REPORT TO LAW & LEGISLATION COMMITTEE
City of Sacramento

915 I Street, Sacramento, CA 95814-2671

CONSENT
December 6, 2011

Honorable Members of the
Law and Legislation Committee

Title: Title 2 Changes to Consolidate the Design and Planning Commissions (M11-024)

Location/Council District: Citywide

Recommendation: It is recommended that the Law and Legislation Committee review and recommend approval of the proposed ordinance and forward their recommendation to the City Council. Additionally, it recommended that staff be directed to make the associated changes in the Zoning Code (Title 17) and take that proposed ordinance directly to City Council with the Title 2 changes.

Contact: Sandra Yope, Senior Planner, (916) 808-7158, Greg Bitter, Principal Planner, (916) 808-7816; Stephanie Mizuno, Assistant City Clerk, 808-8093

Presenters: David Kwong, Planning Director (916) 808-2691

Department: Community Development

Division: Planning

Organization No: 21001221

Description/Analysis

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

Staff's evaluation began with a review of the Design Commission's workload since January 2007 (the first month the Design Commission became a stand-alone commission). The Design Commissions workload has dropped off since 2007 with only three (3) projects being heard in 2010 and only five (5) being heard so far in 2011. Staff also recognizes that private development applications

heard by the Design Commission have always included entitlements that must be heard and approved by the Planning Commission. Staff also reviewed the commission make up of many similarly sized California cities. This review shows that Sacramento is the only large city with a stand-alone Design Commission (see Attachment 2).

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

The proposed Ordinance would dissolve the existing Planning Commission and Design Commission and replace it with a newly constituted and appointed Planning and Design Commission upon the effective date of the Ordinance. Based upon staff's evaluation, the concerns regarding consolidation are addressed in the proposed ordinance language necessary to consolidate the commissions. The proposed ordinance makes all the structural changes to Title 2 that creates the new "Planning and Design Commission" to include the length of terms, staggered at the initiation; increases the commission size to 13 members; and identifies the qualifications for each member. The ordinance also changes all references to the planning commission to planning and design commission for all Titles of the City Code except Title 17.

Policy Considerations: The City Council adopted the 2030 General Plan on March 3, 2009. In recognition of their interdependence, policies addressing both land use and urban design were combined into one element of the General Plan to ensure that the physical forms and patterns of future development advance the City's desire for a higher quality of life and a more sustainable future. Consolidating the Planning and Design Commissions provides an opportunity to more effectively and efficiently implement the Land Use and Urban Design Element of the General Plan.

Committee/Commission Action: On October 18, 2011 the Personnel and Public Employees Committee (P&PE) directed staff to make the necessary code changes to consolidate the commissions and bring the proposed changes to the Law and Legislation Committee.

Environmental Considerations: : Because this report concerns general policy and procedure making, CEQA, does not apply per section 15378 (b)(3), which

states that continuing administrative or maintenance activities, which are not conducted in conjunction with a project subject to CEQA review, are not considered to be "projects" and are therefore exempt.

Sustainability Considerations: None

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

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

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

Respectfully Submitted by: for
David Kwong, Planning Manager

Approved by:
Max Fernandez
Director of Community Development

Title 2 Changes to Consolidate the Design and Planning Commissions (M11-024) **December 6, 2011**

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BACKGROUND:

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

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

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

The potential consolidation was placed on the agenda of the September 21, 2011 Design Commission meeting. The Design Commission provided a list of issues they wanted the P&PE to consider (see Attachment 3).

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

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

Commissions. The logistics of a consolidation was also discussed. Notes from this workshop are provided in Attachment 4.

In addition to outreach, staff has also looked at the recent workload of the Design Commission and the practices of other similarly sized cities. The Design Commission's workload has dropped off considerably since 2007, when they took action on 19 projects. Only three (3) projects were heard in 2010 and only five (5) were heard so far in 2011. Staff also recognizes that the majority of private development applications heard by the Design Commission include entitlements that must be heard and approved by the Planning Commission. Staff also reviewed the commission make up of many similarly sized California cities. This review shows that Sacramento is the only large city with a stand-alone Design Commission (see Attachment 2).

