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PLANNING AND BUILDING
DEPARTMENT

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CALIFORNIA

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December 4, 2001

Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: Subdivision Ordinance Amendment Revising Chapters 16.08, 16.24, 16.32 and 16.52 of the Subdivision Ordinance relating to Zoning Administrator Authority. (M01-083)

LOCATION: Citywide

COUNCIL DISTRICT: All Districts

RECOMMENDATION: Planning Commission and staff recommend that the City Council adopt the attached ordinance related to changes in Zoning Administrator authority.

CONTACT PERSONS: Lucinda Willcox, Senior Planner, 264-5052
Stacia Cosgrove, Assistant Planner, 264-7110

FOR COMMITTEE MEETING OF: December 18, 2001

SUMMARY: The Subdivision Ordinance Amendment proposes to add entitlements to those that may be granted by the Zoning Administrator (ZA) in order to streamline the project review process, while assuring necessary and appropriate project review. Proposed authority to be delegated to the ZA from the Planning Commission includes: approval of small subdivisions, or parcel maps, resulting in the division of land into four or fewer parcels, approval of parcel map and subdivision map time extensions, and approval of subdivision and post-subdivision modifications where land is being divided into four or fewer parcels. The ZA will have the discretion to elevate any project to the Planning Commission for review and approval. Projects will continue to be considered by the Subdivision Review Committee. The proposed ordinance amendment is being brought forward to implement streamlining for infill, small projects, and routine, non-controversial items.

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Subdivision Ordinance Amendment Revising Chapters 16.08, 16.24, 16.32 and 16.52 of the Subdivision Ordinance relating to Zoning Administrator Authority. (M01-083)
December 18, 2001

COMMITTEE/COMMISSION ACTION: On November 15, 2001, the City Planning Commission unanimously recommended approval of the Subdivision Ordinance Amendment related to increasing the authority of the Zoning Administrator.

BACKGROUND INFORMATION:

On March 9, 1993, the City Council adopted a Zoning Ordinance Amendment to establish the Zoning Administrator (ZA) process and grant specific entitlement authority to the position in order to increase the efficiency of the review process for minor planning entitlements. The 1993 amendment established a streamlined hearing process for "minor" entitlements previously heard at the Planning Commission level, including approval of second residential units, lot line adjustments, minor variances, and established a ZA plan review process.

ZA authority was expanded in 1996 to include additional entitlements, including Special Permit, Variance, Plan Review time extensions, Special Permit and Plan Review modifications, and various other minor Special Permit entitlements.

The proposed Subdivision Ordinance Amendment would add the following entitlements to those that may be granted by the ZA:

- 1) Parcel map approval (tentative maps resulting in divisions of land into four or fewer parcels);
- 2) Parcel map and subdivision map time extensions;
- 3) Subdivision modifications accompanying parcel maps; and
- 4) Post-subdivision modifications to parcel maps.

The Subdivision Ordinance Amendment would grant the ZA the authority to approve, conditionally approve, or deny the above entitlements. Each entitlement requires environmental review, and would still be presented to the subdivision review committee (SRC) for approval. At his or her discretion, the ZA may choose to elevate any project to the Planning Commission level of review. Over the past year, approximately 10-12 such projects were approved by the Planning Commission.

If a parcel map is sought as part of a development project requiring approval of one or more entitlements by the Planning Commission or City Council, the Planning Commission will act upon the project request.

Staff will request that City Council make changes to the Fee and Charge Report to reduce costs to reflect the streamlined review and noticing processes involved with processing a project through the ZA as opposed to the current Planning Commission review process.

FINANCIAL CONSIDERATIONS: The proposed Subdivision Ordinance amendment and related amendments to the Fee and Charge Report reflect the changed level of review. Zoning Administrator action will reduce the amount of staff time and noticing costs, prompting a commensurate reduction in fees.

Law and Legislation Committee

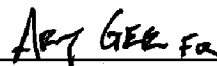
Subdivision Ordinance Amendment Revising Chapters 16.08, 16.24, 16.32 and 16.52 of the Subdivision Ordinance relating to Zoning Administrator Authority. (M01-083)
December 18, 2001

ENVIRONMENTAL CONSIDERATIONS: The Environmental Manager has determined the Subdivision Ordinance Amendment is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Section 15061(b)(3).

POLICY CONSIDERATIONS: The proposed amendment to the Subdivision Ordinance supports many City policies regarding promoting infill development and creating efficient development review processes. This proposed project is in harmony with the General Plan's and Housing Element's infill policies, proposed infill strategy and the City's development streamlining objectives.

ESBD CONSIDERATIONS: No goods or services are being purchased at this time.

Respectfully Submitted,



GARY L. STONEHOUSE
Planning Director

Recommendation Approved:



BETTY MASUOKA
Assistant City Manager

Attachments

- Attachment A: Ordinance Amending the Subdivision Ordinance related to Zoning Administrator Authority (**Red-Lined**)
- Attachment B: Ordinance Amending the Subdivision Ordinance related to Zoning Administrator Authority (**Clean**)

M01-083.L&L

ORDINANCE NO. ____

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON THE DATE OF _____

AN ORDINANCE AMENDING CHAPTER 16.08, 16.24, CHAPTER 16.32 AND CHAPTER 16.52 OF TITLE 16 OF THE SACRAMENTO CITY CODE RELATING TO ZONING ADMINISTRATOR AUTHORITY FOR APPROVAL OF PARCEL MAPS, SUBDIVISION TIME EXTENSIONS, AND SUBDIVISION AND POST-SUBDIVISION MODIFICATIONS (M01-083)

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

SECTION 1

Section 16.08.010 of Title 16 of the City Code is amended to read as follows:

16.08.010 Responsibilities.

A. City Council. The city council shall be responsible for:

1. The approval, conditional approval, or denial of vesting tentative maps and requests for extensions of time for vesting tentative maps;
2. The approval, conditional approval, or denial of final maps and parcel maps;
3. The approval of improvement agreements for all subdivisions; and
4. The approval, conditional approval, or denial of reversions to acreage.

