REPORT TO LAW & LEGISLATION COMMITTEE
City of Sacramento

915 I Street, Sacramento, CA 95814-2671

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STAFF REPORT
October 2, 2007

Honorable Members of the
Law and Legislation Committee

Title: Regulatory Improvement Bundle 07-B: Ordinances Amending Title 16, 17 and 18 of the City Code Relating to Land Use Entitlement Processing (M07-048)

Location/Council District: Citywide

Recommendation: Staff recommends that the Law and Legislation Committee review and recommend approval of the proposed code amendments and forward their recommendation to the City Council.

Contact: Sandra Yope, Senior Planner, (916) 808-7158; Joy Patterson, Principal Planner, (916) 808-5607

Presenter: Sandra Yope, Senior Planner

Department: Development Services

Division: Current Planning

Organization No: 4881

Description/Analysis:

Issue: In establishing the Regulatory Improvement Team, the City Council directed staff to bring forward code changes that promote an appropriate regulatory environment, facilitate and streamline the development process, and create clear and consistent directives. To accomplish this directive, staff has packaged numerous code changes that span a wide spectrum into the attached two ordinances known as Regulatory Improvement Bundle 07-B.

Staff has prepared two ordinances that propose numerous amendments to the Zoning Code (Title 17), Additional Development Requirements (Title 18), and the Subdivision Code (Title 16) to streamline, clarify and create consistency for land use entitlement processing. Many of the changes correct previous omissions or errors in the code, create uniformity between processes, and eliminate redundant or outdated language and bring the codes in conformance with state law. A temporary commercial use was added to the land use chart along with the criteria for the use. Per Council resolution, Fuel Storage Yard was added to the land use

chart with locational criteria. Several changes are proposed to match changes made in the first package of changes (Bundle A, approved by Council June 5, 2007) to include allowing the time extensions for Design Review and Preservation entitlements to be the same length as planning entitlements and to allow an increase in the Plan Review modifications threshold between minor and major to match the Special Permits threshold.

Policy Considerations: The proposed ordinances are consistent with the City's Strategic Plan Focus Areas to achieve sustainability and livability and foster economic development in the City of Sacramento.

Committee/Commission Action: The proposed ordinances were reviewed by the Planning Commission on August 23, 2007 and by a vote of eight ayes and one absent they recommended approval and forward to City Council. The proposed changes will be presented to the Development Oversight Commission on October 1, 2007.

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

Rationale for Recommendation: The proposed code amendments will clarify and further streamline entitlement processing by making processes and noticing consistent across all hearing bodies. The proposed amendments also clean up previous errors, omissions, and bring language into conformance with state law as well as add language previously directed by Council resolution.

Financial Considerations: None.

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

Respectfully Submitted by: _____
David Kwong, Planning Manager

Approved by: _____
William Thomas
Director of Development Services

Recommendation Approved:

_____
for RAY KERRIDGE
City Manager

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Attachment 1

Proposed Amendments to the City Code

Staff has prepared two ordinances. One ordinance amends Title 17, the Zoning Code, and adds companion language to Title 18, Additional Development Requirements. The second ordinance amends Title 16, the Subdivision Code. The proposed changes are presented under three categories of change. Those proposed changes that simplify the development process or requirements are considered "streamlining". Those proposed changes that eliminate confusing code, correct errors or ensure conformance with state law are considered "clarifying". The final category, "uniformity", is for those changes that create consistency between processes, requirements, or other codes.

Streamlining:

- Adds a definition for a "Temporary commercial use" and creates a line in the land use matrix with a footnote establishing the criteria for the use (Sections 17.16.010, 17.24.030, 17.24.050). The intent is to allow a commercial use to set up a temporary office on or near the site to begin operations for no longer than one year while the permanent building is being constructed or tenant improvements are being made.
- Increases the threshold between minor and major plan review modifications from 10 percent to 25 percent. (Section 17.220.050). Bundle A made this modification for special permits.
- Removes the language from Special Planning Districts (SPDs) section that only allows an amendment to the SPD as part of a redevelopment, General or Community Plan adoption or update (Section 17.92.030)

Clarifying:

- Adds a definition for a "Fuel Storage Yard" and creates a line in the land use matrix with a footnote establishing the criteria for the use (Sections 17.24.040, 17.24.050). The change was directed by City Council Resolution to establish specific locational criteria for fuel storage yards.
- Removes the reference in the Zoning Code that lots created must meet all the size and area requirements (Section 17.60.04). This removes language that would suggest a variance is needed to create a substandard lot in addition to the subdivision modification. This is a clean up that should have been done in conjunction with the changes in Bundle A.
- Makes numerous administrative text changes to Title 17 (Zoning Code) to clean up previous errors or omissions and to bring language into compliance with state law or other sections of the code (Sections 17.76.010, 17.88.020, Section 17.112.040, 17.216.035, 17.220.045).
- Adds language in Title 18 to clarify the access length requirement for a garage that has access from an alley (Section 18.08.050).

- Makes numerous administrative text changes to Title 16, Subdivision Code, to clean up previous errors or omissions and to bring language into compliance with state law or other sections of the code (Sections 16.08.010, 16.12.030, Section 16.24.080, 16.40.010).
- Removes the reference of a public hearing for the Subdivision Review Committee (SRC) and the reference to the CEQA determination completed before scheduling for SRC (Section 16.24.080). Current practice is to schedule for SRC when a project is ready which is often prior to the CEQA determination. SRC is not a noticed public hearing.
- Clarifies when a parcel map is required by the Subdivision Map Act or the Subdivision Code (Section 16.32.010).
- Removes language about conveyances to public entities (Section 16.32.140).

Uniformity:

- Allows the appropriate level of plan review based on project size in the Shopping Center (SC), Highway Commercial (HC), and Office Building (OB) zones (Section 17.24.050).
- Eliminates references to required driveway dimensions and points to the requirements and variance process found in Title 18 of the City Code (Sections 17.24.050, 17.80.040, 17.80.050, 17.80.060).
- Changes or adds language to sections regarding the width requirement for parking pads to be consistent in all parts of the Zoning Code (Sections 17.24.050, 17.80.040, 17.80.050, 17.80.060).
- Clarifies and makes consistent the posting requirements for all hearings (Section 17.200.010). This makes the posting requirements for appeals match that of all other hearings.
- Extends the allowed time extensions for Design Review and Preservation actions to five additional years for a total project cumulative life of eight years (Sections 17.132.320, 17.134.340). This matches the previous changes in the time extension lengths for all planning entitlements.

Attachment 3

Redlined

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AMENDING SECTIONS 17.16.010, 17.24.030, 17.24.040, 17.24.050, 17.60.040, 17.76.010, 17.80.040, 17.80.050, 17.70.060, 17.88.020, 17.92.030, 17.112.040, 17.132.320, 17.134.340, 17.216.035, 17.220.045, AND 17.220.050 OF TITLE 17 (THE ZONING CODE), AND SECTION 18.08.050 OF TITLE 18 OF THE SACRAMENTO CITY CODE RELATING TO PERMIT PROCESSING REFORM (M07-048)

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

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

A. Section 17.16.010 is amended by adding a definition for "Temporary commercial use" to read as follows:

"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.

