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DEPARTMENT OF
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
SACRAMENTO, CA

ADMINISTRATION
ROOM 300
95814-2987
916-449-5571

ECONOMIC DEVELOPMENT
ROOM 300
95814-2987
916-449-1223

NUISANCE ABATEMENT
ROOM 301
95814-3982
916-449-5948

July 13, 1993

Law and Legislation Committee
Sacramento, California

Honorable Members In Session:

- SUBJECT:**
1. Addition to Zoning Ordinance to include a definition in Section 22 for Sorority and Fraternity uses in the City of Sacramento.
 2. Zoning Ordinance Amendment relating to the establishment of Sorority and Fraternity uses in the R-4 and R-5 zones.

LOCATION: City-wide

RECOMMENDATION

The Planning Commission and staff recommends that the Law and Legislation Committee recommends that the City Council take the following actions:

- A. Adopt the attached Zoning Ordinance Amendment which:
1. Includes a definition in Section 22 for a Sorority and Fraternity use; and
 2. Identifies the zones where Dormitory, Sorority and Fraternity uses are permitted by right and where a Special Permit is required.

CONTACT PERSON:

Will Weitman, Principal Planner 264-5604
Bridgette Williams, Associate Planner 264-5000

FOR COMMITTEE MEETING OF: July 20, 1993

SUMMARY

The proposed Zoning Ordinance Amendment would add a new definition to Section 22 of the Zoning Ordinance for a Sorority and Fraternity use. The amendment also identifies the zones where a dormitory, sorority and fraternity use is permitted by right and where a Special Permit is required. The Planning Commission and staff recommend adoption of the Zoning Ordinance Amendment. This item was referred by the City Council to the Law and Legislation Committee for further discussion.

VOTE OF THE PLANNING COMMISSION

On April 22, 1993, by a vote of seven ayes and one absent, the Planning Commission recommended approval of the Zoning Ordinance Amendments relating to Sorority and Fraternity uses.

BACKGROUND

On June 29, 1993, this item was considered by the City Council. As a result of public testimony and concerns expressed by various councilmembers, the City Council requested that this item be referred to the Law and Legislation Committee for further evaluation prior to adoption. There were four significant issues discussed at the hearing which led to questions by various council members.

Issue #1 - Reason For A Sorority/Fraternity Definition

It is important to note that the reason for the recommended definition is a result of a recent City code enforcement case (October 7, 1992) regarding a sorority use in the City of Sacramento. A complaint was filed by a neighbor with the City's Neighborhood Improvement Division against a sorority use. Presently the Zoning Ordinance subjects sorority and fraternity uses to the same development criteria as dormitory uses. There is a definition listed in the Zoning Ordinance for a dormitory; however, there is no definition listed for a sorority or fraternity use. Based on the current definition for a dormitory, the hearing officer determined that the sorority use did not meet the dormitory definition and, therefore, the sorority use did not need to obtain a special permit. There are four pending complaints against sorority and fraternity houses in the Neighborhood Improvement Division; however, Neighborhood Improvement Division staff will not bring these cases before a hearing officer until a clear definition has been established for sororities and fraternities.

Issue #2 - Zones That Permit Sorority/Fraternity Uses

At the Council meeting it was not clear to Councilmembers where sorority and fraternity uses are allowed by right and in which zones a special permit is required. For clarification purposes, the Zoning Ordinance currently requires a Special Permit for a sorority and fraternity in residential zones and in specific commercial zones (SC, C-1, C-2, C-3). These uses must also meet the development standards found in the Zoning Ordinance. The only exception is in the "Old City" area (Central City Community Plan boundaries) where sororities and fraternities are permitted by right in the R-4, R-5 and C-2 zones if the development standards are met.

At the April 22nd Planning Commission meeting, the Commissioners discussed in what zones sorority and fraternity house uses should be allowed. The Commissioners concluded that sorority and fraternity uses in higher density multiple family zones (R-4 and R-5) and the General Commercial (C-2) zone in the "Old City" could also generate concerns from neighbors. The Planning Commission, therefore, recommended that the Zoning Ordinance be amended to delete the clause that allows the establishment of a sorority/fraternity use in the "Old City" by right and instead require that the use obtain a Special Permit.

During the Planning Commission hearing, the Commissioners and staff were unaware that a sorority was in escrow to purchase a C-2 zone property within the Old City. The City has recently been informed by a sorority member that the escrow to purchase the dwelling opened on April 8, 1993 which was prior to the Commission's action (see attached letter). At that time, the sorority use was exempted from obtaining a special permit under the current ordinance. Planning staff is, therefore, including language in the attached ordinance (Section 4) which exempts fraternity and sorority houses, located in the "Old City" from obtaining a special permit in the R-4, R-5 and C-2 zones, provided that certain conditions are met. If the City Council does not wish to exempt this sorority from the special permit requirement, it should delete Section 4 from the proposed ordinance.

Issue #3 - Is a "Deemed" Special Permit Appropriate For Sororities/Fraternities?

Presently there appear to be at least seven (possibly eight) sorority/fraternity uses affiliated with Sacramento State University that have houses established in the City of Sacramento. Five of these houses are located in residential zones. None of the five houses have Special Permits. Two of the houses are located in the C-2 zone within the "Old City" area. These two houses are not required to have a special permit, however, they probably do not meet parking requirements for the number of residents they have in the houses.

Last month the City Council adopted an amendment to the section of the Zoning Ordinance that regulates the sale of alcoholic beverages. This amendment granted a "deemed" special permit to liquor stores and bars that were legally established before 1987 (360 establishments), when the special permit requirement for liquor stores and bars was adopted. One of the reasons for the "deemed" special permit was to allow the Planning Commission or City Council to impose additional conditions upon a liquor store or bar that may be creating problems in the community.

