



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2671
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CONSENT
May 22, 2007

Honorable Mayor and
 Members of the City Council

Title: Development Services Regulatory Improvement Bundle A Ordinances (M07-001)

Location/Council District: Citywide

Recommendation: 1) Review a **Resolution** approving the Environmental Exemption per the California Environmental Quality Act Section 15061 (b) (3); 2) review an **Ordinance** amending various sections in Title 2 and Title 17 of the Sacramento City Code (Zoning Code) relating to Land Use Entitlement Processing; 3) review an **Ordinance** amending various sections in Title 16 of the Sacramento City Code (Subdivision Code) relating to Land Use Entitlement Processing; 4) review an **Ordinance** amending sections 17.24.030 and 17.56.030 of Title 17 of the Sacramento City Code (Zoning Code) relating to Veterinary Clinics and Hospitals and Schools-Dance, etc. uses in the Employment Center (EC) zone; and 5) Pass for Publication the **Ordinance** titles as required by the Sacramento City Charter 32c to be adopted May 29, 2007.

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

Presenter: Not Applicable

Department: Development Services

Division: Current Planning

Organization No: 4881

Description/Analysis:

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

Staff has prepared two ordinances that propose numerous amendments to both the Zoning Code and Subdivision Code to streamline, clarify and create consistency for land use entitlement processing. The ordinances contain changes that can be classified into one of three areas: clarifying language to fix previous errors, omissions or to conform to state law; streamlining language to simplify the entitlement process, and ensuring uniform language to make varying entitlement processes consistent. The process for creating and developing parcels with less than 20 feet of street frontage has been clarified and made less onerous. Both codes will be changed to require all entitlements associated with a project that has legislative entitlements to also be decided by City Council. The noticing procedures and requirements have been made consistent for all public hearings. The time extension periods will be changed to allow for a five year cumulative extension to the original approval. A third ordinance proposes an amendment to the Zoning Code to allow for additional permitted uses in the Employment Center (EC) zone.

Policy Considerations: The proposed ordinances are consistent with the City's Strategic Plan, three-year goal, to achieve sustainability and livability and foster economic development in the City of Sacramento.

Commission Action: The proposed City Code amendments were reviewed by the Law and Legislation Committee at their May 1, 2007 meeting. By a vote of four ayes, the committee recommended that the ordinances be presented to City Council for adoption. The proposed ordinances were presented to the City Planning Commission on April 26, 2007. The City Planning Commission, by a vote of eight ayes, voted to recommend approval of the attached ordinances.

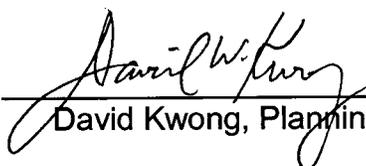
Environmental Considerations: The proposed ordinances are exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b) (3).

Rationale for Recommendation: The proposed code amendments will clarify and further streamline entitlement processing by making processes, noticing, decisions and findings consistent across all hearing bodies. The proposed amendments also clean up previous errors, omissions, and brings language into conformance with state law.

Financial Considerations: None.

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

Respectfully Submitted by:


David Kwong, Planning Manager

Approved by: 
William Thomas
Director of Development Services

Recommendation Approved:

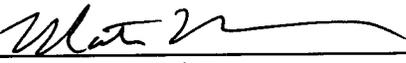

for RAY KERRIDGE
City Manager

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ATTACHMENT 1**Proposed Amendments to the City Code**

Staff has prepared three ordinances. Two ordinances amend Title 17, the Zoning Code, and delete a reference in Title 2, Administration and Personnel, pertaining to hearings. One ordinance amends Title 16, the Subdivision Code. The ordinances contain changes that can be classified into one of three areas: clarifying language to fix previous errors, omissions or to conform to state law; streamlining language to simply the entitlement process; and uniformity language to make varying entitlement processes uniform. The following breaks out the changes under those areas.

Clarifying Language:

- Eliminates section 2.60.070 relating to holding Planning Commission hearings. The section is redundant and the required information is already contained in Title 17.
- Removes halfplexes from the definition of “alternative ownership types”. (Section 17.16.010)
- Amends Footnote 26 Single Family Dwelling to delete a sentence relating to second units that should have been removed with the previous second unit code amendments. (Section 17.24.050)
- Removes confusing language relating to height requirements in the C-2 zone within the Arts and Entertainment district. (Section 17.60.030)
- Adds language to Minimum Lot Dimensions to allow for variations for lots within planned unit developments and lots subject to a special permit for alternative ownership housing development. (Section 17.60.040)
- Deletes language in the Historic Preservation Fees section allowing the preservation director to establish fees. (Section 17.134.540)
- Clarifies language regarding the effective date of decisions and appeals. (Section 17.200.020)
- Makes numerous administrative text changes to clean up previous errors or omissions and to bring language into compliance with state law. (Sections 17.212.100, 17.212.030, 17.212.040, 17.216.050, 17.220.060)
- Clarifies language that the zoning administrator may waive parcel maps. (Sections 16.12.020, 16.32.150)
- Adds language clarifying all subdivisions require a tentative map. (Section 16.24.020)
- Makes numerous administrative text changes to clean up previous errors or omissions and to bring language into compliance with state law. (Sections 16.24.100, 16.32.020, 16.32.150)
- Clarifies lot sizes in R-1 and R-2 zones and specifically excludes lots subject to a special permit for alternative development or in a planned unit development. (Sections 16.40.022, 16.40.240)

- Amends Footnote 8 relating to Alternative Ownership Housing Types by adding a paragraph erroneously omitted from the code that limits alternative ownership housing types in the R-1 zone to inclusionary housing units. (Section 17.24.050)

Streamlining:

- Amends Footnote 8 relating to Alternative Ownership Housing Types to allow lot size, public street frontage and access to be reviewed and varied under the purview of the special permit. (Section 17.24.050)
- Clarifies and changes the required entitlement for lots that do not meet required minimum public street frontage from a planning commission variance to a zoning administrator plan review at the time of development; excludes from the plan review requirement lots subject plan review in a PUD and lots subject to a special permit for alternative ownership housing development. (Section 17.68.030)
- Adds language to several sections requiring all entitlements as part of projects with legislative entitlements to be decided by City Council. This eliminates appeals of a project and provides a single project decision date versus individual entitlement action dates that can vary. (Added Sections 17.212.035, 17.216.035, 17.220.035)
- Increases the threshold between minor and major special permit modifications from 10 percent to 25 percent. (Section 17.212.070)
- Increases the cumulative time extension periods for special permits, variances, and plan reviews from three years to five years to match state law for tentative map time extension periods. (Sections 17.212.100, 17.216.050, 17.220.060)
- Add veterinary clinic/hospital and school-dance/music/art/martial arts as allowed uses in the Employment Center (EC) zone. (Table 17.24.030 (B) and Sections 17.24.030, 17.56.030)
- Adds language requiring all tentative maps as part of projects with legislative entitlements to be decided by City Council. (Section 16.24.097)
- Clarifies and adds the minimum 20 feet of public street frontage requirement for all residentially zoned lots and specifically excludes lots subject to a special permit for alternative development or in a planned unit development. This eliminates the need for subdivision modifications for alternative developments that have private drives instead of street frontage for each lot.(Section 16.40.010)

Uniformity:

- Changes to numerous sections standardizing all noticing requirements and procedures for public hearings before the zoning administrator, planning commission, and city council; decision and notification findings; and eliminates the posting requirement for rezones and plan amendments. Increases noticing radius for zoning administrator entitlements from 100 to 300 feet.(Sections 17.204.020, 17.208.010, 17.208.020, 17.212.030, 17.212.040, 17.216.030, 17.216.040, 17.220.030, 17.220.040)

- Changes numerous sections standardizing all noticing requirements and procedures for public hearings before the zoning administrator, planning commission and city council for tentative maps, standardizes decision and notification findings, clarifies appeal processes, increases noticing radius for Zoning Administrator entitlements from 100 to 300 feet. Makes changes required by state law to bring the code into conformance with Subdivision Map Act requirements. (Sections 16.24.090, 16.24.095, 16.24.100, 16.24.115).

Notice of the public hearing has been given by publication for May 29, 2007 pursuant to Sacramento City Code section 17.208.010.

ATTACHMENT 2

RESOLUTION NO.

Adopted by the Sacramento City Council

**DETERMINING PROJECT EXEMPT FROM REVIEW UNDER
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(ZONING CODE AMENDMENT RELATING TO LAND USE ENTITLEMENT
PROCESSING (M07-001))**

BACKGROUND

A. The City of Sacramento's Environmental Planning Services has reviewed the ordinances relating to land use entitlement processing and has determined the proposal is exempt from review under the California Environmental Quality Act as follows:

1. The proposal is exempt under the following provisions of the California Environmental Quality Act (CEQA) Guidelines: Section 15061 (b) (3);
2. The factual basis for the finding of exemption is as follows:

Exemption 15061 (b) (3) consists of an activity covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. However, specific projects requiring entitlement approval will be brought back for authorization to proceed with actual construction/development plans of the proposed project. At the time of final action, appropriate CEQA environmental review documentation will also be completed for each specific project and brought forward to the Zoning Administrator.

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

Section 1. The City Council has reviewed and considered the Environmental Planning Services determination of exemption and the comments received at the meeting on the Project and determines that the Project is exempt from review under the California Environmental Quality Act for the reasons stated above.

ATTACHMENT 3

**Redlined
ORDINANCE NO.**

Adopted by the Sacramento City Council

Date Adopted

AMENDING SECTION 2.60.070 OF TITLE 2 AND SECTIONS 17.16.010, 17.24.050, 17.60.040, 17.68.030, 17.134.540, 17.200.020, 17.204.020, 17.208.010, 17.208.020, 17.212.030, 17.212.040, 17.212.070, 17.212.100, 17.216.030, 17.216.040, 17.216.050, 17.220.030, 17.220.040, 17.220.060 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) AND ADDING SECTIONS 17.212.035, 17.216.035, AND 17.220.035 TO TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO LAND USE ENTITLEMENT PROCESSING (M07-001)

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

SECTION 1. Section 2.60.070 of Title 2 of the Sacramento City Code is amended to read as follows:

2.60.070 ~~Reserved~~Hearings.

~~_____ Hearings before the planning commission shall be conducted as required by this chapter and other applicable provisions of this code. In addition, the procedures set forth in Section 65804 of the Planning and Zoning Law shall be applicable to all hearings conducted by the commission which relate to the zoning of property.~~

SECTION 2. Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Section 17.16.010 is amended by amending the definition of "alternative ownership housing type" to read as follows:

"Alternative ownership housing type" includes, but is not limited to, nonstandard single-family attached and detached ownership developments, such as townhouses, row houses, and cluster housing, and halfplexes. ~~A halfplex is not an alternative ownership housing type.~~ Ownership may be, but is not required to be, a condominium. Condominium projects must comply with the regulations in Chapter 17.192 of this title.

B. Except as specifically amended by the amendment to the definition of “alternative ownership housing type”, all other provisions of Section 17.16.010 remain unchanged and in full force and effect.

SECTION 3. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 8 of Section 17.24.050 is amended to read as follows:

8. Alternative Ownership Housing Types.

a. Special Permit Required.

