a required front-yard or street side-yard setback up to 25% of the required depth of the setback if the projection does not encroach into any public utility easement or other public easement of record.

1. An uncovered porch.

2. A covered porch not exceeding a height of 10 feet, measured from the surface of the porch floor to the plate line of the porch roof.

3. An ornamental feature of the main building not exceeding 6 feet in height.

D. Any floor above the first story of a building may project into a required front-yard or street-side yard setback up to a maximum of 2 feet if the projection does not extend into a public right-of-way.

E. Unenclosed stairs and ramps may project into any required setback.

F. Necessary landings may project into any required setback up to a maximum of 4 feet.

G. Fire escapes, solar energy systems, and other structures or mechanical systems may project into any required front-yard, rear-yard, or street side-yard setback up to a maximum of 4 feet.

H. Side-yard setbacks for additions to existing single-unit dwellings. Where an existing single-unit or duplex dwelling has been built with less than a 5-foot interior side-yard setback or 12-foot, 6-inch street side-yard setback, the side-yard setback requirement for additions may follow existing building lines, provided that the side-yard setback shall not be reduced below 3 feet.

17.600.130 Exception to maximum setback to accommodate driveways.

If the maximum required setback is less than the required minimum driveway length, the dwelling may be set back to the minimum required driveway length.

17.600.135 Open space for multi-unit dwellings.

A. A combination of private and common open space shall be provided for new multi-unit dwellings at a ratio of 100 square feet of open space per dwelling unit beyond the minimum required front-yard, side-yard, and rear-yard setbacks.

B. Private open space shall have a minimum width of 5 feet. Common open space shall have a minimum width of 20 feet.

C. Common open space, when provided, shall be:

1. Improved with trees, shrubs, living ground cover, decorative paving, seating, trash receptacles, and pedestrian-oriented lighting;

2. Located outdoors and open to the sky, except that up to 10% of the open space may be covered by structures such as eaves, balconies, pergolas, gazebos, arcades, or other shade structures; and

3. Located where there is regular foot traffic, in view of entrances and windows of adjacent buildings, and designed with landscaping and structures arranged to avoid creating hiding areas.

D. Common open space, where provided, may be located on a common lot, provided adequate provisions have been made for the permanent maintenance of the open space areas by a homeowners association or similar mechanism approved by the director.

E. Open space may include fountains, public art, children's playgrounds, and outdoor recreation facilities.

17.600.140 Open space for offices.

A. Except in the C-3 zone, open space shall be provided for new office development at a ratio of one square foot of open space for every 15 square feet of office space.

B. Open space shall be:

1. In the form of courtyards or plazas improved with trees, shrubs, living ground cover, decorative paving, seating, waste bins, and pedestrian-oriented lighting;

2. Located outdoors and open to the sky, except that up to 10% of the open space may be covered by structures such as eaves, balconies, pergolas, gazebos, arcades, or other shade structures;

3. Located on the same development site as the building it serves;

4. Accessible to the public by being located at street level and with security gates, if any, open from dawn to dusk; and

5. Located where there is regular foot traffic, in view of entrances and windows of adjacent buildings, and designed with landscaping and structures arranged to avoid creating hiding areas.

C. Open space may include fountains, public art, children's playgrounds, and outdoor recreation facilities.

17.600.145 Roof structures.

A. Penthouses not exceeding 50% of the roof area, parapets, spires, elevator towers, flag poles, and solar energy systems and other mechanical appurtenances may be erected on top of a building and exceed the maximum height allowed in the zone by up to 20%.

B. A building with a pitched roof may exceed the maximum height allowed in the zone by up to 20% of the maximum, provided that the plate line of the building does not exceed the maximum height allowed in the zone.

C. This section does not apply to antennas and telecommunication facilities, which are subject to the land use regulations in Division II. This section does apply to accessory antennas.

17.600.150 Architectural design for vertical mixed-use development.

A. Vertical chase requirements for mixed-use projects. To eliminate the need for future installation of ducts, pipes, and conduit on the exterior of a building, provisions shall be made at a maximum of 60 feet on center for one-hour rated vertical chases through residential floors to accommodate commercial utilities that must circuit to the roof. The chases shall have an interior clear dimension of 24 inches by 24 inches to accommodate a Class A exhaust hood for restaurant uses.

B. The building design of all new residential mixed use structures shall incorporate the following construction standards in order to reduce interior noise levels:

1. All penetrations of exterior walls shall include ½-inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic;

2. The roof shall be finished with a minimum 7/16th-inch OSB or plyboard of equivalent surface weight, minimum 30 lb, felt paper and minimum 240 lb/square foot composition shingles or equivalent;

3. Skylights shall not be used unless they have an STC rating of 29 or better;

4. Windows shall have a minimum STC rating of 28;

5. Windows shall have an air filtration rate of less than or equal to 0.15 CFM/lin. ft, when tested with a 25 mile per hour wind per ASTM standards;

6. Sliding glass doors shall have a minimum STC rating of 29;

7. An HVAC system shall be installed which will provide minimum air circulation and fresh air supply requirements as specified in the Uniform Building Code (UBC); and

8. Gravity vent openings in attic space shall not exceed code minimum in size and number.

C. Alternative methods and materials may be used to achieve an interior noise level of 45 dB Ldn or less, subject to the approval by the planning director.

17.600.155 Odd-shaped lots and nonconforming lots.

A. Application of required setbacks to lots of peculiar shape or location is determined through the site plan and design review process.

B. A lot that was legally created, but that does not meet current minimum dimension and area requirements, may be developed and used subject to the applicable use regulations and development standards of the zone, and to any deviations to the development standards that may be approved through the site plan and design review process.

17.600.160 Standards for uses within ¼ mile of a light rail station.

The following standards apply to uses within ¼ mile of a light rail station:

A. The development shall provide pedestrian amenities such as awnings, canopies, benches, and landscaping;

B. The ground level of the building shall avoid areas of blank walls that are viewable from the street;

C. The site design shall provide continuous, direct, convenient transit and pedestrian linkages, including walkways between principal entrances of buildings and adjacent lots;

D. Vehicle parking shall be located to the rear or interior side of the building and not in front of the building; and

E. The building's primary entrance shall have direct access to public streets and sidewalks.

17.600.165 Mechanical equipment screening.

A. All mechanical equipment shall be completely screened from view from adjacent streets and public areas.

B. Roof-mounted equipment shall be concealed behind parapets or architecturally integrated screens.

C. Ground-mounted equipment shall be screened by fences, walls, or landscaping.

Article II. Design Review Districts

17.600.200 Design review districts – Purpose and effect.

A. Purposes. Design review districts are established for the protection and enhancement of the value, appearance, and economic development and vitality 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. Effect. Development in a design review district is subject to the design guidelines adopted for the design review district, rather than the citywide design guidelines.

17.600.210 Procedure for establishing, amending, and dissolving design review districts.

A. The city council, the planning and design commission, and the planning director each has the authority to initiate the establishment of a new design review district and the amendment or dissolution of an existing design review district. Proceedings are commenced 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.

B. The planning and design commission shall hold a public hearing on a statement of initiation. The procedural requirements for the hearing shall be governed by chapter 17.812. Notice of the hearing shall be given by publication and by mail to those persons requesting notice in writing, pursuant to section 17.812.030. After completion of the public hearing, the planning and design commission shall forward its recommendation on the statement of initiation to the city council.

C. Upon receipt of the recommendation 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 17.812. Notice of the hearing shall be given by publication pursuant to section 17.812.030. 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.

17.600.220 Design guidelines for design review districts.

A. Design guidelines may be adopted for each design review district in accordance with the notice and hearing procedures prescribed in section 17.600.210, except that the council may adopt the design guidelines by resolution.

B. Design guidelines for a design review district shall be consistent with the general plan 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; and

3. Any additional material as may be required, in the judgment of the city council, to achieve the purposes stated in section 17.600.200.

Article III. Registered House Plans

17.600.300 Registered house plans - Effect.

The planning and design commission may approve registered house plans for one or more design review districts as set forth in this article. Use of registered house plans for development in the design review district for which the plans were approved exempts the development from further design review.

17.600.310 Request for approval of registered house plans.

Approval of registered house plans may be initiated by the design director or may be requested by any interested person by submitting proposed plans to the design director.

17.600.320 Process for approval of registered house plans.

A. The design director shall conduct a preliminary review of proposed registered house plans and shall 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.

B. 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 17.812. Notice of the hearing shall be given by publication and by mail to those persons requesting notice in writing, pursuant to section 17.812.030. 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.

C. In reaching its decision, the planning and design commission shall evaluate each proposal for registered house plans in accordance with the citywide design guidelines, the design guidelines for the district or districts for which the registered house plan is intended, the purposes 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 is consistent with the applicable guidelines and plans and the purposes of this chapter.

D. On its own initiative, or at the request of the design director, the planning and design commission may cancel the approval of registered house plans as it deems appropriate to ensure a variety in the housing stock and to otherwise further the purposes of this chapter. The cancellation of the approval of registered house plans

shall be subject to the same notice and hearing requirements as apply to the approval of registered house plans.

17.600.330 Policies and procedures.

The design director shall establish policies and procedures addressing the development, approval, and use of registered house plans consistent with the purposes of this article.

Chapter 17.604
Historic Preservation

Article I. General Provisions

17.604.100 Findings and declaration of purpose.

A. The city council finds and declares that significant aspects of the city's rich and diverse historic resources deserve recognition and preservation to foster an understanding of our heritage, and to promote the public health and safety and the economic and general welfare of the people of the city. The preservation and continued use of historic resources are effective tools to sustain and revitalize neighborhoods and business districts within the city, enhance the city's economic, cultural and aesthetic standing, its identity and its livability, marketability and urban character.

B. The city council further finds and declares that the purpose of this chapter is as follows:

1. To establish a city preservation program, commission and staff, to implement the preservation element of the city's general plan;

2. To provide mechanisms, through surveys, nominations and other available means, to identify significant historic, prehistoric and cultural resources, structures, districts, sites, landscapes and properties within the city;

3. To provide mechanisms and procedures to protect and encourage the preservation of the city's historic and cultural resources; and

4. To provide standards, criteria and processes, consistent with state and federal preservation standards and criteria, for the identification, protection and assistance in the preservation, maintenance and use of historic and cultural resources.

C. The city council further finds and declares that the administrative responsibilities of the preservation program established under this chapter shall be assigned to a preservation commission, a preservation director, and preservation staff as follows:

1. The preservation commission's primary responsibilities are to develop and recommend to the council preservation policies appropriate for inclusion in the general plan and other regulatory plans and programs of the city and to provide oversight relative to the maintenance and integrity of the Sacramento register of historic and cultural resources. The preservation commission shall review, nominate and make recommendations to the council on properties eligible for listing in the Sacramento register as landmarks, historic districts and contributing resources as set forth in this chapter. The preservation commission's role in reviewing development projects shall be

limited to hearing projects of major significance and appeals of the preservation director's decisions as set forth in this chapter.

2. The primary responsibilities of the preservation director shall be to manage the preservation program; conduct surveys; make preliminary determinations relative to properties' eligibility for listing on the Sacramento register, the potential for listing on the California Register relative to discretionary development project review under CEQA, and maintain and update the Sacramento register; review and take action on development project applications as set forth in this title; manage incentive programs as established by the council; and advise property owners, the public, city departments, and other governmental agencies on preservation standards and incentives.

3. The primary responsibilities of the preservation staff under the general direction of the preservation director shall be to coordinate surveys, inventories, and nominations to the Sacramento register, make recommendations to the preservation director on the eligibility of properties for listing on the Sacramento register and California Register relative to discretionary development project review and relative to proposals to demolish structures 50 years old and older, and review and take action on development project applications, as set forth in this chapter.

Article II. Sacramento Register of Historic and Cultural Resources

17.604.200 Sacramento register.

A. The ordinances adopting designations and deletions of landmarks, contributing resources and historic districts shall be known, collectively, as the "Sacramento register of historic and cultural resources" or the "Sacramento register."

B. The original Sacramento register and any subsequent amendments, inclusions, or deletions thereto shall be on file with the city clerk.

C. All structures and preservation areas designated on the official register as of the date of enactment of Ordinance No. 2001-027 and on the Sacramento register as of the date of enactment of the ordinance codified in this chapter are included on the Sacramento register of historic and cultural resources (Sacramento register). All structures individually designated on the official register as essential or priority structures are designated landmarks on the Sacramento register, and shall be subject to the restrictions and conditions applicable to landmarks. All geographic areas previously designated as preservation areas designated on the official register are designated as historic districts on the Sacramento register, and are subject to the restrictions and conditions applicable to historic districts.

D. The preservation director shall take appropriate steps to ensure that the Sacramento register is properly maintained, regularly updated, distributed to city staff as necessary to carry out the purpose and intent of this chapter, and made available to the

public. The preservation director shall also take appropriate steps to maintain and regularly update a list or compilation of resources within the city that are on the California Register of Historical Resources or the National Register of Historic Places, and to make the list or compilation available for public review and use.

17.604.210 Criteria and requirements for listing on, and deletion from, the Sacramento register.

The criteria and requirements for listing on, or deletion from, the Sacramento register as a landmark, historic district or contributing resource are as follows:

A. Listing on the Sacramento register—Landmarks. A nominated resource shall be listed on the Sacramento register as a landmark if the city council finds, after holding the hearing required by this chapter, that all of the requirements set forth below are satisfied:

1. Requirements.

a. The nominated resource meets one or more of the following criteria:

i. It is associated with events that have made a significant contribution to the broad patterns of the history of the city, the region, the state or the nation;

ii. It is associated with the lives of persons significant in the city's past;

iii. It embodies the distinctive characteristics of a type, period or method of construction;

iv. It represents the work of an important creative individual or master;

v. It possesses high artistic values; or

vi. It has yielded, or may be likely to yield, information important in the prehistory or history of the city, the region, the state or the nation;

b. The nominated resource has integrity of location, design, setting, materials, workmanship and association. Integrity shall be judged with reference to the particular criterion or criteria specified in subsection A.1.a of this section;

c. The nominated resource has significant historic or architectural worth, and its designation as a landmark is reasonable, appropriate and necessary to promote, protect and further the goals and purposes of this chapter.

2. Factors to be considered. In determining whether to list a nominated resource on the Sacramento register as a landmark, the factors below shall be considered.

a. A structure removed from its original location is eligible if it is significant primarily for its architectural value or it is the most important surviving structure associated with a historic person or event.

b. A birthplace or grave is eligible if it is that of a historical figure of outstanding importance and there is no other appropriate site or structure directly associated with his or her productive life.

c. A reconstructed building is eligible if the reconstruction is historically accurate, if the structure is presented in a dignified manner as part of a restoration master plan, and if no other original structure survives that has the same association.

d. Properties that are primarily commemorative in intent are eligible if design, age, tradition, or symbolic value invests such properties with their own historical significance.

e. Properties achieving significance within the past 50 years are eligible if such properties are of exceptional importance.

B. Listing on the Sacramento register—Historic Districts. A geographic area nominated as a historic district shall be listed on the Sacramento register as a historic district if the city council finds, after holding the hearing required by this chapter, that all of the requirements set forth below are satisfied:

1. Requirements.

a. The area is a geographically definable area; or

b. The area possesses either:

i. A significant concentration or continuity of buildings unified by: (A) past events or (B) aesthetically by plan or physical development; or

ii. The area is associated with an event, person, or period significant or important to city history; or

c. The designation of the geographic area as a historic district is reasonable, appropriate and necessary to protect, promote and further the goals and purposes of this chapter and is not inconsistent with other goals and policies of the city.

2. Factors to be considered. In determining whether to list a geographic area on the Sacramento register as a historic district, the following factors shall be considered:

a. A historic district should have integrity of design, setting, materials, workmanship and association;

b. The collective historic value of the buildings and structures in a historic district taken together may be greater than the historic value of each individual building or structure.

C. Listing on the Sacramento register—Contributing Resources. A nominated resource shall be listed on the Sacramento register as a contributing resource if the council finds, after holding the hearing required by this chapter, that all of the following requirements are satisfied:

1. The nominated resource is within a historic district;

2. The nominated resource either embodies the significant features and characteristics of the historic district or adds to the historical associations, historical architectural qualities or archaeological values identified for the historic district;

3. The nominated resource was present during the period of historical significance of the historic district and relates to the documented historical significance of the historic district;

4. The nominated resource either possesses historic integrity or is capable of yielding important information about the period of historical significance of the historic district; and

5. The nominated resource has important historic or architectural worth, and its designation as a contributing resource is reasonable, appropriate and necessary to protect, promote and further the goals and purposes of this chapter.

D. Deletions from the Sacramento register. An application to delete a listed historic resource from the Sacramento register may be approved if the city council finds, after holding the hearings required by this chapter, that the listed historic resource no longer meets the requirements set forth above; provided that where a landmark or contributing resource is proposed for deletion due to a loss of integrity, the loss of integrity was not the result of any illegal act or willful neglect by the owner or agent of the owner.

17.604.220 Procedures for nomination of resources for listing on Sacramento register.

A. Initiation of nomination proceedings.

1. Statement of nomination. The city council, preservation commission and the preservation director shall each have the authority to initiate proceedings to nominate resources for listing on the Sacramento register as landmarks, historic districts, or contributing resources by filing a statement of nomination with the secretary to the preservation commission.

2. Hearing by preservation director. The preservation director shall hold at least one public hearing on a statement of nomination filed under subsection A.1 of this section. The procedural requirements of the hearing and the content of the notice are governed by chapter 17.812. Notice of the hearing shall be given by mail to the owner of the resource proposed for nomination or, in the case of a nomination of a historic district, to all property owners within the proposed district.

3. Decision and notification—Concurring with statement of nomination. At the conclusion of the hearing, the preservation director shall issue a written decision. The preservation director shall base his or her decision on the criteria, considerations and assessment of integrity and significance outlined in this chapter.

a. If the preservation director concurs, in whole or in part, with the statement of nomination, the director shall issue a written statement of the reasons for the nomination based on the eligibility criteria for listing on the Sacramento register and shall include a description of the resource's significant features and characteristics. Upon issuance of the preservation director's written statement, the resource shall be deemed nominated for listing on the Sacramento register. The preservation director shall transmit or cause to be transmitted written notice of the decision to the preservation commission and to the owner of the nominated resource or, in the case of a nomination of a historic district, to all property owners within the proposed district. The notice of decision shall include the following:

i. Notification that the resource has been nominated for listing on the Sacramento register as a landmark or contributing resource, along with the statement of the reasons for the nomination issued by the preservation director. In the case of a nomination of a historic district, the notice shall include a description of the proposed boundaries of the district and whether the owner's property is proposed to be added as a contributing or non-contributing resource;

ii. A general explanation of the nomination process, including the noticed hearings before the preservation commission and the council, and the provisions of section 17.604.240 on the effects of nomination on development projects;

iii. A general explanation of the effects of placement on the Sacramento register, including the restrictions on alteration and demolition, as well as the general benefits from placement on the register.

b. If the preservation director does not concur, in whole or in part, with the statement of nomination, the director shall issue a written statement of the reasons for not concurring in the nomination. The preservation director shall transmit written notice of the decision to the preservation commission and to the owner of the resource or, in the case of the nomination of a historic district, to all property owners within the proposed district. The notice shall include the date of the preservation commission meeting at which the preservation commission will review and consider the matter under subsection B.1.b of this section.

B. Nomination of resource to Sacramento register—Hearing by the preservation commission.

1. Notice and hearing.

a. If the preservation director concurs with the statement of nomination, the preservation commission shall hold at least one public hearing on the nomination. The procedural requirements of the hearing and the content of the notice shall be governed by chapter 17.812. The notice shall also include the statement of the reasons for the nomination issued under subsection A.3 of this section. The identification of significant features and characteristics in the notice shall not be considered binding on the preservation commission or council, and nothing shall prevent or preclude the preservation commission or council from identifying different, additional or fewer significant features and characteristics. Notice of the hearing shall be given by mail pursuant to section 17.812.030.B.3.

b. If the preservation director does not concur with the statement of nomination, the preservation director shall present the matter to the preservation commission for its review and consideration at its next available regular meeting or at a special meeting. The preservation commission may direct the preservation director to set the nomination for hearing under subsection B.1.a of this section, in which case the resource is deemed nominated for listing on the Sacramento register. The preservation director shall transmit written notice of the preservation commission's action to owners of the nominated resources or, in the case of a nomination of a historic district, to all property owners within the proposed district, in the manner provided in subsection A.3 of this section.

2. Recommendation. At the conclusion of the hearing, the preservation commission shall make a recommendation to the city council on the nomination. The preservation commission shall base its recommendation on the criteria, considerations and assessment of integrity and significance outlined in this chapter. If it recommends listing of the nominated resource on the Sacramento register, the preservation commission shall specify the significant features or characteristics of the nominated resource. In the case of a recommendation for listing of a historic district on the Sacramento register, the preservation commission shall identify as a contributing resource any property, structure, feature, or other resource within the nominated historic district that it determines contributes to the district's designation as a historic district. Properties, structures, features or other resources that happen to be located within the nominated historic district boundaries, but that have no relevance to the area's identified significance, significant physical features or identifying characteristics, shall be deemed noncontributing resources.

3. Transmittal to city council. The preservation director shall transmit to the city clerk for review by the city council the preservation commission's recommendations on placement of nominated resources on the Sacramento register.

C. Nomination of resource to Sacramento register—Hearing and decision by city council.

1. Notice and hearing. The city council shall hold at least one public hearing on the nomination as recommended by the preservation commission. The procedural requirements of the hearing and the content of the notice shall be governed by chapter 17.812. Notice of the hearing shall be given by publication and mail pursuant to sections 17.812.030.B.1 and 3.

2. Decision. At the conclusion of the hearing, the city council may adopt, modify or reject the action recommended by the preservation commission. In the alternative, the city council may refer the proposed action to the preservation commission for further hearings, consideration or study. The significant features and characteristics of the nominated property identified by the preservation director and the preservation commission shall not be considered binding on the council, and nothing shall prevent or preclude the council from identifying different, additional or fewer significant features and characteristics. Adoption of any listing on or deletion from the Sacramento register shall be made by uncodified ordinance which shall contain findings of fact in support of each designation. The uncodified ordinance shall identify significant features or characteristics of resources added to the Sacramento register, and shall identify contributing resources and noncontributing resources in a historic district.

17.604.230 Procedures for deletion of listed resources from the Sacramento register.

A. Request to delete historic resource from the Sacramento register.

1. Historic districts. The city council, preservation commission and the preservation director shall have the authority to initiate proceedings to request the deletion of a historic district from the Sacramento register by filing a statement of deletion with the secretary to the preservation commission.

2. Landmarks and contributing resources. The owner of a landmark or contributing resource may submit an application for deletion of the listed historic resource from the Sacramento register by filing an application with the preservation director.

3. Historic resources no longer eligible for the Sacramento Register. The preservation director shall periodically propose and process for deletion from the Sacramento register those listed historic resources that have been lawfully removed, demolished or disturbed to such an extent that, in the preservation director's opinion, they no longer qualify for listing on the register.

4. Early notification. The preservation director shall provide early notification of requests for the deletion of a listed historic resource from the Sacramento register in accordance with the policies and procedures established under Section 17.812.030.E.

B. Request to delete landmarks and contributing resources—Preliminary determination of preservation director.

1. Preliminary determination. Within such time that is reasonable and practicable after the preservation director has determined that an owner's application for deletion is complete, the preservation director shall make a preliminary determination on whether the listed historic resource is eligible for deletion from the Sacramento register based on the criteria specified in section 17.604.210. If the preservation director determines that the listed historic resource is eligible for deletion from the Sacramento register, the application shall be set for hearing by the preservation commission pursuant to subsection C of this section. If the preservation director determines that the listed historic resource is not eligible for deletion from the Sacramento register, the application shall be considered to be denied.

2. Notice of preliminary determination. The preservation director shall give written notice of the preliminary determination to the applicant and to those who received early notice of the application for deletion under subsection A.4 of this section.

3. Appeal. Any person dissatisfied with a preliminary determination by the preservation director that a listed historic resource is not eligible for deletion from the Sacramento register may appeal the determination to the preservation commission. The appeal hearing by the preservation commission shall be noticed, heard, and otherwise governed by the provisions of subsection C of this section.

C. Request to delete historic resource from Sacramento register—Hearing by the preservation commission.

1. Notice and hearing. Upon receipt of a statement of deletion, an application by an owner to delete a historic resource from the Sacramento register, or an appeal from the preservation director's preliminary determination that a historic resource is not eligible for deletion from the Sacramento register, the preservation commission shall hold at least one public hearing on the deletion. The procedural requirements of the hearing and the content of the notice shall be governed by chapter 17.812. Notice of the hearing shall be given by mail pursuant to section 17.812.030.B.3.

2. Recommendation.

a. Except as provided in subsection C.2.b of this section, the preservation commission shall make a recommendation to the city council on the proposed deletion. The preservation commission shall base its recommendation on the criteria, considerations and assessment of integrity and significance outlined in this chapter.

b. In the case of an appeal from the preservation director's preliminary determination that a historic resource is not eligible for deletion from the Sacramento register, if the preservation commission determines that the historic resource is not eligible for deletion and denies the appeal, the decision of the preservation commission shall be final and shall not be subject to appeal.

3. Transmittal to city council. The preservation director shall transmit to the city clerk for review by the city council the preservation commission's recommendations on the deletion of historic resources from the Sacramento register.

D. Request to delete historic resource from Sacramento register—Hearing and decision by city council.

1. Notice and hearing. The city council shall hold at least one public hearing on the proposed deletion as recommended by the preservation commission. The procedural requirements of the hearing and the content of the notice shall be governed by chapter 17.812. Notice of the hearing shall be given by publication and mail pursuant to sections 17.812.030.B.1 and3.

2. Decision. At the conclusion of the hearing, the city council may adopt, modify or reject the action recommended by the preservation commission. In the alternative, the city council may refer the proposed action to the preservation commission for further hearings, consideration or study. Approval of the deletion of a historic resource from the Sacramento register shall be made by uncodified ordinance that shall contain findings of fact in support of the deletion.

17.604.240 Nominated resources—Protections pending final decision.

A. Subject to the time limits set forth in subsection B of this section, any resource nominated as a landmark or contributing resource under subsections A or B.1.b of section 17.604.220 shall be considered to be a landmark or contributing resource for purposes of article IV, and it shall be subject to the restrictions and protections of article IV as further provided in section 17.604.400. Any geographic area nominated as a historic district under subsections A or B.1.b of section 17.604.220 shall be considered to be a historic district for purposes of Article IV of this chapter, and the properties located within the proposed historic district shall be subject to the restrictions and protections of article IV as further provided in section 17.604.400.

B. Subsection A of this section shall apply for a period of 180 days from the date the property becomes a nominated resource. After 180 days have elapsed, if the city council has not adopted an ordinance designating the nominated resource as a landmark, contributing resource or historic district, subsection A of this section shall no longer apply; provided, that the council may adopt an ordinance for a single extension of time to consider the nomination up to an additional 180 days.

C. Listed historic resources proposed for deletion from the Sacramento register are subject to the restrictions and protections of article IV unless and until a final decision is made by the city council to delete the listed historic resources from the Sacramento register.

17.604.250 Frequency of nominations.

When a nomination for listing of a resource on the register is denied, no new nomination for listing of the same or substantially the same resource may be filed or submitted for a period of one year from the effective date of the final denial of the nomination, except that an owner of a property may file a new nomination following the passage of one year from the date of final denial. Where a nomination for deletion of a listed historic resource from the register has been denied, no new application to delete the same listed historic resource may be filed or submitted for a period of one year from the effective date of the final denial.

Article III. Historic District Plans

17.604.300 Historic district plans.

A. The preservation commission shall promulgate and recommend to the council for adoption a historic district plan for each preservation area existing as of the date of enactment of Ordinance No. 2006-063, and for each historic district designated pursuant to this chapter. Each historic district plan shall include:

1. A statement of the goals for review of development projects within the historic district;

2. A representation of the historical development of land uses, existing land uses, and any adopted plans for future land uses;

3. A statement of findings, including the following:

a. The historical or pre-historical period to which the area is significant;

b. The predominant periods or styles of the structures or features therein;

c. The significant features and characteristics of such periods or styles, as represented in the historic district, including, but not limited to, structure height, bulk, distinctive architectural details, materials, textures, archeological and landscape features and fixtures; and

d. A statement, consistent with Article II, of the standards and criteria to be utilized in determining the appropriateness of any development project involving a landmark, contributing resource or noncontributing resource within the historic district.

B. The preservation commission shall conduct a public hearing or hearings on the proposed historic district plan. The procedures set forth in Article II shall govern the preservation commission's review and action on any proposed historic district plan. At the conclusion of the hearing, the preservation commission may affirm, modify or rescind any portions of the proposed historic district plan. A notice of decision and recommendations in support thereof shall be filed in the office of the preservation director.

C. The preservation director shall transmit the preservation commission's recommended historic district plan to the city clerk for the council's review. The procedures set forth in Article II shall govern the city council's action on any proposed historic district plan. No historic district plan shall be considered adopted unless it has been approved by the council.

Article IV. Development Project Review

17.604.400 Review of development projects involving nominated resources.

A. Resources nominated as landmarks and contributing resources. For purposes of this chapter, resources nominated as landmarks and contributing resources under section 17.604.220 shall be treated as if they are landmarks and contributing resources on the Sacramento register, and development projects involving these resources shall be subject to staff review under the general direction of the preservation director, a preservation director hearing or a preservation commission hearing pursuant to section 17.808.100 et seq.

B. Other resources within nominated historic districts. Resources within geographic areas nominated for consideration as historic districts that are not nominated or identified as potential contributing resources shall be treated as noncontributing resources in a historic district. Development projects involving these resources shall be subject to staff review under the general direction of the preservation director, a preservation director hearing or a preservation commission hearing pursuant to section 17.808.100 et seq.

17.604.420 City projects.

A. General. Except as provided below, the provisions of this title requiring site plan and design review by the preservation commission or the preservation director shall apply to development projects involving landmarks, contributing resources, or noncontributing resources that are owned by the city, including public projects within the

Old Sacramento national historic landmark historic district; provided that the preservation commission or preservation director shall make a recommendation on the proposed project relative to standards and guidelines for historic properties review to the city council or other city decision-making body, entity, or person, rather than issuing a decision. When acting on city projects, the city council or other city decision-making body, entity, or person shall apply the same standards and guidelines, and shall make the same findings, required for private projects.

B. Exception. The council may, by resolution or ordinance, exempt from review by the preservation director or preservation commission individual city projects or categories of city projects.

Article V. Dangerous and Immediately Dangerous Buildings, Structures, or Resources

17.604.500 Notice by building official to preservation director.

The building official shall notify the preservation director upon designation of any listed historic resource or any nominated resource as a substandard, dangerous, or immediately dangerous building, structure or resource.

17.604.510 Reports of notices and orders to preservation director.

The secretary of the housing code advisory and appeals board, the code enforcement manager, and the building official shall forward to the preservation director all notices and orders involving any nominated resource and any listed historic resource within 10 days of any such notices or orders.

17.604.520 Demolition of immediately dangerous structures—Listed historic resources.

A. The provisions of this chapter shall not be construed to regulate, restrict, limit or modify the authority of the city and the building official or his or her designee as specified below, to issue demolition or other permits under the building code set forth in title 15 for the abatement of any nominated resource or any listed historic resource determined to be immediately dangerous, pursuant to the summary procedures set forth in chapter 8.96; provided that the procedures set forth in this section are followed. Whenever a provision of this section requires that an action be taken by the building official and the building official is absent or otherwise unavailable, then the building official's designee shall be authorized to take the action.

B. Any permits authorizing the demolition of a nominated resource or a listed historic resource determined to be immediately dangerous pursuant to the summary

procedures set forth in chapter 8.96 shall be issued personally by the building official after complying with the review and consultation process set forth in this section.

C. The building official may issue a permit authorizing the demolition of a nominated resource or a listed historic resource determined to be immediately dangerous pursuant to the summary procedures set forth in chapter 8.96; provided that prior to issuing the demolition permit, the building official shall first consult with the preservation director and the chairperson of the preservation commission for the purpose of discussing (i) whether the condition of the building, structure or other resource is immediately dangerous within the meaning of this code; and (ii) whether there are any feasible alternatives to demolition that will protect adequately the health and safety of the public, including but not limited to abatement of the immediate threat through repair as specified in chapters 8.96 and 8.100, securing the premises through security fencing or other measures, stabilization and limited demolition; and provided further that if the building official determines that the building, structure or resource is immediately dangerous and that there is no feasible alternative to demolition to abate the immediate and present threat to life, health or safety of the public, the building official may issue a permit authorizing the demolition of the structure without complying with the consultation process, although the building official shall make all reasonable efforts to comply with the consultation process before issuing such permit.

17.604.530 Lawful demolition, removal or disturbing of listed historic resource—Deletion—Restrictions.

A. When an individually listed landmark on the Sacramento register, or portion thereof, has been lawfully demolished, removed or disturbed pursuant to any provisions of this chapter, the city clerk upon notice from the preservation director, shall cause such landmark, or portion thereof, to be deleted from the Sacramento register. Upon deletion, the provisions of this chapter shall not be considered to encumber any remaining property on which the landmark was located. A landmark in which a majority of the significant features and characteristics are destroyed by a natural disaster, act of God or other similar event not attributable to the willful or intentional action of the owner or owner's agent, shall be considered lawfully demolished, removed or disturbed for the purposes of this section.

B. When a listed historic resource in a historic district, or portion thereof, has been lawfully demolished, removed or disturbed pursuant to any provisions of this chapter, the city clerk upon notice from the preservation director, shall cause such listed historic resource, or portion thereof, to be downgraded to a noncontributing resource in the historic district. A listed historic resource in a historic district in which a majority of the significant features and characteristics are destroyed by a natural disaster, act of God or other similar event not attributable to the willful or intentional action of the owner or owner's agent shall be considered lawfully demolished, removed or disturbed for the purposes of this section.

Article VI. Proposed Demolition or Relocation of Building or Structure Fifty Years Old or Older

17.604.600 Proposed demolition or relocation of buildings or structures that are fifty years old or older—Review for nomination for listing on Sacramento register.

A. If a permit is sought to demolish or relocate a building or structure that was constructed at least 50 years prior to the date of application for demolition or relocation, and that building or structure is not currently on the Sacramento register, is not the subject of a pending nomination, has not been nominated for listing on the official register or reviewed pursuant to this section within the past three years, the permit application shall be referred to the preservation director to allow the director to make a preliminary determination whether the structure should be nominated for listing on the Sacramento register. For purposes of this section, a building or structure for which a building permit issued and construction commenced not less than 50 years prior to the date of application for a demolition or relocation permit shall be considered to have been constructed not less than 50 years ago, regardless of when the construction was completed, and regardless of whether the building or structure was thereafter expanded, modified or otherwise altered. Absent sufficient evidence to the contrary, the date of issuance of the building permit shall be considered to be the date on which construction commenced.

1. Exception: Buildings and structures within other surveyed areas. To the extent that surveys have been prepared for other areas, and the council has approved and adopted these surveys, the council may provide, by resolution or ordinance, that this section shall apply only to those buildings or structures that the survey has identified as potential landmarks or contributing resources.

B. Preliminary determination by preservation director.

1. Preliminary determination—Time limit—Criteria. Within 45 days of receipt of an application to demolish or relocate a building or structure under subsection A of this section, the preservation director shall make a preliminary determination of whether the building or structure is eligible for listing on the Sacramento register. In making this preliminary determination, the preservation director shall apply the eligibility criteria and requirements specified in section 17.604.210. The preservation director shall find that the building or structure is eligible for consideration for listing on the Sacramento register if the director finds that there is a reasonable likelihood that the building or structure will be placed on the Sacramento register following completion of the notice and hearing requirements of this chapter.

2. Preliminary determination—Notice. The preservation director shall notify the property owner of the preliminary determination by first-class, prepaid mail. Failure of the preservation director to act within the 45 day period shall be considered to be a determination that the structure is not eligible for listing on the register. For purposes of

this section, the decision shall be considered to have been made on or before the date of mailing of the notice.

3. Preliminary determination—Effect.

a. If the preservation director determines that the building or structure is eligible for listing on the Sacramento register, the building or structure shall be deemed nominated for listing on the Sacramento register under subsection A of section 17.604.220 and shall be subject to section 17.604.240, except that the restrictions of subsection B of section 17.604.240 shall apply for a period of 45 days from the date of the preservation director's preliminary determination under this subsection B and the time by which the council may extend the time period shall be limited to an additional 45 days.

b. If the preservation director determines that the building or structure is not eligible for listing on the Sacramento register, the permit to demolish or relocate the building or structure shall be issued without further restrictions under this chapter. The decision of the preservation director that the building or structure is not eligible for listing on the Sacramento register is final and is not subject to appeal.

Article VII. Preservation Incentives

17.604.700 Incentive programs.

The preservation commission is authorized to develop and implement preservation incentive programs that are consistent with this chapter.

17.604.710 California Historical Building Code.

The building official is authorized to use and shall use the California Historical Building Code for projects involving landmarks and contributing resources. The preservation commission and the preservation director are authorized to and shall utilize the California Historical Building Code for preservation projects.

17.604.720 Mills Act contracts.

A. Mills Act contracts granting property tax relief shall be made available by the city only to owners of properties listed in the Sacramento register (either as landmarks or as contributing resources within historic districts), as well as properties located within the city that are listed in: the National Register of Historic Places (either as individual listings or as contributing properties within national register historic districts); or the California Register of Historical Places. Properties that have been previously listed on one or more of the above-mentioned registers, but that have been removed from the register and are no longer listed, shall not be eligible for a Mills Act contract with the city.

B. Mills Act contracts shall be made available pursuant to California law. The preservation director shall make available appropriate Mills Act application materials.

C. Mills Act contract applications shall be made to the preservation director, who shall, within 60 days of receipt of a completed application, prepare and make recommendations on the contents of the contract for consideration by the city council. A fee for the application, to cover all or portions of the costs of the preparation of the contract in the amounts set by city council resolution, may be charged.

D. The city council shall, in public hearing, resolve to approve, approve with conditions, or deny the proposed contract. Should the city council fail to act on the proposed contract within one year of its receipt of the proposal, the proposal shall be deemed denied.

E. A Mills Act contract application that has failed to be approved by the city council cannot be resubmitted for one year from the date of city council action, or where the council fails to take action, within one year from the date that the application is deemed denied pursuant to subsection D of this section.

17.604.730 Preservation incentives – Open space waiver.

At site plan and design review, the preservation director may waive up to 100% of required private open space requirements applicable to the reuse of a listed historic resource.

17.604.740 Preservation incentives – Adaptive reuse density.

An applicant may elect to comply with either the density provisions of the applicable zone or the provisions of subsections A, B, and C.

A. The development project shall consist of the residential reuse of a nonresidential listed historic resource.

B. The adaptive reuse density shall apply only to that portion of the development project located within the original building envelope of the listed historic resource.

C. The adaptive reuse density shall not exceed one dwelling unit per 750 square feet of gross floor area within the original building envelope of the listed historic resource.

17.604.750 Preservation incentives – Commercial and office use.

Except for a listed historic resource used as a single-unit dwelling, commercial or office uses are permitted to occupy up to 100% of the original building envelope of a listed historic resource in the multi-unit dwelling zones listed in chapter 17.208; residential mixed use zones listed in chapter 17.212; and commercial, office, and mixed use zones listed in chapter 17.216.

Article VIII. Minimum Maintenance Requirements

17.604.800 Minimum maintenance requirements.

The owner, lessee or other person legally in possession of a listed historic resource shall comply with all applicable codes, laws and regulations governing the maintenance of the resource. Additionally, it is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of listed historic resources and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. Listed historic resources shall be preserved against such decay and deterioration and shall remain free from structural defects through prompt corrections of any of the following defects:

A. Façades that may fall and injure members of the public or property;

B. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;

C. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;

D. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;

E. Defective or insufficient weather protection for exterior wall covering, including lack of paint or other protective covering; and

F. Any fault or defect in the building which renders it structurally unsafe or not properly watertight.

Article IX. Enforcement and Penalties

17.604.900 Prohibitions.

It is unlawful and a violation of this chapter for any person to cause, willfully or otherwise, by action or inaction, the alteration of, environmental change to, damage to

or demolition of any significant features or characteristics of a landmark or all or portion of a historic district, or other listed historic resource, or National Register resource or California Register resource, without first having obtained a proper city authorization for same.

Chapter 17.608
Parking Regulations

17.608.010 Purpose.

The purpose of this chapter is to establish off-street vehicle and bicycle parking requirements that balance the city's goal to encourage walking, bicycling, and transit use with the goal to provide adequate off-street parking to meet the needs of shoppers, visitors, and residents, and reduce on-street parking demand on nearby residential streets. Off-street parking requirements are based on the needs of the community and consider the context of the neighborhood, transit availability, on-street parking availability, density and mix of uses, walkability, and the use of alternative modes of transportation. Parking requirements are designed to accommodate average day-to-day demand, as opposed to peak demand, in order to reduce excessive off-street parking and free up land for more economically productive uses. It is also the purpose of this chapter to provide flexibility and allow alternative means of addressing parking demand.

17.608.020 General provisions.

A. Off-street parking requirement. Off-street vehicle and bicycle parking shall be provided and maintained for all existing and new development at the ratios specified in and in accordance with the standards and requirements of this chapter.

B. Parking to be provided on-site. Required off-street parking shall be provided and maintained on the same parcel or integrated development site as the land use it is intended to serve, except as provided in section 17.608.060. An integrated development site is a site consisting of two or more contiguous parcels sharing parking facilities with reciprocal access and parking easements or similar shared-parking agreements.

C. Calculation of the off-street parking requirement. The required number of off-street vehicle and bicycle parking spaces is rounded to the nearest whole number.

D. Expansion or change in use of existing buildings and structures that do not meet current parking requirements. The following rules apply to buildings and uses that met all applicable parking requirements when constructed or established, but that do not meet current parking requirements, due to the later adoption of or amendments to these requirements.

1. Increases in building size. Additional parking is required only when there is an increase in building size of 15% or more of the gross building square footage or, in the case of a residential project, an increase in the number of residential units by 15% or more.

2. Change in use. If a new use of a building or structure requires greater off-street parking than the previous use, additional off-street parking is required in an amount equal to the difference between the parking required of the new use and the parking

that would have been required of the prior use if current parking requirements had been applicable.

E. Restaurant outdoor seating. Square footage allocated to restaurant outdoor seating is not included in calculating the minimum off-street vehicle parking requirement for restaurants.

F. Affordable housing and senior housing.

1. The off-street vehicle parking requirement is reduced by 50% for each affordable housing unit and each senior housing unit.

2. The bicycle parking requirement is reduced by 50% for each senior housing unit.

3. For purposes of this section, an “affordable housing unit” is a housing unit restricted to occupancy by a lower or very low income household as defined in section 50079.5 of the California Health and Safety Code. A “senior housing unit” is a housing unit restricted to occupancy based on age requirements for older persons under section 51.3 of the California Civil Code.

G. The California Building Code. The required number of spaces in off-street parking facilities that are restriped or redesigned to meet accessibility requirements may be reduced as necessary to comply with Title 24 of the California Building Code.

H. Exemptions for small lots. Off-street parking is not required for nonresidential uses on lots of 6,400 square feet or less.

I. Exemptions for nonresidential uses in residential mixed use development. Off-street parking is not required for nonresidential uses in mixed use buildings in which at least 50% of the building’s square footage is devoted to residential uses.

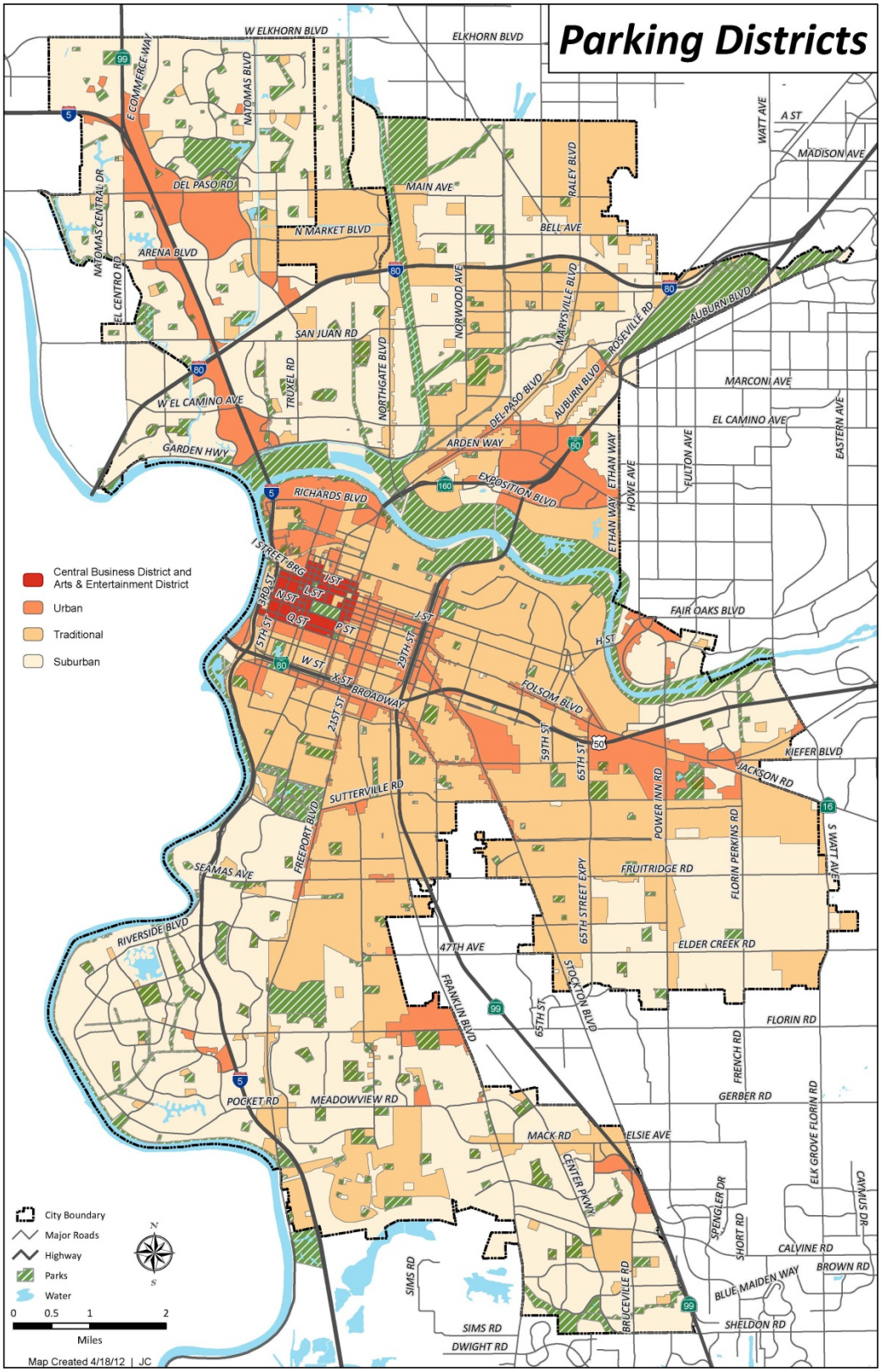
J. Exemptions for adaptive reuse. Off-street parking is not required for those portions of historic resources that are converted from nonresidential uses to residential uses.

K. Authority to require additional parking. The zoning administrator, planning director, planning and design commission, or city council may require greater or fewer off-street parking spaces than required by this chapter, or may impose other parking-related requirements, as a condition of a conditional use permit, variance, or site plan and design review.

17.608.030 Parking requirement by land use type and parking district.

A. Parking districts established. The following parking districts are established as shown in Figure 17.608-1: Central Business and Arts & Entertainment, Urban, Traditional, and Suburban.

Figure 17.608-1



A. Vehicle parking requirements. Vehicle parking requirements are established for land uses in each parking district as stated in Table 17.608.030B.