B. Except as specifically amended by adding the definition for "temporary commercial use," section 17.16.010 shall remain unchanged and in full force and effect.

SECTION 2. Section 17.24.030 Commercial Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The matrix set forth in Table 17.24.030 A is amended to add a row for "Temporary commercial use" to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-5	RMX	RO	OB
Temporary commercial use*												83	83	83

B. The matrix set forth in Table 17.24.030 B is amended to add a row for "temporary commercial use" to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Temporary commercial use*	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83

C. Except as specifically amended for the use indicated, section 17.24.030 and Tables 17.24.030 A and 17.24.030 B shall remain unchanged and in full force and effect.

SECTION 3. Section 17.24.040 Industrial and Agricultural Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The matrix for "Fuel storage yard" set forth in Table 17.24.040 B is amended to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Fuel storage yard*							82	82	20/82	82	20/82									

B. Except as specifically amended for the uses indicated, section 17.24.040 and Tables 17.24.040 A and 17.24.040 B shall remain unchanged and in full force and effect.

SECTION 4. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 15 is amended to read as follows:

15. Development in the SC Zone.

This use is permitted in the SC zone subject to approval of a plan review ~~by the planning commission~~ in accordance with Chapter 17.220 of this title. No property in the SC zone may be divided into smaller parcels unless said proposed division is submitted to and approved by the zoning administrator or planning commission in accordance with Title 16 of this code. Said submission shall be made on a site development plan of the entire parcel so that its relationship to the overall development can be evaluated.

B. Footnote 16 is amended to read as follows:

16. Development in the HC Zone.

This use is permitted subject to the approval of a plan review~~ by the planning commission~~ in accordance with Chapter 17.220 of this title.~~. A plan review is required by the commission for any increase in gross floor area of a building which exceeds ten (10) percent of the gross floor area previously approved by the commission.~~

C. Footnote 18 is amended to read as follows:

18. Development in the OB Zone.

This use is permitted subject to the approval of a plan review ~~by the planning commission~~ in accordance with Chapter 17.220 of this title.

D. Subsection (g) of footnote 26 is amended to read as follows:

g. Enclosed Garage, Carport, Uncovered Parking Pad.

The dwelling is required to have on-site parking unless it meets the exception to on-site parking set forth in subsection (26)(g)(i) of this section. The required on-site parking shall be an enclosed garage unless the dwelling meets one of the exceptions indicated in subsections (26)(g)(ii) or (iii) of this section. The enclosed garage shall be a minimum of ten (10) feet wide and twenty (20) feet deep and may be attached to or detached from the dwelling. The same roofing material shall be used on the garage and the dwelling. The exterior covering material used on the garage shall be the same as an exterior covering material used on a substantial portion of the dwelling. The enclosed garage must meet the residential accessory building and use regulations in Chapter 17.80 of this title.

i. Exception to the On-Site Parking Requirement.

The dwelling is not required to have on-site parking if it is a single or two-family unit on a lot of three thousand two hundred (3,200) square feet or less located in the central city. Where such a dwelling does include on-site parking, it must meet the requirements for an enclosed garage, carport, or uncovered parking set forth above in this section and in subsection (26)(g)(ii) of this section.

ii. Exception to the Enclosed Garage Requirement.

~~In addition to the exception set forth in subsection (26)(g)(i) of this section, t~~The dwelling is not required to have an enclosed garage if greater~~fewer~~ than fifty ~~(50)~~ percent (50%) of other dwellings, including mobile/manufactured homes, located within one thousand (1,000) feet, measured structure to structure, do not have enclosed garages. If an enclosed garage is not required, a minimum ten (10) foot wide ~~by~~ and twenty (20) foot deep carport or uncovered parking pad is required. This width may be reduced to eight (8) feet if the existing interior side yard setback between the existing

residence and the property line is eight (8) feet. The carport or uncovered parking pad shall be located outside of the front or street side yard setback. A carport must meet the accessory building regulations in Chapter 17.80 of this title. An uncovered parking pad must meet the surfacing requirements in Section 17.68.020(A) of this title.

iii. Conversion or Demolition of an Existing Garage.

Conversion of an existing garage to habitable space or demolition of an existing garage is permitted if a carport or an uncovered parking pad can be provided outside the required front or street side yard setbacks. A driveway located in the front or street side yard setback does not comply with this requirement. The carport or uncovered parking pad shall be a minimum of ten (10) feet wide and twenty (20) feet deep. This width may be reduced to eight (8) feet if the existing interior side yard setback between the existing residence and the property line is eight (8) feet. A carport must meet the accessory building regulations in Chapter 17.80 of this title. An uncovered parking pad must meet the surfacing requirements in Section 17.68.020(A) of this title. ~~The conversion of an existing garage to a second residential unit requires a special permit approved by the zoning administrator or planning commission pursuant to subsection 30 of this section.~~

E. Subsection (b) of footnote 27 is amended to read as follows:

b. Except as provided in subsection (27)(d) of this section, each unit shall have an enclosed garage and a driveway, except units located on lots of three thousand two hundred (3,200) square feet or less. The garage shall be a minimum of ten (10) feet wide and twenty (20) feet deep. Driveways shall conform to the requirements of Chapter 18.08. ~~If access to the driveway is provided from a public street, the driveway shall be a minimum of ten (10) feet wide and twenty (20) feet in length behind the property line, except as provided by Chapter 12.40 of this code or subsection (27)(b)(i) of this section. If access to the driveway is provided from an alley, the driveway shall be as set forth in Chapter 17.80 of this title.~~

~~i. On lots of three thousand two hundred (3,200) square feet or less that include driveways, driveway length must be at least eighteen (18) feet behind the property line if access to the driveway is from a public street. If the driveway accesses an enclosed garage, the garage shall be equipped with a roll-up garage door and automatic garage door opener. In the central city, a minimum driveway length of eighteen (18) feet behind the property line is required, provided any garage shall be equipped with a roll-up garage door and automatic garage door opener. If access to the garage is provided via the side yard, and the garage is located six feet or less from the property line, a driveway of six feet or less may be provided with approval of the public works director.~~

F. Subsection (d) of footnote 37 is amended to read as follows:

d. Each unit shall have an enclosed garage and a driveway. The garage shall be a minimum ten (10) feet wide and twenty (20) feet deep. The driveway ~~shall be~~

~~a minimum of twenty (20) feet long and ten (10) feet wide.~~ shall conform to the requirements of Chapter 18.08.

G. Footnote 82 is added to Section 17.24.050 to read as follows:

82. Fuel storage yards.

Fuel storage yards are permitted in this zone. A planning commission special permit issued pursuant to and subject to the findings required by Chapter 17.212 is required to establish a fuel storage yard that meets all of the following criteria:

a. The fuel storage yard will be located on a parcel that is greater than two (2) acres in size;

b. The parcel is 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;

c. The parcel would contain one or more tanks of 500 gallon or greater capacity containing liquefied or compressed flammable or combustible gases;

d. Liquefied or compressed flammable or combustible gases are generated or manufactured on the site; and

e. Liquefied or compressed flammable or combustible gases are distributed in containers with a capacity of greater than 20 gallons.

