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CITY OF SACRAMENTO
CALIFORNIA

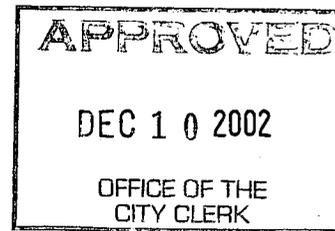
PLANNING AND BUILDING
DEPARTMENT

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November 13, 2002

City Council
Sacramento, California



Honorable Members in Session:

SUBJECT: AN ORDINANCE AMENDING ORDINANCE 2002-011 (AN INTERIM ORDINANCE ESTABLISHING PROCEDURES FOR REVIEW AND APPROVAL OF AFFORDABLE HOUSING PLANS AND AFFORDABLE HOUSING AGREEMENTS) TO EXTEND THE ORDINANCE (M02-032)

LOCATION AND COUNCIL DISTRICT: Citywide

RECOMMENDATION: Staff recommends that City Council adopt the attached ordinance extending the expiration date of Ordinance 2002-011 by one year to December 31, 2003

CONTACT PERSONS: Rebecca Bitter, Associate Planner, 264-7852
Steve Peterson, Principal Planner, 264-5981

FOR COUNCIL MEETING OF: December 10, 2002, afternoon agenda

SUMMARY: Ordinance 2002-011 is an emergency ordinance that sets out the procedures for approving affordable housing plans and affordable housing agreements for residential projects subject to Chapter 17.190, Mixed Income Ordinance, that only require approval of adjudicatory, non-legislative entitlements. This ordinance was adopted as an interim measure to allow these projects to be processed while a comprehensive set of amendments to Chapter 17.190 is being prepared by staff. The emergency ordinance will expire on December 31, 2002, unless extended. Staff is not prepared to bring proposed revisions to the Mixed Income Ordinance to the Council before the end of the year, and would like to extend the expiration date to December 31, 2003.

COMMITTEE/COMMISSION ACTION: Not applicable

BACKGROUND INFORMATION

Chapter 17.190 of the City Code set forth the City's inclusionary housing ordinance. The ordinance established procedures for the approval of affordable housing plans at the same time as legislative entitlements are approved. The ordinance, however, did not set forth procedures for projects subject to the inclusionary housing requirements that only require approval of non-legislative entitlements. An emergency ordinance was adopted by the Council on May 7, 2002 in association with the North Delta Shores project (Attachment A), allowing applications with non-legislative entitlements to be processed while also allowing staff to work on some other areas of the inclusionary housing ordinance that have been found in need of revision.

Since July 2002, a staff working group representing the Planning and Finance departments, the City Attorney's office, and SHRA, has been preparing draft revisions to Chapter 17.190. Among the draft revisions is the incorporation of the language from the emergency ordinance into the Mixed Income Ordinance. Staff had intended to bring the draft revisions to the Council for consideration prior to the expiration of the emergency ordinance; however, work on the revisions has taken more time than originally anticipated. Because of this, staff would like to extend the expiration date of the emergency ordinance to December 31, 2003 to ensure that non-legislative, adjudicatory projects can continue to be processed. Attachment B is an estimated timeline for completing the ordinance revisions for consideration by the Council.

FINANCIAL CONSIDERATIONS:

There are no financial considerations associated with this report.

ENVIRONMENTAL CONSIDERATIONS:

The proposed project is exempt from environmental review pursuant to State CEQA Guidelines [CEQA Section 15061(b)(1)].

POLICY CONSIDERATIONS:

The City of Sacramento Strategic Plan supports policies, programs and strategies that promote the maintenance and development of the fullest range of housing choices in every community in the City. The extension of the expiration date of this emergency ordinance will assist in the processing of development projects while a more comprehensive amendment to the City's mixed income ordinance is being prepared.

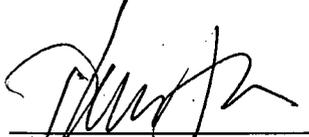
ESBD CONSIDERATIONS:

No goods or services are being purchased.