PROPOSED ORDINANCE:

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

The term expirations of the new Planning and Design Commission is also being addressed in this proposal. The terms will remain at four years with initial terms being staggered. The change is in the manner of staggering the term expirations in order to implement the Council's direction to have the terms of Council nominated board members expire concurrently with the terms of the City Council. The proposed Ordinance incorporates the Council's direction; however, there is one exception. To prevent a potential Brown Act compliance issue, the term of the Mayor's nominee is being set to expire six months after the Mayor's term expires. The issue occurs when five members of the City Council are reviewing applications under the same subject matter at the same time. If the Mayor's nominee was to expire with the even numbered council districts, the review of applications is required to be agendized before the full City Council. This process is not necessary for the four nominees recommended by the

members of the City Council from the odd numbered districts because a quorum of the City Council (5) would not be reviewing the same subject matter at the same time. To standardize the review process for all nominees, the simplest approach is to modify the term expiration of the Mayor's nominee to expire six months later. Additionally, the staggering of the four P&PE nominated members are set to avoid expiring all of the design professionals at the same time.

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

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

Comparison of Design Review Process Large California Cities

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

Attachment 3: Design Commission Comments

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

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

Attachment 4: Public Workshop Notes

Planning and Design Commission Consolidations
Public Meeting
October 5, 2011

Attendees

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

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

Introduction

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

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

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

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

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

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

Budget

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

Commission Input on Proposed Consolidation

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

Information on Existing Design Commission

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

Purpose of the Commission

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

How Design will be Addressed at Commission Meetings

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

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

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

Pre-Meeting Process

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

Implementation of Design Goals

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

Public Input to Projects

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

Community Representation on Commission

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

excluded.

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

Attachment 5: Ordinance Repealing and Re-enacting 2.60 of Title 2 and Amending Other Related Sections of the City Code- Redlined

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

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

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

SECTION 1

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

SECTION 2

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

Chapter 2.60 PLANNING AND DESIGN COMMISSION

2.60.010 Commission—Established.

The planning and design commission is established.

2.60.020 Appointment of members and qualifications.

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

B. The planning and design commission shall consist of ~~eleven (11)~~ 13 members. One member shall be recommended for appointment by each ~~of the~~ member~~s~~ of the city council, including the mayor, and ~~two members~~four members shall be

recommended for appointment by the personnel and public employees committee pursuant to Article I of Chapter 2.40.

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

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

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

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

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

2.60.030 Term of office—Vacancy.

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

Terms shall be staggered. Of ~~The~~ the initial appointees recommended by the personnel and public employees committee, two shall serve a term expiring on July 1, 2014 and two shall serve a term expiring on December 31, 2015.~~of one two and one-half years each and two shall serve a term of four years each with terms expiring 7/1/14 and 12/31/15 respectively.~~ The initial appointees recommended by the council members from the First, ~~Second, and~~ ~~Third~~ Third, Fifth, and Seventh council districts shall serve ~~a~~ terms ~~of two three years each with terms~~ expiring on December 31, 2014. The initial appointees recommended by the council members from the Second, Fourth, ~~Fifth, and~~ Sixth, and Eighth council districts shall serve ~~a~~ terms ~~of three one years each~~

~~with terms~~ expiring on December 31, 2012. The initial appointees recommended ~~by the council members from the Seventh and Eighth council districts and~~ by the mayor shall serve a term ~~of four years each~~one and one-half years expiring on July 1, 2013~~7/1/13~~. Thereafter, all members shall be appointed to serve four year terms. If a vacancy occurs during the term of any member, the mayor shall appoint, with the concurrence of the council, a successor to serve during the remainder of the unexpired term for the vacant position. The successor shall be recommended in the same manner as the seat being filled.