H. Footnote 83 is added to Section 17.24.050 to read as follows:

83. Temporary commercial use.

A temporary 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 may be established in this zone subject to the issuance of a temporary commercial use permit by the zoning administrator. The temporary commercial use shall be located in up to two trailers or modular buildings and must be located within three hundred (300) feet of the commercial use's permanent building or tenant location.

a. Application.

The applicant shall submit the following documents to the zoning administrator for review:

i. Overall site plan and landscape plan, including floor plans and elevations of the trailer or modular buildings to be used for the temporary commercial use. If lighting is proposed, it shall be indicated on the plans.

ii. A sign program shall be submitted which meets the requirements of the city sign ordinance.

iii. If on-site parking is proposed, it shall be indicated on the site plans. Any parking area shall be paved to the standards in Section 17.68.020(A) of this title. No gravel lots will be allowed. Shading of any temporary parking area associated with the temporary commercial use is not required; however, if the parking area is adjacent to the public right-of-way, a four foot landscaped planter is required.

b. Conditions.

The zoning administrator may include in the permit such conditions as may be necessary to carry out the intent and purpose of this title or to protect the public health, safety or welfare.

c. Term.

The temporary commercial use permit shall be valid for one year from the date of its issuance. The zoning administrator may renew the permit for up to an additional one-year period upon written application at least thirty (30) days prior to expiration.

d. Compliance With Other Requirements.

The trailer or modular building shall comply with all height and area requirements of the district in which it is located. Each site shall be located so as to be easily accessible from existing improved streets during construction of the commercial use's permanent building or tenant space. In no event shall a temporary commercial use be located more than three hundred (300) feet from the nearest existing source of water supply for fire-fighting purposes.

e. Restoration.

Upon expiration of the temporary commercial use permit, all temporary pavement used for a parking area shall be removed, and all signage associated with the temporary commercial use shall be removed.

I. Except as specifically amended by the amendments to footnotes 15, 16, 18, 26, 27, and 36, and the addition of footnotes 82 and 83, section 17.24.050 shall remain unchanged and in full force and effect.

SECTION 5. Section 17.60.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (H) of section 17.60.040 is amended to read as follows;

H. Development of Nonconforming Lots.~~Minimum Lot Dimensions~~.

~~Except in the R-1A zone, no lot shall be created or modified so that it does not meet the minimum lot area, size, or other dimension requirements set forth in the city's subdivision regulations. For a~~ A lot ~~which~~ that was legally created but ~~which~~ that does not meet the current minimum requirements set forth in the subdivision regulations~~, that lot~~ may be occupied by a permitted use if the yard and lot coverage requirements are satisfied.

B. Except as specifically amended by the amendments to subsection H, section 17.60.040 shall remain unchanged and in full force and effect.

SECTION 6. Section 17.76.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection B of Section 17.76.010 is amended to read as follows:

B. Clear Zones.

1. Driveways Within Setbacks.

Notwithstanding the provisions of Section 17.76.020(A)(1) and (A)(2) of this chapter, a wall or fence may not exceed four feet in height within the triangular area next to the intersection of the driveway and either the front yard or the street side yard setback. This 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 ten (10) feet from the edge of the driveway, and (ii) the point along the edge of the driveway ten (10) feet from the curb line. If no standard curb exists, substitute the property line for the above curb line reference.

2. Corner Lots.

A wall or fence located on property at any corner formed by intersecting streets, shall comply with the height restrictions in Chapter 12.28~~13.08~~ of this code.

B. Except as specifically amended by the amendments to subsection B, section 17.76.010 shall remain unchanged and in full force and effect.

SECTION 7. Section 17.80.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 3 of section 17.80.040 is amended to read as follows:

3. Driveway and Maneuvering Requirements.

a. Driveways for Single-Family or Two-Family.

Driveways shall conform to the requirements of Chapter 18.08.~~The following driveway requirements pertain to attached or detached garages or carports:~~

~~i. Access from Public Street (Outside Central City).~~

~~Minimum twenty (20) feet of driveway between the front of said parking structure and either back of public sidewalk or the public street right-of-way line.~~

~~ii. Access from Public Street (Central City).~~

~~A minimum eighteen (18) feet of driveway between the front of said structure and any public street right-of-way line is required, provided that if the structure has a door, the structure shall be equipped with a roll-up door and an automatic door opener.~~

~~iii. Access from Alley.~~

~~The width of the alley and the length of the driveway from the alley right-of-way line to the front of said parking structure shall equal a minimum of twenty-six (26) feet.~~

~~iv. Minimum Width.~~

~~Minimum width of the driveway shall be ten (10) feet.~~ The driveway is permitted to have a landscape strip down the center. The landscape strip is not permitted in the vehicle parking pad.

b. Multi-Family Vehicle Maneuvering Requirements. The maneuvering area behind a garage, carport, or parking pad shall be a minimum of twenty-six (26) feet.

B. Footnote 4 of section 17.80.040 is amended to read as follows:

4. Minimum Dimensions.

a. Single-Family or Two-Family.

Minimum interior dimensions for a~~the~~ garage~~/carport/parking pad~~ shall be ten (10) feet wide by twenty (20) feet deep~~long~~. Minimum dimensions for a carport shall be ten (10) feet wide and twenty (20) feet deep. This width may be reduced to eight (8) feet if the existing interior side yard setback between the existing residence and the property line is eight (8) feet.

b. Multi-Family.

Minimum interior dimensions for the garage~~/carport/parking pad~~ shall be eight feet wide by eighteen (18) feet long. Minimum dimensions for a carport shall be ten (10) feet wide and twenty (20) feet deep. This width may be reduced to eight (8) feet if the existing interior side yard setback between the existing residence and the property line is eight (8) feet.

C. Except as specifically amended by the amendments to footnotes 3 and 4, section 17.80.040 shall remain unchanged and in full force and effect.

SECTION 8. Section 17.80.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 6 of section 17.80.050 is amended to read as follows:

6. Driveway and Maneuvering Requirements.

a. Driveways for Single-Family or Two-Family.

Driveways shall conform to the requirements of Chapter 18.08.~~The following driveway requirements pertain to attached or detached garages or carports:~~

~~i. Access from Public Street (Outside Central City).~~

~~Minimum twenty (20) feet of driveway between the front of said parking structure and either back of public sidewalk or the public street right-of-way line.~~

~~ii. Access from Public Street (Central City).~~

~~A minimum eighteen (18) feet of driveway between the front of said structure and any public street right-of-way line is required, provided that if the structure has a door, the structure shall be equipped with a roll-up door and an automatic door opener.~~

~~iii. Access from Alley.~~

~~The width of the alley and the length of the driveway from the alley right-of-way line to the front of said parking structure shall equal a minimum of twenty-six (26) feet.~~

~~iv. Minimum Width.~~

~~Minimum width of the driveway shall be ten (10) feet. This width may be reduced to eight feet for detached garages if the existing interior side yard setback between the existing residence and property line is eigh~~The driveway is permitted to have a landscape strip down the center. The landscape strip is not permitted in the vehicle parking pad.

b. Multi-Family Vehicle Maneuvering Requirements. The maneuvering area behind a garage, carport, or parking pad shall be a minimum of twenty-six (26) feet.