Land Use	Table 17.608.030B - Vehicle Parking Requirements by Parking Districts			
	Central Business and Arts & Entertainment District	**Urban District**	**Traditional District**	**Suburban District**
1. Residential Uses				
Single-unit, duplex dwelling	No minimum requirements	1 space per dwelling unit, except on lots equal to or less than 3,200 square feet in the Central City, where there is no minimum requirement	1 space per dwelling unit, except on lots equal to or less than 3,200 square feet in the Central City, where there is no minimum requirement	1 space per dwelling unit
Second residential unit	No minimum requirements	1 space per dwelling unit	1 space per dwelling unit	1 space per dwelling unit
Multi-unit dwelling (3 units or more)	No minimum requirements	0.5 space per dwelling unit	1 space per dwelling unit	1.5 spaces per dwelling unit
Fraternity or sorority house; dormitory	No minimum requirements	1 space per 3 occupants	1 space per 3 occupants	1 space per 3 occupants
Residential hotel (SRO)	No minimum requirements	1 space per 10 dwelling units, plus 1 space for manager	1 space per 10 dwelling units, plus 1 space for manager	1 space per 10 dwelling units, plus 1 space for manager
2. Commercial Uses				
Auto sales lot	No minimum requirements	1 space per 2,000 gross square feet of building	1 space per 500 gross square feet of building	1 space per 500 gross square feet of building

Land Use	Table 17.608.030B - Vehicle Parking Requirements by Parking Districts			
	Central Business and Arts & Entertainment District	**Urban District**	**Traditional District**	**Suburban District**
Bed and breakfast inn	No minimum requirements	1 space for resident owner, manager	0.5 space per 2 guest rooms, plus 1 space for resident owner, manager	1 space per 2 guest rooms, plus 1 space for resident owner, manager
Commercial services (except those specifically included in Table)	No minimum requirements	1 space per 2,000 gross square feet of building	1 space per 500 gross square feet of building	1 space per 500 gross square feet of building
Hotel	No minimum requirements	No minimum requirements	1 space per 4 guest rooms, plus parking for additional services (conference center, restaurant, etc.)	1 space per 2 guest rooms, plus parking for additional services (conference center, restaurant, etc.)
Motel	No minimum requirements	1 for resident owner, manager	1 space per 2 guest rooms	1 space per guest room
Office; medical clinic or office	No minimum requirements; maximum 2 spaces per 1,000 gross square feet of building	1 space per 2,000 gross square feet of building; maximum 4 spaces per 1,000 gross square feet of building	1 space per 500 gross square feet of building; maximum 1 space per 250 gross square feet of building	1 space per 400 gross square feet of building; maximum 1 space per 250 gross square feet building

Land Use	Table 17.608.030B - Vehicle Parking Requirements by Parking Districts			
	Central Business and Arts & Entertainment District	**Urban District**	**Traditional District**	**Suburban District**
Restaurant; bar; brew pub; wine bar	No minimum requirements	1 space per 2,000 square feet of building	1 space per 500 square feet of building	1 space per 125 gross square feet of building; up to 10% of total building area of a shopping center may be used as restaurant(s) and bar(s) with the parking based on the shopping center as a whole, rather than the above requirements based on square footage of the restaurant or bar
Retail store	No minimum requirements	1 space per 2,000 square feet of building	1 space per 500 square feet of building	1 space per 400 gross square feet of building
Warehouse retail	No minimum requirements	Same as "retail store," except if 50% or more of gross square feet of building is used for warehouse, then retail area shall meet retail ratio, and warehouse area shall meet warehouse ratio	Same as "retail store," except if 50% or more of gross square feet of building is used for warehouse then retail area shall meet retail ratio, and warehouse area shall meet warehouse ratio	Same as "retail store," except if 50% or more of gross square feet of building is used for warehouse then retail area shall meet retail ratio, and warehouse area shall meet warehouse ratio

Land Use	Table 17.608.030B - Vehicle Parking Requirements by Parking Districts			
	Central Business and Arts & Entertainment District	**Urban District**	**Traditional District**	**Suburban District**
3. Industrial Uses				
Wholesale warehousing and manufacturing	No minimum requirements	1 space per 4,000 gross square feet of building; maximum 1 space per 500 gross square feet of building	1 space per 2,000 gross square feet of building; maximum 1 space per 500 gross square feet of building	1 space per 1,000 gross square feet of building; maximum 1 space per 500 gross square feet of building
Towing service, vehicle storage yard	No minimum requirements	2 customer spaces, plus 1 space per 1500 gross square feet of office	2 customer spaces, plus 1 space per 500 gross square feet of office	2 customer spaces, plus 1 space per 500 gross square feet of office
Mini storage; locker building	No minimum requirements	1 space for the manager	1 space for the manager and 1 spaces per 400gross square feet of any office component	1 space for the manager and 1 spaces per 400 gross square feet of any office component
4. Recreational Uses				
Athletic club; fitness studio	No minimum requirements	1 space per 333 gross square feet of building	1 space per 250 gross square feet of building	1 space per 167 gross square feet of building
Bowling alley	No minimum requirements	1 space per lane	2 spaces per lane	5 spaces per lane
Card room; bingo; and similar uses with seating	No minimum requirements	1 space per 2,000 gross square feet of building	1 space per 500 gross square feet of building	1 space per 125 gross square feet of building
Pool hall; billiard hall	No minimum requirements	1 space per 2000 gross square feet of building	1 space per 500 gross square feet of building	1 space per 167 gross square feet of building

Land Use	Table 17.608.030B - Vehicle Parking Requirements by Parking Districts			
	Central Business and Arts & Entertainment District	**Urban District**	**Traditional District**	**Suburban District**
Courts for games played with 4 or fewer players, such as racquetball, tennis, handball	No minimum requirements	1 space per court	1 space per court	2 spaces per court
Indoor fields, such as soccer, volleyball, hockey	No minimum requirements	(36 x no. of fields + spectator occupancy) ÷ 5 = required spaces	(36 x no. of fields + spectator occupancy) ÷ 4 = required spaces	(72 x no. of fields + spectator occupancy) ÷ 3 = required spaces
Batting cages; golf driving range (indoor or outdoor)	No minimum requirements	1 space per 2 batting stands or tees	1 space per batting stand or tee	1.5 spaces per batting stand or tee
5. Other Uses				
Assembly – cultural, religious, social; theater; night club	No minimum requirements	1 space per 6 occupants	1 space per 5 occupants	1 space per 4 occupants
Childcare center	No minimum requirements	1 space per 12 children	1 space per 12 children	1 space per 12 children
Hospital	No minimum requirements	1 space per patient bed	1 space per patient bed	1 space per patient bed
Kennel	No minimum requirements	1 space per 12 animals	1 space per 10 animals	1 space per 8 animals
Nursing home	No minimum requirements	1 space per 5 patient beds	1 space per 4 patient beds	1 space per 3 patient beds

Land Use	Table 17.608.030B - Vehicle Parking Requirements by Parking Districts			
	Central Business and Arts & Entertainment District	**Urban District**	**Traditional District**	**Suburban District**
School K-12	No minimum requirements	Determined by planning and design commission	Determined by planning and design commission	Determined by planning and design commission
School – dance; music; art; martial arts; vocational; and tutoring center	No minimum requirements	1 space per 2,000 square feet of building	1 space per 500 square feet of building	1 space per 400 gross square feet of building
Other	No minimum requirements	Determined by the zoning administrator	Determined by the zoning administrator	Determined by the zoning administrator

B. Bicycle parking requirements. Bicycle parking requirements are established for land uses in each parking district as stated in Table 17.608.030 C.

Land Use	Table 17.608.030C - Bicycle Parking Requirements by Parking Districts			
	Central Business and Arts & Entertainment District, Urban District, and Traditional District		**Suburban District**	
1. Residential Uses				
	Long-Term	**Short-Term**	**Long-Term**	**Short-Term**
Single-unit, duplex dwelling	No spaces required	No spaces required	No spaces required	No spaces required
Second residential unit	No spaces required	No spaces required	No spaces required	No spaces required
Multi-unit dwelling (3 units or more) a) With private garage or dedicated storage space for each unit	No spaces required	0.1 space per 10 dwelling units or 2	No spaces required	1 space per 2 dwelling units or 2 spaces, whichever

Land Use	Table 17.608.030C - Bicycle Parking Requirements by Parking Districts			
	Central Business and Arts & Entertainment District, Urban District, and Traditional District		**Suburban District**	
b) Without private garage or dedicated storage space for each unit	1 space per 2 dwelling units or 2 spaces, whichever is greater	spaces, whichever is greater 1 space per 10 dwelling units or 2 spaces, whichever is greater	1 space per dwelling units or 2 spaces, whichever is greater	is greater space per 2 dwelling units or 2 spaces, whichever is greater
Fraternity or sorority house; dormitory	1 space per 2dwelling units or 2 spaces, whichever is greater	1 space per 10 dwelling units or 2 spaces, whichever is greater	1 space per 2dwelling units or 2 spaces, whichever is greater	1 space per 2 dwelling units or 2 spaces, whichever is greater
Residential hotel (SRO)	1 space per 2 dwelling units or 2 spaces, whichever is greater	1 space per 10 dwelling units or 2 spaces, whichever is greater	1 space per 2 dwelling units or 2 spaces, whichever is greater	1 space per 2 dwelling units or 2 spaces, whichever is greater
2. **Commercial Uses**				
	Long-Term	**Short-Term**	**Long-Term**	**Short-Term**
Auto sales lot, service	1 space per 10,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 20,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 12,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 20,000 gross square feet of building or 2 spaces, whichever is greater
Bed and breakfast inn	No spaces required	No spaces required	No spaces required	No spaces required
Commercial services (except those specifically included in Table)	1 space per 10,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 2,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 12,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 5,000 gross square feet of building or 2 spaces, whichever is greater

Land Use	Table 17.608.030C - Bicycle Parking Requirements by Parking Districts			
	Central Business and Arts & Entertainment District, Urban District, and Traditional District		**Suburban District**	
Hotel; motel	1 space per 30 rooms or 2 spaces, whichever is greater	1 space per 60 rooms or 2 spaces, whichever is greater	1 space per 40 rooms or 2 spaces, whichever is greater	1 space per 80 rooms or 2 spaces, whichever is greater
Office; medical clinic or office; tutoring center	1 space per 667 gross square feet of building or 2 spaces, whichever is greater	1 space per 20,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 10,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 20,000 gross square feet of building or 2 spaces, whichever is greater
Restaurant; bar; brew pub; wine bar	1 space per 10,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 2,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 12,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 5,000 gross square feet of building or 2 spaces, whichever is greater
Retail store	1 space per 10,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 2,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 12,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 5,000 gross square feet of building or 2 spaces, whichever is greater
Stand-alone parking facility	1 space per 20 vehicle parking spaces or 2 spaces, whichever is greater	No spaces required	1 space per 20 vehicle parking spaces or 2 spaces, whichever is greater	No spaces required
3. Industrial Uses				
	Long-Term	**Short-Term**	**Long-Term**	**Short-Term**
Wholesale warehousing and manufacturing	1 space per 12,000 gross square feet of building	2 spaces	1 space per 15,000 gross square feet of building	2 spaces

Land Use	Table 17.608.030C - Bicycle Parking Requirements by Parking Districts			
	Central Business and Arts & Entertainment District, Urban District, and Traditional District		Suburban District	
Towing service, vehicle storage yard	No spaces required	No spaces required	No spaces required	No spaces required
Mini storage; locker building	No spaces required	No spaces required	No spaces required	No spaces required
4. Recreational Uses				
	Long-Term	**Short-Term**	**Long-Term**	**Short-Term**
Athletic club; fitness studio	1 space per 10,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 2,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 12,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 2,400 gross square feet of building or 2 spaces, whichever is greater
Bowling alley	1 space per 10 lanes or 2 spaces, whichever is greater	1 space per 2 lanes or 2 spaces, whichever is greater	1 space per 20 lanes or 2 spaces, whichever is greater	1 space per 4 lanes or 2 spaces, whichever is greater
Card room, bingo, and similar uses with seating	1 space per 10,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 3,333 gross square feet of building or 2 spaces, whichever is greater	1 space per 20,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 6,666 gross square feet of building or 2 spaces, whichever is greater
Pool hall, billiard hall	1 space per 10,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 3,333 gross square feet of building or 2 spaces, whichever is greater	1 space per 20,000 gross square feet of building or 2 spaces, whichever is greater	1 space per 6,666 gross square feet of building or 2 spaces, whichever is greater
Courts for games played with 4 or fewer players, such as racquetball, tennis, handball	1 space per 15 courts or 2 spaces, whichever is greater	1 space per 7.5 courts or 2 spaces, whichever is greater	1 space per 30 courts or 2 spaces, whichever is greater	1 space per 15 courts or 2 spaces, whichever is greater

Land Use	Table 17.608.030C - Bicycle Parking Requirements by Parking Districts			
	Central Business and Arts & Entertainment District, Urban District, and Traditional District		**Suburban District**	
Indoor fields, such as soccer, volleyball, hockey	((36 x no. of fields + spectator occupancy) ÷ 5)x(0.05) or 2 spaces, whichever is greater	((36 x no. of fields + spectator occupancy) ÷ 5)x(0.05) or 2 spaces, whichever is greater	((72 x no. of fields + spectator occupancy) ÷ 3)x(0.1) or 2 spaces, whichever is greater	((72 x no. of fields + spectator occupancy) ÷ 3)x(0.1) or 2 spaces, whichever is greater
Batting cages; golf driving range (indoor or outdoor)	1 space per 15 batting stands or tees or 2 spaces, whichever is greater	1 space per 12 batting stands or tees or 2 spaces, whichever is greater	1 space per 30 batting stands or tees or 2 spaces, whichever is greater	1 space per 24 batting stands or tees or 2 spaces, whichever is greater
5. Other Uses				
	Long-Term	**Short-Term**	**Long-Term**	**Short-Term**
Assembly – cultural, religious, social; theater; night club	1 space per 13 employees or 2 spaces, whichever is greater	Spaces for 5% of occupancy	1 space per 13 employees or 2 spaces, whichever is greater	Spaces for 2% of occupancy
Childcare center	No spaces required	2 spaces	No spaces required	No spaces required
Hospital	1 space per 13 employees or 1 space per 50,000 gross square feet of building, whichever is greater	1 space per 20,000 gross square feet of building, or 2 spaces, whichever is greater	1 space per 20 employees or 1 space per 50,000 gross square feet of building, whichever is greater	1 space per 20,000 gross square feet of building, or 2 spaces, whichever is greater
Kennel	No spaces required	No spaces required	No spaces required	No spaces required
Nursing home	No spaces required	2 spaces	No spaces required	2 spaces
School requiring a conditional use permit	1 space per 7 employees	1 space per 10,000 gross square feet of building	1 space per 15 employees	1 space per 10,000 gross square feet of building

Land Use	Table 17.608.030C - Bicycle Parking Requirements by Parking Districts	
	Central Business and Arts & Entertainment District, Urban District, and Traditional District	**Suburban District**
Other	Determined by the Zoning Administrator	

17.608.040 Development standards for off-street parking facilities.

All parking facilities shall conform to the standards in this section.

A. Location of parking. Except for required off-street parking in M- zones and for single unit and duplex dwellings, on-site vehicle parking facilities in the Central Business and Arts & Entertainment District, Urban District, and Traditional District shall be located to the rear or interior side of the building and not in front of the building.

B. Use of off-street parking facilities. Off-street parking facilities shall be used for automobile and bicycle parking only. No sales, storage, repair work, dismantling, or servicing of any kind is permitted.

C. Off-street parking facility shall function properly. No off-street parking facility shall be approved which, in the judgment of the planning director, cannot properly function due to the site configuration, building obstruction, or restricted access and turning radius, or which requires excessive maneuvering.

D. Vehicle parking spaces to function independently. Each parking space in an off-street vehicle parking facilities shall function independently of any other parking space, with the following exceptions:

1. Tandem parking spaces. Off-street vehicle parking facilities that serve a single-unit dwelling, a single-unit dwelling with a secondary dwelling unit, a duplex dwelling, or that are signed as parking exclusively for office employees may utilize tandem parking spaces.

2. Attendant parking. Attendant vehicle parking is permitted with a director-level site plan and design review, as provided in section 17.808.120. The director may waive or reduce off-street vehicle parking facility development standards required by this chapter as part of site plan and design review.

3. Stacked parking. Off-street vehicle parking structures that utilize mechanical lifts for stacking parked cars are allowed.

E. Surfacing, drainage, and striping. Off-street parking facilities shall meet the surfacing and drainage requirements in section 17.612.020. All vehicle parking spaces shall be marked on the parking area.

F. Minimum dimensions for vehicle parking spaces.

1. Single-unit and duplex dwellings. The minimum dimensions for a garage or carport shall be 10 feet wide and 20 feet deep. The driveway shall conform to the requirements of chapter 18.08.

2. Off-street vehicle parking facilities shall conform to the parking space and maneuvering dimensions in the tables below. Single-unit and duplex dwelling units are exempt from the maneuvering dimensions.

a. Standard vehicle spaces. Standard off-street vehicle parking spaces shall meet the following minimum dimensions:

Type	**Space Width**	**Space Depth**	**Maneuvering Width**
90 degree	8.5 feet	18 feet	24 feet
60 degree	8.5 feet	19 feet	20 feet; 16 feet for one-way traffic
45 degree	8.5 feet	18 feet	20 feet; 12 feet for one-way traffic
30 degree	8.5 feet	15 feet	20 feet; 11 feet for one-way traffic
Parallel	8 feet	22 feet	20 feet; 11 feet for one-way traffic
Other	To be determined by the planning director		

b. Compact car spaces. Up to 50% of all required and non-required vehicle parking spaces, excluding accessible spaces, may be sized for compact cars. Compact car spaces shall be clearly marked “COMPACT CARS” and shall meet the following minimum dimensions:

Type	Space **Width**	Space **Depth**	**Maneuvering Width**
90 degree	8 feet	15 feet	24 feet
60 degree	8 feet	17 feet	20 feet; 16 feet for one-way traffic
45 degree	8 feet	16 feet	20 feet; 12 feet for one-way traffic
30 degree	8 feet	13 feet	20 feet; 11 feet for one-way traffic
Other	To be determined by the planning director		

3. Scooter and motorcycle spaces. Scooter and motorcycle spaces shall be a minimum of four feet wide and eight feet long.

G. Vehicle overhang as planter area. Up to two feet of the required vehicle parking space depth used for a vehicle overhang may be improved and maintained as a planter; provided, that the planter is a minimum of six feet wide and is not located in a required minimum front or street side setback area.

H. Access to the required on-site parking shall be provided by means of a driveway that shall comply with the requirements of section 18.08.050.

I. Vehicle maneuvering width. Maneuvering width shall not be located in the public right-of-way, except that a public alley may be utilized as required maneuvering space for adjacent parking facilities.

J. Setback areas. Except for single-unit and duplex dwellings, off-street vehicle parking spaces and maneuvering areas shall not be located in any required minimum front or street side setback areas.

K. Tree shading. Off-street vehicle parking facilities shall comply with the shading and landscaping requirements in chapter 17.612.

L. Exterior lighting. Exterior lighting shall be provided for all off-street vehicle and bicycle parking facilities and shall conform to the following requirements:

1. Exterior lighting shall meet the following performance standards:

a. Minimum maintained illumination of 1 ½ foot-candles per square foot of parking area during business hours; and

b. Minimum maintained illumination of ¼ foot candles per square foot of surface area of all walkways, alcoves, and passageways serving the parking lot from one-half hour before dusk to one-half hour after dawn.

2. Exterior lighting shall be designed in coordination with the landscaping plan to minimize interference between the light standards and required illumination and the landscape trees and required shading.

3. All light fixtures shall be vandal resistant.

4. Exterior lighting shall be shielded or otherwise designed to avoid spill-over illumination to adjacent streets and properties.

M. Directional signage. If a development project includes directional signage to an off-street vehicle parking facility, the signage shall also indicate the location of bicycle parking.

N. Bicycle parking facility requirements.

1. Long-term bicycle parking.

a. Location. If a long-term bicycle parking facility is located in an area not visible from the main entrance of the building it serves, a safe access route from the main entrance to the bicycle parking facility, with nighttime lighting and directional signage, shall be provided.

b. Minimum space dimensions for bicycle lockers. Bicycle lockers shall be situated to allow a minimum of 5 feet clear space at the door for access.

c. Minimum space dimensions for secured enclosures. The stationary racks in a secured bicycle parking enclosure shall be adequately spaced to prevent conflicts with adjacent bicycle handlebars, rear racks, baskets, and the like. A minimum area of 2 feet wide, 6 feet long, and a 5 foot maneuvering space per bicycle, or alternative configuration providing comparable access and ease of use, shall be provided. When arranged in aisles, a minimum four foot clear space is required when all of the racks are in use.

2. Short-term bicycle parking.

a. Location. Required short-term bicycle parking facilities shall be located in an area visible from and within 200 feet of the primary entrance of the building served, and may be located on site, off-site, or in the public right-of-way. Existing bicycle parking spaces located in the public right-of-way immediately adjacent to a parcel may be counted toward the required bicycle parking requirement.

b. Minimum dimensions. Short-term bicycle parking facilities shall provide a minimum area of 2 feet wide, 6 feet long, and a 5 foot maneuvering space per bicycle, or alternative configuration providing comparable access and ease of use, and shall be placed to maintain a clear path of travel for pedestrians.

3. Surface. Bicycle parking facilities shall be located on a well-drained ground surface.

17.608.050 Off-street loading and unloading space.

A. Off-street loading and unloading space required. The following loading and unloading space shall be provided and maintained for retail and wholesale markets, warehouses, hotels, hospitals, laundry and dry cleaning establishments, and other

places where large amounts of goods are received or shipped. Fractional requirements are omitted.

1. For a building less than 10,000 square feet in gross floor area, none is required.

2. For a building with 10,000 to 40,000 square feet in gross floor area, one space is required.

3. For a building with greater than 40,000 square feet in gross floor area, one space is required for each 40,000 square feet in total gross floor area.

B. Minimum dimensions. A loading and unloading space shall be at least 10 feet wide, 14 feet high, and 40 feet long.

C. Location. A loading and unloading space shall not be located in the public right-of-way.

17.608.060 Alternatives to standard parking requirements; other modifications.

A. Administrative parking permit. Alternatives and other modifications to the standard off-street parking requirements stated in this subsection A are permitted with approval of an administrative parking permit. The planning director shall approve an application for an administrative parking permit if the alternatives proposed in the application substantially conform to the requirements in this section.

1. On-site alternatives to required vehicle off-street parking. Except for required off-street parking for single unit and duplex dwellings, one or more of the following alternatives may be substituted for required off-street parking spaces on the same parcel or integrated development site as the land use the spaces serve:

a. Additional bicycle parking. Four non-required bicycle parking spaces may be substituted for one on-site vehicle parking space, up to a maximum of two spaces or 10% of the required on-site vehicle parking spaces, whichever is greater.

b. Carsharing. One carshare space may be substituted for four required on-site vehicle parking spaces. “Carshare space” means a parking space reserved for a vehicle that can be rented or reserved for short periods of time, such as by the hour or minute.

c. Scooter and motorcycle parking. One scooter or motorcycle space may be substituted for one on-site vehicle parking space, up to a maximum of two spaces or 10% of the required on-site vehicle parking spaces, whichever is greater.

d. Shared parking. Required off-street parking facilities may be shared between two separate land uses upon demonstrating that the uses utilize the parking spaces at different times.

e. On-street parking. Each on-street parking space directly adjacent to the subject parcel may be substituted for one on-site vehicle parking space. If the parking in the street is unmarked, each 24 feet of adjacent street frontage that can be legally parked shall equal one on-street parking space.

f. Shared bicycles. Shared bicycles provided on-site for the use of employee commutes and off-site trips may be substituted for up to a maximum of two spaces or 10% of the required on-site vehicle parking spaces, whichever is greater. Two shared bicycles are equivalent to one on-site vehicle parking space.

g. Transportation management plan. The required number of on-site vehicle parking spaces for a development site or use shall be reduced by 35% if a transportation management plan permit has been approved under chapter 17.700.

2. Off-site alternatives to required vehicle off-street parking. Required off-street parking may be located on a parcel other than the parcel or integrated development site served by the off-street parking, if it is located within the distances specified, and it complies with the requirements stated, below:

a. In the Central Business and Arts & Entertainment District and the Urban District, off-street parking for residential uses may be located off-site within 400 feet of the use served. Off-street parking for nonresidential uses may be located off-site within 1,250 feet of the use served.

b. In the traditional parking district and the suburban parking district, off-street parking for residential uses may be located off-site within 300 feet of the use served. Off-street parking for nonresidential uses may be located within 600 feet of the use served.

c. If the parcel designated for off-street parking is not in the same ownership as the site the parking will serve, the application shall include written evidence that users of the site that the off-site parking will serve will have rights to use the off-site parking parcel for required parking.

3. Exceeding maximum vehicle parking requirement in parking structures. The maximum vehicle parking requirement for uses that provide off-street parking in parking structures may be exceeded if:

a. The off-street parking is made available for public or shared-parking at all times during off-peak hours; and

b. The parking structure incorporates active ground floor uses such as retail, restaurants, or offices.

4. Alternative vehicle parking space dimensions and maneuvering widths. Alternatives to the minimum parking space dimensions in section 17.608.040.E may be approved if the alternative space dimensions do not cause vehicle stacking in the adjacent public right-of-way.

B. Alternatives to required vehicle off-street parking – Parking beyond specified distances of use served. Required off-street parking provided at distances farther than the distances specified in subsection A.2 are allowed with a zoning administrator's conditional use permit.

17.608.070 Waiver of minimum and maximum parking requirements.

A. Waiver of required off-street parking minimum. Up to and including 75% of the required number of off-street vehicle and bicycle parking spaces may be waived with a director-level site plan and design review. Greater than 75% of the required number of off-street vehicle and bicycle parking spaces may be waived with a planning and design commission site plan and design review.

B. Exceeding the maximum vehicle parking requirement. The maximum vehicle parking requirement for office projects may be exceeded with a director-level site plan and design review, if supported by at least one of the following findings in addition to the findings in addition to the findings specified in section 17.808.180:

1. Alternatives to driving to work are not available to employees of the office project due to inadequate pedestrian, bicycle, and transit facilities;

2. The office project will operate at times when transit service is not available or when it is not safe to walk or bicycle to the project site;

3. On-street parking in adjacent residential neighborhoods would be impacted by the office project, and no other measures to reduce this impact (other than additional off-street parking) is feasible; or

4. Unique characteristics of the office project require more parking than that which is otherwise allowed.

Chapter 17.612
Landscaping and Paving Regulations

17.612.010 Landscaping requirements.

A. Landscaping requirements in setback areas.

1. Single-unit and duplex dwellings—Front-yard and street side-yard setbacks.

a. Setback area paving restrictions. A maximum of 40%of the required front-yard setback may be paved for off-street parking and driveways. An additional maximum of 10% of the front-yard setback may be paved for walkways or uncovered patio use. A maximum of 40% of the required street side-yard setback may be paved for off-street parking, driveways, walkways, or uncovered patio use; however, this maximum limitation does not apply to that portion of the street side-yard located behind a fence that is in compliance with the street side fence requirements set forth in chapter 17.620.

b. Landscape and maintenance requirements. The unpaved portion of a front-yard setback and street side-yard setback shall be landscaped, irrigated, and maintained. The landscape may include grass, annuals, perennials, groundcover, shrubs, trees, and any design elements such as planters, rocks, mulch, or similar elements when integrated as part of the landscape. However, only living vegetation may be used as a primary ground cover; no cement, brick, artificial turf, or other non-vegetative products such as plastic plants or flowers may be used for this purpose. All landscaping materials shall be mowed, trimmed, and maintained as often as necessary to prevent overgrowth and blight. No junk, debris, or other similar materials shall be stored in the landscaped setback area.

c. Height restrictions for landscaping located in the clear zone. All landscaping located within the clear zone for driveways and corner lots, as defined in section 17.620.010, shall not exceed four feet in height, except that trees exceeding four feet in height are allowed if the tree is maintained free of branches five feet above the finish grade, as defined in section 15.88.050.

d. Vehicle parking requirements. Vehicles, including automobiles, boats, campers, trailers, and other recreational vehicles must be parked on a paved surface, as provided for in section 10.44.010. Vehicles shall not be parked within the landscaped setback area.

2. Multi-unit dwellings (three or more units)—Front-yard and street side-yard setbacks. All minimum front-yard and street side-yard setbacks shall be landscaped, irrigated and maintained with primarily low ground cover or turf. Only living vegetation may be used as ground cover. Driveways and uncovered walkways are permitted to cross over the required front-yard and street side-yard setback. The required front-yard and street side-yard setbacks may not be paved for parking or patio areas.

3. Nonresidential—Front-yard and street side-yard setbacks. All minimum front-yard and street side-yard setbacks shall be landscaped, irrigated, and maintained with primarily low ground cover or turf. Only living vegetation may be used as ground cover. No asphaltic concrete, masonry, rock, gravel, wood bark, chips or other form of surfacing as a principal ground cover is permitted.

4. Residential and nonresidential—Interior side-yard and rear-yard setbacks. There is no minimum landscape requirement for interior side-yard setbacks and rear-yard setbacks.

B. Planter required.

1. Except for single-unit and duplex dwellings and where driveways and walkways enter and exit a lot, a landscaped planter is required as follows:

a. A landscaped planter is required to separate all surfaced areas from the adjacent public street; and

b. A landscaped planter is required along the entire perimeter of surface parking lots of more than 30 spaces.

2. The planter shall be surrounded with six inch raised concrete curbing. The minimum width of the planter, excluding curbing, is six feet, except that front-yard and street side-yard setbacks shall have planters at least as wide as the minimum setback or six feet, whichever is greater. An irrigation system shall be installed in each separate planter area. Planter areas shall not be surfaced in part or whole with concrete, asphalt, or other impermeable surface material, but shall contain earth and living plants.

17.612.020 Paving requirements.

A. Paving required. Paving is required for all storage and service areas, outdoor merchandise and equipment sales and rental areas, as well as off-street parking, driveways, maneuvering, and loading areas for vehicles, including gas stations and auto sales. Unpaved areas shall not be used for storage, vehicle parking, driving, or maneuvering. Except for single-unit and duplex dwellings, unpaved areas adjacent to paved areas shall be made inaccessible by a barrier, such as concrete curbs, bollards, or fencing.

B. Paving materials. Paving materials shall consist of decorative pavers, asphaltic concrete or Portland cement, concrete paving, or alternative treatments providing comparable strength and performance for vehicles intended to use the facility and approved by the planning director in consultation with the public works and fire departments.

C. Curbs, decorative bollards, or other barriers required. Except at approved driveways, every off-street parking facility; off-street loading or unloading area; and storage, sale, rental, or service area shall be improved with curbs or other barriers that prevent parked vehicles, equipment, or other objects from projecting into the public right-of-way and landscaped planters. The curb or other barrier shall be at least six inches in height and thickness, and shall be constructed of concrete or other suitable material.

D. Drainage. Drainage for all surfaced areas shall comply with all applicable storm water drainage standards, regulations, and requirements.

17.612.030 Other site requirements.

A. Walkways. The minimum width of a walkway is four feet. Two feet shall be added to the minimum width of a walkway for each side that vehicles overhang the walkway.

B. Exterior lighting. Lighting, if provided, shall reflect away from residential areas and public streets.

C. Private street conditions. Approval of any private street shall be based on compliance with the following conditions to the city's satisfaction:

1. The private street is constructed to city street standards;

2. Adequate access shall be provided to accommodate public service and emergency vehicles;

3. Easements shall be provided as deemed necessary; and

4. The entrances to the private street shall be constructed in a manner to clearly identify that the street is private.

5. Private streets, including any landscaping located in common area in or adjacent to a private street, shall be maintained by a homeowners' association. Landscape plans shall be approved by the city landscape architect.

17.612.040 Tree shading requirements for parking lots.

A. Surface parking facilities. Except as provided below, the shading requirement set forth in subsection B applies to all surface parking facilities, including all surfacing on which a vehicle can drive and all parking stalls; all drives and drive-through lanes within the property regardless of length; and all maneuvering areas regardless of depth.

1. Expansion of existing nonconforming parking facilities. When a parking facility that does not comply with the shading requirement is expanded by an amount, in area or number of spaces, equal to or greater than 50% within any continuous three-year period, the entire parking facility, including the existing area and the expansion, shall comply with the shading requirement. When a parking facility that does not comply with the shading requirement is expanded by an amount, in area or number of spaces, less than 50%, only the expansion must comply with the shading requirement.

2. Exceptions. The following surfaced areas are exempt from the shading requirement set forth in subsection B: single unit and duplex dwelling parking areas; model home temporary sales office parking areas; temporary commercial building parking areas; parking structures; carports; enclosed parking spaces; truck loading areas in front of overhead doors; truck maneuvering and parking areas unconnected to and exclusive of any vehicle parking; surfaced areas not to be used for vehicle parking, driving or maneuvering, provided they are made inaccessible to vehicles by a barrier such as bollards or fencing; and vehicle display, sales, service, and storage areas, provided that the surface parking area of the use shall comply with the shading requirements.

B. Tree shading requirement. Trees shall be planted and maintained throughout the surface parking facility to ensure that, within 15 years after establishment of the parking facility, at least 50% of the parking facility will be shaded. All planting, soil volumes, and maintenance shall comply with the parking facility tree shading design and maintenance guidelines.

C. Parking facility tree shading design and maintenance guidelines. Parking facility tree shading design and maintenance guidelines shall be adopted by resolution of the city council. The guidelines may be adopted following at least one public hearing before the planning and design commission and one public hearing before the city council. Each hearing shall be noticed in the same manner as hearings on text amendments pursuant to chapter 17.916.

D. Shading calculation. Shading is calculated by using the expected diameter of the tree crown at 15 years. Each planting area shall be of adequate size for the landscaping approved and shall have adequate irrigation for that landscaping. The planning director, in consultation with the city landscape architect, shall establish a list of species appropriate for providing shade in parking facilities, and trees to be planted in accordance with the regulations of this section shall be selected from this list. Landscape and shading plans shall be submitted to the building division at the time of application for building permit, and the plans shall be referred to the planning director for review for compliance with the requirements of this section. As part of this review, the planning director has discretion to modify tree shading requirements under power lines and other obstructions that prohibit strict compliance with shading requirements and to give shading credit for photovoltaic arrays, off-site trees and structures, sidewalk canopies, and other structures, where appropriate.

E. Installation. Upon completion of the installation of shade trees, the landscape designer shall certify that the shading complies with all requirements of this section. Certification shall be accomplished by the completion of the landscape certificate, pursuant to section 15.92.090.

F. Maintenance. All trees and associated landscaping, such as shrubs and turf, planted or installed pursuant to this section shall be properly maintained for the life of the facility pursuant to the surface parking facility tree shading design and maintenance guidelines established by resolution of the city council as provided in this section. The maintenance obligation provided herein applies to all parking facilities subject to the shading requirement, whether approved prior to, contemporaneously with, or after the effective date of the parking facility tree shading design and maintenance guidelines. Any required trees or other plantings that die or are improperly maintained shall be replaced with healthy specimens of similar species and size, provided that replacement trees shall not be required to exceed 48 inch box size. Removal and replacement of trees that have caused damage to sidewalks or other infrastructure shall be reviewed and approved by the city arborist prior to tree removal.

Chapter 17.616
Recycling and Solid Waste Disposal Regulations

17.616.010 Purpose and applicability.

A. Purpose. The purpose of this chapter is to regulate the location, size, and design features of recycling and trash enclosures in order to provide adequate and convenient space for the collection, storage, and loading of recyclable and solid waste material for existing and new development; increase recycling of used materials; and reduce litter. The regulations in this chapter are necessary to lengthen the lifespan of landfills, encourage recycling, and meet state-mandated goals for waste reduction and recycling.

B. Applicability. These regulations apply to existing and new multi-unit dwellings with five or more units, commercial, office, industrial, and public or quasi-public uses.

17.616.020 Statement of recycling information requirement.

Prior to issuance of a building permit for new development, the applicant shall submit for the solid waste manager's approval a statement of recycling information. The statement of recycling information shall include:

A. A site plan that includes the location and design specifications of the recycling and trash enclosures and receptacles that meet the volume and material requirements of this chapter and identifies materials to be recycled;

B. A demolition and construction plan that specifies any proposed recycling of building material in the demolition of any structure on the site, and specifies any recycled material to be used in the construction of the proposed development; and

C. An education and public relations program, to instruct users of the development about the benefits of recycling and how to recycle.

17.616.030 Recycling volume requirement.

Recycling volume shall be provided and maintained as specified in the table below for the use to which the property is devoted. Fractional requirements up to one-half are omitted; fractional requirements of one-half or over require additional volume.

Land Use	Recycling Volume Required	Recyclable Materials
1. Multi-unit dwelling of 5 or more dwelling units	1 cubic yard/16 units	metal, glass, plastic, newspaper (ONP)
2. Commercial		
a. Office and general commercial	1 cubic yard/40,000 square feet	beverage containers, office paper, computer paper, newspaper (ONP), corrugated cardboard (OCC)
b. Restaurant; bar	1 cubic yard/5,000 square feet; 90-gallon container minimum	metal, glass, and plastics, corrugated cardboard (OCC)
c. Retail sales	1 cubic yard/8,000 square feet; 90-gallon container minimum	corrugated cardboard (OCC), office paper, computer paper
d. Retail services	1 cubic yard/10,000 square feet; 90-gallon container minimum	corrugated cardboard (OCC), office paper, computer paper
e. Motel; hotel; inn; bed and breakfast	1 cubic yard/20 rooms; 90-gallon container minimum	metal, glass, plastics, newspaper (ONP)
f. Auto service and repair	1 cubic yard/3,000 square feet	tires, motor oil, scrap metal
3. Industrial	propose volume in recycling information	propose materials in recycling information
4. Public or quasi-public		
a. School	1 cubic yard/50 rooms	paper, cardboard, beverage containers
b. Library; church	calculate volume using office sq. ft.	office paper, computer paper
c. Park	supply recycling receptacle with each garbage receptacle unless park prohibits food and drink from outside the park and food and beverage containers provided in the park are paper only	beverage containers
5. Hospital; medical clinic	none except cafeteria (subsection 2.b of this table) and vending machines (section 17.616.060.A)	metal, glass, plastics, corrugated cardboard (OCC)
6. Other land uses	propose volume in recycling information	propose materials in recycling information

17.616.040 Development standards for recycling and trash enclosures.

A. Enclosure and receptacle requirement.

1. Recycling and trash enclosures with recycling and garbage receptacles shall be required for:

a. Multi-unit dwellings with five or more units;

b. Any commercial, office, or public or quasi-public project where garbage receptacles are being used and the receptacles are not stored wholly within the building; and

c. Any industrial project where garbage receptacles are being used and the garbage receptacle are not stored wholly within the building or screened by landscaping, fencing or a structure.

2. The receptacles shall be screened from public view by landscaping, fencing, or a structure. The recycling collection area and the trash collection area shall be adjacent to one another.

B. Materials, construction, and design of the enclosure.

1. Walls. The walls of each recycling and trash enclosure shall be constructed of solid masonry material with decorative exterior surface finish compatible to the main structure. The walls shall be a minimum of 6 feet in height.

2. Gates. Each recycling and trash enclosure shall have decorative solid heavy gauge metal gates and shall be designed with cane bolts to secure the gates when in the open and closed positions.

3. Concrete apron.

a. A concrete apron shall be constructed either in front of each recycling and trash enclosure or at the point of receptacle pick-up to minimize damage to the surrounding asphalt paving.

b. The minimum dimensions of the concrete apron for a 2 cubic-yard receptacle are 10 feet wide and 20 feet long.

c. The concrete apron shall be 15 feet wide and 20 feet long whenever a crane-lifted recycling container will be used.

d. Receptacles that are larger than 2 cubic yards require a larger concrete apron, subject to the approval of the city building inspection division.

e. Paving material shall consist of 5-inch aggregate base rock and 6-inch Portland cement paving.

4. Overhead clearance. The recycling and trash enclosure shall be designed to allow 18 feet of overhead clearance whenever crane-lifted dome recycling receptacles will be used.

C. Signs. Signs shall be permanently posted or painted on each receptacle listing the type of material that may be disposed of in that receptacle. General instructions about how to recycle shall be posted within the recycling and trash enclosure or near the receptacle area and shall be visible to the enclosure or receptacle users. The name and phone number of the person responsible for maintenance of the enclosure or receptacle shall be posted. Any sign visible from outside the enclosure shall be no larger than 4 square feet.

D. Parking. With the exception of section 17.616.050.C for existing development, no recycling and trash enclosure or receptacle shall be located in any required parking space.

E. Convenient access for multi-unit dwelling residents. Each recycling and trash enclosure within a multi-unit dwelling shall be located and designed to allow the convenient disposal of recyclable materials and trash by residents without having to open the main enclosure gates.

F. Regular collection. The property owner is responsible for regular pick-up of recyclable material. Recyclable material shall not be allowed to accumulate such that a visual or public health or safety nuisance is created.

G. Security. The recycling and trash enclosure and receptacles may be secured to prevent the theft of recyclable materials by unauthorized persons as long as the enclosure remains accessible for disposal of materials by authorized persons.

H. Maintenance. The property owner shall maintain each recycling and trash enclosure and receptacle.

17.616.050 Exceptions to the development standards for existing development.

Legally nonconforming recycling and trash enclosures for existing development shall comply with all of the regulations in section 17.616.040 except as provided below.

A. Existing trash enclosure. If the existing development has an existing trash enclosure, then a receptacle adequate for the required recycling volume shall be located inside the trash enclosure. If it is not possible to locate the required recycling receptacles in the trash enclosure, the recycling receptacles shall be located adjacent to

the existing trash enclosure. Any proposed modifications to the existing trash enclosure shall comply with the requirements in section 17.616.040.

B. No existing trash enclosure. If the existing development does not have an existing trash enclosure, the required recycling receptacles shall be located adjacent to the existing dumpster or other receptacle. Any proposed recycling and trash enclosure shall comply with the requirements listed in section 17.616.040. The required recycling volume and suggested recyclable materials are those listed in the table in section 17.616.030.

C. Exception—Waiver of parking requirement. To meet the required recycling volume requirement, an existing development may use one parking space for the location of the recycling receptacles, provided the enclosure or receptacles meet the design specifications in section 17.616.040. A parking space that has been converted to recycling receptacle area shall be marked for recycling and shall be adequately barricaded by the installation of concrete wheel stops or other method to prevent use as a parking space.

Chapter 17.620
Wall, Fence and Gate Regulations

Article I. Wall and Fence Regulations

17.620.100 General requirements.

A. Applicability. The regulations in this article apply to walls and fences on residential or nonresidential property. These regulations do not apply to sound walls along arterial streets.

B. Measurement of height of fences and walls. The height of a wall or fence is measured from the highest point of the fence or wall to the adjacent finish grade. Where the finish grades differ on each side of the wall or fence, such as when the wall or fence is also used as a soil retaining structure, the height is measured from the higher adjacent finish grade.

C. Clear zones; driveways within setbacks. Notwithstanding section 17.620.110.A.1 and A.2, a wall or fence may not exceed 4 feet in height within the triangular areas next to the intersection of the driveway and the front-yard or the street side-yard curb line. A triangular area is defined by the following three lines: (1) the edge of the driveway; (2) either the front or street side curb line; and (3) a diagonal line connecting the following two points: (i) the point on the curb line 10 feet from the edge of the driveway, and (ii) the point along the edge of the driveway 10 feet from the curb line. If no standard curb exists, the property line is used instead of the curb line reference.

D. Maintenance. Maintenance of the wall or fence is the responsibility of the owner of the property on which the fence or wall is located.

E. Nonconforming wall or fence. A property owner may repair, maintain, or replace in the same location a wall or fence that does not conform to these regulations if the wall or fence was constructed prior to February 14, 1980.

17.620.110 Regulations for residential development.

The regulations in this section apply to walls and fences for single-unit, duplex, and multi-unit dwelling developments.

A. Front yards and street side yards. Walls or fences not exceeding 4 feet in height may be placed along the front and street side property lines or within the front-yard and street side-yard setback areas, subject to the following exceptions.

1. Exception—wrought-iron fences. A decorative, open wrought-iron or tubular-steel fence not exceeding 6 feet in height may be placed along the front and street side property lines or within the front-yard and street side-yard setback areas.

a. This exception does not authorize solid walls or fences composed of woven wire, wood, or materials other than open wrought iron or tubular steel.

b. A post or pilaster, consisting of masonry, brick, or other solid material, not exceeding 18 inches square and 6 feet tall, may be used to support a wrought iron or tubular steel fence at a minimum distance between posts of 6 feet.

2. Exception—street side-yard setback area.

a. Fence location. A fence or wall not exceeding 6 feet in height may be placed within the street side-yard setback area if it is either located at least 5 feet from the street side property line, or is placed on a line parallel to the street and that represents the extension of the wall of the main building that is nearest to the street.

b. Landscaping requirement. Climbing vines, shrubs, or trees shall be planted along the base of that portion of the wall or fence that fronts a public street. The remaining setback area between the wall or fence and property line shall be landscaped with grass or other low groundcover. All plants shall be properly irrigated and maintained. Only living vegetation may be used to meet the landscaping requirements.

3. Exception—Gate feature. A decorative gateway feature is permitted as long as the feature has a maximum height of 10 feet, a maximum length of 8 feet and a maximum width of 24 inches.

B. Rear yard and interior side yard.

1. Except as provided in subsections a and b, below, a wall or fence not exceeding 6 feet in height may be placed along the rear or interior side property lines or within the rear or interior side yard setback area.

a. A wall or fence not exceeding 8 feet in height may be placed along a rear or interior side property line that abuts a school, park, alley, or other nonresidential use.

b. A development abutting a freeway or railroad may construct a solid wall up to 12 feet in height for purposes of sound attenuation. The wall shall comply with the development standards for sound walls in article III.

2. A decorative gateway feature is permitted as long as the feature has a maximum height of 10 feet, a maximum length of 8 feet, and a maximum width of 24 inches.

3. Fences exceeding 6 feet in height are allowed outside the required rear-yard and interior side-yard setback areas.

C. Multi–unit dwelling—Wall requirement.

1. A multi-unit dwelling located on a single parcel shall provide a minimum of 6-foot high solid wall of masonry, brick, or similar material along all property lines that border the on-site parking lot and which abut a single-unit dwelling, duplex dwelling, or a lot within any of the zoning districts in chapter 17.204.

2. The 6-foot wall shall not extend into any required front-yard or street side-yard setback of the multi-unit dwelling development or adjacent residential development.

3. The height of the wall in the front-yard or street side-yard setback area shall comply with subsection A of this section.

D. Concertina wire; barbed wire.

1. Concertina wire, serpentine wire, barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury is prohibited, unless required by court order or allowed pursuant to subsection D.2.

2. A site plan and design review deviation under article I of chapter 17.808 to allow use of these fencing materials may be approved if the decision maker finds that use of these fencing materials is reasonably necessary to protect persons or property and will not constitute a safety hazard to members of the public conducting themselves in a lawful manner.

3. These fencing materials shall not protrude into or over the public right-of-way.

17.620.120 Regulations for nonresidential development.

The following regulations apply to walls and fences for nonresidential development:

A. Parcel abutting residential zone or use.

1. A development, improvement, or use of a site for other than residential purposes shall provide a minimum 6-foot high solid wall of masonry, brick, or similar material along all property lines which abut a residential zone or use.

2. The wall shall not extend into any front yard or street side yard setback area, or beyond the required setbacks of the abutting residential zone or use.

3. If the development is separated from a residential zone or residence by an alley, no wall or fence is required.

4. Front and street side yard. A wall or fence in the front-yard or street side-yard setback area shall comply with the residential requirements for a wall or fence in section 17.620.110.A.

B. Wall or fence adjacent to public street or public right-of-way.

1. If a wall or fence is placed adjacent to a paved area or parking lot adjoining a public street or public right-of-way, a minimum 4-foot wide (excluding concrete curbs) landscaped and irrigated planting strip composed of climbing vines, shrubs, or trees is required along the base of that portion of the wall or fence that fronts the public street or public right-of-way.

2. If at least 75% of the wall or fence is transparent, the planting strip may be located inside the wall or fence. Otherwise, the planting strip shall be located between the public street or right-of-way and the wall or fence. Such landscaping shall be properly irrigated and maintained.

C. Concertina Wire, Barbed Wire. Unless in conflict with a court order, concertina wire, serpentine wire, barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury are permitted on nonresidential uses subject to all of the following requirements:

1. These materials may be used only at heights of 6 feet or more, except that one strand may be installed inside a fence near its base;

2. In the C-1 and C-2 zones, these materials are prohibited along the front and street side property lines and within the front-yard and street side-yard setback areas;

3. A site plan and design review deviation under article I of chapter 17.808 to allow use of these fencing materials at lower heights or along the front and street side property lines and within the front-yard and street side-yard setback areas in the C-1 and C-2 zones may be approved if the decision maker finds that the proposed fencing is reasonably necessary to protect persons or property and will not constitute a safety hazard to members of the public conducting themselves in a lawful manner; and

4. These fencing materials shall not protrude into or over the public right-of-way.

D. Woven wire fencing in the C-1 and C-2 zones. In the C-1 and C-2 zones, woven wire fencing are prohibited along the front and street side property lines and within the front-yard and street side-yard setback areas.

Article II. Gated Developments

17.620.200 General requirements.

In addition to article I, the regulations in this article II apply to gated single-unit dwelling and duplex dwelling developments of three or more dwellings on a development site greater than 2.5 acres. The regulations establish permit requirements and design and operational standards for these gated developments.

17.620.210 Conditional use permit required.

Gated single-unit dwelling and duplex dwelling developments of three or more dwellings on a development site greater than 2.5 acres require a planning and design commission conditional use permit.

