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Neighborhoods Planning and  
Development Services  
Department

**CITY OF SACRAMENTO  
CALIFORNIA**

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October 4, 2002

Law and Legislation Committee  
Sacramento, California

Honorable Members in Session:

**SUBJECT:** M02-010 – PLANNING DIRECTORS PLAN REVIEW

**LOCATION:** Citywide

**COUNCIL DISTRICT:** All

**RECOMMENDATION:**

For approval by Law and Legislation Committee and forward the ordinance to the City Council.

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

**FOR LAW AND LEGISLATION COMMITTEE MEETING OF:** October 15, 2002 (afternoon session)

**SUMMARY:**

The Planning Directors Plan Review (PDPR) entitlement would create a staff level site plan and design review process for certain uses that are consistent with city zoning and land use plans. The entitlement would reduce the approval time and fees for specified types of uses and projects. Staff intends to apply the PDPR process to allowed uses within the 65<sup>th</sup> Street Transit Village Plan area.

**COMMISSION ACTION:**

The Planning Commission unanimously recommended approval of the ordinance on July 25, 2002.

**BACKGROUND:**

- Planning Commission approvals for residential projects currently average six months from the date of the application to final decision, and longer if there are complex issues or neighborhood opposition. Staff level reviews average 90 days. The PDPR process would allow the Planning Director to make staff level decisions that could then be appealed or called-up within 10 days. This would expedite the review process and time involved for development decisions.
- The major provisions of the PDPR are:
- Combines design review and plan review considerations into a single staff review process to streamline and shorten the review process
- Project noticing would include property owners within a 100' radius of the site (same as zoning administrator hearings) and community groups
- Third party appeal and council call-up would continue to assure adequate community review
- Projects must comply with the applicable land use policies, zoning and development standards for an area (e.g. transit village plan) and the applicable design guidelines. The types of uses and projects that will be subject to the PDPR entitlement process are not defined in the ordinance. Separate ordinance amendments (e.g. Transit Overlay Zone) will be required to define and apply the entitlement to certain uses.

**FINANCIAL CONSIDERATIONS:**

None.

**POLICY CONSIDERATIONS:**

The policy considerations include the need to expedite the review process for infill and transit oriented developments, the level of review for site plan considerations (e.g. staff, Zoning Administrator or Planning Commission) and the opportunity for community participation in the review process. Many jurisdictions use a staff level site plan review process as an incentive to encourage infill or transit oriented development projects.

Several studies recommend the need for a streamlined process:

The Transit For Livable Communities (TLC) Study sponsored by Regional Transit found that a primary barrier to transit oriented development (TOD) is the lack of a clear and predictable local government entitlement process to build TOD's.

Inflexibility and length of current entitlement process results in missing market cycles and redevelopment opportunities

The City's Infill Strategy recommends a streamlined process to improve the feasibility of infill development

The Development Oversight Commission recommends the use of staff level approvals to streamline the review process for projects consistent with city policies.

The ordinance also implements the City's Smart Growth Principles regarding making development decisions predictable, fair and cost effective.

**ENVIRONMENTAL CONSIDERATIONS:**

Not applicable. This is not a project under the CEQA definition since there is no potential from this action, which will result in a physical change to the environment.

**ESBD EFFORTS:**

No goods or services are being purchased.

**RECOMMENDATION APPROVED:**

Respectfully submitted,



Ken Nishimoto  
Deputy City Manager



Gary Stonehouse  
Planning Director

**Attachment:**  
**Ordinance**

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

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

## AN ORDINANCE AMENDING CHAPTER 17.220 OF TITLE 17 OF THE SACRAMENTO CITY CODE, RELATING TO THE ESTABLISHMENT OF THE PLANNING DIRECTOR PLAN REVIEW ENTITLEMENT

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

### SECTION 1.

Section 17.220.010 of the Sacramento City Code is hereby amended to read as follows:

17.220.010 Definition, authority and findings.

A plan review pursuant to this chapter allows for the review of a proposed development plan to ensure, among other things, that the proposed development is consistent with the general plan and any applicable community or specific plans; that the utilities and infrastructure are sufficient to support the proposed development and are compatible with city standards; and that the proposed development is compatible with surrounding development. While a plan review for a proposed development involving a use permitted under this title may not be denied solely because of the proposed use, the nature of the impacts associated with the proposed use, given its size, location, layout and other similar factors, including but not limited to its anticipated impacts on adjacent streets and neighboring properties, are relevant considerations. A plan review is discretionary in nature and is subject to approval by the planning commission, zoning administrator or planning director as specified in this section.