B. Footnote 7 of section 17.80.050 is amended to read as follows:

7. Minimum Dimensions.

a. Single-Family or Two-Family.

Minimum interior dimensions for the garage~~/carport/parking pad~~ shall be ten (10) feet wide by twenty (20) feet deep~~long~~. Minimum dimensions for a carport shall be ten (10) feet wide and twenty (20) feet deep. This width may be reduced to eight (8) feet if the existing interior side yard setback between the existing residence and the property line is eight (8) feet.

b. Multi-Family.

Minimum interior dimensions for the garage~~/carport/parking pad~~ shall be eight feet wide by eighteen (18) feet long. Minimum dimensions for a carport shall be ten (10) feet wide and twenty (20) feet deep. This width may be reduced to eight (8) feet if the existing interior side yard setback between the existing residence and the property line is eight (8) feet.

C. Except as specifically amended by the amendments to footnotes 6 and 7, section 17.80.050 shall remain unchanged and in full force and effect.

SECTION 9. Section 17.80.060 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 2 of section 17.80.060 is amended to read as follows:

2. Minimum Dimensions.

Minimum interior dimensions for the parking pad shall be ten (10) feet wide by twenty (20) feet deep~~long~~. This width may be reduced to eight (8) feet if the existing interior side yard setback between the existing residence and the property line is eight (8) feet.
Access to the parking pad must be paved. ~~Minimum width of a driveway shall be ten (10) feet. This width may be reduced to eight feet for detached garages if the existing interior side yard setback between the existing residence and property line is eight feet.~~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.

B. Except as specifically amended by the amendments to footnote 2, section 17.80.060 shall remain unchanged and in full force and effect.

SECTION 10. Section 17.88.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Section 17.88.020 is amended by amending the definition of "nonconforming use" to read as follows:

"Nonconforming use" means any use, whether of a building, structure, lot, or tract of land, that~~which~~ does not conform to the land use regulations of this title for the zone in which such use is located, either on the effective date of this title or as a result of subsequent amendments that~~which~~ may be made to this title, but that did conform to the land use regulations in existence at the time the use was established.

B. Except as specifically amended by the amendments to the definition of "nonconforming use" section 17.88.020 shall remain unchanged and in full force and effect.

SECTION 11. Section 17.92.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.92.030 Application and amendment of SPD zoning designation.

The SPD designation shall be adopted, amended, or removed in accordance with the provisions for rezoning as set forth in Chapter 17.208 of this title; except that only the city planning commission or city council may initiate the proceedings. ~~and then only as a result of a redevelopment, general or community plan update or adoption.~~

SECTION 12. Section 17.112.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.112.040 ~~Residential second units~~Reserved.

~~A second residential unit is a use allowed by right within the R-1-SPD and R-1A-SPD zones, provided that the following standards are met:~~

~~A. The second residential unit is located above the garage.~~

~~B. The size of the second residential unit shall not exceed six hundred (600) feet or fifty (50) percent of the size of the primary living unit on the parcel, whichever is less.~~

~~C. The second residential unit complies with the height, lot coverage, and setback requirements of this title.~~

SECTION 13. Section 17.132.320 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (B) of Section 17.132.320 is amended to read as follows:

B. Extension.

One or more extensions of a design review approval~~Approval of an application for design review~~ ~~under this chapter~~ may be granted for a cumulative total extension period of five (5) years ~~extended for a period of up to an additional two years~~ upon application to the design director filed no later than thirty (30) days prior to expiration. The application for extension of design review approval shall be subject to staff review under the general direction of the design director pursuant to subsection C of Section 17.132.310.

B. Except as specifically amended by the amendments to subsection (B), section 17.132.320 shall remain unchanged and in full force and effect.

SECTION 14. Section 17.134.340 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (B) of Section 17.134.340 is amended to read as follows:

B. Extensions.

1. General.

Except as provided in subsection (B)(2) of this section, one or more extensions of a certificate of appropriateness may be granted for a cumulative total extension period of five (5) years ~~extended for a period of up to an additional two years~~ upon application to the preservation director filed no later than thirty (30) days prior to expiration. The application for extension of a certificate of appropriateness shall be subject to staff review under the general direction of the preservation director pursuant to subsection C of Section 17.134.320.

2. Demolitions.

A certificate of appropriateness for the demolition of a building or structure may be extended for a period of up to an additional forty-five (45) days upon application to the preservation director filed no later than thirty (30) days prior to expiration. The application for extension of a certificate of appropriateness shall be subject to staff review under the general direction of the preservation director pursuant to subsection C of Section 17.134.320.

B. Except as specifically amended by the amendments to subsection (B), section 17.134.340 shall remain unchanged and in full force and effect.

SECTION 15. Section 17.200.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (C)(2)(d) of section 17.200.010 is amended to read as follows:

d. Notice of Appeal Hearings.

When a provision of this title requires notice of an appeal hearing to be given pursuant to this subsection (C)(2)(d), notice shall be given as follows:

i. By posting the notice on the subject real property at least ten days prior to the hearing~~the notice on a publicly accessible bulletin board at least ten (10) days prior to the date set for the hearing~~, and

ii. By mail or personal delivery at least ten (10) days prior to the date set for the hearing to the following persons:

(A) The appellant,

(B) The owner of the property affected where such owner is not the appellant,

(C) The owners of real property located within three hundred (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,

(D) Those persons who appeared and identified themselves for the record before the hearing body before which the original hearing was held,

(E) 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.

B. Except as specifically amended by the amendments to subsection (C)(2)(d), section 17.200.010 shall remain unchanged and in full force and effect.

SECTION 16. Section 17.216.035 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.216.035 City council shall act if any entitlement requires council approval.

At the conclusion of the public hearing on a variance that is requested as a part of a development project that requires approval of one or more entitlements by the city council, the planning commission shall recommend approval, denial, or modification of the variance and forward the application to the city council for action. Upon receipt of a recommendation on a variance from the planning commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of subsection (A) of Section 17.216.030. Upon conclusion of the hearing, the city council

shall issue a written decision setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The city council shall not grant a ~~special~~ variance unless the council finds that the project complies with the guidelines set forth in Section 17.216.010.

SECTION 17. Section 17.220.045 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (A) of Section 17.220.045 is amended to read as follows:

A. Planning Commission or Zoning Administrator Shall Act If Any Entitlement Requires Commission or~~,~~ Zoning Administrator ~~or City Council~~ Approval.

For a planning director plan review sought as part of a development project requiring approval of one or more entitlements by the zoning administrator, or approval or recommendation by the planning commission ~~or city council~~, the zoning administrator or planning commission shall act or recommend upon such a plan review. A plan review to be approved by the zoning administrator shall be processed in the same manner as a zoning administrator plan review pursuant to Section 17.220.040 of this chapter. A plan review to be approved or recommended upon by the planning commission shall be processed in the same manner as a planning commission plan review pursuant to Section 17.220.030 of this chapter.