17.620.220 Design and operational standards for gated residential developments.

The design and operational standards in this section apply when reviewing a conditional use permit for a gated development under this article II.

A. Design and location of gates shall conform to the requirements of chapter 18.08.

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

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

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

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

F. “Anti-directional” devices, such as metal spikes that can cause tire damage, are prohibited at entrances and exits.

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

Article III. Sound Walls Along Arterial Streets

17.620.300 Purpose.

The purpose of this article is to provide standards for structural stability and design of walls along arterial streets and state highways. All other design options, such as front-on lots with circular driveways, frontage roadways, or side-on lots, shall be considered first in protecting residential areas from adverse environmental impacts and walls shall be required only as a last design option.

17.620.310 Applicability.

The standards set forth in this article apply to the following:

1. Walls required by noise studies or conditions of a conditional use permit or other land use permit; and

2. Walls along arterial streets (as identified in the general plan), freeways, and railroads.

17.620.320 Development standards.

The standards in this section apply to sound walls required by this article.

A. Design. The wall shall be designed to be in character, scale, and style of the surrounding neighborhood. The wall design and appearance shall be reviewed and approved by the zoning administrator.

B. Materials. Walls shall be constructed of brick, concrete, or masonry material. The wall surface shall be easy to maintain.

C. Height.

1. Walls shall have a minimum height of 6 feet and a maximum height of 8 feet above the adjacent finish grade along arterial streets. Walls shall have a minimum height of 6 feet and a maximum height of 12 feet above the adjacent finish grade along freeways and railroads.

2. The height of the wall is measured from the highest point of the wall to the adjacent finish grade. Where the finish grades differ on each side of the wall or fence, such as when the wall is also used as a soil retaining structure, the height is measured from the higher adjacent finish grade.

3. If required to conform to environmental mitigation measures or the noise element of the general plan, as documented in a noise study, a wall in excess of the height limit stated in this subsection C is permitted as necessary to attenuate noise to comply with the mitigation measure or the general plan.

4. Walls required to be greater than 8 feet in height shall be constructed utilizing soil mounding to reduce the apparent height.

5. A wall in the front-yard or street side-yard setback area of residential uses must comply with the residential requirements for a wall in section 17.620.110.B.1.a.

D. Landscaped Setback. Walls shall be set back a minimum of 25 feet from the public right-of-way. Setback areas shall be landscaped with ground cover, shrubs, vines, mounds, and trees. An automatic irrigation system shall be installed in the landscaped setback area. The landscape plan for the setback area shall be approved by the city landscape architect.

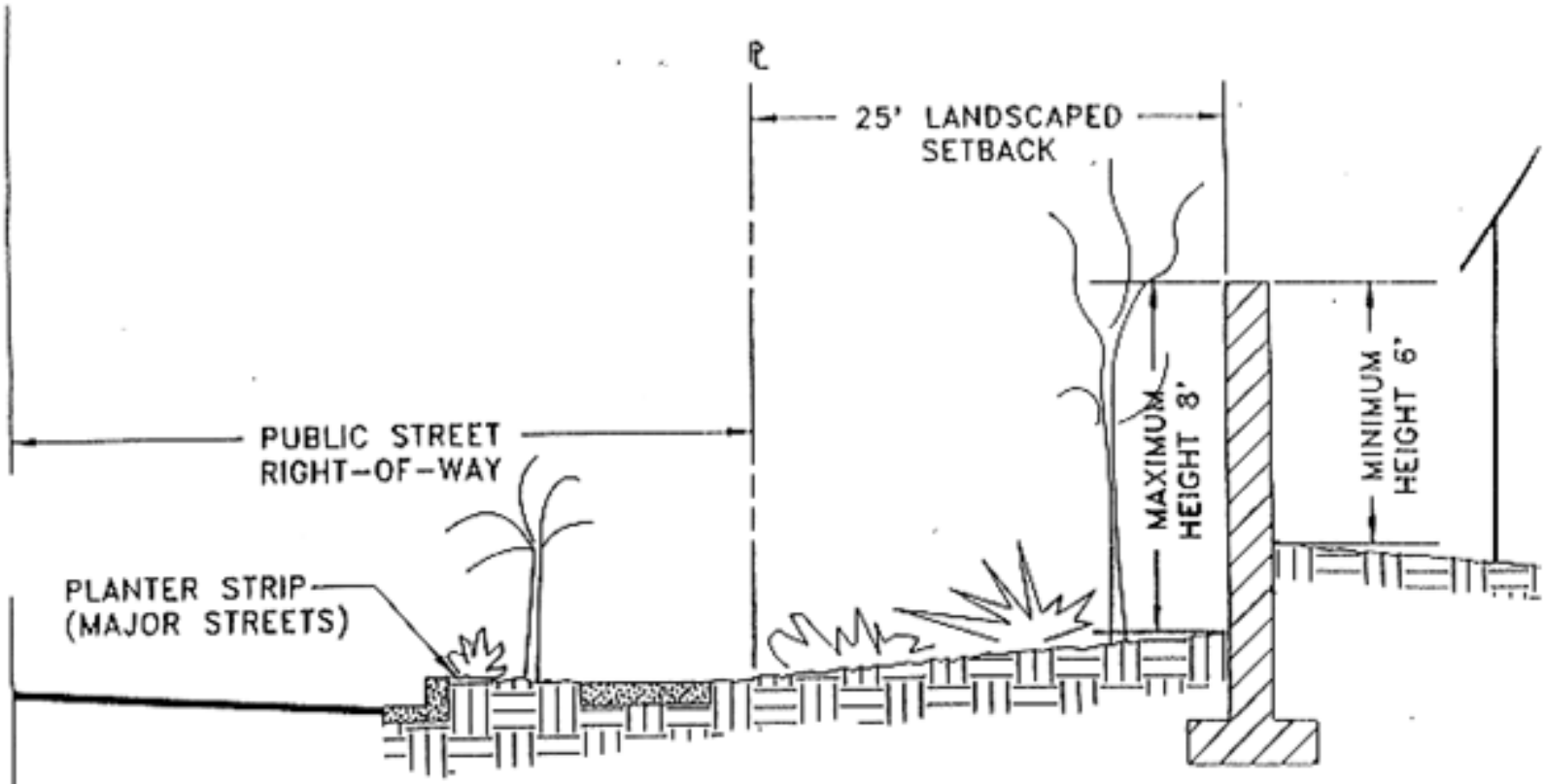
E. Structural criteria. Walls shall be constructed in accordance with the current Sacramento City Building Code. A building permit shall be required for a wall over 6 feet in height.

1. Walls may be designed to meet Caltrans sound wall design criteria that meet or exceed the base stated standards and are acceptable as an alternative sound wall type.

F. Long-term maintenance funding. A funding method to provide for the long term, ongoing maintenance of the wall and landscaped area shall be submitted and approved by the city prior to the construction of the wall.

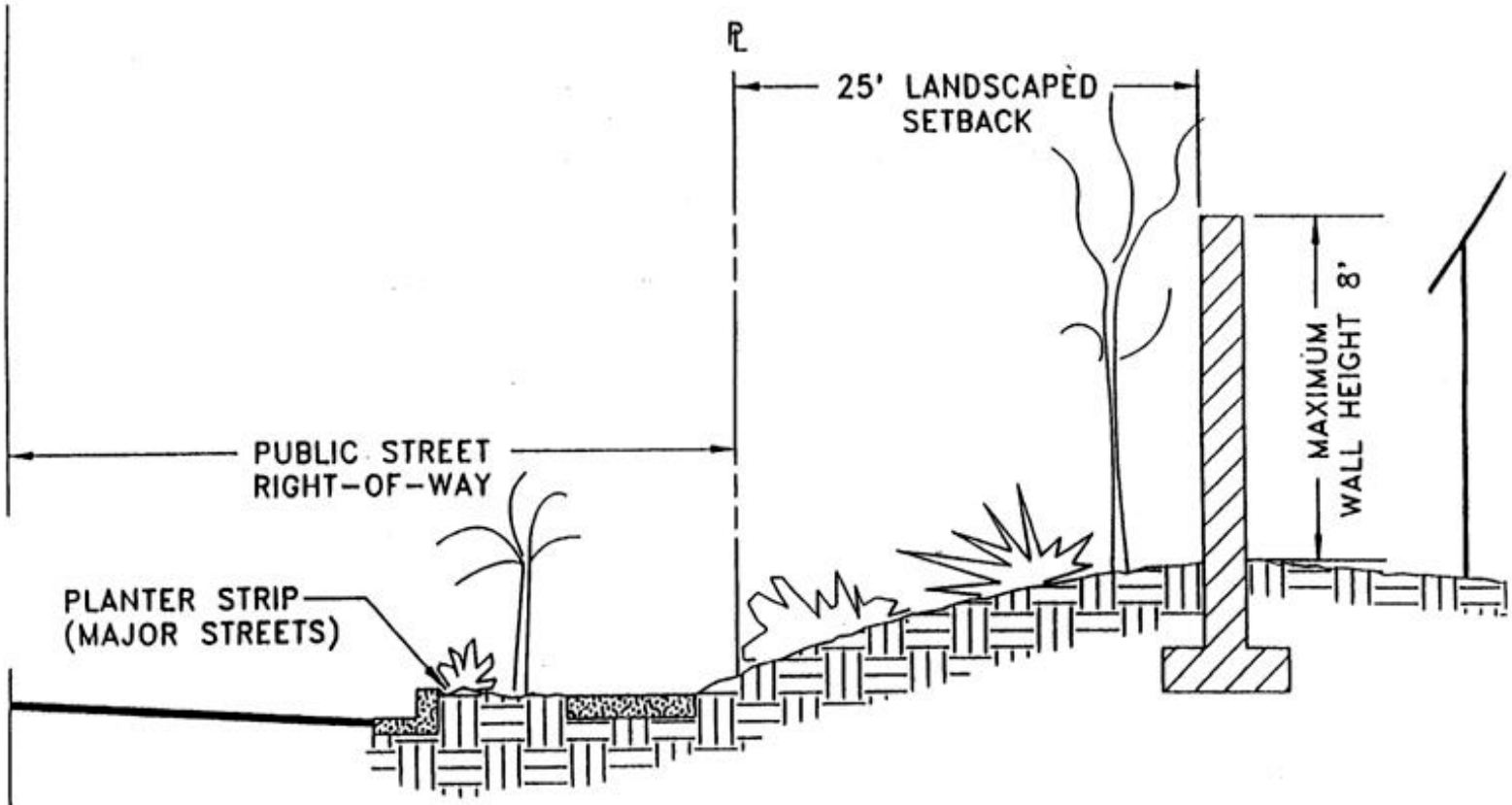
G. Walls located adjacent to Caltrans rights-of-way shall utilize the Caltrans sound wall design criteria and the Caltrans standard construction drawings of approved sound wall types.

H. In areas where terrain, grade, and access control allow, walls may be constructed within the state right-of-way under a Caltrans encroachment permit.



NOTE: MAXIMUM AND MINIMUM HEIGHT REQUIREMENTS PERTAIN TO BOTH SIDES OF THE WALL.

GENERAL CONDITIONS OF THE CITY WALL ORDINANCE
(TYPICAL EXAMPLE)



EXAMPLE OF "SOIL MOUNDING" TO REDUCE APPARENT WALL HEIGHT PER THE CITY WALL ORDINANCE

Chapter 17.624
Residential Accessory Structure and Use Regulations

17.624.010 Purpose.

The purposes of this chapter are to provide for adequate yard areas, access, and space between buildings and to prevent inadequate driveways that result in cars being parked across sidewalk areas. The provisions of this chapter apply to the uses and structures listed in this section, when incidental to a single-unit, duplex, or multi-unit dwelling located on the same lot.

A. Attached Accessory Structures.

1. Garages.

2. Carports.

3. Covered patios or decks.

4. Uncovered decks.

B. Detached Accessory Structures.

1. Garages.

2. Carports.

3. Covered patios and covered unenclosed structures.

4. Uncovered decks.

5. Covered decks.

6. Enclosed structures.

C. Other Accessory Structures and Uses.

1. Uncovered parking pads.

2. Uncovered patios.

3. Uncovered, unenclosed pools, spas, and hot tubs (in-ground or above-ground).

4. Trellises.

5. Children's swing set and play structures.

6. Mechanical equipment, such as heat pumps, air conditioners, and mechanical equipment related to pools, spas, and hot tubs.

17.624.020 Definitions.

As used in this chapter,

"Attached accessory structure" means an accessory structure that is attached to the main building or use of the land.

"Carport" means any covered structure or portion of a building or structure other than an attached or detached garage, used to shelter motor vehicles.

"Deck" means a raised platform, usually made of wood. A deck may have a railing, bench, planter, storage area, or other feature. A deck may be attached or detached to the main building; a deck may be covered or uncovered; and a deck may be enclosed or unenclosed.

"Detached accessory structure" means an accessory structure that is not attached to the main building or use of the land.

"Garage" means any covered, enclosed structure or portion of a building or structure used to shelter motor vehicles.

"Gazebo" means a freestanding roofed structure, usually open on the sides or latticed between the supports. See "covered unenclosed structure" under section 17.624.050 of this chapter for requirements.

"Parking pad" means a level, surfaced area upon which motor vehicles are stored.

"Pergola" means a structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters. See "trellis" under section 17.624.060 for requirements.

"Trellis" means a frame of latticework generally used as a support for climbing vines or plants.

17.624.030 General regulations.

A. An accessory structure shall not be used as a dwelling or separate living quarters.

B. A detached accessory structure may contain laundry and sanitary facilities consisting of a water heater, sink, toilet, or shower, and may also contain necessary heating facilities, but shall not contain a kitchen.

C. A detached accessory structure or use shall be located on the same lot as the primary building, structure, or use to which it relates.

17.624.040 Attached accessory structures.

The chart below identifies the footnote of this section that sets forth the regulations for each type of attached accessory structure. Identify the proposed type of accessory structure in the first column and read across the chart to find the regulations for that type of accessory structure. For example, the minimum setback requirements for an attached garage are set forth in footnote 1 of this section. “N/A” means not applicable.

Type of Attached Accessory Structure	Minimum Setbacks	Max. Lot Coverage	Max. Lot Coverage of Required Rear-Yard	Maximum Height	Driveway	Other Standards
Garage	1	1	2	1	3	4
Carport	1	1	2	1	3	4
Covered patio or deck	1	1	5	1	N/A	6
Uncovered deck	1	1	5	1	N/A	N/A

Footnotes:

1. Height, setbacks, and lot coverage. The height, setback, and lot coverage standards of the zone in which the attached accessory structure is located apply to the structure.

2. Maximum lot coverage of required rear yard for attached garages and carports.

a. Single-unit and duplex dwellings on reversed corner lot. Attached garages and carports may project into the required rear-yard area of a reversed corner lot, provided that the structure does not extend beyond the front setback line of the lots to the rear, nor nearer than 5 feet to the side of the key lot to the rear.

b. Single-unit and duplex on corner lot. Attached garages and carports may project into the required rear-yard area, provided that the structure does not extend nearer than 5 feet to the rear lot line and does not project into the required setback from the landside toe of a levee.

c. Multi-unit dwellings. Attached garages and carports may not project into the required rear-yard setback of the zone in which the accessory structure is located.

3. Driveway and maneuvering requirements.

a. Driveways for single-unit and duplex dwellings. Driveways shall conform to the requirements of chapter 18.08. The driveway is permitted to have a landscape strip down the center. The landscape strip is not permitted in the vehicle parking pad.

4. Minimum dimensions of attached garages and carports.

a. Single-unit and duplex dwellings. Minimum interior dimensions for an attached garage are 10 feet wide and 20 feet deep. Minimum dimensions for an attached carport are 10 feet wide and 20 feet deep. The width may be reduced to 8 feet if the existing interior side-yard setback between the existing residence and the property line is 8 feet.

b. Multi-unit dwellings. Minimum interior dimensions of an attached garage are 8 feet wide by 18 feet deep. Minimum dimensions of an attached carport are 10 feet wide and 20 feet deep. The width may be reduced to 8 feet if the existing interior side-yard setback between the existing residence and the property line is 8 feet.

5. Maximum lot coverage of required rear-yard for attached covered patios and covered and uncovered decks.

a. Single-unit and duplex dwellings on reversed corner lot. Attached covered patios and covered and uncovered decks may project into the required rear-yard setback area, provided that the structure does not extend beyond the front setback line of the lots to the rear, or nearer than 5 feet to the side of a key lot to the rear.

b. Single-unit or duplex dwellings on corner lot. Attached covered patios and covered and uncovered decks may project into the required rear-yard area, provided the structure does not extend nearer than 5 feet to the rear lot line.

c. Single-unit or duplex dwellings on interior lot. Attached covered patios and covered and uncovered decks may project a maximum of 33% into the required rear-yard area, provided the structure does not extend nearer than 5 feet to the rear lot line.

d. Multi-unit dwellings. Attached covered patios and covered and uncovered decks may not project into the required rear-yard setback of the zone in which the accessory structure is located.

e. Setback from levee. Notwithstanding the provisions of subsections a through d, above, attached covered patios and covered and uncovered decks shall not project into the required setback from the landside toe of a levee.

6. Other standards for attached covered patios and covered decks.

a. Attached covered patios and covered decks may be partially enclosed. The area of the longer wall and one additional wall must be 65% open. The openings may be enclosed with insect screening or readily removable translucent or transparent plastic not more than 0.125 inch in thickness.

b. Attached covered patios and covered decks shall be used only for recreational outdoor living purposes and not as carports, garages, storage rooms, or habitable rooms. They may be attached to a detached accessory structure and act as a breezeway or covered walkway between an accessory structure and the main residential structure.

17.624.050 Detached accessory structures.

The chart below identifies the footnote in this section that sets forth the regulations for each type of detached accessory structure. Identify the proposed type of accessory structure in the first column and read across the chart to find the regulations for that type of accessory structure. For example, the minimum setback requirements for a detached garage are set forth in footnote 5 in this section. “N/A” means not applicable.

Type of Detached Accessory Structure	Minimum Setbacks	Max. Lot Coverage	Max. Lot Coverage of Required Rear- Yard	Minimum Distance from Main Building	Maximum Height	Driveway	Other Standards
Garage	1	2	3	4	5	6	7
Carport	1	2	3	4	5	6	7
Covered patio or covered unenclosed structure	1	2	3	8	5	N/A	N/A
Uncovered deck	9	10	3	11	12	N/A	13
Covered deck	1	2	3	8	5	N/A	13
Enclosed structure	1	2	3	4	5	6	7, 14

Footnotes:

1. Minimum setbacks for detached accessory structure.

a. A detached accessory structure is not permitted in the required front or street side setback.

b. When located nearer than 60 feet to the front property line, a detached accessory structure is subject to the same minimum front-yard and side-yard setbacks required for the main building.

c. When located more than 60 feet from the front property line, the detached accessory structure may be located in the rear-yard or interior side-yard setback area, provided that the detached accessory structure shall not project into the required setback from the landside toe of a levee.

2. Maximum lot coverage. Except as provided is subsection 3, below, a detached accessory structure is subject to the maximum lot coverage standards of the zone in which the structure is located.

3. Maximum lot coverage of required rear-yard.

a. Except as provided in subsection b, below, no more than 33% of the surface area of the required rear-yard setback may be covered by detached accessory structures.

b. In the R-1 and R-2 zones, not more than 33% or 350 square feet, whichever is greater, of the surface area of the required rear-yard setback may be covered by detached accessory structures.

c. Uncovered or unenclosed swimming pools, spas, and hot tubs, including equipment placed at ground level, or on a concrete pad at ground level; detached uncovered patios; and detached uncovered decks less than 30 inches in height, measured from ground to top of deck, are not counted in the lot coverage computation

d. Setback from levee. Notwithstanding the provisions of subsections a through c, a detached accessory structure shall not project into the required setback from the landside toe of a levee.

4. Minimum distance from main building. The minimum distance between a detached accessory structure and the main building is 4 feet.

5. Maximum height of a detached accessory structure.

a. The maximum overall height of a detached accessory structure is 18 feet to the highest point on the roof. Dormers are permitted as a decorative feature or to admit daylight to the structure, if they meet the following criteria:

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

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

b. The maximum wall height of a detached accessory structure is 10 feet. The wall height is the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the plate line, where the roof meets the wall.

c. Any variation or waiver of the criteria in this footnote 5 may be approved through director-level site plan and design review under chapter 17.808.

6. Driveway and maneuvering requirements for single-unit and duplex dwellings. Driveways for single-unit and duplex dwellings shall conform to the requirements of chapter 18.08. The driveway is permitted to have a landscape strip down the center. The landscape strip is not permitted in the vehicle parking pad.

7. Minimum dimensions of detached garages and carports.

a. Single-unit or duplex dwellings. The minimum interior dimensions of a detached garage are 10 feet wide and 20 feet deep. The minimum dimensions of a detached carport are 10 feet wide and 20 feet deep. The width may be reduced to 8 feet if the existing interior side-yard setback between the existing residence and the property line is 8 feet.

b. Multi-unit dwellings. The minimum interior dimensions of a detached garage are eight feet wide by 18 feet deep. The minimum dimensions of a detached carport are 10 feet wide and 20 feet deep. The width may be reduced to 8 feet if the existing interior side-yard setback between the existing residence and the property line is 8 feet.

8. Minimum distance from the main building for detached covered patios, covered decks, and other covered, unenclosed structures. No minimum distance is required between detached covered patios, covered decks, and other covered, unenclosed structures and the main building.

9. Minimum setbacks for detached uncovered decks.

a. No minimum setbacks are required for detached uncovered decks less than 30 inches in height, measured from the ground to the top of the deck.

b. The following minimum setbacks are required for detached uncovered decks of 30 or more inches in height, measured from the ground to the top of the deck:

i. The deck is not permitted in the required front-yard setback;

ii. When located nearer than 60 feet to the front property line, the deck is subject to the same minimum front-yard and side-yard setbacks required for the main building; and

iii. When located more than 60 feet from the front property line, the deck shall maintain a minimum five-foot interior side-yard, street side-yard, and rear-yard setback.

10. Maximum lot coverage for detached uncovered decks.

a. A detached uncovered deck less than 30 inches in height, measured from the ground to the top of the deck, is not subject to the maximum lot coverage standard.

b. A detached uncovered deck of 30 or more inches in height, measured from the ground to the top of the deck, is subject to the maximum lot coverage standard of the zone in which the deck is located.

11. Minimum distance from main building for uncovered decks.

a. No minimum distance is required between an uncovered deck under 30 inches in height, measured from the ground to the top of the deck, and the main building.

b. The distance between an uncovered deck of 30 or more inches in height, measured from the ground to the top of the deck, and the main building shall be either 6 inches or less or 4 feet or more.

12. The maximum height for an uncovered deck is 5 feet.

13. Other standards for detached covered and uncovered decks.

a. Railings, benches, planters, and the like, with a maximum of 3 feet in height, may be constructed and attached to the deck and are not counted as part of the deck height.

b. Trellises, walls, and similar structures attached to the deck are counted as part of the deck height.

14. Examples of detached enclosed accessory structures include: storage sheds, workshops, recreation rooms, and noncommercial greenhouses.

17.624.060 Other accessory structures.

The following chart identifies the footnote in this section that sets forth the regulations for each type of other accessory structure or use. Identify the proposed type of accessory structure or use in the first column and read across the chart to find the regulations for that type of accessory structure or use. For example, the minimum setback requirements for an uncovered parking pad are set forth in Footnote 1 of this section. “N/A” means not applicable.

Type of Accessory Structure or Use	Minimum Setbacks	Max. Lot Coverage	Max. Lot Coverage of Required Rear Yard	Minimum Distance from Main Building	Maximum Height	Driveway	Other Standards
Uncovered parking pad	1	N/A	N/A	N/A	N/A	2	3
Uncovered patio	1	N/A	N/A	N/A	N/A	N/A	1
Uncovered or unenclosed pool, spa, hot tub (in or above ground)	4	4	4	4	N/A	N/A	4
Trellis	5	5	5	5	5	N/A	5
Children's swing set, play structures	6	6	6	6	6	N/A	6
Mechanical equipment	7	7	7	7	7	N/A	7

Footnotes:

1. Maximum paving permitted in required setback areas. See section 17.612.010.

2. Minimum dimensions. Minimum interior dimensions for the parking pad are 10 feet wide by 20 feet deep. This width may be reduced to 8 feet if the existing interior side-yard setback between the existing residence and the property line is 8 feet. Access to the parking pad must be paved. Driveways shall conform to the requirements of chapter 18.08. The driveway is permitted to have a landscape strip down the center. The landscape strip is not permitted in the vehicle parking pad.

3. Maximum paving. See section 17.612.010.

4. The following requirements apply to an uncovered, unenclosed swimming pool, spa, or hot tub:

a. An uncovered, unenclosed swimming pool, spa, or hot tub is not permitted in the required front setback;

b. When located nearer than 60 feet from the front property line, an uncovered, unenclosed swimming pool, spa, or hot tub is subject to the same minimum front-yard, interior side-yard, and street side-yard setbacks required for the main residential structure.

c. When located more than 60 feet from the front property line, an uncovered, unenclosed swimming pool, spa, or hot tub is subject to a 3 foot interior side-yard and rear-yard setback, and a minimum 5 foot street side-yard setback.

d. An uncovered or unenclosed swimming pool, spa, or hot tub is not counted in lot coverage computation. If equipment is placed on an accessory structure (such as a deck), the structure must comply with the regulations of this chapter.

e. The minimum distance between an uncovered or unenclosed swimming pool, spa, or hot tub; the main residential structure; and any accessory structures must meet building code requirements.

f. If the uncovered or unenclosed swimming pool, spa, or hot tub is enclosed, covered, or on a raised deck, the applicable accessory structure requirements apply.

g. Mechanical equipment associated with an uncovered or unenclosed swimming pool, spa, or hot tub shall meet the requirements of footnote 7.

e. Setback from levee. Notwithstanding the provisions of subsection c, above, an uncovered or unenclosed swimming pool, spa, or hot tub shall not project into the required setback from the landside toe of a levee.

5. Trellis requirements.

a. A trellis is subject to the accessory structure requirements of this chapter; however, one trellis structure per parcel is exempt from accessory structure regulations if it does not exceed 10 feet in height, 8 feet in length, and 24 inches in width. A building permit is not required to construct the trellis.

b. If a trellis is used as a fence, or as an integral part of a fence, it must meet the fence regulations of chapter 17.620.

c. A trellis used as a decorative feature at an entrance is exempt from accessory structure regulations if it does not exceed 10 feet in height, 8 feet in length, and 24 inches in width.

6. Play structures. Portable or movable play structures that do not require a building permit are exempt from accessory structure regulations. Play structures that require a building permit shall follow the attached or detached accessory structure regulations found in this chapter.

7. Mechanical equipment. Mechanical equipment, including heaters and air conditioners, shall not be located within the required front yard, interior side yard, or street side yard unless the equipment is screened or landscaped and is in compliance with all noise standards and ordinances. Mechanical equipment is not counted in lot coverage computations.

Division VII
City-Wide Programs

Chapter 17.700
Transportation Systems Management Program

17.700.010 Purpose.

The purpose of the transportation systems management (TSM) program is to establish requirements for employers and developers to reduce traffic congestion, optimize use of the transportation system, and improve air quality, all in furtherance of the city's general plan goal to reduce vehicle miles traveled by 35 percent.

17.700.020 Definitions.

As used in this chapter,

"Alternative commute mode" means a trip where the transportation method is other than a single-occupant vehicle.

"Buspool" means private or public fixed-route transportation service designed to carry eight or more persons.

"Carpool" means two or more persons commuting in a motorized vehicle to and from work.

"Ridesharing" means the cooperative effort of two or more persons traveling together using alternative commute modes.

"Shuttle bus" means a private or public transportation service providing short-distance, fixed-route passenger service, limited to specific destinations and connections, with parking lots or existing transit services.

"Single-occupant vehicle" means a motor vehicle occupied by one person for commute purposes.

"Taxipool" means a type of service which a public or private taxi operator provides daily commuter service for a group of preassembled subscribers on a prepaid or daily-fare basis, following a relatively fixed route and schedule.

"Traffic engineer" means the person appointed by the city manager to the office of traffic engineer pursuant to section 10.08.030.

“Transit” means public transportation, including bus or light rail services.

“Transportation coordinator” means an individual trained to promote and implement transportation system management program measures at the worksite.

“Transportation management association” means an individual or group responsible for the implementation of transportation system management program measures for the purpose of meeting alternative mode requirements for a specific geographical area. The acronym for “transportation management association” is “TMA.”

“Transportation management plan” means a document detailing transportation system management program measures to relieve traffic congestion and reduce vehicle trips to and from work. The acronym for “transportation management plan” is “TMP.”

“Transportation systems management” means measures to better utilize existing transportation facilities and services and promote alternative commute modes. The acronym for “transportation system management” is “TSM.”

“Trip” means a single, one-direction vehicle movement.

“Vanpool” means a van that sits six or more people commuting to and from work.

“Vehicle parking facility” means any parking structure or parking area used for the purpose of parking vehicles.

17.700.030 Applicability.

This chapter applies to the following development project types, as defined:

A. “Minor project,” which means a development project that is expected to be the primary place of business of between 25 and 99 employees based on the employee generation rates in section 17.700.050.

B. “Major project,” which means a development project that is expected to be the primary place of business of 100 or more employees, based on the employee generation rates in section 17.700.050.

C. “Expansion project,” which means a development project that proposes structural expansion. If, after expansion, the project will be the primary place of business of between 25 and 99 employees, the project shall be deemed a minor project. If, after expansion, the project will be the primary place of business of 100 or more employees, the project shall be deemed a major project. The number of employees is determined based on the employee generation rates in section 17.700.050.

17.700.040 Exempt projects.

The following activities are exempt from the requirements of this chapter:

A. Temporary construction activities, including activities performed by engineers, architects, contractors, subcontractors, and construction workers, when the activities are related to the construction, development, or other improvement to real property;

B. Emergency activities in which persons are employed to render aid or other services during an emergency or natural disaster; and

C. Other temporary activities that employ persons for a period of less than 90 days.

17.700.050 Occupancy calculation methods.

The following chart shall be used to estimate the total number of full-time employees expected to occupy a development project under this chapter:

Zoning		Area	No. of Employees Per 1,000 Gross Sq. Ft. of Floor Area
SC	Shopping center	City-wide	3.3
C-1	Limited commercial	City-wide	3.3
C-2	General commercial	City-wide	3.3
C-3	Central business district	Central city	4.0
HC	Highway commercial	City-wide	3.3
OB	Office building	Central city	4.0
OB	Office building	Point West	4.0
OB	Office building	South Natomas	4.4
OB	Office building	Remainder of city	3.3
OB-2	Office building	City-wide	4.0
OB-3	Office building	City-wide	4.0
EC30,40	Employment center	City-wide	3.3
EC45,50	Employment center	City-wide	4.0
EC65,80	Employment center	City-wide	4.4
C-4	Heavy commercial	City-wide	2.0
M-1	Light industrial	City-wide	2.0
M-2	Heavy industrial	City-wide	2.0
MIP	Manufacturing industrial park	City-wide	2.0
MRD	Manufacturing research and development	City-wide	2.9

17.700.060 Transportation management plans for major and minor projects required.

A. Minor projects. The property owner of every minor project shall post information on alternative commute modes at the project site and shall coordinate with the appropriate transit agency and regional ridesharing agency to maintain and provide current information on alternative commute modes to employees working at the project site.

B. Major projects.

1. The property owner of a major project shall do all of the following:

a. Post information on alternative commute modes at the project site and coordinate with the appropriate transit agency and regional ridesharing agency to maintain and provide current information on alternative commute modes to employees working at the project site;

b. Designate a transportation coordinator for the project site;

c. Provide an annual status report to the city in a format to be specified by the traffic engineer. At a minimum, the report shall document:

i. Commute modes of all employees currently occupying the project;

ii. Progress toward attainment of the alternative commute mode goal of the city; and

iii. If the alternative commute mode goal has not been attained, a plan for additional TSM measures; and

d. Prepare a transportation management plan containing some or all of the measures identified in section 17.700.070 and demonstrating that the measures are adequate to attain the alternative commute mode goal designated for the project. The TMP shall be submitted to the planning director and the traffic engineer for review and approval.

i. The measures to be included in the TMP shall be selected initially by the applicant. The planning director and traffic engineer may deny use of a particular measure if the combination of measures specified does not produce a balanced program for trip reduction.

ii. After approval by the planning director and traffic engineer, the TMP shall be binding upon the property owner and any successors in interest, and shall be either included in covenants, conditions, and restrictions recorded for the development project, or separately recorded.

iii. At any time after the original TMP has been approved, the property owner may request modification of the TMP by filing an application and processing fee in the amount specified by resolution of the city council.

17.700.070 Transportation management plan measures.

A transportation management plan may include the measures set forth in this section.

A. Transportation management association. Formation of a new, or use of an existing, TMA for a specific geographical location.

B. Preferential employee carpool and vanpool parking spaces. Designation of a portion of the required employee vehicle parking spaces as “carpool/vanpool only.” The spaces shall be located near building entrances, in a covered or shaded area, or other preferential location. If parking fees are imposed, a discount of not less than 50% for carpools and vanpools shall be offered. The administration and enforcement of this parking program shall be the responsibility of the property owner.

C. Parking fees. A monthly parking fee for some or all employees whose primary commute method is by a single-occupant vehicle, if the planning director and traffic engineer determine that such a program will not create adverse parking impacts to adjacent developments. The applicant shall specify the amount of parking fees to be imposed throughout the duration of the program, the number of workers anticipated to be required to pay the fees, and the period of time that the program will be in effect.

D. Transit passenger shelter. A transit passenger shelter, if the proposed development is located on an existing or designated transit route along a major arterial and a transit agency serving the site determines that a passenger shelter is needed in the vicinity of the development. The applicant shall construct or pay for construction of the shelter on or adjacent to the property. The design, maintenance, liability, and ownership of the shelter and other applicable provisions shall be set forth in an agreement between the applicant and the transit agency.

E. Bus or light rail transit station subsidy. Payment of all or part of the cost of land, construction, or maintenance of an existing or designated bus transit center or light rail station located within 1,320 feet of the development project or another center or station within the transit system. The amount of funds, payment arrangements, use of the funds, and other applicable provisions shall be set forth within an agreement between the property owner and the Sacramento Regional Transit District.

F. Transit operating subsidy. Payment of a one-time transit operating cost subsidy to a transit agency serving the site, if the development project is located within 1,320 feet of an existing or designated bus route or light rail transit station. The amount of funds, payment arrangements, use of the funds, and other applicable provisions shall be specified within an agreement between the property owner and the transit agency.

G. Transit pass subsidy. Payment of 50% to 100% of the cost of a monthly transit pass for employees of the development project who use transit services as their primary commute mode to the subject property. This measure may be utilized only if the proposed

development is located within 1,320 feet of an existing or designated transit route and a transit agency serving the site determines that the transit services provided along the adjacent transit route have the capacity to accommodate additional transit riders. The applicant shall specify the total amount of subsidy, the number of passes to be subsidized, and the period of time that the subsidy program will be in effect. The property owner shall enter into an agreement with the transit agency specifying these and other relevant provisions.

H. Buspool or shuttle-bus program. A buspool or shuttle-bus service funded by the owner and operated either individually or by contract with a public or private transit agency. The service shall transport employees of the development project from park-and-ride lots, transit stops, or other designated locations to and from the project site. At least one bus shall operate during the morning and afternoon peak commute period. The applicant shall specify the level of services to be provided, the number of employees that are anticipated to utilize this service, the duration of the program, and the amount of user fees, subject to the review of the traffic engineer, the participating transit agency.

I. Vanpool program. The purchase, lease, or other subsidy of the capital or operating costs of one or more vanpools for use by the employees of the development project. The applicant shall specify the type and level of vanpool assistance to be provided throughout the duration of the program, the number of vans to be subsidized, the number of anticipated vanpool participants, and the period of time that the vanpool program will be in effect.

J. Showers and lockers. Provision of shower and clothes locker facilities for the employees of the development project. The applicant shall specify the number of and location of such facilities and whether user fees will be imposed.

K. Land dedication for transit facilities. Dedication of land for construction of a light-rail station or stop if a need is determined by the Sacramento Regional Transit District. Evidence of the land dedication is required prior to issuance of building permit or in conjunction with submittal of the final parcel or tentative map.

L. Subsidy for TSM capital improvements. Contribution to a TSM capital improvement program, if the proposed development is located in an area where needed TSM capital improvements have been identified. The TSM capital improvement program will construct facilities that increase the people-moving capacity of the existing transportation system.

M. Other. Any other TSM program designed by the applicant to promote alternative mode use approved by the planning director and traffic engineer.

17.700.080 Transportation management plan – Evaluation criteria for trip reduction credits.

The calculation of credits toward meeting the 35% trip-reduction goal and additional trip reductions necessary to qualify for parking reductions under chapter 17.608 shall be performed by the traffic engineer and the planning director. The calculations shall take into account the development project characteristics, such as distance from bus and transit stations, amount of transit subsidy, parking fees, and the degree to which carpoolers are provided with preferential parking. The maximum trip reduction percentages allowed for each transportation system management measure identified in section 17.700.070 are set forth in this section.

A. TMA membership and TSM coordinator: no reduction credit for TSM coordinator; 5% for joining a TMA that has demonstrated 15% trip reduction; 10% for joining a TMA that has demonstrated 30% trip reduction.

B. Preferential parking: 10% in the central business district (CBD); 5% outside CBD.

C. Parking fees: none in CBD; 10% outside CBD.

D. Transit shelter: 2%.

E. Bus transit center or light rail station subsidy: 20% in CBD; 15% outside CBD if within 660 feet of major transit station; 10% outside CBD within ¼ mile of bus route or one-half mile of bus transit center or light rail station.

F. Transit operating subsidy: 20% in CBD; 15% outside CBD if within 660 feet of major transit station; 10% outside CBD within ¼ mile of bus route or one-half mile of a or bus transit center or light rail station.

G. Transit pass subsidy: 80% for new buildings in CBD; 100% for office conversions or additions in CBD; 25% outside CBD.

H. Buspool or shuttle program: 20% in CBD; 10% outside CBD.

I. Vanpool program: 10%.

J. Showers and lockers: 5% in CBD: 2% outside CBD.

K. Land dedication for transit: 5%.

L. TSM capital improvements: 5%.

M. Other: 10%.

Chapter 17.704
Density Bonuses

17.704.010 Purpose and intent.

This chapter is adopted pursuant to section 65915 of the California Government Code, to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the housing element of the city general plan. In addition, to promote the use of energy-efficient building design and materials, a density bonus beyond the 35% maximum allowed for affordable housing, may be granted for development that exceeds the State's minimum green building standards.

17.704.020 Definitions.

As used in this chapter,

"Additional incentives" means the regulatory concessions specified in California Government Code section 65915(k), including the following:

1. A reduction of site development standards or a modification of zoning code or architectural design requirements;

2. Reduced minimum lot sizes or dimensions;

3. Reduced minimum lot setbacks;

4. Reduced minimum outdoor or private outdoor living area;

5. Increased maximum lot coverage;

6. Increased maximum building height or stories;

7. Reduced on-site parking standards, including the number or size of spaces and garage requirements;

8. Reduced minimum building separation requirements;

9. Reduced street standards, e.g., reduced minimum street widths;

10. A density bonus of more than 35%;

11. The waiver, reduction, or deferral of planning, plan check, construction permit, or development impact fees;

12. Direct financial aid (e.g., redevelopment set-aside, community development block grant funding) in the form of a loan or a grant to subsidize or provide low-interest financing for on- or off-site improvements, land, or construction costs;

13. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, and other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located; and

14. Other regulatory incentives or concessions that result in identifiable cost reductions or avoidance.

"Affordable rent" means monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for very low- or lower-income households, not exceeding the following calculations:

1. Very-low-income. Fifty percent of the area median income for Sacramento County, adjusted for household size, multiplied by 30% and divided by 12.

2. Lower-income: Sixty percent of the area median income for Sacramento County, adjusted for household size, multiplied by 30% and divided by 12.

"Affordable sales price" means a sales price at which lower- or very low-income households can qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing available for the development.

"Density bonus" means a minimum density increase of at least 20% over the otherwise maximum residential density.

"Density bonus housing agreement" means a legally-binding agreement between a developer and the city or, if so authorized, the housing authority of the city ("housing authority") to ensure that the requirements of this section are satisfied.

"Density bonus units" means the residential units granted pursuant to the provisions of this section that exceed the otherwise maximum residential density for the development site.

"Equivalent financial incentive" means a monetary contribution or one or more additional incentives, equal to one of the following:

1. A density bonus and an additional incentive; or

2. That portion of the density bonus and additional incentive for which the equivalent financial incentive is substituted pursuant to the provisions of subsection B of section 17.704.050.

“Housing cost” means the sum of actual or projected monthly payments for all of the following associated with for-sale target units: principal and interest on a mortgage loan, including any loan insurance fees; property taxes and assessments; fire and casualty insurance; property maintenance and repairs; homeowner association fees; and a reasonable allowance for utilities. Adjustments should be made as necessary for down-payment assistance.

“Housing development” means a construction project consisting of five or more residential units, including single-unit dwellings, multi-unit dwellings, and mobilehomes for sale or rent, pursuant to this chapter.

“Lower-income household” means households whose income does not exceed the low-income limits applicable to Sacramento County, as published and periodically updated by the State Department of Housing and Community Development pursuant to section 50079.5 of the California Health and Safety Code.

“Maximum residential density” means the maximum number of residential units permitted by the city’s general plan and this title at the time of application, excluding the provisions of this chapter. If the housing development is within a planned unit development (PUD), the maximum residential density shall be determined on the basis of the general plan and the maximum density allowed by the PUD development guidelines. Where the density allowed under this title is different than the density allowed under the general plan, the general plan density prevails.

“Moderate-income household” means households whose income does not exceed the moderate-income limits applicable to Sacramento County, as published and periodically updated by the State Department of Housing and Community Development pursuant to section 50093 of the California Health and Safety Code.

“Non-restricted unit” means a unit within a housing development excluding the target units.

“Qualifying housing development” means a housing development for which the applicant or developer agrees to provide one or more of the following:

1. At least 10% of the total units of the housing development as target units affordable to lower-income households;

2. At least 5% of the total units of the housing development as target units affordable to very-low-income households;

3. Senior citizen housing; or

4. A common interest development (as defined in section 1351 of the Civil Code) in which 10% of the total units of the housing development are target units affordable to moderate-income households.

“Qualifying senior citizen resident” means a senior citizen or other person eligible to reside in senior citizen housing.

“Senior citizen housing” means a housing development consistent with sections 51.3 and 51.12 of the Civil Code or mobilehome park as defined in Civil Code sections 798.76 and 799.5.

“Target unit” means a dwelling unit within a housing development that will be reserved for sale or rent to, and affordable to, very-low-, lower-, or moderate-income households, or qualifying senior citizen residents.

“Very-low-income household” means households whose income does not exceed the very-low-income limits applicable to Sacramento County, as published and periodically updated by the State Department of Housing and Community Development pursuant to section 50105 of the California Health and Safety Code.

17.704.030 Implementation.

A. The city shall grant to an applicant or developer of a qualifying housing development either: (1) a density bonus; (2) a density bonus with an additional incentive; or (3) an equivalent financial incentive, as set forth in section 17.704.050.

B. In determining the number of target units to be provided pursuant to this section, the maximum residential density is determined as set forth in Table 17.704.030 A.

Table 17.704.030 A			
Income Level	**Minimum Percentage of target units**	**Minimum Density Bonus**	**Density Bonus Increase for Each Additional 1%** **(Total Maximum Bonus for Affordable Units is 35%)**
Lower	10%	20%	1.5%
Very Low	5%	20%	2.5%
Seniors	All	20%	N/A
Moderate – Common Interest Developments	10%	5%	1%

C. The density bonus units are not included when determining the total number of target units in the housing development. When calculating the required number of target units, any resulting decimal fraction is rounded to the next larger integer.

D. If a density increase of less than the minimum density bonus is requested, no reduction is allowed in the number of target units required. If a density increase of more than 35% is requested, the requested density increase, if granted, is considered an additional incentive.

E. The amount of additional incentives, defined in section 17.704.020, is determined as set forth in Table 17.704.030 B.

Table 17.704.030 B		
Income Level	**% Total Housing Units**	**Number of Incentive(s)**
Lower	10%	1
Very Low	5%	1
Moderate – Common Interest Developments	10%	1
Lower	20%	2
Very Low	10%	2
Moderate – Common Interest Developments	10%	2
Lower	30%	3
Very Low	15%	3
Moderate – Common Interest Developments	30%	3

17.704.040 Development standards.

A. Target units shall be constructed concurrently with non-restricted units unless both the city and the developer or applicant agree within the density bonus housing agreement to an alternative schedule for development.

B. Lower-income target units shall remain restricted and affordable to the designated group for a period of 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or other applicable legal requirement; provided, that pursuant to Government Code section 65915(c), if the city does not grant at least one additional concession or incentive, the target units shall remain restricted and affordable for a period of 10 years.

C. The applicant shall agree to, and the city shall ensure that, the initial occupants of the moderate-income units that are directly related to the receipt of the density bonus in a common interest development, as defined in section 1351 of the Civil Code, are persons and families of moderate income, as defined in section 50093 of the Health and Safety Code. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture its proportionate share of appreciation, which shall then be used within three years for any of

the purposes described in subdivision (e) of section 33334.2 of the Health and Safety Code that promote homeownership. For purposes of this subsection, the city's proportionate share of appreciation is equal to the percentage by which the initial sale price to the moderate-income household was less than the fair market value of the home at the time of initial sale.

D. Target units should be built on-site wherever possible and, when practical, be dispersed within the housing development. Where feasible, the number of bedrooms of the target units should be equivalent to the bedroom mix of the non-target units of the housing development, except that the developer may include a higher proportion of target units with more bedrooms. The design and appearance of the target units shall be compatible with the design of the total housing development. Housing developments shall comply with all applicable development standards, except those that may be modified as provided by this chapter.

E. Circumstances may arise in which the public interest is served by allowing some or all of the target units associated with one housing development to be produced and operated at an alternative development site. When the developer and the city agree to allow for construction of target units at an alternative site, the resulting linked developments shall be considered a single housing development for purposes of this section.

F. A density bonus housing agreement shall be made a condition of any density bonus approved pursuant to this section. The agreement shall be recorded as a restriction on the parcel or parcels on which the target units will be constructed. The agreement shall be consistent with section 17.704.070.

17.704.050 Development incentives.

A. The city shall provide a density bonus and an additional incentive for qualifying housing developments unless:

1. The city makes a written finding that:

a. The additional concession or incentive is not required to provide for affordable housing costs as defined in Health and Safety Code section 50052.5 or for rents for targeted units to be set as specified in subdivision (c) of Government Code section 65915; or

b. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code section 65589.5, upon the public health and safety or the physical environment or on a listed historic resource and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or

c. The concession or incentive would be contrary to state or federal law.

2. The city provides other incentives of equivalent financial value based upon the land cost per dwelling unit, pursuant to Government Code section 65915(b).

B. Pursuant to Government Code sections 65915 and 65917, the city may offer an equivalent financial incentive in lieu of granting some or all of the density bonus and additional incentives requested by the developer. Any equivalent financial incentive should contribute significantly to the economic feasibility of providing the target units pursuant to this chapter.

17.704.060 Application and review.

A. Application. A developer seeking approval of a density bonus and an additional incentive shall file the request in conjunction with the project application for site plan and design review and other required discretionary permits.

B. Review.

1. The application shall be noticed and heard in the same manner and concurrently with the other discretionary permits required for the housing development or, if none, in the same manner as a director-level site plan and design review.

2. Notice. In addition to all other information required by this title, the public hearing notice on the project shall identify the density bonus and additional incentive, if any, or the financially equivalent incentives requested for the project.

3. Financial incentives—Deviation from street standards and other incentives.

a. Financial incentives. Except as otherwise authorized by ordinance or resolution, financial incentives – including grants or other forms of direct fiscal aid and the waiver, reduction, or deferral of planning, plan check, construction permit, or development impact fees – require city council approval.

b. Waiver of street standards. Except as otherwise authorized by ordinance or resolution, modification of standard street dedication and improvement requirements are processed in the manner specified in chapter 18.04.

c. Other incentives. Except as otherwise authorized by ordinance or resolution, incentives other than those specified above require city council approval.

17.704.070 Density bonus housing agreement.

A. As a condition to approval of any density bonus pursuant to this chapter, the applicant shall agree to enter into a density bonus housing agreement with the city, or the housing authority acting on behalf of the city, that shall be binding upon the applicant and all

successors in interest. The executed density bonus housing agreement shall be recorded on the parcel or parcels designated for the construction of target units. The approval and recordation shall take place prior to final map approval or, where a map is not being processed, prior to issuance of building permits for the parcels or units.

