

# ORDINANCE NO. 2011-001

Adopted by the Sacramento City Council

January 11, 2011

## AMENDED ORDINANCE PERTAINING TO THREE YEAR EXTENSION OF CERTAIN LAND USE ENTITLEMENTS AND BUILDING PERMITS (M10-020)

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

Section 1. On January 27, 2009, the City Council adopted Ordinance 2009-008 in response to the economic downturn and the constriction of the credit market that delayed the start and completion of construction of land development projects. Because of the economic downturn and the constriction of the credit market, the land use entitlement approvals and building permits for such projects were at risk of expiring. Because the processing, approval, and issuance of land use entitlements and building permits represented a substantial investment of money, time, and effort toward the successful completion of these projects, expiration of these entitlements and permits represented a significant loss for the owners and the City. The City Council adopted Ordinance 2009-008 to protect against the potential loss and preserve "shovel-ready" development opportunities by granting additional time to the term of these entitlements and allowing for reactivation of building permits or building permit applications that were valid and not expired as of the effective date of Ordinance 2009-008.

However, Ordinance 2009-008 did not allow for reactivation of building permits that expired during the term of Ordinance 2009-008 even if the building permit application was valid prior to the effective date of Ordinance 2009-008. The City Council adopts this ordinance to refine and expand the scope of Ordinance No. 2009-008 to incorporate building permits that expire during the term of this ordinance if the application for the building permit was valid as of February 26, 2009.

Section 2. Notwithstanding the provisions of Title 17 of the Sacramento City Code (the Zoning Code) to the contrary, the period of time within which to obtain a building permit and commence construction, or to establish a use, under sections 17.132.320 (design review), 17.134.340 (preservation certificate of appropriateness), 17.212.100 (special permit), 17.216.050 (variance), and 17.220.060 (plan review) of the Zoning Code, including any extensions thereof, shall not include the period of time from February 26, 2009 to February 26, 2012. This section shall apply only to design review approvals, certificates of appropriateness, special permits, variances, and plan reviews that are valid and not expired as of February 26, 2009.

- Section 3. Notwithstanding the provisions of Title 15 of the Sacramento City Code to the contrary, any building permit that was valid and not expired as of February 26, 2009 but which expires between February 26, 2009 and February 26, 2012 may be reactivated up until August 26, 2012. This Section 3 shall not apply to demolition permits, permits for fire equipment, minor permits, swimming pool permits, sign permits, and permits related to a City code enforcement action.
- Section 4. Notwithstanding the provisions of Title 15 of the Sacramento City Code to the contrary, any building permit application that was valid and not expired as of February 26, 2009 but which expires between February 26, 2009 and February 26, 2012 may be reactivated up until August 26, 2012. This Section 4 shall not apply to applications for: demolition permits, permits for fire equipment, minor permits, swimming pool permits, sign permits, and permits related to a City code enforcement action.
- Section 5. Notwithstanding the provisions of Title 15 of the Sacramento City Code to the contrary, any building permit that expires between February 26, 2009 and February 26, 2012 may be reactivated up until August 26, 2012, if the building permit was issued pursuant to a building permit application that was valid and not expired as of February 26, 2009. This Section 5 shall not apply to demolition permits, permits for fire equipment, minor permits, swimming pool permits, sign permits, and permits related to a City code enforcement action.
- Section 6. A fee in an amount established by resolution of the City Council shall be charged to any person who submits a request to the City to reactivate a building permit under Section 3 of this Ordinance, a building permit application under Section 4 of this Ordinance, or a building permit under Section 5 of this Ordinance. A building permit issued under a building permit application that is re-activated under Section 4 of this Ordinance shall be subject to all City fees and charges that are payable upon issuance of building permit in the amount in effect upon issuance of the building permit.
- Section 7. This Ordinance is enacted by the City Council as an interim ordinance, without notice and hearing before the Planning Commission and City Council as otherwise required by Section 17.208.010 of the City's Zoning Code. It is anticipated that the economic conditions that are impacting land development will improve within a three year period from February 26, 2009. Therefore, this Ordinance shall remain in effect for six months following such three year period, until August 26, 2012, after which time it shall expire and shall be of no further force or effect.
- Section 8. Ordinance 2009-008 shall be repealed on the effective date of this Ordinance.

Adopted by the City of Sacramento City Council on January 11, 2011 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

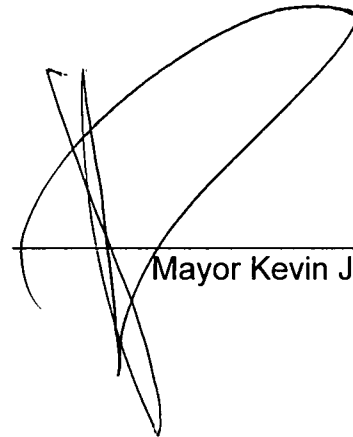
Noes: None.

Abstain: None.

Absent: None.

Attest:

  
Shirley Concolino, City Clerk

  
Mayor Kevin Johnson

Passed for Publication: January 4, 2011

Published: January 7, 2011

Effective: February 8, 2011