B. Except as specifically amended by the amendments to subsection (A), section 17.220.045 shall remain unchanged and in full force and effect.

SECTION 18. Section 17.220.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (B) of section 17.220.050 is amended to read as follows:

B. Definition of Major Modification.

A major modification is one which will result in material change in the nature of the project when all circumstances surrounding the issuance of the plan review are considered. Set forth below is a list of changes which, by definition, shall be deemed to constitute major modifications for purposes of this provision. This list is not intended to be inclusive, and the fact that a particular change is not included does not limit the discretion or authority of the planning director or zoning administrator to determine that a particular proposed change or set of changes to a plan review constitutes a major modification. The following changes constitute major modifications for purposes of this provision:

1. Any major change in the pattern or volume of traffic flow either on or off any property covered by the plan review;

2. Any change in the nature of the use;

3. Any increase in height of a structure which exceeds ~~ten (10)~~twenty-five percent (25%) of the height of such structure as approved or which exceeds one story, whichever is less;

4. Any increase in gross floor area of a building which exceeds twenty-five ~~ten (10)~~ percent (25%) of the approved gross floor area;

5. Any increase in the density of dwelling units per acre;

6. Any material changes in the orientation or location of structures on the parcel.

B. Except as specifically amended by the amendments to subsection (B), section 17.220.050 shall remain unchanged and in full force and effect.

SECTION 19. Section 18.08.050 of Title 18 of the Sacramento City Code is amended as follows:

A. Subsection (A) of section 18.08.050 is amended to read as follows:

A. For residential driveways serving one or two family dwellings with a maximum two-car parking area, the minimum driveway width shall be ten (10) feet; the maximum driveway width to serve a single-car parking space shall be fourteen (14) feet; and the maximum for a two-car parking space shall be twenty-two (22) feet. Except as provided below, driveways shall have minimum twenty (20) foot length behind the property line.

1. Exception: For single-family and two-family units on lots of three thousand two hundred (3,200) square feet or less located in the central city, the minimum driveway length shall be eighteen (18) feet behind the property line, provided that if the driveway accesses an enclosed garage, the garage shall be equipped with a roll-up garage door and automatic garage door opener.

2. Exception: If access to the garage is provided via the alley~~side yard~~, and the garage is located less than six feet from the property line, a driveway of six feet or less may be provided, with approval of the public works director.

B. Except as specifically amended by the amendments to subsection (A), section 18.08.050 shall remain unchanged and in full force and effect.

Attachment 4

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AMENDING SECTIONS 17.16.010, 17.24.030, 17.24.040, 17.24.050, 17.60.040, 17.76.010, 17.80.040, 17.80.050, 17.70.060, 17.88.020, 17.92.030, 17.112.040, 17.132.320, 17.134.340, 17.216.035, 17.220.045, AND 17.220.050 OF TITLE 17 (THE ZONING CODE), AND SECTION 18.08.050 OF TITLE 18 OF THE SACRAMENTO CITY CODE RELATING TO PERMIT PROCESSING REFORM (M07-048)

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

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

A. Section 17.16.010 is amended by adding a definition for "Temporary commercial use" to read as follows:

"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.

B. Except as specifically amended by adding the definition for "temporary commercial use," section 17.16.010 shall remain unchanged and in full force and effect.

SECTION 2. Section 17.24.030 Commercial Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The matrix set forth in Table 17.24.030 A is amended to add a row for "Temporary commercial use" to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-5	RMX	RO	OB
Temporary commercial use*												83	83	83

B. The matrix set forth in Table 17.24.030 B is amended to add a row for "temporary commercial use" to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Temporary commercial use*	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83

C. Except as specifically amended for the use indicated, section 17.24.030 and Tables 17.24.030 A and 17.24.030 B shall remain unchanged and in full force and effect.

SECTION 3. Section 17.24.040 Industrial and Agricultural Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The matrix for "Fuel storage yard" set forth in Table 17.24.040 B is amended to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Fuel storage yard*							82	82	20/82	82	20/82									

B. Except as specifically amended for the uses indicated, section 17.24.040 and Tables 17.24.040 A and 17.24.040 B shall remain unchanged and in full force and effect.

SECTION 4. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 15 is amended to read as follows:

15. Development in the SC Zone.

This use is permitted in the SC zone subject to approval of a plan review in accordance with Chapter 17.220 of this title. No property in the SC zone may be divided into smaller parcels unless said proposed division is submitted to and approved by the zoning administrator or planning commission in accordance with Title 16 of this code. Said submission shall be made on a site development plan of the entire parcel so that its relationship to the overall development can be evaluated.

B. Footnote 16 is amended to read as follows:

16. Development in the HC Zone.

This use is permitted subject to the approval of a plan review in accordance with Chapter 17.220 of this title.

C. Footnote 18 is amended to read as follows:

18. Development in the OB Zone.

This use is permitted subject to the approval of a plan review in accordance with Chapter 17.220 of this title.

D. Subsection (g) of footnote 26 is amended to read as follows:

g. Enclosed Garage, Carport, Uncovered Parking Pad.

The dwelling is required to have on-site parking unless it meets the exception to on-site parking set forth in subsection (26)(g)(i) of this section. The required on-site parking shall be an enclosed garage unless the dwelling meets one of the exceptions indicated in subsections (26)(g)(ii) or (iii) of this section. The enclosed garage shall be a minimum of ten (10) feet wide and twenty (20) feet deep and may be attached to or detached from the dwelling. The same roofing material shall be used on the garage and the dwelling. The exterior covering material used on the garage shall be the same as an exterior covering material used on a substantial portion of the dwelling. The enclosed garage must meet the residential accessory building and use regulations in Chapter 17.80 of this title.

i. Exception to the On-Site Parking Requirement.

The dwelling is not required to have on-site parking if it is a single or two-family unit on a lot of three thousand two hundred (3,200) square feet or less located in the central city. Where such a dwelling does include on-site parking, it must meet the requirements for an enclosed garage, carport, or uncovered parking set forth above in this section and in subsection (26)(g)(ii) of this section.

ii. Exception to the Enclosed Garage Requirement.

The dwelling is not required to have an enclosed garage if greater than fifty percent (50%) of other dwellings, including mobile/manufactured homes, located within one thousand (1,000) feet, measured structure to structure, do not have enclosed garages. If an enclosed garage is not required, a minimum ten (10) foot wide and twenty (20) foot deep carport or uncovered parking pad is required. This width may be reduced to eight (8) feet if the existing interior side yard setback between the existing residence and the property line is eight (8) feet. The carport or uncovered parking pad shall be located outside of the front or street side yard setback. A carport must meet the

accessory building regulations in Chapter 17.80 of this title. An uncovered parking pad must meet the surfacing requirements in Section 17.68.020(A) of this title.

iii. Conversion or Demolition of an Existing Garage.