B. The density bonus housing agreement shall include the following provisions:

1. The total number of units approved for the housing development, including the number of target units;

2. A description of the household income group to be accommodated by the housing development as outlined in section 17.704.030 of this chapter, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost;

3. The location, unit sizes (square feet), and number of bedrooms of target units;

4. Tenure-of-use restrictions for target units as set forth in section 17.704.040;

5. A schedule for completion and occupancy of target units;

6. A description of the specific density bonus and of the additional incentives or equivalent financial incentives being provided by the city;

7. A description of remedies for breach of the agreement by either party, including a provision that tenants or qualified purchasers are third party beneficiaries under the agreement; and

8. Any other provisions appropriate to ensure implementation and compliance with this chapter.

C. In the case of for-sale housing developments, the density bonus housing agreement shall provide for the following conditions governing the initial sale and use of target units during the applicable use restriction period:

1. A requirement that affordable for-sale units shall, upon initial sale, be sold to eligible very–low- or lower-income households at an affordable sales price and affordable housing cost, or to qualifying senior citizen residents, as defined by this chapter;

2. A requirement that initial occupancy shall be by eligible very–low- or lower-income household owner-occupant, or qualifying senior citizen resident owner-occupants, as defined in this chapter; and

3. The terms for future sales and recapture of any equity in order to ensure continued affordability for the requisite time period.

D. In the case of rental housing developments, the agreement shall provide for the following conditions governing the use of target units during the use restriction period:

1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining target units for qualified tenants;

2. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this section; and

3. Provisions requiring owners to submit an annual report to the city, which includes the name, address, and income of each household occupying target units, and which identifies the bedroom size and monthly rent or cost of each target unit.

17.704.080 Additional density bonus for green building.

If a density bonus has been granted to a qualifying housing development, as defined in this section, the development may qualify for an additional density bonus if the following conditions are met:

A. The qualifying housing development is designed and built to meet or exceed CALGreen Tier I or Tier II green building standards (Title 24 of the California Code of Regulations).

1. A density bonus of 10% may be granted for a development that meets CALGreen Tier I.

2. A density bonus of 25% may be granted for a development that meets CALGreen Tier II.

B. No building permit shall be issued for the development requesting a green building height bonus under this section until the building official certifies that the plans are consistent with CALGreen Tier I or Tier II standards.

C. The combined affordable housing and green building density bonus shall not exceed 50% of the maximum allowable density.

Chapter 17.706
Green Building Bonuses for Non-residential Buildings

17.706.010 Purpose and intent.

This chapter is adopted to implement the goals, objectives, and policies of the city's general plan relating to green building, energy efficiency, and greenhouse gas emissions reduction.

17.706.020 Definitions.

As used in this chapter,

"CALGreen" means the California Green Building Standards Code, Title 24, Part 11, of the California Code of Regulations.

"Green roof" means a roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier, drainage, and irrigation systems.

17.706.030 Applicability.

This chapter applies to non-residential development. Bonuses for residential development are addressed in chapter 17.704.

17.706.040 Application and review.

A. Application. A developer seeking approval of a green building bonus shall file a request in conjunction with the project application for site plan and design review.

B. Review.

1. An application that includes a request for a green building bonus shall be noticed and heard at the director level.

2. Notice. In addition to all other information required by this title, the public notice of hearing on the project shall identify the height bonus requested for the project.

17.706.050 Height bonus for green building.

A. A development project may qualify for a green building height bonus under either or both subsection 1 or 2, below.

1. The development is designed and built to meet or exceed CALGreen Tier I or Tier II green building standards.

a. A height bonus of 10% of the otherwise allowable height may be granted for a development that meets CALGreen Tier I.

b. A height bonus of 20% of the otherwise allowable height may be granted for a development that meets CALGreen Tier II.

c. A building permit for a project requesting a green building height bonus under this subsection 1 shall not be issued until the building official certifies that the plans are consistent with CALGreen Tier I or Tier II standards.

2. The development incorporates a green roof. A height bonus of 10% of the otherwise allowable height may be granted for a green roof, subject to the following standards.

a. The green roof must cover more than 50% of the net roof area (i.e., the total gross area of the roof minus any roof area covered by mechanical equipment) or 2,000 square feet of contiguous roof area, whichever is greater.

b. Documentation must be submitted demonstrating that the roof can support the additional load of plants, soil, and retained water, and that an adequate soil depth will be provided for plants to thrive.

c. The roof area must contain sufficient space for future installations (e.g., mechanical equipment) that will prevent adverse impacts (e.g., removal of or damage to plants or reduction in area) on the green roof.

d. Plant varieties, soil depths and soil content must comply with the City's water efficient landscape requirements in chapter 15.92.

e. Vegetation must be maintained for the life of the building.

B. The combined CALGreen and green roof height bonuses shall not exceed 30% of the maximum allowable height.

C. The height bonus shall not cause the project's floor area ratio to exceed the maximum allowable floor area ratio in the city's general plan.

Chapter 17.708
Housing Trust Fund (HTF) Program

17.708.010 General provisions.

Unless otherwise expressed in this title, the provisions of this chapter are the exclusive procedures and rules relating to housing impact fees, and related affordable housing requirements for commercial and industrial development. In the event of conflict, these provisions shall prevail over any other provisions of this title.

17.708.020 Low income housing fund.

A. Establishment and definition. There is continued in existence the citywide low income housing fund ("housing fund") established by Ordinance 89-013 as amended by Ordinance No. 92-014. This housing fund may receive monies from other sources. The housing fund shall receive all monies contributed pursuant to sections 17.708.040 and 17.708.050 of this chapter. The North Natomas fund established by Ordinance 89-013 as amended by Ordinance No. 92-014, is terminated and the funds therein transferred to the low income housing fund for uses consistent with the provisions of this chapter.

B. Purposes and limitations. Monies deposited in the housing fund shall be used to increase and improve the supply of housing affordable to households of low income, with priority given to very low income households. For purposes of this section, "low income households" are those households with incomes of 80% or below the median income in the county of Sacramento as set forth from time to time by the U.S. Department of Housing and Urban Development and "very low income households" are those households with incomes of 50% or below the same median income. Monies may also be used to cover reasonable administrative or related expenses not reimbursed through processing fees. No portion of the housing fund may be diverted to other purposes by way of loan or otherwise.

C. Administration. The housing fund shall be administered by the director of the Sacramento housing and redevelopment agency (hereinafter "SHRA director") who shall have the authority to govern the fund consistent with this section, and to prescribe procedures for said purpose, subject to city council approval.

D. Use and disbursement of monies in the fund. Monies in the housing fund shall be used in accordance with the adopted housing assistance plan program and financing strategy, housing element, comprehensive housing affordability strategy, or subsequent plan adopted by the city council to construct, rehabilitate, subsidize, or assist other governmental entities, private organizations or individuals in the construction of low income housing. Monies in the housing fund may be disbursed, hypothecated, collateralized, or otherwise employed for these purposes from time to time as the SHRA director so determines is appropriate to accomplish the purposes of the housing fund. These uses include, but are not limited to, assistance to housing development corporations, equity participation loans,

grants, pre-home ownership co-investment, pre-development loan funds, participation leases, or other public/private partnership arrangements. The housing fund may be extended for the benefit of rental or owner-occupied housing.

E. Location of units to be assisted with fund monies. Subject to city council approval, the SHRA director shall develop criteria for the location of the units to be assisted with housing fund monies. The purpose of this criterion shall be to: (1) ensure a reasonable geographical linkage between nonresidential development projects subject to this title and the assisted low income housing such that future residents of the housing could reasonably commute to the commercial locations; (2) avoid over-concentration of assisted units and ensure conformity with a fair share plan if adopted by the city council; and (3) promote air quality goals, access to public transportation, and other relevant policies of the general plan. For purposes of criterion (1) of this subsection, any location which lies within seven miles of the nonresidential development project subject to this title shall be presumed to be within reasonable commuting distance. Locations within one-quarter mile of either existing or planned transit services shall be given preference within the seven-mile commuting distance. Locations further than the seven-mile distance may receive assistance from the housing fund provided that the SHRA director finds that access to existing or planned public transit render it reasonable that employees of the development project could commute from the location of the assisted housing.

In recognition of the establishment of the city and county housing trust funds, the SHRA director (and planning director, jointly) may elect to utilize a geographic zone system which provides that funds from projects within a specified zone shall be spent for housing assistance within the same zone. The boundaries of any such zones shall take into account the existing transportation network such that criterion (1) of this subsection is retained. The zone system shall be developed jointly with the county and shall designate specific geographic areas within the city limits and unincorporated areas of the county to allow for expenditure of funds from either city or county housing trust funds.

If due to regional growth, increased traffic congestion, or other factors, the SHRA administrator determines at any time in the ensuing year, sites which meet criterion (1) of this subsection will not be available, the SHRA director and the director of the planning and development department shall develop and present to the city council a proposal for ensuring a continued linkage between nonresidential development projects subject to this title and the location of assisted housing. Such a proposal may be presented in connection with the annual evaluation in subsection F of this section.

F. Annual Evaluation. Commencing one year after the effective date of this section, and annually thereafter to coincide with the October 31st submittal deadline of the “Comprehensive Housing Affordability Strategy” (CHAS) to the U.S. Department of Housing and Urban Development, the SHRA director and planning director shall report to the city council, the city planning and design commission and the Sacramento housing and redevelopment commission on the status of activities undertaken with the housing fund. The report shall include a statement of income, expenses, disbursements, and other uses of the fund. The report shall also state the number of low income and total housing units

constructed or assisted during that year and the amount of such assistance. The report shall evaluate the efficiency of this section in mitigating the city's shortage of low income housing available to employees of the projects subject to this section. In this report, the SHRA director and the planning director shall also recommend any changes to this title necessary to carry out its purposes, including any adjustments necessary to the fee or number of housing units required. This report shall contain the findings required by Government Code section 66001(d).

17.708.030 Application of the housing requirement.

A. Application. This section shall apply to nonresidential development projects that are proposing the construction, addition or interior remodeling of any nonresidential development project. This section shall apply to mixed or combined use projects if such projects propose the construction, addition or interior remodeling of such uses. Notwithstanding the foregoing, this section shall not apply to projects which fall within one or more of the following categories:

1. Projects which are the subject of development agreements currently in effect with the city, or of disposition agreements, owner participation agreements, or memoranda of understanding with the redevelopment agency of the city, approved prior to April 6, 1989, the effective date of the ordinance codified in this title, where such agreements or memoranda do not provide for compliance with this title; or

2. Residential uses (dwelling only) as set forth in Division II of this title; or

3. That portion of any development project located on property owned by the state of California, the United States of America or any of its agencies, with the exception of such property not used exclusively for state governmental or state educational purposes; provided, however, that this section shall apply at the time a development project no longer meets the requirements for exemption. Compliance with this section shall be the obligation of the owner of the land on which the project is located when the project no longer meets the exemption requirements. If the land is owned by the state of California or the United States of America, then the holder of the possessory interest shall comply with this section; or

4. Any development project which has received a vested right to proceed without housing fees pursuant to state law; or

5. Uses operated by nonprofit organizations which provide food storage, meal service, or temporary shelter to the homeless; or

6. Uses operated by nonprofit organizations which provide essential services (such as medical or emergency care) without cost to the recipient, and serve primarily lower income households whose housing needs are addressed by this title; or

7. All uses labeled “E” in the matrix contained in Appendix D, set out at the end of this chapter.

B. Definitions. For purposes of this chapter:

“Addition” means adding gross square feet to an existing nonresidential development project subject to this chapter.

“Construction” means a new nonresidential development project subject to this chapter.

“Gross square feet” means the area included within the surrounding walls of the nonresidential development project as determined by the planning director. This area does not include garages or carports.

“Housing units” means a new dwelling unit of any tenure type or price, including the rehabilitation of dangerous residential buildings as defined in chapter 8.96 of this code.

“Interior remodel” means a tenant improvement which results in a change in the type of use of a previously occupied nonresidential development project that increases the employee density of the project as determined by the planning director.

“Nonresidential development project” means any commercial or industrial use set forth in Division II of this title, and includes any other use that is determined by the planning director to impact housing demand.

“Planning director” means either the planning director or the director of planning and development as determined by the director of the planning and development department.

17.708.040 Housing fee requirement.

A. Payment of fee as a condition of issuance of a building permit. Except as provided elsewhere in this chapter, no building permit shall be issued for any nonresidential development project subject to this chapter as set forth in section 17.708.030 of this chapter unless and until a housing fee is paid to the building inspector of the city who shall deposit such fee in the housing fund. The amount of the fee shall be computed using the fee schedule set forth in Appendix A to this chapter, except that with respect to building permits issued in the North Natomas community plan area, the fees shall be computed using the fee schedule set forth in Appendix C to this chapter. The fees shall be calculated as follows: gross square feet nonresidential space x (applicable fee by type of use as listed in Appendix A or C, as applicable) = housing payment. For purposes of this chapter, the fees for an interior remodel shall be the fees for the new use as defined in Appendix A or C, as applicable, less any fees that either were paid or would have been paid based on the original use of the building. If the nonresidential development project is in whole or part a replacement for space previously on the site, but demolished within one year prior to the

filing of the application for the new construction or remodel, credit shall be given for the space demolished or to be demolished at the rate applicable to the prior use of that space.

B. Compliance through housing construction. As an alternative to payment of the fee set forth in this chapter, an applicant for a nonresidential development project subject to the housing requirements of this chapter may elect to comply with those requirements partially through the construction of housing as provided in section 17.708.050 of this chapter.

17.708.050 Housing Construction Requirement.

A. Requirement. As an alternative to the fee requirement of section 17.708.040 of this chapter, an applicant for a permit for uses subject to the requirements of this chapter, may elect to perform both of the following prior to the issuance of a building permit for such activity: (1) pay a fee that is at least 20% of the fee required pursuant to section 17.708.040 of this chapter; and (2) demonstrate that it will construct or cause to be constructed any value or tenure type of housing as determined by the following formula: gross square feet nonresidential space x (applicable factor by type of use as listed in Appendix B or C to this chapter as applicable) = housing units. No building permit shall be issued by the building inspector for any nonresidential development project unless and until the planning director has certified that the requirements of this chapter have been met.

Housing units constructed in compliance with this option shall not be applied or transferred from one joint venture partnership as defined in subsection B of this section to another partnership.

Notwithstanding the requirements of this paragraph, the minimum fee shall become at least 40% of the fee required pursuant to section 17.708.040 of this chapter and listed in Appendix B, set out at the end of this chapter.

B. Approval of proposal by the planning director. An applicant who chooses to comply with the requirements of this chapter partially through the construction of housing shall submit to the planning director sufficient information to enable the planning director to determine that the applicant will construct or cause to be constructed the required number of housing units. The application shall demonstrate that the applicant possesses the financial means to commence and complete the construction of the housing within the required time period.

Where the applicant intends to construct housing units through participation in a joint venture, partnership, or similar arrangement, the applicant must certify to the planning director that the applicant has made a binding commitment, enforceable by the applicant's joint venturers or partners, to contribute an amount to the joint venture or partnership equivalent to or greater than the amount of the fee they would otherwise be required under section 17.708.040 of this chapter, less the portion of the housing requirement of this section actually met through the payment of fees, and that such joint venture or partnership shall use such funds to develop the housing subject to this section. No nonresidential

building permit shall be approved until the applicant has paid in full or has posted an irrevocable letter of credit or other form of financial security acceptable to the planning director in the amount of the monetary contribution. Also, the city may require a lien on either the nonresidential or residential property to assure compliance with this chapter.

The planning director may issue guidelines for the administration of this requirement. If the planning director approves the proposal, he or she shall issue a certificate so indicating. This certificate shall be recorded and indicate that compliance with this chapter is an obligation of the owner of the nonresidential property.

C. Commencement of construction. Within one year of the issuance of the first building permit for a use subject to this chapter, the applicant shall provide written certification to the planning director that it has commenced construction of the housing units under this subsection. No certificate of occupancy for the nonresidential use shall be issued by the building inspector until the applicant complies with this subsection. This one year period may be extended by a maximum of two one-year periods based on evidence submitted by the applicant, if the planning director determines that: (1) there is good cause for an extension or an additional extension, (2) the failure to comply with the time limits of this subsection is beyond the owner's control, and (3) the owner has made a reasonable effort to comply with this subsection.

D. Completion of the housing requirement. The applicant shall obtain a final inspection from the building inspector for the housing required by this subsection within two years of the issuance of the first building permit for nonresidential use subject to this section. This time period may be extended by the planning director by a maximum of two one-year periods upon showing good cause as defined in subsection C of this section.

E. Fractional housing units. In the event the application of Appendix A, B or C of this chapter to an applicable project creates an obligation to construct a fractional housing unit, that fraction shall be converted into an addition to the housing fee, or in the alternative at the discretion of the planning director, an additional unit.

F. Location of housing units constructed.

1. Requirements. Housing units constructed under subsection A of this section shall be located on infill sites meeting the following criteria as defined in chapter 17.108 .

a. Residentially zoned vacant lot that is either a designated infill site, located within a designated infill area or the site is located in an area designated in the community or general plans for infill development; or

b. Sites other than those located within a designated infill area may also qualify provided they meet all of the following criteria established in the infill ordinance:

i. The lot is surrounded on at least three sides by development consistent with the uses planned for the surrounding property, and

ii. That lots zoned R-1 and R-2 are under five acres in size and lots zoned R-IA through R-5 (except for R-2) are under two acres in size unless the planning and design commission determines that they may exceed the size standards through a conditional use permit approval, and

iii. The lot has existing public services or is located in a proposed or existing assessment district that will ensure the provision of required services.

2. Requirements within the central city area. At the discretion of the planning director and the SHRA director, housing units constructed under this build option may be located on nonresidential sites within the central city suitable for residential or residential/mixed use. The planning director and the SHRA director may permit a nonresidential applicant to dedicate air rights or land to the city in lieu of payment of the fee or construction of housing units provided that: (a) the fair market value of such land or air rights shall be equal to or greater than the amount of fee otherwise required; and (b) the site is of sufficient size to build the number of units otherwise required under the build option.

G. Failure to cause housing construction. In the event certification of housing construction is not provided as required by this section, the planning director will determine an amount equal to 150% of the fee which would have been due and owing under section 17.708.040 of this chapter to be paid to the city together with interest accrued from the date of the first building permit issuance for the nonresidential use and shall so notify the applicant.

If the applicant fails to demonstrate good cause for the nonpayment, said amount shall be assessed against the applicant. If this amount is not paid by the applicant within 60 days of the expiration of the applicable time period, the city shall record a special assessment lien against the nonresidential subject to this section in the amount of any fee and interest owed, or in the alternative the certificate of occupancy shall be revoked for the nonresidential use.

After appropriate notice, the city council shall hold a special assessment hearing. If the assessment is confirmed, the delinquent fee shall constitute a special assessment against the parcel or parcels used in the development project subject to this section. Each such assessment shall be subordinate to all existing special assessment liens previously imposed upon such parcel and paramount to all other liens except for those state, county, and municipal taxes with which it shall be upon parity. The lien shall continue until the assessment and all interest due and payable thereon are paid to the city.

17.708.060 Variances.

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 10 days of the planning director’s determination pursuant to section17.708.040 or 17.708.050 of this chapter.

B. Application. The application for a variance shall include financial and other information that the planning director determines is necessary for staff to perform an independent evaluation of the applicant's rationale for the variance and shall be a matter of public record.

C. Standards. No variance shall be issued to an applicant unless:

1. Special circumstances, unique to that project and not generally applicable to other projects so that the same variance would be appropriate for any applicant facing similar circumstances, justify the grant of the variance; and

2. The project would not be objectively feasible without the modification; and

3. A specific and substantial financial hardship would occur if the variance were not granted; and

4. No alternative means of compliance are available which would be more effective in attaining the purposes of this chapter than the relief requested.

D. Low Density Employment Uses Requiring Specialized Structures. A variance may be granted in the case of development projects which consist of construction built for and suitable solely for a specific use involving few or no employees. The planning director may designate a list of uses which presumptively may qualify for a variance under this chapter. In the case of a variance granted pursuant to this chapter for a use which involves some employees, the variance may specify a reduced fee applicable to the project. Any variance granted under this chapter shall expire upon the conversion of the building to another use or upon the remodeling of the building to permit additional employees.

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.

17.708.070 Administration.

A. Application procedures for conditional use permits subject to this chapter. Compliance with this chapter will be made a condition of approval of each conditional use permit approved for a nonresidential development project subject to this chapter. The application procedures defined in subsection B of this section shall apply to all conditional use permits applications.

B. Application procedures for building permits subject to this chapter. Applications for building permits for any project subject to the provisions of this chapter shall not be deemed complete unless the application contains: (1) a statement of the number of gross square feet in a nonresidential development project to be constructed, added or remodeled that are subject to the requirements of this section, together with documentation sufficient to support

the application; (2) the intended use or uses for the nonresidential development project by gross square feet; (3) a statement of an election by the applicant as to its choice of compliance with requirements of this section through payment of the fee (section 17.708.040), or construction of housing (section 17.708.050).

If compliance is purely through the payment of the fee, a copy of the building permit application shall be transmitted to the planning director by the building inspector. If the compliance is through a combination of payment of fee and construction of housing, the building inspector shall transmit a copy of the building permit application to the director and the applicant shall furnish the information required in this section to the planning director.

C. Determination of fee. The planning director shall determine the amount of fee and/or number of housing units required to be constructed, and shall so inform the building inspector who shall collect the required fee and transmit it to the appropriate fund. Except as provided in subsection D of this section, the planning director shall use the matrix in Appendix D of this chapter to relate the anticipated use of the nonresidential development project to a type of use in Appendix A of this chapter and a resulting fee per square foot, or to identify the use as exempt or requiring a special fee.

D. Special fee determinations. The planning director shall determine the housing trust fund fee based on a case-by-case calculation of employee density in the following situations:

1. In the case of uses listed as “S” in Appendix D of this chapter.

2. In the case of a use which does not fall into one of the uses listed in Appendix D of this chapter and the planning director determines that: (a) the building size is an inappropriate indicator of employee density over the life of the building; or (b) insufficient generalized information is available to permit a determination that the use falls within one of the use categories listed in Appendix D of this chapter; or (c) in the case of large, mixed-use development projects involving the simultaneous construction of different structures and/or different uses, the planning director may utilize the categories in Appendix D of this chapter and the types of uses in Appendix A of this chapter to create a mixed fee to be collected for all building permits in the project.

3. The planning director’s determination of employee density pursuant to this subsection D shall be based on: (a) data concerning anticipated employee density for the project submitted by the applicant; (b) employment surveys or other research on similar uses submitted by the applicant or independently researched by the planning director; or (c) any other data or information the planning director determines relevant. The applicant may appeal the planning director’s determination according to the provisions of section 17.708.060(A) of this chapter. Any application for a building permit for any project where a special fee determination is requested shall be accompanied by information sufficient to enable the planning director to make a determination of employee density pursuant to this subsection.

E. Blended fees for projects with no dominant use. The planning director shall make a determination of a blended fee representing the proportion of the different types of uses listed in Appendix A of this chapter in the following case only:

1. Projects in the M-1 district requiring a conditional use permit due to more than 25% of the total gross square feet dedicated to office use.

F. Revisions to Appendix A, B, C and D.

1. Automatic annual adjustment. The fees set forth in Appendix A, B, C and D of this chapter shall be adjusted automatically to take into consideration inflation on July 1st of each fiscal year, beginning on July 1, 2005, by a factor equal to the percentage increase, if any, of the construction cost index for San Francisco (based on 1913 U.S. average = 100) during the 12 months ending on the preceding March 1st of the prior fiscal year, as published by Engineer News Record/McGraw-Hill Construction Weekly, or any substitute index that the city council adopts by resolution. The planning director shall be responsible for determining the adjustment, of any, to the fees and shall advise the city clerk of the amended fees. The amount of the automatic annual adjustment shall be reported to the city council at the time of the annual evaluation required pursuant to section 17.708.020.

2. Adjustment of fee by resolution. In addition to the automatic annual adjustment, the amount of the fees established by this chapter may be revised periodically by resolution of the city council. Any action by the city council to increase fees shall comply with the provisions of this chapter and Government Code sections 66016 through 66018. The effective date of any resolution adopted by the council that amends the amount of the housing fees established by this chapter shall be established pursuant to section 68017 of the Government Code.

3. Upon amendment of the housing fee, either pursuant to the automatic adjustment or council resolution, the city clerk shall amend Appendix A, B, C and D to reflect the amended amounts. Delays or failure to amend the appendices shall not affect the amount of the amended fee due and owed pursuant to this chapter.

G. Infill area designations. The planning director shall make a determination of infill areas for purposes of this section on an annual basis.

H. Processing fees. The planning and development department shall collect a processing fee to administer the housing trust fund chapter. This fee or fees will be established by city council resolution.

Appendix A
HOUSING FEE REQUIREMENT CITYWIDE

Type of Use	Fee/Building Square Feet
Office	$ 1.84
Hotel	$ 1.74
Research and development	$ 1.56
Commercial	$ 1.47
Manufacturing	$ 1.15
Warehouse/office*	$ 0.67
Warehouse	$ 0.50

* Warehouse buildings with a minor portion (25% maximum) of the space improved for incidental office use.

Appendix B
HOUSING FEE AND CONSTRUCTION ALTERNATIVE CITYWIDE

Type of Use*	20% Fee/Building Sq. Ft.	Housing Unit Factor/ Sq. Ft.
Office	$ 0.37	.000127
Hotel	$ 0.35	.000042
Research and development	$ 0.31	.000091
Commercial	$ 0.29	.000106
Manufacturing	$ 0.23	.000042
Warehouse/office	$ 0.13	.000021
Warehouse	$ 0.10	.000021

* Nonresidential development projects that do not fall within a specific type of use category will be evaluated on a project-by-project basis to determine an appropriate fee and housing unit factor.

Appendix C

HOUSING FEE AND CONSTRUCTION REQUIREMENT NORTH NATOMAS ONLY

Housing Unit Type of Use*	Fee/Building Sq. Ft.	Factor/Sq. Ft.
Highway commercial	$ 2.01	.000296
Community/neighborhood commercial	$ 1.51	.000222
Office/business	$ 1.51	.000222
M-50	$ 1.28	.000191
M-20	$ 1.06	.000157
Light industrial	$ 0.82	.000121

* Each nonresidential development project will be subject to a fee which is based on the applicable North Natomas community plan land use category.

Appendix D

NONRESIDENTIAL LAND USE MATRIX WITH SPECIAL CATEGORICAL FEE DETERMINATIONS AND EXEMPTIONS

Nonresidential Use		Off. $ 1.84	Hotel $ 1.74	R/D $ 1.56	Comm. $ 1.47	Mfg. $ 1.15	Wrh. $ 0.50	Other Fee
Agricultural uses								S
Amusement centers—Indoor only								$ 0.92
Auto sales, service, rental storage	Repair/body shop							$ 1.12
	Sales/service							$ 1.29
Bakery or bakery goods store					X			
Bank—Savings and loan		X						
Barber, beauty shop					X			
Business college trade school					X			
Cabinet shop						X		
Cleaning plant commercial						X		
Cleaning, laundry agency					X			
Convenience market					X			
Dance, music, voice studio					X			
Drive-in restaurant food stand					X			
Equipment rental and sales yard					X			
Florist					X			
Food store delicatessen					X			
Furniture refinishing						X		
Furniture store					X			
Hotel			X					
Laboratory—Medical, dental, optical		X						
Laundry, commercial plant					X			
Laundromat—Self service center					X			
Mortuary/crematorium								E
Motel			X					
Nursery for flowers and plants					X			
Offices		X						

	Off. $ 1.84	Hotel $ 1.74	R/D $ 1.56	Comm. $ 1.47	Mfg. $ 1.15	Wrh. $ 0.50	Other Fee
Medical clinic or office	X						
Nonresidential care facility							S
Parking lot, garage or facility							E
Photographic studio				X			
Prescription pharmacy optician				X			
Printing and blueprinting				X			
Recycling center					X		
Reducing salon—Masseur, racquetball, judo school							$ 0.92
Restaurant—Bar				X			
Retail stores and services				X			
Gas station							$ 1.43
Shop for building contractor							$ 1.12
Sign shop				X			
Tire shop, including recapping				X			
Trailer sales yard							$ 0.83
Used car lot							$ 1.29
Wholesale stores and distributors						X	
Commercial recreational vehicle storage							E
Christmas tree sales lots							E
Adult entertainment establishment or activity				X			
Astrology and related practices				X			
Adult related establishment				X			
Bus and other transit terminals, depots and passenger stations, public and private							S
Mini storage/individual storage/locker buildings							E
Bus and other transit vehicle maintenance and storage							S
Halloween haunted house							E
Bed and breakfast inn		X					
Towing service and vehicle storage yard							$ 1.12

	Off. $ 1.84	Hotel $ 1.74	R/D $ 1.56	Comm. $ 1.47	Mfg. $ 1.15	Wrh. $ 0.50	Other Fee
Alcoholic beverage sales for off-premises consumption							E
Bar				X			
Appliance repair shop				X			
Delivery service							S
Janitorial service company							S
Pest control company							S
Sports complex							S
Child care center							E
Reverse vending machine							E
Mobile recycling units							E
Small recyclable material collection facility							E
Temporary parking lot							E
Drive-up service facility							S
Nonprofit organization—Food storage and distribution							S
Nonprofit organization—Food preparation for off-site consumption							S
Nonprofit organization—Meal service facility							S
Industrial Use							
Beverage bottling plant					X		
Billboard manufacture					X		
Boat building (small)					X		
Concrete batch plant					X		
Cement or clay products manufacturing					X		
Contractor's storage yard							$ 1.12
Dairy products processing					X		
Food processing plant					X		
Fuel yard							$ 0.83
Ice manufacture—Cold storage plant						X	
Junk yard							S
Lumber yard—Retail							$ 1.12
Machine shop					X		
Monument works, stone					X		
Petroleum storage					X		
Planing mill					X		
Public utility yard							E

	Off. $ 1.84	Hotel $ 1.74	R/D $ 1.56	Comm. $ 1.47	Mfg. $ 1.15	Wrh. $ 0.50	Other Fee
Recycling plant					X		
Railroad yard or shops							S
Terminal yard, trucking							$ 0.83
Truck and tractor repair							$ 1.12
Warehouse wholesaling						X	
Assembly or electrical and electronic equipment			X				
Assembly of plastic and rubber items			X				
Garment shop					X		
Laboratory research and experimental			X				
Manufacturing, assembly and treatment of merchandise			X				
Plating with storage					X		
Metal fabrication					X		
Other Nonresidential Use (Conditional Use Permit Use)							
Major medical care facility							$ 2.86
Animal hospital or dog kennel	X						
Animal or poultry slaughter							S
Amusement enterprise—Outdoor							S
Drive-in theater							S
Golf course							S
Hog ranch							S
Livestock feed and sales yard							S
Private club—Social center							S
School—Private, nonprofit							$ 1.52
Church							E
Marinas							S
Other Use							
Flea market							S
Residential care facility							$ 1.12

X - Project is subject to fee for nonresidential use category.
S - Fee amount determined by planning director on a project-by-project basis.
E - Nonresidential project is exempt from this chapter.

Chapter 17.712
Mixed Income Housing

17.712.010 Purpose and intent.

This chapter is intended to provide that residential projects in new growth areas contain a defined percentage of housing affordable to low income and very low income households, to provide for a program of incentives and local public subsidy to assist in this effort, and to implement the mixed income policies of the housing element of the city's general plan.

17.712.020 Definitions.

As used in this chapter,

"Affordable" means rented at an affordable rent or sold at an affordable housing price.

"Affordable housing price" means a sales price at which low income or very low income households can qualify for the purchase of for-sale inclusionary units. Qualification shall be based on no more than 35% of income being applied to housing expenses, which shall include mortgage principal and interest, taxes, insurance, and assessments.

"Affordable rent" means (1) for a unit whose occupancy is restricted to a low income household, a monthly rent consisting of a maximum of one-twelfth of 30% of 80% of the median income applicable to Sacramento County; and (2) for a unit whose occupancy is restricted to a very low income household, a monthly rent consisting of a maximum of one-twelfth of 30% of 50% of the median income applicable to Sacramento County. In each case the median income applicable to Sacramento County is as determined annually by the United States Department of Housing and Urban Development. Maximum rent is adjusted for household size appropriate to the unit, less a reasonable allowance for utilities.

"City" means the city of Sacramento.

"Developer" means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities that seeks city's approvals for all or part of a development project. "Developer" includes "owner."

"Development agreement" means an agreement entered into between the city and a developer pursuant to section 65864 of the Government Code and chapter 18.16 of this code.

"Development project" means any real estate development project in a new growth area that includes market rate residential units. Projects at one location undertaken in phases, stages or otherwise developed in distinct sections shall be considered a single development project for purposes of this section.

“Dwelling unit” means a residential unit within a development project.

“Exclusively single-unit dwelling” refers to a project that contains land zoned for single-unit dwellings, but insufficient land zoned for or permissive of multi-unit dwellings to accommodate the very low income portion of the inclusionary housing component on-site. Where land zoned for single-unit dwellings and land planned, zoned for or permissive of multi-unit dwellings residential use exist at one location as of the time of the first legislative entitlement for any parcel or portion thereof, the totality of such land shall be considered in determining whether the subject project is exclusively single-unit dwellings.

“External subsidy” means any source of funds that is not local public funding, including federal or state grants, loans, bond funds, tax credits or other tax-based subsidy.

“First-time home buyer” means that neither the purchaser nor the purchaser’s spouse has owned a home during the past three years, or that the purchaser meets at least one of the following criteria:

1. The purchaser is a displaced homemaker, defined as a person who has not worked full-time for a number of years, worked primarily without remuneration to care for the home and family, is unemployed or underemployed, is experiencing difficulty in obtaining or upgrading employment, and, while a homemaker, owned a home with a previous spouse;

2. The purchaser is single (unmarried or legally separated), has one or more minor children of whom purchaser has custody, and, while previously married, owned a home with a previous spouse; or

3. The purchaser owns or owned as a principal residence during the past three years, a dwelling unit which structure is not permanently affixed to a permanent foundation in accordance with the city code, or is not and cannot be brought into compliance with city code for less than the cost of replacing the structure.

“Housing trust fund” means the fund created by the city, administered by the SHRA, and codified in chapter 17.708.

“Inclusionary housing agreement” or “agreement” means the agreement described in section 17.712.110 between a developer and the SHRA setting forth the manner in which the inclusionary housing component requirement of this chapter will be met in the development project.

“Inclusionary housing component” means the inclusionary housing units included in or provided by a development project as specified in this chapter.

“Inclusionary housing plan” means the plan described in section 17.712.110 setting forth the elements of a development project’s inclusionary housing component and the manner in which the inclusionary housing component will be implemented.

“Inclusionary housing unit” or “inclusionary unit” means an ownership or rental dwelling unit developed as a part of the inclusionary housing component of a development project as provided in this chapter.

“Inclusionary incentives” means the fee waivers or reductions, planning and building standards waivers or reductions, regulatory incentives or concessions, and local public funding provided by the city or SHRA to a development project to assist in the provision of the inclusionary housing component.

“Initial owner” means the first person or persons to purchase a new for-sale inclusionary unit for his, her or their primary residence.

“Legislative entitlements” means and includes general and community plan amendments, zonings and rezonings, planned unit development (PUD) schematic plans and amendments thereto, planned unit development guidelines and amendments thereto, and development agreements.

“Local public funding” means loans and grants from the housing trust fund, federal HOME Investment Partnership Program (“HOME” funds), redevelopment area tax increment housing set-aside funds, and other funds originating from or administered by the city, the SHRA, or the county of Sacramento.

“Low income household” means a household whose income does not exceed 80% of median income applicable to Sacramento County, adjusted for family size as published and annually updated by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937.

“Major legislative entitlements” means all legislative entitlements and amendments to legislative entitlements which are not minor legislative entitlements.

“Minor legislative entitlements” means legislative entitlements or amendments to legislative entitlements which satisfy one or more of the following:

1. Entitlements that do not result in any of the following criteria as defined by the North Natomas community plan target average densities: a net loss of residential acreage; a net loss of acreage of land designated for high density residential (HDR) or medium density residential (MDR) development, unless the HDR total residential units replace the loss of MDR residential units; or a net loss of total residential units;

2. Entitlements that are the result of, and required by, amendments to public facilities or roadways designated in the North Natomas community plan; provided further that the entitlements are limited to addressing the amendments required by the city or other public agency;

3. Entitlements that are limited to amendments to a previously approved planned unit development (PUD) schematic plan, or PUD development guidelines, provided that the amendments do not result in a loss of more than five percent between the density of the proposed project and the density of the previously approved project

“Market rate” means not restricted to an affordable housing price or affordable rent.

“Multi-unit dwellings” means residential units planned, approved, or built on land planned or zoned for other than single-unit dwellings.

“New growth areas” means (1) the newly developed communities identified on the map in Attachment A to this chapter; (2) major redevelopment opportunity areas, including the Sacramento Railyards special planning district and the Curtis Park West railyards site as identified on Attachment A; and (3) any future annexation areas of the city.

“Off-site” means outside of the boundaries of a development project.

“One location” means all adjacent land owned or controlled by the same owner or a related owner, the property lines of which are contiguous at any point, or the property lines of which are separated only by a public or private street, road, or other public or private right-of-way.

“Owner” means and includes the person, persons, partnership, joint venture, association, corporation, or public or private entity having sufficient proprietary interest in real property to commence, maintain, and operate a development project.

“Percent” means a one-hundredth part. In applying percentages referred to in this chapter, any portion of a percent less than one-half shall be disregarded and any portion of a percent one-half or greater shall be rounded up to the next whole number.

“Project level approval” means and includes a tentative subdivision map, a conditional use permit, or other administrative or adjudicatory approval or determination in connection with a development project.

“Related owner” means a person or entity, including, but not limited to, partnerships, limited partnerships, and corporations, that has any of the following relationships with an owner: (1) they share the majority of members of their governing boards; (2) they share two or more officers; (3) they are owned or controlled by the same majority shareholder(s) or general partner(s); (4) they are in a parent-subsidiary relationship; or (5) the person is a sibling, offspring or parent of an individual owner. For purposes of this section, a controlling interest means 50 % or more of the voting power of a corporation, and a parent-subsidiary relationship exists when one corporation owns, directly or indirectly, 50 percent or more of the voting power of another corporation. For purposes of this section, a person and any general partnership in which the person is a general partner, or a person and any corporation in which the person owns a controlling interest, shall be treated as one and the same.

“Residential projects” means the entirety of a residential development with market rate units in a development project subject to the requirement to provide an inclusionary housing component as specified in this chapter.

“SHRA” means the Sacramento Housing and Redevelopment Agency, a joint powers agency, and its city constituent entities, the Housing Authority of the City of Sacramento and the Redevelopment Agency of the City of Sacramento.

“Single-unit dwelling” means planned, approved or built-on land planned or zoned solely for a permitted residential density of one unit per parcel. Where such a planning or zoning single-unit dwelling designation also allows by right or as a conditional use duplexes, secondary dwelling units, or similar uses, the designation is nonetheless considered single-unit dwellings for purposes of the inclusionary housing component and the other provisions of this chapter.

“Very low income household” means a household whose income does not exceed 50% of the median income, adjusted for household size, applicable to Sacramento County, as published and periodically updated by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937.

“Zoning code” means Title 17 of this code as it may be amended from time to time.

17.712.030 Standard inclusionary housing component.

A. Inclusionary housing component required. All development projects not exempt under section 17.712.070 shall include or provide for an inclusionary housing component as set forth in this chapter.

B. Number and affordability of inclusionary units.

1. Not less than 15% of the development project’s residential units shall be inclusionary units developed for, offered to, and leased or sold at an affordable rent or housing price to very low and low income households as follows: 10% of the dwelling units shall be affordable to and occupied by very low income households and 5% of the dwelling units shall be affordable to and occupied by low income households.

2. Notwithstanding the provisions of subsection B.1 of this section, the inclusionary housing component for exclusively single-unit dwelling development projects that are five gross acres or less in size, if met on site, may consist of for-sale inclusionary units developed for, offered for sale to, and sold at an affordable housing price to low income households as follows: 15% of the development project’s residential units shall be affordable to and occupied by low income households.

C. Location of inclusionary units. Except as provided in section 17.712.060, inclusionary units shall be built on the site of the development project.

D. Timing of development. The inclusionary housing plan and inclusionary housing agreement shall include a phasing plan which provides for the timely development of the inclusionary units as the residential project is built out. The phasing plan shall provide for development of the inclusionary units concurrently with the market rate units, unless the phasing schedule approved in the inclusionary housing plan under section 17.712.110 provides otherwise.

E. Unit size. The inclusionary housing component shall accommodate diverse family sizes by including units with different numbers of bedrooms, as determined by the planning director, upon recommendation by the SHRA director.

F. Exterior appearance. Inclusionary units shall be visually compatible with the market rate units. External building materials and finishes shall be of the same type and quality for inclusionary units as for market rate units. Interior materials and finishes may vary pursuant to section 17.712.040.C.

G. Development standards. Except as provided in the inclusionary housing agreement pursuant to sections 17.712.040 and 17.712.110, inclusionary units shall comply with all applicable development standards.

17.712.040 Incentives, assistance, and subsidies.

The developer of a development project with an inclusionary housing component required by this chapter may request that the city or SHRA provide inclusionary incentives as set forth in this section. The goal of these inclusionary incentives is to apply available incentives to qualifying projects in a manner that, to the extent feasible, offsets the cost of providing the inclusionary housing component. The planning director shall respond to that request at the time and in the manner specified in this section, and shall make a determination as to a package of inclusionary incentives for the inclusionary units as provided in this section.

A. Fee waivers or deferrals. Upon application as provided herein, the city shall make available to a residential project developer a program of waiver, reduction or deferral of development fees, administrative and financing fees for inclusionary units. Such a program may include application, on behalf of a developer, to the California Housing Finance Agency to obtain school facility fee reimbursements for eligible projects and credit such funds to offset school fees paid by the project; and application to the county of Sacramento residential impact fee waiver and deferral program for waiver and/or deferral of regional sanitation impact fees.

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.

C. Interior finish reductions. Upon application as provided herein, the city may, to the maximum extent appropriate in light of project design elements as determined by the planning director, allow builders to finish out the interior of inclusionary units with less expensive finishes and appliances.

D. Streamlining and priority processing. The planning director may issue conditional use permits for residential projects that include an inclusionary housing component. The city shall develop further procedures for streamlining and priority processing which relieve inclusionary units of permit processing requirements to the maximum extent feasible consistent with the public health, safety and welfare.

E. Density bonus. The city shall make available to the residential project a density bonus as provided in state density bonus law, including Government Code section 65915, as it may be implemented hereinafter in city ordinance; provided, however, that the affordability requirements to qualify for a density bonus shall be those stated in sections 17.712.030.B.1 and 2 and the other provisions of this chapter. Dwelling units produced as part of such a density bonus shall not be subject to the inclusionary housing component requirement under this chapter.

F. Local public funding. The developer of the inclusionary component may apply to the SHRA for local public funding to assist in the financing and development of the inclusionary housing component. The application shall contain planning and financial information necessary to evaluate the eligibility and suitability of the project for local public funding and shall include timetables or proposals for external subsidy. Local public funding may serve to facilitate state allocation of tax credits, mortgage revenue bond funds, or state or federal assistance to the project ("external subsidy"); provided that the provision of such local public funding requires that the developer diligently pursue such external subsidy and is not intended to substitute for such external subsidy.

17.712.050 Construction of the inclusionary housing component to avoid overconcentration.

A. The following principles shall apply to the development of the inclusionary housing component whether on-site or off-site:

1. The inclusionary housing plan shall provide for the dispersal of buildings containing inclusionary units to the maximum extent feasible;

2. Multi-unit dwelling buildings may contain any proportion of inclusionary units. However, no multi-unit dwelling development consisting of more than 50% inclusionary units may be located adjacent to another multi-unit dwelling development with more than 50% inclusionary units, or adjacent to an affordable housing development.

B. For purposes of this section, an affordable housing development means a building containing more than eight units, or a cluster of such buildings under one ownership, consisting of more than 50% assisted units for low and very low income households receiving local public funding. When considering a request to amend an approved inclusionary housing plan under section 17.712.110.B.3 the decision maker may allow for variation from these principles, but only to the extent necessary, if an alternative configuration of inclusionary units is required by funding or financing considerations associated with the development of the inclusionary units or by the applicable residential land use designations within and adjacent to the residential project.

17.712.060 Alternatives to the standard inclusionary housing component—Land dedication and off-site inclusionary housing.

A. Off-site inclusionary units. The inclusionary housing obligation of an exclusively single-unit dwelling project may be satisfied in whole or part by development of inclusionary units on another site located within the same new growth area and within the same community plan area as the exclusively single-family project.

1. Site suitability. The land proposed for off-site development must be suitable from the perspectives of size, configuration, physical characteristics, physical and environmental constraints, access, location, adjacent use, and other relevant planning criteria.

2. Number of inclusionary units credited. The number of inclusionary units credited to the exclusively single-unit dwelling project will consist of the number of inclusionary units that can, with a reasonable degree of certainty, be developed on the off-site land, given: (a) the mix of inclusionary unit sizes and type of structure in the inclusionary housing plan; (b) densities permitted by applicable planning and zoning designations; and (c) site, infrastructure, environmental and other physical and planning constraints. In no event may the number of inclusionary units credited to the exclusively single-unit dwelling project for the off-site development exceed the exclusively single-unit dwelling project's total inclusionary obligation. In no event may the off-site inclusionary units credited to any exclusively single-unit dwelling project be transferred to any other project or person.

3. The land selected for off-site inclusionary housing development shall be subject to the requirements of this chapter for its own inclusionary housing obligation unless exempt under section 17.712.070.

4. Participation by multiple developers. Two or more developers with an inclusionary housing obligation may request to participate in the same off-site development if the following conditions are met: (a) all the residential projects are in the same new growth area,

and (b) each inclusionary housing unit may only be credited to one exclusively single-unit dwelling project.

5. Timing of development. Legislative entitlements and/or project-specific approvals for both the exclusively single-unit dwelling project and the inclusionary units on off-site land shall proceed concurrently, unless the phasing schedule in the approved inclusionary housing plan provides otherwise.

6. Implementation. As early as possible in the regulatory process, and in no case later than the negotiation of the inclusionary housing agreement as provided in section 17.712.110, the developer of the exclusively single-unit dwelling project must demonstrate ownership of the off-site location, or adequate control of the use of the off-site location through joint ownership, joint venture or contractual commitment with a third party to purchase the site and provide the inclusionary units. If necessary to ensure that inclusionary housing units are developed contemporaneously with the market rate units, the inclusionary housing plan may require the demonstration of off-site control to occur concurrently with the approval of the first legislative entitlement, or at any time thereafter.

B. Land dedication. The developer of any development project subject to this chapter may dedicate a portion of the land within the residential development site to SHRA at no cost to fulfill all or a portion of the inclusionary housing obligation for the development project. The developer of an exclusively single-unit dwelling project may dedicate land outside of its development project, but within the same new growth area and the same community plan area as the development project, to SHRA, at no cost, to fulfill all or a portion of the inclusionary housing obligation of the exclusively single-unit dwelling project.

1. Site suitability. The land proposed for dedication must be suitable from the perspectives of size, configuration, physical characteristics, physical and environmental constraints, access, location, adjacent use, and other relevant planning criteria. In addition, the land proposed for dedication must have characteristics consistent with affordable housing financing program criteria and be deemed qualified for financing under these programs by SHRA.

2. Number of inclusionary units credited. The number of inclusionary units credited to the residential development project will consist of the number of inclusionary units which can, with a reasonable degree of certainty, be developed on the dedicated land, given: (a) the mix of inclusionary unit sizes and type of structure in the inclusionary housing plan; (b) densities permitted by applicable planning and zoning designations; and (c) site, infrastructure, environmental and other physical and planning constraints. In no event may the number of inclusionary units credited to the residential project for the land dedication exceed the residential project's total inclusionary obligation. In no event may the inclusionary units credited to any residential project be transferred to any other project or person.

3. The land selected for off-site dedication shall be subject to this chapter for its own inclusionary housing obligation unless exempt under section 17.712.070. For purposes of

this section, the number of inclusionary units attributable to the land proposed to be dedicated means 15% of the maximum allowable residential density of the land proposed to be dedicated.

4. Participation by multiple developers. Two or more developers with an inclusionary obligation may request to participate in the same off-site land dedication if the following conditions are met: (a) all the residential projects are in the same new growth area, and (b) each inclusionary housing unit may only be credited to one residential project.