2.60.040 Conflict of interest and financial disclosure statements.

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

2.60.050 Compensation.

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

2.60.060 Organization and procedures.

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

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

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

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

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

2.60.070 Powers and duties.

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

A. Chapter 2.112 relating to city planning;

B. Title 16 relating to subdivisions;

C. Title 17 relating to zoning and design review.

2.60.080 Administrative support.

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

SECTION 3

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

1.24.040 Applicability.

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

SECTION 4

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

1.24.050 Appointment of hearing examiner.

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

SECTION 5

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

2.16.100 Applicability.

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

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

Board of plumbing examiners

Building and fire code advisory and appeals board

Civil service board

~~Design commission~~Design director

Electrical code advisory and appeals board

Housing code advisory and appeals board

Mechanical and plumbing code advisory and appeals board

Old Sacramento variance appeals board

Planning and design c~~C~~ommission

Planning director

Preservation commission

Preservation director

Retirement hearing commission

Sacramento city public facilities financing corporation

Sacramento city financing authority

Utilities rate advisory commission

Zoning administrator

SECTION 6

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

2.36.040 Secretary.

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

SECTION 7

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

2.40.030 Applicability.

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

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

Board of plumbing examiners

Building and fire code advisory and appeals board

Civil service board

~~Design commission~~

Electrical code advisory and appeals board

Housing code advisory and appeals board

Mechanical and plumbing code advisory and appeals board

Old Sacramento variance appeals board

Parks and recreation commission (two seats)

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

Preservation commission

Retirement hearing commission

Sacramento city public facilities financing corporation

Utilities rate advisory commission

SECTION 8

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

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

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

SECTION 9

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

2.104.020 Duties.

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

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

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

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

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

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

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

SECTION 10

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

2.104.060 Records.

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

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

SECTION 11

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

2.112.030 Preparation—Contents.

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

SECTION 12

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

2.112.040 Adoption.

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

SECTION 13

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

2.112.060 Review of public works projects.

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

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

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

SECTION 14

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

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

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

SECTION 15

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

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

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

SECTION 16

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

2.112.090 Generally.

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

SECTION 17

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

2.112.110 Adoption.

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

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

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

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

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

SECTION 18

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

2.112.130 Interim specific plans.

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

SECTION 19

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

5.08.020 Definitions.

For purposes of this chapter, the following definitions apply:

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

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

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

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

SECTION 20

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

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

A. Appeal to the Planning and Design Commission.

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

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

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

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

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

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

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

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

SECTION 21

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

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

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

SECTION 22

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

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

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

SECTION 23

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

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

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

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

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

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

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

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

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

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

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

2. Notice. After the city manager's decision on the application, the city manager shall provide written notice by mail to all owners of real property shown on the

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

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

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

SECTION 24

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

10.44.160 Off-street parking permit required.

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

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

SECTION 25

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

10.44.200 Enforcement of Sections 10.44.140 through 10.44.180.

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

SECTION 26

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

12.04.040 Naming and designation of streets—Changes.

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

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

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

SECTION 27

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

12.56.120 Appeals.

A. Appeal to Parks and Recreation Commission. Any person who is denied a permit to remove or maintain a city street tree pursuant to Section 12.56.070 or who