Conversion of an existing garage to habitable space or demolition of an existing garage is permitted if a carport or an uncovered parking pad can be provided outside the required front or street side yard setbacks. A driveway located in the front or street side yard setback does not comply with this requirement. The carport or uncovered parking pad shall be a minimum of ten (10) feet wide and twenty (20) feet deep. This width may be reduced to eight (8) feet if the existing interior side yard setback between the existing residence and the property line is eight (8) feet. A carport must meet the accessory building regulations in Chapter 17.80 of this title. An uncovered parking pad must meet the surfacing requirements in Section 17.68.020(A) of this title.

E. Subsection (b) of footnote 27 is amended to read as follows:

b. Except as provided in subsection (27)(d) of this section, each unit shall have an enclosed garage and a driveway, except units located on lots of three thousand two hundred (3,200) square feet or less. The garage shall be a minimum of ten (10) feet wide and twenty (20) feet deep. Driveways shall conform to the requirements of Chapter 18.08.

F. Subsection (d) of footnote 37 is amended to read as follows:

d. Each unit shall have an enclosed garage and a driveway. The garage shall be a minimum ten (10) feet wide and twenty (20) feet deep. The driveway shall conform to the requirements of Chapter 18.08.

G. Footnote 82 is added to Section 17.24.050 to read as follows:

82. Fuel storage yards.

Fuel storage yards are permitted in this zone. A planning commission special permit issued pursuant to and subject to the findings required by Chapter 17.212 is required to establish a fuel storage yard that meets all of the following criteria:

a. The fuel storage yard will be located on a parcel that is greater than two (2) acres in size;

b. The parcel is 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;

c. The parcel would contain one or more tanks of 500 gallon or greater capacity containing liquefied or compressed flammable or combustible gases;

d. Liquefied or compressed flammable or combustible gases are generated or manufactured on the site; and

e. Liquefied or compressed flammable or combustible gases are distributed in containers with a capacity of greater than 20 gallons.

H. Footnote 83 is added to Section 17.24.050 to read as follows:

83. Temporary commercial use.

A temporary 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 may be established in this zone subject to the issuance of a temporary commercial use permit by the zoning administrator. The temporary commercial use shall be located in up to two trailers or modular buildings and must be located within three hundred (300) feet of the commercial use's permanent building or tenant location.

a. Application.

The applicant shall submit the following documents to the zoning administrator for review:

i. Overall site plan and landscape plan, including floor plans and elevations of the trailer or modular buildings to be used for the temporary commercial use. If lighting is proposed, it shall be indicated on the plans.

ii. A sign program shall be submitted which meets the requirements of the city sign ordinance.

iii. If on-site parking is proposed, it shall be indicated on the site plans. Any parking area shall be paved to the standards in Section 17.68.020(A) of this title. No gravel lots will be allowed. Shading of any temporary parking area associated with the temporary commercial use is not required; however, if the parking area is adjacent to the public right-of-way, a four foot landscaped planter is required.

b. Conditions.

The zoning administrator may include in the permit such conditions as may be necessary to carry out the intent and purpose of this title or to protect the public health, safety or welfare.

c. Term.

The temporary commercial use permit shall be valid for one year from the date of its issuance. The zoning administrator may renew the permit for up to an additional one-year period upon written application at least thirty (30) days prior to expiration.

d. Compliance With Other Requirements.

The trailer or modular building shall comply with all height and area requirements of the district in which it is located. Each site shall be located so as to be easily accessible from existing improved streets during construction of the commercial use's permanent building or tenant space. In no event shall a temporary commercial use be located more than three hundred (300) feet from the nearest existing source of water supply for fire-fighting purposes.

e. Restoration.

Upon expiration of the temporary commercial use permit, all temporary pavement used for a parking area shall be removed, and all signage associated with the temporary commercial use shall be removed.

I. Except as specifically amended by the amendments to footnotes 15, 16, 18, 26, 27, and 36, and the addition of footnotes 82 and 83, section 17.24.050 shall remain unchanged and in full force and effect.

SECTION 5. Section 17.60.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (H) of section 17.60.040 is amended to read as follows;

H. Development of Nonconforming Lots.

A lot that was legally created but that does not meet the current minimum requirements set forth in the subdivision regulations may be occupied by a permitted use if the yard and lot coverage requirements are satisfied.

B. Except as specifically amended by the amendments to subsection H, section 17.60.040 shall remain unchanged and in full force and effect.

SECTION 6. Section 17.76.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection B of Section 17.76.010 is amended to read as follows:

B. Clear Zones.

1. Driveways Within Setbacks.

Notwithstanding the provisions of Section 17.76.020(A)(1) and (A)(2) of this chapter, a wall or fence may not exceed four feet in height within the triangular area next to the intersection of the driveway and either the front yard or the street side yard setback. This 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 ten (10) feet from the edge of the driveway, and (ii) the point along the edge of the driveway ten (10) feet from the curb line. If no standard curb exists, substitute the property line for the above curb line reference.

2. Corner Lots.

A wall or fence located on property at any corner formed by intersecting streets, shall comply with the height restrictions in Chapter 12.28 of this code.

B. Except as specifically amended by the amendments to subsection B, section 17.76.010 shall remain unchanged and in full force and effect.

SECTION 7. Section 17.80.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 3 of section 17.80.040 is amended to read as follows:

3. Driveway and Maneuvering Requirements.

a. Driveways for Single-Family or Two-Family.

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.

b. Multi-Family Vehicle Maneuvering Requirements. The maneuvering area behind a garage, carport, or parking pad shall be a minimum of twenty-six (26) feet.

B. Footnote 4 of section 17.80.040 is amended to read as follows:

4. Minimum Dimensions.

a. Single-Family or Two-Family.

Minimum interior dimensions for a garage shall be ten (10) feet wide by twenty (20) feet deep. Minimum dimensions for a carport shall be ten (10) feet wide and twenty (20) feet deep. This width may be reduced to eight (8) feet if the existing interior side yard setback between the existing residence and the property line is eight (8) feet.

b. Multi-Family.

Minimum interior dimensions for the garage shall be eight feet wide by eighteen (18) feet long. Minimum dimensions for a carport shall be ten (10) feet wide and twenty (20) feet deep. This width may be reduced to eight (8) feet if the existing interior side yard setback between the existing residence and the property line is eight (8) feet.

C. Except as specifically amended by the amendments to footnotes 3 and 4, section 17.80.040 shall remain unchanged and in full force and effect.

SECTION 8. Section 17.80.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 6 of section 17.80.050 is amended to read as follows:

6. Driveway and Maneuvering Requirements.

a. Driveways for Single-Family or Two-Family.

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.

b. Multi-Family Vehicle Maneuvering Requirements. The maneuvering area behind a garage, carport, or parking pad shall be a minimum of twenty-six (26) feet.

B. Footnote 7 of section 17.80.050 is amended to read as follows:

7. Minimum Dimensions.

a. Single-Family or Two-Family.

Minimum interior dimensions for the garage shall be ten (10) feet wide by twenty (20) feet deep. Minimum dimensions for a carport shall be ten (10) feet wide and twenty (20) feet deep. This width may be reduced to eight (8) feet if the existing interior side yard setback between the existing residence and the property line is eight (8) feet.

b. Multi-Family.