A zoning administrator special permit is required for alternative ownership housing projects comprised of four or fewer lots. A planning commission special permit is required for alternative ownership housing projects comprised of five or more lots. The special permit process will include review of setbacks, lot coverage, lot size and dimensions, public street frontage and access, and the overall design of the project; the unit design; and the design of any accessory structures or features, as defined in subsections (8)(b) and (8)(c) of this section. In approving a special permit, the planning commission and zoning administrator shall have the authority to vary setback, ~~and~~ lot coverage, lot size and dimension, and public street frontage and access requirements of this title and Title 16.

b. Design.

The proposed site development plan must integrate structures, common and private open spaces, pedestrian and vehicular circulation, parking, and other site features so as to produce a development that provides for all desirable residential features and environmental amenities. Further, the proposed development shall not adversely affect the existing or proposed future development of the surrounding areas.

c. Accessory Structures.

Accessory structures and uses are those designed and constructed for the exclusive use of the residents of the project, including recreational facilities, such as a playground, swimming pool, or clubhouse, and service facilities, such as garages, carports, parking areas, laundry facilities and other similar accessory features.

d. Limitation on Use in R-1 Zone.

In the R-1 Zone, this use may be permitted with a special permit only in development projects subject to Chapter 17.190 Mixed Income Housing which satisfy the inclusionary housing requirement on the site of the development project.

de. Limitation on Use in M-1, M-1(S), M-2, and M-2(S) Zones.

In the M-1, M-1(S), M-2, and M-2(S) zones, this use may be permitted only with a planning commission special permit and only where located on a lot within a quarter-mile radius of a light rail station (measured from the center of the platform, as determined by the planning director, to the edge of the lot closest to the station).

B. Subsection (g) of Footnote 26 of Section 17.24.050 is amended to read as follows:

g. Enclosed Garage, Carport, Uncovered Parking Pad.

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

i. Exception to the On-Site Parking Requirement.

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

ii. Exception to the Enclosed Garage Requirement.

In addition to the exception set forth in subsection (26)(g)(i) of this section, the dwelling is not required to have an enclosed garage if fewer than fifty (50) percent of other dwellings, including mobile/manufactured homes, located within one thousand (1,000) feet, measured structure to structure, do not have enclosed garages. If an enclosed garage is not required, a minimum ten (10) foot by twenty (20) foot carport or uncovered parking pad is required. The carport or uncovered parking pad shall be located outside of the front or street side yard setback. A carport must meet the accessory building regulations in Chapter 17.80 of this title. An uncovered parking pad must meet the surfacing requirements in Section 17.68.020(A) of this title.

iii. Conversion or Demolition of an Existing Garage.

Conversion of an existing garage to habitable space or demolition of an existing garage is permitted if a carport or an uncovered parking pad can be provided outside the required front or street side yard setbacks. A driveway located in the front or street

side yard setback does not comply with this requirement. The carport or uncovered parking pad shall be a minimum of ten (10) feet wide and twenty (20) feet deep. A carport must meet the accessory building regulations in Chapter 17.80 of this title. An uncovered parking pad must meet the surfacing requirements in Section 17.68.020(A) of this title. ~~The conversion of an existing garage to a second residential unit requires a special permit approved by the zoning administrator or planning commission pursuant to subsection 30 of this section.~~

C. Except as specifically amended by the amendments to footnotes 8 and 26, all other provisions of section 17.24.050 remain unchanged and in full force and effect.

SECTION 4. Section 17.60.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (c)(i) of Footnote 8 of Section 17.60.030 is amended to read as follows:

i. For buildings located within the C-2 portion of the arts and entertainment district ~~which~~ that allocate a minimum of fifty (50) percent of the leasable ground floor area to retail and/or other pedestrian oriented uses as listed in Table 1 of Section 17.96.070 of this title: (1) the height limit shall be extended, but limited to, sixty (60) feet; and (2) the height limit shall be extended, but limited to, fifty (50) feet when located within one hundred (100) feet of residentially zoned property. ~~Utilization of the extended height limit shall in no case constitute more than one additional floor above grade.~~

B. Except as specifically amended by the amendments to subsection (c)(i) of Footnote 8, all other provisions of Section 17.60.030 remain unchanged and in full force and effect.

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

H. Minimum Lot Dimensions.

~~Except for lots within a planned unit development or lots subject to a special permit for alternative ownership housing type development in the R-1A zone,~~ no lot shall be created or modified so that it does not meet the minimum lot area, size, or other dimensional requirements set forth in the city's subdivision regulations. For a lot ~~which~~ that was legally created but ~~which~~ that does not meet the current minimum requirements set forth in the subdivision regulations, that lot may be occupied by a permitted use if the yard and lot coverage requirements are satisfied.

SECTION 6. Subsection (C) of Section 17.68.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

C. Street Frontage.

Except as provided otherwise below, a zoning administrator's plan review approved pursuant to and subject to the findings required by Chapter 17.220 shall be required for the construction of ~~No building permit may be issued for any building or structure on any parcel unless said parcel~~that has at least~~less than~~ twenty (20) feet of public street or approved private street frontage.

1. A special permit for an alternative ownership housing type development may permit development on lots without or with less than twenty feet of public street or approved private street frontage pursuant to Section 17.24.050(8).

2. A plan review for lots within a planned unit development may permit development on lots without or with less than twenty feet of public street or approved private street frontage pursuant to Section 17.180.030.

3. Any parcel or parcels developed for industrial or commercial uses for which access has been approved by the planning commission or city council shall not be required to have street frontage.

SECTION 7. Section 17.134.540 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.134.540 Fees.

The city council may, by resolution, establish the fee(s) for submission of ~~the nominations,~~ and all other applications and submissions made pursuant to this chapter. ~~In the absence of a city council resolution, the preservation director may establish the fee and charge schedule.~~

SECTION 8. Subsection (D) of Section 17.200.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

D. Decision—Effective Date.

1. Except as provided in subsection (D)(2), below, a decision of the hearing body shall become final and effective upon expiration of the time within which an appeal from or call-up of that decision may be taken if no appeal is filed or call-up is requested. The timely filing of an appeal to the design commission, preservation commission, planning commission, or city council, or the call-up of a design commission, preservation commission, or planning commission decision by the city council pursuant to Section 17.200.040 of this chapter, stays proceedings until the determination of the matter on appeal or call-up. No appeal shall be accepted unless it is timely filed. ~~A decision of the hearing body shall become final upon expiration of the time within which an appeal from or call-up of that decision may be taken if no appeal is filed or call-up is requested.~~

2. A final decision by the city council on a special permit, variance, or plan review that is part of a development project application that includes legislative entitlements shall become effective upon the effective date of the legislative entitlements.

23. A decision of the city council shall be effective when made unless otherwise provided by the city council at the time the decision is rendered. Nothing in this paragraph shall be construed to shorten the time within which a decision by ordinance adopted by the city council becomes effective as provided in Sections 26 and 30 of the Sacramento City Charter. No appeal shall be accepted unless it is timely filed.

SECTION 9. Section 17.204.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.204.020 Procedures.

A. At least one public hearing shall be held before the planning commission and the city council prior to adoption of an amendment to the general plan or any community or specific plan.

BA. Procedures—Planning Commission.

The procedural requirements for the hearing a plan amendment before the planning commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by publication and by mail pursuant to subsections (C)(2)(a) and (c) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property. and the notice requirements as set forth below. After completion of notice and public hearing, the planning commission may recommend approval, denial, or modification of the plan amendment and forward to the city council for action.

1. Notice.

Notice of the hearing before the planning commission shall be given in the following manner:

a. The planning director shall post the property involved in the proceedings in a conspicuous place for a period of ten (10) days prior to the date of the hearing.

b. Notice shall be published by the planning director in the official newspaper of the city at least ten (10) days prior to the date of the hearing.

c. Written notice of the hearing shall be mailed by the planning director at least ten (10) days prior to the hearing to all owners of property located within a radius

~~of five hundred (500) feet from the exterior boundaries of the subject property, using for notification purposes the names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed.~~

C. Procedures—City Council.

Upon receipt of a recommendation on a plan amendment from the planning commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section 17.200.010. ~~and give notice thereof by publication in the official newspaper of the city at least ten (10) days prior to said hearing.~~ After completion of notice and public hearing, the city council may approve or modify a plan amendment by adoption of a resolution or disapprove a plan amendment.

D. Withdrawal of Application.

An application for a plan amendment may be withdrawn by the applicant, in writing, at any time prior to approval or denial. If the matter has been noticed for public hearing, the agenda or meeting ~~synopsis~~ minutes shall show the application as having been withdrawn.

E. Resubmittal of Application.

If a plan amendment is denied, another application for the same plan amendment shall not be accepted by the city within a one-year period unless specific approval for such filing is given by the planning commission or the city council.

F. Permits May Not Be Issued.

No building permit, license, or other permit shall be issued while a plan amendment procedure or appeal therefrom is pending.

G. Fee.

An application filed by anyone other than a public agency for a plan amendment initiated by a property owner shall be subject to and accompanied by a filing and investigation fee as established in the fee and charge report. No fee shall be charged any public agency making application for a plan amendment

SECTION 10. Section 17.208.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.208.010 Zoning title text amendments.

Amendments to the text of this title may be initiated by the planning director, planning commission, or city council and shall be adopted by ordinance in accordance with Section 32 of the City Charter. ~~In either case, at~~ At least one public hearing shall be held before the planning commission and the city council prior to adoption of the amendment. The procedural requirements for the hearing before the planning commission and the city council and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section 17.200.010. Notice of said hearings shall be given by at least one publication in the official newspaper of the city not less than fourteen (14) days prior to the initial hearing before each body. The provisions of this section relating to notice and hearing shall not apply to emergency ordinances adopted by the council pursuant to Section 32(g)(2) of the City Charter.

SECTION 11. Section 17.208.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (B) of Section 17.208.020 is amended to read as follows:

B. ~~Procedures—~~Planning Commission.

The procedural requirements for a rezoning ~~hearing proceeding~~ before the planning commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by publication and by mail pursuant to subsections (C)(2)(a) and (c) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property. and the notice requirements as set forth below. After completion of notice and public hearing, the planning commission may recommend approval, denial, or modification of a rezoning and forward to the city council for action.

1. ~~Notice.~~

~~Notice of the hearing before the planning commission shall be given in the following manner:~~

a. ~~The planning director shall post the property involved in the proceedings in a conspicuous place for a period of ten (10) days prior to the date of the hearing.~~

b. ~~Notice shall be published by the planning director in the official newspaper of the city at least ten (10) days prior to the date of the hearing.~~

c. ~~Written notice of the hearing shall be mailed by the planning director at least ten (10) days prior to the hearing to the owner(s) of the property proposed for~~

~~rezoning, and to all owners of property located within a radius of five hundred (500) feet from the exterior boundaries of the subject property, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed.~~

B. Subsection (C) of Section 17.208.020 is amended to read as follows:

C. Procedures—City Council.

Upon receipt of a recommendation on a rezoning from the planning commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by publication and by mail pursuant to subsections (C)(2)(a) and (c) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property and give notice thereof by publication in the official newspaper of the city at least ten (10) days prior to said hearing. Written notice of the hearing shall also be mailed not less than ten (10) days prior to the public hearing to the owner(s) of the property proposed for rezoning. After completion of notice and public hearing, the city council may approve or modify a rezoning by adoption of an ordinance or disapprove the rezoning. The provisions of this paragraph relating to the receipt of a recommendation on a rezoning from the planning commission, notice, and hearing shall not apply to rezonings adopted by emergency ordinance by the city council pursuant to Section 32(g)(2) of the City Charter.