The city council shall act as the appeal board for hearing appeals of planning commission action as provided in this title. The city council shall also act as the appeal board for hearing appeals of subdivision review committee action as provided in this title.

B. Planning Commission. The planning commission shall be responsible for:

1. The approval, conditional approval, or denial of tentative maps and subdivision modifications for all subdivisions **resulting in divisions of land into five or more parcels** except vesting tentative maps;
2. The approval, conditional approval, or denial of all post subdivision modifications **of five or more parcels**;

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3. Making recommendations to the city council on approval, conditional approval or denial of vesting tentative maps;

~~4. The approval or denial of requests for extensions of time for tentative maps other than vesting tentative maps; and~~

5 ~~4~~. The approval, conditional approval or denial of lot line adjustments and mergers of contiguous parcels under common ownership without reversion where a lot line adjustment or a merger is sought as part of a development project requiring approval of one or more entitlements by the planning commission or city council. The planning commission shall act as the appeal board for hearing appeals of zoning administrator action as provided in this title.

C. Subdivision Review Committee. The responsibilities of the subdivision review committee shall include the following:

1. To make investigations and report on the design and improvement of all proposed subdivisions and to make recommendations thereon to the planning commission;

2. To recommend approval, conditional approval, or disapproval of the design of proposed subdivisions and the kinds, nature and extent of on-site and off-site improvements required in connection therewith;

3. To recommend approval, conditional approval, or denial of tentative maps of all proposed subdivisions of land, and requests for extensions of time for tentative maps;

4. To recommend modifications of the requirements of these regulations in accordance with the provisions of Chapter 16.52, Subdivision Modifications, of this title;

5. To recommend disapproval of a tentative map for noncompliance with the requirements of these regulations, the Subdivision Map Act, or the standards, rules or regulations adopted by the commission pursuant to these regulations;

6. To review and make recommendations concerning proposed subdivisions in the unincorporated territory of the county of Sacramento and county of Yolo in accordance with Section 66453 of the Subdivision Map Act when it has elected to do so;

7. To review and make recommendations for reasonable modifications or waivers of the requirements of these regulations as they apply to the development of designated infill sites;

8. Such additional powers and duties as prescribed by law and by these regulations.

D. Zoning Administrator. The zoning administrator shall be responsible for:

~~1~~ ~~1~~. The approval, conditional approval or denial of lot line adjustments and mergers of contiguous parcels under common ownership without reversion; provided that if the lot line adjustment or merger is sought as part of a development project requiring approval of one or more entitlements by the planning commission or city council, the planning commission shall act upon the lot line adjustment or merger. (Prior code § 40.02.201)

~~2. The approval, conditional approval or denial of tentative maps and subdivision modifications for all subdivisions resulting in divisions of land into four or fewer parcels;~~

~~3. The approval, conditional approval or denial of subdivision modifications sought as part of a development project requiring approval by the zoning administrator for a lot line adjustment or merger;~~

~~4. The approval or denial of requests for extensions of time for tentative maps other than vesting tentative maps; and~~

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5. The approval, conditional approval, or denial of all post subdivision modifications of four or fewer parcels.

SECTION 2

Section 16.24.020 of Title 16 of the City Code is amended to read as follows:

16.24.020 Tentative map required.

For every subdivision of five or more parcels, 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 four or fewer parcels shall be decided by the zoning administrator pursuant to Section 16.32.020 of this Chapter.

SECTION 3

Section 16.24.080 of Title 16 of the City Code is amended to read as follows:

16.24.080 Tentative map process.

A. Within thirty (30) days of receiving a tentative map application, the planning division shall inform the applicant whether the application is complete and accepted for filing. If incomplete, the planning division shall advise the applicant as to the deficiencies in the application.

B. Within ten (10) days after an application has been found to be complete and accepted for filing, the planning director shall transmit copies of the tentative map and, where applicable, copies of drawings, statements and other data required to accompany the tentative map or required subsequent to the filing of the tentative map, to members of the subdivision review committee and to such other public or private agencies or departments as the director determines may be affected by the proposed subdivision for report and recommendation to the planning commission or city council.

C. Subdivision Review Committee Review. Within a reasonable period of time following the release of a negative declaration for public review or following a determination by the environmental coordinator that the project is exempt from the requirements of CEQA, or within a reasonable period of time following the preparation and release of the final EIR for a project for which an EIR has been prepared, the planning director shall schedule the project for a public hearing before the subdivision review committee. The subdivision review committee shall consider the project and prepare a recommendation to the zoning administrator, planning commission or the city council. The recommendation shall include the determination of the subdivision review committee on the conformance of the tentative map to the standards, rules and regulations of this title, and to the requirements of all applicable specific plans and ordinances of the city. The subdivision review committee shall also advise the zoning administrator, planning

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commission and the city council on the requirements, if any, of other city departments and the applicable requirements of the county, special districts, state and other public and private agencies affected by the proposed subdivision.

D. Planning Director Report. At the time of the submission of his or her report to the zoning administrator, planning commission or the city council on the project, the planning director shall incorporate within his or her report the recommendations made by the subdivision review committee. (Prior code § 40.06.608)

SECTION 4

Section 16.24.090 of Title 16 of the City Code is amended to read as follows:

16.24.090 Tentative maps other than vesting tentative maps

16.24.090.10 Tentative maps for four or fewer parcels.

A. Notice of Public Hearings. Within a reasonable period of time following consideration by the subdivision review committee of an application for a tentative map other than a vesting tentative map, the planning director shall set the matter for hearing before the zoning administrator. Notice of the hearing shall be given in the following manner:

1. Notice of the hearing shall be posted on the property involved in the proceedings in a conspicuous place for a period of seven (7) days prior to the date of the hearing.

