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PLANNING  
AND BUILDING SERVICES  
DEPARTMENT

**CITY OF SACRAMENTO**  
CALIFORNIA

1231 I STREET  
ROOM 300  
SACRAMENTO, CA  
95814-2998

PLANNING DIVISION  
916-264-5381  
FAX 916-264-5328

April 2, 2001

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT:** M01-040

**LOCATION:** Citywide

**COUNCIL DISTRICT:** All

**RECOMMENDATION:** AN ORDINANCE AMENDING SECTION 17.190.070 OF TITLE 17 OF THE CITY CODE, RELATING TO MIXED INCOME HOUSING REQUIREMENTS AND ADDING AN ADDITIONAL EXEMPTION THERETO, AND DECLARING THE ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY

**CONTACT PERSON:** Steve Peterson, Principal Planner, 264-5981

**FOR COUNCIL MEETING OF:** April 10, 2001 (afternoon session)

**SUMMARY:** Staff has prepared the attached emergency amendment to the Mixed Income Housing Ordinance to exempt previously approved and recorded maps where the only remaining discretionary entitlement is a special permit or other specific project level approval

**BACKGROUND INFORMATION:**

- This amendment provides a limited exclusion from the Mixed Income Housing ordinance for any Residential Project for development of single family residential units on

subdivision lots created pursuant to a final map recorded on or before June 20, 2000 where the only remaining discretionary entitlements required to develop the project are one or more of the following non-legislative entitlements: special permit, variance, plan review, "R" review, or design review.

- The project covered by that application was the subject of a final map, approved and recorded in March, and the streets, utilities and other necessary infrastructure for development have in fact been installed.
- To avoid any further and unnecessary delay of development of this project and others similarly situated, it is reasonable and appropriate to have this ordinance take effect immediately.

**FINANCIAL CONSIDERATIONS:**

None.

**POLICY CONSIDERATIONS:**

The proposed amendments are consistent with the previous exemptions granted for the Mixed Income Housing ordinance.


**ENVIRONMENTAL CONSIDERATIONS:**

None.

**ESBD EFFORTS:**

No goods or services are being purchased.

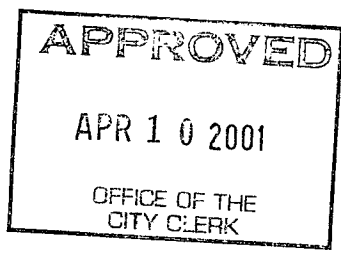
Respectfully submitted,

  
\_\_\_\_\_  
GARY STONEHOUSE, PLANNING DIRECTOR

RECOMMENDATION APPROVED:

  
\_\_\_\_\_  
ROBERT P. THOMAS,  
CITY MANAGER

**ORDINANCE NO.** 2001-017



ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 17.190.070 OF TITLE 17 OF THE CITY CODE, RELATING TO MIXED INCOME HOUSING REQUIREMENTS AND ADDING AN ADDITIONAL EXEMPTION THERETO, AND DECLARING THE ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY**

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

**Section 1**

Section 17.190.070 of Title 17 of the City Code is amended by adding Subsection H thereto, to read as follows:

- H. Any Residential Project for development of single family residential units on subdivision lots created pursuant to a final map recorded on or before June 20, 2000 where the only remaining discretionary entitlements required to develop the project are one or more of the following non-legislative entitlements: special permit, variance, plan review, "R" review, or design review.

**Section 2**

This ordinance is declared to be an emergency ordinance, to become effective immediately upon its adoption by the City Council pursuant to Sacramento City Charter Section 32(g)(2). The facts constituting the emergency are as follows: the City is currently processing amendments to Chapter 17.190 of the City Code pertaining to mixed income requirements. The City is also processing entitlements for development of properties that were, prior to the enactment of the inclusionary housing ordinance (Ord. 2000-039), the subject of a full range of legislative and adjudicative entitlements, including a tentative and final subdivision or parcel map(s); and that only require the approval of one or more of the