C. Except as specifically amended by the amendments to subsections (B) and (C), all other provisions of section 17.208.020 remain unchanged and in full force and effect.

SECTION 12. Section 17.212.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.212.030 Planning commission special permit.

~~The planning commission shall not grant a special permit unless the commission finds that the project complies with the guidelines set forth under Section 17.212.010 of this chapter. The general provisions set forth in Section 17.212.020 of this chapter shall apply to a special permit request. An application for a special permit to be considered by the planning commission shall be subject to the following requirements:~~

A. Notice and Hearing.

1. At least one public hearing shall be held on an application to the planning commission for a special permit. The procedural requirements for any the hearing before the planning commission and the contents of the hearing notice required by the provisions of this chapter shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting and by mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010, except that the notice by mail required by

~~subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property. Notice of the hearing shall be given in the following manner:~~

~~1. The planning director shall post notice of the hearing on the property involved in the proceedings in a conspicuous place for a period of seven days prior to the date of the hearing.~~

~~2. Written notice of the hearing shall be mailed by the planning director at least ten (10) days prior to the hearing to the following property owners, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence of the date application is filed:~~

~~a. All owners of property located within a radius of five hundred (500) feet from the property involved in the proceedings.~~

~~b. The owners of all property which adjoins the property in the same ownership as that involved in the proceedings or is separated only by a street, alley, right-of-way, or other easement.~~

B2. Adult-Related Establishments.

Notwithstanding the provisions of subsections (A)(~~12~~)(a) and (b) of this section, in the case of an application for a special permit for an adult-related establishment under the provisions of Section 17.24.050(24)(a) or (b) of this title, mailed notice shall also be given to all owners of property located within one thousand (1,000) feet from the property involved in the proceedings.

3C. Antennas and Telecommunications Facilities in Residential Zones.

Notwithstanding the provisions of subsections (A)(~~1~~)(2)(a) and (b) of this section, in the case of an application for a special permit for an antenna or telecommunications facility in residential zones under the provisions of Section 17.24.050(58)(d)(iii)(B) of this title, mailed notice shall also be given to all owners of property located within one thousand (1,000) feet from the property involved in the proceedings.

B. Decision and Notification-Findings.

Except as provided in Section 17.212.035, the planning commission shall issue a written decision at the conclusion of the hearing setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The planning commission shall not grant a special permit unless the commission finds that the project complies with the guidelines set forth in Section 17.212.010.

SECTION 13. Section 17.212.035 is added to Title 17 of the Sacramento City Code (the Zoning Code) to read as follows:

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

At the conclusion of the public hearing on a special permit that is requested as a part of a development project that requires approval of one or more entitlements by the city council, the planning commission shall recommend approval, denial, or modification of the special permit and forward the application to the city council for action. Upon receipt of a recommendation on a special permit from the planning commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of subsection (A) of Section 17.212.030. Upon conclusion of the hearing, the city council shall issue a written decision setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The city council shall not grant a special permit unless the council finds that the project complies with the guidelines set forth in Section 17.212.010.

SECTION 14. Section 17.212.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.212.040 Zoning administrator's special permit.

~~Except as provided for below, a request for a zoning administrator's special permit required by this title shall be decided by the zoning administrator. The zoning administrator shall not grant a zoning administrator's special permit unless he or she finds that the proposed project complies with the guidelines set forth under Section 17.212.010 of this chapter. The general provisions set forth in Section 17.212.020 of this chapter shall apply to a zoning administrator's special permit. An application for a zoning administrator's special permit to be considered by the zoning administrator shall be subject to the following requirements:~~

A. ~~Planning Commission Shall Act If Any Entitlement Requires Commission Approver~~ Council Approval.

For a zoning administrator's special permit sought as part of a development project requiring approval of one or more entitlements by the planning commission ~~or city council~~, the planning commission shall act upon such permit. Special permits to be approved by the planning commission shall be processed in the same manner as a planning commission special permit pursuant to Sections ~~17.212.020 and~~ 17.212.030 of this chapter.

B. Discretion to Elevate to Planning Commission.

At the discretion of the zoning administrator, a zoning administrator's special permit may be determined by the planning commission. Special permits to be approved by the planning commission shall be processed in the same manner as a planning commission special permit pursuant to Sections ~~17.212.020 and 17.212.030~~ of this chapter.

C. Notice and Hearing.

At least one public hearing shall be held on an application to the zoning administrator for a special permit. ~~The procedural requirements for any the hearing before the zoning administrator and the contents of the hearing notice required by the provisions of this chapter shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting and by mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010. Notice of the hearing shall be given in the following manner:~~

~~1. The zoning administrator shall post notice of the hearing on the property involved in the proceedings in a conspicuous place for a period of seven days prior to the date of the hearing.~~

~~2. Written notice of the hearing shall be mailed by the zoning administrator at least ten (10) days prior to the hearing to all owners of property located within a radius of one hundred (100) feet from the exterior boundaries of the subject property, using for notification purposes the names and mailing addresses as shown on the latest equalized assessment roll in existence of the date application is filed~~

D. Decision and Notification-Findings.

The zoning administrator shall issue a written decision at the conclusion of the hearing setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of the decision pursuant to Section 17.200.020(C). The zoning administrator shall not grant a special permit unless the zoning administrator finds that the project complies with the guidelines set forth in Section 17.212.010.

SECTION 15. Subsection (B) of Section 17.212.070 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

B. Definition of Major Modification.

A major modification is one which will result in material change in the nature of the project when all circumstances surrounding the issuance of the special permit are considered. Set forth below is a list of changes which, by definition, shall be deemed to constitute major modifications for purposes of this provision. This list is not intended to be inclusive, and the fact that a particular change is not included does not limit

discretion or authority of the zoning administrator to determine that a particular proposed change or set of changes to a special permit constitutes a major modification. The following changes constitute major modifications for purposes of this provision:

1. Any major change in the pattern or volume of traffic flow either on or off any property covered by the special permit;
2. Any change in the nature of the use;
3. Any increase in height of a structure which exceeds twenty-five percent ~~ten (1025%) percent~~ of the height of such structure as approved or which exceeds one story, whichever is less;
4. Any increase in gross floor area of a building which exceeds ~~ten~~ twenty-five percent (1025%) percent of the approved gross floor area;
5. Any increase in the density of dwelling units per acre;
6. Any material changes in the orientation or location of structures on the parcel.

SECTION 16. Section 17.212.100 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

- A. Subsection (B) of Section 17.212.100 is amended to read as follows:
 - B. Expiration for Failure to Establish Use.

A use for which a special permit is granted must be established within three years from the effective date of final approval of the special permit. ~~If not so established, such use is not so established~~ the special permit shall be deemed to have expired and shall be null and void. A special permit use ~~which~~ that requires a building permit shall be deemed established when ~~such~~ the building permit is secured and construction ~~thereunder is~~ physically commenced. If no building permit is required, the special permit use shall be deemed established when the activity permitted has been commenced. The planning director shall determine whether the use has been commenced ~~as required in subsection A of this section~~. The owner may appeal the determination of the planning director in the manner provided in Chapter 17.20042 of this title.

- B. Subsection (F) of Section 17.212.100 is amended to read as follows:

F. Extensions of Time Limits Within Which Special Permit Use Must Be Established.

Upon application filed prior to the expiration of a special permit the time within which a special permit use must be established as provided in subsection (B) of this

~~section may be extended by the zoning administrator upon a showing of good cause. One or more extensions may be granted for a special permit up to a cumulative total extension period of five (5) years. a show of good cause by the applicant, the zoning administrator may grant an extension of time for a zoning administrator's or planning commission special permit not to exceed two years in instances arising under subsection B, C, D or E of this section upon application in writing a minimum of thirty (30) days prior to expiration. An application for a time extension shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a zoning administrator's special permit. At the discretion of the zoning administrator, the application for time extension shall be subject to planning commission approval. An application for an extension of time referred by the zoning administrator to the planning commission shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning commission special permit. A request for an extension of time shall be subject to a filing and investigation fee.~~

C. Except as specifically amended by the amendments to subsections (B) and (F), all other provisions of section 17.212.100 remain unchanged and in full force and effect.

SECTION 17. Section 17.216.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.216.030 Planning commission variance.

~~The planning commission shall not grant a proposed variance unless the commission finds that the guidelines set forth under Section 17.216.010 of this chapter are satisfied. The general provisions set forth in Section 17.216.020 of this chapter shall apply to a variance request. An application for a variance to be considered by the planning commission shall be subject to the following requirements:~~

A. Notice and Hearing.

~~At least one public hearing shall be held on each an application to the planning commission for a variance. The procedural requirements for any the hearing before the planning commission and the contents of the hearing notice required by the provisions of this chapter shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting and mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property. in the following manner:~~

~~1. The planning director shall post the property involved in the proceedings in a conspicuous place for a period of seven days prior to the date of the hearing.~~

~~2. Written notice of the hearing shall be mailed by the planning director at least ten (10) days prior to the hearing to all owners of property located within a radius of five hundred (500) feet from the exterior boundaries of the subject property, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed.~~

B. Decision and Notification-Findings.

Except as provided in Section 17.216.035, the planning commission shall issue a written decision at the conclusion of the hearing setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The planning commission shall not grant a variance unless the commission finds that the project complies with the guidelines set forth in Section 17.216.010.

SECTION 18. Section 17.216.035 is added to Title 17 of the Sacramento City Code (the Zoning Code) to read as follows:

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

At the conclusion of the public hearing on a variance that is requested as a part of a development project that requires approval of one or more entitlements by the city council, the planning commission shall recommend approval, denial, or modification of the variance and forward the application to the city council for action. Upon receipt of a recommendation on a variance from the planning commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of subsection (A) of Section 17.216.030. Upon conclusion of the hearing, the city council shall issue a written decision setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The city council shall not grant a special variance unless the council finds that the project complies with the guidelines set forth in Section 17.216.010.

SECTION 19. Section 17.216.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.216.040 Zoning administrator's variance.

Except as provided below, theThe zoning administrator shall have authority to vary setback, lot size, lot coverage, or height regulations up to fifty (50) percent of the original requirement and as otherwise provided for in this title. The general provisions set forth in Section 17.216.020 of this chapter shall apply to a zoning administrator's variance. An application for a zoning administrator's variance to be considered by the zoning administrator shall be subject to the following requirements:

A. ~~Planning Commission Shall Act If Any Entitlement Requires Commission or Council Approval.~~

For a zoning administrator's variance sought as part of a development project requiring approval of one or more entitlements by the planning commission ~~or city council~~, the planning commission shall act upon such ~~a~~ variance. A variance to be approved by the planning commission shall be processed in the same manner as a planning commission variance pursuant to Section 17.216.030 of this chapter.

B. ~~Discretion to Elevate to Planning Commission.~~

At the discretion of the zoning administrator, a zoning administrator's variance may be determined by the planning commission. Variances to be approved by the planning commission shall be processed in the same manner as planning commission variance pursuant to Sections ~~17.216.020 and~~ 17.216.030 of this chapter.