2. Written notice of the hearing shall be mailed at least ten (10) days prior to the hearing to the following property owners, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed:

a. All owners of property located within a radius of one hundred (100) feet from the property involved in the proceedings.

b. The owners of all property which adjoins the property in the same ownership as that involved in the proceedings or is separated only by a street, alley, right-of-way, or other easement.

c. In the event that the proposed application has been submitted by a person other than the property owner shown on the last equalized assessment roll, the city shall also give notice by mail or delivery to the owner of the property as shown on the last equalized assessment roll. In addition, notice shall be given by mail or personal delivery to any person who has filed a written request with the city. The request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year.

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d. Notwithstanding subsections (A)(2)(a) and (b) of this section, notice need not be given to property owners outside a radius of five hundred (500) feet from that portion of the property involved.

B. Action by the Zoning Administrator. The zoning administrator may approve or conditionally approve a tentative map by adopting a resolution, or may disapprove the proposed tentative map. In reaching a decision upon the tentative map, the zoning administrator 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.

C. Approval. The tentative map may be approved or conditionally approved by the zoning administrator if it is found 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.

D. Denial. The tentative map may be denied by the zoning administrator on any of the grounds provided by the Subdivision Map Act or this code. Except as otherwise required by state or federal law, the zoning administrator shall deny approval of the tentative map if it makes any of the following findings:

1. That the proposed map 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 zoning administrator 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 zoning administrator may approve a map if he or she 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

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easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is granted to the zoning administrator to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or

16.24.090.20 Tentative maps for five or more parcels

A. Notice of Public Hearings. Within a reasonable period of time following consideration by the subdivision review committee of an application for a tentative map 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. At least ten (10) calendar days before the public hearing, a notice shall be given of the time, date, and place of the hearing, including a general explanation of the matter to be considered and a general description of the area affected, and the street address, if any, of the property involved. The notice shall be published at least once in a newspaper of general circulation, published and circulated in the city.

In addition to notice by publication, the director shall give notice of the hearing by mail or delivery to the subdivider, the owner of the subject real property, if different from the subdivider, and to all persons, including businesses, corporations, or other public or private entities, shown on the last equalized assessment roll as owning real property within five hundred (500) feet of the property which is the subject of the proposed application. The director shall also give notice of the hearing by mail or delivery to each agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the subdivision, whose ability to provide those facilities and services may be significantly affected. 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.

In the event that the proposed application has been submitted by a person other than the property owner shown on the last equalized assessment roll, the city shall also give notice by mail or delivery to the owner of the property as shown on the last equalized assessment roll. In addition, notice shall be given by mail or personal delivery to any person who has filed a written request with the city. The request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year.

The director may give such other notice that the director deems necessary or advisable.

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. 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

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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.

1. Tentative Maps for Projects Requiring City Council Approval of Entitlements--Conformance to General Plan, Community Plan and Zoning. Each tentative map shall be designed in compliance with the existing general plan, applicable specific or community plan, if any, and zoning designation of the property; provided that, where an amendment to the general plan or the applicable specific or community plan or a change in zoning is also being requested as part of the project for which the tentative map is sought, and the tentative map will be consistent with the general plan, specific or community plan or zoning if the city council approves such amendment or change, the tentative map may be approved, subject to inclusion of a condition on the tentative map requiring approval of the general plan or specific or community plan amendment or zone change prior to recordation of the final map.

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 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

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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 66474). (Prior code §§ 40.06.609)

SECTION 5

Section 16.24.115 of Title 16 of the City Code is added to read as follows:

Section 16.24.115 Appeals of zoning administrator action.

A. The subdivider or any interested person adversely affected by any zoning administrator action on a tentative map may, within ten (10) days after the decision, appeal the decision to the planning commission by filing an appeal in writing with the planning director. The appeal shall be considered by the planning commission at a public hearing after notice has been given pursuant to Section 16.24.090(A) of this title.

B. 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 of this title.

C. A decision of the planning commission on a tentative map made pursuant to Section 16.32.020 of this chapter because one or more entitlements require planning commission or city council approval shall be appealed to the city council in the same manner as a decision on tentative maps may be appealed pursuant to Section 16.24.110 of this title.

SECTION 6

Section 16.24.180 of Title 16 of the City Code is added to read as follows:

Section 16.24.180 Time Extension

A. Request by Subdivider. A subdivider may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the planning division. The application shall be filed not less than thirty (30) days before the map is to expire, and shall state the reasons for requesting the extension.

B. Review by Subdivision Review Committee. Within a reasonable period of time following submission of an application for an extension, the planning director shall schedule the application

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for an extension for a public hearing before the subdivision review committee. The subdivision review committee shall consider the extension application and make a recommendation to the ~~planning commission~~ ~~zoning administrator~~.

C. ~~Planning Commission Zoning Administrator~~ Hearing and Action.

1. Notice. Following consideration of the application by the subdivision review committee, the planning director shall prepare a report with the recommendation on the application for an extension, and shall set the matter for hearing before the ~~planning commission~~ ~~zoning administrator~~ at its next regularly scheduled meeting. The matter shall be noticed in the same manner as a tentative map application, as specified in Section 16.24.090.10 of this chapter.

2. Action by the ~~Planning Commission Zoning Administrator~~. The ~~planning commission~~ ~~zoning administrator~~ shall approve, conditionally approve, or deny the application for an extension of the expiration date, and shall make findings supporting its ~~his or her~~ decision.

D. Time Limit of Extension. The time at which the tentative map expires may be extended by the ~~planning commission~~ ~~zoning administrator~~ for a period not exceeding a total of three years or such additional time as may be authorized by the Subdivision Map Act.