- A. Authority. A plan review shall be required for the following: (i) development of any property with a plan review (-R) designation included as part of the zoning pursuant to Section 17.208.020(E) of this title; (ii) development of any property within a zone for which a plan review is required pursuant to this title; and (iii) development of any property where a plan review is a condition

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of approval of a special permit or other discretionary entitlement. Notwithstanding the above, a plan review is not required for a project for which a special permit is required.

The planning commission, zoning administrator and planning director shall have the authority to conduct a plan review as follows:

1. Planning Commission Plan Review. The planning commission shall conduct a plan review for buildings greater than ten thousand (10,000) square feet in gross floor area; for projects for which a plan review by the planning commission is specifically required, regardless of size; and for projects referred to the planning commission by the zoning administrator or planning director.
  2. Zoning Administrator Plan Review. Except as provided in Section 17.220.040(A) of this chapter, the zoning administrator shall conduct a plan review for buildings not exceeding ten thousand (10,000) square feet in gross floor area except for projects for which a plan review by the planning commission or planning director is specifically required.
  3. Planning Director Plan Review. The planning director shall conduct plan review where specifically required by this title.
- B. Considerations. In conducting a plan review, the planning commission, zoning administrator or planning director shall consider the following:
1. Considerations relating to site layout, the orientation and location of building, signs, other structures, open spaces, landscaping and other development features in relation to the physical characteristics, zoning, and land use of the site and surrounding properties.
  2. Considerations relating to traffic, safety, and traffic congestion, including the effect of the site development plan on traffic conditions on abutting streets, the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways, the adequacy of off-street parking facilities to prevent traffic congestion, and the circulation patterns within the boundaries of the development.

3. Considerations necessary to ensure that the proposed development is consistent with the general plan, and all applicable community or specific plans, including but not limited to the density of residential units.
4. Considerations related to energy conservation, including, but not limited to, the presence and orientation of structures, vegetation and other objects, both on and off the site, to provide shading and protection from the wind on the lot and nearby sites; the presence of adequate structure orientation to maximize south wall solar access. Nothing contained in this section shall limit the application of other provisions of this chapter.
5. Considerations relating to the availability of city services, including but not limited to water, sewer, drainage, police and fire; and whether such services are adequate based upon city standards.
6. Considerations relating to architectural design, including but not limited to the location and orientation of building(s) on the site, development of urban streetscape, articulation of building massing and details, and usage of quality materials.

C. Findings. No plan review shall be approved by the planning commission, zoning administrator or planning director unless the following findings are made:

1. The proposed development, including but not limited to the density of a proposed residential development, is consistent with the general plan and any applicable community or specific plan;
2. Facilities, including utilities, access roads, sanitation and drainage are adequate and consistent with city standards, and the proposed improvements are properly related to existing and proposed streets and highways;
3. The property involved is of adequate size and shape to accommodate the proposed use and required yard, building coverage, setback, parking area and other requirements of this title; and
4. Approval of the plan review will not be contrary to the public health or safety or injurious to the property or improvements of adjacent

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properties.

## **SECTION 2.**

Section 17.220.020 of the Sacramento City Code is hereby amended to read as follows:

### **17.220.020 General provisions.**

The following general provisions shall apply to any request for a plan review, plan review modification, or plan review extension to be considered by the planning commission, zoning administrator or planning director:

- A.     **Application.** The applicant shall submit an application and plans for the proposed plan review. Such plans shall be in sufficient detail to allow the planning director, zoning administrator or planning commission to determine the exact nature and extent of the plan review. Such plans shall in all cases include a site plan.
- B.     **Permits may not be Issued.** No building permit involving a plan review, modification, or extension granted by the planning director, zoning administrator or planning commission may be issued until the ten (10) day appeal period has expired. No building permit, license, or other permit shall be issued while a plan review hearing or appeal is pending.
- C.     **Fees.** An application for a plan review, modification, or extension to be reviewed by the planning director, zoning administrator or planning commission shall require a filing and investigation fee as established in the fee and charge report.
- D.     **Conditions May Be Imposed.** In approving any plan review, modification, or extension, the planning director, zoning administrator or planning commission may impose such conditions as reasonably necessary to carry out the intent and purpose of this title; provided that the conditions may not be imposed which conflict with or are contrary to the requirements of this title or with conditions of approval imposed by prior approvals other than the plan review.
- E.     **Appeal of a Decision.** An appeal of a decision made by the planning director,

zoning administrator or planning commission related to a plan review, modification, or extension may be made in accordance with Chapter 17.200 of this title.