5. Timing of development. The developer must identify the site proposed to be dedicated and the number of proposed units to be credited as part of the inclusionary housing plan required in section 17.712.110. Prior to the development project receiving legislative entitlements and/or project-specific approvals, the dedicated land shall be properly zoned and adequately served with necessary infrastructure, unless the phasing schedule in the inclusionary housing plan provides otherwise. As early as possible in the regulatory process, and in no case later than the negotiation of the inclusionary housing agreement as provided in section 17.712.110, the developer of the residential project must provide an irrevocable offer of dedication for the site to SHRA at no cost. If necessary to ensure that inclusionary housing units are developed contemporaneously with the market rate units, the housing plan may require the offer of dedication to be tendered concurrently with the approval of the first legislative entitlement, or any time thereafter. Upon acceptance of the offer of dedication, SHRA shall ensure the site is developed in a manner that will result, at a minimum, in the production of: (a) the number of inclusionary units credited to the site(s); and (b) the additional number of inclusionary units necessary to ensure that there is no net loss of inclusionary units caused by the development of the dedicated site as an affordable housing development while reducing or eliminating the requirement to construct inclusionary units on the site of the development project.

C. Approval of housing plans containing land dedication or off-site inclusionary 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 17.712.030, 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.

17.712.065 Alternative to the standard inclusionary housing component—Residential condominium projects.

A. Conditional use permit required. The inclusionary housing obligation of a multi-unit dwelling condominium development project that is 200 units or less in size may be satisfied under this section upon approval of a planning and design commission conditional use permit under section 17.808.200. For purposes of this section, a multi-unit dwelling condominium development project means a multi-unit dwelling development project characterized by individual ownership of each dwelling unit and joint or common ownership of the common areas. Multi-unit dwelling condominium development does not include single-unit dwelling residential projects as defined in section 17.712.020.

B. Requirements. The inclusionary housing component approved under this section shall consist of on-site, for-sale inclusionary units developed for, offered for sale to, and sold at an affordable housing price to very low and low-income households as follows: 5% of the dwelling units shall be affordable to and occupied by very low-income households and 10% of the dwelling units shall be affordable to and occupied by low-income households.

C. Approval of housing plan for residential condominium projects—Required findings for conditional use 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 conditional use permit for an inclusionary housing plan under this section, and in addition to the findings required by section 17.808.200, 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 17.712.030.

3. Approval by the city council. For development projects that require legislative entitlements, the conditional use 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 conditional use permit and legislative approvals.

4. Approval by the planning and design commission. For projects that require only non-legislative, adjudicatory entitlements, the conditional use 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 conditional use permit and applicable non-legislative adjudicatory approvals.

17.712.070 Exempted residential development.

The following development projects are exempt from this chapter and generate no obligation to provide an inclusionary housing component:

A. Development projects proposed to contain nine or fewer dwellings at one location;

B. Development projects outside of a new growth area;

C. Rehabilitation of existing residential dwellings;

D. Units produced as a density bonus;

E. Residential projects made up entirely of mobile homes as defined in section 17.108;

F. Any residential project in the North Natomas community plan area which is the subject of a development agreement executed on or before June 20, 2000, unless subsequent to June 20, 2000 the residential project requires the approval of one or more

legislative entitlements or amendments to legislative entitlements which are major rather than minor, in which case the residential project shall not be exempt from inclusion of the inclusionary housing component or from the other provisions of this chapter;

G. Residential projects in the North Natomas community plan area which had an approved development agreement on or before June 20, 2000 and which contemplated a particular type of development, as described in Exhibit B to its respective development agreement, shall be exempt from inclusion of the inclusionary housing component or the other provisions of this chapter even though one or more legislative entitlements are required; provided that the legislative entitlements or amendments to legislative entitlements are consistent with and necessary to develop the residential project described in Exhibit B. If legislative entitlements or amendments to legislative entitlements are required to develop a project different from the residential project described in Exhibit B, the revised residential project shall be subject to the requirement to provide the inclusionary housing component and the other the provisions of this chapter unless the legislative entitlements or amendments to legislative entitlement are minor;

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.

I. Any residential project for development of single-unit dwelllings on subdivision lots created pursuant to a final map recorded on or before June 20, 2000 where the only remaining discretionary entitlements required to develop the project are one or more of the following nonlegislative entitlements: conditional use permit, variance, or site plan and design review.

17.712.080 Duration of affordability for rental inclusionary units.

A. Rental inclusionary units shall remain affordable for a period of no less than 30 years from the recordation of the inclusionary housing agreement.

B. For-sale inclusionary units shall remain affordable for a period of not less than 30 years from the date of recordation of the inclusionary housing agreement and from the date of any resale to an income-eligible buyer made at a time the inclusionary unit is subject to affordability restrictions under this chapter.

17.712.090 Affordability and resale of for-sale units.

A. Affordability. The owner of a development project subject to an inclusionary housing agreement shall sell the inclusionary housing units to income-eligible initial owners at an affordable price. The initial sale and any subsequent sale to an income-eligible purchaser shall be subject to the recordation by SHRA of legal documents to enforce the affordability, resale, and recapture requirements described in this section for a period of not less than 30 years. Legal documents may include an interest-bearing note, a deed of trust, and a regulatory agreement or other affordability covenant. To the extent possible, affordability and resale requirements shall be designed to be compatible with conventional mortgage financing programs, including secondary market requirements.

B. Resale procedure.

1. If the initial owner or any subsequent owner of a for-sale inclusionary unit intends to sell the unit at a time that the unit is subject to affordability restrictions, the owner shall notify SHRA in writing of the intent to sell, prior to initiating discussions with a real estate professional or taking any other steps to market the unit. Upon receipt of the notice from the owner, SHRA, or its assignee, shall have 120 days to either: (a) identify, qualify as income eligible, and refer to the seller an income-eligible buyer; or (b) give notice to the seller that SHRA, or its assignee, will acquire the unit. If SHRA, or its assignee, gives notice of intent to acquire the unit, it shall complete the transaction to purchase the property within 30 days from the date it provides the notice of intent.

2. If the owner receives either a referral of an income-eligible buyer or a notice of intent to acquire from SHRA, or its assignee, the owner shall sell the unit to the referred buyer or to SHRA, or its assignee, at the resale price established by SHRA as provided in subsection C of this section.

3. If, within the timeframes specified, SHRA, or its assignee: (a) does not refer an income-eligible buyer to owner; and (b) does not give notice of intent to acquire or does not complete the purchase of the unit, the inclusionary unit may be sold to a non-income eligible buyer. The sale to a non-income eligible buyer shall be subject to the recapture provisions of subsection C.2 of this section. Thereafter, affordability restrictions applicable to the unit shall terminate. SHRA shall apply all funds recaptured at resale to subsidize other inclusionary housing units.

C. Resale price. SHRA shall establish the resale price for inclusionary units as follows:

1. For income-eligible buyers, the resale price shall be based on the lesser of: (a) market value, as established by an appraiser approved by SHRA; or (b) the new affordable price as established by SHRA for the appropriate income level of the buyer. Should the resale price be less than the last affordable sales price, or should the resale price be insufficient to ensure that the seller receives his or her original investment in the unit as well as reasonable and customary closing costs, SHRA shall allow the resale price to be increased to cover these costs. SHRA may also allow a higher resale price for owners occupying the unit for a substantial period of time and making capital improvements to the unit.

2. For non-income eligible buyers, the resale price shall be based on the market value established by an appraisal approved by SHRA. The seller shall receive the amount of the resale price established by SHRA under subsection C.1 of this section. The remaining proceeds of the sale shall be paid to SHRA as recapture funds.

17.712.100 Occupancy requirement.

A. Rental units. Any person who occupies a rental inclusionary unit shall occupy that unit as his or her principal residence.

B. For-sale units. An owner who purchases a for-sale inclusionary unit shall occupy that unit as his or her principal residence, and shall certify to the developer or seller of the unit that he or she is a first-time home buyer.

17.712.110 Administration of the inclusionary housing component.

A. Proposed inclusionary housing plan. At the time of and as part of the application for the first legislative entitlement for a development project, or in the case of projects that do not require legislative entitlements, the first non-legislative adjudicatory entitlement, the developer of a development project shall present to the city a draft inclusionary housing plan which shall contain, at a level of detail appropriate to the entitlement, the number, unit mix, location, structure type, affordability, and phasing of inclusionary units. If land dedication or an off-site location is proposed, the draft plan shall include information necessary to establish site location, suitability, development constraints, and the number of inclusionary units credited.

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 commission or zoning administrator approval of inclusionary housing plan. The inclusionary housing plan for development projects requiring only non-legislative, adjudicatory entitlements subject to planning 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 the city council pursuant to section 17.812.060. Notwithstanding any other provision of this code to the contrary, an appeal of the decision of the planning and design commission or zoning administrator on the housing plan for a project shall also constitute the appeal 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 conditional use 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 17.812.060. Notwithstanding section 17.812.060.A.2, the decision by the planning and design commission approving or denying the housing plan on appeal shall be subject to appeal to the city council pursuant to section 17.812.060. Notwithstanding any other provision of this code to the contrary, an appeal of the decision of the planning director or planning and design commission on the housing plan for a project shall also constitute the appeal of the decision of the planning director or planning and design commission on each adjudicatory entitlement considered by the planning director or planning and design commission for that project.

d. Notwithstanding section 17.712.110.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 17.712.060.

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 conditional use permit. In approving the amendment, the planning and design commission shall make the findings stated in section17.712.110.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's conditional use permit. In approving the amendment, the planning director shall make the findings stated in section 17.712.110.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, and 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 section 17.712.110.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.

C. Inclusionary housing agreement.

1. Inclusionary housing agreements shall be prepared by SHRA.

2. Except as provided under subsection C.3 of this section, for development projects that require legislative entitlements, no project-level approval may be issued by the city without a recorded inclusionary housing agreement executed by the owner, the developer (if not owner) and the director of SHRA acting with the advice of the planning director.

3. A tentative subdivision map or tentative parcel map may be approved prior to execution or recordation of an inclusionary housing agreement if: (a) an inclusionary housing plan including a phasing plan has been approved; (b) the tentative subdivision map or tentative parcel map contains conditions that enforce the applicable phasing and other requirements of the housing plan; and (c) the legislative entitlements contain provisions that

condition approval of conditional use permits, site plan and design review, or building permits on execution and recordation of and compliance with an inclusionary housing agreement.

4. Development projects that only require approval of one or more non-legislative, adjudicatory entitlements, including, but not limited to, a tentative subdivision or parcel map, conditional use permit, or site plan and design review shall include as a condition that no building permit, grading permit, final map, or other ministerial permit necessary to develop the project shall issue unless and until an inclusionary housing agreement consistent with the requirements of this chapter has been executed and recorded, and the developer or owner has complied with the terms and conditions of that agreement.

5. Timing. For development projects that require legislative entitlements, the inclusionary housing agreement shall be negotiated concurrently with the processing of an application for the first project-level approval, except tentative subdivision maps and tentative parcel maps may issue prior to such negotiation pursuant to subsection C.3 of this section. For development projects that only require approval of one or more non-legislative, adjudicatory entitlements, the inclusionary housing agreement shall be negotiated prior to or concurrent with the processing of the first building permit for the project. At the request of the developer, and if developer makes the project development and financing details set forth in subsections C.6 and C.7 of this section available, the inclusionary housing agreement may be negotiated earlier in connection with the issuance of a legislative or non-legislative, adjudicatory entitlement.

6. Contents. The agreement shall be consistent with the inclusionary housing plan, and shall indicate ownership or rental project, the number and size of very low and low income units, the developer of the inclusionary units, the phasing and construction scheduling of the units, and any other information required by the SHRA relative to the inclusionary housing component. In the case of land dedication or off-site inclusionary housing, the agreement shall also contain the information required in section 17.712.060.

7. Information required from developer. The developer of the development project shall present to SHRA: (a) plans, schematics, and details of phasing of the residential project as a whole including the inclusionary housing component; (b) financial pro-forma for the inclusionary housing component with sufficient economic information to allow for evaluation of feasibility, financing and equity sources and requirements, and rates of return; (c) the name and address of the entity that will develop the inclusionary housing component if not developer; (d) in the case of land dedication, an executed irrevocable offer of dedication at no cost; (e) in the case of off-site location, the evidence of site control required in section 17.712.060; and (f) any other information reasonably required by SHRA in connection with the agreement.

8. If the SHRA or city fail to make available any of the inclusionary incentives agreed to in the inclusionary agreement, the residential project shall be relieved of the portion of the inclusionary obligation that represents the percentage of local public funding committed but not provided. If the local public funding component of the inclusionary incentives is delayed,

SHRA may allow delay of the construction of some or all of the inclusionary units until the local public funding is available. Upon a decision by the city or SHRA that funding is not available for inclusionary units the planning director will initiate an amendment to the housing plan pursuant to section 17.712.110.B.3.

9. Incorporation into project-level approvals and recordation. The developer obligations and the inclusionary incentives in the agreement shall be incorporated into the applicable project-level approvals. The executed agreement shall be recorded as a covenant running with the land against the real property of the residential project and, in the case of off-site inclusionary units, against the real property on which such units are to be located.

D. Administration of affordability for inclusionary housing. The owner of rental inclusionary units shall be responsible for certifying the income of tenants to the SHRA at the time of initial rental and annually thereafter and that the unit is being rented at an affordable price. The owner of a for-sale inclusionary unit shall certify to the SHRA the income of the initial purchaser and shall certify to the SHRA that the initial purchaser is a first-time home buyer and that the unit is being sold at an affordable price. The owner of rental inclusionary units shall apply the same rental terms and conditions (except rent levels, deposits and income requirements) to tenants of inclusionary units as are applied to all other tenants, except as otherwise required to comply with government subsidy programs. Discrimination based on subsidies received by the prospective tenant is prohibited. The city and SHRA shall keep confidential the personal identifying information of the household members occupying an inclusionary unit.

17.712.115 Guidelines.

A. The SHRA multifamily development financing guidelines and the SHRA single-family ownership financing guidelines shall apply to inclusionary housing developed under this chapter.

B. The executive director of SHRA and the planning director, individually or jointly, may adopt guidelines consistent with the terms contained in this chapter, as each may determine to be necessary or convenient for the implementation and administration of this chapter, which guidelines shall become effective upon approval by resolution of the housing authority of the city of Sacramento. The executive director and the planning director, individually or jointly, may adopt administrative procedures to implement the regulations adopted by housing authority resolution.

17.712.120 Administrative fees.

The city council may by resolution establish reasonable fees and deposits for the administration of this chapter.

17.712.130 Taking determination.

Commencing upon execution of the inclusionary housing agreement and within 15 days thereafter, a developer may request a determination that the requirements of this chapter, taken together with the inclusionary incentives, as applied to the residential project through the inclusionary housing agreement, would legally constitute a taking of property of the residential project without just compensation under the California or Federal Constitutions. If the developer and the SHRA have been unable to reach agreement on the terms of an inclusionary housing agreement, the applicable draft for purposes of the taking determination shall be the final draft proposed by the SHRA which the developer may execute under protest without recordation. The developer has the burden of providing economic information and other evidence necessary to establish that application of the provisions of the inclusionary housing agreement to the residential project would constitute a taking of the property of the proposed residential project without just compensation. The SHRA director shall perform an independent evaluation, and make a recommendation to the planning director. The planning director shall make the determination, which may be appealed in the same manner as planning director decisions as provided in chapter 17.812 of this code; provided, however, that the decision of the planning director shall be subject to appeal to the city council. In making the taking recommendation or determination, the decision maker shall assume each of the following: (1) incorporation of the inclusionary housing component in the residential project; (2) application of the inclusionary incentives; (3) incorporation into the residential project of the most cost-efficient product type for the inclusionary units; and (4) external funding where reasonably likely to occur. If it is determined that the application of the provisions of this chapter through the inclusionary housing agreement would be a taking, the inclusionary housing plan and the inclusionary housing agreement shall be modified to reduce the obligations in the inclusionary housing component to the extent and only to the extent necessary to avoid a taking. If it is determined no taking would occur through application of the inclusionary housing agreement to the residential project, the requirements of this chapter remain applicable, and no project-level approval shall be issued unless the developer has executed and recorded the inclusionary housing agreement as proposed by the SHRA.

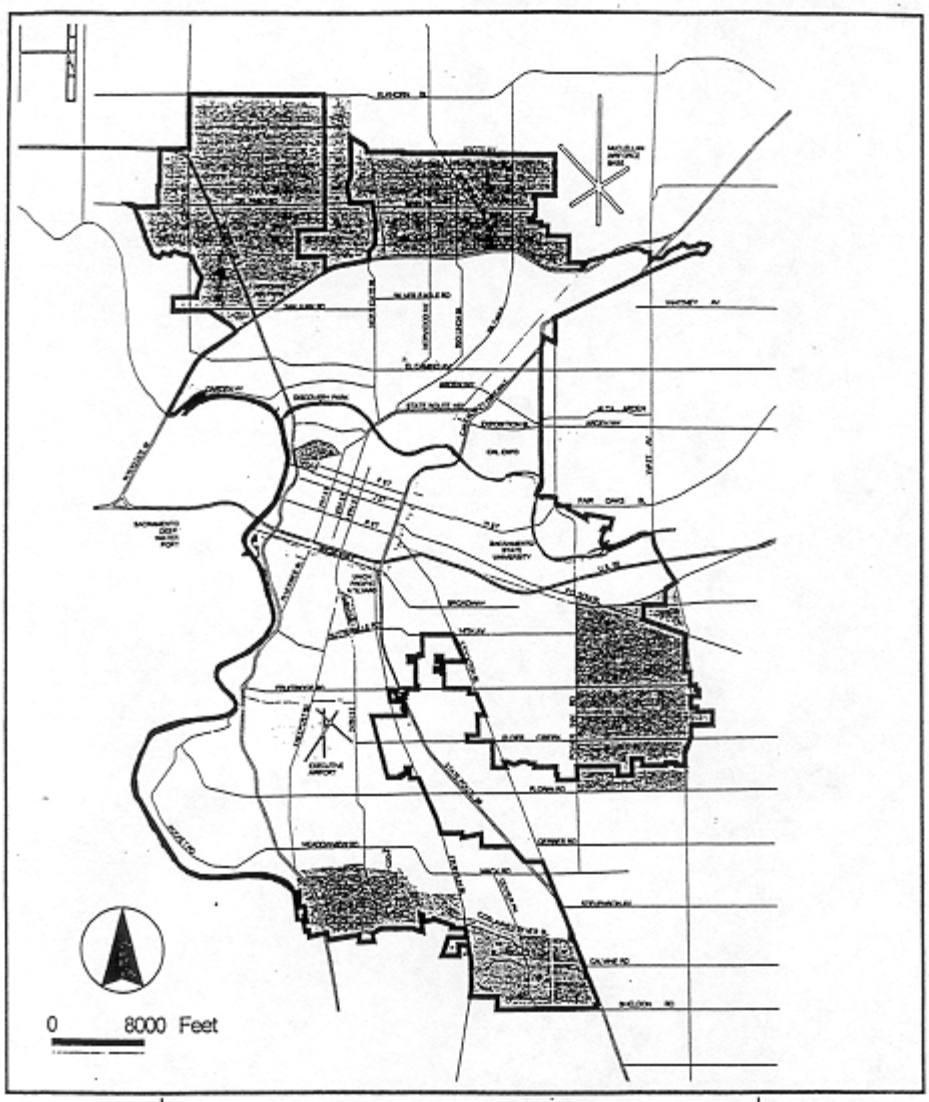
17.712.140 Enforcement and penalties.

A. No legislative entitlement or, in the case of projects that do not require legislative entitlements, no non-legislative entitlement for any development project subject to this chapter shall be issued or valid without an inclusionary housing plan as required by this chapter.

B. No project-level approval shall issue for any development project subject to this chapter unless an inclusionary housing agreement has been executed and recorded, except tentative subdivision maps and tentative parcel maps may issue prior to such recordation pursuant to section 17.712.110.C, and no building permit or certificate of occupancy shall be issued until the inclusionary housing agreement has been recorded as required by this chapter.

C. The city may bring such civil and criminal enforcement actions as are provided for in the city code.

Attachment A
MAP 10-1



AREAS SUBJECT TO MIXED INCOME HOUSING POLICY

Chapter 17.716
Residential Condominium Conversion and New Construction Program

17.716.010 Purpose and Intent.

The city council finds it necessary to establish requirements and procedures for the control and approval of residential condominium new construction and residential condominium conversions. By their unique character and requirements, condominium and condominium conversion projects differ from other subdivisions and apartments. The uniqueness of these projects tend to magnify the effects associated with higher urban densities to the point where they may lead to conditions of mismanagement, neglect, and blight that impact the public health, safety, welfare, and economic prosperity of the city. These projects may conflict with the city policies of providing a reasonable balance of rental and ownership housing within the city and within the city's neighborhoods; providing a variety of individual choice of tenure, type, price and location of housing; and insuring an adequate supply of rental housing for low- and moderate-income persons and families. It is also recognized, however, that these projects may benefit the city by providing a source of low- and moderate-income ownership housing. To insure that problems are avoided in both the short- and long-term, while maximizing the benefits of these projects, it is the intent of the city to treat these projects differently from the multi-unit dwellings or other structures that are not condominium new construction and condominium-conversion projects. This chapter is intended to apply only to residential condominium projects – both new construction and conversions – and to insure these projects are consistent with policies and objectives of the city, particularly the following:

A. To make adequate provision for the housing needs of all economic segments of the community;

B. To facilitate inhabitant ownership of residential units, while recognizing the need of providing a reasonable balance of rental and ownership housing;

C. To help mitigate the impact of eviction for residents of rental units as a result of their units being converted to condominiums;

D. To inform existing tenants and prospective condominium purchasers of the construction or conversion applications, its overall impacts, and the physical conditions of the structure offered for purchase; and

E. To insure that new units being constructed, and rental units being converted to condominiums, meet the reasonable physical standards required by this chapter and all other provisions of this code.

17.716.020 Definitions.

As used in this chapter, certain words and terms have the following meanings:

“Affected community plan area” means the community plan area within which a building proposed for conversion is located and any other community plan area the boundary of which is located within a quarter mile of the building proposed for conversion.

“Applicant” means the owner or subdivider) with a controlling interest in the proposed project, and any successors in interest.

“Association” means the organization created to own, lease, manage, maintain, preserve, and control the lots, parcels, or areas of a project, or any portions thereof or interests therein owned in common by the owners of the separately owned condominium units.

“Building of similar size” All residential buildings with two, three, or four dwelling units are deemed to be of similar size. All residential buildings with five or more dwelling units are deemed to be of similar size.

“Common area” means an entire condominium project, excepting all units therein.

“Comparable housing” means housing as described in section 17.716.050.R.1.c of this chapter.

“Condominium” means and includes:

1. “Condominium” as defined in section 783 of the Civil Code;

2. “Community apartment project” as defined in section 11004 of the Business and Professions Code;

3. “Stock cooperative” as defined in section 11003.2 of the Business and Professions Code; and

4. “Planned development” as defined in section 11003 of the Business and Professions Code.

The term “condominium” includes the conversion of any existing structure for sale pursuant to a method described in subparts (1) through (4) of this definition.

“Condominium conversion” or “conversion” means a change in the ownership of a parcel or parcels of property, together with structures thereon, whereby the parcel or parcels and structures previously used as rental units are changed to condominium ownership.

“Condominium project” or “project” includes the real property and any structures thereon, or any structures to be constructed thereon, that are to be divided into condominium ownership.

“Condominium unit” or “units” means the individual spaces within a condominium project owned as individual estates.

“Eligible tenant” means any tenant who was a resident of the project proposed for conversion on the date notice of intent to convert is given pursuant to section 17.716.050(B)(1) of this chapter and on the date of approval of the conditional use permit and tentative map for the condominium conversion.

“Low income,” when used by itself or as a modifier of a person, household, or other term, means 80% or less of the median income as established annually by the U.S. Department of Housing and Urban Development for the Standard Metropolitan Statistical Area within which the proposed conversion project is located as adjusted for the number of members of the household.

“Moderate income,” when used by itself or as a modifier of a person, household, or other term, means 81% to 120% of the median income as established annually by the U.S. Department of Housing and Urban Development for the Standard Metropolitan Statistical Area within which the proposed conversion project is located as adjusted for the number of members of the household.

“Organization documents” means declaration of covenants, conditions and restrictions, title of incorporation, by-laws, and any contracts for the maintenance, management, or operation of all or any part of a project.

“Residential condominium project” means a condominium project intended for residential occupancy, the conversion of a building used for multi-unit rental housing to condominium ownership intended for residential or nonresidential occupancy, and the conversion of a nonresidential building to condominium ownership intended for residential occupancy.

“Special category” refers to persons or tenants who fall within one or more of the following categories:

1. “Elderly” means individuals 62 years of age or older;

2. “Handicapped” or “disabled,” as defined in section 50072 of the California Health and Safety Code or section 223 of the United States Social Security Act;

3. “Low income,” as defined in this section;

4. “Moderate income,” as defined in this section;

5. “Single heads of households” means residing with one or more minor children.

“Unjust eviction” means an eviction for other than one or more of the following reasons:

1. The tenant has failed to pay the rent to which the landlord is entitled;

2. The tenant has violated an obligation or covenant of the tenancy other than the obligation to surrender possession upon proper notice and has failed to cure the violation after receiving written notice from the landlord;

3. The tenant is committing or permitting to exist a nuisance in, or is causing damage to, the rental unit, an appurtenance, or to the common areas of the property containing the rental unit; or is creating an unreasonable interference with the comfort, safety, or enjoyment of other residents of the same or any adjacent building;

4. The tenant is using or permitting a rental unit to be used for any illegal purpose;

5. The tenant who had a written lease or rental agreement that terminated on or after the effective date of this provision, has refused, after written request or demand by the landlord, to execute a written extension or renewal for a further term of like duration with similar provisions and on terms not inconsistent with, or violative of, the provision of this chapter;

6. The tenant has refused the landlord reasonable access to the unit for the purpose of making repairs or improvements, or for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the rental unit to a prospective purchaser or mortgagee; or

7. The person in possession of the rental unit at the end of a lease term is a subtenant not approved by the landlord.

“Unreasonable economic hardship” means a hardship that renders the project economically infeasible and incapable of being accomplished in a successful manner within a reasonable period of time.

“Unreasonable rent increase” means an increase in rent that substantially exceed the housing component of the Consumer Price Index on an annualized basis and that cannot otherwise be justified by costs of physical improvements to the building or site, repairs for damage, taxes, or other expenses attributable to the operation of the building, or by changes in the market demand for rental housing.

17.716.030 General requirements.

A. Conditional use permit required. No condominium conversion is permitted until a conditional use permit therefor has been issued in accordance with this chapter and section 17.808.200. The provisions of section 17.808.200 apply to applications for conditional use permits for condominium conversions, and the provisions in this chapter – including those relating to notice requirements, applications, development standards, and

findings – apply in addition to the provisions of section 17.808.200. If a provision of this chapter conflicts with a provision of section 17.808.200, the provision of this chapter prevails.

B. Hearing. Both the planning and design commission and city council shall hold at least one public hearing on an application for a conditional use permit for a condominium conversion under section17.716.050. At the conclusion of its hearing, the planning and design commission shall forward it recommendation to the city council or, if no motion to approve a recommendation receives enough votes to pass, shall forward to the city council a report of the votes taken of each motion on the matter. The hearing by the city council shall be noticed and held in accordance with all the requirements of this chapter and section 17.808.200.

C. Expiration of conditional use permit for failure to establish use. The expiration of a conditional use permit issued under this chapter is governed by the provisions of section 17.808.400, provided that a condominium conversion project is deemed established when one unit in the project has been sold to an individual purchaser other than the owner or applicant.

D. Determination of vacancy rate. The planning director shall determine and make public on March 1st 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 multi-unit rental vacancy by community plan area. These vacancy rates shall be submitted to, and considered by, the planning and design commission and city council in connection with the review of applications for conditional use permits for condominium conversion projects under this chapter. At any hearing wherein such an application is considered, any person may present evidence concerning the accuracy of the city-determined vacancy rate, or the rate contended by the applicant, and the city planning and design commission and city council may consider, but shall not be bound by, that evidence.

E. Exception: condominium conversions of certain buildings located in the central city. Notwithstanding this section and section 17.716.050, the conversion to condominiums of buildings located within the central city that were constructed pursuant to building permits issued on or after January 1, 1999, and on or before December 31, 2002, shall be governed by this section; provided that the application for conversion is filed on or before January 1, 2010, and thereafter pursued diligently to completion.

17.716.040 Condominium new construction.

A. Development standards. The development standards in this section apply to new condominium construction.

1. 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 that are hydraulically designed with a 100% safety factor, where the planning and design commission, 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.

2. Sound attenuation. Each condominium unit shall comply with the state of California's Noise Insulation Standards (Title 24 of the California Code of Regulations).

3. Ownership organization. All condominium projects shall have an ownership association responsible for the care and maintenance of all common areas, 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.

4. 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 intent of this chapter.

17.716.050 Condominium conversions.

A. Conditional use permit application. Recognizing that the conversion of existing structures that have been previously occupied and constructed as rental units presents unique problems to present tenants and future buyers, the application for a conditional use

permit for a condominium conversion project shall include the following information in addition to that required by chapter 17.800:

1. A boundary map drawn to scale showing the location of all existing easements, structures, existing trees, and other improvements on the property;

2. Proposed organizational documents, including the covenants, conditions, and restrictions to be recorded pursuant to section 1350 et seq., of the Civil Code. The organizational documents shall provide for the following:

a. Transfer of title to each unit;

b. Assignment of parking for each owner;

c. The management of common areas within the project and minimum maintenance requirements for continued compliance with applicable health and safety standards established by the city;

d. A proposed annual operating budget, including a report disclosing the amount of deposit to be provided by the developer and the manner in which it was calculated, to defray expenses of the association in replacing and maintaining major mechanical and electrical equipment;

e. The FHA regulatory agreement, if any; and

f. The anti-discrimination provisions set forth in subsection J of this section;

3. Property report. The property report shall describe the condition and estimate the remaining useful life of each of the following elements of each structure located within the project proposed for conversion: roofs, foundations, exterior paint, paved surfaces, mechanical systems, electrical systems, plumbing systems, sewage systems, sprinkler systems for landscaping, utility delivery systems, central or community heating and air conditioning systems, fire protection systems including any automatic sprinkler systems, alarm systems, standpipe systems, and structural elements. The property report shall include a structural pest control report.

The property owner shall state what the sound transmission class and sound impact class of the existing floor-to-ceiling and wall-to-wall assemblies of each unit are. The report shall also explain, in lay terms, what the class ratings mean and state what measure, if any, the applicant will take to improve sound attenuation between units.

The property report shall list each appliance to be contained in each or any unit offered for sale and shall state whether the appliance is or will be new or used when the unit is first offered for sale. The report shall also state the terms and nature of the warranty offered by the applicant on each such appliance.

Each portion of the property report shall be prepared by an appropriately licensed engineer, except that the structural pest control portion of the property report shall be prepared by a licensed structural pest control operator in compliance with Chapter 14 of Division 13 of the California Business and Professions Code;

4. A building history report including the following:

a. The date of construction of all elements of the project;

b. A statement of the major uses of the project since construction;

c. The date and description of each major repair of any element since the date of construction. A “major repair” is any repair requiring an expenditure of $1,000.00 or more;

d. The date and description of each major renovation of any element since the date of construction. A “major renovation” is any renovation requiring an expenditure of $1,000.00 or more; and

e. The name and address of the current owner of all improvements and the underlying land;

5. Noncompliance report. A report identifying all characteristics of the building not in compliance with this title or applicable building or housing codes;

6. Capital contribution statement. A statement as to whether the applicant will provide any capital contribution to the association for deferred maintenance of the common areas, the sum of the contribution, and date on which the association will receive the sum;

7. A rental history report detailing the size, in square footage, of the building or buildings and each unit; the current or last rental rate; the name and address of each present tenant; the monthly rental rate for the preceding three years for each unit; the average monthly vacancy over the preceding three years; the number of evictions over the preceding three years; and the number and type of special category tenants for each unit presently residing in the project and over the preceding three years;

8. Affidavit for failure to submit information. Failure to provide any information required by subsections A.3, 4, 5, 6, and 7 of this section, shall be accompanied by an affidavit or declaration given under penalty of perjury, setting forth in detail all efforts undertaken to discover the information and all reasons why the information could not be obtained;

9. Relocation assistance report. A detailed report describing the relocation assistance to be given to each eligible tenant and the availability of comparable replacement housing for each eligible tenant. Comparable replacement housing is defined in subsection R.1.c of this section;

10. Report on the sales and lease program for qualified low- and moderate-income tenants. A detailed report describing the methods by which the applicant shall comply with

the provisions of subsections F and I of this section, sales and lease program for qualified low- and moderate-income tenants. The description shall include, where applicable, the appraised apartment market value of the project and each unit. This description shall be supported by an affidavit or declaration under penalty of perjury as to its truth and accuracy;

11. Tenant survey. A survey of all the tenants in the conversion project indicating how long each tenant had been a resident of the project, why each tenant moved into the project, how long each tenant had planned to live in the project, whether or not each tenant would be interested in purchasing a unit within the price range estimated for the project, where each tenant would relocate if the conversion took place and the tenant did not purchase a unit, and the extent of tenant approval in principle of the conversion. To comply with this provision the applicant shall provide a questionnaire, in a form approved by the city, to each tenant with an envelope, postage-prepaid, addressed to the city planning department. The questionnaire shall direct the tenant to return the completed form directly to the city planning department;

12. Additional information. In addition to the information required in subsections A.1 through 11 of this section, the city council, planning and design commission, or planning director may require additional information necessary to evaluate the conversion project in order to make proper findings in accordance with the purposes and intent set forth in section 17.716.010, and as required by subsection R of this section, the adopted city general plan, or any specific or community plan or element thereof in effect at the time of such application. Such information may include, but shall not be limited to:

a. An economic report comparing the units in the conversion project, as both rentals and owners units, with housing available within the community plan areas affected by the project;

b. An economic report on proposed project unit costs, monthly association costs, and comparative rates city-wide;

c. An economic report on availability of comparable rental units at similar rental rates remaining within the affected community plan areas, including vacancy rate information;

d. A report outlining the available low- and moderate-income housing units (rental and sales housing) within the affected community plan areas;

e. A report on the feasibility of providing all or a portion of the conversion units for sale to low- and moderate-income individuals or families;

f. A report on the feasibility of not converting a portion of the total units in order to retain them for rental occupancy; and

g. Any additional information considered reasonable in determining housing needs, housing availability, costs, and housing impacts of the proposed conversion; and

13. Conditional use permit application and fee. The application for a conditional use permit shall be accompanied by a fee as established by resolution of the city council.

B. Notices.

1. Notice of intent to convert. At least 60 days prior to filing an application for a conditional use permit for a condominium conversion pursuant to this chapter or for a tentative subdivision map to convert an existing residential building into condominium ownership, the applicant shall notify all the tenants of the project, the city, and the local project area committees, if any, of the intended conversion. The notice must be written in nontechnical language comprehensible to all tenants of the building. The notice shall include the following:

a. A general description of the proposed project;

b. The name of the current owner and applicant and where such person or persons can be contacted;

c. The anticipated schedule of approval and conversion;

d. A detailed description of the applicant's plans for relocation of tenants, relocation assistance, compliance with the sales and lease program for qualified low- and moderate-income tenants, and limitations on rent increases;

e. Notification of the tenant's rights to receive notice of hearings in the following form:

NOTICE

To the occupants of:_____

The owner(s) of this building,
at_____
(address)

plans to file a Tentative Map with the City of Sacramento to convert this building to a condominium. You shall be given notice of each hearing for which notice is required pursuant to sections 66451.3 and 66452.2 of the Government Code, and you have the right to appear and the right to be heard at such hearing.

_____
Signature of owners or owner's agent

_____
(date)

f. Notification of the tenants' right to purchase the unit they are renting; to receive notice of intention to convert prior to termination of tenancy due to the conversion, and to receive notice of final approval of the application within 10 days of approval of the final map; and

g. Notification that the tenants will be given 10 days written notice that an application for a public report has been or will be submitted to the department of real estate and that such report will be available on request.

2. Notice of hearings on conditional use permit. In addition to the notice provisions of chapter 17.812, notice of the time, date, and place that the conditional use permit is to be heard by the planning and design commission and city council shall be mailed by the planning director to the tenant of each unit proposed to be converted to condominium ownership. The notice shall be provided at least 10 but no greater than 30 days before the hearing date, and the notice shall include the following information:

a. The time, date, and place of the hearing on the application;

b. A general description of the proposed project in nontechnical language;

c. The location and time at which tenants and other interested persons may review the planning department staff report on the application and the materials submitted with the application pursuant to subsection A of this section; and

d. That the tenants shall have the right to appear at the hearing and be heard.

3. Application to be made available for inspection. The applicant shall make available for public inspection the materials submitted with the application for the conditional use permit pursuant to subsection A of this section and the tentative map at the Sacramento Central Library and branch library nearest to the project site and on the project site itself, in the project manager's office or the central office.

4. Staff report to be made available for inspection. The planning director shall serve on the applicant and each tenant of the subject property a copy of staff's report and recommendation on the application at least three days prior to the hearing or action on the application by the commission.

C. Development standards. The development standards in this subsection C apply to condominium conversions.

1. Utilities.

a. Sewer. Each condominium unit shall have a separate sewer service hookup; provided, that the city council may permit the use of common sewer lines that are oversized

by one size or more, or which are hydraulically designed with a 100% safety factor, where the council, with the concurrence of the city engineer, finds the common sewer lines can adequately service the condominiums.

b. Water. Each condominium unit shall have a separate water service hookup or shutoff; provided that the city council may permit a single water system to service more than one condominium unit where shutoffs are provided wherever practical and where the council, with the concurrence of the city engineer, finds the single water system can adequately service the condominiums.

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 ground fault interrupters are required by present building codes.

2. Sound attenuation. Floor-to-ceiling and wall-to-wall assemblies between each condominium unit must meet sound transmission and sound impact classes of 50 lab test, or 45 field test, as prescribed in the Uniform Building Code for new construction.

3. Deleted.

4. Ownership association. All condominium conversion projects shall have 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 project. The city may be made a third party beneficiary to all or any portion of the covenants, conditions, and restrictions, as deemed appropriate.

5. Building code requirements. A building proposed for conversion, and each unit within the building, shall comply with all applicable building code standards in effect at the time of the last alteration, repair, relocation, or reconstruction of the building, or, if none, at the time of first construction; and shall comply with current provisions of the city housing code (chapter 8.100). 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.

6. Other standards. Any other standards the council may adopt by resolution.

7. Building code compliance. No building shall be permitted to be converted to condominium ownership unless the building was constructed and subject to a building permit issued under the provisions of the then-applicable Uniform Building Code.

8. Full compliance after effective date of title. No building constructed after January 15, 1980, (the effective date of Ordinance No. 4305, Fourth Series), shall be permitted to be converted to condominium ownership unless the building was constructed in full compliance with all applicable building codes and the development standards contained in subsection C of this section, applicable to new condominium construction, in effect at the time of the last alteration, repair, relocation or reconstruction of the building, or, if none, at the time of first construction.

D. Building inspection.

1. After reviewing the property report required pursuant to subsection A.3 of this section and after inspecting the structure within the project when deemed necessary, the building official shall identify and make available to the planning and design commission and city council all items evidenced by such reports or inspection to be in noncompliance with applicable building and housing codes or to be hazardous to the life, health, or safety of an occupant of the units within the project or the general public. A conditional use permit for a conversion shall require all such items to be corrected to the satisfaction of the building official.

2. If the proposed project does not comply with the provisions of subsection C.2, 3, or 6 of this section relating to utilities, sound attenuation, and building code compliance, or if the building official identifies items to be corrected as provided in subsection D.1 of this section, any conditional use permit issued pursuant to this part shall require the developer to furnish a performance bond in an amount to be determined by the building official to be the reasonable estimated cost to bring the project into compliance with the codes and to make all necessary repairs. The bond shall run in favor of individual purchasers and the association. The bond shall provide for reasonable attorney's fees in the event of default by the principal.

E. Tenant and buyer protection provisions. In addition to the tenant protection provisions set out in sections 66427.1 and 66452.9 of Government Code, the applicant shall comply with the provisions of subsections F through and including P of this section as a condition of any conditional use permit for a condominium conversion project approved pursuant to this section.

F. Sales program for qualified low and moderate income tenants.

1. Purpose of the program. The primary purpose of the sales and lease program is to mitigate the special impact a conversion project has on the low- and moderate-income tenants living in the project before conversion. This special impact is the result of the conversion project displacing these tenants while at the same time reducing the number of rental housing units in the market. The displaced low- and moderate-income tenants are more severely affected than other tenants and other individuals because of their inability, in most cases, to purchase the converted unit, their resulting immediate need to find replacement housing, and their lesser financial ability to compete for the remaining available rental units in the market. The proposed sales and lease program addresses the problem by providing ownership opportunities for low and moderate income tenants, thereby taking

those tenants out of the rental market along with the converted unit, and by providing renewable leases for those tenants who cannot purchase, thereby retaining those units in the rental market for as long as the tenants are in need of them. Any alternative program approved by the city council under subsection F.8 of this section must specifically address the special impacts identified in this paragraph.

A secondary purpose of the sales and lease program is to use condominium conversion projects as a source of low- and moderate-income ownership housing. Any alternative program approved by the city council under subsection F.8 of this section should provide ownership opportunities to qualified low- and moderate-income tenants where feasible and consistent with the housing policies of the city.

2. Program. The applicant shall offer for sale to all qualified low- and moderate-income tenants the unit in which each tenant resides at the time the conditional use permit for the conversion project is approved, or a comparable unit within the project, at a price that is affordable to the tenant. A “comparable unit” means a unit with the same floor plan, same amount of floor area (as measured in square feet) and the same amenities as the unit in which the tenant resides at the time the conditional use permit is approved. The offer shall be made before or concurrent with the grant of the exclusive right to contract for the purchase of the unit provided for in section 66427.1(d) of the Government Code and shall remain open for 90 days.

3. Definition—Qualified low- or moderate-income tenant. A “qualified low- or moderate-income tenant” means a tenant who meets all of the following requirements:

a. The tenant is an eligible tenant;

b. The tenant has an income of 110% or less of the median income as established annually by the U.S. Department of Housing and Urban Development for the Standard Metropolitan Statistical Area in which the proposed conversion project is located, adjusted for the number of members in the tenant’s household;

c. The tenant does not, at the time notice of intent to convert is given by the applicant and at the time the offer is made, own any residential real property;

d. The tenant has not previously received assistance under this subsection F;

e. The monthly payments of principal, interest, loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, utilities (excluding telephone service), and homeowner association fees and assessments associated with the unit if it were to be sold without restrictions, would exceed 35% of the tenant’s monthly income;

f. The tenant’s assets are not greater than the total of the amount necessary to pay the estimated closing costs and down payment on the unit, the amount necessary to pay six months of the monthly payments identified in subsection F.3.e of this section, and $5,000.00; and

g. The tenant has provided the city with the information requested under subsection F.7 of this section within the specified time, and has supported the information provided with an affidavit or declaration to its truth and accuracy.

h. “Assets” means the value of the tenant’s savings and any equity in stocks, bonds, real property, or other forms of capital investment. “Assets” do not include items reasonably necessary for the personal use of the tenant, such as personal effects, furniture, appliances and automobiles.

i. References to the qualified tenant’s assets and income include the assets and income of those persons 18 years of age and older who are living with the tenant as a single housekeeping unit.

4. Definitions—Price.

a. A price that is “affordable to the tenant” means the maximum at which the tenant can qualify for financing for the unit for a minimum of 30 years and for which the total monthly housing costs described in subsection F.3.e of this section would not exceed 35% of the tenant’s monthly income; provided, that in no event shall the applicant be required to sell the unit under this sales program at a price below the apartment market value of the unit at the time the application for a conditional use permit under this section is filed.

b. “Apartment market value” means the value of the unit as an apartment and shall be determined by either a single appraisal or, at the option of the applicant, by averaging the results of two independent appraisals. The appraisal(s) shall be submitted to the planning director not less than 30 days prior to the first public hearing on the conditional use permit. The appraisal(s) shall be made by appraiser(s) selected randomly by the planning director from a pool of names of no less than five qualified appraisers. A “qualified appraiser” means an appraiser experienced in appraising multi-unit residential property and who is an active MAI member in good standing of the American Institute of Real Estate Appraisers, an active SREA or SRPA member in good standing of the Society of Real Estate Appraisers, an active ASA (urban real estate) member in good standing of the American Society of Appraisers, or a similarly qualified appraiser in good standing in a nationally recognized real estate appraisal institute or society. The names of qualified appraisers for the pool shall be selected by the city manager or his or her designee. The value determined by the appraisal(s) shall be binding on the city and the applicant. The applicant shall pay the fee(s) of the appraiser(s).

c. If, at the time the offer for sale at an affordable price is made under this subsection, the assets of the qualified tenant, as defined in subsection F.3.h of this section, are not sufficient to cover the down payment and closing costs on the unit required by the financing institution to qualify for financing on the unit, the applicant shall pay all or a portion of the down payment and closing costs, as necessary, in an amount not to exceed $2,000.00. The amount paid by the applicant under this subsection shall be added to the amount secured by the second deed of trust on the unit under subsection F.6 of this section.

5. The qualified tenant shall have 90 days from the date the offer is made to accept the offer of sale under this subsection. If the tenant does not accept the offer within that time or fails to secure the necessary financing, the applicant may offer the unit for sale without restriction under this subsection. The tenant is entitled to the renewable lease provisions set forth in subsection I.1 of this section and to all other protections provided in this section.

6. Whenever a unit is sold to a qualified tenant under the provisions of this subsection, the unit shall be encumbered by a second deed of trust securing an obligation in an amount equal to the difference between the sales price paid by the qualified tenant and the price at which the unit would have sold without the requirements imposed by this subsection. The beneficiary under the second deed of trust shall be the applicant. The second deed of trust shall provide for the following:

a. Simple interest on the amount secured shall accrue at a rate not exceeding five percent per year; and

b. Neither principal nor interest shall be payable until the obligation secured by the second deed of trust has matured. The obligation shall mature when the unit is conveyed, transferred, leased, rented, or otherwise alienated by the tenant; provided, that “conveyed, transferred, leased, rented, or otherwise alienated” excludes changes of ownership described in sections 62, 63, and 63.1 of the Revenue and Taxation Code.

7. Qualification determined by city.

a. To determine which tenants qualify for assistance under this subsection, the city, using the names and addresses of all the tenants in the proposed conversion project provided by the applicant in the completed application, shall notify the tenants of the provisions of this subsection by mailing a notice to each on a form approved by the city council. The notice shall request all information necessary to determine which tenants qualify for assistance. The notice shall instruct the tenants to return to the city planning department within 15 days the information requested, supported by affidavit or declaration under penalty of perjury as to its truth and accuracy. Based on the information received, the planning director shall determine which tenants qualify for assistance, shall notify those tenants, and shall submit their names to the applicant.

b. Notwithstanding the provisions of section 17.812.060, the decision of the planning director is appealable directly to the city council and is governed by chapter 1.24.

c. Unless an appeal of the decision of the planning director is filed, and except for name and address, the information supplied by a tenant to the city under subsection F.7 of this section shall be held in confidence and shall not be disclosed to the public without the express written consent of the tenant. If an appeal is filed, the information shall be disclosed to the extent necessary to fully apprise all parties to the appeal of the facts supporting the planning director’s decision.

d. Failure of any tenant to receive the notice advising of the sales program under this subsection shall not invalidate any proceedings conducted hereunder.

8. Alternative program.

a. Upon request of the applicant, and in lieu of the requirements of this subsection, the city council may approve, or approve with conditions, an alternative program for providing housing opportunities to the low and moderate income tenants in the proposed conversion project upon a finding that the alternative program is the substantial equivalent of the program provided by this subsection. Alternative programs may include use of FHA single-family purchase programs and the Home Ownership and Community Development Act.

b. Upon request of the applicant the city council may waive, or waive with conditions, in whole or in part, the requirements of this subsection upon a finding that compliance would be inconsistent with or not in furtherance of the purposes set forth in section 17.716.010 and subsection F.1 of this section, or the goals and policies of the housing element of the city general plan.

c. A request by the applicant pursuant to subsection F.8.a or b of this section immediately preceding shall be made within 15 days after the determination of the planning director made pursuant to subsection F.7.a of this section has been forwarded to the applicant. The city shall give notice of the request in the same manner as it gives notice of the hearing on the conditional use permit, and a hearing shall be conducted on the request concurrently with the hearing on the conditional use permit.

d. The applicant shall, within 10 days from the date of submitting the request to city, notify in writing all the eligible tenants in the project that a request for approval of an alternative program or a waiver under subsection F.8 of this section has been made and shall describe in detail the elements of the alternative program or the reasons for the waiver.

G. Tenant and buyer protection provisions—Relocation assistance. The applicant shall provide the following relocation assistance to each eligible tenant:

1. Assistance in locating comparable replacement housing. Assistance in locating comparable replacement housing, as defined in subsection R.1.c of this section, which shall include providing a report on the availability of comparable housing units and providing transportation for eligible tenants, where necessary, in connection with the relocation.