E. Appeal of Extension. The subdivider or any interested person adversely affected may appeal any action of the ~~planning commission~~ ~~zoning administrator~~ on the extension to the ~~city council~~ ~~planning commission~~ in accordance with Section 16.24.110 ~~115~~ of this chapter, except that any appeal shall be filed within fifteen (15) days after the action by the ~~planning commission~~ ~~zoning administrator~~. (Prior code § 40.06.618)

SECTION 7

Section 16.32.020 of Title 16 of the City Code is amended to read as follows:

16.32.020 Tentative map required- Improvements.

A. Before land may be divided by a parcel map, a tentative map shall be submitted. Applications for tentative maps resulting in divisions of land into four or fewer parcels shall be decided by the zoning administrator pursuant to the procedures in this chapter; provided that if the tentative map is sought as part of a development project requiring approval of one or more entitlements by the planning commission or the city council, the planning commission shall act upon the tentative map request. Tentative maps to be decided by the planning commission shall be noticed and heard in the same manner as the other entitlements upon which the planning commission will make a decision or recommendation. The zoning administrator may, at his or her discretion, schedule for hearing before the planning commission any application for a tentative map under his or her authority. Except as otherwise provided in this chapter, the tentative map shall be processed and acted upon by the subdivision review committee, ~~zoning administrator~~, planning commission and city council in accordance with the provisions of Chapter 16.24, Tentative Maps, of these regulation.

B. In the case of a division of land or four or fewer parcels, dedications and improvements required in connection with the approval of the tentative map shall be limited to the dedication of

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right-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created. (Prior code § 40.08.802)

SECTION 8

Section 16.32.050 of Title 16 of the City Code is amended to read as follows:

16.32.050 Time Extension

A. Request by Subdivider: Subdivider may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the planning department. The application shall be filed not less than thirty (30) days before the map is to expire, and shall state the reasons for requesting the extension.

B. Review by Subdivision Review Committee. Within a reasonable period of time following submission of an application for an extension, the planning director shall schedule the application for and extension for a public hearing before the subdivision review committee. The subdivision review committee shall consider the extension application and make a recommendation to the ~~planning commission~~ ~~zoning administrator~~.

C. ~~Planning Commission~~ ~~Zoning Administrator~~ Hearing and Action.

1. Notice. Following consideration of the application by the subdivision review committee, the planning director shall prepare a report with the recommendation on the application for an extension, and shall set the matter for hearing before the ~~planning commission~~ ~~zoning administrator~~ ~~at its next regularly scheduled meeting~~. The matter shall be noticed in the same manner as a tentative map application, as specified in Section ~~16.24.090~~ ~~16.24.090.10~~ of this title.

2. Action by the ~~Planning Commission~~ ~~Zoning Administrator~~. The ~~planning commission~~ ~~zoning administrator~~ shall approve, or deny the application for an extension of the expiration date, and shall make findings supporting its ~~the~~ decision.

D. Time Limit of Extension. The time at which the tentative map expires may be extended by the ~~planning commission~~ ~~zoning administrator~~ for a period not exceeding a total of three years or such additional time as may be authorized by the Subdivision Map Act.

E. Appeal of Extension. The subdivider or any interested person adversely affected may appeal any action of the ~~planning commission~~ ~~zoning administrator~~ on the extension to the ~~city council~~ ~~planning commission~~ in accordance with Section ~~16.24.110~~ ~~115~~ of this title, except that any appeal shall be filed within fifteen (15) days after the action by the ~~planning commission~~ ~~zoning administrator~~. (Prior code § 40.08.805)

SECTION 9

Chapter 16.52 of Title 16 of the City Code is amended to read as follows:

16.52.010 Modification authority.

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A. The zoning administrator, planning commission or city council may, in accordance with the provisions of this chapter, grant, conditionally grant, or deny requests by a subdivider for modifications to the requirements or standards imposed by these regulations; provided, however, that no modifications may be made to any requirement imposed by the Subdivision Map Act; and further provided, that nothing herein shall be construed as altering or conflicting with the powers and duties of the planning director or planning commission to authorize variances from the regulations and requirements of the zoning ordinance. Modifications may be recommended to the zoning administrator, planning commission or city council by the subdivision review committee. A minor change in the design of a subdivision which is not violative of the requirements or standards imposed by these regulations shall not be deemed to be a "modification" as the term is used herein. Where a modification is sought from the requirements or standards imposed by these regulations, and the same requirement is imposed by the city's zoning ordinance, a separate variance under the zoning ordinance shall not be required. (Prior code § 40.13.1301)

16.52.020 Required findings and conditions.

Before granting any modification, the zoning administrator, planning commission or city council shall make all the following findings:

A. That the property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in the particular case to conform to the strict application of these regulations;

B. That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification;

C. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity;

D. That granting the modification is in accord with the intent and purposes of these regulations and is consistent with the general plan and with all other applicable specific plans of the city. In granting a modification, the planning commission or city council may impose such conditions as are necessary to protect the public health, safety or welfare, and assure compliance with the general plan, with all applicable specific plans, and with the intent and purposes of these regulations. (Prior code § 40.13.1302)

16.52.030 Modification filing time.

A. Modification requests shall either be filed with the tentative map or shall be filed during the period of time between approval of the tentative map and recordation of the final map or parcel map.

B. For the purposes of this chapter, modifications filed prior to the approval of the tentative map shall be referred to as "subdivision modifications," and modifications filed after approval of the tentative map shall be referred to as "post-subdivision modifications."

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C Action by the **zoning administrator**, planning commission or city council on any post-subdivision modification shall not extend the time for filing the final map or parcel map with the director of public works. (Prior code §40.13.1303)

16.52.040 Filing applications--Form and content.

A Applications for any modifications shall be filed, in writing, by the subdivider in the city planning department upon a form and in the number of copies required for that purpose.

B Each application shall state fully the nature and extent of the modification required, the specific reasons therefore, and the facts relied upon. The application shall clearly show that the modification is necessary and is consistent with each of the findings required by Section ~~16.24.090 or 16.24.120~~ **16.52.020** of this title. A fee shall be established by resolution of the city council and shall accompany each application for a modification. (Prior code § 40.13.1304)

16.52.050 Referrals.

The planning director shall transmit copies of the modification application for review and comment to members of the subdivision review committee and to such other public or private agencies or departments affected by the proposed modification as the director deems appropriate. (Prior code § 40.13.1305)

16.52.060 Consideration and approval of modifications.

A. Subdivision Review Committee Consideration. Any modification shall be considered by the subdivision review committee, which shall make a recommendation on the requested modification. A subdivision modification shall be noticed in the same manner as the tentative map application, and shall be considered by the subdivision review committee at the same meeting as it considers the tentative map application. A post-subdivision modification shall be noticed in the same manner as a tentative map over which the planning commission has final authority.