- F. **Withdrawal of Application.** The planning director, zoning administrator, planning commission or city council may permit the withdrawal of an application for a plan review, modification or extension, provided such request is made in writing by the applicant.
- G. **Resubmittal of Application.** If an application for a plan review, modification or extension has been denied wholly or in part, no new application for substantially the same plan review, modification or extension shall be resubmitted for a period of one year from the effective date of the final denial of the application, unless approval for filing has been granted by the planning director, zoning administrator or planning commission prior to expiration of the one year period.

### **SECTION 3.**

Section 17.220.030 of the Sacramento City Code is hereby amended to read as follows:

#### **17.220.030 Planning commission plan review.**

An application for a plan review to be considered by the planning commission shall be subject to the following requirements:

- A. **Notice and Hearing.** At least one public hearing shall be held on each application to the planning commission for a plan review. The procedural requirements for any hearing required by the provisions of this chapter shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given in the following manner:
  - 1. The planning director shall post the property involved in the proceedings in a conspicuous place for a period of seven days prior to the date of the hearing.
  - 2. Written notice of the hearing shall be mailed by the planning director at least ten (10) days prior to the hearing to all owners of property located within a radius of five hundred (500) feet from the exterior boundaries of the subject property, 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.

#### **SECTION 4.**

Section 17.220.040 of the Sacramento City Code is hereby amended to read as follows:

#### **17.220.040 Zoning administrator plan review.**

An application for a plan review to be considered by the zoning administrator shall be subject to the following requirements:

- A. Planning Commission Shall Act If Any Entitlement Requires Commission or Council Approval. For a zoning administrator's plan review 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 such a plan review. A plan review to be approved by the planning commission shall be processed in the same manner as a planning commission plan review pursuant to Section 17.220.030 of this chapter.
- B. Discretion to Elevate to Planning Commission. At the discretion of the zoning administrator, a zoning administrator's plan review may be determined by the planning commission. A plan review to be approved by the planning commission shall be processed in the same manner as planning commission plan review pursuant to Sections 17.220.020 and 17.220.030 of this chapter.
- C. Notice and Hearing. Except as provided in this chapter, at least one public hearing shall be held on each application to the zoning administrator for a plan review, modification or extension. The procedural requirements for any hearing required by the provisions of this chapter shall be governed by the provisions of Chapter 17.220 of this title. Notice of the hearing shall be given in the following manner:
  - 1. The planning director shall post the property involved in the proceedings in a conspicuous place for a period of seven days prior to the date of the hearing.
  - 2. Written notice of the hearing shall be mailed by the planning director at least ten (10) days prior to the hearing to all owners of property located within a radius of one hundred (100) feet from the exterior

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boundaries of the property, 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.

## **SECTION 5.**

Section 17.220.045, pertaining to the planning director plan review entitlement, is added to Title 17 of the Sacramento City Code to read as follows:

### **17.220.045 Planning director plan review.**

An application for plan review to be considered by the planning director shall be subject to the following requirements:

A. Planning Commission or Zoning Administrator Shall Act If Any Entitlement Requires Commission, Zoning Administrator or City Council Approval. For a planning director plan review sought as part of a development project requiring approval of one or more entitlements by the zoning administrator, planning commission or city council, the zoning administrator or planning commission shall act upon such a plan review. A plan review to be approved by the zoning administrator shall be processed in the same manner as a zoning administrator plan review pursuant to Section 17.220.040 of this chapter. A plan review to be approved by the planning commission shall be processed in the same manner as a planning commission plan review pursuant to Section 17.220.030 of this chapter.

B. Discretion to Elevate to Planning Commission. At the discretion of the planning director, a planning director's plan review may be determined by the planning commission. A plan review to be approved by the planning commission shall be processed in the same manner as planning commission plan review pursuant to Sections 17.220.020 and 17.220.030 of this chapter.