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ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

non-legislative, discretionary entitlements specified in Section 1 above. This includes Project P00-160, which was scheduled for consideration at the March 22, 2001 hearing of the Planning Commission and which was continued to April 12, 2001 to allow for the Council to propose and consider the amendments set forth above. The Project covered by that application was the subject of a final map, approved and recorded in March, and the streets, utilities and other necessary infrastructure for development have in fact been installed. To avoid any further and unnecessary delay of development of this project and others similarly situated, it is reasonable and appropriate to have this ordinance take effect immediately.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

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NEIGHBORHOODS,  
PLANNING AND DEVELOPMENT  
SERVICES DEPARTMENT

**CITY OF SACRAMENTO**  
CALIFORNIA

1231 I STREET  
ROOM 300  
SACRAMENTO, CA  
95814-2904

PLANNING  
916-264-5381  
FAX 916-264-5328

March 29, 2001

City Council  
Sacramento, California

**CONTINUED**  
FROM 4-3-01  
TO 4-10-01

Honorable Members in Session:

**SUBJECT: AN ORDINANCE AMENDING SECTION 17.190.070 RELATING TO MIXED INCOME HOUSING REQUIREMENTS AND AN ADDITIONAL EXEMPTION THERETO, AND DECLARING THE ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY (M01-040)**

**LOCATION AND DISTRICT:** Citywide

**RECOMMENDATION:**

It is recommended that the item be passed for publication of title and continued to April 10, 2001.

**CONTACT PERSON:** Steve Peterson, Principal Planner, 264-5981

**FOR COUNCIL MEETING OF:** April 3, 2001 (evening session)

**SUMMARY:**

This item is presented at this time for approval of publication of title pursuant to City Charter, Section 32.

**BACKGROUND INFORMATION:**

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

Respectfully submitted,



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GARY L. STONEHOUSE  
PLANNING DIRECTOR

FOR CITY COUNCIL INFORMATION:  
ROBERT P. THOMAS  
CITY MANAGER

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 17.190.070 OF TITLE 17 OF THE CITY CODE, RELATING TO MIXED INCOME HOUSING REQUIREMENTS AND ADDING AN ADDITIONAL EXEMPTION THERETO, AND DECLARING THE ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY**

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

## **Section 1**

Section 17.190.070 of Title 17 of the City Code is amended by adding Subsection H thereto, to read as follows:

- H. Any Residential Project for development of single family residential units on subdivision lots created pursuant to a final map recorded on or before June 20, 2000 where the only remaining discretionary entitlements required to develop the project are one or more of the following non-legislative entitlements: special permit, variance, plan review, "R" review, or design review.

## **Section 2**

This ordinance is declared to be an emergency ordinance, to become effective immediately upon its adoption by the City Council pursuant to Sacramento City Charter Section 32(g)(2). The facts constituting the emergency are as follows: the City is currently processing amendments to Chapter 17.190 of the City Code pertaining to mixed income requirements. The City is also processing entitlements for development of properties that were, prior to the enactment of the inclusionary housing ordinance (Ord. 2000-039), the subject of a full range of legislative and adjudicative entitlements, including a tentative and final subdivision or parcel map(s); and that only require the approval of one or more of the

- 1 -

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FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

non-legislative, discretionary entitlements specified in Section 1 above. This includes Project P-00-016, which was scheduled for consideration at the March 23, 2001 hearing of the Planning Commission and which was continued to April 12, 2001 to allow for the Council to propose and consider the amendments set forth above. The Project covered by that application was the subject of a final map, approved and recorded in March, and the streets, utilities and other necessary infrastructure for development have in fact been installed. To avoid any further and unnecessary delay of development of this project and others similarly situated, it is reasonable and appropriate to have this ordinance take effect immediately.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_



3.4

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 17.190.070 OF TITLE 17 OF THE CITY CODE, RELATING TO MIXED INCOME HOUSING REQUIREMENTS AND ADDING AN ADDITIONAL EXEMPTION THERETO, AND DECLARING THE ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY**

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

**Section 1**

Section 17.190.070 of Title 17 of the City Code is amended by adding Subsection H thereto, to read as follows:

- H. Any Residential Project for development of single family residential units on subdivision lots created pursuant to a final map recorded on or before June 20, 2000 where the only remaining discretionary entitlements required to develop the project are one or more of the following non-legislative entitlements: special permit, variance, plan review, "R" review, or design review.