2. Payment of a relocation fee to each eligible tenant. The relocation fee consists of the payment of actual moving costs to relocate the tenant's personal property, including insurance, boxes, packing, transportation, and unpacking. In lieu of this requirement, the eligible tenant may, at his or her option, accept a cash payment of $600.00 if the tenant is relocating from an unfurnished housing unit or $500.00 if the tenant is relocating from a furnished housing unit. If the eligible tenant is relocating to an area outside the Sacramento standard metropolitan statistical area, the tenant is entitled only to the cash payment of $600.00 or $500.00, whichever is applicable. An eligible tenant is not entitled to a relocation fee pursuant to this subsection if the tenant has been evicted for just cause.

3. Special assistance. For eligible tenants who are elderly, handicapped, low-income, or single heads of households living with one or more minor children, relocation assistance includes the following additional measures:

a. The payment of last month's rent for the new housing unit, if required upon moving in;

b. The transfer of all key, utility, pet, cleaning, and security deposits, minus damages, to the new housing unit or the refund of all or a part of such deposits, minus damages, to the eligible tenant, at the option of the tenant;

c. The payment of the difference, if any, between the amount of all deposits and fees required upon moving in to the new housing unit and the amounts transferred for or refunded to the eligible tenant pursuant to this subsection, plus damages;

d. The payment of a rent subsidy for a period of one year in the amount of the difference, if any, between the rent of the new housing unit and the rent for the unit occupied by the eligible tenant; provided that the applicant shall not be required to pay more than $100.00 per month for the rent subsidy; and

e. The right of each tenant not to be unjustly evicted, as defined in section 17.716.020, and not to have the rent for the unit unreasonably increased until the tenant is actually relocated to a comparable housing unit.

4. For tenants who did not receive the notice required to be given under subsection P of this section, relocation assistance includes the following measures:

a. First month's rent on the new housing unit, if any, immediately after moving from the subject property, but not to exceed $500.00;

b. The assistance described in subsections G.1 and 2 of this section; and

c. For tenants who are elderly, handicapped, low-income, or single heads of households living with one or more minor children, the assistance described in subsection G.3 of this section.

H. Reports. The applicant shall provide each tenant with a copy of the reports required by subsections A.9 and 10 of this section detailing all relocation and moving assistance information and purchase incentives to be provided by the applicant.

I. Lease program for eligible elderly or handicapped tenants and qualified low- and moderate-income tenants. The applicant shall unconditionally offer each eligible tenant who is elderly or handicapped and to each qualified low- and moderate-income tenant who does not purchase a unit under the sales program provided in subsection F of this section a written lease for a term of three years on the unit in which the tenant resides at the time the conditional use permit is approved or a comparable unit within the project. A "comparable unit" shall be a unit with the same floor plan, same amount of floor area (as measured in square feet) and the same amenities as the unit in which the tenant resides at the time the

conditional use permit is approved. Each such lease shall provide that the tenant shall have four successive options to renew the lease upon the terms and conditions as each original lease required by this subsection. The rent for the first year of the original lease shall be the rent paid by the tenant on the date that the notice specified in subsection B.1 of this section is given; thereafter, the rent may be increased annually on the anniversary date of the lease, commencing with the first anniversary date; provided, however, that the annual percentage increase in rent shall not exceed seven percent.

Each such lease shall further provide that the tenant shall have no power or right to assign the lease, or to rent or sublease the premises or any portion thereof, and that upon the death of the tenant, the lease shall terminate. Any lease provision that violates the provisions of this subsection is void, and the balance of the lease is valid and enforceable. To the extent that the lease does not expressly contain the provisions required by this subsection, the provisions are deemed incorporated in full therein. Any tenant who has paid rent in excess of the maximum rent specified by this subsection is entitled to a refund in the amount of the excess payment. Such tenants may elect to deduct the amount of the refund due them from future rent payments, provided notice of the intention to do so is given in advance.

J. Anti-Discrimination.

1. The applicant or owner of any condominium unit within a project shall not directly or indirectly discriminate in the sale, or in the terms and conditions of sale, of any dwelling unit against any person who is or was a tenant or lessee of any such dwelling unit prior to the granting of the conditional use permit, because the person opposed, in any manner, the conversion of the unit or building into a condominium. No tenant who has been so discriminated against may be unjustly evicted, and the provisions of subsection Q of this section shall apply to that tenant.

2. The conditions, covenants, and restrictions for a project to be recorded pursuant to section 1350 et seq. of the Civil Code shall contain the provisions set forth in this subsection and shall bind all successors in interest to the project.

K. Pre-conversion protection. From the date of giving notice of intent to convert pursuant to subsection B.1 of this section until relocation takes place or the application is denied or withdrawn, but in no event for more than two years, no tenant shall be unjustly evicted and no tenant's rent shall be increased (1) more frequently than once every six months, nor (2) in an amount greater than the increase in fair market rents as established by the Department of Housing and Urban Development for assisted units, on an annualized basis, for the same period. This limitation does not apply if rent increases are expressly provided for in leases or contracts in existence prior to the filing date of the conditional use permit. A tenant who has paid rent in excess of the maximum rental payment specified by this subsection is entitled to a refund in the amount of the refund due them from future rent payments, provided notice of the intention to do so is given in advance to the landlord.

L. Documents to be provided to city. Prior to offering for sale to the public any unit within a condominium conversion project for which a conditional use permit has been issued

pursuant to this section, the applicant shall submit to city a copy of each of the following documents relating to the proposed project: the completed application for issuance of a final public report for the project proposed for conversion, including all attachments and exhibits thereto; the completed statement of compliance relating to operating and maintenance funds during start up, and the completed supplemental questionnaire for apartments converted to condominium projects, including all attachments and exhibits.

M. Appliance warranties. The applicant shall provide free of charge to the first individual purchaser of each unit a one-year warranty on each fixed appliance contained in the unit, whether new or used.

N. Copy of reports. The applicant shall provide each condominium unit purchaser with a copy of the reports required by subsections (A)(2), (3), (4), (5), and (6) of this section.

O. Notice in CC&Rs. The covenants, conditions, and restrictions (CC&Rs), or equivalent document, shall contain, or shall be amended to contain, on the first page thereof, in type as large as any type used in the CC&Rs, a notification in substantially the following terms:

NOTICE

THE TERMS OF THIS DOCUMENT ARE LEGALLY BINDING. READ IT CAREFULLY. A REAL ESTATE BROKER IS QUALIFIED TO ADVISE YOU ON REAL ESTATE MATTERS. IF YOU DESIRE LEGAL ADVICE, CONSULT AN ATTORNEY.

P. Notice to prospective tenants. After notice of intent to convert is given pursuant to subsection (B)(1) of this section, any prospective tenant shall be notified in writing of the intent to convert prior to leasing or renting any unit and shall not be subject to the provisions of subsection K of this section. Any tenant who is not so notified is deemed to be an eligible tenant entitled to relocation benefits pursuant to subsection G of this section.

1. After notice of intent to convert is given pursuant to subsection B.1 of this section, the applicant shall give notice of the intent to convert in the form set forth below to each person applying after such date for rental or lease of a unit of the subject property immediately prior to acceptance of any rent or deposit from the prospective tenant:

To the prospective occupant(s) of_____ :

(address)

The owner(s) of this building, at (address), has filed or plans to file a tentative map with the City of Sacramento to convert this building to a condominium. No units may be sold in this building unless the conversion is approved by the City of Sacramento and until after a public report is issued by the Department of Real Estate. If you become a tenant of this building, you shall be given notice of each hearing for which notice is required pursuant to sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

_____
(signature of owner or owners agent)

_____
(dated)

I have received this notice on _____
(date)

_____
(prospective tenant's signature)

Prospective tenants who receive this notice prior to renting or leasing a unit shall not be subject to the provisions in subsection K of this section.

2. Failure by an applicant to give the above described notice shall not be grounds to deny the application for a conditional use permit or tentative map. Each prospective tenant who becomes a tenant, who was entitled to but was not given the notice, and who does not purchase a unit shall be deemed an eligible tenant for purposes of this section, and shall receive the relocation assistance provided by subsection (G)(4) of this section.

Q. Remedies.

1. In addition to any other remedy specified in this section, and cumulative with any other remedy available to tenants at law or in equity, any tenant who is a defendant in an action to recover possession, and who is otherwise entitled to the benefits of this section, is entitled to defend the action upon the ground of a violation by the applicant or the owner or landlord of the provisions of subsections F through and including P of this section.

2. In addition to any other remedy specified in this section, and cumulative with any other remedy available at law or in equity, any person aggrieved by a violation of subsections G, H, J, M, N, or O of this section has a cause of action against the applicant for all actual damages suffered by such person as a direct consequence of any such violation.

3. In addition to any other remedy available to it in law or equity, the city has the remedies specified in section 17.808.450 and chapter 17.112.

R. Decision—Findings.

1. The city council shall not approve a conditional use permit under this chapter unless it finds:

a. That the proposed conversion is consistent with the general plan and applicable community and specific plans in effect at the time of the conditional use permit application, especially with the objectives, policies, and programs of the housing element of the general plan designed to provide affordable housing to all economic segments of the population.

b. That the average rental vacancy rate in the affected community plan areas during the 12 months preceding the date the city-determined rental vacancy rates are issued pursuant to section17.716.030.D of this chapter is greater than five percent; provided, that a conditional use permit may be approved where the vacancy rate is equal to or less than five percent if the applicant has proposed measures that the council finds would effectively mitigate the displacement of tenants and any adverse effects upon the rental housing stock in the affected community plan areas that would be caused by the proposed conversion.

In evaluating the average rental vacancy rate in the affected community plan areas and in the building proposed for conversion, the city planning and design commission and city council shall consider the rental history of the building, including the number of evictions and increases in rent over the preceding three years. Notwithstanding any other provision of this subsection, the city council may deny a conditional use permit under this section if it finds that a substantial number of vacancies in the building have been created by unjust evictions and unreasonable rent increases in order to qualify a project for conversion under this subsection or that the applicant has intentionally created or maintained a substantial number of vacancies to reduce the number of eligible and eligible special category tenants in the project who would be entitled to the tenant-protection provisions in this section.

The requirements of this subsection R.1.b do not apply to condominium conversion projects comprised of the conversion of a nonresidential building into condominium ownership intended for residential occupancy.

The requirements of this subsection R.1.b do not apply to the conversion of residential buildings or space in the central city community plan area created through the issuance of building permits between January 1, 1999 and December 31, 2002.

c. That there exists adequate comparable replacement housing for each eligible tenant in the building proposed for conversion. In determining whether the housing to which the applicant proposed for relocation is “comparable,” the council must find that the housing is decent, safe, and sanitary, and in compliance with all local and state housing codes; and that the housing is open to all persons regardless of race, creed, national origin, ancestry, religion, marital status, or gender. In addition, the planning and design commission and council shall consider the following factors in determining whether the relocation housing is comparable:

i. Whether the housing is provided with facilities equivalent to that provided by the landlord in the dwelling unit in which the tenant then resides in regard to each of the following: (a) apartment size including number of rooms; (b) rent range; (c) major kitchen and bathroom facilities; (d) special facilities for the handicapped, infirm, or senior citizens; and (e) willingness to accept families with children; and

ii. Whether the housing is located in an area not less desirable than the area in which the tenant then resides in regard to: (a) accessibility to the tenant’s place of employment; (b) accessibility to community and commercial facilities; (c) accessibility to schools; and (d) accessibility to transportation. A unit is not comparable if it is located in a building for which a notice of intent to convert has been given pursuant to subsection B.1 of this section,

except where the rental units of the building will not be offered for sale as condominium units within two years.

d. That the applicant has complied with all of the provisions of this section relating to the application procedure and submittal of required information (subsection A); payment of the application fee (subsection A.13); required notices to tenants and other interested person (subsection B); building inspection (subsection D); and tenant and buyer protection (subsections F through P).

e. That the proposed conversion complies with all development standards set forth in subsection C of this section.

2. The council shall not approve a conditional use permit pursuant to this chapter if it finds the apartment building or residential complex proposed for conversion represents a unique and needed rental housing resource in the city or in the neighborhood, taking into consideration such factors as the need for a balanced rental-owner housing supply, current rental rates, the unavailability of comparable housing, and extraordinary tenant displacement problems which would result from conversion, in spite of the relocation assistance and mitigation measures offered by the applicant. In evaluating a project for purposes of this subsection, the city planning and design commission and city council shall consider the rental history of the building, including the number and types of special category tenants over the preceding three years, the number of unjust evictions, and the number of unreasonable rent increases.

3. In evaluating an application for a conditional use permit pursuant to this section, the city planning and design commission and city council shall consider the results of the tenant survey required by subsection A.11 of this section. If the planning and design commission or council finds that less than a significant number of tenants have indicated their approval in principle to the proposed conversion, the planning and design commission or council shall consider the nature and extent of tenant disapproval and shall reexamine the application with respect to the criteria for review and all other provisions of this chapter to insure the proposed project complies.

4. In approving a conditional use permit for a condominium conversion under the provisions of this section, the city council may impose such conditions as may be necessary to carry out the intent, purpose, and objectives of this chapter, the general plan, and applicable community and specific plans and elements thereof, or to protect the public health, safety, or welfare.

S. No vested rights in tenants. No eligible or qualified tenant shall, by virtue of the provisions of this chapter, have a vested right from the city to any of the benefits, projections, or other interest provided for herein.

17.716.055 Conversion of certain buildings located in the central city.

A. General. Conversions of buildings located in the central city and constructed pursuant to building permits issued on or after January 1, 1999 and December 31, 2002, are subject to the requirements of this section, and to the extent of any conflict between this section and other sections of this chapter, including sections 17.716.030 and 17.716.050, the provisions of this section shall prevail; provided, that this section applies only to applications for conversion of such buildings if they were filed on or before January 1, 2010, and thereafter pursued diligently to completion. Applications filed after that date are subject to the general provisions governing condominium conversions, as they may be amended from time to time.

B. Conditional use permit required. No condominium conversion of a building located in the central city and constructed pursuant to building permits issued on or after January 1, 1999 and on or before December 31, 2002 is permitted in any zoning district until a conditional use permit has been applied for and approved in accordance with this section and section 17.808.200.

Conditional use permit application. The application for a condominium conversion subject to this section shall include the information required by subsections A.1 through A.4 of section 17.716.050. The information otherwise required by the remaining provisions of section 17.716.050 is not required.

D. Development standards. The development standards set forth in subsection C of section 17.716.050 apply to applications for a conditional use permit for a condominium conversion under this section.

E. Building inspection. The building inspection requirements of subsection D of section 17.716.050 apply to applications for a conditional use permit for a condominium conversion under this section.

F. Decision and findings. The city council shall not approve a conditional use permit under this chapter unless, in addition to the findings required by section 17.808.200, it makes the following findings:

1. That the proposed conversion is consistent with the general plan and applicable community and specific plans in effect at the time of the conditional use permit application, especially with the objectives, policies, and programs of the housing element of the general plan;

2. That the applicant has complied with all of the provisions of this section relating to the application procedure, submittal of required information, and building inspection; and

3. That the proposed conversion complies with all development standards set forth in subsection D of this section.

In approving a conditional use permit for a condominium conversion under the provisions of this section, the city council may impose such conditions as may be necessary to carry out the intent, purposes, and objectives of this chapter, the general plan and applicable community and specific plans and elements thereof, or to protect the public health, safety, or welfare.

17.716.060 Variances relating to condominium conversions.

Notwithstanding section 17.808.210, variances from the provisions of section 17.716.050 of this chapter relating to condominium conversions are governed by the the provisions of this section.

A. Hearing. Both the planning and design commission and the city council shall hold at least one public hearing on a request for a variance from the provisions of this section relating to condominium conversions. At the conclusion of its hearing, the planning and design commission shall forward it recommendation to the city council or, if no motion to approve a recommendation receives enough votes to pass, shall forward to the city council a report of the votes taken of each motion on the matter.

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 section 17.812.030 and to the tenants of the building proposed for conversion to whom notices are sent pursuant to section 17.716.050.B.

C. All other provisions of section 17.808.210 that do not conflict with the provisions set forth in this section apply to the hearing and review of variance requests, except as provided below.

D. Decision; findings. For purposes of granting variances to the development standards for condominium conversions set forth in section 17.716.050.C, the provisions of this paragraph relating to the circumstances for which a variance shall be granted, and the findings on which the grant of a variance must be based, govern to the exclusion of the provisions of section 17.808.210. The city council may grant a variance and approve a conditional use permit for a condominium conversion project that does not comply with all of the development standards contained in section17.716.050.C, if the city council finds that:

1. Because of the circumstances applicable to the subject property, or to the structures situated thereon, including but not limited to the size, shape, location, or surroundings of the property or the buildings thereon, strict application of the development standards would create an unreasonable economic hardship; and

2. The project, as conditioned, will be in substantial compliance with such development standards, and will incorporate mitigating features that tend to further the purposes of this chapter.

17.716.070 City council to adopt regulations.

Regulations governing the implementation of any provision of this chapter may be adopted from time to time by the city council.

Chapter 17.718
Commercial Condominium Program

17.718.010 Purpose.

The purpose of this chapter is to insure that new commercial condominium projects maintain common property in a manner that avoids conditions of mismanagement, neglect, and blight that impact upon the public health, safety, welfare, and economic prosperity of the city.

17.718.020 Definitions.

“Condominium project” or “project” means the real property and any structures thereon, or any structures to be constructed thereon, that are to be divided into condominium ownership.

“Condominium” has the same meaning as in section 1351 of the Civil Code.

“Owners association” means the organization created to own, lease, manage, maintain, preserve, and control the lots, parcels, or areas of a project, or any portions thereof or interests therein owned in common by the owners of the separately owned condominium units.

17.718.030 Development Standards.

The development standards in this section apply to new commercial condominium projects.

A. The applicant shall form an owners association that maintains all common areas, common lighting, common landscaping, common utilities, and the entire building exterior.

B. The owners and operators shall post and maintain 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 owners and operators shall conduct periodic inspections, not less than monthly, of the exterior of all buildings, trash enclosures, and recreation facilities.

D. The owners and operators shall establish and conduct a program of routine maintenance for the property. The program shall include common areas and scheduled repainting, replanting, and other similar activities that typically require attention at periodic intervals but not necessarily continuously. The owner or operator shall repaint

or retreat 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 owners and operators shall maintain landscaping and irrigation in a healthy and serviceable condition.

F. The owners and operators shall indicate and maintain all locations of parking stalls for handicapped/disabled access and strictly enforce rules related thereto.

Chapter 17.720
Surface Mining and Reclamation

17.720.010 General.

When allowed by division II of this title in the applicable zone, surface mining operations and the reclamation of mined lands are subject to the requirements of this chapter. This chapter supplements and should be reviewed in conjunction with the California Surface Mining and Reclamation Act of 1975 (section 2710 et seq. of the California Public Resources Code), as amended, which contains additional information and requirements applicable to surface mining operations and reclamation.

17.720.020 Findings.

The city council finds and declares that:

A. The extraction of minerals is essential to the continued economic well-being of the city and to the needs of the society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety;

B. The reclamation of mined lands as provided for in this chapter will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land; and

C. Surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that the reclamation operations and specifications therefore may vary accordingly.

17.720.030 Purpose and intent.

It is the intent of the city council to create and maintain effective and comprehensive surface mining and reclamation policies and regulations to properly carry out the requirements of the California Surface Mining and Reclamation Act of 1975 (section 2710 et seq. of the California Public Resources Code), hereinafter referred to as “SMARA,” California Public Resources Code section 2207, as amended, and the California Code of Regulations adopted pursuant thereto (14 Cal. Code of Regs., section 3500 et seq.) to ensure that:

A. Adverse environmental and other effects of surface mining operations will be prevented or minimized and that the reclamation of mined lands will provide for the beneficial, sustainable, long-term productive use of the mined and reclaimed lands; and

B. The production and conservation of minerals will be encouraged, while eliminating hazards to public health and safety and avoiding or minimizing adverse effects on the environment, including but not limited to geologic subsidence, air pollution, water quality degradation, damage to biological resources, flooding, erosion, degradation of scenic quality, and noise pollution.

17.720.040 Incorporation of SMARA and state regulations.

The provisions of SMARA, California Public Resources Code section 2207, and all their implementing regulations (hereinafter collectively referred to as “state regulations”), as amended from time to time, are incorporated by reference. If the provisions of this chapter are more restrictive than correlative state provisions, this chapter prevails.

17.720.050 Conditional use permit and reclamation plan required.

No person shall conduct surface mining operations or permit another person to conduct surface mining operations on his or her property unless a conditional use permit and reclamation plan have first been approved pursuant to this chapter and section 17.808.200, except as otherwise provided in section 17.720.060 and section 17.720.170. Conditional use permit and reclamation plan approval are required for all surface mining operations in all zones where surface mining is allowed, and shall be required for the expansion or substantial change of operation of any surface mine for which such expansion or changes have not been previously approved. Reclamation plan approval is also required for those portions of existing surface mining operations that claim to have vested rights pursuant to California Public Resources Code section 2776, unless otherwise exempted from SMARA by its provisions, or subject to an exception as provided by section 17.720.060.

17.720.060 Exceptions.

No conditional use permit is required for the excepted activities specified in section 2714 of the Public Resources Code, as that section may be amended or renumbered from time to time. Nothing in this provision is intended to exempt such excepted activities from any other provision of this chapter.

17.720.070 Application contents.

An applicant for a conditional use permit for surface mining operations and for approval of a reclamation plan shall include the information required by chapter 17.800, and as required by section 17.720.080.

17.720.080 Reclamation plan requirements.

A. State standards. All reclamation plans shall conform to minimum statewide performance standards required pursuant to the California Public Resources Code section 2772(c) and the implementing regulations (14 Cal. Code of Regs., Article 9, Chapter 8, § 3700 et seq.), adopted by the State Surface Mining and Geology Board, including wildlife habitat, backfilling, revegetation, drainage, agricultural land reclamation, equipment removal, stream protection, topsoil salvage, and waste management.

B. Information on site and surroundings. The reclamation plan shall also address specific characteristics of the site and surface mine to be reclaimed, such as type of overburden, soil stability, topography, geology, climate, stream characteristics, and principal mineral commodities, and the character of the surrounding area.

C. General application information. The reclamation plan shall include the information specified by section 17.720.070, and all additional information and materials specified in the list of "Required Application Contents for Surface Mining Permits and Reclamation Plans" furnished by the planning department.

D. Information on reclamation phasing. Each phase of reclamation shall be specifically described in the reclamation plan and shall include:

1. The beginning and expected ending dates for each phase;

2. All reclamation activities required;

3. Criteria for measuring completion of specific reclamation activities; and

4. Estimated costs as provided by section 17.720.110.

17.720.090 Application processing.

Conditional use permit applications and proposed reclamation plans for surface mines shall be noticed, processed, and heard as required by section 17.808.200 and chapter 17.812, and as follows:

A. Referral of application. Within 30 days of the acceptance of a conditional use permit or reclamation plan application for a surface mining operation, the planning department shall refer the applications and plans to the following:

1. The director of the state of California Department of Conservation shall be notified of the filing of all surface mining permit applications, reclamation plans and the associated CEQA document. The Department of Conservation shall have 45 days to prepare written comments on the reclamation plan and financial assurance if the director of the Department of Conservation so chooses; and

2. Whenever mining operations are proposed in a 100-year floodplain of any stream, as shown on the flood insurance rate maps issued by the Federal Emergency Management Agency (FEMA), and within one mile upstream or downstream of any state highway bridge, the planning department shall also notify the California Department of Transportation that the application has been received.

B. Authority for action on reclamation plans. The planning and design commission is the granting authority for both the conditional use permit and the reclamation plan.

C. Public hearing. Each application for a conditional use permit or reclamation plan for a surface mine is subject to at least one public hearing as specified. If applications for a conditional use permit and a reclamation plan are submitted by the same applicant for the same site, the granting authority may consider and decide upon both applications in one public hearing.

D. Hearing notice. Notice of a public hearing on a permit or reclamation plan for a surface mine shall be given as specified in chapter 17.812 for conditional use permit applicants.

E. Procedure for approval. Conditional use permits for surface mining operations shall be processed and approved as provided by section 17.808.200, 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 17.720.100, 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 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 conditional use 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 conditional use 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 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 or applicant.

5. Final approval. The planning and design commission shall approve, conditionally approve, or deny the conditional use permit or reclamation plan as provided by section 17.808.200 and pursuant to section 2774 of the California Public Resources Code; and shall approve, conditionally approve, or deny the financial assurances as provided by section 2770(d) of the California Public Resources Code.

6. Findings for approval. In approving a conditional use permit for a surface mining operation, the planning and design commission shall make all findings required for conditional use 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 sections 2772, 2773, and 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;

c. The reclamation plan has been reviewed pursuant to the California Environmental Quality Act, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible;

d. The land and 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; and

e. The reclamation plan will restore the mined lands to a usable condition that 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 conditional use permit for surface mining operations and approved reclamation plan, and a copy of the financial assurances, to the California Department of Conservation.

17.720.100 Phasing of reclamation.

Reclamation activities shall be phased with respect to the mining operation and shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may occur on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, or as approved by the city.

17.720.110 Financial assurances for reclamation plans.

To ensure that reclamation will proceed in accordance with the approved reclamation plan, appropriate security for performance shall be required as a condition of reclamation plan approval. The applicant shall post security as provided by regulations adopted by the California State Mining and Geology Board. Financial assurances shall be made payable to the city and the California Department of Conservation.

A. Scope of assurances. Financial assurances will be required to ensure compliance with elements of the reclamation plan, including revegetation and landscaping requirements; restoration of aquatic or wildlife habitat; restoration of water bodies and water quality; slope stability and erosion and drainage control; disposal of hazardous materials; and other mitigation measures. Financial assurances for such elements of the plan shall be monitored by the planning department.

B. Amount of assurances. The amount of financial assurances shall be in the amount, and shall be calculated, as set forth in this subsection.

1. The amount of financial assurances shall be based on the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year.

2. Cost estimates shall be prepared by a licensed engineer or other qualified professional retained by the operator and approved by the planning director. The estimated amount of financial assurance shall be based on an analysis of physical activities necessary to carry out the approved reclamation plan, the unit costs for each activity, the number of units of each activity, and the actual administrative costs.

3. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan shall be based upon cost estimates, including labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee.

4. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the city or state may need to contract with a third-party commercial company for reclamation of the site.

C. Adjustments to assurances. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands completed in accordance with the approved reclamation plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the next calendar year, provided that the permittee may not claim credit for reclamation scheduled for completion during the coming year. Proposed adjustments to financial assurances shall be submitted to the planning director each year prior to the anniversary date for approval of the financial assurances. If adjustments to the financial assurances are not required, the operator shall explain, in writing, why adjustments are not required.

D. Term and release of assurances. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required). The financial assurances shall be released upon satisfactory performance.

17.720.120 Periodic review and inspection required.

Whenever a permit or reclamation plan for a surface mine is approved or conditionally approved, periodic inspection of the site and surface mining operation by the planning department shall be a condition of approval.

A. Timing of inspection. The planning department shall arrange for inspection within six months of receipt of the annual report required by section 17.720.130. In no event shall less than one inspection be conducted in any calendar year.

B. Purpose of inspection. The periodic inspection shall be required to determine whether the surface mining operation is in compliance with the approved conditional use permit or reclamation plan, financial assurances, and state regulations.

C. Inspection personnel. Required inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, or state-registered forester, who is experienced in land reclamation and who has not been employed

by the mining operation in any capacity during the previous 12 months, or other qualified specialists selected by the planning director and retained by the city.

D. Inspection forms. All inspections shall be conducted using forms provided by the California State Mining and Geology Board.

E. State notification of inspection. The planning department shall notify the California Department of Conservation within 30 days of completion of the inspection that the inspection has been conducted, and shall forward a copy of the inspection notice and any supporting documentation to the mine operator. The mine operator shall be solely responsible for the reasonable cost of the inspection.

F. Refusal of inspection. Failure by the permittee to allow a required inspection shall constitute grounds for revocation of the conditional use permit pursuant to section 17.808.450.

17.720.130 Annual reports.

A. Report to State. By July 1st of each year, the planning department shall submit to the California Department of Conservation a copy of any conditional use permit or reclamation plan amendments, as applicable, for each active or idle mining operation, or a statement that there have been no changes during the previous year.

B. Report by surface mine operators. Surface mining operators shall forward an annual status report to the California Department of Conservation and the planning department on a date established by the California Department of Conservation, on forms furnished by the State Mining and Geology Board.

17.720.140 Interim management plans for idle operations.

Within 90 days of a surface mining operation becoming idle (as defined by section 2721.1 of the Public Resources Code), the operator shall submit, and the planning department shall process, a proposed interim management plan (IMP) as provided by this section.

A. Content of IMP. The proposed IMP shall comply with the requirements of California Public Resources Code section 2770(h), and shall describe measures the operator will implement to maintain the site in compliance with SMARA, including but not limited to all conditions of the conditional use permit for surface mining or the reclamation plan.

B. Processing of IMP. A proposed IMP shall be processed as an amendment to the approved reclamation plan, and shall not be considered a “project” for purposes of environmental review, pursuant to California Public Resources Code section 2770(h).

1. Referral to State. Upon receipt of a complete proposed IMP, and at least 45 days prior to action on the IMP by the city pursuant to subsection B.2 of this section, the planning department shall forward the IMP to the California Department of Conservation for review.

2. Approval or denial of IMP. Within 60 days of receipt of a proposed IMP, or longer period mutually agreed upon by the planning director and the operator, the granting authority shall review and approve or deny the IMP in accordance with this section. If denied, the operator shall have 30 days (or a longer period mutually agreed upon by the planning director and the operator) to submit a revised IMP. The granting authority shall approve or deny the revised IMP within 60 days of receipt. The denial of a revised IMP may be appealed to the city council in the same manner as a conditional use permit.

C. Continuation of financial assurances. Financial assurances for idle operations shall be continued as provided by the reclamation plan or as otherwise approved through the IMP for the idle mine.

D. Duration of IMP. An IMP may remain in effect for a maximum of five years, at which time the granting authority may renew the IMP for a maximum of another five years, or require the surface mining operator to commence reclamation in accordance with the approved reclamation plan.

17.720.150 Site development and operational requirements.

A. Surface mining practices. The state requirements for surface mining and reclamation practices contained in the California Code of Regulations are hereby incorporated by reference. The state regulations shall be the minimum acceptable practices to be followed in surface mining operations.

B. Buffer and screening required. A noise and visual buffer or screen shall be provided along any road rights-of-way and along any property lines as required by conditions of approval, where the city determines that adjacent incompatible uses exist (e.g., schools, parks, or other public or private incompatible uses).

17.720.160 Amendments and transfers of ownership.

A. Amendments to an approved reclamation plan may be submitted to the planning director, detailing proposed changes from the original plan. Deviations from the original plan that are determined by the planning director to be substantial shall not be undertaken until such amendments have been reviewed and approved by the granting authority for the original reclamation plan, through the same procedure used for the initial approval.

B. Whenever one operator succeeds to the interest of another in any uncompleted surface mining operation by sale, assignment, transfer, conveyance, exchange, or other

means, the successor shall be bound by the provisions of the approved reclamation plan and the provisions of this chapter.

17.720.170 Vested surface mining operations—Reclamation plan and financial assurances.

No conditional use permit is required for surface mining operations vested pursuant to section 2776 of the Public Resources Code; provided, that a conditional use permit is 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 section17.720.090 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 conditional use 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 sections 2772, 2773, and 2773.1 of the Public Resources Code and its implementing regulations.

17.720.180 Violations and penalties.

If the planning director determines, based upon an annual or other inspection, that a surface mining operation is not in compliance with this chapter, the approved conditional use permit, any other required permit, or the reclamation plan, the city shall follow the procedures set forth in California Public Resources Code sections 2774.1 and 2774.2 concerning violations and penalties, as well as the provisions of chapter 17.112 that are not preempted by SMARA.

Division VIII
Administrative Matters

Chapter 17.800
Applications and Fees

17.800.010 Submittal of applications.

A. The owner of real property, or the authorized agent of the owner, may submit an application for a permit or legislative change request under this title relating to development on the property. The application shall be in writing and shall be filed with the planning director upon forms provided by the city.

B. The application shall be accompanied by an application fee as provided in section 17.800.020, and by the plans, specifications, and other information required by the planning director.

C. The applicant shall attest by signature on the application that the information stated in the application is true to the best of the applicant's knowledge and belief.

17.800.020 Application fee.

A. Application fee established. An application fee is hereby established and imposed on applicants for a permit, a request for legislative change, or an appeal under this chapter, to cover the costs of all aspects of administration of the city planning agency and all other city departments relating to the processing and decision on the application. Costs include application intake, processing, review, and evaluation; hearings and appeals; meetings, consultations, and research; preparation and revisions to plans and policies that the city is required to adopt to make necessary findings and determinations; environmental reviews and studies; and other service charges, enforcement, and administrative overhead. The amount or method of calculation of the application fee (including deposits and hourly rates), and each component of the fee, shall be established by resolution of the city council.

B. Application fee options. The application fee is due and payable upon submission of the application, and shall be in the amount and subject to terms as follows:

1. Fee based on estimate of processing costs. An application fee based on an estimate of staff time and resources that will be expended on the application shall be paid upon submission of the application. If the actual cost of processing the application exceeds the initial fee paid, the planning director shall mail notice to the applicant, using

the applicant's address stated in the application, specifying the amount of the additional fee and stating that the additional fee is immediately due and payable.

2. Fee based on actual processing costs. An application fee based on actual staff time and resources expended on the application shall be calculated using the applicable hourly rate and shall be billed and paid in accordance with administrative rules and regulations established by the planning director. The planning director may require a deposit upon submission of the application. Monthly invoices shall be mailed to the applicant, using the applicant's address stated in the application, specifying the amount of fees owing and stating that the fee is immediately due and payable.

3. Selection of application fee option. The planning director shall determine whether the fee for an application shall be based on an estimate of, or the actual, processing costs, taking into account the project type and complexity.

4. Suspension of application processing due to failure to pay fees. The planning director shall suspend the processing of an application if the applicant has not paid any portion of an application fee in full prior to noon of the next hearing date scheduled for the application. The application shall be reactivated following full payment of fees, unless the application has been denied or withdrawn under section 17.800.030 or section17.800.040.

C. Fee waiver or reduction. The planning director, in the director's sole discretion, may waive or reduce an application fee for the following project types:

1. Residential developments assisted by the federal or state governments or by a local public entity, as defined in section 50079 of the Health and Safety Code, or other residential developments intended for occupancy by persons and families of low and moderate income, as defined in section 50093 of the Health and Safety Code, or persons and families of middle income, as defined in section 65008(C) of the Government Code;

2. A project that proposes unique or innovative design features likely to be incorporated in future projects and for which staff time spent evaluating the application will benefit staff processing of such future projects.

D. Refund of application fee. If an application is voluntarily or involuntarily withdrawn prior to a decision on the application, the applicant is entitled to a refund, without interest, of those portions of the application fee paid to the city for performance of services or payment of costs associated with the application that have not yet been performed or incurred. The applicant shall submit an application for the refund within 30 days of withdrawal of the application. Failure to submit a timely application for a refund shall be an absolute waiver of any right to the refund.

E. Appeal. The amount or propriety of an application fee may be appealed only under chapter 1.24.

17.800.030 Acceptance of applications as complete.

A. Purpose. This section is intended to implement the Permit Streamlining Act (Government Code section 65920 et seq. (the "Act")), and it should be interpreted and applied in a manner consistent with the Act.

B. Determination of completeness. Within 30 days of submittal of an application and payment of the initial application fee, or of submittal of additional information under subsection C of this section, the planning director shall determine whether the application is complete or if additional information is required, and shall give written notice of the determination to the applicant. If additional information is required, the notice also shall specify what additional information must be submitted.

C. Requests for additional information - Withdrawal of application.

1. Unless an appeal of the planning director's determination that additional information is required is filed under subsection E of this section, an applicant shall provide the additional information to the planning director within 30 days of the request, unless the applicant and the director agree to a different time period. If the requested additional information is not provided within the time specified in this subsection C.1, the application shall be deemed withdrawn.

2. After the application has been determined to be complete, the planning director may request additional information 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.

D. Extensions of time to complete application. This section shall not be construed to prevent an applicant and the planning director on behalf of the city from mutually agreeing to an extension of any time period established by the Act or by this section.

E. Appeals related to application completeness. An applicant who is dissatisfied with the planning director's determination regarding the completeness of the application may appeal the determination to the planning and design commission. The appeal shall be heard and decided as provided in chapter 17.812. The appeal shall be heard and resolved by the planning and design commission not later than 60 days from the date of the appeal. If the planning and design commission determines that additional information is required to render the application complete, the applicant shall submit the additional information within 30 days of the effective date of the decision, unless the planning and design commission specifies a longer period of time. If the requested additional information is not provided within the time specified in this subsection E, the application shall be deemed withdrawn.

17.800.040 Withdrawal or denial of application for failure to process in a timely manner.

A. General. An application for a permit or a request for legislative change that has been accepted as complete under section 17.800.030 shall be processed by the applicant in a timely manner. Upon a determination by the planning director that an applicant is not processing an application in a timely manner, the planning director shall notify the applicant of this determination in the manner set forth in subsection B of this section and shall advise the applicant of the director's intent to deny the application due to the applicant's failure to process the application in a timely manner. For purposes of this provision, the processing of an application shall be considered untimely if the applicant does not respond to a written request by the director for further information or for payment of additional processing fees due from the applicant within 30 days of the date of mailing of the written request, or such additional time as the director and the applicant may agree to in writing.

B. Notice. Upon a determination that an application is not being processed in a timely manner, the planning director shall give mailed notice to the applicant of this determination and advising the applicant of the right to either withdraw the application or appeal the planning director's determination. The notice also shall advise the applicant that if the application is not withdrawn or appealed within 15 days of the date notice was given, the application shall be deemed denied.

C. Withdrawal. The applicant may withdraw an application by notifying the planning director in writing within 15 days of the date notice was given under subsection B of this section that the application is withdrawn. An application that is withdrawn shall not be subject to the one year restriction set forth in subsection F of this section.

D. Appeal. The applicant may appeal the planning director's determination that an application is not being processed in a timely manner to the planning and design commission. The appeal shall be heard and decided as provided in chapter 17.812, except the appeal shall be filed within ten days of the date notice was given under subsection B of this section.

E. Issue on appeal. The sole issue to be considered by the planning and design commission on appeal 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.

F. Effect of denial for failure to process in a timely manner. An application that is denied for failure to process in a timely manner under this section shall be considered a denial subject to the one-year restriction on re-submittal of applications under section 17.800.050.

17.800.050 Denial of application—Time to resubmit.

If an application for an administrative or discretionary permit, or a legislative change request, has been denied in whole or in part by a final decision under this title, a new application for substantially the same permit or legislative request shall not be filed for a period of one year from the effective date of the final decision.

Chapter 17.804

Requests for Reasonable Accommodation Under the Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act

17.804.010 Purpose.

The purposes of this chapter are to establish a formal procedure for individuals with disabilities seeking equal access to housing to request reasonable accommodation in the application of the city's land use and zoning standards, regulations, policies, and procedures and to establish criteria for evaluating the requests.

17.804.020 Findings.

The council of the city of Sacramento finds as follows:

A. The housing element of the city's general plan identifies housing that is accessible to people with disabilities as a special housing need.

B. The housing element calls for a reasonable accommodation ordinance that streamlines and formalizes city procedures related to accessibility and adaptability accommodations for development.

C. Both the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (Gov. Code section 12900 et seq.) ("the Acts") impose an affirmative duty on local governments to make reasonable accommodation (modifications or exceptions) in their rules, policies, practices, or services related to land use regulation when such accommodation may be necessary to afford an individual with a disability an equal opportunity to housing.

D. The city of Sacramento has historically provided for reasonable accommodation consistent with the Acts through the use of existing regulatory procedures not specifically designed for people with disabilities.

E. Codification of a formal procedure for individuals with disabilities seeking equal access to housing to request reasonable accommodation in the application of the city's land use and zoning standards, regulations, policies, and procedures and establishment of relevant criteria to be used when considering such requests will ensure prompt, fair, and efficient handling of such requests in accordance with the Acts' reasonable accommodation mandates.

17.804.030 Definitions.

“Acts” means the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act.

“Applicant” means an individual who files an application for reasonable accommodation under this chapter.

“Individual with a disability” means any person who has a medical condition, physical disability, or mental disability that substantially limits one or more of the person’s major life activities, as those terms are defined in the Acts.

“Reasonable accommodation” means a modification to or waiver of the standards, regulations, policies, and procedures contained in this title for the siting, development, and use of housing or housing-related facilities, which modification or waiver would eliminate regulatory barriers and provide an individual with a disability equal opportunity for the use and enjoyment of housing of their choice, and that does not impose undue financial or administrative burdens on the city or require a fundamental or substantial alteration of the city’s planning and zoning programs.

17.804.040 Request for reasonable accommodation.

To make specific housing available to an individual with a disability, any person may request reasonable accommodation under this chapter to modify a land use or zoning standard, regulation, policy, or procedure under this title as may be necessary to afford the individual with a disability equal opportunity to the use and enjoyment of their dwelling. A request for reasonable accommodation shall be made by filing an application under section 17.804.050.

17.804.050 Application requirements.

A. Application. An application for reasonable accommodation shall be submitted on a form prescribed by the planning director, or in the form of a letter addressed to the planning director, and shall contain the following information:

1. The name, address, and telephone number of the applicant;

2. The name, address, and telephone number of the individual with a disability for whom the reasonable accommodation is being requested;

3. The name, address, and telephone number of the owner of the property for which the reasonable accommodation request is being made;

4. If the applicant is someone different than the property owner, a letter of agency or authorization signed by the owner consenting to the application being made;

5. The address and current use of the property for which the reasonable accommodation request is being made;

6. The basis for the claim that the individual to be reasonably accommodated is disabled under the Acts;

7. A description of the reasonable accommodation request and the land use or zoning standard, regulation, policy, or procedure to be modified or waived; and

8. A statement of the reason why the requested accommodation is necessary for the individual with a disability to use and enjoy the dwelling.

B. Review with other land use applications. If the project for which the application for reasonable accommodation is being made requires approval of another permit under this title, then the applicant shall file the application for reasonable accommodation together with the application for the other permit, for concurrent review and action.

C. Any information related to a disability status and identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection, to the extent allowed by law.

D. If an individual needs assistance in making the request for reasonable accommodation, the city shall provide assistance to ensure that the process is accessible.

E. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

17.804.060 Review authority.

A. Planning director review.

1. The planning director shall review an application for reasonable accommodation if the application is not filed with an application for another permit.

2. If the application does not otherwise require a site plan and design review permit, the planning director shall consult with the design director if the application involves a property that is located in a design review district, or with the preservation director if the

application involves a property that is located in a historic district, is a structure that is at least 50 years old, or is a landmark.

B. Other reviewing authority. An application for reasonable accommodation submitted for concurrent review with another permit under this title shall be reviewed by the authority reviewing the other permit.

17.804.070 Review procedure.

A. Planning director review.

1. Written notice of the filing of an application for reasonable accommodation shall be mailed by the planning director to the owners of real property within a radius of 100 feet from the exterior boundaries of the subject property utilizing the owner names and addresses shown on the latest county equalized assessment roll. The notice shall be mailed no later than the next business day following the date the application is accepted as complete and shall describe the scope and nature of the requested reasonable accommodation.

2. Within 30 days of acceptance of the application as complete, the planning director shall issue a written decision to grant, grant with modifications, or deny an application for reasonable accommodation in accordance with section 17.804.080. The planning director shall mail written notice of the decision and of the right to appeal to the applicant. The written decision shall explain in detail the basis of the decision, including the planning director's findings on the criteria stated in section 17.804.080. If necessary to reach a determination on the request for reasonable accommodation, the planning director may request additional information from the applicant consistent with the Acts, specifying in detail the information that is required. If a request for additional information is made, the 30-day period to issue a decision is stayed until the applicant responds to the request.

3. The planning director shall mail written notice of the decision and of the right to appeal to the same property owners who received notice of the application under subsection A.1. The notice shall be mailed no later than the next business day following the date the written decision is issued.

B. Other reviewing authority. If the application for reasonable accommodation is submitted for concurrent review with another permit under this title, the decision to grant, grant with modifications, or deny the application shall be made by the authority taking action on the other permit under this title. The decision to grant, grant with modifications, or deny the request for reasonable accommodation shall be made in accordance with section 17.804.080.

17.804.080 Findings and decision.

A. Findings. The decision to grant, grant with modifications, or deny an application for reasonable accommodation shall be based on a finding of consistency with the Acts and shall take into consideration all of the following criteria:

1. Whether the housing or housing-related facilities that are the subject of the request will be used by an individual with a disability under the Acts.

2. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.

3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city.

4. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning.

5. Whether the requested reasonable accommodation would be contrary to the public health, safety, or welfare, or be injurious to the property or improvements of adjacent properties.

6. Whether the requested reasonable accommodation adequately considers the physical attributes of the property and structures.

7. Whether alternative reasonable accommodations could provide an equivalent level of benefit.

B. Conditions of approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation will comply with the findings required by this section. Conditions may be imposed to ensure that any removable structures or physical design features that are constructed or installed in association with the reasonable accommodation be removed once those structures or physical design features are unnecessary to afford the individual with a disability for whom the reasonable accommodation was granted the use and enjoyment of the dwelling.

17.804.090 Appeals.

A. Decision of Planning Director.

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 set for hearing to occur not later than 45 days from the date of filing. Notice of the appeal hearing shall be given by mail to the appellant and the applicant not later than ten days prior to the hearing. Except as stated in this section, the appeal shall be heard and decided as provided in chapter 17.812.

2. The decision of the commission on the appeal shall be made in accordance with Section 17.804.080 and shall be final.

B. Decision by other reviewing authority. A decision on an application for reasonable accommodation submitted for concurrent review with another permit under this title shall be subject to the same appeal rights as apply to the other permit.

C. Reasonable accommodation in appeal procedures. An applicant may request reasonable accommodation for the appeal procedure.

Chapter 17.808
Permits and Legislative Change Requests

Article I. Site Plan and Design Review

17.808.100 Purpose of site plan and design review.

The purpose of the site plan and design review permit is to ensure that the physical aspects of development projects are consistent with the general plan and applicable specific plan or transit village plan and with all applicable design guidelines; to ensure the development is of high quality and is compatible with and complimentary to surrounding development; to ensure streets and other public access ways and facilities, parking facilities, and utility and other infrastructure, both on-site and off-site, are adequate and available to support the development and conform to city development standards; to promote energy efficiency and water conservation; and to avoid or minimize to the extent feasible adverse environmental effects of development. Site plan and design review is a discretionary permit and is not the automatic right of an applicant.

17.808.110 Scope of site plan and design review.

A. The scope of site plan and design review extends to all aspects of the physical characteristics of development, such as the design features and site improvements of a development enumerated below.

1. Architectural design features of buildings and structures, including the size, scale, massing, articulation, colors, and materials of buildings and structures; the number, size, color, materials, design, and location of detached and attached signs (but not for the content or graphic design of the message displayed); and the screening of roof-mounted mechanical equipment;

2. Site design features, including subdivisions, the location and orientation of buildings, structures, detached signs, parking areas, and open spaces; the location, dimensions, and design of access ways and facilities for pedestrians, bicyclists, and vehicles; and the layout, design, and visual and functional characteristics of the landscape plan, including plantings, hardscape, lighting, paving, grading, drainage, and the screening of storage and service areas and ground-mounted equipment;

3. The adequacy of, and any reasonably required improvements to, streets and other public access ways and facilities for pedestrians, bicyclists, and vehicles; parking facilities; and utility and other infrastructure, both on-site and off-site; all as required to serve the development;

4. Physical site and architectural design features related to energy consumption and use of renewable energy resources;

5. Measures for the protection of environmentally sensitive features such as rivers, creeks, wetlands, protected plant and animal habitats, street trees, and heritage trees; and

6. Measures for the prevention of fires, flooding, erosion, subsidence, air and water pollution, glare, excessive noise and vibration, and exposure to hazardous substances.

B. The scope of site plan and design review does not include consideration of the use to which the development is put.

17.808.120 Approval of deviations from design guidelines and development standards.

A. Site plan and design review includes the authority to approve or require deviations that are more or less restrictive than the applicable design guidelines; subdivision standards; sign standards; lot coverage standards; setback and open space standards; height; development standards; parking facility standards, including the minimum and maximum off-street parking requirement; and allowable roof projections, including parapets, pitched roofs, mechanical penthouses, and spires.

B. Except as otherwise provided in this title, a deviation from design guidelines and development standards for the matters listed in subsection A, above, is subject to review as follows:

1. A deviation that reduces any minimum or exceeds any maximum distance, area, or quantity stated in a development standard by an amount greater than 50% is subject to commission-level review.

2. A deviation that reduces any minimum or exceeds any maximum distance, area, or quantity stated in a development standard by an amount not exceeding 50% is subject to director-level review.