RECOMMENDATION APPROVED:

Respectfully submitted,

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

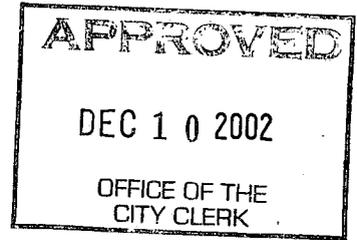
Respectfully submitted,



GARY L. STONEHOUSE
Planning Director

Attachments:

- A: April 25, 2002 Council Staff Report (M02-032)
- B: Mixed Income Ordinance Revisions Timeline



ORDINANCE NO. 2002-049

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN INTERIM ORDINANCE AMENDING SECTION 3 OF
INTERIM ORDINANCE 2002-011 TO EXTEND THE
EXPIRATION DATE OF THE ORDINANCE TO
DECEMBER 31, 2003**

SECTION 1

This interim ordinance is enacted to address the following facts and circumstances:

- A. Ordinance 2002-011 was enacted as an interim measure on May 7, 2002 in order to establish procedures for review and approval of affordable housing plans and affordable housing agreements for residential projects subject to the requirements of Chapter 17.190 of Title 17 of the City Code that only require approval of adjudicatory, non-legislative entitlements.
- B. Ordinance 2002-011 will expire on December 31, 2002, unless extended.
- C. The City's Planning Department will be unable to bring forward a comprehensive set of amendments to the provisions of Chapter 17.190 in the normal and ordinary course of business until after December 31, 2002, thereby necessitating the extension of the ordinance until December 31, 2003.
- D. The amendments set forth in Section 2 of this Ordinance are intended to be consistent with and to promote the purpose and intent of Chapter 17.190.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____
DATE ADOPTED: _____

SECTION 2

Section 3 of Ordinance 2002-011 is amended as follows:

SECTION 3

This ordinance shall be effective from the date of enactment through December 31, ~~2002~~ 2003 and shall thereafter expire unless extended by action of the Council.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____
DATE ADOPTED: _____



PLANNING AND BUILDING
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April 24, 2002

City Council
Sacramento, California

Honorable Members in Session

SUBJECT: An Ordinance Amending Chapter 17.190 of Title 17 of the Sacramento City Code Relating to Procedures for Review and Approval of Affordable Housing Plans and Affordable Housing Agreements (M02-032)

LOCATION AND COUNCIL DISTRICT: Citywide

RECOMMENDATION: Staff recommends that the City Council adopt the attached emergency ordinance which establishes interim procedures for review and approval of affordable housing plans and affordable housing agreements.

CONTACT PERSON: Gary Stonehouse, Planning Director, 264-5567
Joy Patterson, Senior Planner, 264-5607

FOR COUNCIL MEETING OF: April 25, 2002

SUMMARY:
Chapter 17.190 of the City Code sets forth the City's inclusionary housing ordinance. The ordinance establishes procedures for the approval of affordable housing plans at the same time as legislative entitlements are approved. The ordinance, however, does not set forth procedures for projects subject to the inclusionary housing requirements that only require approval of non-legislative entitlements. The proposed amendment to the Sacramento City Code would set forth an interim procedure for non-legislative entitlements while a comprehensive set of amendments to the provisions of the inclusionary

housing ordinance are being prepared. The ordinance is an interim measure proposed to expire on December 31, 2002.

COMMITTEE ACTION:

The ordinance is an emergency ordinance and was not reviewed by the Planning Commission or the Law and Legislation Committee.

BACKGROUND:

The City's inclusionary housing ordinance contemplates that development in new growth areas will require one or more legislative entitlements, such as a rezoning or general plan amendment, and currently requires that an affordable housing plan be approved at the same time as the legislative entitlements. In most instances it also requires that an inclusionary housing agreement be approved and recorded prior to the approval of any adjudicatory entitlements, such as a tentative map or special permit.

There are, however, some housing projects in new growth areas that will not require legislative entitlements, but only require approval of adjudicatory entitlements. One such project is North Delta Shores, P00-116, currently in the Planning Division application review process for a tentative subdivision map and ready to be scheduled for Planning Commission review.