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

B. Appeal to City Planning and Design Commission.

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

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

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

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

SECTION 28

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

B. Appeal to City Planning and Design Commission.

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

2. Notice of Appeal Hearing.

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

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

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

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

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

SECTION 29

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

12.56.120 Appeals.

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

SECTION 30

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

15.120.120 Procedure for rezoning.

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

SECTION 31

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

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

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

SECTION 32

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

15.148.180 F flood zone.

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

SECTION 33

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

15.148.290 Special permit required—Rotating signs.

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

SECTION 34

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

15.148.300 Special permit required—Roof signs.

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

SECTION 35

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

15.148.450 Signs to be designed as integrated architectural features.

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

SECTION 36

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

15.148.820 Removal of signs by director of building inspections.

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

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

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

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

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

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

SECTION 37

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

15.148.920 Nonexempt signs for direction or instruction.

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

SECTION 38

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

15.148.930 Special sign districts.

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

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

SECTION 39

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

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

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

SECTION 40

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

15.148.1010 Variance powers-planning and design commission

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

SECTION 41

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

15.148.1020 Variance powers—Zoning administrator.

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

SECTION 42

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

15.148.1040 Application—Evidence required to be shown.

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

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

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

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

SECTION 43

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

15.148.1060 Hearing.

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

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

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

SECTION 44

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

15.148.1070 Authority for special permits.

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

SECTION 45

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

15.148.1080 Delegation to zoning administrator.

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

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

SECTION 46

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

15.148.1090 Application.

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

SECTION 47

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

15.148.1100 Fee.

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

SECTION 48

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

15.148.1110 Hearing.

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

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

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

SECTION 49

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

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

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

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

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

SECTION 50

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

15.148.1130 Appeals from decision of planning and design commission

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

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

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

SECTION 51

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

16.08.010 Responsibilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 52

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

16.20.050 Appeals.

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

SECTION 53

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

16.20.060 Appeals.

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

SECTION 54

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

16.24.020 Tentative map required.

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

SECTION 55

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

16.24.080 Tentative map process.

A. Within thirty (30) days of receiving a tentative map application, the planning division shall inform the applicant whether the application is complete and

accepted for filing. If incomplete, the planning division shall advise the applicant as to the deficiencies in the application.

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

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

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

SECTION 56

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

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

A. Public Hearing before Zoning Administrator—Notice.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 57

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

16.24.095 Tentative maps for five or more parcels.

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

B. Action. Except as provided in Section 16.24.097, the planning and design commission shall approve, conditionally approve or deny the tentative map within fifty (50) days of the date of certification of the EIR, adoption of a negative declaration, or a determination by the planning and design commission that the project is exempt from the requirements of CEQA, and the planning director shall thereafter report the decision

of the planning and design commission to the subdivider. In reaching a decision upon the tentative map, the planning
commission shall consider the effect of that decision on the housing needs of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources. Except as provided otherwise by the Subdivision Map Act, failure to act within the above-specified time limits shall not be deemed or considered approval of the tentative map.

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

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

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

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

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

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

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

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

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

SECTION 58

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

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

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

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

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

D. Approval by City Council. The tentative map may be approved or conditionally approved by the city council if it finds that the proposed subdivision,

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

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

SECTION 59

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

16.24.100 City council call-up review.

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

SECTION 60

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

16.24.110 Appeals of planning and design commission action

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

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

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

SECTION 61

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

16.24.115 Appeals of zoning administrator action.

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

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

which notice can be given, the appeal may be heard at the next regular meeting for which notice can be given, or within sixty (60) days from the date of filing the appeal, which ever is shorter.

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

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

SECTION 62

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

16.24.120 Vesting tentative maps.

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

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

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

specified in Section 16.24.090(A) of this chapter for hearings before the planning and design commission.

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

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

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

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

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

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

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

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

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

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

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

SECTION 63

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

16.24.170 Expiration.

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

SECTION 64

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

16.24.180 Time extension.

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

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

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

C. Zoning Administrator Hearing and Action.

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

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

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

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

SECTION 65

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

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

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

SECTION 66

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

16.32.150 Waiver of parcel map.

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

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

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

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

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

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

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

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

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

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

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

SECTION 67

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

16.40.190 Easements for centralized mail services.

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

SECTION 68

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

16.52.010 Modification authority.

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

SECTION 69

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

16.52.020 Required findings and conditions.

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

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

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

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

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

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

SECTION 70

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

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

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

SECTION 71

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

16.52.060 Consideration and approval of modifications.

A. Subdivision Review Committee Consideration. The subdivision review committee shall consider any modification relating to a tentative map that is subject to its review and recommendation under this title, and shall make a recommendation on

the requested modification. A subdivision modification shall be noticed in the same manner as the tentative map application, and shall be considered by the subdivision review committee at the same meeting as it considers the tentative map application. A post-subdivision modification shall be noticed in the same manner as a tentative map over which the planning and design commission has final authority.

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

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

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

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

2. Post-Subdivision Modifications. A post-subdivision modification shall be approved by the zoning administrator if it modifies a tentative map resulting in divisions of land into four or less parcels, and if the post-subdivision modification is not sought as part of a development project requiring approval of one or more entitlements by the planning and design commission or city council. Otherwise, a subdivision modification

shall be approved by the planning and design commission. Notice of the hearing before the zoning administrator or planning and design commission shall be given in the manner prescribed in Section 16.24.090 of this title for tentative maps. Notice of the time, place and purpose of the meeting shall also be given to the subdivider and any other interested person or party who has requested in writing to be so notified.