Upon conclusion of the meeting, the subdivision review committee shall within thirty (30) days, or at the time it takes action on the tentative map, make a recommendation to the **zoning administrator**, planning commission or city council based upon the evidence and testimony produced before it, together with the results of its investigations. If the modification is recommended, a statement of any conditions attached thereto shall be forwarded to the subdivider and to the planning commission or city council. If disapproval is recommended, the subdivider and the planning commission or city council shall be furnished with the statement of reasons for such denial.

B. **Zoning Administrator**, Planning Commission or City Council Approval.

1. Subdivision Modifications. A subdivision modification shall be approved by the **zoning administrator** if it accompanies a tentative map application resulting in divisions of land into four or less parcels, and if the tentative map is not sought as a part of a development project requiring approval of one or more entitlements by the planning commission or city council. In addition, a

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subdivision modification shall be approved by the zoning administrator if the subdivision modification request accompanies a lot line adjustment or merger of parcels application, and if the lot line adjustment or merger of parcels is not sought as part of a development project requiring approval of one or more entitlements by the planning commission or city council. Otherwise, a subdivision modification shall be approved by the planning commission, unless it is sought as part of an application tentative map requiring city council approval, in which case it shall be approved by the city council. The planning commission shall make a recommendation on those subdivision modifications requiring city council approval.

A request for a subdivision modification shall be considered by the zoning administrator, planning commission or the city council at the scheduled hearing on the tentative map. Notice of the hearing before the zoning administrator, planning commission or the city council shall be given in the manner prescribed in Section 16.24.090 of this title for tentative maps. Notice of the time, place and purpose of the meeting shall also be given to the subdivider and any other interested person or party who has requested in writing to be so notified.

2. Post-Subdivision Modifications. A post-subdivision modification shall be approved by the zoning administrator if it modifies a tentative map resulting in divisions of land into four or less parcels, and if the post-subdivision modification is not sought as part of a development project requiring approval of one or more entitlements by the planning commission or city council. Otherwise, a subdivision modification shall be approved by the planning commission. Notice of the hearing before the zoning administrator or planning commission shall be given in the manner prescribed in Section 16.24.090 of this title for tentative maps. Notice of the time, place and purpose of the meeting shall also be given to the subdivider and any other interested person or party who has requested in writing to be so notified. (Prior code § 40.13.1306)

16.52.070 Zoning administrator, planning commission or city council action.

Upon conclusion of the meeting, the zoning administrator, planning commission or the city council shall make a determination based upon the evidence and testimony produced before it, together with the results of its investigations.

A copy of the written findings and a complete statement of any conditions of approval shall be placed on file with the secretary of the planning commission planning department or in the office of the city clerk and copies thereof furnished to the subdivider. (Prior code § 40.13.1307)

16.52.080 Appeal.

A subdivider or interested person may appeal any action of the zoning administrator or planning commission on a subdivision modification pursuant to the procedure set forth in Section 16.24.115 and 16.24.110 of this title. (Prior code §40.13.1308)

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DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

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DATE ADOPTED: _____

ORDINANCE NO. ____

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON THE DATE OF _____

AN ORDINANCE AMENDING CHAPTER 16.08, 16.24, CHAPTER 16.32 AND CHAPTER 16.52 OF TITLE 16 OF THE SACRAMENTO CITY CODE RELATING TO ZONING ADMINISTRATOR AUTHORITY FOR APPROVAL OF PARCEL MAPS, SUBDIVISION TIME EXTENSIONS, AND SUBDIVISION AND POST-SUBDIVISION MODIFICATIONS (M01-083)

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

SECTION 1

Section 16.08.010 of Title 16 of the City Code is amended to read as follows:

16.08.010 Responsibilities.

A. City Council. The city council shall be responsible for:

1. The approval, conditional approval, or denial of vesting tentative maps and requests for extensions of time for vesting tentative maps;
2. The approval, conditional approval, or denial of final maps and parcel maps;
3. The approval of improvement agreements for all subdivisions; and
4. The approval, conditional approval, or denial of reversions to acreage.

The city council shall act as the appeal board for hearing appeals of planning commission action as provided in this title. The city council shall also act as the appeal board for hearing appeals of subdivision review committee action as provided in this title.

B. Planning Commission. The planning commission shall be responsible for:

1. The approval, conditional approval, or denial of tentative maps and subdivision modifications for all subdivisions resulting in divisions of land into five or more parcels except vesting tentative maps;
2. The approval, conditional approval, or denial of all post subdivision modifications of five or more parcels;

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3. Making recommendations to the city council on approval, conditional approval or denial of vesting tentative maps;

4. The approval, conditional approval or denial of lot line adjustments and mergers of contiguous parcels under common ownership without reversion where a lot line adjustment or a merger is sought as part of a development project requiring approval of one or more entitlements by the planning commission or city council. The planning commission shall act as the appeal board for hearing appeals of zoning administrator action as provided in this title.

C. Subdivision Review Committee. The responsibilities of the subdivision review committee shall include the following:

1. To make investigations and report on the design and improvement of all proposed subdivisions and to make recommendations thereon to the planning commission;

2. To recommend approval, conditional approval, or disapproval of the design of proposed subdivisions and the kinds, nature and extent of on-site and off-site improvements required in connection therewith;

3. To recommend approval, conditional approval, or denial of tentative maps of all proposed subdivisions of land, and requests for extensions of time for tentative maps;

4. To recommend modifications of the requirements of these regulations in accordance with the provisions of Chapter 16.52, Subdivision Modifications, of this title;

5. To recommend disapproval of a tentative map for noncompliance with the requirements of these regulations, the Subdivision Map Act, or the standards, rules or regulations adopted by the commission pursuant to these regulations;

6. To review and make recommendations concerning proposed subdivisions in the unincorporated territory of the county of Sacramento and county of Yolo in accordance with Section 66453 of the Subdivision Map Act when it has elected to do so;