Minimum interior dimensions for the garage shall be eight feet wide by eighteen (18) feet long. Minimum dimensions for a carport shall be ten (10) feet wide and twenty (20) feet deep. This width may be reduced to eight (8) feet if the existing interior side yard setback between the existing residence and the property line is eight (8) feet.

C. Except as specifically amended by the amendments to footnotes 6 and 7, section 17.80.050 shall remain unchanged and in full force and effect.

SECTION 9. Section 17.80.060 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 2 of section 17.80.060 is amended to read as follows:

2. Minimum Dimensions.

Minimum interior dimensions for the parking pad shall be ten (10) feet wide by twenty (20) feet deep. This width may be reduced to eight (8) feet if the existing interior side yard setback between the existing residence and the property line is eight (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.

B. Except as specifically amended by the amendments to footnote 2, section 17.80.060 shall remain unchanged and in full force and effect.

SECTION 10. Section 17.88.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Section 17.88.020 is amended by amending the definition of "nonconforming use" to read as follows:

"Nonconforming use" means any use, whether of a building, structure, lot, or tract of land, that does not conform to the land use regulations of this title for the zone in which such use is located, either on the effective date of this title or as a result of subsequent amendments that may be made to this title, but that did conform to the land use regulations in existence at the time the use was established.

B. Except as specifically amended by the amendments to the definition of "nonconforming use" section 17.88.020 shall remain unchanged and in full force and effect.

SECTION 11. Section 17.92.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.92.030 Application and amendment of SPD zoning designation.

The SPD designation shall be adopted, amended, or removed in accordance with the provisions for rezoning as set forth in Chapter 17.208 of this title; except that only the city planning commission or city council may initiate the proceedings.

SECTION 12. Section 17.112.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.112.040 Reserved.

SECTION 13. Section 17.132.320 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (B) of Section 17.132.320 is amended to read as follows:

B. Extension.

One or more extensions of a design review approval may be granted for a cumulative total extension period of five (5) years upon application to the design director filed no later than thirty (30) days prior to expiration. The application for extension of design review approval shall be subject to staff review under the general direction of the design director pursuant to subsection C of Section 17.132.310.

B. Except as specifically amended by the amendments to subsection (B), section 17.132.320 shall remain unchanged and in full force and effect.

SECTION 14. Section 17.134.340 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (B) of Section 17.134.340 is amended to read as follows:

B. Extensions.

1. General.

Except as provided in subsection (B)(2) of this section, one or more extensions of a certificate of appropriateness may be granted for a cumulative total extension period of five (5) years upon application to the preservation director filed no later than thirty (30) days prior to expiration. The application for extension of a certificate of appropriateness shall be subject to staff review under the general direction of the preservation director pursuant to subsection C of Section 17.134.320.

2. Demolitions.

A certificate of appropriateness for the demolition of a building or structure may be extended for a period of up to an additional forty-five (45) days upon application to the preservation director filed no later than thirty (30) days prior to expiration. The application for extension of a certificate of appropriateness shall be subject to staff review under the general direction of the preservation director pursuant to subsection C of Section 17.134.320.

B. Except as specifically amended by the amendments to subsection (B), section 17.134.340 shall remain unchanged and in full force and effect.

SECTION 15. Section 17.200.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (C)(2)(d) of section 17.200.010 is amended to read as follows:

d. Notice of Appeal Hearings.

When a provision of this title requires notice of an appeal hearing to be given pursuant to this subsection (C)(2)(d), notice shall be given as follows:

i. By posting the notice on the subject real property at least ten days prior to the hearing, and

ii. By mail or personal delivery at least ten (10) days prior to the date set for the hearing to the following persons:

(A) The appellant,

(B) The owner of the property affected where such owner is not the appellant,

(C) The owners of real property located within three hundred (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,

(D) Those persons who appeared and identified themselves for the record before the hearing body before which the original hearing was held,

(E) 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.

B. Except as specifically amended by the amendments to subsection (C)(2)(d), section 17.200.010 shall remain unchanged and in full force and effect.

SECTION 16. Section 17.216.035 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.216.035 City council shall act if any entitlement requires council approval.

At the conclusion of the public hearing on a variance that is requested as a part of a development project that requires approval of one or more entitlements by the city council, the planning commission shall recommend approval, denial, or modification of the variance and forward the application to the city council for action. Upon receipt of a recommendation on a variance from the planning commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of subsection (A) of Section 17.216.030. Upon conclusion of the hearing, the city council

shall issue a written decision setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The city council shall not grant a variance unless the council finds that the project complies with the guidelines set forth in Section 17.216.010.

SECTION 17. Section 17.220.045 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (A) of Section 17.220.045 is amended to read as follows:

A. Planning Commission or Zoning Administrator Shall Act If Any Entitlement Requires Commission or Zoning Administrator Approval.

For a planning director plan review sought as part of a development project requiring approval of one or more entitlements by the zoning administrator, or approval or recommendation by the planning commission, the zoning administrator or planning commission shall act or recommend upon such a plan review. A plan review to be approved by the zoning administrator shall be processed in the same manner as a zoning administrator plan review pursuant to Section 17.220.040 of this chapter. A plan review to be approved or recommended upon by the planning commission shall be processed in the same manner as a planning commission plan review pursuant to Section 17.220.030 of this chapter.

B. Except as specifically amended by the amendments to subsection (A), section 17.220.045 shall remain unchanged and in full force and effect.

SECTION 18. Section 17.220.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (B) of section 17.220.050 is amended to read as follows:

B. Definition of Major Modification.

A major modification is one which will result in material change in the nature of the project when all circumstances surrounding the issuance of the plan review are considered. Set forth below is a list of changes which, by definition, shall be deemed to constitute major modifications for purposes of this provision. This list is not intended to be inclusive, and the fact that a particular change is not included does not limit the discretion or authority of the planning director or zoning administrator to determine that a particular proposed change or set of changes to a plan review constitutes a major modification. The following changes constitute major modifications for purposes of this provision:

1. Any major change in the pattern or volume of traffic flow either on or off any property covered by the plan review;

2. Any change in the nature of the use;

3. Any increase in height of a structure which exceeds twenty-five percent (25%) of the height of such structure as approved or which exceeds one story, whichever is less;

4. Any increase in gross floor area of a building which exceeds twenty-five percent (25%) of the approved gross floor area;

5. Any increase in the density of dwelling units per acre;

6. Any material changes in the orientation or location of structures on the parcel.

B. Except as specifically amended by the amendments to subsection (B), section 17.220.050 shall remain unchanged and in full force and effect.

SECTION 19. Section 18.08.050 of Title 18 of the Sacramento City Code is amended as follows:

A. Subsection (A) of section 18.08.050 is amended to read as follows:

A. For residential driveways serving one or two family dwellings with a maximum two-car parking area, the minimum driveway width shall be ten (10) feet; the maximum driveway width to serve a single-car parking space shall be fourteen (14) feet; and the maximum for a two-car parking space shall be twenty-two (22) feet. Except as provided below, driveways shall have minimum twenty (20) foot length behind the property line.

1. Exception: For single-family and two-family units on lots of three thousand two hundred (3,200) square feet or less located in the central city, the minimum driveway length shall be eighteen (18) feet behind the property line, provided that if the driveway accesses an enclosed garage, the garage shall be equipped with a roll-up garage door and automatic garage door opener.