SECTION 72

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

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

Upon conclusion of the meeting, the zoning administrator, planning and design commission or the city council shall make a determination based upon the evidence and testimony produced before it, together with the results of its investigations.
A copy of the written findings and a complete statement of any conditions of approval shall be placed on file with the planning department or in the office of the city clerk and copies thereof furnished to the subdivider.

SECTION 73

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

16.52.080 Appeal.

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

SECTION 74

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

16.64.120 Procedure.

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

1. The amount of land to be dedicated;

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

3. That both dedication and a fee be required;

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

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

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

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

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

SECTION 75

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

16.64.140 Access requirements.

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

SECTION 76

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

18.04.210 Appeal procedure.

A. Any person required to dedicate land or to make improvements under the provisions of this chapter may appeal any determination made by the city engineer in regard to such matters to the city council. The appeal shall be in writing and shall be

filed with the city clerk who shall present it to the council. The council shall set such appeal for hearing on a date not later than thirty (30) days after the date on which the appeal is presented to the council by the clerk. The council shall direct the clerk to give written notice of the hearing date to the appellants at their address given in the written appeal.

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

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

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

SECTION 77

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

18.16.070 Action by director of planning and development.

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

SECTION 78

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

18.16.080 Notice and hearings.

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

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

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

2. The property location;

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

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

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

2. Mailed to the applicant and to all persons shown on the last equalized assessment roll as wning real property within five hundred (500) feet of the property, postage prepaid, at least ten (10) days before the date set for the hearing. If the number of owners to whom notice is to be mailed is greater than one thousand (1,000), the director of planning and development may as an alternative provide notice in the manner set forth in Section 65091(a)(3) of the Government Code;

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

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

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

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

SECTION 79

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

18.16.100 Recommendation by planning and design commission

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

SECTION 80

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

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

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

SECTION 81

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

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

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

SECTION 82

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

SECTION 83

Adoption of this Ordinance is not intended to and does not affect any approvals made, and entitlements issued, with attendant conditions, by the planning commission existing prior to the effective date of this Ordinance and prior to dissolution of the planning commission by virtue of adoption of this Ordinance. All such approvals and

entitlement shall continue in effect subject to the terms and conditions established by the Planning Commission and the provisions of Chapter 2.60, Chapter 2.112, Title 16, Title 17, and any other provisions of the Sacramento City Code as they existed prior to the effective date of this Ordinance.

SECTION 84

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

SECTION 85

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

Attachment 6: Ordinance Repealing and Re-enacting 2.60 of Title 2 and Amending Other Related Sections of the City Code

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

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

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

SECTION 1

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

SECTION 2

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

Chapter 2.60 PLANNING AND DESIGN COMMISSION

2.60.010 Commission—Established.

The planning and design commission is established.

2.60.020 Appointment of members and qualifications.

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

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

_____1. The four individuals recommended by the personnel and public employees committee shall be residents of the city and shall have the following qualifications:

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

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

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

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

2.60.030 Term of office—Vacancy.

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

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

2.60.040 Conflict of interest and financial disclosure statements.

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

2.60.050 Compensation.

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

2.60.060 Organization and procedures.

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

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

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

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

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

2.60.070 Powers and duties.

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

A. Chapter 2.112 relating to city planning;

B. Title 16 relating to subdivisions;

C. Title 17 relating to zoning and design review.

2.60.080 Administrative support.

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

SECTION 3

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

1.24.040 Applicability.

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

SECTION 4

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

1.24.050 Appointment of hearing examiner.

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

SECTION 5

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

2.16.100 Applicability.

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

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

Board of plumbing examiners

Building and fire code advisory and appeals board

Civil service board

Design director

Electrical code advisory and appeals board

Housing code advisory and appeals board

Mechanical and plumbing code advisory and appeals board

Old Sacramento variance appeals board

Planning and design commission

Planning director

Preservation commission

Preservation director

Retirement hearing commission

Sacramento city public facilities financing corporation

Sacramento city financing authority

Utilities rate advisory commission

Zoning administrator

SECTION 6

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

2.36.040 Secretary.

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

SECTION 7

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

2.40.030 Applicability.

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

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

Board of plumbing examiners

Building and fire code advisory and appeals board

Civil service board

Electrical code advisory and appeals board

Housing code advisory and appeals board

Mechanical and plumbing code advisory and appeals board

Old Sacramento variance appeals board

Parks and recreation commission (two seats)