C. ~~Notice and Hearing.~~

At least one public hearing shall be held on ~~each~~ an application to the zoning administrator for a variance. The procedural requirements for any the hearing before the zoning administrator and the contents of the hearing notice required by the provisions of this chapter shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting and mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010 in the following manner:

~~1. The zoning administrator shall post the property involved in the proceedings in a conspicuous place for a period of seven days prior to the date of the hearing.~~

~~2. Written notice of the hearing shall be mailed by the zoning administrator at least ten (10) days prior to the hearing to all owners of property located within a radius of one hundred (100) feet from the exterior boundaries of the subject property, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed.~~

D. Decision and Notification-Findings.

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

SECTION 20. Section 17.216.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.216.050 Term and extensions.

A. Term Within Which Variance Must be Established.

A use for which a variance is granted must be established within three years from the effective date of final approval of the variance. If not so established the variance shall be deemed to have expired and shall be null and void. A variance that requires a building permit shall be deemed established when the building permit is secured and construction is physically commenced. If no building permit is required, the variance shall be deemed established when the activity permitted has been commenced. The planning director shall determine whether the activity has been commenced. The owner may appeal the determination of the planning director in the manner provided in Chapter 17.200 of this title.~~Any variance involving an action which requires a building permit shall expire at the end of three years from the date of final approval of the variance unless a building permit is obtained.~~

B. Extension of Time Within Which Variance Must Be Established.

Upon application filed prior to the expiration of a variance, the time within which the variance must be established as provided in subsection (A) of this section may be extended by the zoning administrator upon a showing of good cause. One or more extensions may be granted for a variance up to a cumulative total extension period of five (5) years. An application for a time extension shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a zoning administrator's variance. A variance term may be extended for up to two additional years upon application in writing a minimum of thirty (30) days prior to expiration. An application for the extension of a variance shall be subject to zoning administrator approval. An application for an extension of time shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a zoning administrator's variance. At the discretion of the zoning administrator, the application for time extension shall be subject to planning commission approval. An application for an extension of time referred by the zoning administrator to the planning commission shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning commission variance. A request for an extension of time shall be subject to a filing and investigation fee

SECTION 21. Section 17.220.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.220.030 Planning commission plan review.

The general provisions set forth in Section 17.220.020 of this chapter shall apply to a plan review request. An application for a plan review to be considered by the planning commission shall be subject to the following requirements:

A. Notice and Hearing.

~~At least one public hearing shall be held on each an application to the planning commission for a plan review. The procedural requirements for any the hearing before the planning commission and the contents of the hearing notice required by the provisions of this chapter shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting and mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property. in the following manner:~~

~~1. The planning director shall post the property involved in the proceedings in a conspicuous place for a period of seven days prior to the date of the hearing.~~

~~2. Written notice of the hearing shall be mailed by the planning director at least ten (10) days prior to the hearing to all owners of property located within a radius of five hundred (500) feet from the exterior boundaries of the subject property, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed.~~

B. Decision and Notification-Findings.

~~Except as provided in Section 17.220.035, the planning commission shall issue a written decision at the conclusion of the hearing setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The planning commission shall not approve a plan review unless the commission finds that the project complies with the guidelines set forth in Section 17.220.010.~~

SECTION 22. Section 17.220.035 is added to Title 17 of the Sacramento City Code (the Zoning Code) to read as follows:

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

At the conclusion of the public hearing on a plan review that is requested as a part of a development project that requires approval of one or more entitlements by the city council, the planning commission shall recommend approval, denial, or modification of the plan review and forward the application to the city council for action. Upon receipt of a recommendation on a plan review from the planning commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of subsection (A) of Section 17.220.030. Upon conclusion of the hearing, the city council shall issue a written decision setting forth approval, conditional approval or disapproval

of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The city council shall not approve a plan review unless the council finds that the project complies with the guidelines set forth in Section 17.220.010.

SECTION 23. Section 17.220.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.220.040 Zoning administrator plan review.

Except as provided below, a request for a zoning administrator's plan review required by this title shall be decided by the zoning administrator. The general provisions set forth in Section 17.220.020 of this chapter shall apply to a zoning administrator's plan review. An application for a plan review to be considered by the zoning administrator shall be subject to the following requirements:

A. ~~Planning Commission Shall Act If Any Entitlement Requires Commission or Council Approval.~~

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

B. Discretion to Elevate to Planning Commission.

At the discretion of the zoning administrator, a zoning administrator's plan review may be determined by the planning commission. A plan review to be approved by the planning commission shall be processed in the same manner as planning commission plan review pursuant to ~~Sections 17.220.020 and~~ 17.220.030 of this chapter.

C. Notice and Hearing.

~~Except as provided in this chapter, a~~ At least one public hearing shall be held on each an application to the zoning administrator for a plan review, modification or extension. The procedural requirements for any the hearing before the zoning administrator required by the provisions of this chapter shall be governed by the provisions of Chapter 17.220 of this title. Notice of the hearing shall be given by posting and mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010. ~~in the following manner:~~

~~1. The planning director shall post the property involved in the proceedings in a conspicuous place for a period of seven days prior to the date of the hearing;~~

~~2. Written notice of the hearing shall be mailed by the planning director at least ten (10) days prior to the hearing to all owners of property located within a radius of one hundred (100) feet from the exterior boundaries of the property, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed.~~

D. Decision and Notification-Findings.

The zoning administrator shall issue a written decision at the conclusion of the hearing setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of the decision pursuant to Section 17.200.020(C). The zoning administrator shall not approve a plan review unless the zoning administrator finds that the project complies with the guidelines set forth in Section 17.220.010.

SECTION 24. Section 17.220.060 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.220.060 Term and extensions.

A. Time Within Which Plan Review Must Be Established.

A use for which a plan review is approved must be established within three years from the effective date of final approval of the plan review. If not so established the plan review shall be deemed to have expired and shall be null and void. A plan review shall be deemed established when the building permit is secured and construction is physically commenced. The planning director shall determine whether a plan review approval has been established. The owner may appeal the determination of the planning director in the manner provided in Chapter 17.200 of this title. Any plan review or modification involving an action which requires a building permit shall expire at the end of three years unless a building permit is obtained within the term of a plan review or modification.

B. Extension of Time Within Which Plan Review Must Be Established.

Upon application filed prior to the expiration of a plan review, the time within which the plan review must be established as provided in subsection (A) of this section may be extended by the zoning administrator, in the case of a planning commission or a zoning administrator plan review, or by the planning director, in the case of a planning director plan review, upon a showing of good cause. One or more extensions may be granted for a plan review up to a cumulative total extension period of five (5) years. An application for a time extension for a planning commission or zoning administrator plan review shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a zoning administrator's plan review. An application for a time extension for a planning director plan review shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning director plan

~~review. The term of a plan review or modification may be extended for up to two additional years upon application in writing a minimum of thirty (30) days prior to expiration. An application for a planning commission or zoning administrator plan review extension shall be subject to zoning administrator approval, and an application for a planning director plan review extension shall be subject to planning director approval. The general provisions and requirements set forth in Sections 17.220.020, 17.220.040 and 17.220.045 of this chapter shall apply to a plan review extension. At the discretion of the zoning administrator or planning director the application for time extension shall be subject to planning commission approval. An application for an extension of time referred by the zoning administrator or the planning director to the planning commission shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning commission plan review. If the plan review extension is subject to action by the planning commission, the general provisions and requirements set forth in Sections 17.220.020 and 17.220.030 of this chapter shall apply. The request for an extension of time shall be subject to a filing and investigation fee as established in the fee and charge report.~~

ATTACHMENT 4

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AMENDING SECTION 2.60.070 OF TITLE 2 AND SECTIONS 17.16.010, 17.24.050, 17.60.040, 17.68.030, 17.134.540, 17.200.020, 17.204.020, 17.208.010, 17.208.020, 17.212.030, 17.212.040, 17.212.070, 17.212.100, 17.216.030, 17.216.040, 17.216.050, 17.220.030, 17.220.040, 17.220.060 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) AND ADDING SECTIONS 17.212.035, 17.216.035, AND 17.220.035 TO TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO LAND USE ENTITLEMENT PROCESSING (M07-001)

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

SECTION 1. Section 2.60.070 of Title 2 of the Sacramento City Code is amended to read as follows:

2.60.070 Reserved.

SECTION 2. Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Section 17.16.010 is amended by amending the definition of “alternative ownership housing type” to read as follows:

“Alternative ownership housing type” includes, but is not limited to, nonstandard single-family attached and detached ownership developments, such as townhouses, row houses, and cluster housing. A halfplex is not an alternative ownership housing type. Ownership may be, but is not required to be, a condominium. Condominium projects must comply with the regulations in Chapter 17.192 of this title.

B. Except as specifically amended by the amendment to the definition of “alternative ownership housing type”, all other provisions of Section 17.16.010 remain unchanged and in full force and effect.

SECTION 3. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 8 of Section 17.24.050 is amended to read as follows:

8. Alternative Ownership Housing Types.

a. Special Permit Required.

A zoning administrator special permit is required for alternative ownership housing projects comprised of four or fewer lots. A planning commission special permit is required for alternative ownership housing projects comprised of five or more lots. The special permit process will include review of setbacks, lot coverage, lot size and dimensions, public street frontage and access, and the overall design of the project; the unit design; and the design of any accessory structures or features, as defined in subsections (8)(b) and (8)(c) of this section. In approving a special permit, the planning commission and zoning administrator shall have the authority to vary setback, lot coverage, lot size and dimension, and public street frontage and access requirements of this title and Title 16.

b. Design.

The proposed site development plan must integrate structures, common and private open spaces, pedestrian and vehicular circulation, parking, and other site features so as to produce a development that provides for all desirable residential features and environmental amenities. Further, the proposed development shall not adversely affect the existing or proposed future development of the surrounding areas.

c. Accessory Structures.

Accessory structures and uses are those designed and constructed for the exclusive use of the residents of the project, including recreational facilities, such as a playground, swimming pool, or clubhouse, and service facilities, such as garages, carports, parking areas, laundry facilities and other similar accessory features.

d. Limitation on Use in R-1 Zone.

In the R-1 Zone, this use may be permitted with a special permit only in development projects subject to Chapter 17.190 Mixed Income Housing which satisfy the inclusionary housing requirement on the site of the development project.

e. Limitation on Use in M-1, M-1(S), M-2, and M-2(S) Zones.

In the M-1, M-1(S), M-2, and M-2(S) zones, this use may be permitted only with a planning commission special permit and only where located on a lot within a quarter-mile radius of a light rail station (measured from the center of the platform, as determined by the planning director, to the edge of the lot closest to the station).

B. Subsection (g) of Footnote 26 of Section 17.24.050 is amended to read as follows:

g. Enclosed Garage, Carport, Uncovered Parking Pad.

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

i. Exception to the On-Site Parking Requirement.

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

ii. Exception to the Enclosed Garage Requirement.

In addition to the exception set forth in subsection (26)(g)(i) of this section, the dwelling is not required to have an enclosed garage if fewer than fifty (50) percent of other dwellings, including mobile/manufactured homes, located within one thousand (1,000) feet, measured structure to structure, do not have enclosed garages. If an enclosed garage is not required, a minimum ten (10) foot by twenty (20) foot carport or uncovered parking pad is required. The carport or uncovered parking pad shall be located outside of the front or street side yard setback. A carport must meet the accessory building regulations in Chapter 17.80 of this title. An uncovered parking pad must meet the surfacing requirements in Section 17.68.020(A) of this title.

iii. Conversion or Demolition of an Existing Garage.