**Section 2**

This ordinance is declared to be an emergency ordinance, to become effective immediately upon its adoption by the City Council pursuant to Sacramento City Charter Section 32(g)(2). The facts constituting the emergency are as follows: the City is currently processing amendments to Chapter 17.190 of the City Code pertaining to mixed income requirements. The City is also processing entitlements for development of properties that were, prior to the enactment of the inclusionary housing ordinance (Ord. 2000-039), the subject of a full range of legislative and adjudicative entitlements, including a tentative and final subdivision or parcel map(s); and that only require the approval of one or more of the

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FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

non-legislative, discretionary entitlements specified in Section 1 above. This includes Project P-00-016, which was scheduled for consideration at the March 23, 2001 hearing of the Planning Commission and which was continued to April 12, 2001 to allow for the Council to propose and consider the amendments set forth above. The Project covered by that application was the subject of a final map, approved and recorded in March, and the streets, utilities and other necessary infrastructure for development have in fact been installed. To avoid any further and unnecessary delay of development of this project and others similarly situated, it is reasonable and appropriate to have this ordinance take effect immediately.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

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FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_



13.4  
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NEIGHBORHOODS,  
PLANNING AND DEVELOPMENT  
SERVICES DEPARTMENT

**CITY OF SACRAMENTO**  
CALIFORNIA

1231 I STREET  
ROOM 300  
SACRAMENTO, CA  
95814-2904

PLANNING  
916-264-5381  
FAX 916-264-5328

March 16, 2001

City Council  
Sacramento, California

CONTINUED  
FROM 3-27-01  
TO 4-10-01

Honorable Members in Session:

**SUBJECT: AN ORDINANCE AMENDING SECTIONS 17.190.020, 17.190.070, 17.190.110  
AND 17.190.130 OF CHAPTER 17.190 OF TITLE 17 OF THE CITY CODE,  
RELATING TO MIXED INCOME HOUSING REQUIREMENTS (M01-040)**

**LOCATION AND DISTRICT:** Citywide

**RECOMMENDATION:**

It is recommended that the item be passed for publication of title and continued to April 10, 2001.

**CONTACT PERSON:** Steve Peterson, Principal Planner, 264-5981

**FOR COUNCIL MEETING OF:** March 27, 2001 (afternoon session)

**SUMMARY:**

This item is presented at this time for approval of publication of title pursuant to City Charter, Section 32.


**BACKGROUND INFORMATION:**

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

Respectfully submitted,



FOR CITY COUNCIL INFORMATION:  
ROBERT P. THOMAS  
CITY MANAGER



GARY L. STONEHOUSE  
PLANNING DIRECTOR

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE AMENDING SECTIONS 17.190.020, 17.190.070, 17.190.110 AND 17.190.130 OF CHAPTER 17.190 OF TITLE 17 OF THE CITY CODE, RELATING TO MIXED INCOME HOUSING REQUIREMENTS**

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

## **Section 1**

The definition of "Legislative Entitlements" set forth in Section 17.190.020 of Title 17 of the Sacramento City Code is amended to read as follows:

Legislative Entitlements means and includes general and community plan amendments, zonings and rezonings, planned unit development (PUD) schematic plans and amendments thereto, planned unit development guidelines and amendments thereto, and development agreements.