Planning and design commission (four seats)

Preservation commission

Retirement hearing commission

Sacramento city public facilities financing corporation

Utilities rate advisory commission

SECTION 8

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

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

planning and design commission, and preservation commission shall not be delayed by such review;

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

SECTION 9

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

2.104.020 Duties.

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

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

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

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

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

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

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

SECTION 10

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

2.104.060 Records.

A. Minutes. The secretary shall prepare official minutes of each regular meeting, indicating attendance and whether absences were previously cleared with the chair of the committee, and recording actions taken at each meeting. The minutes for

each meeting shall be submitted to the city council and/or the city planning and design commission once approved by the committee and duly signed by the secretary and attested to by the chair.

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

SECTION 11

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

2.112.030 Preparation—Contents.

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

SECTION 12

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

2.112.040 Adoption.

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

SECTION 13

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

2.112.060 Review of public works projects.

A. Adoption of Capital Improvement Program. Not less than every five years, the council shall adopt a capital improvement program, which shall set forth the program

of capital improvement projects for planning, initiation or construction during the next five years.

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

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

SECTION 14

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

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

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

SECTION 15

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

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

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

SECTION 16

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

2.112.090 Generally.

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

SECTION 17

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

2.112.110 Adoption.

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

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

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

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

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

SECTION 18

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

2.112.130 Interim specific plans.

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

SECTION 19

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

5.08.020 Definitions.

For purposes of this chapter, the following definitions apply:

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

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

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

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

SECTION 20

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

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

A. Appeal to the Planning and Design Commission.

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

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

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

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

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

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

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

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

SECTION 21

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

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

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

SECTION 22

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

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

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

SECTION 23

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

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

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

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

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

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

3. Approval. The planning and design commission may approve an application to deviate from the maximum sound limit, time limits, or place of sound measurement requirements if it finds that, due to the nature, design or location of the operator's facility, it is capable of handling a higher sound level or an amplified sound ending at a later time or having the sound measured at a different location without

substantially increasing the likelihood that violations of any other standards set forth in this chapter will occur and that approval of the application will not be detrimental to the public health, safety or welfare as it relates to noise. The planning and design commission may impose such conditions as may be necessary to carry out the intent and purpose of this chapter and to protect the public health, safety or welfare at it relates to noise. The planning and design commission shall adopt findings and render its decision in the same manner that it decides applications for special permits.

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

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

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

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

2. Notice. After the city manager's decision on the application, the city manager shall provide written notice by mail to all owners of real property shown on the latest equalized assessment roll within a radius of three hundred (300) feet of the real property which is the subject of the application. In lieu of the assessment roll, the city manager may utilize records of the county assessor or tax collector which contains more recent information that the assessment roll. The notice shall advise the owners of the nature of the deviation sought and the decision of the city manager, and of the

owner's right to appeal the decision of the city manager to the city council within ten (10) days of the date of the notice. The city manager shall also publish notice of the decision in at least one newspaper of general circulation.

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

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

SECTION 24

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

10.44.160 Off-street parking permit required.

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

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

SECTION 25

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

10.44.200 Enforcement of Sections 10.44.140 through 10.44.180.

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

SECTION 26

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

12.04.040 Naming and designation of streets—Changes.

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

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

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

SECTION 27

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

12.56.120 Appeals.

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

reported to and shall be subject to call-up for consideration by the city council as provided in Section 17.200.040.

B. Appeal to City Planning and Design Commission.

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

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

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

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

SECTION 28

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

B. Appeal to City Planning and Design Commission.

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

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

2. Notice of Appeal Hearing.

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

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

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

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

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

SECTION 29

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

12.56.120 Appeals.

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

city council shall be required prior to the adoption of the resolution of designation. Upon adoption of the resolution of designation, the zoning maps of the city shall be amended to indicate that the property has been designated "XH experimental residential housing."