The proposed interim ordinance provides for Planning Commission approval of the housing plan for projects involving non-legislative, adjudicatory entitlements only. It requires that the entitlements include conditions requiring the execution and recordation of the affordable housing agreement as a prerequisite to recordation of the final map, or issuance of any building permit if a map is not required.

The ordinance specifies the notice, hearing and appeal procedure. The housing plan may be appealed or called-up in the manner specified in the zoning code. The ordinance provides that if the decision on the housing plan is appealed or called-up, the other adjudicatory entitlements are likewise considered appealed/called-up. This provision has been included as there is a need to have consistency between the plan and the entitlements; if the council changes the housing plan on appeal, the adjudicatory entitlements need to be consistent.

The attached ordinance is proposed as an emergency interim ordinance that would take effect immediately and expire on December 31, 2002. This would allow for applications with non-legislative entitlements to be processed while also allowing staff to work on some other areas of the inclusionary housing ordinance that have been found in need of revision.

FINANCIAL CONSIDERATIONS:

This report has no fiscal implications.

ENVIRONMENTAL CONSIDERATION:

This project is exempt from environmental review pursuant to State EIR Guidelines (California Environmental Quality Act, Section 15061 (b) (1)).

Sacramento City Council
City Code Amendment Relating to Affordable Housing Procedures and Agreements

POLICY CONSIDERATIONS:

The proposed ordinance amendment will assist in the processing of development projects while a more comprehensive amendment to the City's affordable housing procedures is being prepared. The ordinance is consistent with the City's strategic plan goal to have policies, programs and strategies that should promote the maintenance and development of the fullest range of housing choices in every community in the City.

ESBD CONSIDERATIONS:

There is no requirement for the purchase of goods or services associated with this item.

Respectfully submitted,

GARY L. STONEHOUSE
Planning Director

RECOMMENDATION APPROVED:

ROBERT P. THOMAS
City Manager

Attachment: Interim Ordinance amending Chapter 17.190 of Title 17 of the City Code

ORDINANCE NO. 2002-011

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF May 7, 2002

AN INTERIM ORDINANCE ESTABLISHING PROCEDURES FOR REVIEW AND APPROVAL OF AFFORDABLE HOUSING PLANS AND AFFORDABLE HOUSING AGREEMENTS FOR RESIDENTIAL PROJECTS SUBJECT TO THE REQUIREMENTS OF CHAPTER 17.190 OF TITLE 17 OF THE CITY CODE THAT ONLY REQUIRE APPROVAL OF ADJUDICATORY, NON-LEGISLATIVE ENTITLEMENTS, AND DECLARING SAID ORDINANCE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY

SECTION 1

This interim ordinance is enacted to address the following facts and circumstances:

- A. Chapter 17.190 of Title 17 the City Code sets forth the City's inclusionary housing ordinance. The inclusionary housing requirement of Chapter 17.190 applies to residential development in new growth areas, as defined therein.
- B. Chapter 17.190 contemplates that development in new growth areas will require one or more legislative entitlements, and requires that an affordable housing plan be approved at the same time as the legislative entitlements and, in most instances, that an inclusionary housing agreement be approved and recorded prior to the approval of any adjudicatory entitlements, including a tentative map.
- C. While many residential development projects in new growth areas subject to the inclusionary housing requirements of Chapter 17.190 require the approval of one or more legislative entitlements, there are in fact one or more projects, including the project known and referred to as North Delta Shores (P00-116), that only require approval of a tentative subdivision or parcel map or other adjudicatory, non-legislative entitlements.

D. Based upon the City's experience in the application of Chapter 17.190 since its enactment, there appears to be a need to amend the provisions of this Chapter to address circumstances and needs not known at the time of enactment of that Chapter. This includes the need to address development projects in new growth areas that do not require any legislative entitlements.

E. It is anticipated that a comprehensive set of amendments to the provisions of Chapter 17.190 will be brought forward by the City's Planning Department in the normal and ordinary course of business by or before the end of the calendar year. However, there are several projects, including the North Delata Shores project, that are currently being processed and require the enactment of interim legislative amendments to the provisions of Chapter 17.190 to avoid unnecessary and undue delay.