### **C. Notice, Procedure and Appeal.**

1. No public hearing shall be required.
2. Written notice of the filing of an application subject to planning director plan review shall be mailed by the planning director to all owners of all property within a radius of one hundred (100) feet from the exterior boundaries of the property, 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. The

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notice shall describe the scope and nature of the requested plan review.

3. Upon making a decision on the application for plan review, which shall not occur earlier than 10 days from the date that notice was mailed pursuant to subsection 2 above, the planning director shall provide written notice of the decision and the right to appeal the decision to the planning commission within ten (10) days of the decision pursuant to Chapter 17.200 of this title, to all owners of all property within a radius of one hundred (100) feet from the exterior boundaries of the property, 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. No fee shall be charged for the appeal to the planning commission by any aggrieved person other than the applicant. The decision of the planning commission regarding an appeal of a planning director's plan review may be appealed to the city council within ten (10) days of the action taken by the planning commission.

#### **SECTION 6.**

Section 17.220.050 of the Sacramento City Code is hereby amended to read as follows:

#### **17.220.050 Plan review modifications.**

No modification of a project for which a plan review is granted may be made unless prior approval for the modification is granted by the planning director, zoning administrator or planning commission as provided in this section. The planning director, zoning administrator or planning commission shall not grant a proposed modification unless the planning director, zoning administrator or planning commission find that the guidelines set forth under Section 17.220.010 of this chapter are satisfied. The general provisions set forth in Section 17.220.020 of this chapter shall apply to all plan review modifications.

- A. Determination of Major or Minor Modification. The planning director or zoning administrator shall determine whether a proposed modification to an approved plan review is a major or minor modification, and the application for proposed modification shall thereafter be decided by the planning director, zoning administrator or planning commission pursuant to the provisions of this section. No hearing shall be required for the determination and the decision of the planning director or zoning administrator on whether

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the proposed modification is major or minor shall be final and shall not be subject to appeal.

B. **Definition of Major Modification.** A major modification is one which will result in material change in the nature of the project when all circumstances surrounding the issuance of the plan review are considered. Set forth below is a list of changes which, by definition, shall be deemed to constitute major modifications for purposes of this provision. This list is not intended to be inclusive, and the fact that a particular change is not included does not limit the discretion or authority of the planning director or zoning administrator to determine that a particular proposed change or set of changes to a plan review constitutes a major modification. The following changes constitute major modifications for purposes of this provision:

1. Any major change in the pattern or volume of traffic flow either on or off any property covered by the plan review;
2. Any change in the nature of the use;
3. Any increase in height of a structure which exceeds ten (10) percent of the height of such structure as approved or which exceeds one story, whichever is less;
4. Any increase in gross floor area of a building which exceeds ten (10) percent of the approved gross floor area;
5. Any increase in the density of dwelling units per acre;
6. Any material changes in the orientation or location of structures on the parcel.

C. **Review and Approval of Proposed Modifications—Planning Director and Zoning Administrator Authority.** The planning director and zoning administrator shall have the authority to review and approve proposed modifications to a plan review, pursuant to the following provisions:

1. **Minor Modification(s) to a Zoning Administrator's or Planning Commission Plan Review.** If the zoning administrator determines that a proposed modification is a minor modification of an approved zoning administrator's or planning commission plan review, then a zoning

administrator's plan review modification, with no required public hearing, is required for approval of the minor modification. In considering a modification to an existing plan review, the zoning administrator shall apply the standards set forth in Section 17.220.010 of this chapter for the issuance of a plan review. When granting a modification to a plan review, the zoning administrator may impose such additional conditions as may be required to mitigate any deleterious effect of the modification. An application for a zoning administrator's plan review modification shall be subject to the general provisions and requirements set forth in Sections 17.220.020 and 17.220.040 of this chapter.

2. Minor Modification(s) to a Planning Director's Plan Review. If the planning director determines that a proposed modification is a minor modification of an approved planning director's plan review, then a planning director's plan review modification, with no required public hearing, is required for approval of the minor modification. In considering a modification to an existing plan review, the planning director shall apply the standards set forth in Section 17.220.010 of this chapter for the issuance of a plan review. When granting a modification to a plan review, the planning director may impose such additional conditions as may be required to mitigate any deleterious effect of the modification. An application for a planning director's plan review modification shall be subject to the general provisions and requirements set forth in Sections 17.220.020 and 17.220.045 of this chapter.
3. Major Modification(s) to a Plan Review. If the planning director or zoning administrator determine that a proposed modification is a major modification of an approved plan review, then a planning director's or zoning administrator's plan review modification, with a required public hearing, is required for approval of the major modification. At the discretion of the planning director or zoning administrator, a major modification of a plan review may be determined by the planning commission. The public hearing shall be noticed and heard in the same manner described in Section 17.220.030 of this chapter for planning commission hearing, Section 17.220.040 of this chapter for a zoning administrator's or planning director's hearing. In considering a modification to an existing plan review, the planning director, zoning administrator or planning commission shall apply the standards set forth in Section 17.220.010 of this chapter for the issuance of a plan review. When granting a