SECTION 30

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

15.120.120 Procedure for rezoning.

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

SECTION 31

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

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

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

SECTION 32

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

15.148.180 F flood zone.

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

SECTION 33

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

15.148.290 Special permit required—Rotating signs.

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

SECTION 34

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

15.148.300 Special permit required—Roof signs.

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

SECTION 35

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

15.148.450 Signs to be designed as integrated architectural features.

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

SECTION 36

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

15.148.820 Removal of signs by director of building inspections.

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

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

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

notice may also be mailed or delivered to the owner of the sign and the occupant of the property.

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

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

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

SECTION 37

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

15.148.920 Nonexempt signs for direction or instruction.

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

SECTION 38

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

15.148.930 Special sign districts.

The owners of sixty (60) percent or more of the street frontage, in feet, of properties on both sides of the street in any defined area may petition the planning and design commission for the creation of special sign district for the purpose of creating an integrated special sign theme in the area. The planning and design commission shall hold a public hearing on such a request after notifying all property owners, as shown on the last equalized assessment roll, between such intersecting streets by mail at least ten (10) days prior to the hearing. After such hearing the planning and design commission, if it deems it appropriate, shall make recommendations to the city council

and the city council shall hold a hearing and give notice as provided in this section for the hearing held before the planning and design commission. The city council may thereafter adopt an ordinance establishing a special sign district and setting forth the regulations applicable to such district. The city council may amend the ordinance establishing and setting forth the regulations applicable in the special sign district, provided that prior to such an amendment a notice of the proposed amendment has been published once in the official newspaper of the city not less than ten (10) days prior to the hearing on the adoption of the proposed amendment.

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

SECTION 39

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

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

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

SECTION 40

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

15.148.1010 Variance powers-planning and design commission

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

SECTION 41

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

15.148.1020 Variance powers—Zoning administrator.

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

SECTION 42

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

15.148.1040 Application—Evidence required to be shown.

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

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

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

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

SECTION 43

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

15.148.1060 Hearing.

A. A variance application shall be considered at a public hearing by the zoning administrator, planning and design commission, or the construction codes advisory and appeals board where variances from the provisions of Article V of this chapter are requested. The zoning administrator, planning and design commission or the construction codes advisory and appeals board may attach conditions to the

granting of any variance when, in its judgment, such conditions are necessary or desirable to accomplish the purpose of this article.

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

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

SECTION 44

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

15.148.1070 Authority for special permits.

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

SECTION 45

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

15.148.1080 Delegation to zoning administrator.

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

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

SECTION 46

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

15.148.1090 Application.

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

SECTION 47

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

15.148.1100 Fee.

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

SECTION 48

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

15.148.1110 Hearing.

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

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

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

SECTION 49

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

15.148.1120 Appeals from decision of zoning administrator.

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

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

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

SECTION 50

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

15.148.1130 Appeals from decision of planning and design commission

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

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

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

SECTION 51

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

16.08.010 Responsibilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<u>SECTION 52</u>

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

16.20.050 Appeals.

The applicant or any interested person adversely affected by any action of the city manager's designee on a lot line adjustment may, within ten (10) days after the decision, appeal the decision to the planning and design commission by filing an appeal

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

SECTION 53

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

16.20.060 Appeals.

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

SECTION 54

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

16.24.020 Tentative map required.

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

SECTION 55

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

16.24.080 Tentative map process.

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

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

to members of the subdivision review committee and to such other public or private agencies or departments as the director determines may be affected by the proposed subdivision for report and recommendation to the zoning administrator, planning and design commission or city council.