2. Exception: If access to the garage is provided via the alley, and the garage is located less than six feet from the property line, a driveway of six feet or less may be provided, with approval of the public works director.

B. Except as specifically amended by the amendments to subsection (A), section 18.08.050 shall remain unchanged and in full force and effect.

Attachment 5

Redlined

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AMENDING SECTIONS 16.08.010, 16.12.030, 16.24.080, 16.32.010, 16.32.140, AND 16.40.010 OF TITLE 16 OF THE SACRAMENTO CITY CODE (THE SUBDIVISION CODE) RELATING TO PERMIT PROCESSING REFORM (M07-048)

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

SECTION 1. Section 16.08.010 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. Subsection (C) of Section 16.08.010 is amended to read as follows:

C. Subdivision Review Committee.

The responsibilities of the subdivision review committee shall include the following:

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

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

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

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

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

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

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

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

B. Except as specifically amended by the amendments to subsection (C), Section 16.08.010 shall remain unchanged and in full force and effect.

SECTION 2. Section 16.12.030 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.12.030 Division of land—Four or ~~less~~fewer parcels.

A tentative map and a parcel map shall be required for all divisions of land into four or fewer~~less~~ parcels, except that parcel maps may be waived in accordance with the provisions of Section 16.32.150 of this title. Neither a tentative map nor a parcel map~~s~~ shall ~~not~~ be required for:

A. Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by Section 230 of the State Public Utilities Code, which are created by short-term leases terminable by either party on not more than thirty (30) days' notice in writing.

B. Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made by the department in individual cases, upon substantial evidence, that public policy necessitates a parcel map.

~~C. Parcel maps waived in accordance with the provisions of Section 16.32.150 of this title.~~

SECTION 3. Section 16.24.080 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. Subsection (B) of Section 16.24.080 is amended to read as follows:

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

B. Subsection (C) of Section 16.24.080 is amended to read as follows:

C. Subdivision Review Committee Review.

~~Within a reasonable period of time following the release of a negative declaration for public review or following a determination by the environmental coordinator that the project is exempt from the requirements of CEQA, or within a reasonable period of time following the preparation and release of the final EIR for a project for which an EIR has been prepared, the~~The planning director shall schedule the project for review~~a public hearing~~ before the subdivision review committee. The subdivision review committee shall consider the project and prepare a recommendation to the zoning administrator, planning commission or the city council. The recommendation shall include the determination of the subdivision review committee on the conformance of the tentative map to the standards, rules and regulations of this title, and to the requirements of all applicable specific plans and ordinances of the city. The subdivision review committee shall also advise the zoning administrator, planning commission and the city council on the requirements, if any, of other city departments and the applicable requirements of the county, special districts, state and other public and private agencies affected by the proposed subdivision.

B. Except as specifically amended by the amendments to subsections (B) and (C), Section 16.24.080 shall remain unchanged and in full force and effect.

SECTION 4. Section 16.32.010 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.32.010 Applicability.

The regulations contained in this chapter shall apply to ~~the~~ subdivisions for which a parcel map is required by the Subdivision Map Act or this title.~~described in subdivisions (a), (b), (c) and (d) of Section 66426 of the Subdivision Map Act and all other subdivisions as to which a final map or parcel map is not otherwise required by the Subdivision Map Act; provided, however, that no parcel map need be filed for a subdivision of four or less fewer parcels resulting from a conveyance of land to a government agency, public entity or public utility when said subdivision has been approved in accordance with Section 16.32.140 of this chapter.~~

SECTION 5. Section 16.32.140 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.32.140 Reserved~~Waiver of parcel map—Conveyance to public body.~~

~~A parcel map need not be filed for a subdivision of four or less parcels resulting from a conveyance of land to a governmental agency or public entity if a tentative map for that subdivision has been approved by the advisory agency. No tentative map of such a subdivision shall be approved unless the advisory agency finds and determines that the proposed division of land complies with the requirements of the regulations and the Subdivision Map Act as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply available, and environmental protection. Action by the advisory agency on a tentative map filed for approval under this section shall be final, subject only to the right of appeal to city council as provided in Section 66452.5 of the Subdivision Map Act. Approval of the tentative map shall authorize the subdivision of land depicted in the tentative map without the filing of a parcel map.~~

SECTION 6. Section 16.40.010 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. Subsection (A) of Section 16.40.010 is amended to read as follows:

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 zoning ordinance, 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. Except as specifically amended by the amendments to subsection (A), Section 16.40.010 shall remain unchanged and in full force and effect.

Attachment 6

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AMENDING SECTIONS 16.08.010, 16.12.030, 16.24.080, 16.32.010, 16.32.140, AND 16.40.010 OF TITLE 16 OF THE SACRAMENTO CITY CODE (THE SUBDIVISION CODE) RELATING TO PERMIT PROCESSING REFORM (M07-048)

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

SECTION 1. Section 16.08.010 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. Subsection (C) of Section 16.08.010 is amended to read as follows:

C. Subdivision Review Committee.

The responsibilities of the subdivision review committee shall include the following:

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

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

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

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

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

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

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

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

B. Except as specifically amended by the amendments to subsection (C), Section 16.08.010 shall remain unchanged and in full force and effect.

SECTION 2. Section 16.12.030 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.12.030 Division of land—Four or fewer parcels.

A tentative map and a parcel map shall be required for all divisions of land into four or fewer parcels, except that parcel maps may be waived in accordance with the provisions of Section 16.32.150 of this title. Neither a tentative map nor a parcel map shall be required for:

A. Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by Section 230 of the State Public Utilities Code, which are created by short-term leases terminable by either party on not more than thirty (30) days' notice in writing.

B. Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made by the department in individual cases, upon substantial evidence, that public policy necessitates a parcel map.

SECTION 3. Section 16.24.080 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. Subsection (B) of Section 16.24.080 is amended to read as follows:

B. Within ten (10) days after an application has been found to be complete and accepted for filing, the planning director shall transmit copies of the tentative map and, where applicable, copies of drawings, statements and other data required to accompany the tentative map or required subsequent to the filing of the tentative map, to members of the subdivision review committee and to such other public or private

agencies or departments as the director determines may be affected by the proposed subdivision for report and recommendation to the zoning administrator, planning commission or city council.

B. Subsection (C) of Section 16.24.080 is amended to read as follows:

C. Subdivision Review Committee Review.

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

B. Except as specifically amended by the amendments to subsections (B) and (C), Section 16.24.080 shall remain unchanged and in full force and effect.

SECTION 4. Section 16.32.010 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.32.010 Applicability.

The regulations contained in this chapter shall apply to subdivisions for which a parcel map is required by the Subdivision Map Act or this title.

SECTION 5. Section 16.32.140 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.32.140 Reserved.

SECTION 6. Section 16.40.010 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. Subsection (A) of Section 16.40.010 is amended to read as follows:

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 zoning ordinance, 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. Except as specifically amended by the amendments to subsection (A), Section 16.40.010 shall remain unchanged and in full force and effect.