



# CITY OF SACRAMENTO

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**RECEIVED**  
NOV 30 1983

MARTY VAN DUYN  
PLANNING DIRECTOR

November 15, 1983

City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: Emergency Zoning Ordinance Amendment to Create a Planning Director's Special Permit (M83-065)

**APPROVED**  
BY THE CITY COUNCIL

DEC 6 1983

OFFICE OF THE  
CITY CLERK

## SUMMARY

The Infill Incentive Program, adopted by the Council on October 25, 1983, altered the permit requirement for deep lot developments from a Special Permit to a Planning Director's Permit process. Since the existing Comprehensive Zoning Ordinance does not include an enabling ordinance creating such permit authority for the Planning Director, the attached Zoning Ordinance amendment is proposed. This ordinance amendment is an emergency ordinance in order that the Planning Director's Special Permit process can become effective immediately, since the infill incentive regulations took effect on November 24, 1983. Staff recommends that the Council adopt the attached emergency zoning ordinance amendment.

## BACKGROUND

The purpose of creating a Planning Director's Special Permit process is to reduce the processing time required for certain types of developments from a minimum of four to six weeks for Planning Commission Special Permits to two to four weeks for a Planning Director's Special Permit. In addition, the cost of a Commission Special Permit is \$380 versus a Planning Director's Special Permit processing fees will be only about \$100.

The scope of review and conditioning powers for a Planning Director's Special Permit are the same as those set forth within the existing Zoning Ordinance for Special Permits issued by the Commission. However, the noticing procedures are more limited and are the same as those used for a Planning Director's Variance. Only adjacent property owners will receive individual notice and the property will be posted. No hearing will be held but adjacent property owners will be provided notice of the Planning Director's decision and their right to appeal to the Planning Commission. No fees will be imposed for appeals to the Planning Commission by persons other than the applicant.

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The determination as to when Planning Director's Special Permits will be utilized as opposed to Commission Special Permits must be decided on an individual basis by the Council through subsequent zoning ordinance amendments. The proposed ordinance will only establish the permit process. At the present time, besides deep lot development, the only other subject matter where a Planning Director's Special Permit is envisioned is to allow greater wall heights adjacent to freeways and railroads.

RECOMMENDATION

Staff recommends that the Council adopt the attached emergency ordinance to establish a Planning Director's Special Permit.

Respectfully submitted,

Marty Van Duyn  
Planning Director

RECOMMENDATION APPROVED:



Walter J. Slipe  
City Manager

SP:lao  
M83-065  
attachment

All Districts  
December 6, 1983

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# ORDINANCE NO. 83-143

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING SECTION 15-H TO THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

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

Section 1.

Section 15-H of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby added to read as follows:

H. PLANNING DIRECTOR'S SPECIAL PERMIT:

1. Application and Hearing: The Planning Director shall decide all Planning Director Special Permit applications unless the application is submitted as part of a development which requires approval of the commission or council. No public hearing shall be required. The director may, at his or her discretion, schedule for hearing by the commission any application for a Planning Director's Special Permit.
2. Notice: The application for a Planning Director's Special Permit shall be accompanied by proof that the applicant has given notice to the owners of all property which adjoins the property in the same ownership as that involved in the proceedings or which is separated only by a street, alley, public right-of-way or other easement, public use or recreational use. Same ownership exists when any legal or equitable interest is held in such adjoining property. The notice shall describe the scope and nature of the requested special permit. After the decision on the Planning Director's Special Permit, the director shall provide written notice by mail to the owners of all property adjoining the subject property of the decision and of their right to appeal the decision to the Planning Commission within ten days of the notice. No fee shall be charged for an appeal to the Planning Commission by any aggrieved person other than the applicant.
3. Decision, Findings: The Planning Director may grant a Planning Director's Special Permit only when (s)he finds, based on evidence presented in the application:

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- (a) That the proposed use will be consistent with the objectives of the general or specific plan for the area in which it is to be located;
  - (b) That the proposed use will be located, designed, constructed, operated and maintained so as to be compatible with the existing character of the general vicinity and shall not change the essential character of such area;
  - (c) That where the proposed use may be potentially hazardous or disturbing to existing or planned neighboring uses, that it is justified by the common public interest as a benefit to the community as a whole; and
  - (d) That the proposed use will not be detrimental to the public health, safety and welfare.
4. Conditions: In granting a Planning Director's Special Permit, the director may attach thereto such conditions as (s)he may deem necessary or convenient to implement the guidelines of this Section as set forth in Section 15-A.
5. Modification, Deviation: Upon application by the holder of a Planning Director's Special Permit, the director may approve modifications or changes to the original proposal or schedule the item for hearing by the commission. The director shall not grant a proposed modification or deviation unless (s)he finds that all of the guidelines set forth under Section 15-A are satisfied. Notice of the proposed modification or deviation shall be provided as set forth under Section 15-H-2.
6. Term: The time limit provisions set forth under Section 15-D shall also apply to Planning Director's Special Permits with the provision that the director also has the authority to limit or extend the term of the Planning Director's Special Permit.
7. Revocation: Upon a determination by the Planning Director that the use is being conducted in a manner detrimental to the public health, safety or general welfare, or in such a manner as to constitute a public nuisance, or in violation of any condition imposed upon such use as stated in the approved permit, the director may revoke such permit. If the director determines that the detrimental aspects of the use which exist may be alleviated through a modification of the permit approval terms, (s)he may make such modification in lieu of permit revocation. Notice of the intent to revoke or modify the permit shall be provided as set forth under Section 15-H-2.

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Section 2.

This is hereby declared to be an emergency ordinance to take effect immediately. The facts constituting the emergency are the need for this ordinance to take effect as soon as possible after the effective date of the adopted Infill Regulations, which created the need for a Planning Director's Special Permit process, which occurred on November 24, 1983.

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MAYOR

ATTEST:

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CITY CLERK  
(M83-065)