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

C. Except as specifically amended by the amendments to footnotes 8 and 26, all other provisions of section 17.24.050 remain unchanged and in full force and effect.

SECTION 4. Section 17.60.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (c)(i) of Footnote 8 of Section 17.60.030 is amended to read as follows:

i. For buildings located within the C-2 portion of the arts and entertainment district that allocate a minimum of fifty (50) percent of the leasable ground floor area to retail and/or other pedestrian oriented uses as listed in Table 1 of Section 17.96.070 of this title: (1) the height limit shall be extended, but limited to, sixty (60) feet; and (2) the height limit shall be extended, but limited to, fifty (50) feet when located within one hundred (100) feet of residentially zoned property.

B. Except as specifically amended by the amendments to subsection (c)(i) of Footnote 8, all other provisions of Section 17.60.030 remain unchanged and in full force and effect.

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

H. Minimum Lot Dimensions.

Except for lots within a planned unit development or lots subject to a special permit for alternative ownership housing type development, no lot shall be created or modified so that it does not meet the minimum lot area, size, or other dimensional requirements set forth in the city's subdivision regulations. For a lot that was legally created but that does not meet the current minimum requirements set forth in the subdivision regulations, that lot may be occupied by a permitted use if the yard and lot coverage requirements are satisfied.

SECTION 6. Subsection (C) of Section 17.68.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

C. Street Frontage.

Except as provided otherwise below, a zoning administrator's plan review approved pursuant to and subject to the findings required by Chapter 17.220 shall be required for the construction of any building or structure on any parcel that has less than twenty (20) feet of public street or approved private street frontage.

1. A special permit for an alternative ownership housing type development may permit development on lots without or with less than twenty feet of public street or approved private street frontage pursuant to Section 17.24.050(8).

2. A plan review for lots within a planned unit development may permit development on lots without or with less than twenty feet of public street or approved private street frontage pursuant to Section 17.180.030.

3. Any parcel or parcels developed for industrial or commercial uses for which access has been approved by the planning commission or city council shall not be required to have street frontage.

SECTION 7. Section 17.134.540 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.134.540 Fees.

The city council may, by resolution, establish the fee(s) for submission of nominations and all other applications and submissions made pursuant to this chapter.

SECTION 8. Subsection (D) of Section 17.200.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

D. Decision—Effective Date.

1. Except as provided in subsection (D)(2), below, a decision of the hearing body shall become final and effective upon expiration of the time within which an appeal from or call-up of that decision may be taken if no appeal is filed or call-up is requested. The timely filing of an appeal to the design commission, preservation commission, planning commission, or city council, or the call-up of a design commission, preservation commission, or planning commission decision by the city council pursuant to Section 17.200.040 of this chapter, stays proceedings until the determination of the matter on appeal or call-up. No appeal shall be accepted unless it is timely filed.

2. A final decision by the city council on a special permit, variance, or plan review that is part of a development project application that includes legislative entitlements shall become effective upon the effective date of the legislative entitlements.

3. A decision of the city council shall be effective when made unless otherwise provided by the city council at the time the decision is rendered. Nothing in this paragraph shall be construed to shorten the time within which a decision by ordinance adopted by the city council becomes effective as provided in Sections 26 and 30 of the Sacramento City Charter.

SECTION 9. Section 17.204.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.204.020 Procedures.

A. At least one public hearing shall be held before the planning commission and the city council prior to adoption of an amendment to the general plan or any community or specific plan.

B. Procedures—Planning Commission.

The procedural requirements for the hearing before the planning commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by publication and by mail pursuant to subsections (C)(2)(a) and (c) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property. After completion of notice and public hearing, the planning commission may recommend approval, denial, or modification of the plan amendment and forward to the city council for action.

C. Procedures—City Council.

Upon receipt of a recommendation on a plan amendment from the planning commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section 17.200.010. After completion of notice and public hearing, the city council may approve or modify a plan amendment by adoption of a resolution or disapprove a plan amendment.

D. Withdrawal of Application.

An application for a plan amendment may be withdrawn by the applicant, in writing, at any time prior to approval or denial. If the matter has been noticed for public hearing, the agenda or meeting minutes shall show the application as having been withdrawn.

E. Resubmittal of Application.

If a plan amendment is denied, another application for the same plan amendment shall not be accepted by the city within a one-year period unless specific approval for such filing is given by the planning commission or the city council.

F. Permits May Not Be Issued.

No building permit, license, or other permit shall be issued while a plan amendment procedure or appeal therefrom is pending.

G. Fee.

An application filed by anyone other than a public agency for a plan amendment initiated by a property owner shall be subject to and accompanied by a filing and investigation fee as established in the fee and charge report. No fee shall be charged any public agency making application for a plan amendment

SECTION 10. Section 17.208.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.208.010 Zoning title text amendments.

Amendments to the text of this title may be initiated by the planning director, planning commission, or city council and shall be adopted by ordinance in accordance with Section 32 of the City Charter. At least one public hearing shall be held before the planning commission and the city council prior to adoption of the amendment. The procedural requirements for the hearing before the planning commission and the city council and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section 17.200.010. The provisions of this section relating to notice and hearing shall not apply to emergency ordinances adopted by the council pursuant to Section 32(g)(2) of the City Charter.

SECTION 11. Section 17.208.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (B) of Section 17.208.020 is amended to read as follows:

B. Procedures—Planning Commission.

The procedural requirements for a rezoning hearing before the planning commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by publication and by mail pursuant to subsections (C)(2)(a) and (c) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property. After completion of notice and public hearing, the planning commission may recommend approval, denial, or modification of a rezoning and forward to the city council for action.

B. Subsection (C) of Section 17.208.020 is amended to read as follows:

C. Procedures—City Council.

Upon receipt of a recommendation on a rezoning from the planning commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by publication and by mail pursuant to subsections (C)(2)(a) and (c) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property. After completion of notice and public hearing, the city council may approve or modify a rezoning by adoption of an ordinance or disapprove the rezoning. The provisions of this paragraph relating to the receipt of a recommendation on a rezoning from the planning commission, notice, and hearing shall not apply to rezonings adopted by emergency ordinance by the city council pursuant to Section 32(g)(2) of the City Charter.

C. Except as specifically amended by the amendments to subsections (B) and (C), all other provisions of section 17.208.020 remain unchanged and in full force and effect.

SECTION 12. Section 17.212.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.212.030 Planning commission special permit.

The general provisions set forth in Section 17.212.020 of this chapter shall apply to a special permit request. An application for a special permit to be considered by the planning commission shall be subject to the following requirements:

A. Notice and Hearing.

1. At least one public hearing shall be held on an application to the planning commission for a special permit. The procedural requirements for the hearing before the planning commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting and by mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property.

2. Adult-Related Establishments.

Notwithstanding the provisions of subsection (A)(1) of this section, in the case of an application for a special permit for an adult-related establishment under the provisions of Section 17.24.050(24)(a) or (b) of this title, mailed notice shall also be given to all owners of property located within one thousand (1,000) feet from the property involved in the proceedings.

3. Antennas and Telecommunications Facilities in Residential Zones.

Notwithstanding the provisions of subsection (A)(1) of this section, in the case of an application for a special permit for an antenna or telecommunications facility in residential zones under the provisions of Section 17.24.050(58)(d)(iii)(B) of this title, mailed notice shall also be given to all owners of property located within one thousand (1,000) feet from the property involved in the proceedings.

B. Decision and Notification-Findings.

Except as provided in Section 17.212.035, the planning commission shall issue a written decision at the conclusion of the hearing setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The planning commission shall not grant a special permit unless the commission finds that the project complies with the guidelines set forth in Section 17.212.010.

SECTION 13. Section 17.212.035 is added to Title 17 of the Sacramento City Code (the Zoning Code) to read as follows:

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

At the conclusion of the public hearing on a special permit that is requested as a part of a development project that requires approval of one or more entitlements by the city council, the planning commission shall recommend approval, denial, or modification of the special permit and forward the application to the city council for action. Upon receipt of a recommendation on a special permit from the planning commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of subsection (A) of Section 17.212.030. Upon conclusion of the hearing, the city council shall issue a written decision setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The city council shall not grant a special permit unless the council finds that the project complies with the guidelines set forth in Section 17.212.010.

SECTION 14. Section 17.212.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.212.040 Zoning administrator's special permit.

Except as provided below, a request for a zoning administrator's special permit required by this title shall be decided by the zoning administrator. The general provisions set forth in Section 17.212.020 of this chapter shall apply to a zoning administrator's special permit. An application for a zoning administrator's special permit to be considered by the zoning administrator shall be subject to the following requirements:

A. Planning Commission Shall Act If Any Entitlement Requires Commission Approval.

For a zoning administrator's special permit sought as part of a development project requiring approval of one or more entitlements by the planning commission, the planning commission shall act upon such permit. Special permits to be approved by the planning commission shall be processed in the same manner as a planning commission special permit pursuant to Section 17.212.030 of this chapter.

B. Discretion to Elevate to Planning Commission.

At the discretion of the zoning administrator, a zoning administrator's special permit may be determined by the planning commission. Special permits to be approved by the planning commission shall be processed in the same manner as a planning commission special permit pursuant to Section 17.212.030 of this chapter.

C. Notice and Hearing.

At least one public hearing shall be held on an application to the zoning administrator for a special permit. 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 title. Notice of the hearing shall be given by posting and by mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010.

D. Decision and Notification-Findings.

The zoning administrator shall issue a written decision at the conclusion of the hearing setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of the decision pursuant to Section 17.200.020(C). The zoning administrator shall not grant a special permit unless the zoning administrator finds that the project complies with the guidelines set forth in Section 17.212.010.

SECTION 15. Subsection (B) of Section 17.212.070 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

B. Definition of Major Modification.

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

proposed change or set of changes to a special permit constitutes a major modification. The following changes constitute major modifications for purposes of this provision:

1. Any major change in the pattern or volume of traffic flow either on or off any property covered by the special permit;
2. Any change in the nature of the use;
3. Any increase in height of a structure which exceeds twenty-five percent (25%) of the height of such structure as approved or which exceeds one story, whichever is less;
4. Any increase in gross floor area of a building which exceeds twenty-five percent (25%) of the approved gross floor area;
5. Any increase in the density of dwelling units per acre;
6. Any material changes in the orientation or location of structures on the parcel.

SECTION 16. Section 17.212.100 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (B) of Section 17.212.100 is amended to read as follows:

B. Expiration for Failure to Establish Use.

A use for which a special permit is granted must be established within three years from the effective date of final approval of the special permit. If not so established, the special permit shall be deemed to have expired and shall be null and void. A special permit use that requires a building permit shall be deemed established when the building permit is secured and construction is physically commenced. If no building permit is required, the special permit use shall be deemed established when the activity permitted has been commenced. The planning director shall determine whether the use has been commenced. The owner may appeal the determination of the planning director in the manner provided in Chapter 17.200 of this title.