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

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

SECTION 56

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

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

A. Public Hearing before Zoning Administrator—Notice.

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

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

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

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

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

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

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

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

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

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

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

6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the zoning administrator may approve a map if he or she finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements

established by judgment of a court of competent jurisdiction, and no authority is granted to the zoning administrator to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

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

SECTION 57

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

16.24.095 Tentative maps for five or more parcels.

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

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

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

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

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

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

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

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

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

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

to the planning and design commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or

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

SECTION 58

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

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

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

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

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

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

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

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

SECTION 59

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

16.24.100 City council call-up review.

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

SECTION 60

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

16.24.110 Appeals of planning and design commission action

A. The subdivider or any person dissatisfied with any planning and design commission decision with respect to a tentative map may appeal to the city council at

any time within ten (10) days after the decision is made. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal shall be filed on the form provided by the planning director.

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

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

SECTION 61

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

16.24.115 Appeals of zoning administrator action.

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

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

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

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

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

SECTION 62

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

16.24.120 Vesting tentative maps.

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

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

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

D. Action by the City Council. The city council shall approve, conditionally approve, or deny the vesting tentative map within fifty (50) days of the date of certification of the EIR, adoption of a negative declaration, or a determination by the city council that the project is exempt from the requirements of CEQA, and the planning director shall thereafter report the decision of the city council to the subdivider. Except

as otherwise provided by the Subdivision Map Act, failure to act within the above-specified time limits shall not be deemed or considered approval of the vesting tentative map.

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

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

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

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

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

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

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

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

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

council to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or

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

SECTION 63

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

16.24.170 Expiration.

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

SECTION 64

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

16.24.180 Time extension.

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

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

C. Zoning Administrator Hearing and Action.

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

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

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

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

SECTION 65

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

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

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

SECTION 66

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

16.32.150 Waiver of parcel map.

A. Authority to Waive Parcel Map. An application for waiver of a parcel map shall be filed and heard concurrently with the tentative parcel map. The requirement for

filing a parcel map may be waived by the zoning administrator for tentative maps approved by the zoning administrator and by the planning and design commission for tentative maps approved by the planning and design commission.

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

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

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

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

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

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

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

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

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

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

SECTION 67

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

16.40.190 Easements for centralized mail services.

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

SECTION 68

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

16.52.010 Modification authority.

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

SECTION 69

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

16.52.020 Required findings and conditions.

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

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

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

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

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

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

SECTION 70

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

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

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

SECTION 71

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

16.52.060 Consideration and approval of modifications.

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

Upon conclusion of the meeting, the subdivision review committee shall within thirty (30) days, or at the time it takes action on the tentative map, make a

recommendation to the zoning administrator, planning and design commission or city council based upon the evidence and testimony produced before it, together with the results of its investigations. If the modification is recommended, a statement of any conditions attached thereto shall be forwarded to the subdivider and to the planning and design commission or city council. If disapproval is recommended, the subdivider and the planning and design commission or city council shall be furnished with the statement of reasons for such denial.

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

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

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

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

SECTION 72

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

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

Upon conclusion of the meeting, the zoning administrator, planning and design commission or the city council shall make a determination based upon the evidence and testimony produced before it, together with the results of its investigations.
A copy of the written findings and a complete statement of any conditions of approval shall be placed on file with the planning department or in the office of the city clerk and copies thereof furnished to the subdivider.

SECTION 73

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

16.52.080 Appeal.

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

SECTION 74

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

16.64.120 Procedure.

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

1. The amount of land to be dedicated;

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

3. That both dedication and a fee be required;

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

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

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

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

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

SECTION 75

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

16.64.140 Access requirements.

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

SECTION 76

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

18.04.210 Appeal procedure.

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

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

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

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

SECTION 77

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

18.16.070 Action by director of planning and development.

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

SECTION 78

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

18.16.080 Notice and hearings.

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

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

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

2. The property location;

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

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

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

2. Mailed to the applicant and to all persons shown on the last equalized assessment roll as wning real property within five hundred (500) feet of the property, postage prepaid, at least ten (10) days before the date set for the hearing. If the number of owners to whom notice is to be mailed is greater than one thousand (1,000), the director of planning and development may as an alternative provide notice in the manner set forth in Section 65091(a)(3) of the Government Code;

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

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

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

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

<u>SECTION 79</u>

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

18.16.100 Recommendation by planning and design commission

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

SECTION 80

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

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

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

SECTION 81

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

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

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

SECTION 82

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

SECTION 83

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

SECTION 84

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

SECTION 85

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