## **Section 2.**

Subsection C of Section 17.190.030(C) is amended to read as follows:

C. Timing of Development. The Inclusionary Housing Plan and Inclusionary Housing Agreement shall include a phasing plan which provides for the timely development of the Inclusionary Units as the Residential Project is built out. The phasing plan shall provide for development of the Inclusionary Units concurrently with the Market Rate Units; provided however, that the phasing plan will be adjusted by the Planning Director away from strict concurrency where necessary in order to account for the different financing and funding environments, economies of scale, and infrastructure needs applicable to development of the Market Rate and the Inclusionary Units, but such adjustment must be consistent with the provisions of this Chapter and not inhibit the City's ability to enforce

- 1 -

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FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

compliance with this Chapter

**Section 3.**

Subsection G of Section 17.190.070 of title 17 of the City Code is amended to read as follows:

- G. Any Residential Project in the North Natomas Community Plan Area which does not have a Development Agreement as of June 20, 2000, but which is the subject of a formal application on which the Planning Commission took final action on or before June 20,2000, regardless of whether the Planning Commission's action was thereafter appealed; provided that the City Council thereafter approves the project in substantially the same form as approved by the Planning Commission. If the City Council denies the application as approved on or before June 20, 2000 by the Planning Commission, the Development Project shall comply with this Chapter. If the City Council approves the application but modifies the project in any substantial manner from the project approved by the Planning Commission, the Project shall comply with the provisions of this Chapter to the extent required by the Council at the time of approval of the project. If changes in the Residential Project are proposed subsequent to the Council's approval of the pending application, and the proposed changes require the approval of one or more Legislative Entitlements or amendments which are Major rather than Minor, the revised Residential Project shall be subject to the Inclusionary Housing Component requirement and the other provisions of this Chapter.

Except as Subsection G is amended above, the provisions of Section 17.190.070 shall remain unchanged and in effect.

**Section 4**

Section 17.190.110 of Title 17 of the City Code is amended as follows:

- a. Subsection B of Section 17.190.110 is amended to read as follows
  - B. Action on Inclusionary Housing Plan. The SHRA Director shall review the proposed Inclusionary Housing Plan and shall make

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

recommendations to the Planning Director. The Inclusionary Housing Plan shall be subject to the same review and approval as the Legislative Entitlements. No Legislative Entitlement shall be granted without an approved Inclusionary Housing Plan. The elements of the Inclusionary Housing Plan shall be incorporated into the terms and conditions of the applicable Legislative Entitlements and Project-level approvals.

Amendment of Inclusionary Housing Plan: The Planning Director shall have the authority to approve amendments of the Inclusionary Housing Plan **or Inclusionary Housing Component, if the Planning Director finds that the amendments are necessary to facilitate the development, the amendments are consistent with the provisions of this Chapter and the amendments will not inhibit the City's ability to enforce compliance with this Chapter. Such amendments will be limited to modifications in total number of units, unit size and mix,** to reflect changes in the underlying Development Project, including modifications in unit size, tenure, on-site location and other imilar changes. Where the proposed amendment(s) will result in a change in the phasing or timing of development of the Inclusionary Units, the Planning Director may approve that amendment if he/she finds that the circumstances specified in Section 17.190.030C are present and that the requirements of that section are satisfied.

Amendment Process: Amendments shall be subject to notice, review, approval and appeal in the same manner as a Planning Director's Special Permit.

- b. Subsection C of Section 17.190.110 is amended as follows:
  - 1. Subsection C-1 is amended to read as follows:
    - 1. Requirement. No Project-level Approval may be issued by the City or SHRA without a recorded Inclusionary Housing Agreement executed by the owner, the Developer (if not

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FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

Owner) and the Director of SHRA acting with the advice of the Planning Director; provided that a tentative map or parcel map may be approved prior to execution or recordation of an Inclusionary Housing Agreement if (1) an Inclusionary Housing Plan including a phasing plan has been approved; (2) any tentative map and parcel map contain conditions that enforce the applicable phasing and other requirements of the Housing Plan; and (3) the Legislative Entitlements contain provisions that condition approval of Special Permits, Plan Review, or building permits on execution and recordation of and compliance with an Inclusionary Housing Agreement.

2. Subsection C-2 of Section 17.190.110 is amended to read as follows:

Timing. The Inclusionary Housing Agreement shall be negotiated concurrently with the processing of an application for the first Project-level Approval, except tentative maps or parcel maps may issue prior to such negotiation pursuant to subparagraph 1 above. The SHRA shall act with the advice of the Planning Director. At the request of the Developer, and if Developer makes the project development and financing details set forth below in subparagraphs 3 and 4 available, the Inclusionary Housing Agreement may be negotiated earlier in connection with the issuance of a Legislative Entitlement.