7. To review and make recommendations for reasonable modifications or waivers of the requirements of these regulations as they apply to the development of designated infill sites;

8. Such additional powers and duties as prescribed by law and by these regulations.

D. Zoning Administrator. The zoning administrator shall be responsible for:

1. The approval, conditional approval or denial of lot line adjustments and mergers of contiguous parcels under common ownership without reversion; provided that if the lot line adjustment or merger is sought as part of a development project requiring approval of one or more entitlements by the planning commission or city council, the planning commission shall act upon the lot line adjustment or merger. (Prior code § 40.02.201)

2. The approval, conditional approval or denial of tentative maps and subdivision modifications for all subdivisions resulting in divisions of land into four or fewer parcels;

3. The approval, conditional approval or denial of subdivision modifications sought as part of a development project requiring approval by the zoning administrator for a lot line adjustment or merger;

4. The approval or denial of requests for extensions of time for tentative maps other than vesting tentative maps; and

5. The approval, conditional approval, or denial of all post subdivision modifications of four or fewer parcels.

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SECTION 2

Section 16.24.020 of Title 16 of the City Code is amended to read as follows:

16.24.020 Tentative map required.

For every subdivision of five or more parcels, 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 four or fewer parcels shall be decided by the zoning administrator pursuant to Section 16.32.020 of this Chapter.

SECTION 3

Section 16.24.080 of Title 16 of the City Code is amended to read as follows:

16.24.080 Tentative map process.

A. Within thirty (30) days of receiving a tentative map application, the planning division shall inform the applicant whether the application is complete and accepted for filing. If incomplete, the planning division shall advise the applicant as to the deficiencies in the application.

B. Within ten (10) days after an application has been found to be complete and accepted for filing, the planning director shall transmit copies of the tentative map and, where applicable, copies of drawings, statements and other data required to accompany the tentative map or required subsequent to the filing of the tentative map, to members of the subdivision review committee and to such other public or private agencies or departments as the director determines may be affected by the proposed subdivision for report and recommendation to the planning commission or city council.

C. Subdivision Review Committee Review. Within a reasonable period of time following the release of a negative declaration for public review or following a determination by the environmental coordinator that the project is exempt from the requirements of CEQA, or within a reasonable period of time following the preparation and release of the final EIR for a project for which an EIR has been prepared, the planning director shall schedule the project for a public hearing before the subdivision review committee. The subdivision review committee shall consider the project and prepare a recommendation to the zoning administrator, planning commission or the city council. The recommendation shall include the determination of the subdivision review committee on the conformance of the tentative map to the standards, rules and regulations of this title, and to the requirements of all applicable specific plans and ordinances of the city. The subdivision review committee shall also advise the zoning administrator, planning commission and the city council on the requirements, if any, of other city departments and the applicable requirements of the county, special districts, state and other public and private agencies affected by the proposed subdivision.

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D. Planning Director Report. At the time of the submission of his or her report to the zoning administrator, planning commission or the city council on the project, the planning director shall incorporate within his or her report the recommendations made by the subdivision review committee. (Prior code § 40.06.608)

SECTION 4

Section 16.24.090 of Title 16 of the City Code is amended to read as follows:

16.24.090 Tentative maps other than vesting tentative maps

16.24.090.10 Tentative maps for four or fewer parcels.

A. Notice of Public Hearings. Within a reasonable period of time following consideration by the subdivision review committee of an application for a tentative map other than a vesting tentative map, the planning director shall set the matter for hearing before the zoning administrator. Notice of the hearing shall be given in the following manner:

1. Notice of the hearing shall be posted on the property involved in the proceedings in a conspicuous place for a period of seven (7) days prior to the date of the hearing.
2. Written notice of the hearing shall be mailed at least ten (10) days prior to the hearing to the following property owners, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed:
 - a. All owners of property located within a radius of one hundred (100) feet from the property involved in the proceedings.
 - b. The owners of all property which adjoins the property in the same ownership as that involved in the proceedings or is separated only by a street, alley, right-of-way, or other easement.
 - c. In the event that the proposed application has been submitted by a person other than the property owner shown on the last equalized assessment roll, the city shall also give notice by mail or delivery to the owner of the property as shown on the last equalized assessment roll. In addition, notice shall be given by mail or personal delivery to any person who has filed a written request with the city. The request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year.
 - d. Notwithstanding subsections (A)(2)(a) and (b) of this section, notice need not be given to property owners outside a radius of five hundred (500) feet from that portion of the property involved.

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B. Action by the Zoning Administrator. The zoning administrator may approve or conditionally approve a tentative map by adopting a resolution, or may disapprove the proposed tentative map. In reaching a decision upon the tentative map, the zoning administrator 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.

C. Approval. The tentative map may be approved or conditionally approved by the zoning administrator if it is found 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.

D. Denial. The tentative map may be denied by the zoning administrator on any of the grounds provided by the Subdivision Map Act or this code. Except as otherwise required by state or federal law, the zoning administrator shall deny approval of the tentative map if it makes any of the following findings:

1. That the proposed map 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 zoning administrator 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 zoning administrator may approve a map if he or she 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 zoning administrator to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or

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16.24.090.20 Tentative maps for five or more parcels

A. Notice of Public Hearings. Within a reasonable period of time following consideration by the subdivision review committee of an application for a tentative map 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. At least ten (10) calendar days before the public hearing, a notice shall be given of the time, date, and place of the hearing, including a general explanation of the matter to be considered and a general description of the area affected, and the street address, if any, of the property involved. The notice shall be published at least once in a newspaper of general circulation, published and circulated in the city.

In addition to notice by publication, the director shall give notice of the hearing by mail or delivery to the subdivider, the owner of the subject real property, if different from the subdivider, and to all persons, including businesses, corporations, or other public or private entities, shown on the last equalized assessment roll as owning real property within five hundred (500) feet of the property which is the subject of the proposed application. The director shall also give notice of the hearing by mail or delivery to each agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the subdivision, whose ability to provide those facilities and services may be significantly affected. 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.