F. The amendments set forth in Section 2 of this Ordinance are intended to be consistent with and to promote the purpose and intent of Chapter 17.190.

SECTION 2

A. Notwithstanding Section 17.190.110 of Chapter 17.190 of the City Code, and notwithstanding any other provisions of Title 17 or other provisions of the City Code, including but not limited to Title 16 (the subdivision code), the following rules shall govern the approval of the housing plan and housing agreement for projects subject to the inclusionary housing requirements of Chapter 17.190 that only require approval of one or more non-legislative, adjudicatory entitlements, including but not limited to a tentative subdivision or parcel map;

1. Planning Commission approval of housing plan: The Planning Commission shall have the authority to approve the housing plan for a residential development project subject to the inclusionary housing requirements of Chapter 17.190 where the only entitlements required are non-legislative, adjudicatory entitlements.
2. Notice and hearing: The housing plan shall be noticed and heard before the Planning Commission in the same manner as a tentative subdivision map.
3. Appeal: The decision of the Planning Commission approving or denying the housing plan shall be subject to appeal to, and call-up by, the City

Council pursuant to Section 17.200.030 and 17.200.040 of Title 17 of the City Code. Notwithstanding any other provision of this code to the contrary, an appeal or call-up of the decision of the planning commission on the housing plan for a project shall also constitute the appeal or call-up of the decision of the Planning Commission on each adjudicatory entitlement considered by the planning commission for that project.

4. Mandatory Conditions of approval: execution and recordation of affordable housing agreement.

- a. tentative subdivision or parcel map: A tentative subdivision or parcel map approved pursuant to this ordinance shall include conditions to enforce the applicable phasing and other requirements of the housing plan, and no final map may be recorded unless and until an affordable housing agreement consistent with the requirements of Chapter 16.200 has been executed and recorded, and the terms and conditions of that agreement have been complied with.
- b. special permit or other non-legislative entitlements: A special permit, plan review or other non-legislative, adjudicatory entitlement shall include as a condition that no building permit, grading permit or other ministerial permit necessary to develop the project shall issue unless and until an affordable housing agreement consistent with the requirements of Chapter 17.200 has been executed and recorded, and the terms and conditions of that agreement have been complied with.

SECTION 3

This ordinance shall be effective from the date of enactment through December 31, 2002 and shall thereafter expire unless extended by action of the Council.

SECTION 4

This ordinance is declared to be an emergency ordinance, to become effective immediately upon its adoption by the City Council pursuant to Section 32(g)(2) of the Sacramento City Charter. The facts constituting the emergency are as follows. As noted in Section 1 above, Chapter 17.190 contemplates that development in new

growth areas will require one or more legislative entitlements, and requires that an affordable housing plan be approved at the same time as the legislative entitlements and, in most instances, that an inclusionary housing agreement be approved and recorded prior to the approval of any adjudicatory entitlements, including a tentative map. While many projects subject to Chapter 17.90 will require approval of one or more legislative entitlements, there are also projects that will only require approval of non-legislative entitlements. This includes the North Delta Shores project (P00-116), which has been processed and is ready for consideration of a tentative map application. Chapter 17.190 is unclear on how housing plans are to be processed for projects that do not involve one or more legislative entitlements, and it is necessary and appropriate to clarify this process at this time. Given that one or more projects, including the North Delta Shores project, are in the process and ready for consideration, it is appropriate and necessary to have the amendments set forth in Section 2 of this ordinance take effect immediately so as not to slow the development process for the North Delta Shores project and other applications.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

ATTACHMENT B

Mixed Income Ordinance Revisions Timeline

January 22, 2003	North Natomas Working Group
February 10, 2003	Development Oversight Commission
February 13, 2003	Planning Commission Workshop
February 27, 2003	Planning Commission Hearing
March 4, 2003	Law and Legislation Committee
March 18, 2003	PFP
April 1, 2003	City Council Hearing
February 2003	SHRA Commission
March 2003	Council Outreach to New Growth Area Districts