B. Subsection (F) of Section 17.212.100 is amended to read as follows:

F. Extensions of Time Within Which Special Permit Use Must Be Established.

Upon application filed prior to the expiration of a special permit the time within which a special permit use must be established as provided in subsection (B) of this section may be extended by the zoning administrator upon a showing of good cause. One or more extensions may be granted for a special permit up to a cumulative total

extension period of five (5) years. An application for a time extension shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a zoning administrator's special permit. At the discretion of the zoning administrator, the application for time extension shall be subject to planning commission approval. An application for an extension of time referred by the zoning administrator to the planning commission shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning commission special permit. A request for an extension of time shall be subject to a filing and investigation fee.

C. Except as specifically amended by the amendments to subsections (B) and (F), all other provisions of section 17.212.100 remain unchanged and in full force and effect.

SECTION 17. Section 17.216.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.216.030 Planning commission variance.

The general provisions set forth in Section 17.216.020 of this chapter shall apply to a variance request. An application for a variance to be considered by the planning commission shall be subject to the following requirements:

A. Notice and Hearing.

At least one public hearing shall be held on an application to the planning commission for a variance. The procedural requirements for the hearing before the planning commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting and mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property.

B. Decision and Notification-Findings.

Except as provided in Section 17.216.035, the planning commission shall issue a written decision at the conclusion of the hearing setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The planning commission shall not grant a variance unless the commission finds that the project complies with the guidelines set forth in Section 17.216.010.

SECTION 18. Section 17.216.035 is added to Title 17 of the Sacramento City Code (the Zoning Code) to read as follows:

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

At the conclusion of the public hearing on a variance that is requested as a part of a development project that requires approval of one or more entitlements by the city council, the planning commission shall recommend approval, denial, or modification of the variance and forward the application to the city council for action. Upon receipt of a recommendation on a variance from the planning commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of subsection (A) of Section 17.216.030. Upon conclusion of the hearing, the city council shall issue a written decision setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The city council shall not grant a special variance unless the council finds that the project complies with the guidelines set forth in Section 17.216.010.

SECTION 19. Section 17.216.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.216.040 Zoning administrator's variance.

Except as provided below, the zoning administrator shall have authority to vary setback, lot size, lot coverage, or height regulations up to fifty (50) percent of the original requirement and as otherwise provided for in this title. The general provisions set forth in Section 17.216.020 of this chapter shall apply to a zoning administrator's variance. An application for a zoning administrator's variance to be considered by the zoning administrator shall be subject to the following requirements:

A. Planning Commission Shall Act If Any Entitlement Requires Commission Approval.

For a zoning administrator's variance sought as part of a development project requiring approval of one or more entitlements by the planning commission, the planning commission shall act upon such variance. A variance to be approved by the planning commission shall be processed in the same manner as a planning commission variance pursuant to Section 17.216.030 of this chapter.

B. Discretion to Elevate to Planning Commission.

At the discretion of the zoning administrator, a zoning administrator's variance may be determined by the planning commission. Variances to be approved by the planning commission shall be processed in the same manner as planning commission variance pursuant to Section 17.216.030 of this chapter.

C. Notice and Hearing.

At least one public hearing shall be held on an application to the zoning administrator for a variance. 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 title. Notice of the hearing shall be given by posting and mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010.

D. Decision and Notification-Findings.

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

SECTION 20. Section 17.216.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.216.050 Term and extensions.

A. Term Within Which Variance Must be Established.

A use for which a variance is granted must be established within three years from the effective date of final approval of the variance. If not so established the variance shall be deemed to have expired and shall be null and void. A variance that requires a building permit shall be deemed established when the building permit is secured and construction is physically commenced. If no building permit is required, the variance shall be deemed established when the activity permitted has been commenced. The planning director shall determine whether the activity has been commenced. The owner may appeal the determination of the planning director in the manner provided in Chapter 17.200 of this title.

B. Extension of Time Within Which Variance Must Be Established.

Upon application filed prior to the expiration of a variance, the time within which the variance must be established as provided in subsection (A) of this section may be extended by the zoning administrator upon a showing of good cause. One or more extensions may be granted for a variance up to a cumulative total extension period of five (5) years. An application for a time extension shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a zoning administrator's variance. At the discretion of the zoning administrator, the application for time extension shall be subject to planning commission approval. An application for an extension of time referred by the zoning administrator to the planning commission shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a

planning commission variance. A request for an extension of time shall be subject to a filing and investigation fee

SECTION 21. Section 17.220.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.220.030 Planning commission plan review.

The general provisions set forth in Section 17.220.020 of this chapter shall apply to a plan review request. An application for a plan review to be considered by the planning commission shall be subject to the following requirements:

A. Notice and Hearing.

At least one public hearing shall be held on an application to the planning commission for a plan review. The procedural requirements for the hearing before the planning commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting and mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property.

B. Decision and Notification-Findings.

Except as provided in Section 17.220.035, the planning commission shall issue a written decision at the conclusion of the hearing setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The planning commission shall not approve a plan review unless the commission finds that the project complies with the guidelines set forth in Section 17.220.010.

SECTION 22. Section 17.220.035 is added to Title 17 of the Sacramento City Code (the Zoning Code) to read as follows:

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

At the conclusion of the public hearing on a plan review that is requested as a part of a development project that requires approval of one or more entitlements by the city council, the planning commission shall recommend approval, denial, or modification of the plan review and forward the application to the city council for action. Upon receipt of a recommendation on a plan review from the planning commission, the city council shall set the matter for hearing. The procedural requirements for the hearing before the city council and the contents of the hearing notice shall be governed by the provisions of subsection (A) of Section 17.220.030. Upon conclusion of the hearing, the city council shall issue a written decision setting forth approval, conditional approval or disapproval

of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of its decision pursuant to Section 17.200.020(C). The city council shall not approve a plan review unless the council finds that the project complies with the guidelines set forth in Section 17.220.010.

SECTION 23. Section 17.220.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.220.040 Zoning administrator plan review.

Except as provided below, a request for a zoning administrator's plan review required by this title shall be decided by the zoning administrator. The general provisions set forth in Section 17.220.020 of this chapter shall apply to a zoning administrator's plan review. An application for a plan review to be considered by the zoning administrator shall be subject to the following requirements:

A. Planning Commission Shall Act If Any Entitlement Requires Commission Approval.

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

B. Discretion to Elevate to Planning Commission.

At the discretion of the zoning administrator, a zoning administrator's plan review may be determined by the planning commission. A plan review to be approved by the planning commission shall be processed in the same manner as planning commission plan review pursuant to Section 17.220.030 of this chapter.

C. Notice and Hearing.

At least one public hearing shall be held on an application to the zoning administrator for a plan review. The procedural requirements for the hearing before the zoning administrator required by the provisions of this chapter shall be governed by the provisions of Chapter 17.220 of this title. Notice of the hearing shall be given by posting and mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010.

D. Decision and Notification-Findings.

The zoning administrator shall issue a written decision at the conclusion of the hearing setting forth approval, conditional approval or disapproval of the application, and the findings supporting the decision, and shall transmit to the applicant written notice of the decision pursuant to Section 17.200.020(C). The zoning administrator

shall not approve a plan review unless the zoning administrator finds that the project complies with the guidelines set forth in Section 17.220.010.

SECTION 24. Section 17.220.060 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.220.060 Term and extensions.

A. Time Within Which Plan Review Must Be Established.

A use for which a plan review is approved must be established within three years from the effective date of final approval of the plan review. If not so established the plan review shall be deemed to have expired and shall be null and void. A plan review shall be deemed established when the building permit is secured and construction is physically commenced. The planning director shall determine whether a plan review approval has been established. The owner may appeal the determination of the planning director in the manner provided in Chapter 17.200 of this title.

B. Extension of Time Within Which Plan Review Must Be Established.

Upon application filed prior to the expiration of a plan review, the time within which the plan review must be established as provided in subsection (A) of this section may be extended by the zoning administrator, in the case of a planning commission or a zoning administrator plan review, or by the planning director, in the case of a planning director plan review, upon a showing of good cause. One or more extensions may be granted for a plan review up to a cumulative total extension period of five (5) years. An application for a time extension for a planning commission or zoning administrator plan review shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a zoning administrator's plan review. An application for a time extension for a planning director plan review shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning director plan review. At the discretion of the zoning administrator or planning director the application for time extension shall be subject to planning commission approval. An application for an extension of time referred by the zoning administrator or the planning director to the planning commission shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning commission plan review. The request for an extension of time shall be subject to a filing and investigation fee as established in the fee and charge report.

ATTACHMENT 5

**Redlined
ORDINANCE NO.**

Adopted by the Sacramento City Council

Date Adopted

**AMENDING SECTIONS 16.12.020, 16.24.020, 16.24.090, 16.24.095,
16.24.100, 16.24.110, 16.24.115, 16.32.020, 16.32.150, 16.40.010,
16.40.220, AND 16.40.240 OF TITLE 16 OF THE SACRAMENTO CITY
CODE AND ADDING SECTION 16.24.097 TO TITLE 16 OF
THE SACRAMENTO CITY CODE RELATING TO SUBDIVISION MAP
PROCESSING (M07-001)**

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

SECTION 1. Section 16.12.020 of Title 16 of the Sacramento City Code is amended to read as follows:

- | 16.12.020 Divisions of land—Five or more parcels.
- | A. A tentative map and a final map shall be required for all divisions of land where the land will be divided into five or more parcels, five or more condominiums, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where:
- | A1. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or
- | B2. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway; or
- | C3. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or
- | D4. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than one-quarter of a one-quarter section.

B. A tentative map and a parcel map shall be required for those subdivisions described in subsections (A)(1) through D(4) of this section unless waived by the planning commission or zoning administrator in accordance with the provisions of Section 16.32.150 of this title.

SECTION 2. Section 16.24.020 of Title 16 of the Sacramento City Code is amended to read as follows:

16.24.020 Tentative map required.

~~For every subdivision of five or more parcels, 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 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 pursuant to Section 16.32.020 of this chapter.~~

SECTION 3. Section 16.24.090 of Title 16 of the Sacramento City Code is amended as follows:

A. Subsection A of Section 16.24.090 is amended to read as follows:

A. ~~Notice of Public Hearings~~ 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 in the following manner:~~

~~1. Notice of the hearing shall be posted on the property involved in the proceedings in a conspicuous place for a period of seven days prior to the date of the hearing.~~

~~2. Written notice of the hearing shall be mailed at least ten (10) days prior to the hearing to the following property owners, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed:~~

~~a. All owners of property located within a radius of one hundred (100) feet from the property involved in the proceedings.~~

~~_____ b. 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.~~

~~_____ The owners of all property which adjoins the property in the same ownership as that involved in the proceedings or is separated only by a street, alley, right-of-way, or other easement.~~

~~_____ c. _____ In the event that the proposed application has been submitted by a person other than the property owner shown on the last equalized assessment roll, the city shall also give notice by mail or delivery to the owner of the property as shown on the last equalized assessment roll. In addition, notice shall be given by mail or personal delivery to any person who has filed a written request with the city. The request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year.~~

~~_____ d. _____ Notwithstanding subsections (A)(2)(a) and (b) of this section, notice need not be given to property owners outside a radius of five hundred (500) feet from that portion of the property involved.~~

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

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

B. Subsection E is added to Section 16.24.090 to read as follows:

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.