3. Subsection C-6 of Section 17.190.110 is amended to read as follows:

Incorporation into Project-level Approvals and Recordation. The Developer obligations and the Inclusionary Incentives in the Agreement shall be incorporated into the applicable Project-level Approvals. The executed Agreement shall be recorded as a covenant running with the land against the real property of the Residential Project and, in the case of Off-Site Inclusionary Units, against the real property on which such Units are to be located.

- c. Except as Subsection A is specifically amended by "a" above, and Subsection B by "b" above, the provisions of Section 17.190.110 shall remain unchanged and in effect.

### **Section 3**

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_



Section 17.190.130 is amended to read as follows:

- A. No Legislative Entitlement shall be issued or valid without an Inclusionary Housing Plan as required by this Chapter.
- B. No Project-level Approval shall issue for any Development Project unless an Inclusionary Housing Agreement has been executed and recorded, except tentative maps or parcel maps may issue prior to such recordation pursuant to Section 17.190.110(C) above, and no building permit or certificate of occupancy shall issue until the Inclusionary Housing Agreement has been recorded as required by this Chapter.
- C. The City may bring such civil and criminal enforcement actions as are provided for in the City Code.

DATE PASSED FOR PUBLICATION:  
DATE ENACTED:  
DATE EFFECTIVE:

**ATTEST:**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

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# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE AMENDING SECTIONS 17.190.020, 17.190.070, 17.190.110 AND 17.190.130 OF CHAPTER 17.190 OF TITLE 17 OF THE CITY CODE, RELATING TO MIXED INCOME HOUSING REQUIREMENTS**

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

**Section 1**

The definition of "Legislative Entitlements" set forth in Section 17.190.020 of Title 17 of the Sacramento City Code is amended to read as follows:

Legislative Entitlements means and includes general and community plan amendments, zonings and rezonings, planned unit development (PUD) schematic plans and amendments thereto, planned unit development guidelines and amendments thereto, and development agreements.

**Section 2.**

Subsection C of Section 17.190.030(C) is amended to read as follows:

C. Timing of Development. The Inclusionary Housing Plan and Inclusionary Housing Agreement shall include a phasing plan which provides for the timely development of the Inclusionary Units as the Residential Project is built out. The phasing plan shall provide for development of the Inclusionary Units concurrently with the Market Rate Units; provided however, that the phasing plan will be adjusted by the Planning Director away from strict concurrency where necessary in order to account for the different financing and funding environments, economies of scale, and infrastructure needs applicable to development of the Market Rate and the Inclusionary Units, but such adjustment must be consistent with the provisions of this Chapter and not inhibit the City's ability to enforce

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

compliance with this Chapter.

**Section 3.**

Subsection G of Section 17.190.070 of title 17 of the City Code is amended to read as follows:

- G. Any Residential Project in the North Natomas Community Plan Area which does not have a Development Agreement as of June 20, 2000, but which is the subject of a formal application on which the Planning Commission took final action on or before June 20,2000, regardless of whether the Planning Commission's action was thereafter appealed; provided that the City Council thereafter approves the project in substantially the same form as approved by the Planning Commission. If the City Council denies the application as approved on or before June 20, 2000 by the Planning Commission, the Development Project shall comply with this Chapter. If the City Council approves the application but modifies the project in any substantial manner from the project approved by the Planning Commission, the Project shall comply with the provisions of this Chapter to the extent required by the Council at the time of approval of the project. If changes in the Residential Project are proposed subsequent to the Council's approval of the pending application, and the proposed changes require the approval of one or more Legislative Entitlements or amendments which are Major rather than Minor, the revised Residential Project shall be subject to the Inclusionary Housing Component requirement and the other provisions of this Chapter.

Except as Subsection G is amended above, the provisions of Section 17.190.070 shall remain unchanged and in effect.