3. A deviation for an accessory structure, wall, fence, or gate is subject to director-level review.

4. A deviation from a development standard that does not involve a distance, area, or quantity is subject to director-level review.

5. A deviation from a design guideline is subject to director-level review.

17.808.130 Commission-level site plan and design review.

A. Site plan and design review at the commission level is required for the following described development projects:

1. A development project that exceeds 60 feet in height;

2. A residential development project of more than 150 dwelling units;

3. A non-residential development project exceeding 125,000 square feet;

4. A mixed-use development project exceeding 125,000 square feet;

5. A development project that includes a deviation from the design guidelines or development standards that is subject to commission-level review under section 17.808.120;

6. A development project involving a landmark, contributing resource or noncontributing resource that, in the determination of the preservation director, involves one or more of the following:

a. Significant alteration to an existing landmark or contributing resource that would have a significant impact upon the character-defining features of the resource or upon original fabric, or would impact the resource's eligibility for listing in the Sacramento register;

b. New construction of a building or structure on the site of an existing landmark, contributing resource or noncontributing resource that would have a significant impact upon the character-defining features of the resource or upon original fabric, or would impact the resource's eligibility for listing in the Sacramento register; or

c. Relocation of a building or structure to the site of an existing landmark, contributing resource or noncontributing resource that would have a significant impact upon the character-defining features of the resource or upon original fabric, or would impact the resource's eligibility for listing in the Sacramento register;

7. A development project that involves the demolition or relocation of a landmark or contributing resource, except the demolition or relocation of accessory buildings and structures that are not identified as significant features or characteristics of the landmark or contributing resource;

8. A development project that involves the relocation of a building or structure to a vacant lot in a historic district;

9. When review of the project is elevated to the commission level under section 17.808.300 or commission-level review is otherwise required under this title.

B. Commission-level site plan and design review is conducted by the preservation commission if the development project is located in a historic district or involves a landmark. Otherwise, commission-level site plan and design review is conducted by the planning and design commission. If the development project is subject to preservation commission review, but also requires another discretionary permit or legislative request under this title, the preservation commission shall, at the conclusion of its hearing, forward a recommendation on the site plan and design review to the planning and design commission, rather than take final action.

C. A commission-level decision on a site plan and design review application is appealable to the city council as provided in section 17.812.060.

17.808.140 Director-level site plan and design review.

A. Site plan and design review at the director-level review is required for the following development projects:

1. A development not subject to commission-level review and that the director determines is not in substantial compliance with applicable design guidelines or that includes a deviation from design guidelines or development standards is subject to director-level review under section 17.808.120. A deviation that does not involve a distance, area, or quantity is subject to director-level review.

2. A development project involving a landmark, contributing resource, or noncontributing resource that is not subject to preservation commission review and that involves one or more of the following:

a. New construction of a building or structure on the site of an existing landmark, contributing resource, or non-contributing resource or on a vacant site in a historic district;

b. Additions of new porches, dormers, or new conditioned space on primary façades or affecting significant features or characteristics;

c. Alterations such as new openings in primary façades, raising the structure, partial demolitions or other changes with the potential for having impacts on character-defining features of the property or district, or on existing original fabric; or

d. Demolition or relocation of accessory buildings and structures that are not identified as significant features or characteristics of the landmark or contributing resource.

3. When review of the project is elevated to the director level under section 17.808.300 or director-level review is otherwise required under this title.

B. Director-level site plan and design review is conducted by the preservation director if the development project is located in a historic district or involves a landmark. Otherwise, director-level site plan and design review is conducted by the design director. If the development project requires another discretionary permit under this title to be heard at the director level, the preservation director or design director shall conduct the hearing on the development project concurrently with the hearing conducted by the zoning administrator or planning director.

C. A director-level decision on site plan and design review application made by the preservation director is appealable to the preservation commission, and a director-level decision on site plan and design review application made by the design director is appealable to the planning and design commission, as provided in section 17.812.060. If the development project includes another discretionary permit under this title that is also being appealed, the preservation commission shall, at the conclusion of its hearing, forward a recommendation on site plan and design review to the planning and design commission, rather than take final action.

17.808.150 Staff-level site plan and design review.

A. Site plan and design review at the staff-level is required for any development project that is not subject to director-level or commission-level review.

B. Staff-level site plan and design review is conducted under the general direction of the preservation director if the development project is located in a historic district or involves a landmark. Otherwise, staff-level site plan and design review is conducted under the general direction of the design director.

C. A staff-level decision is subject to reconsideration under section 17.812.020, and is not appealable.

17.808.160 Development exempt from site plan and design review.

The following development projects are exempt from the site plan and design review requirement:

A. For development projects that are not located in a historic district and do not involve a landmark:

1. An alteration to an existing building or structure that does not substantially alter the exterior appearance of the building or structure, as determined by the director;

2. An alteration to an existing site that does not significantly alter the functioning of the site with respect to traffic circulation, parking, infrastructure, and environmentally sensitive features, as determined by the director;

3. Secondary dwelling units; (Secondary dwelling units that do not meet development standards are subject to director-level review);

4. Sidewalk cafes;

5. Convenience recycling facilities; and

6. Registered house plans (subject to site plan review, but not design review).

B. For development projects located in a historic district or that involve a landmark:

1. Repainting of surfaces that were originally painted and the color scheme is not a significant character-defining feature of the historic resource;

2. Routine nonabrasive cleaning and maintenance; and

3. Site plantings when plantings and landscape elements are not significant character-defining features of the historic resource.

17.808.170 Determination of level of review of site plan and design review.

A. Except as provided in subsection B, the director shall determine whether an application for site plan and design review is subject to staff-level, director-level, or commission-level review. The determination of the director is final and is not subject to appeal.

B. For site plan and design review applications involving landmarks or contributing resources for which no significant features and characteristics have been identified, the preservation director shall identify the significant features and characteristics and determine whether the application is subject to staff-level, director-level, or commission-level review. The determination of the preservation director is final and is not subject to appeal.

17.808.180 Site plan and design review—Decision and findings.

A. Development projects located in a historic district or involving a landmark.

1. Projects not involving the demolition or relocation of a landmark or contributing resource. For projects not involving the demolition or relocation of a landmark or

contributing resource, the decision-maker may approve an application for site plan and design review based on the following findings:

a. The project is consistent with the Secretary of Interior standards and the goals and policies of this chapter; or

b. The project is not fully consistent with the Secretary of Interior standards, due to economic hardship or economic infeasibility, but the project is generally consistent with, and supportive of, the goals and policies of this chapter. The applicant shall have the burden of proving economic hardship or economic infeasibility; or

c. The project is not fully consistent with the Secretary of Interior standards, but is consistent with and supportive of identified goals and policies of the general plan or applicable community or specific plan(s); and the project is either generally consistent with, and supportive of, the goals and policies of this chapter, or if not, the benefits of the project and furthering the identified goals and policies of the general plan or applicable community plan outweigh any impacts on achieving the goals and policies of this chapter.

2. Projects involving demolition or relocation of a landmark or contributing resource. For projects involving the demolition or relocation of a landmark or contributing resource, the decision-maker may approve an application for site plan and design review based on the following findings:

a. Based upon sufficient evidence, including evidence provided by the applicant, the property retains no reasonable economic use, taking into account the condition of the structure, its location, the current market value, the costs of rehabilitation to meet the requirements of the building code or other city, state, or federal law; or

b. That the demolition or relocation of the landmark or contributing resource is necessary to proceed with a project consistent with and supportive of identified goals and policies of the general plan or applicable community or specific plan(s), and the demolition of the building or structure will not have a significant effect on the achievement of the purposes of this chapter or the potential effect is outweighed by the benefits of the new project; or

c. In the case of an application for a permit to relocate, that the building may be moved without destroying its historic or architectural integrity and importance; or

d. That the demolition or relocation of the landmark or contributing resource is necessary to protect or to promote the health, safety or welfare of the citizens of the city, including the need to eliminate or avoid blight or nuisance, and the benefits of demolition or relocation outweigh the potential effect on the achievement of the goals and policies of this chapter.

B. Development projects not located in a historic district and not involving a landmark. For projects not located in a historic district and not involving a landmark, the decision-maker may approve an application for site plan and design review based on all of the following findings:

1. The design, layout, and physical characteristics of the proposed development are consistent with the general plan and any applicable specific plan or transit village plan; and

2. The design, layout, and physical characteristics of proposed development are consistent with all applicable design guidelines and with all applicable development standards or, if deviations from design guidelines or development standards are approved, the proposed development is consistent with the purpose and intent of the applicable design guidelines and development standards; and

3. All streets and other public access ways and facilities, parking facilities, and utility infrastructure are adequate to serve the proposed development and comply with all applicable design guidelines and development standards; and

4. The design, layout, and physical characteristics of the proposed development are visually and functionally compatible with the surrounding neighborhood; and

5. The design, layout, and physical characteristics of the proposed development ensure energy consumption is minimized and use of renewable energy sources is encouraged; and

6. The design, layout, and physical characteristics of the proposed development are not detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and will not result in the creation of a nuisance.

C. The decision-maker may impose conditions as the decision-maker determines to be necessary or appropriate in order to make the required findings for approval.

Article II. Conditional Use Permit, Variance, Urban Development Permit, Legislative Change Request, Administrative Permit, and Emergency Building Permit

17.808.200 Conditional use permit.

A. Purpose. A conditional use permit is a zoning instrument used primarily to review the location and conduct of certain land uses that are known to 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 conditional use permit is a discretionary permit and is not the automatic right of an applicant.

B. Approval authority.

1. A conditional use permit is subject to review at the director level by the zoning administrator or planning director, at the commission level by the planning and design commission, or by the city council, as provided in this title.

2. A director-level decision on a conditional use permit is appealable to the planning and design commission, and a commission-level decision on a conditional use permit is appealable to the city council, as provided in section 17.812.060.

C. Decision and findings.

1. The decision-maker may approve a conditional use permit based on all of the following findings:

a. The proposed use and its operating characteristics are consistent with the general plan and any applicable specific plan or transit village plan; and

b. The proposed use and its operating characteristics are consistent with the applicable standards, requirements, and regulations of the zoning district in which it is located, and of all other provisions of this title and this code; and

c. The proposed use is situated on a parcel that is physically suitable in terms of location, size, topography, and access, and that is adequately served by public services and utilities; and

d. The proposed use and its operating characteristics are not detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and will not result in the creation of a nuisance.

2. The decision-maker may impose conditions as the decision-maker determines to be necessary or appropriate in order to make the required findings for approval.

17.808.210 Variance.

A. Purpose. A variance is a limited waiver or modification of a requirement contained in this title and is intended to be applied in situations where the strict application of the requirement to a proposed development will result in practical difficulty or unnecessary hardship for the owner due to unusual physical characteristics of the subject parcel. A variance is a discretionary permit and is not the automatic right of any applicant.

B. Approval authority.

1. A variance is subject to review at the director level by the zoning administrator.

2. A decision on a variance is appealable to the planning and design commission as provided in section 17.812.060.

C. Decision and findings.

1. The decision-maker may approve a variance, based on all of the following findings:

a. The parcel has physical characteristics, including its location, shape, size, topography, and surroundings, that do not generally exist in other properties in the vicinity with the same zoning classification; and

b. Due to these physical characteristics, strict compliance with this title would deprive the subject parcel of development opportunities enjoyed by comparable parcels in the vicinity with the same zoning classification; and

c. Approval of the requested variance will directly address the development impediments created by strict application of this title due to the physical characteristics of the subject parcel, but will not result in development advantages for the subject parcel inconsistent with the limitations imposed by this title on comparable parcels in the vicinity with the same zoning classification; and

d. Approval of the requested variance will not be detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and will not result in the creation of a nuisance; and

e. Approval of the requested variance will not allow a use or activity on the subject parcel that is not otherwise expressly authorized by this title; and

f. Approval of the requested variance authorizes development that is consistent with the general plan and any applicable specific plan or transit village plan.

2. The decision-maker may impose conditions as the decision-maker determines to be necessary or appropriate in order to make the required findings for approval.

17.808.220 Urban development permit, planning director conditional use permit, and planning director variance in the Sacramento Railyards special planning district.

Urban development permits, planning director conditional use permits, and planning director variances for development in the Sacramento Railyards special planning district are governed exclusively by chapter 17.440.

17.808.230 Legislative change request.

A. Purpose. The following changes to legislative regulations applicable to a parcel of land may be requested by the parcel owner. Changes to legislative regulations are legislative acts, are discretionary, and are not the right of the applicant.

1. Amendment of the land use designation established by the general plan or any specific plan.

2. Designation of a planned unit development.

3. Adoption of a planned unit development schematic plan and development guidelines.

4. Amendment of a planned unit development schematic plan designation.

5. Text amendment to planned unit development guidelines.

6. Rezoning.

7. Prezoning of a parcel outside of the city limits.

B. Approval authority.

1. Commission level – Recommendation. Except as provided in subsection 3, below, legislative change requests are subject to review at the commission level by the planning and design commission. At the conclusion of the hearing, the commission shall forward its recommendation to the city council or, if no motion to approve a recommendation receives enough votes to pass, shall forward to the city council a report of the votes taken on each motion on the request.

2. Council level. Legislative change requests are subject to review by the city council upon receipt of the recommendation or report from the planning and design commission.

3. Minor amendments to planned unit development schematic plan and development guidelines. An amendment to a planned unit development schematic plan or guideline that does not change the intensity of land uses by more than 10% is subject to review by the planning and design commission.

C. Decision and findings.

1. The decision-maker may approve a legislative change request as provided in this subsection C.

a. A decision to approve an amendment to a general plan land use designation is made by resolution, based on the following findings of fact:

i. The amendment is internally consistent with the goals, policies, and other provisions of the general plan; and

ii. The amendment promotes the public health, safety, convenience, and welfare of the city; and

iii. The zoning classification of the subject parcel is consistent with the proposed general plan land use designation.

b. A decision to approve an amendment to a specific plan land use designation is made by resolution, based on the following findings of fact:

i. The amendment is consistent with the applicable general plan land use designation, use, and development standards; and the goals, policies, and other provisions of the general plan;

ii. The amendment promotes the public health, safety, convenience, and welfare of the city; and

iii. The zoning classification of the subject parcel is consistent with the proposed specific plan land use designation.

c. A decision to designate a planned unit development or to adopt or approve an amendment to a planned unit development schematic plan or development guideline is made by resolution, based on the following findings of fact:

i. The designation, adoption, or amendment is consistent with the applicable general plan land use designation, use, and development standards; the goals, policies, and other provisions of the general plan; and any applicable specific plan or transit village plan;

ii. The designation, adoption, or amendment promotes the public health, safety, convenience, and welfare of the city; and

iii. The zoning classification of the subject parcel is consistent with the proposed designation of a planned unit development, or adoption of or amendment to the planned unit development schematic plan and development guidelines.

d. A decision to approve a rezoning or prezoning is made by ordinance, based on the following findings of fact:

i. The rezoning or prezoning is consistent with the applicable general plan land use designation, use, and development standards; the goals, policies, and other provisions of the general plan; and any applicable specific plan; and

ii. The amendment promotes the public health, safety, convenience, and welfare of the city.

2. The city council or planning and design commission may modify the request as it determines to be necessary or appropriate in order to make the required findings for approval.

17.808.240 Administrative permit.

A. Purpose. Administrative permits are used to determine the conformance of a proposed project to applicable development standards, use regulations, location restrictions, and similar requirements. Administrative permits are ministerial permits.

B. Approval authority.

1. Administrative permits are subject to consideration and action at the administrative level of review under the general direction of the planning director.

2. Action on an administrative permit is subject to reconsideration under section 17.812.020 and is not appealable.

C. Decision. The planning director, or other director as may be designated by the planning director, shall approve an administrative permit if the proposed project conforms to all applicable standards, regulations, and requirements. The decision-maker may impose conditions as the decision-maker determines to be necessary or appropriate for the project to conform to the standards, regulations, and requirements as required for approval.

17.808.250 Emergency building permit.

With the concurrence of the planning director, the building official may issue a building permit prior to the approval of all discretionary permits required by this title, subject to all of the following conditions and criteria:

A. The applicant for the building permit shall have completed and submitted an application for all discretionary permits required by this title for the development authorized by the building permit;

B. The development authorized by the building permit is to replace, rebuild, or reconstruct a structure or building destroyed or made inoperable due to a natural

disaster such as a flood, earthquake, or other soil or geologic movement; fire; or the occurrence of a riot, accident or sabotage;

C. A demonstrated urgency exists to replace, rebuild, or reconstruct the structure or building involving a clear and imminent danger demanding immediate action to prevent or mitigate loss or damage to life, health, or property; or the threat of loss of services for which there is an overriding public concern;

D. The completed application filed for all discretionary permits required by this title qualifies as an emergency or other exempt project under the State CEQA Guidelines promulgated in Title 14, California Code of Regulations, section 15000 et seq.; and

E. The applicant files a letter with the planning director, executed before a notary public, indicating that the applicant understands that:

1. The structure or building shall be removed by the applicant all discretionary permits required by this title are not approved;

2. The issuance of a building permit in advance of approval of all discretionary permits required by this title does not vest in the applicant or successor to the applicant, any right to continue construction or use of the structure or building, if all discretionary permits required by this title are not approved by the appropriate authority;

3. If the city is required to remove the structure or building due to the applicant's refusal or inability to do so, the applicant shall pay reasonable costs, including attorneys' fees and administrative expenses, incurred by the city in removing or contracting to remove the structure or building; and

4. A cash deposit or bond shall be required, in an amount to be determined by the planning director, sufficient to pay the costs of the removal of the structure or building, including reasonable attorneys' fees and administrative expenses; said deposit or bond to be held, or to remain in force, until released by the director.

Article III. Authority to Approve.

17.808.300 Authority to approve – Discretion to elevate review to director level or commission level.

The preservation director, design director, zoning administrator, or planning director, in their sole discretion, may elect to elevate the review and decision of any discretionary permit under their general direction or authority from the staff level to the director level, or from the director level to the commission level. The decision of the director under this section is final and is not subject to reconsideration or appeal.

17.808.310 Authority to approve – All affiliated permits and requests to be heard together.

Notwithstanding any other provisions of this title, all permits and legislative change requests associated with a single development project are reviewed and decided at the highest level required for the project.

Article IV. Permit Attributes.

17.808.400 Discretionary permits – Establishment of use – Term.

A. Time to establish use, construct development project, or demolish a building or structure under a discretionary permit.

1. General rule.

a. A discretionary permit expires and is thereafter void if the use or development project for which the discretionary permit has been granted is not established within the applicable time period. The applicable time period is either:

i. Three years from the effective date of approval of the discretionary permit; or

ii. The time specified by the decision-maker, if so stated in a condition of approval of the discretionary permit.

b. A use or development project that requires a building permit is established when the building permit is secured for the entire development project and construction is physically commenced.

c. A use or development project that does not require a building permit is established when all of the activities for which the discretionary permit has been granted have commenced.

d. The determination of whether the use or development project has been established is made by the planning director.

e. The holder of the discretionary permit may appeal the determination of the planning director to the planning and design commission as provided in section 17.812.060.

f. This subsection 1 does not apply to discretionary permits that are associated with a tentative map or with the demolition of a building or structure in a historic district or involving a landmark.

2. Discretionary permits associated with tentative map. The time to establish a use under a discretionary permit that is approved in connection with a tentative map runs concurrently with the term of the tentative map and is subject to the same extensions as applied to the tentative map.

3. Site plan and design review involving the demolition of a building or structure located in a historic district or involving a landmark. A site plan and design review approval for the demolition of a building or structure located in a historic district or involving a landmark expires and is thereafter void if a demolition permit or a building permit for the demolition work has not been obtained and substantial expenditures in good faith reliance upon the permit have not been made with 180 days from the effective date of approval.

B. Extension of time to establish use, construct development project, or demolish a building or structure under a discretionary permit.

1. General rule. One or more applications to extend time to establish a use, construct a development project, or demolish a building or structure may be granted for a discretionary permit up to a cumulative total extension period of five years. An application for an extension of time is discretionary and is not the automatic right of an applicant.

a. Time of filing. An application to extend time to establish a use, construct a development project, or demolish a building or structure under a discretionary permit shall be filed no later than the date the discretionary permit expires. If an application to extend time is timely filed, the discretionary permit shall not expire until action is taken on the application or the application is withdrawn.

b. Approval authority.

i. An application to extend time to establish a use or construct a development project under a conditional use permit or variance is subject to review at the staff level under the general direction of the zoning administrator.

ii. An application to extend the time to establish a use or construct a development project under an urban development permit is subject to review at the staff level under the general direction of the planning director.

iii. An application to extend the time to establish a use, construct a development project, or demolish a building or structure under a site plan and design review approval is subject to review at the staff level under the general direction of the preservation director if the development project is located in a historic district or involves a landmark. Otherwise, the application is subject to review under the general direction of the design director.

c. Decision and findings. The decision-maker may approve the application for an extension of time for good cause and based on the findings required for approval of the permit type as stated in this chapter. The decision-maker may impose conditions on the extension of time as the decision-maker determines to be necessary or appropriate in order to make the required findings for approval.

d. This subsection B.1 does not apply to discretionary permits that are associated with a tentative map or with a site plan and design review approval for the demolition of a building or structure in a historic district or involving a landmark.

2. Extension of time for discretionary permits associated with tentative map. An application for an extension of time to establish a use or construct a development project under a discretionary permit that is approved in connection with a tentative map is made concurrently with and is subject to the same procedure as for extensions of the tentative subdivision map.

3. Extension of time for the demolition of a building or structure located in a historic district or involving a landmark. An application for an extension of time of a site plan and design review approval for the demolition of a building or structure located in a historic district or involving a landmark may be extended for a period of up to an additional 45 days upon application to the preservation director filed no later than 30 days prior to expiration.

4. Discretion to elevate review of request. The zoning administrator, planning director, preservation director, or design director, in their sole discretion, may elect to elevate the review and decision on an application to extend the time to establish a use or construct a development project under their general direction or authority from the staff level to the director level. The decision of the director under this section is final and is not subject to reconsideration or appeal.

C. Term of discretionary permit. Once the use or development project authorized by a discretionary permit is established, the permit is of indefinite duration, unless an expiration date has been specifically stated as a condition of the permit, or unless the permit expires for discontinuance of use under section 17.808.410.

17.808.410 Discretionary permits – Expiration for discontinuance of use.

A. If a use authorized by a conditional use permit or urban development permit is discontinued for a continuous period exceeding two years, the permit expires for discontinuance of use and thereafter is void. For discontinuance of a nonconforming use, see section 17.232.100.

B. If a building or structure is damaged, demolished, or destroyed, the site plan and design review approval and any variance approval for the building or structure expires

for discontinuance of use and thereafter is void, unless repair or reconstruction work is commenced within two years following the date of damage or destruction and diligently prosecuted to completion. Commencement of repair or reconstruction is deemed to occur when a building permit is obtained and construction physically commenced. All repair or reconstruction work must be in accordance with the regulations of the building code existing at the time the building permit application for the work is filed.

17.808.420 Use of property to conform to terms and conditions of discretionary permit.

The use of property that is the subject of a discretionary permit shall conform in all respects with, and shall not extend beyond, what was approved by the discretionary permit, including all plans, exhibits, and conditions of approval.

17.808.430 Modification of approved terms and conditions – Site plan and design review.

Any modification of the terms and conditions of a site plan and design review permit requires a new site plan and design review application.

The director will determine the level of review.

The decision of the director under this section is final and is not subject to reconsideration or appeal.

17.808.440 Modification of approved terms and conditions – Conditional use permits, variances, and urban development permits.

A. Request for modification – Classification as major or minor.

1. A request to modify the terms and conditions of a conditional use permit, variance, or urban development permit may be made by filing an application for modification at any time during the term of the permit. A request for modification is discretionary and is not the automatic right of an applicant. A proposed modification is classified as either major or minor by the zoning administrator for a conditional use permit or variance, and by the planning director for an urban development permit, without notice or hearing. The decision on the classification of the modification is final and is not subject to reconsideration or appeal.

2. A major modification is one that will result in a material change in the nature of a project. The following are deemed major modifications for purposes of this section. This

list is not inclusive, and the fact that a particular change is not included does not limit discretion or authority of the decision-maker to determine that a particular proposed change or set of changes to the permit constitutes a major modification. The following changes constitute major modifications for purposes of this provision:

a. Any major change in the pattern or volume of traffic flow either on or off any property covered by the permit;

b. Any change in the nature of the use;

c. Any increase in the density of dwelling units per acre; and

d. Any material changes in the orientation or location of structures on the parcel.

3. A minor modification is any modification that is not classified as a major modification.

B. Approval authority – Major modification. A request for a major modification to the terms and conditions of a conditional use permit or variance is subject to review at the director level by the zoning administrator. A request for a major modification to an urban development permit is subject to review at the director level by the planning director.

C. Decision and findings – Major modification. The decision-maker may approve the request for modification based on the findings required for approval of the conditional use permit, variance, or urban development permit as stated in this chapter. The decision-maker may impose conditions on the modification as the decision-maker determines to be necessary or appropriate to make the required findings.

D. Appeal. A decision on a request for a major modification is appealable to the planning and design commission as provided in section 17.812.060.

E. Approval authority – Minor modification. A minor modification to the terms and conditions of a conditional use permit or variance is subject to review at the staff level under the general direction of the zoning administrator. A minor modification to the terms and conditions of an urban development permit is subject to review at the staff level under the general direction of the planning director.

F. Decision and findings – Minor modification. The decision-maker may approve the request for modification based on the findings required for approval of the conditional use permit, variance, or urban development permit as stated in this chapter. The decision-maker may impose conditions on the modification as the decision-maker determines to be necessary or appropriate to make the required findings.

G. Reconsideration. A decision on a request for a minor modification is subject to reconsideration under section 17.812.020, and is not appealable.

H. Discretion to elevate review of request. The zoning administrator or planning director, in their sole discretion, may elect to elevate the review and decision of a request to modify the terms and conditions of a conditional use permit, variance, or urban development permit under their general direction or authority from the staff level to the director level, or from the director level to the commission level. The decision of the director under this section is final and is not subject to reconsideration or appeal.

17.808.450 Revocation—Conditional use permits and urban development permits.

A. Decision authority. Revocation of a conditional use permit or urban development permit is reviewed by the original decision-maker.

B. Decision and findings.

1. The decision-maker may revoke a conditional use permit or urban development permit, based on any one or more of the following findings:

a. That the property's use is detrimental to the public health, safety, or welfare;

b. That the property's use constitutes a public nuisance; or

c. That the property's use violates any condition of approval of the discretionary permit.

2. If the decision-maker determines that there are grounds to revoke the discretionary permit, the decision-maker may, in lieu of revocation, impose additional or modify existing conditions of approval of the discretionary permit as the decision-maker determines to be necessary or appropriate for the use of the property to conform to the standards of approval.

C. Appeal. A director-level decision to revoke or modify a conditional use permit or urban development permit is appealable to the planning and design commission, and a commission-level decision to revoke a conditional use permit is appealable to the city council, as provided in section 17.812.060.

17.808.460 Administrative permits – Use of property to conform to terms and conditions of permit.

The development and use of property that is the subject of an administrative permit shall conform in all respects with, and shall not extend beyond, what was approved by the administrative permit, including all plans, exhibits, and conditions of approval.

17.808.470 Administrative permits – Establishment – Term – Expiration for discontinuance of use.

A. An administrative permit expires and is thereafter void if the use or development project for which the administrative permit has been granted is not established within three years of the effective date of approval.

B. Once the use or development project authorized by an administrative permit is established, the permit is of indefinite duration, unless the term of the administrative permit is established in this title or is specifically stated as a condition of the permit, or unless the permit expires for discontinuance of use under subsection C.

C. If a use authorized by an administrative permit is discontinued for a continuous period exceeding two years, the permit expires for discontinuance of use and thereafter is void.

17.808.480 Administrative permits – Revocation.

A. Decision authority. Revocation of an administrative permit is reviewed by the original decision-maker.

B. Decision and findings.

1. The decision-maker may revoke an administrative permit, based on any one or more of the following findings:

a. That the property's use is detrimental to the public health, safety, or welfare;

b. That the property's use constitutes a public nuisance; or

c. That the property's use violates any condition of approval of the administrative permit.

2. If the decision-maker determines that there are grounds to revoke the administrative permit, the decision-maker may, in lieu of revocation, impose additional or modify existing conditions of approval of the administrative permit as the decision-maker determines to be necessary or appropriate for the use of the property to conform to the standards of approval.

C. Appeal. A decision to revoke of modify an administrative permit is subject to reconsideration under section 17.812.020 and is not appealable.

Chapter 17.812
Review Procedures

17.812.010 Procedures – Levels of review.

A. Council-level review.

1. Hearing required. Council-level review is conducted by the city council, is discretionary in nature, and is subject to a noticed public hearing. Interim ordinances are not subject to a noticed public hearing as provided in section 17.916.030.

2. Notice.

a. Notice of a council-level review hearing is given by posting and mail as provided in section 17.812.030 for private development projects that include a discretionary permit.

b. Notice of a council-level review hearing is given by publication and mail as provided in section 17.812.030 for the following:

i. Private development projects that include a request for a legislative change;

ii. City-initiated amendments to a general plan or specific plan land use designation of a parcel; and

iii. City-initiated rezonings.

c. Notice of a council-level review hearing is given by publication as provided in section 17.812.030 for the following:

i. City-initiated amendments to the general plan or a specific plan under section that do not include an amendment to the land use designation of a parcel; and

ii. City-initiated amendments to the text of this title.

B. Commission-level review.

1. Hearing required. Commission-level review is conducted by the planning and design commission or the preservation commission as provided in this title, is discretionary in nature, and is subject to a noticed public hearing.

2. Notice.

a. Notice of a commission-level review hearing is given by posting and mail as provided in section 17.812.030 for private development projects that include a discretionary permit.

b. Notice of a commission-level review hearing is given by publication and mail as provided in section 17.812.030 for the following:

i. Private development projects that include a request for a legislative change;

ii. City-initiated amendments to a general plan or specific plan land use designation of a parcel; and

iii. City-initiated rezonings.

c. Notice of a commission-level review hearing is given by publication as provided in section 17.812.030 for the following:

i. City-initiated amendments to the general plan or a specific plan that do not include an amendment to the land use designation of a parcel; and

ii. City initiated amendments to the text of this title.

C. Director-level review.

1. Hearing required. Director-level review is conducted by the design director, preservation director, zoning administrator, or planning director as provided in this title, is discretionary in nature, and is subject to a noticed public hearing.

2. Notice. Notice of director-level review hearings is given by posting and mail as provided in section 17.812.030.

D. Staff-level review. The staff-level review is discretionary in nature and is conducted at the staff level under the general direction of the preservation director, design director, or zoning administrator as provided in this title, without notice and hearing.

E. Administrative-level review. The administrative-level review is ministerial in nature and is conducted at the staff level under the general direction of the planning director, without notice and hearing.

17.812.020 Notice and reconsideration of staff-level and administrative-level decisions.

The planning director shall establish policies and procedures to provide notice and reconsideration of decisions made at the staff level of review, including at a minimum the following:

A. Notification of action on the application, including all conditions and proposed findings; and

B. An opportunity for any person dissatisfied with the decision to request review and reconsideration of the decision by the reviewing director before findings of fact are adopted and the decision is final.

17.812.030 Hearing notices.

A. Contents of notice. Hearing notices shall contain the date, time, and place of the hearing; the name of the hearing body or officer conducting the hearing; a general description of the matter to be considered; a general description, in text or by diagram, of the location of the subject property; and a statement of what environmental determination, if any, has been made on the application to be considered at the hearing.

B. Notice types.

1. Publication. When a provision of this title requires a hearing notice by publication, the notice is published in the official newspaper of the city at least ten days prior to the hearing.

2. Posting. When a provision of this title requires a hearing notice by posting, notice is posted at the subject real property at least ten days prior to the hearing.

3. Mail or personal delivery.

a. When a provision of this title requires hearing notice by mail, notice is given by mail or personal delivery at least ten days prior to the hearing to all of the following persons and agencies:

i. The owner of the subject real property or the owner's duly authorized agent;

ii. The applicant, if any;

iii. The owners of real property located within 300 feet of the subject real property, utilizing the owners' names and addresses shown on the latest county equalized assessment roll. In lieu of the equalized assessment roll, other records of the county assessor or tax collector that contain more recent information may be used;

iv. Those persons who have requested in writing notice of the hearing;

v. Those persons who appeared and sufficiently identified themselves for the record at any prior public hearing conducted by the hearing body or officer before which the matter is pending or by any subordinate hearing body or officer; and

vi. Each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project whose ability to provide those facilities and services to the project may be significantly affected.

b. If the number of owners to whom notice would be mailed or delivered would be greater than 1,000, then in lieu of mailed or personally delivered notice, notice may be given by placing a display advertisement of at least one-eighth page in the official newspaper of the city or another newspaper of general circulation within the city reasonably calculated to provide effective notice to the public at least ten days prior to the hearing.

4. Notice of appeal hearings. Notice of an appeal hearing is given by all of the following methods and to all of the following persons:

a. By posting the notice on the subject real property at least ten days prior to the hearing;

b. By mail or personal delivery at least ten days prior to the date set for the hearing to the following persons:

i. The appellant;

ii. The owner of the subject real property when the owner is not the appellant;

iii. The owners of real property located within 300 feet of the subject real property, utilizing the owner names and addresses shown on the latest county equalized assessment roll. In lieu of the equalized assessment roll, other records of the county assessor or tax collector that contain more recent information may be used;

iv. Those persons who appeared and sufficiently identified themselves for the record before the hearing body or officer before which the original hearing was held; and

v. 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.

5. In addition to the notice required by this subsection, additional notice may be given in any other manner as the planning director deems necessary or desirable.

C. Notice of continuances. If a hearing is continued, and the continuance is to a date certain that is announced at the hearing, no additional notice of the continued hearing is required.

D. Effect of failure to receive notice. Failure of any person to receive a hearing notice required to be given by this title does not affect the validity of the hearing nor prevent the hearing body from proceeding with the hearing.

E. Early notice. The planning director shall establish policies and procedures to provide early notification and information to the public regarding the filing and acceptance of applications for permits and requests for legislative changes as determined appropriate by the planning director. In developing the policies and procedures for early notice under this section, the planning 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; and

3. Improve the quality of projects and the built environment.

17.812.040 Hearing procedures.

Commissions and directors authorized to conduct hearings under this title shall adopt rules of procedure for the conduct of hearings, including rules governing continuances, evidence, and ex parte communications.

17.812.050 Decisions.

A. Transmittal of decision to applicant. The planning director shall cause a record of decision to be prepared for each final decision made on an application for a discretionary permit or legislative change request, and shall transmit the record of decision to the applicant by mail or electronically. A record of decision includes the action taken, conditions of approval, supporting findings, related exhibits, and all other relevant information.

B. When decision is final and effective.

1. Decision at the council-level of review.

a. A decision at the council-level of review on a matter under this title that does not include a legislative act is final and effective when made and written findings of fact are adopted, when required.

b. A decision at the council-level of review on a matter under this title that includes a legislative act is final and effective as follows:

i. A decision on a legislative act that requires adoption of a resolution is final when made and written findings of fact are adopted, if required, and is effective 30 days thereafter, or at any later date as stated in the resolution.

ii. A decision on a legislative act that requires adoption of an ordinance is final when made and written findings of fact are adopted, if required, and is effective 30 days thereafter, or at any other date as stated in the ordinance.

iii. If the decision also includes a non-legislative action, the decision on the non-legislative action is effective upon the effective date of the decision on the legislative act.

2. Decision at the staff, director, and commission level.

a. A decision at the staff-level on a matter under this title is final and effective when the decision is made and findings of fact are adopted.

b. A decision at the director or commission level on a matter under this title that is subject to appeal is final and effective as follows:

i. If no appeal is timely filed, the decision is final when the decision is made and written findings of fact are adopted, and becomes effective ten days after the decision is final.

ii. If an appeal is timely filed, the effective date of the decision is stayed until a decision on the appeal is final and effective, in which case the decision of the director or commission is vacated; or until the appeal is withdrawn, in which case the decision of the director or commission becomes effective on the date of the withdrawal.

3. Decision at the administrative-level.

A decision made at the administrative-level on a matter under this title is final and effective when the decision is made.

17.812.060 Appeals.

A. Appeal of commission-level decisions.

1. Except as stated in subsection 2, below, any person dissatisfied with any commission-level decision that is subject to appeal under this title may appeal the decision within ten days after the decision is final. The appeal must be filed with the planning director using the form provided by the city.

2. A commission-level decision made on an appeal of a director-level decision may not be appealed.

B. Appeal of director-level decisions. Any person dissatisfied with any director-level decision that is subject to appeal under this title may appeal the decision within ten days after the decision is final. Except as provided in chapter 17.440 for the Sacramento Railyards special planning district, the appeal is heard at the commission-level. The appeal must be filed with the planning director using the form provided by the city.

C. Withdrawal of appeal. Any appeal may be withdrawn by the appellant upon written notice to the planning director delivered prior to the commencement of the appeal hearing.

D. Notice. Notice of an appeal hearing is given by posting and mail as prescribed for appeal hearings in section 17.812.030.

E. Review de novo. The hearing on an appeal is de novo, meaning that the hearing on appeal is not a review of the hearing previously held, but a completely new hearing as if the previous hearing had never occurred.

F. Appeal to be timely filed. An appeal may not be accepted unless it is timely filed and applicable fees paid.

17.812.070 Permits may not be issued until decision is final and effective.

Construction permits, licenses, or other permits for a project or use for which a discretionary approval has been given may not be issued until the decision on the discretionary approval is final and effective.

17.812.080 Limitation of actions attacking decisions.

Except to the extent that section 65090 of the Government Code applies, any action or proceeding to attack, review, set aside, or annul any decision or matter taken or done pursuant to this title, or concerning any of the proceedings, acts, or determinations taken, done, or made prior to such decision, or to determine the reasonableness, legality, or validity of any condition attached thereto, shall not be maintained by any person unless the action or proceeding is commenced within 30 days after the date the decision in final. Thereafter, all persons are barred from any action or proceeding

challenging, or any defense of invalidity or unreasonableness of, the decision or proceedings, acts, or determinations.

17.812.090 Inapplicability of formal rules of evidence; prejudicial error.

The provisions of section 65010 of the Government Code relating to the inapplicability of formal rules of evidence and prejudicial error are expressly adopted herein.

Division IX
Administration of General Plan and Planning and Development Code

Chapter 17.900
General Plan Adoption and Amendment

17.900.010 General plan – Preparation – Contents.

A. The planning agency shall prepare, administer, and maintain, in accordance with policies established by the city council, a comprehensive, long-term general plan for the physical development of the city, including any lands outside of the city boundaries that bear on the city's planning. The general plan contains the mandatory elements specified in the Planning and Zoning Law. The general plan may contain optional elements that, in the judgment of the city council, are necessary or desirable for directing or facilitating the physical development of the city.

B. The planning director, planning and design commission, or the city council may initiate general plan text amendments and amendments to the general plan land use designations.

17.900.020 General plan – Procedures for adoption and amendments.

A. Commission review. Adoption or amendment of the general plan is subject to review by the planning and design commission. At the conclusion of the hearing, the commission shall forward its recommendation to the city council or, if no motion to approve a recommendation receives enough votes to pass, shall forward to the city council a report of the votes taken on each motion on the general plan adoption or amendment.

B. Council review and decision. Adoption or amendment of the general plan is subject to review and decision by the city council upon receipt of the recommendation or report of the planning and design commission.

C. Decision. The city council may adopt or amend the general plan based on findings as stated below:

1. The general plan is in full compliance with the applicable requirements of the Planning and Zoning Law and comprises a comprehensive, long-term general plan for the physical development of the city and lands located outside of the territorial limits of the city that have a relation to its planning;

2. The general plan contains the substance of each of the state-mandated elements, to the extent that the subject of the element exists within the planning area;

3. The general plan comprises an integrated, internally consistent, and compatible statement of policies for the city relating to its physical development.

D. Action by resolution. Adoption or amendment of the general plan is a legislative act and is made by resolution.

Chapter 17.904
Specific Plans

17.904.010 Specific plans – Purpose – Preparation – Contents.

A. Purpose. The purpose of specific plans is to facilitate the implementation of the general plan within designated areas of the city.

B. Preparation. Specific plans may be initiated at the direction of the planning director, the planning and design commission, or the city council, and are prepared, administered, and maintained by the planning director in accordance with policies established by the city council.

C. Amendments. The planning director, planning and design commission, or the city council may initiate specific plan text amendments or amendments to specific plan land use designations.

D. Mandatory contents. A specific plan contains text and diagrams and addresses all of the following elements:

1. A statement of the relationship of the specific plan to the general plan;

2. The boundaries of the specific plan area and the distribution, location, and extent of land uses, including open space, within the specific plan area;

3. The distribution, location, extent, and intensity of the major components of public and private infrastructure related to transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the plan area and needed to support the land uses described in the specific plan;

4. Standards and criteria by which development will proceed;

5. Standards for the conservation, development, and utilization of natural resources, where applicable; and

6. A program for the implementation of the specific plan, including regulations, programs, public projects, and financing measures necessary to carry out the specific plan.

E. Optional contents. The specific plan may address any other subjects that, in the judgment of the city council, are necessary or desirable for the implementation of the general plan.

17.904.020 Specific plans – Procedures for adoption, amendments, and repeal.

A. Procedure for adoption and amendment. Specific plans are prepared, adopted, and amended in the same manner as the general plan.

B. Repeal. Specific plans are repealed in the same manner required for amendment.

C. Decision. The city council may adopt or amend a specific plan based on the finding that the specific plan, or amendment, is consistent with the general plan and this title.

D. Action by resolution. Adoption, amendment, or repeal of a specific plan is a legislative act and is made by resolution.

Chapter 17.908
Transit Village Plans

17.908.010 Transit village plans – Purpose – Preparation – Contents.

A. Purpose. This chapter is adopted pursuant to Article 8.5 of Chapter 3 of the Planning and Zoning Law (commencing with section 65460), known as the Transit Village Development Act of 1994 (the "Act"), which Act is expressly incorporated herein.

B. Preparation. Transit village plans may be initiated at the direction of the planning director, the planning and design commission, or the city council, and are prepared, administered, and maintained by the planning director, in accordance with the Act and with policies established by the city council.

C. Amendments. The planning director, planning and design commission, or the city council may initiate an amendment to a transit village plan.

D. Contents. A transit village plan shall conform to the characteristics described in the Act.

17.908.020 Transit village plans – Procedures for adoption, amendments, and repeal.

A. Procedure for adoption and amendment. Transit village plans are prepared, adopted, and amended in the same manner as the general plan.

B. Repeal. Transit village plans are repealed in the same manner as is required for amendment.

C. Decision. The city council may adopt or amend a transit village plan based on findings as stated below. The city council may modify the transit village plan, or amendment, from what was recommended or reported by the planning and design commission as it determines to be necessary or appropriate to support adoption:

1. The transit village plan, or amendment, conforms in all respects to the requirements of the Act; and

2. The transit village plan, or amendment, is consistent with the general plan and this title.

D. Action to be taken by resolution. Adoption, amendment, or repeal of a transit village plan is a legislative action and is made by resolution.

Chapter 17.912
General Plan Consistency Reviews

17.912.010 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 setting forth a 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 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 and any applicable specific plan or transit village plan.

C. Amendments to the capital improvement program. Prior to 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 and any applicable specific plan or transit village plan. The planning director shall review and report to the council or authorized project decision-maker on the consistency of the proposed project within 30 days of the date of submittal of the project for review. The planning director may submit the proposed project for consistency review to the planning and design commission, which shall provide its report on consistency within the 30 day time period.

17.912.020 Restrictions on acquisition and disposal of real estate, abandonment and vacation of streets, and authorization and construction of public buildings and structures.

A. 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 that are included in a capital improvement program or amendment reviewed by the planning director or planning and design commission under section 17.912.010 are not subject to further review under this section.

B. The provisions of subsection A of this section do not apply to the following actions, provided that such actions are of a minor nature:

1. The disposition of the remainder of a large parcel which was acquired and used in part for street purposes;

2. Acquisitions, dispositions, or abandonments for street widening; or

3. Alignment projects.

17.912.030 Review of city projects and projects of other governmental agencies.

A. The planning 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 general plan under section 17.912.020 and sections 65402 and 65403 of the Government Code.

B. The planning director shall serve as the planning agency for purposes of reviewing the city's acquisition and disposal of real estate, abandonment and vacation of streets, and authorization and construction of public buildings and structures for consistency with the general plan under section 17.912.020 and sections 65402 and 65403 of the Government Code.

Chapter 17.916
Planning and Development Code Amendments

17.916.010 Planning and Development Code – Procedures for amendments.

A. Initiation of amendments. The planning director, planning and design commission, or the city council may initiate text amendments to this title. The planning and design commission or the city council may initiate a rezoning amendment to this title.

B. Commission review. An amendment to this title is subject to review at the commission level by the planning and design commission. At the conclusion of the hearing, the commission shall forward its recommendation to the city council or, if no motion to approve a recommendation receives enough votes to pass, shall forward to the city council a report of the votes taken on each motion on the general plan adoption or amendment.

C. Council review and decision. An amendment to this title is subject to review and decision at the council level upon receipt of the recommendation or report of the planning and design commission.

D. Decision. The city council may adopt the amendment to this title based on findings as stated below. The city council may modify the amendment from what was recommended or reported by the planning and design commission as it determines to be necessary or appropriate to support adoption:

1. Findings for text amendments:

a. As amended, this title complements, supports, and facilitates the implementation of the goals, policies, and other provisions of the general plan and the city's specific plans and transit village plans; and

b. The amendment promotes the public health, safety, convenience, and welfare of the city.

2. Findings for rezoning and prezoning amendments:

a. The rezoning or prezoning is consistent with the applicable general plan land use designation, use, and development standards; the goals, policies, and other provisions of the general plan; and any applicable specific plan or transit village plan; and

b. The amendment promotes the public health, safety, convenience, and welfare of the city.

E. Action to be taken by ordinance. An amendment to this title is a legislative action and is made by ordinance.

17.916.020 Planned unit developments.

Designation of property as a planned unit development and the adoption or amendment of a planned unit development schematic plan or development guidelines may be initiated by the planning and design commission or the city council as provided in chapter 17.452, and are subject to the same procedural requirements that apply to property-owner requests for these legislative approvals set forth in section 17.808.230.

17.916.030 Interim ordinances.

A. Interim ordinances. Except as provided in subsection B of this section, the city council may adopt an interim ordinance imposing additional or alternative processes, rules, regulations, requirements, or prohibitions on any permits or uses that are the subject of a contemplated general plan, specific plan, transit village plan, or zoning amendment or regulation that the city council or the planning agency is considering or studying or intends to consider or study within a reasonable time. Adoption of the interim ordinance under this section shall not be subject to the procedures otherwise required for adoption of an amendment to this title, including noticed public hearings before the planning and design commission and the city council. The interim ordinance may be adopted as an emergency measure under subsection g.2 of section 32 of the city charter or as a regular ordinance.

B. Interim ordinances prohibiting uses. The city council may adopt an interim ordinance, as either an emergency measure under subsection g.2 of section 32 of the city charter or as a regular ordinance, prohibiting any use that may be in conflict with a contemplated general plan, specific plan, transit village plan, or zoning amendment or regulation that the city council or the planning agency is considering or studying or intends to consider or study within a reasonable time. Adoption of the interim ordinance under this section shall not be subject to the procedures otherwise required for adoption of an amendment to this title, including noticed public hearings before the planning and design commission and the city council, and shall be subject to section 65858 of the Government Code.

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ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING VARIOUS SECTIONS IN TITLES 2, 3, 5, 8, 9, 10, 12, 13, 15, 16, AND 18, AND REPEALING VARIOUS SECTIONS IN CHAPTER 16.40, OF THE SACRAMENTO CITY CODE, RELATING TO PLANNING AND DEVELOPMENT

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

SECTION 1.

A. Subsection C.2.b of section 1.28.010 of the Sacramento City Code is amended to read as follows:

All violations of the city charter and other codes or ordinances adopted by the city, including, but not limited to, the Planning and Development Code;

B. Except as specifically amended by subsection A, above, all provisions of section 1.28.010 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 2. Section 2.36.050 of the Sacramento City Code is amended to read as follows:

2.36.050 Zoning administrator.

The director of planning and development shall designate an employee of the planning division to serve as zoning administrator. The zoning administrator shall perform such duties and responsibilities as specified in the Planning and Development Code, other provisions of this code, or other city laws or regulations. The zoning administrator may adopt such rules, regulations and procedures as are necessary for the conduct of business.

SECTION 3. Section 2.60.070 of the Sacramento City Code is amended to read as follows:

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. Planning and Development Code relating to zoning and design review;

D. Recommend to the city council policies and programs in support of the urban design program established under the Planning and Development Code, 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 17.808 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.

SECTION 4.

