

ORDINANCE NO. 2007-050

Adopted by the Sacramento City Council

June 5, 2007

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.

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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Published May 26, 2007

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