**Section 4**

Section 17.190.110 of Title 17 of the City Code is amended as follows:

- a. Subsection B of Section 17.190.110 is amended to read as follows
  - B. Action on Inclusionary Housing Plan. The SHRA Director shall review the proposed Inclusionary Housing Plan and shall make

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FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

recommendations to the Planning Director. The Inclusionary Housing Plan shall be subject to the same review and approval as the Legislative Entitlements. No Legislative Entitlement shall be granted without an approved Inclusionary Housing Plan. The elements of the Inclusionary Housing Plan shall be incorporated into the terms and conditions of the applicable Legislative Entitlements and Project-level approvals.

Amendment of Inclusionary Housing Plan: The Planning Director shall have the authority to approve amendments of the Inclusionary Housing Plan or **Inclusionary Housing Component, if the Planning Director finds that the amendments are necessary to facilitate the development, the amendments are consistent with the provisions of this Chapter and the amendments will not inhibit the City's ability to enforce compliance with this Chapter. Such amendments will be limited to** modifications in **total number of units**, unit size and mix, to reflect changes in the underlying Development Project, including modifications in unit size, tenure, on-site location and other imilar changes. Where the proposed amendment(s) will result in a change in the phasing or timing of development of the Inclusionary Units, the Planning Director may approve that amendment if he/she finds that the circumstances specified in Section 17.190.030C are present and that the requirements of that section are satisfied.

Amendment Process: Amendments shall be subject to notice, review, approval and appeal in the same manner as a Planning Director's Special Permit.

- b. Subsection C of Section 17.190.110 is amended as follows:
  - 1. Subsection C-1 is amended to read as follows:
    - 1. Requirement. No Project-level Approval may be issued by the City or SHRA without a recorded Inclusionary Housing Agreement executed by the owner, the Developer (if not

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FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

Owner) and the Director of SHRA acting with the advice of the Planning Director; provided that a tentative map or parcel map may be approved prior to execution or recordation of an Inclusionary Housing Agreement if (1) an Inclusionary Housing Plan including a phasing plan has been approved; (2) any tentative map and parcel map contain conditions that enforce the applicable phasing and other requirements of the Housing Plan; and (3) the Legislative Entitlements contain provisions that condition approval of Special Permits, Plan Review, or building permits on execution and recordation of and compliance with an Inclusionary Housing Agreement.

2. Subsection C-2 of Section 17.190.110 is amended to read as follows:

Timing. The Inclusionary Housing Agreement shall be negotiated concurrently with the processing of an application for the first Project-level Approval, except tentative maps or parcel maps may issue prior to such negotiation pursuant to subparagraph 1 above. The SHRA shall act with the advice of the Planning Director. At the request of the Developer, and if Developer makes the project development and financing details set forth below in subparagraphs 3 and 4 available, the Inclusionary Housing Agreement may be negotiated earlier in connection with the issuance of a Legislative Entitlement.

3. Subsection C-6 of Section 17.190.110 is amended to read as follows:

Incorporation into Project-level Approvals and Recordation. The Developer obligations and the Inclusionary Incentives in the Agreement shall be incorporated into the applicable Project-level Approvals. The executed Agreement shall be recorded as a covenant running with the land against the real property of the Residential Project and, in the case of Off-Site Inclusionary Units, against the real property on which such Units are to be located.

- c. Except as Subsection A is specifically amended by "a" above, and Subsection B by "b" above, the provisions of Section 17.190.110 shall remain unchanged and in effect.

### **Section 3**

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

Section 17.190.130 is amended to read as follows:

- A. No Legislative Entitlement shall be issued or valid without an Inclusionary Housing Plan as required by this Chapter.
- B. No Project-level Approval shall issue for any Development Project unless an Inclusionary Housing Agreement has been executed and recorded, except tentative maps or parcel maps may issue prior to such recordation pursuant to Section 17.190.110(C) above, and no building permit or certificate of occupancy shall issue until the Inclusionary Housing Agreement has been recorded as required by this Chapter.
- C. The City may bring such civil and criminal enforcement actions as are provided for in the City Code.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

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\_\_\_\_\_  
**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_