A. Subsection A of Section 3.76.040 of the Sacramento City Code is amended to read as follows:

A. Sidewalk cafés are permitted on a city sidewalk, alley, or pedestrian mall located in the public right-of-way, subject to issuance of a sidewalk café revocable encroachment permit under this section and compliance with the application, development, and operational requirements of this section.

B. Except as specifically amended by subsection A, above, all provisions of section 3.76.040 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 5.

A. Subsection A of section 5.32.200 of the Sacramento City Code is amended to read as follows:

A. If any section, subdivision, section, clause, phrase or portion of this chapter conflicts with any section, subdivision, clause, phrase or portion of an express provision of the Planning and Development Code of the city, or conditions of a use permit or other permit issued pursuant thereto, or other administrative approvals issued under the Planning and Development Code , the conditions of the use or other conditional permit under the Planning and Development Code or the administrative approvals issued under the Planning and Development Code shall prevail.

B. Except as specifically amended by subsection A, above, all provisions of section 5.32.200 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 6.

A. Subsection B of section 5.68.190 of the Sacramento City Code is amended to read as follows:

B. Notwithstanding subsection A of section 17.608.030, the operation of food vending vehicles shall be allowed on parking facilities, subject to the following restrictions:

1. The food vending vehicle shall not occupy or block any parking spaces required for the primary use of the parcel as determined pursuant to chapter 17.608; and

2. The operation of the food vending vehicle shall comply with all other provisions of this code.

B. Except as specifically amended by subsection A, above, all provisions of section 5.68.190 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 7. Section 5.68.240 of the Sacramento City Code is amended to read as follows:

5.68.240 Private property – Stand-alone parking facilities.

Notwithstanding any other provision of this code to the contrary, food vending vehicles shall not be operated in a stand-alone parking facility as described in section 17.108.200 .

SECTION 8.

A. Subsection A of section 5.68.250 of the Sacramento City Code is amended to read as follows:

A. The operation of a food vending vehicle on private property shall be exempt from sections 5.68.210, 5.68.220 and chapter 17.232 of this code until January 1, 2018, if the food vending vehicle permittee has an established operation on private property.

B. Except as specifically amended by subsection A, above, all provisions of section 5.68.250 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 9. Section 5.80.070 of the Sacramento City Code is amended to read as follows:

5.80.070 Location of business.

It is unlawful for a person to conduct or operate a business mentioned in Section 5.80.010 of this chapter except in the location specified in the permit. A business for which a permit must be obtained and maintained pursuant to this chapter may only be established and conducted at a location for which such use is authorized under the Planning and Development Code.

Nothing in this chapter is intended to allow an applicant to operate a business for which a permit is required under this chapter in a location, building or structure that does not comply with the requirements of the Planning and Development Code, building code, or other local, state or federal regulations or laws.

SECTION 10.

A. Subsection B of section 5.88.070 of the Sacramento City Code is amended to read as follows:

B. The provisions of chapter 3.72 relating to outdoor sidewalk cafés notwithstanding, an application for a revocable permit under this section shall be submitted to the Old Sacramento management office, and shall be accompanied by a nonrefundable application fee set by resolution of the city council. At the director's discretion, the permit may be renewed annually upon payment of a renewal fee set by resolution of the city council.

B. Except as specifically amended by subsection A, above, all provisions of section 5.88.070 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 11.

A. The introductory paragraph of section 5.88.200 of the Sacramento City Code is amended to read as follows:

5.88.200 Certain activities or businesses excepted.

The prohibition of section 5.88.190 of this chapter shall not apply to the following activities or businesses, when conducted in a zone where such sale or display is permitted as a matter of right pursuant to the city's Planning and Development Code:

B. Except as specifically amended by subsection A, above, all provisions of section 5.88.200 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 12.

A. Section 5.108.020 of the Sacramento City Code is amended as follows:

1. The definition of special permit is repealed.

2. A new definition for conditional use permit is added to read as follows:

"Conditional use permit" means any conditional use permit issued by the city pursuant to the Planning and Development Code related to the operation of a public dance, entertainment establishment, or amusement premises.

B. Except as specifically amended by subsection A, above, all provisions of section 5.108.020 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 13.

A. Subsection A.3 of section 5.124.090 of the Sacramento City Code is amended to read as follows:

3. The permittee has failed to comply with any applicable provision of this chapter, any other provisions of this code or the city Planning and Development Code, or any other local, state, or federal law or regulation applicable to the permittee's activities, or has committed a crime of moral turpitude.

B. Except as specifically amended by subsection A, above, all provisions of section 5.124.090 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 14.

A. Subsection A.1 of section 5.124.170 of the Sacramento City Code is amended to read as follows:

The permittee has failed to comply with any applicable provision of this chapter, any other provisions of this code or the city's Planning and Development Code, or any other local, state or federal law or regulations applicable to the establishment's activities, or the permittee has committed a crime of moral turpitude;

B. Except as specifically amended by subsection A, above, all provisions of section 5.124.170 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 15.

A. Section 5.150.020 of the Sacramento City Code is amended as follows:

1. The definition of "special permit" is repealed.

2. A new definition for "conditional use permit" is added to read as follows:

"Conditional use permit" means any conditional use permit issued by the city pursuant to the Planning and Development Code related to the operation of a medical marijuana dispensary.

B. Except as specifically amended by subsection A, above, all provisions of section 5.150.020 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 16.

A. Subsection N of section 5.150.130 of the Sacramento City Code is amended to read as follows:

N. Indemnification. Every application filed or permit issued under this chapter shall contain a term or condition requiring the dispensary, through its management members, to execute an agreement in a form approved by the city attorney whereby the dispensary: (1) releases the city, and its agents, officers, elected officials, and employees from any injuries, damages, or liabilities of any kind that result from: (a) any repeal or amendment of this chapter and/or the Planning and development Code relating to medical marijuana dispensaries, or (b) any arrest or prosecution of the dispensary or its management members, employees, or members for violation of state or federal laws; and (2) defends, indemnifies and holds harmless the city and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by adjacent or nearby property owners or other third parties due to the operations at the dispensary, and for any claims brought by any of their clients for problems, injuries, damages, or liabilities of any kind that may arise out of the distribution of medical marijuana provided at the dispensary.

B. Except as specifically amended by subsection A, above, all provisions of section 5.150.130 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 17.

A. Subsection D of section 8.04.080 of the Sacramento City Code is amended to read as follows:

D. Reasonable Period to Correct Violations. No administrative penalty shall be imposed for violations of provisions of the Planning and Development Code unless the owner has been provided a reasonable period of time to correct the violation before imposition of the penalty, except in those cases in which there is an immediate danger to health or safety. The reasonable period for purposes of this title shall be 30 days from service of a notice of violation relating to the violation of the Planning and Development Code.

B. Except as specifically amended by subsection A, above, all provisions of section 8.04.080 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 18.

A. Subsection H of section 8.04.100 of the Sacramento City Code is amended to read as follows:

H. Any condition in violation of the Planning and Development Code, set forth in Title 17 of this code;

B. Except as specifically amended by subsection A, above, all provisions of section 8.04.100 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 19. 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 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, 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 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 conditional use permits as set forth in chapter 17.808.

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 conditional use permit. Notice of the hearing shall also be given by publication in at least one newspaper of general circulation at least ten 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 may appeal that decision to the city council by filing a notice of appeal with the city clerk pursuant to section 1.24.010. Any appeal shall be filed within ten 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 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 17.808.

B. Applications Filed on or Before July 1, 1995. An application to deviate from the requirements of section 8.68.160 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 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 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 may appeal that decision to the city council by filing a notice of appeal with the city clerk pursuant to section 1.24.010. Any appeal shall be filed within ten 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 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 17.808.

SECTION 20.

A. Subsection B of section 8.68.260 of the Sacramento City Code is amended to read as follows:

B. Except as provided in subsections C and D of this section, relating to required findings, terms and conditions of granting a variance, and factors to take into consideration, the application for a variance under this section shall be accepted and processed and a decision on the application shall be made in the same manner and subject to the same procedures and requirements as a zoning administrator variance under section 17.808.210.

B. Except as specifically amended by subsection A, above, all provisions of section 8.68.260 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 21. Section 8.68.270 of the Sacramento City Code is amended to read as follows:

8.68.270 Appeals.

The decision of the zoning administrator on a variance under this chapter shall be subject to appeal as provided in chapter 17.812.

SECTION 22.

A. Subsection C of section 8.96.070 of the Sacramento City Code is amended to read as follows:

C. Reasonable Period to Correct Violations. No administrative penalty shall be imposed for violations of city building, plumbing, electrical, or structural codes or provisions of the Planning and Development Code unless the owner has been provided a reasonable period of time to correct the violation before imposition of the penalty, except in those cases in which there is an immediate danger to health or safety. The reasonable period for purposes of this chapter shall be 30 days from service of a notice and order issued pursuant to this chapter.

B. Except as specifically amended by subsection A, above, all provisions of section 8.96.070 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 23. Section 8.100.040 of the Sacramento City Code is amended to read as follows:

8.100.040 Additions to, alterations or repairs of existing buildings and structures—Additions to, alterations or repairs of listed historic resources, and applicability of California Historical Building Code.

Existing buildings and structures that are altered, modified, repaired, enlarged or in any way changed shall be made to conform to this chapter insofar as the new work is concerned and in accordance with the California Building Code as amended by Title 15 of this code; provided that if the building or structure to be altered or enlarged is a listed historic resource as defined in chapter 17. 604 or is otherwise a qualified historical building or structure within the meaning of Health and Safety Code Section 18955, then alteration or enlargement may be made pursuant to the alternative building standards and building regulations of the State Historical Building Code.

SECTION 24. Section 8.100.050 of the Sacramento City Code is amended to read as follows:

8.100.050 Relocation of existing buildings and structures.

Existing buildings and structures which are moved or relocated shall be considered as new buildings and shall comply with all the requirements of the chapter; provided that if the building or structure to be moved or relocated is a listed historic resource as defined in chapter 17.604 or is otherwise a qualified historical building or structure within the meaning of Health and Safety Code Section 18955, then such building or structure may comply with the alternative building standards and building regulations of the State Historical Building Code.

SECTION 25.

A. Subsection C of section 8.100.170 of the Sacramento City Code is amended to read as follows:

C. Reasonable Period to Correct Violations. No administrative penalty shall be imposed for violations of city building, plumbing, electrical, or structural codes or provisions of the Planning and Development Code unless the owner has been provided a reasonable period of time to correct the violation before imposition of the penalty, except in those cases in which there is an immediate danger to health or safety. The reasonable period for purposes of this chapter shall be 30 days from service of a notice and order issued pursuant to this chapter.

B. Except as specifically amended by subsection A, above, all provisions of section 8.100.170 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 26. Section 9.32.140 of the Sacramento City Code is amended to read as follows:

9.32.140 Firearms—Use for certain purposes.

The provisions of the preceding section as to the use of firearms shall not apply to peace officers in the discharge of their official duties and using reasonable care, nor to persons using firearms in necessary self-defense, or in a careful manner for the purpose of destroying noxious animals upon land owned or occupied by them, nor to persons using the Sacramento Trap Shooting Range in Del Paso Park, nor to persons using the Mangan Rifle and Pistol Range, nor to persons using the shooting ranges at the California Army National Guard armories at 1013-58th Street, 3250 Meadowview Road, and 440 Arden Way, nor to gun/rifle ranges authorized and established pursuant to the Planning and Development Code, nor to persons lawfully using such gun/rifle ranges.

SECTION 27. Section 9.44.330 of the Sacramento City Code is amended to read as follows:

9.44.330 Keeping of beehives.

It is unlawful to permanently keep, have or ranch more than two beehives on a single parcel of property within the city, unless such parcel of property is zoned for agricultural uses by applicable provisions of the Planning and Development Code of the city, or unless such keeping, harboring, or maintaining of hives would constitute a valid nonconforming use under the applicable provisions of the Planning and Development Code; provided, however, that nothing in this section shall be deemed to authorize anyone to keep, harbor or maintain any such hives in violation of any other applicable law.

SECTION 28.

A. Subsection B of section 9.44.340 of the Sacramento City Code is amended to read as follows:

B. Subsection A of this section shall not apply:

1. To any parcel of property zoned for agricultural uses by applicable provisions of the Planning and Development Code of the city or to any property zoned rural estates and located within the area bounded by Sotnip Road on the south, Sorento Road on the west, and East Levee Road on the north and east (and generally known as Valley View Acres), or to any property zoned M-1(S)R-AOL and located with the area fronting on Ascot Avenue and bounded by Dry Creek Road on the west and Raley Boulevard on the east (and generally known as the Ascot Avenue overlay zone).

2. Where such keeping, harboring, or maintaining of such animals would constitute a valid nonconforming use under the applicable provisions of the Planning and Development Code of the city.

3. To the keeping, harboring, or maintaining of no more than a total of ten (10) such animals, each weighing no more than two hundred fifty (250) pounds, if the parcel on which they are kept is owned by a charitable organization described in Section 501(c)(3) of the Internal Revenue Code and is ten (10) acres or larger in size, if the animals are confined to an enclosure which complies with Section 9.44.360 of this chapter except when adequately tethered elsewhere on the property, and if the animals are an integral part of a therapeutic program offered by the organization and supervised by a California licensed physician and surgeon, psychologist, clinical social worker, or marriage, family and child counselor.

B. Except as specifically amended by subsections A, above, all provisions of section 9.44.340 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 29.

A. Section 9.44.370 of the Sacramento City Code is amended to read as follows:

9.44.370 Number of dogs, swine or cats per dwelling unit.

A. It is unlawful for any person or group of persons to keep, harbor, or maintain in or about any dwelling unit, or yard area adjacent thereto, more than three dogs or three swine permitted by section 9.44.320 of this chapter, or any combination thereof exceeding three animals, each of which is over the age of four months, unless the owner is duly authorized to operate a kennel under the Planning and Development Code.

B. It is unlawful for any person or group of persons to keep, harbor or maintain in or about any dwelling unit, or yard area adjacent thereto, more than seven cats, each of which is over the age of eight weeks.

C. For the purposes of this section the term "dwelling unit" shall be defined in the same manner as such term is defined in the Planning and Development Code.

SECTION 30.

A. Subsection A.3 of section 9.44.860 of the Sacramento City Code is amended to read as follows:

3. All hen chickens shall be kept within an enclosure that is at least 20 feet distant from any dwelling unit on an adjacent parcel. The definition of "dwelling unit" in section 17.108.050 shall apply to this section. Enclosures shall be situated in the rear yard. Enclosures shall not obstruct or partially obstruct any required exits from any dwelling unit.

B. Except as specifically amended by subsection A, above, all provisions of section 9.44.860 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 31. Section 9.44.900 of the Sacramento City Code is amended to read as follows:

9.44.900 Exceptions to restrictions.

This article shall not apply:

A. To any parcel of property zoned for agricultural uses by applicable provisions of the Planning and Development Code or to any property zoned rural estates and located within the area bounded by Sotnip Road on the south, Sorento Road on the west, and East Levee Road on the north and east (and generally known as Valley View Acres), or to any property zoned M-1(S)R-AOL and located with the area fronting on Ascot Avenue and bounded by Dry Creek Road on the west and Raley Boulevard on the east (and generally known as the Ascot Avenue overlay zone).

B. Where keeping, harboring, or maintaining hen chickens would constitute a valid nonconforming use under the applicable provisions of the Planning and Development Code.

SECTION 32.

A. Section 10.44.020 of the Sacramento City Code is amended as follows:

1. Subsection D.5 is amended to read as follows:

5. In the C-1 (limited commercial) zone adjacent to residentially zoned lots or residential uses, the vehicle shall be parked at least 25 feet from the front yard property line and 25 feet from the side yard property line. On other C-1 property, the vehicle shall not be parked in the setback required by the Planning and Development Code.

2. Subsection F is amended to read as follows:

F. The planning director may issue a planning director's conditional use permit to allow the parking of one commercial vehicle weighing 10,000 pounds or more on a parcel which does not meet all of the conditions set forth in subsection D of this section in accordance with the procedure set forth in chapter 17.808.

B. Except as specifically amended by subsection A, above, all provisions of section 10.44.020 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 33. Section 12.24.030 of the Sacramento City Code is amended to read as follows:

12.24.030 Certain uses of sidewalks permitted.

Except as otherwise provided in sections 5.88.010 through 5.88.070, chapter 12.44 and the Planning and Development Code, no person shall use any portion of the sidewalks of the city for any purpose whatsoever, except for sidewalk purposes or for such purposes as may otherwise be provided by this title; provided, however, that merchants or persons having occasion to receive or deliver goods may use the sidewalk in front of the premises occupied by them for the purpose of receiving or delivering such goods, and provided, further, that space on the sidewalk at least six feet in width shall at all times be kept clear for the accommodation of pedestrians.

SECTION 34.

A. Subsection B.2 of section 12.52.030 of the Sacramento City Code is amended to read as follows:

2. Nothing in this chapter is intended to prohibit or make unlawful, activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for

residential or other purposes; and provided further, nothing is intended to prohibit or make unlawful, activities of a property owner or other lawful user if such activities are expressly authorized by the city's comprehensive Planning and Development Code or other laws, ordinances, and regulations.

B. Except as specifically amended by subsection A, above, all provisions of section 12.52.030 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 35.

A. Subsection D of section 12.56.110 of the Sacramento City Code is amended to read as follows:

D. In connection with the relocation of a listed historic resource as defined in chapter 17.604, the director shall give greater consideration to the removal of street trees if there is no alternative way to preserve the structure. Factors to be considered by the director include the historical significance of the structure, whether it could be preserved in its present location, the condition, size, and species of the trees to be removed, and other related factors.

B. Except as specifically amended by subsection A, above, all provisions of section 12.56.110 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 36.

A. Subsection C.1 of section 12.64.050 of the Sacramento City Code is amended to read as follows:

1. In the case of removal, (a) that the heritage tree must be removed in order for the applicant to use the property for any use permitted as of right or by conditional use permit under the city Planning and Development Code for the zoning district in which the property is located and that such use could not be made of the property unless the tree is removed; or (b) that the condition of the tree with respect to disease, danger of falling or interference with utility services is such that the public health, safety or welfare require its removal; or (c) that the tree or tree roots are causing, or threatening to cause, damage to any main structure on the owner's property and there are no reasonable alternative means to mitigate the damage or threatened damage while minimizing the impact on the tree. Reasonable alternative means of mitigation include, but are not limited to, cutting tree roots, trimming the tree canopy, or installing a root barrier. Removing, relocating, or in any way altering any main structure on the owner's property shall not be considered a reasonable alternative means of mitigation; or (d) that the tree no longer meets the criteria for a heritage tree set forth in Section 12.64.020 of this chapter;

B. Except as specifically amended by subsection A, above, all provisions of section 12.64.050 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 37. Section 12.84.050 of the Sacramento City Code is amended to read as follows:

12.84.050 Dropping objects from planes.

It is unlawful for any person to cause to be dropped or permit to be dropped from any aircraft or anything attached thereto any articles or objects, unless special waiver has been issued by the Federal Aviation Administration and a special permit issued by the city manager or his or her duly authorized representative.

SECTION 38. Section 13.04.075 of the Sacramento City Code is amended to read as follows:

13.04.075 Water service for community gardens.

The director may authorize lots or parcels utilized for a community garden, as defined in section 17. 108.040 of this code, to use the existing water service connection of an adjoining lot or parcel to provide irrigation for the community garden if the owner of the adjoining lot or parcel consents to such use, provided that:

A. A backflow prevention device is installed and periodically tested in accordance with such requirements as may be specified by the director to protect the potable water supply of the city and of the adjoining lot or parcel served by the existing water service connection; and

B. A water meter is installed on the existing water service connection. The owner of the adjoining lot or parcel served by the existing water service connection shall notify the director prior to the initiation of any such use, and shall be liable for all rates, charges, and fees for the water service furnished to the existing water service connection used to provide irrigation for the community garden.

SECTION 39.

A. Subsection C of section 15.04.060 of the Sacramento City Code is amended to read as follows:

C. Reasonable Period to Correct Violations. No administrative penalty shall be imposed for violations of city building, plumbing, electrical, or structural codes or provisions of the Planning and Development Code unless the owner has been provided a reasonable period of time to correct the violation before imposition of the penalty, except in those cases in which there is an immediate danger to health or safety. The reasonable period

for purposes of this title shall be 30 days from service of any notice issued pursuant to this title.

B. Except as specifically amended by subsection A, above, all provisions of section 15.04.060 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 40. Section 15.08.080 of the Sacramento City Code is amended to read as follows:

15.08.080 Work without permits—Additional fee for work done without a permit.

Where work for which a permit is required is commenced prior to the obtaining of the required permit(s), the chief building official shall charge up to four times all applicable plan review and permit (inspection) fees related to the required permit(s), including, but not limited to, building permits, sign permits and demolition permits. The payment of the increased fee(s) shall not relieve any person from fully complying with the requirements of this code, other codes adopted by the city, or the requirements of the Planning and Development Code. Failure to comply with the provisions of this chapter may also subject the violator to any other penalties, sanctions or remedies provided elsewhere in this code.

SECTION 41.

A. Section 15.44.020 of the Sacramento City Code is amended as follows:

1. Subsection B is amended to read as follows:

B. No demolition permit shall be approved for demolition of a historic resource as defined in chapter 17.108, except pursuant to the provisions of chapter 17. 604.

2. Subsection C is amended to read as follows:

C. No demolition permit shall be issued for demolition of a building which is adjacent to a historic resource as defined in chapter 17.108 and which the building official has determined is structurally connected to the historic resource so that the demolition of the adjacent structures presents the potential for substantial damage to, or collapse or demolition of, the historic resource until the building official has consulted with, or made reasonable efforts to consult with, the preservation director and the chairperson of the preservation commission. Prior to issuance of any demolition permit, the building official may require the wrecker to submit a report from a licensed architect or licensed civil or structural engineer or such other reports as the building official deems reasonable and necessary to evaluate the potential impact of demolition of the structure on the adjacent historic resource and to determine the adequacy of the proposed method of demolition in terms of protecting the adjacent historic resource. The building official shall require such a report unless

he or she determines that the proposed method of demolition will protect adequately the adjacent historic resource. The building official shall impose such conditions on the demolition permit as he or she determines necessary and appropriate to protect the historic resource. Nothing in this section is intended to affect or interfere with the authority of the building official to order or approve the immediate demolition of a building or structure determined to be immediately dangerous as defined in Section 8.96.120.

B. Except as specifically amended by subsection A, above, all provisions of section 15.44.020 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 42.

A. Section 15.48.010 of the Sacramento City Code is amended as follows:

1. Subsection C is amended to read as follows:

C. Applications to relocate a landmark or contributing resource, including accessory buildings and structures; applications to relocate a building or structure to the site of an existing landmark, contributing resource, non-contributing resource, or to a vacant lot in a historic district; and applications to relocate a building or structure 50 years old older shall be subject to the requirements of the Planning and development Code in addition to the requirements of this chapter.

2. Subsection D is amended to read as follows:

D. Applications to relocate any building or structure that is not subject to review under chapter 17. 604 shall be subject to site plan and design review under the Planning and Development Code in addition to the requirements of this chapter.

B. Except as specifically amended by subsection A, above, all provisions of section 15.48.010 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 43. Section 15.52.020 of the Sacramento City Code is amended to read as follows:

15.52.020 Applicability of chapter.

This chapter shall apply to any structure or any portion of a structure which is designed and used, or is designed and formerly used for commercial uses (as such uses are defined by the Planning and Development Code of the city) which remains vacant and unoccupied for a period in excess of 45 days. This chapter shall also apply to any building or any portion of a building which is designed and used or is designed and formerly used for residential purposes which remains vacant and unoccupied for a period in excess of ten

days. The incidental use of any vacant structure for storage purposes shall not be deemed to exempt it from the provisions of this chapter.

SECTION 44. Section 15.72.010 of the Sacramento City Code is amended to read as follows:

15.72.010 Definitions.

As used in this chapter only, the following terms shall have the definitions shown:

"Commercial structure" means and includes only a structure no part of which is used for housing.

"Encroachment" means and includes any part of a commercial structure proposed to be located under, over or upon public property or a public right-of-way.

"Central City" means that area defined by the same term in the Planning and Development Code of the city.

"Public benefit" means that the public gains a substantial benefit from a proposed structure, including, without limitation, shelter from direct sunlight or from inclement weather.

SECTION 45. Section 15.72.020 of the Sacramento City Code is amended to read as follows:

15.72.020 Variance.

In the Central City area only, subject to the other provisions of this chapter, the council may grant for an encroachment by a commercial structure a variance from the requirements of this title; provided, however, such variance shall be granted only where such encroachment will produce a substantial public benefit when balanced against any detriment which the proposed encroachment may cause.

SECTION 46.

A. Subsection A of section 15.88.090 of the Sacramento City Code is amended to read as follows:

A. No grading shall be approved unless the project conforms to the city's general plan, any adopted specific or community plans, and applicable city ordinances, including the Planning and Development Code and the subdivision ordinance.

B. Except as specifically amended in subsection A, above, all provisions of section 15.88.090 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 47.

A. Subsection B of section 15.92.040 of the Sacramento City Code is amended to read as follows:

B. This chapter shall not be applied so as to modify landscaping requirements set forth as a condition on a conditional use permit or other land use entitlement.

B. Except as specifically amended in subsection A, above, all provisions of section 15.92.040 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 48. Section 15.120.040 of the Sacramento City Code is amended to read as follows:

15.120.040 General definitions.

As used in this chapter only, the following terms shall have the definitions shown:

"Contractor of a federal agency" means any person, association or corporation which has entered into a contract or agreement with a federal agency in connection with the planning, design, development, management or disposition of experimental or prototype housing at a project site within the city which has been designated for residential experimental housing in accordance with this chapter.

"Federal agency" means a department or agency of the federal government.

"Variance" as used in connection with the provisions of Articles IV and V of this chapter means and include both variances from the regulations of the Planning and Development Code and conditional use permits which vary the regulations of such ordinances.

SECTION 49. Section 15.120.110 of the Sacramento City Code is amended to read as follows:

15.120.110 Zoning classification.

The "XH experimental residential housing" designation does not establish a zoning classification. If the project requires rezoning of the property to accomplish its purposes, the council shall adopt a resolution rezoning the property to the appropriate zone at the same time that it adopts the resolution of designation. The appropriate zone shall be the zone contained within the Planning and Development Code which most nearly corresponds with

the proposed land usage set forth in the general schematic plan. A copy of such plan shall be submitted with the application for the experimental housing designation.

SECTION 50. 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 Planning and Development Code shall be applicable to such rezonings.

SECTION 51. Section 15.120.130 of the Sacramento City Code is amended to read as follows:

15.120.130 Development standards.

The development standards for the project site shall be those described in the plans approved by the federal agency for the development and construction of the project. If such standards conflict with any or all of the regulations contained within the Planning and Development Code, the planning director shall have the authority and obligation to grant variances from those regulations in the manner prescribed in Article V of this chapter.

SECTION 52. Section 15.120.140 of the Sacramento City Code is amended to read as follows:

15.120.140 Application of zoning ordinance.

All provisions of the Planning and Development Code shall be applicable to property within the project site except to the extent that such provisions have been waived, modified or altered by the granting of a variance granted by the planning director under the procedures prescribed in Article V of this chapter.

SECTION 53. Section 15.120.180 of the Sacramento City Code is amended to read as follows:

15.120.180 Variances—Application.

At any time following review of the development plans by the planning director, the federal agency or its contractors may make application to the planning director for variances from any and all provisions of the Planning and Development Code when the granting of such variances is necessary to permit the construction, alteration, occupancy, or disposal for intended uses of experimental residential housing and related uses which are described in the development plans.

SECTION 54. Section 15.120.190 of the Sacramento City Code is amended to read as follows:

15.120.190 Variances—Granting.

The requested variances shall be summarily granted by the planning director without necessity of public hearing. No provision of the Planning and Development Code shall be applicable to the granting of such variances.

SECTION 55. Section 15.120.200 of the Sacramento City Code is amended to read as follows:

15.120.200 Modification of development plans—Additional variances.

If at any time following the review of the development plans by the planning director, minor modifications are made to such plans, the planning director may summarily grant such variances from the regulations of the Planning and Development Code as are necessary to accommodate such modifications. The procedure for granting such variances shall be that set forth in section 15.120.190. If major modifications are made to the development plans, the modified development plans shall be resubmitted to the planning director for review and comment in accordance with the procedure set forth in section 15.120.170.

SECTION 56. Section 15.144.120 of the Sacramento City Code is amended to read as follows:

15.144.120 Application of article.

The provisions of this article shall be applicable to the use, erection and maintenance of a tent or other canvas-covered structures for any of those temporary land uses of a noncommercial nature for which a special use permit would be required under the Planning and Development Code. A temporary land use is a land use of less than 60 continuous days, and less than 90 days total in any 12 month period. Where this chapter is applicable, it shall supersede the provision of the Planning and Development Code.

SECTION 57. Section 15.148.010 of the Sacramento City Code is amended to read as follows:

15.148.010 Purpose.

The purpose of the sign regulations set forth in this chapter shall be to eliminate potential hazards to motorists and pedestrians; to encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites which they occupy, and which eliminate excessive and confusing sign displays; to preserve and improve the

appearance of the city as a place in which to live and to work and as an attraction to nonresidents who come to visit or trade; to safeguard and enhance property values; to protect public and private investment in buildings and open spaces; to supplement and be a part of the regulations imposed and the plan set forth under the Planning and Development Code; and to promote the public health, safety and general welfare.

SECTION 58. Section 15.148.100 of the Sacramento City Code is amended to read as follows:

15.148.100 Regulations established.

The regulations in this article are adopted governing the number, size, type, location, subject matter and other provisions relating to signs within the various zones of the city as the zones are established and designated by the Planning and Development Code. No signs shall be allowed in these zones unless exempt under this article or expressly permitted by this article, or unless such signs comply with the regulations established in Article IX of this chapter relating to legal nonconforming uses.

SECTION 59.

A. Section 15.148.110 of the Sacramento City Code is amended as follows:

1. Subsection D.1 is amended to read as follows:

1. For multi-family uses, one project identification sign is permitted at each major entrance into the development. No more than one project identification sign is permitted per street frontage. For corner lots, a project identification sign may be substituted from a street front-age and placed within the landscaped setback area at the street corner. Placement of said corner project identification sign shall adhere to the visibility requirements for corner lots in the Planning and Development Code.

2. Subsection F is amended to read as follows:

F. All illuminated signs in the residential zones, including bulletin boards, shall be indirectly illuminated. Directly illuminated signs are allowed subject to approval of a zoning administrator's conditional use permit.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.110 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 60.

A. Subsection C of section 15.148.120 of the Sacramento City Code is amended to read as follows:

C. All signs shall conform to building setback requirements specified by the Planning and Development Code.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.120 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 61.

A. Subsection D of section 15.148.130 of the Sacramento City Code is amended to read as follows:

D. A conditional use permit may be granted to permit signage in excess of that allowed by this section for facilities which regularly provide emergency medical care.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.130 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 62.

A. Subsection E.7.g of section 15.148.190 of the Sacramento City Code is amended to read as follows:

g. If not specifically approved as part of the design approval for the building, the following types of signs shall require a zoning administrator's conditional use permit pursuant to chapter 17.808:

i. Signs not located in the "upper signage area," as defined in subsection (E)(7)(e) of this section.

ii. Signs which use construction materials other than marble, granite, ceramic tile or individual solid metal letters pursuant to subsection (E)(7)(c) of this section.

Except as provided in subsection (E)(7)(g) of this section, attached signs consistent with this section shall be subject to administerial permit issuance procedure.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.190 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 63.

A. Subsection E.7.g of section 15.148.193 of the Sacramento City Code is amended to read as follows:

g. If not specifically approved as part of the design approval for the building, the following types of signs shall require a zoning administrator's conditional use permit pursuant to chapter 17.808:

i. Signs not located in the "upper signage area," as defined in subsection (E)(7)(e) of this section.

ii. Signs which use construction materials other than marble, granite, ceramic tile or individual solid metal letters pursuant to subsection (E)(7)(c) of this section.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.193 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 64.

A. Subsection A of section 15.148.270 of the Sacramento City Code is amended to read as follows:

A. All illuminated signs in the A and R zones shall be indirectly illuminated. Directly illuminated signs are allowed in the A and R zones subject to approval of a zoning administrator's conditional use permit.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.270 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 65. Section 15.148.290 of the Sacramento City Code is amended to read as follows:

15.148.290 Conditional use permit required—Rotating signs.

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

SECTION 66. Section 15.148.300 is amended to read as follows:

15.148.300 Conditional use permit required—Roof signs.

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

SECTION 67. 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 conditional use 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 68. Section 15.148.780 of the Sacramento City Code is amended to read as follows:

15.148.780 Signs for legal nonconforming uses.

Subject to the provisions of this section, signs for a legal nonconforming use as defined in the Planning and Development Code of the city are permitted. Signs for a legal nonconforming use shall be deemed to comply with the provisions of this article if they comply with the sign regulations for the most restrictive zoning district which permits the nonconforming use as an allowed use. Such signs shall be permitted only so long as the nonconforming use is permitted. Any such sign legally existing on the effective date of this article but which does not comply with the regulations of this article shall be deemed to be a nonconforming sign under the provisions of this chapter and shall be subject to alteration or removal in accordance with the provisions of Section 15.148.790 of this article. Notwithstanding any provision to the contrary herein, no new or additional detached sign after the effective date of this chapter for a nonconforming use shall be permitted. The owner of the property on which the sign is located shall have the primary responsibility for removing the signs required to be removed or altered under this article.

SECTION 69. Section 15.148.810 of the Sacramento City Code is amended to read as follows:

Any sign which becomes nonconforming subsequent to the effective date of this article, either by reason of annexation to the city of the territory upon which the sign is located, or the amendment of this article, the Planning and Development Code, or other

provision of this code so as to render such sign nonconforming shall be subject to the provisions of this article. The period within which such sign must be removed shall commence to run upon the effective date of the annexation, amendment or the date upon which the sign otherwise becomes nonconforming.

SECTION 70.

A. Subsection D of section 15.148.815 of the Sacramento City Code is amended to read as follows:

D. Relocation agreements shall be approved by the city council. Applications for relocation agreements shall be noticed and heard before the planning and design commission and city council in the same manner as applications for city council approved conditional use permits are noticed and heard pursuant to Planning and Development Code.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.815 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 71.

A. Subsection C.4.e of section 15.148.860 of the Sacramento City Code is amended to read as follows:

e. Review and Approval. Proposed signs shall require a zoning administrator's conditional use permit pursuant to chapter 17.808 of this code.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.860 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 72. Section 15.148.870 of the Sacramento City Code is amended to read as follows:

15.148.870 Neighborhood identification signs.

In any zone, a sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood or tract identification provided a conditional use permit has been granted by the zoning administrator. The legend of such a sign or display shall consist only of the neighborhood or tract name.

SECTION 73. Section 15.148.880 of the Sacramento City Code is amended to read as follows:

15.148.880 Subdivision development signs.

A. On-site marketing signs in any zone in connection with the marketing of lots or structures in a subdivision require zoning administrator review in conjunction with the review of the model home complex/temporary sales office permit. A sign is considered an on-site marketing sign if it is located within the boundaries of the subdivision being marketed. On-site marketing signs are subject to the following conditions:

1. Such signs are allowed for a period not exceeding two years. The zoning administrator may renew the permit for additional one-year periods upon written application at least 30 days prior to expiration.

2. Subdivision identification signs shall be limited to signs which shall not exceed eight feet in height, eight feet by four feet in dimension and 32 square feet in area.

3. Individual unit identification signs shall be limited to one square foot in size and two feet in height.

4. Signs may be located within the required setback areas; however, in no case shall signs be located closer than ten feet to any public right-of-ways and driveways.

B. Off-site marketing signs require a zoning administrator's conditional use permit in any zone in connection with the marketing of lots or structures in a subdivision. A sign is considered an off-site marketing sign if it is located outside the boundaries of the subdivision it is marketing. Off-site marketing signs are subject to the following conditions:

1. Individual directional marketing signs shall not exceed four feet by eight feet in dimension, 32 square feet in area, eight feet in height, and shall be located outside on any setback imposed under the city Planning and Development Code for the zoning district in which the property is located.

2. The entire off-site signage program for subdivision shall be reviewed and approved in one application. No additional requests may be submitted.

3. Multi-faced regional subdivision signs shall be limited to 15 feet in height, shall contain no more than four panels, with a maximum of four feet by eight feet in size 32 square feet in area) per panel. The overall sign area shall not exceed eight feet by 18 feet (144 square feet). Signs shall be located outside the setback of the zoning district in which it is located.

4. Such permits shall be issued for a period of two years. The zoning administrator may renew such permits for an additional year upon written application at least 30 days prior to its expiration.

SECTION 74.

A. Section 15.148.1060 of the Sacramento City Code is amended as follows:

1. Subsection B is amended to read as follows:

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 17.812.

2. Subsection C is amended to read as follows:

C. Written notice of the hearing shall be given as specified in chapter 17.812 of this code.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.1060 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 75. Section 15.148.1070 of the Sacramento City Code is amended to read as follows:

15.148.1070 Authority for conditional use permits.

Where a conditional use 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 76. 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 conditional use 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 conditional use permit under his or her authority.

SECTION 77. Section 15.148.1090 of the Sacramento City Code is amended to read as follows:

15.148.1090 Application.

Application for a conditional use 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 78. 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 conditional use 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 79. Section 15.148.1110 of the Sacramento City Code is amended to read as follows:

15.148.1110 Hearing.

A. A conditional use 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 conditional use 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 17.812.

C. Written notice of the hearing shall be given as specified in chapter 17.812.

SECTION 80.

A. Subsection A of section 15.148.1120 of the Sacramento City Code is amended to read as follows:

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

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.1120 of the Sacramento City Code remain unchanged and in full force and effect

SECTION 81.

A. Subsection A of section 15.148.1130 of the Sacramento City Code is amended to read as follows:

A. Any person aggrieved or dissatisfied with any action of the planning and design commission on a variance, conditional use 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 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. Except as specifically amended by subsection A, above, all provisions of section 15.148.1130 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 82. Section 15.148.1150 of the Sacramento City Code is amended to read as follows:

15.148.1150 Hearing procedure.

To the extent that the provisions of this chapter are not inconsistent therewith, the procedural requirements of chapter 17.812 of this code govern any hearing required by this chapter.

SECTION 83.

A. Section 15.148.1170 of the Sacramento City Code is amended as follows:

1. The definition of "R Zone" is amended to read as follows:

"R zone" means an R-1, R-1A, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-5, RMX, and RO zone as defined in the Planning and Development Code.

2. The definition of "setback area" is amended to read as follows:

"Setback area" means the open space area defined in Planning and Development Code under the term yard, and, where applicable, includes the definitions of yard, rear; yard, front; and yard, side; as defined.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.1170 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 84.

A. Subsection B.3 of section 15.156.020 of the Sacramento City Code is amended to read as follows:

3. Concertina wire, serpentine wire, barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury, except as permitted by the Planning and Development Code

B. Except as specifically amended by subsection A, above, all provisions of section 15.156.020 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 85. Section 16.04.020 of the Sacramento City Code is amended to read as follows:

16.04.020 Relationship to general plan and other city land use regulations.

The regulations established by this title are designed to assist in the systematic implementation of the general plan, specific and community plans, the Planning and Development Code, and other land use regulations, and to provide for public needs, health and safety, convenience, and general welfare.

Neither the approval nor conditional approval of the tentative map shall constitute or waive compliance with any other applicable provisions of the city code or other applicable ordinances or regulations adopted by the city, nor shall any such approval authorize or be deemed to authorize a violation or failure to comply with other applicable provisions of the city code or other applicable ordinances or regulations adopted by the city. Nothing in these regulations shall be construed to permit the premature or haphazard subdivision of lands in violation of the applicable zoning and land use regulations.

SECTION 86.

A. Section 16.04.040 of the Sacramento City Code is amended as follows:

The definition of "zoning ordinance" is repealed.

B. Except as specifically amended by subsection A, above, all provisions of section 16.04.040 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 87.

A. Subsection C of section 16.16.040 of the Sacramento City Code is amended to read as follows:

C. That the resulting parcels conform to the requirements of the city's general plan, building code, and the city's Planning and Development Code.

B. Except as specifically amended by subsection A, above, all provisions of section 16.16.040 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 88.

A. Subsection B of section 16.20.050 of the Sacramento City Code is amended to read as follows:

B. That the resulting parcel conforms to the requirements of this title, the city's general plan, the Planning and Development Code, and the city's building code.

B. Except as specifically amended by subsection A, above, all provisions of section 16.20.050 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 89.

A. Subsection B.3 of section 16.24.030 is amended to read as follows:

3. Planning and Development Code;

B. Except as specifically amended by subsection A, above, all provisions of section 16.24.030 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 90.

A. Subsection C.7 of section 16.24.040 of the Sacramento City Code is amended to read as follows:

7. With respect to tentative maps for residential condominium conversion projects, a conditional use permit for such conversion project approved pursuant to chapter 17.716. The planning director or designated representative may waive this requirement if at the time of the filing of the tentative map the subdivider, in writing, irrevocably offers to the advisory agency and city council to extend the time limits specified in the subdivision map act for reporting and acting upon the tentative map by said bodies. The extension shall be for such periods of time as are reasonably necessary to permit the processing, review, and final action on the conditional use permit concurrently with the tentative map.

B. Except as specifically amended by subsection A, above, all provisions of section 16.24.040 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 91.

A. Subsection A.1 of section 16.24.090 of the Sacramento City Code is amended to read as follows:

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. 812. Notice of the hearing shall be given by publication, posting and mail pursuant to section 17.812.030 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. Except as specifically amended by subsection A, above, all provisions of section 16.24.090 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 92.

A. Subsection A of section 16.24.095 of the Sacramento City Code is amended to read as follows:

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 17.812. Notice of the hearing shall be given by publication, posting and mail pursuant to section17.812.030, except that the notice by mail required by section 17.812.030 shall be given to the owners of real property located within 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 17.716 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. Except as specifically amended by subsection A, above, all provisions of section 16.24.095 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 93.

A. Subsection H of section 16.28.050 of the Sacramento City Code is amended to read as follows:

H. Building setback lines, if they differ from the standard requirements established by the Planning and Development Code.

B. Except as specifically amended by subsection A, above, all provisions of section 16.28.050 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 94.

A. Section 16.36.050 of the Sacramento City Code is amended as follows:

1. Subsection B.14 is amended to read as follows:

14. In those circumstances where a development plan review is required by ordinance, development agreement, conditional use permit, or by a condition of previous approval, such review application and all exhibits necessary for the review shall be submitted concurrently with the application for a vesting tentative map;

2. Subsection B.15 is amended to read as follows:

15. In those circumstances where the project requires concurrent discretionary approval as set forth in the city Planning and Development Code, all exhibits necessary for such application shall be submitted concurrently with the application for a vesting tentative map;

3. Subsection C is amended to read as follows:

C. In the case of a vesting tentative map, the application shall be filed concurrently with any plan amendments, rezoning, PUD designations, conditional use permits, or other entitlements necessary to make the vesting tentative map comply with all applicable plans and ordinances. Vesting tentative maps may not be approved with the condition that the necessary entitlement(s) be subsequently approved.

B. Except as specifically amended by subsection A, above, all provisions of section 16.36.050 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 95. Section 16.40.010 of the Sacramento City Code is amended to read as follows:

16.040.10 General design standards—General

A. The size, design, character, grade, location and orientation and configuration of lots within a proposed subdivision and improvements required in connection therewith shall be consistent with the density and uses authorized for the area by the general plan, the applicable specific plan, the Planning and Development Code, and other land use regulations, and shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

B. The density, timing or sequence of development may be restricted by considerations of safety, traffic access or circulation, the slope of the natural terrain, the physical suitability of the site (including soil conditions), the nature or extent of existing development, the availability of public utilities, environmental habitat or wildlife preservation or protection, or other provisions of this title.

C. All subdivisions shall result in lots which can be used or built upon. No subdivision shall create lots which are impractical for improvement or use due to steepness of terrain, location of watercourses, size, shape, inadequate frontage, access, building area, or other physical condition. Except for lots within a planned unit development, all residentially zoned lots shall have not less than 20 feet of public street or approved private street frontage.

SECTION 96. Section 16.40.220 of the Sacramento City Code is repealed.

SECTION 97. Section 16.40.230 of the Sacramento City Code is repealed.

SECTION 98. Section 16.40.240 of the Sacramento City Code is repealed.

SECTION 99. 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 Planning and Development Code. 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 Planning and Development Code, a separate variance or deviation under the Planning and Development Code shall not be required.

SECTION 100. Section 18.04.210 of the Sacramento City Code is amended to read as follows:

18.04.210 Appeal procedure.

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 Planning and Development Code 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.

SECTION 102.

A. Subsection C of section 18.16.020 of the Sacramento City Code is amended to read as follows:

C. Except in cases covered by subsection B of this section, a development agreement shall be considered only in conjunction with a completed application for any required general and community plan amendments, rezoning, conditional use permit, subdivision map, master parcel map, or other land use entitlement.

B. Except as specifically amended by subsection A, above, all provisions of section 18.16.020 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 103.

A. Subsection C of section 18.16.030 of the Sacramento City Code is amended to read as follows:

C. For purposes of these regulations, a "project" shall mean a specific proposal for rezoning or other land use entitlement for development of a parcel or combined parcels of property for which a development agreement application is submitted and may be, in connection with such application, a proposed rezoning, conditional use permit, subdivision map or other land use entitlement, or combination thereof, provided that the development agreement, if entered into for such project, may also include according to its terms all subsequent land use entitlements and all easements, dedications and public and private improvements to be installed pursuant thereto and other requirements to be imposed in connection therewith.

B. Except as specifically amended by subsection A, above, all provisions of section 18.16.030 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 104.

A. Subsection C of section 18.16.080 of the Sacramento City Code is amended to read as follows:

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, conditional use 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.

B. Except as specifically amended by subsection A, above, all provisions of section 18.16.080 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 105.

A. Subsection I of section 18.16.160 of the Sacramento City Code is amended to read as follows:

I. Termination of the agreement shall not affect any of landowner's obligations to comply with the general plan, any applicable specific or community plan, any applicable financing plan, any applicable zoning, conditional use permit, subdivision map or other land use entitlement approved with respect to the property, nor shall it affect other covenants of landowner specified in the agreement to continue after termination of the agreement.

B. Except as specifically amended by subsection A, above, all provisions of section 18.16.160 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 106.

A. Subsection A of section 18.20.090 of the Sacramento City Code is amended to read as follows:

A. No building permit, demolition permit, conditional use permit or other land use entitlement which would result in withdrawal from rent or lease of one or more residential hotel units shall be issued for a building subject to this chapter unless the city council issues a conversion certificate indicating that the owner has complied with all requirements of this chapter, or has provided satisfactory guarantees of future compliance. An owner who has demonstrated substantial and reasonable, good faith efforts within the meaning of Section 18.20.060 shall be considered to have complied with the requirements of this chapter.

B. Except as specifically amended by subsection A, above, all provisions of section 18.20.090 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 107. Section 18.20.120 of the Sacramento City Code is amended to read as follows:

18.20.120 Preservation of historic structures.

This chapter does not supersede the requirements of chapter 17.604 (Historic Preservation).

SECTION 108.

A. Subsection A of section 18.24.110 of the Sacramento City Code is amended to read as follows:

A. Except as otherwise provided in subsection (B) below, or in any measures adopted by the city council as provided under section 18.24.120 of this chapter pertaining to

deferral of payment of fees, the fees established by this chapter shall be paid for the property on which a development project is proposed at the time of the issuance of any required building permit relating to such development or, in the case of a drainage fee, at the time of their recordation of a final master parcel map, parcel map, or subdivision map, or at the time of approval of a conditional use permit, whichever is sooner, relating to development. With respect to development projects completed or commenced as of the effective date of this chapter, the director may enter into agreements with landowners regarding the amount, time, and manner of payment of fees payable with respect to such development projects.

B. Except as specifically amended by subsection A, above, all provisions of section 18.24.110 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 109.

A. Subsection A.3 of section 18.36.080 of the Sacramento City Code is amended to read as follows:

3. The alteration or renovation of a structure in the Richards Boulevard area that is designated as a landmark or contributing resource on the Sacramento register pursuant to chapter 17. 604 of this code, as such chapter may be amended from time to time. The exemption provided by this subsection shall not apply to any expansion of such structure;

B. Except as specifically amended by subsection A, above, all provisions of section 18.36.080 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 110.

A. Subsection A.3.a of section 18.38.080 of the Sacramento City Code is amended to read as follows:

a. If, while the zoning of a parcel is the same as it was on January 10, 2012, a conditional use permit is sought for a development project authorized under the zoning designation for that parcel, then the city shall not issue building permits for construction in accordance with the conditional use permit until the regional infrastructure fee for the parcel is paid.

B. Except as specifically amended by subsection A, above, all provisions of section 18.38.080 of the Sacramento City Code remain unchanged and in full force and effect.