In the event that the proposed application has been submitted by a person other than the property owner shown on the last equalized assessment roll, the city shall also give notice by mail or delivery to the owner of the property as shown on the last equalized assessment roll. In addition, notice shall be given by mail or personal delivery to any person who has filed a written request with the city. The request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year.

The director may give such other notice that the director deems necessary or advisable.

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. 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.

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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.

1. Tentative Maps for Projects Requiring City Council Approval of Entitlements--Conformance to General Plan, Community Plan and Zoning. Each tentative map shall be designed in compliance with the existing general plan, applicable specific or community plan, if any, and zoning designation of the property; provided that, where an amendment to the general plan or the applicable specific or community plan or a change in zoning is also being requested as part of the project for which the tentative map is sought, and the tentative map will be consistent with the general plan, specific or community plan or zoning if the city council approves such amendment or change, the tentative map may be approved, subject to inclusion of a condition on the tentative map requiring approval of the general plan or specific or community plan amendment or zone change prior to recordation of the final map.

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 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,

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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 66474). (Prior code §§ 40.06.609)

SECTION 5

Section 16.24.115 of Title 16 of the City Code is added to read as follows:

Section 16.24.115 Appeals of zoning administrator action.

A. The subdivider or any interested person adversely affected by any zoning administrator action on a tentative map may, within ten (10) days after the decision, appeal the decision to the planning commission by filing an appeal in writing with the planning director. The appeal shall be considered by the planning commission at a public hearing after notice has been given pursuant to Section 16.24.090(A) of this title.

B. 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 of this title.

C. A decision of the planning commission on a tentative map made pursuant to Section 16.32.020 of this chapter because one or more entitlements require planning commission or city council approval shall be appealed to the city council in the same manner as a decision on tentative maps may be appealed pursuant to Section 16.24.110 of this title.

SECTION 6

Section 16.24.180 of Title 16 of the City Code is added to read as follows:

Section 16.24.180 Time Extension

A. Request by Subdivider. A subdivider may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the planning division. The application shall be filed not less than thirty (30) days before the map is to expire, and shall state the reasons for requesting the extension.

B. Review by Subdivision Review Committee. Within a reasonable period of time following submission of an application for an extension, the planning director shall schedule the application for an extension for a public hearing before the subdivision review committee. The subdivision review committee shall consider the extension application and make a recommendation to the ~~planning commission~~ zoning administrator.

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C. ~~Planning Commission~~ Zoning Administrator Hearing and Action.

1. Notice. Following consideration of the application by the subdivision review committee, the planning director shall prepare a report with the recommendation on the application for an extension, and shall set the matter for hearing before the zoning administrator. The matter shall be noticed in the same manner as a tentative map application, as specified in Section 16.24.090.10 of this chapter.

2. Action by the Zoning Administrator. The zoning administrator shall approve, conditionally approve, or deny the application for an extension of the expiration date, and shall make findings supporting his or her decision.

D. Time Limit of Extension. The time at which the tentative map expires may be extended by the zoning administrator for a period not exceeding a total of three years or such additional time as may be authorized by the Subdivision Map Act.

E. Appeal of Extension. The subdivider or any interested person adversely affected may appeal any action of the zoning administrator on the extension to the planning commission in accordance with Section 16.24.115 of this chapter, except that any appeal shall be filed within fifteen (15) days after the action by the zoning administrator. (Prior code § 40.06.618)

SECTION 7

Section 16.32.020 of Title 16 of the City Code is amended to read as follows:

16.32.020 Tentative map required- Improvements.

A. Before land may be divided by a parcel map, a tentative map shall be submitted. Applications for tentative maps resulting in divisions of land into four or fewer parcels shall be decided by the zoning administrator pursuant to the procedures in this chapter; provided that if the tentative map is sought as part of a development project requiring approval of one or more entitlements by the planning commission or the city council, the planning commission shall act upon the tentative map request. Tentative maps to be decided by the planning commission shall be noticed and heard in the same manner as the other entitlements upon which the planning commission will make a decision or recommendation. The zoning administrator may, at his or her discretion, schedule for hearing before the planning commission any application for a tentative map under his or her authority. Except as otherwise provided in this chapter, the tentative map shall be processed and acted upon by the subdivision review committee, zoning administrator, planning commission and city council in accordance with the provisions of Chapter 16.24, Tentative Maps, of these regulation.

B. In the case of a division of land or four or fewer parcels, 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. (Prior code § 40.08.802)

SECTION 8

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Section 16.32.050 of Title 16 of the City Code is amended to read as follows:

16.32.050 Time Extension

A. Request by Subdivider. Subdivider may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the planning department. The application shall be filed not less than thirty (30) days before the map is to expire, and shall state the reasons for requesting the extension.

B. Review by Subdivision Review Committee. Within a reasonable period of time following submission of an application for an extension, the planning director shall schedule the application for and extension for a public hearing before the subdivision review committee. The subdivision review committee shall consider the extension application and make a recommendation to the zoning administrator.

C. Zoning Administrator Hearing and Action.

1. Notice. Following consideration of the application by the subdivision review committee, the planning director shall prepare a report with the recommendation on the application for an extension, and shall set the matter for hearing before the zoning administrator. The matter shall be noticed in the same manner as a tentative map application, as specified in Section 16.24.090.10 of this title.

2. Action by the Zoning Administrator. The zoning administrator shall approve, or deny the application for an extension of the expiration date, and shall make findings supporting the decision.

D. Time Limit of Extension. The time at which the tentative map expires may be extended by the zoning administrator for a period not exceeding a total of three years or such additional time as may be authorized by the Subdivision Map Act.

