

**ORDINANCE NO. 2007-049**

Adopted by the Sacramento City Council

June 5, 2007

**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:

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

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.

Adopted by the City of Sacramento City Council on June 5, 2007 by the following vote:

Ayes: Councilmembers, Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, and Waters .

Noes: None.

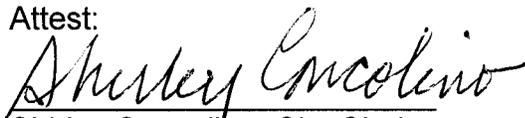
Abstain: None.

Absent: Mayor Fargo.



Kevin McCarty, Vice Mayor

Attest:



Shirley Concolino, City Clerk

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