C. Except as specifically amended by the amendments to subsection (A) and the addition of subsection (E), all other provisions of section 16.24.090 remain unchanged and in full force and effect.

SECTION 4. Section 16.24.095 of Title 16 of the Sacramento City Code is amended to read as follows:

16.24.095 Tentative maps for five or more parcels.

A. Notice of Public Hearings before Planning Commission-Notice.

1. ~~_____~~ Within a reasonable period of time following consideration by the subdivision review committee of an application for a tentative map for five (5) 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 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 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 section 17.200.010 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. At least ten (10) calendar days before the public hearing, a notice shall be given of the time, date, and place of the hearing, including a general explanation of the matter to be considered and a general description of the area affected, and the street address, if any, of the property involved. The notice shall be published at least once in a newspaper of general circulation, published and circulated in the city.

~~_____~~ In addition to notice by publication, the director shall give notice of the hearing by mail or delivery to the subdivider, the owner of the subject real property, if different from the subdivider, and to all persons, including businesses, corporations, or other public or private entities, shown on the last equalized assessment roll as owning real property within five hundred (500) feet of the property which is the subject of the proposed application. The director shall also give notice of the hearing by mail or delivery to each agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the subdivision, whose ability to provide those facilities and services may be significantly affected. 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.

~~_____~~ In the event that the proposed application has been submitted by a person other than the property owner shown on the last equalized assessment roll, the city shall also give notice by mail or delivery to the owner of the property as shown on the last equalized assessment roll. In addition, notice shall be given by mail or personal delivery to any person who has filed a written request with the city. The request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year.

~~_____~~ The director may give such other notice that the director deems necessary or advisable. 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.

The Except as provided in Section 16.24.097, the planning 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 commission that the project is exempt from the requirements of CEQA, and the planning director shall thereafter report the decision of the planning 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 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 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.

~~1. Tentative Maps for Projects Requiring City Council Approval of Entitlements—Conformance to General Plan, Community Plan and Zoning.~~

~~Each tentative map shall be designed in compliance with the existing general plan, applicable specific or community plan, if any, and zoning designation of the property; provided that, where an amendment to the general plan or the applicable specific or community plan or a change in zoning is also being requested as part of the project for which the tentative map is sought, and the tentative map will be consistent with the general plan, specific or community plan or zoning if the city council approves such amendment or change, the tentative map may be approved, subject to inclusion of a condition on the tentative map requiring approval of the general plan or specific or community plan amendment or zone change prior to recordation of the final map.~~

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

D. Denial.

The tentative map may be denied by the planning 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 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 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 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 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 5. Section 16.24.097 is added to Title 16 of the Sacramento City Code 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 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 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 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 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 6. Section 16.24.100 of Title 16 of the Sacramento City Code is amended to read as follows:

16.24.100 City council review.

If a tentative map is approved or conditionally approved by the planning commission, the planning director shall forthwith make a written report of such approval to the city council. Any member of the city council 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 commission. Upon the filing of a request by a 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 16.24.090095(A) of this chapter. 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 16.24.090095(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 commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, this title, this code and the general plan.

SECTION 7. Section 16.24.110 of Title 16 of the Sacramento City Code is amended to read as follows:

16.24.110 Appeals of planning commission action.

A. The subdivider or any interested person dissatisfied with adversely affected by any planning commission decision action with respect to the 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. file an appeal in writing with 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 16.24.0950(A) of this chapter. 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 commission. The city council's decision shall be supported by findings and may make any findings which are 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 commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, this title, this code and the general plan.

SECTION 8. Section 16.24.115 of Title 16 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 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. ~~interested person adversely affected by any zoning administrator action on a tentative map may, within ten (10) days after the decision, appeal the decision to the planning commission by filing an appeal in writing with the planning director.~~

B. The appeal shall be considered by the planning commission at a public hearing after notice has been given pursuant to Section 16.24.090095(A) of this title. 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 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 commission shall render its decision unless the subdivider consents to a continuance. The planning commission may sustain, modify, reject or overrule any recommendations or rulings of the zoning administrator. The planning commission's decision shall be supported by findings consistent with the provisions of the Subdivision Map Act and this title. If the planning 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.

BD. The decision of the planning 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 commission pursuant to Section 16.24.110 of this title.

~~C. A decision of the planning commission on a tentative map made pursuant to Section 16.32.020 of this chapter because one or more entitlements require planning commission or city council approval shall be appealed to the city council in the same manner as a decision on tentative maps may be appealed pursuant to Section 16.24.110 of this title.~~

SECTION 9. Section 16.32.020 of Title 16 of the Sacramento City Code is amended to read as follows:

16.32.020 Tentative map required—Improvements.

~~A. Before land may be divided by a parcel map, a tentative map shall be submitted pursuant to sections 16.24.020 and 16.24.090. Applications for tentative maps resulting in divisions of land into four or fewer parcels shall be decided by the zoning administrator pursuant to the procedures in this chapter; provided that if the tentative map is sought as part of a development project requiring approval of one or more entitlements by the planning commission or the city council, the planning commission shall act upon the tentative map request. Tentative maps to be decided by the planning commission shall be noticed and heard in the same manner as the other entitlements upon which the planning commission will make a decision or recommendation. The zoning administrator may, at his or her discretion, schedule for hearing before the planning commission any application for a tentative map under his or her authority. Except as otherwise provided in this chapter, the tentative map shall be processed and acted upon by the subdivision review committee, zoning administrator, planning commission and city council in accordance with the provisions of Chapter 16.24, Tentative Maps of this regulation.~~

~~B. In the case of a division of land or four or fewer parcels, 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 10. Section 16.32.150 of Title 16 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 commission for tentative maps approved by the planning commission for projects not requiring city council approval and by the city council for those projects requiring city council approval. An application for waiver of the parcel map shall be filed at the time of filing of the tentative map.

B. Findings.

~~_____~~ The parcel map may be waived only if the zoning administrator or the planning commission or city council determines that all of the following conditions are satisfied:

~~_____~~ A. Findings.

~~_____~~ The parcel map may be waived only if the planning commission or city council makes the following findings:

- 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.

BC. 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.

SECTION 11. Section 16.40.010 of Title 16 of the Sacramento City Code is amended to read as follows:

16.40.010 General design standards—General.

A. The size, design, character, grade, location and orientation and configuration of lots within a proposed subdivision and improvements required in connection therewith shall be consistent with the density and uses authorized for the

area by the general plan, the applicable specific plan, the zoning ordinance, and other land use regulations.

B. The density, timing or sequence of development may be restricted by considerations of safety, traffic access or circulation, the slope of the natural terrain, the physical suitability of the site (including soil conditions), the nature or extent of existing development, the availability of public utilities, environmental habitat or wildlife preservation or protection, or other provisions of this title.

C. All subdivisions shall result in lots which can be used or built upon. No subdivision shall create lots which are impractical for improvement or use due to steepness of terrain, location of water courses, size, shape, inadequate frontage, or access, or building area, or other physical condition. Except for lots within a planned unit development or lots subject to a special permit for alternative ownership housing type development under section 17.24.050(8) of this code, all residentially zoned lots shall have not less than twenty (20) feet of public street or approved private street frontage.

SECTION 12. Section 16.40.220 of Title 16 of the Sacramento City Code is amended to read as follows:

16.40.220 Lots—Width and area in the R-1 and R-2 zones for single and two-family uses.

Except as provided in subsection 16.40.240(B) for lots in the central city, and except for lots within a planned unit development or lots subject to a special permit for alternative ownership housing type development under section 17.24.050(8) of this code, the minimum width and area of all lots proposed for single-family and two-family residential uses in the R-1 and R-2 zones (other than those within a planned development or as otherwise allowable under the city zoning ordinance) shall conform to the following restrictions:

A. Interior lots shall have a minimum width of fifty-two (52) feet at the front building setback line.

B. Corner lots shall have a minimum width of sixty-two (62) feet at the front building setback lines.

C. Lot depth shall not exceed one hundred sixty (160) feet and shall not be less than one hundred (100) feet in depth.

D. Interior lots shall have an area of not less than five thousand two hundred (5,200) square feet.

E. Corner lots shall have an area of not less than six thousand two hundred (6,200) square feet.

F. Side lot lines shall be normally at right angles or radial to street lines.

G. Corner lots subdivided for halfplex development shall have a combined area of six thousand two hundred (6,200) square feet, a minimum width of sixty-two (62) feet at the front building setback line, and a minimum depth of one hundred (100) feet.

~~Within the central city, all lots proposed for residential uses shall comply with the standards in Section 16.40.240 of this chapter.~~

SECTION 13. Section 16.40.240 of Title 16 of the Sacramento City Code is amended to read as follows:

16.40.240 Lots—Width and area in zones other than R-1 and R-2 and in the Central City other zones.

A. ~~Except as otherwise provided in sections 16.40.220 and 16.40.230 of this chapter, or as described in subsection B of this section, and for lots within a planned unit development or lots subject to a special permit for alternative ownership housing type development under section 17.24.050(8) of this code, the area, depth and width of properties proposed in all zones other than the R-1 and R-2 zones (existing or proposed in connection with the subdivision) shall be reasonably adequate to provide for the off-street service and parking facilities required by the type of zone and development proposed; provided, Except as described in subsection B of this section, in no event shall the lot area be less than five thousand two hundred (5,200) square feet for an interior lot of six thousand two hundred (6,200) square feet for a corner lot; provided, however, lots within a planned development may be of lesser size but shall otherwise comply with the density standards for the zoning regulations which will be applicable to the subdivision.~~

B. The minimum width and area of all lots in any zone in the central city shall conform to the following restrictions:

1. Interior and corner lots shall have a minimum width of forty (40) feet at the front building setback line.

2. Lot depth shall not exceed one hundred sixty (160) feet and shall not be less than eighty (80) feet in depth.

3. Interior and corner lots shall have an area of not less than three thousand two hundred (3,200) square feet.

4. Side lot lines shall be normally at right angles or parallel to street lines.

5. Corner lots subdivided for halfplex development shall have a combined area of at least three thousand two hundred (3,200) square feet, a minimum width of forty (40) feet at the front building setback line, and a minimum depth of eighty (80) feet.

ATTACHMENT 6

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

**AMENDING SECTIONS 16.12.020, 16.24.020, 16.24.090, 16.24.095,
16.24.100, 16.24.110, 16.24.115, 16.32.020, 16.32.150, 16.40.010,
16.40.220, AND 16.40.240 OF TITLE 16 OF THE SACRAMENTO CITY
CODE AND ADDING SECTION 16.24.097 TO TITLE 16 OF
THE SACRAMENTO CITY CODE RELATING TO SUBDIVISION MAP
PROCESSING (M07-001)**

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

SECTION 1. Section 16.12.020 of Title 16 of the Sacramento City Code is amended to read as follows:

16.12.020 Divisions of land—Five or more parcels.

A. A tentative map and a final map shall be required for all divisions of land where the land will be divided into five or more parcels, five or more condominiums, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where:

1. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or

2. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway; or

3. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or

4. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than one-quarter of a one-quarter section.

B. A tentative map and a parcel map shall be required for those subdivisions described in subsections (A)(1) through (4) of this section unless waived by the planning commission or zoning administrator in accordance with the provisions of Section 16.32.150 of this title.