E. Appeal of Extension. The subdivider or any interested person adversely affected may appeal any action of the zoning administrator on the extension to the planning commission in accordance with Section 16.24.115 of this title, except that any appeal shall be filed within fifteen (15) days after the action by the zoning administrator. (Prior code § 40.08.805)

SECTION 9

Chapter 16.52 of Title 16 of the City Code is amended to read as follows:

16.52.010 Modification authority.

A. The zoning administrator, planning commission or city council may, in accordance with the provisions of this chapter, grant, conditionally grant, or deny requests by a subdivider for modifications to the requirements or standards imposed by these regulations; provided, however, that no modifications may be made to any requirement imposed by the Subdivision Map Act; and further provided, that nothing herein shall be construed as altering or conflicting with the powers and duties of the planning director or planning commission to authorize variances from the

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regulations and requirements of the zoning ordinance. Modifications may be recommended to the zoning administrator, planning commission or city council by the subdivision review committee. A minor change in the design of a subdivision which is not violative of the requirements or standards imposed by these regulations shall not be deemed to be a "modification" as the term is used herein. Where a modification is sought from the requirements or standards imposed by these regulations, and the same requirement is imposed by the city's zoning ordinance, a separate variance under the zoning ordinance shall not be required. (Prior code § 40.13.1301)

16.52.020 Required findings and conditions.

Before granting any modification, the zoning administrator, planning commission or city council shall make all the following findings:

A. That the property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in the particular case to conform to the strict application of these regulations;

B. That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification;

C. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity;

D. That granting the modification is in accord with the intent and purposes of these regulations and is consistent with the general plan and with all other applicable specific plans of the city. In granting a modification, the planning commission or city council may impose such conditions as are necessary to protect the public health, safety or welfare, and assure compliance with the general plan, with all applicable specific plans, and with the intent and purposes of these regulations. (Prior code § 40.13.1302)

16.52.030 Modification filing time.

A. Modification requests shall either be filed with the tentative map or shall be filed during the period of time between approval of the tentative map and recordation of the final map or parcel map.

B. For the purposes of this chapter, modifications filed prior to the approval of the tentative map shall be referred to as "subdivision modifications," and modifications filed after approval of the tentative map shall be referred to as "post-subdivision modifications."

C. Action by the zoning administrator, planning commission or city council on any post-subdivision modification shall not extend the time for filing the final map or parcel map with the director of public works. (Prior code §40.13.1303)

16.52.040 Filing applications--Form and content.

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A. Applications for any modifications shall be filed, in writing, by the subdivider in the city planning department upon a form and in the number of copies required for that purpose.

B. Each application shall state fully the nature and extent of the modification required, the specific reasons therefore, and the facts relied upon. The application shall clearly show that the modification is necessary and is consistent with each of the findings required by Section 16.52.020 of this title. A fee shall be established by resolution of the city council and shall accompany each application for a modification. (Prior code § 40.13.1304)

16.52.050 Referrals.

The planning director shall transmit copies of the modification application for review and comment to members of the subdivision review committee and to such other public or private agencies or departments affected by the proposed modification as the director deems appropriate. (Prior code § 40.13.1305)

16.52.060 Consideration and approval of modifications.

A. Subdivision Review Committee Consideration. Any modification shall be considered by the subdivision review committee, which shall make a recommendation on the requested modification. A subdivision modification shall be noticed in the same manner as the tentative map application, and shall be considered by the subdivision review committee at the same meeting as it considers the tentative map application. A post-subdivision modification shall be noticed in the same manner as a tentative map over which the planning commission has final authority.

Upon conclusion of the meeting, the subdivision review committee shall within thirty (30) days, or at the time it takes action on the tentative map, make a recommendation to the zoning administrator, planning commission or city council based upon the evidence and testimony produced before it, together with the results of its investigations. If the modification is recommended, a statement of any conditions attached thereto shall be forwarded to the subdivider and to the planning commission or city council. If disapproval is recommended, the subdivider and the planning commission or city council shall be furnished with the statement of reasons for such denial.

B. Zoning Administrator, Planning Commission or City Council Approval.

1. Subdivision Modifications. A subdivision modification shall be approved by the zoning administrator if it accompanies a tentative map application resulting in divisions of land into four or less parcels, and if the tentative map is not sought as a part of a development project requiring approval of one or more entitlements by the planning commission or city council. In addition, a subdivision modification shall be approved by the zoning administrator if the subdivision modification request accompanies a lot line adjustment or merger of parcels application, and if the lot line adjustment or merger of parcels is not sought as part of a development project requiring approval of one or more entitlements by the planning commission or city council. Otherwise, a subdivision modification shall be approved by the planning commission, unless it is sought as part of an application requiring city council approval, in which case it shall be approved by the city

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council. The planning commission shall make a recommendation on those subdivision modifications requiring city council approval.

A request for a subdivision modification shall be considered by the zoning administrator, planning commission or the city council at the scheduled hearing on the tentative map. Notice of the hearing before the zoning administrator, planning commission or the city council shall be given in the manner prescribed in Section 16.24.090 of this title for tentative maps. Notice of the time, place and purpose of the meeting shall also be given to the subdivider and any other interested person or party who has requested in writing to be so notified.

2. Post-Subdivision Modifications. A post-subdivision modification shall be approved by the zoning administrator if it modifies a tentative map resulting in divisions of land into four or less parcels, and if the post-subdivision modification is not sought as part of a development project requiring approval of one or more entitlements by the planning commission or city council. Otherwise, a subdivision modification shall be approved by the planning commission. Notice of the hearing before the zoning administrator or planning commission shall be given in the manner prescribed in Section 16.24.090 of this title for tentative maps. Notice of the time, place and purpose of the meeting shall also be given to the subdivider and any other interested person or party who has requested in writing to be so notified. (Prior code § 40.13.1306)

16.52.070 Zoning administrator, planning commission or city council action.

Upon conclusion of the meeting, the zoning administrator, planning commission or the city council shall make a determination based upon the evidence and testimony produced before it, together with the results of its investigations.

A copy of the written findings and a complete statement of any conditions of approval shall be placed on file with the planning department or in the office of the city clerk and copies thereof furnished to the subdivider. (Prior code § 40.13.1307)

16.52.080 Appeal.

A subdivider or interested person may appeal any action of the zoning administrator or planning commission on a subdivision modification pursuant to the procedure set forth in Section 16.24.115 and 16.24.110 of this title. (Prior code §40.13.1308)

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