modification to a plan review, the planning director, zoning administrator or planning commission may impose such additional conditions as may be required to mitigate any deleterious effect of the modification. An application for a planning director's or zoning administrator's plan review modification shall be subject to the general provisions and requirements set forth in Sections 17.220.020, 17.220.040 and 17.220.045 of this chapter.

#### **SECTION 7.**

Section 17.220.060 of the Sacramento City Code is hereby amended to read as follows:

##### **17.220.060 Term and extensions.**

Any plan review or modification involving an action which requires a building permit shall expire at the end of two years unless a building permit is obtained within the term of a plan review or modification. The term of a plan review or modification may be extended for up to three additional years upon application in writing a minimum of thirty (30) days prior to expiration. An application for a planning commission or zoning administrator plan review extension shall be subject to zoning administrator approval, and an application for a planning director plan review extension shall be subject to planning director approval. The general provisions and requirements set forth in Sections 17.220.020, 17.220.040 and 17.220.045 of this chapter shall apply to a plan review extension. At the discretion of the zoning administrator or planning director the application for time extension shall be subject to planning commission approval. If the plan review extension is subject to action by the planning commission, the general provisions and requirements set forth in Sections 17.220.020 and 17.220.030 of this chapter shall apply. The request for an extension of time shall be subject to a filing and investigation fee as established in the fee and charge report.

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#### **SECTION 8.**

Section 17.200.040 of the Sacramento City Code is hereby amended to read as follows:

##### **17.200.040 City council call-up review.**

- A. Notice to City Council. The planning director shall forthwith make a report of the following decisions to the city council: (i) entitlements under this title first heard by the planning commission which are approved or conditionally approved by the planning commission; (ii) entitlements under this title first heard and decided by the

zoning administrator and thereafter approved, conditionally approved or denied by the planning commission upon appeal; and (iii) entitlements under this title first heard and decided by the planning director and thereafter approved, conditionally approved or denied by the planning commission upon appeal.

- B. Procedures for Call-Up Review. Any decision enumerated in subsection A of this section may be called up for city council review by the mayor or councilmember in whose district the project is located. To initiate a call-up of a decision, the mayor or councilmember in whose district the project is located shall file a written request with the planning director within ten (10) calendar days of the date of the decision of the planning commission. If the tenth day falls on a nonbusiness day, the last day to appeal is the next business day. Upon the filing of a request by the mayor or the city councilmember in whose district the project is located, the council shall notice and set the matter for the hearing before it. Notice of the hearing shall be given in the same manner as notice would be given of a hearing on an appeal to the city council of the decision if an appeal had been filed; provided that if the matter is not appealable to the city council, then notice shall be given in the same manner as notice is given for an appeal of a planning commission special permit. The hearing before the city council shall be held in the same manner as a hearing would be held on an appeal of the decision if an appeal had been filed; provided that if the matter is not appealable to the city council, then the hearing shall be held in the same manner as a hearing on an appeal of a planning commission special permit.
- C. Withdrawal of Request for Review. The councilmember or mayor requesting call-up review of a particular decision may withdraw that request, provided that the withdrawal shall be noted on the next regularly scheduled meeting of the city council and shall be considered to have occurred on that date. The mayor or district councilmember not making the request shall have ten (10) calendar days from the date of the meeting at which the application is considered withdrawn to file a request for call-up review. To the extent the decision is one which could have been appealed to the council by someone other than the applicant, such persons shall have ten (10) calendar days from the date of withdrawal of the request for call-up review to file an appeal. If the tenth day falls on a nonbusiness day, the last day to appeal is the next business day.

DATE PASSED FOR PUBLICATION:  
DATE ENACTED:  
DATE EFFECTIVE:

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MAYOR

ATTEST:

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CITY CLERK

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