SECTION 2. Section 16.24.020 of Title 16 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 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 3. Section 16.24.090 of Title 16 of the Sacramento City Code is amended as follows:

A. Subsection A of Section 16.24.090 is amended to read as follows:

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), if the tentative map is sought as part of a development project requiring approval of one or more entitlements by the planning commission, the planning commission shall hear and act upon the tentative map under section 16.24.095.

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

B. Subsection E is added to Section 16.24.090 to read as follows:

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.

C. Except as specifically amended by the amendments to subsection (A) and the addition of subsection (E), all other provisions of section 16.24.090 remain unchanged and in full force and effect.

SECTION 4. Section 16.24.095 of Title 16 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 Commission-Notice.

1. Within a reasonable period of time following consideration by the subdivision review committee of an application for a tentative map for five (5) 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 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 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 section 17.200.010 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 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 commission that the project is exempt from the requirements of CEQA, and the planning director shall thereafter report the decision of the planning 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 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 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 commission may modify or delete any of the conditions of approval recommended in the department's report. The planning commission may add additional requirements as a condition of its approval.

D. Denial.

The tentative map may be denied by the planning 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 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 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 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 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 5. Section 16.24.097 is added to Title 16 of the Sacramento City Code 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 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 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 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 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 6. Section 16.24.100 of Title 16 of the Sacramento City Code is amended to read as follows:

16.24.100 City council review.

If a tentative map is approved or conditionally approved by the planning commission, the planning director shall forthwith make a written report of such approval to the city council. Any member of the city council 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 commission. Upon the filing of a request by a 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 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 commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, this title, this code and the general plan.

SECTION 7. Section 16.24.110 of Title 16 of the Sacramento City Code is amended to read as follows:

16.24.110 Appeals of planning commission action.

A. The subdivider or any person dissatisfied with any planning 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 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 commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, this title, this code and the general plan.

SECTION 8. Section 16.24.115 of Title 16 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 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 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 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 commission shall render its decision unless the subdivider consents to a continuance. The planning commission may sustain, modify, reject or overrule any recommendations or rulings of the zoning administrator. The planning commission's decision shall be supported by findings consistent with the provisions of the Subdivision Map Act and this title. If the planning 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 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 commission pursuant to Section 16.24.110.

SECTION 9. Section 16.32.020 of Title 16 of the Sacramento City Code is amended to read as follows:

16.32.020 Tentative map required.

Before land may be divided by a parcel map, a tentative map shall be submitted pursuant to sections 16.24.020 and 16.24.090.

SECTION 10. Section 16.32.150 of Title 16 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 commission for tentative maps approved by the planning commission.

B. Findings.

The parcel map may be waived only if the zoning administrator or the planning 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.

SECTION 11. Section 16.40.010 of Title 16 of the Sacramento City Code is amended to read as follows:

16.40.010 General design standards—General.

A. The size, design, character, grade, location and orientation and configuration of lots within a proposed subdivision and improvements required in connection therewith shall be consistent with the density and uses authorized for the area by the general plan, the applicable specific plan, the zoning ordinance, and other land use regulations.

B. The density, timing or sequence of development may be restricted by considerations of safety, traffic access or circulation, the slope of the natural terrain, the physical suitability of the site (including soil conditions), the nature or extent of existing development, the availability of public utilities, environmental habitat or wildlife preservation or protection, or other provisions of this title.

C. All subdivisions shall result in lots which can be used or built upon. No subdivision shall create lots which are impractical for improvement or use due to steepness of terrain, location of water courses, size, shape, inadequate frontage, access, building area, or other physical condition. Except for lots within a planned unit

development or lots subject to a special permit for alternative ownership housing type development under section 17.24.050(8) of this code, all residentially zoned lots shall have not less than twenty (20) feet of public street or approved private street frontage.

SECTION 12. Section 16.40.220 of Title 16 of the Sacramento City Code is amended to read as follows:

16.40.220 Lots—Width and area in the R-1 and R-2 zones.

Except as provided in subsection 16.40.240(B) for lots in the central city, and except for lots within a planned unit development or lots subject to a special permit for alternative ownership housing type development under section 17.24.050(8) of this code, the minimum width and area of all lots proposed for single-family and two-family residential uses in the R-1 and R-2 zones shall conform to the following restrictions:

A. Interior lots shall have a minimum width of fifty-two (52) feet at the front building setback line.

B. Corner lots shall have a minimum width of sixty-two (62) feet at the front building setback lines.

C. Lot depth shall not exceed one hundred sixty (160) feet and shall not be less than one hundred (100) feet in depth.

D. Interior lots shall have an area of not less than five thousand two hundred (5,200) square feet.

E. Corner lots shall have an area of not less than six thousand two hundred (6,200) square feet.

F. Side lot lines shall be normally at right angles or radial to street lines.

G. Corner lots subdivided for halfplex development shall have a combined area of six thousand two hundred (6,200) square feet, a minimum width of sixty-two (62) feet at the front building setback line, and a minimum depth of one hundred (100) feet.

SECTION 13. Section 16.40.240 of Title 16 of the Sacramento City Code is amended to read as follows:

16.40.240 Lots—Width and area in zones other than R-1 and R-2 and in the Central City.

A. Except as otherwise provided in sections 16.40.220 and 16.40.230, in subsection B of this section, and for lots within a planned unit development or lots subject to a special permit for alternative ownership housing type development under section 17.24.050(8) of this code, the area, depth and width of properties proposed in all

zones other than the R-1 and R-2 zones (existing or proposed in connection with the subdivision) shall be reasonably adequate to provide for the off-street service and parking facilities required by the type of zone and development proposed; provided, in no event shall the lot area be less than five thousand two hundred (5,200) square feet for an interior lot of six thousand two hundred (6,200) square feet for a corner lot.

B. The minimum width and area of all lots in any zone in the central city shall conform to the following restrictions:

1. Interior and corner lots shall have a minimum width of forty (40) feet at the front building setback line.

2. Lot depth shall not exceed one hundred sixty (160) feet and shall not be less than eighty (80) feet in depth.

3. Interior and corner lots shall have an area of not less than three thousand two hundred (3,200) square feet.

4. Side lot lines shall be normally at right angles or parallel to street lines.

5. Corner lots subdivided for halfplex development shall have a combined area of at least three thousand two hundred (3,200) square feet, a minimum width of forty (40) feet at the front building setback line, and a minimum depth of eighty (80) feet.

ATTACHMENT 7

**Redlined
ORDINANCE NO.**

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING TABLE 17.24.030(B) OF SECTION 17.24.030 AND SECTION 17.56.030 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO VETERINARY CLINICS AND HOSPITALS AND SCHOOLS-DANCE, ETC. IN THE EC ZONE (M07-001)

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

SECTION 1. Section 17.24.030 Commercial Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The matrix for “Vet clinic/hospital” set forth in Table 17.24.030(B) is amended to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	AR P-F
Vet clinic/hospital	53/60	5/16	60/15	5	60	5	60	60	60/2420	60	60/20	53	53	5	5/70	5/71	5/72	5/72	5/19	

B. The matrix for “School—Dance, etc.” set forth in Table 17.24.030(B) is amended to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	AR P-F
School—Dance, etc.	53		15	5	X	X	X	X	20	X	20									

C. Except as specifically amended for the uses indicated, all other provisions of section 17.24.030 and Table 17.24.020(B) remain unchanged and in full force and effect.

SECTION 2. Section 17.56.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Table 1 as set forth in subsection 17.56.030(B)(1) is amended to read as follows:

Table 1

Category	Permitted uses
Primary	<p>Office High-tech manufacturing research and development (not limited to 25 percent office--may have 100 percent office uses) Medical facilities: Hospital Laboratory Skilled nursing facility Research & development Physician's clinic Convalescent hospital Drug/alcohol treatment centers Pharmacy Optician lab or clinic Dental offices Psychiatric hospital or clinic <u>Veterinary clinic/hospital</u>¹ Educational/vocational/training (public or private) Banks/savings and loans Post office Child care center Light Industrial Uses: Distribution/warehousing Manufacturing High-tech manufacturing research and development (limited to 25 percent office) Assembly</p>
Support retail	<p>Health club <u>School—Dance/music/art/martial arts</u> Automobile related services (i.e., auto service, parts, repair) Gas sales Restaurant/cafes/delis Hotel/motel/inns Consumer retail (maximum 10,000 square feet per store, with an aggregate building size of 30,000 square feet)² (e.g., books, food, videos, etc.)</p>
Residential	Multi-family residential

1. Veterinary clinics and hospitals are subject to footnote (60) of section 17.24.050.

2. Allow drug stores and office supply stores up to a maximum of 20,000 square feet per store, except EC-65 and EC-80 sites, which have a maximum of 10,000 square feet. Allow ~~auto-related~~ related retail uses (excluding gas sales) up to a maximum of 15,000 square feet.

B. Except as specifically amended as set forth above, all other provisions of section 17.56.030 remain unchanged and in full force and effect.

ATTACHMENT 8

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AMENDING TABLE 17.24.030(B) OF SECTION 17.24.030 AND SECTION 17.56.030 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO VETERINARY CLINICS AND HOSPITALS AND SCHOOLS-DANCE, ETC. IN THE EC ZONE (M07-001)

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

SECTION 1. Section 17.24.030 Commercial Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The matrix for “Vet clinic/hospital” set forth in Table 17.24.030(B) is amended to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	AR P-F
Vet clinic/hospital	53/60	5/16	60/15	5	60	5	60	60	60/20	60	60/20	53	53	5	5/70	5/71	5/72	5/72	5/19	

B. The matrix for “School—Dance, etc.” set forth in Table 17.24.030(B) is amended to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	AR P-F
School—Dance, etc.	53		15	5	X	X	X	X	20	X	20									

C. Except as specifically amended for the uses indicated, all other provisions of section 17.24.030 and Table 17.24.020(B) remain unchanged and in full force and effect.

SECTION 2. Section 17.56.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Table 1 as set forth in subsection 17.56.030(B)(1) is amended to read as follows:

Table 1

Category	Permitted uses
Primary	Office High-tech manufacturing research and development (not limited to 25 percent office--may have 100 percent office uses) Medical facilities: Hospital Laboratory Skilled nursing facility Research & development Physician's clinic Convalescent hospital Drug/alcohol treatment centers Pharmacy Optician lab or clinic Dental offices Psychiatric hospital or clinic Veterinary clinic/hospital ¹ Educational/vocational/training (public or private) Banks/savings and loans Post office Child care center Light Industrial Uses: Distribution/warehousing Manufacturing High-tech manufacturing research and development (limited to 25 percent office) Assembly
Support retail	Health club School—Dance/music/art/martial arts Automobile related services (i.e., auto service, parts, repair) Gas sales Restaurant/cafes/delis Hotel/motel/inns Consumer retail (maximum 10,000 square feet per store, with an aggregate building size of 30,000 square feet) ² (e.g., books, food, videos, etc.)
Residential	Multi-family residential

1. Veterinary clinics and hospitals are subject to footnote (60) of section 17.24.050.

2. Allow drug stores and office supply stores up to a maximum of 20,000 square feet per store, except EC-65 and EC-80 sites, which have a maximum of 10,000 square feet. Allow auto-related retail uses (excluding gas sales) up to a maximum of 15,000 square feet.

B. Except as specifically amended as set forth above, all other provisions of section 17.56.030 remain unchanged and in full force and effect.