At the June 29th City Council meeting it was asked if a "deemed" special permit would be appropriate for sorority and fraternity uses. Staff believes that it is not appropriate in this case. The difference is that these bars and liquor stores were legally established before the 1987 ordinance. As noted above, none of the seven sorority/fraternity house uses were legally established. All the uses either require a special permit for the use or for the lack of parking. In this case there is no need for a "deemed" special permit as the uses should come before the Planning Commission anyway in order to receive the proper entitlements to legally establish the fraternity/sorority house use.

Issue #4 - Adoption of the Proposed Ordinance

As mentioned above, there are seven sorority and/or fraternities in the City that in violation. None of the seven houses have special permits. Staff was recently informed that the proposed ordinance amendment was not transmitted to the sorority and fraternities for their review and comment. As the 1992-93 school year has ended, it is difficult to discuss the amendments with the various groups. Staff would, therefore, like to present two alternatives to Council:

1. adopt the attached ordinance amendments as proposed by the City Planning Commission and allow staff to further work with the sorority and fraternities once the new school year begin; or
2. continue the item until fall of 1993, to allow staff to further work with sorority and fraternities on the City standards;

Staff recommends Alternative #1, which is for the Council to adopt the attached ordinance amendments and allow Planning Division and Neighborhood Improvement Division staff to further work with university, sorority and fraternity representatives in order to explain the City's Special Permit requirements and discuss potential problems associated with sorority/fraternity house uses. If necessary, staff may return to the Commission and Council with revised standards as a result of these discussions.

ENVIRONMENTAL DETERMINATION: The proposal is exempt from environmental review pursuant to State EIR Guidelines (Section 15306).

FINANCIAL DATA

None.

POLICY CONSIDERATIONS

None.

MBE/WBE EFFORTS

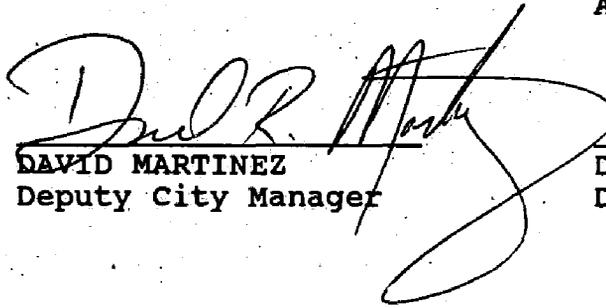
None.

Respectfully Submitted,

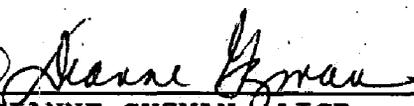


GARY D. STONEHOUSE
Planning Director

APPROVED:



DAVID MARTINEZ
Deputy City Manager



DIANNE GUZMAN, AICP
Director of Planning & Development

DG:GS:WW:BW:bw
attachment

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 2-E-47 AND ADDING 22-A-125 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO. ORDINANCE NO. 2550. FOURTH SERIES, AS AMENDED, RELATING TO SORORITY AND FRATERNITY USES. (M93-001)

Be it enacted by the Council of the City of Sacramento:

Section 1:

Section 2-E-47 of the Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, as amended, is hereby amended to read as follows:

47. Fraternity-Sorority House and Dormitory

a. Special Permit: Fraternity-Sorority house and dormitory uses are allowed subject to a special permit; provided that a dormitory shall be allowed without a special permit in the R-4, R-5 and C-2 zones within the Old City, provided the development standards set forth in paragraph (b) below are met.

b. Development standards:

1. Except as modified pursuant to subsection 2 below, fraternity-sorority house and dormitory uses shall meet the following development standards:

a. Every room used for sleeping purposes shall have not less than one hundred square feet of floor area. Where more than one person occupies a room used for sleeping, the required floor area shall be increased at the rate of fifty square feet for each occupant in excess of one.

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- b. The facility shall provide a common lounge area. The lounge shall be centrally located.
- c. A property owner or a manager shall reside on the premises.
- d. The facility shall provide one (1) parking space per three occupants.
- e. The facility shall provide an outdoor patio area which shall not face the street. The size of the outdoor area shall be determined by the Planning Commission.

- 2. Modification: The Planning Commission may approve a Special Permit to modify the foregoing standards for a fraternity-sorority house or a dormitory use.

Section 2:

Section 22-A-125 is hereby added to the Comprehensive Zoning Ordinance, No.2550, Fourth Series, as amended, to read as follows:

- 125. Sorority-Fraternity House: A dwelling or dwelling unit maintained for sorority and/or fraternity members and their guests or visitors and affiliated with an academic or professional college, university or other institution for higher learning.

Section 3:

The City Council finds and declares that the amendments set forth in Section 2 of this ordinance are declaratory of, and do not constitute a substantive change in, existing law. The Comprehensive Zoning Ordinance currently requires, and has required for many years, a special permit for a fraternity-sorority house; however, there is no definition of fraternity-sorority house contained in the Zoning Ordinance. The amendment in Section 2 of this Ordinance provides this definition, which is consistent with longstanding administrative construction and practice.

The City Council further finds and declares that the amendments set forth in Section 1 are intended primarily to clarify, and be declaratory of, existing law. Section 1 of the ordinance is consistent with existing law, except that it eliminates the right to establish a sorority-fraternity house in a R-4, R-5, and C-2

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zone in the Old City without a special permit; and eliminates the right to establish a dormitory use in the R-4 and R-5 zones in the Old City without a special permit.

Section 4:

The provisions of Section 1 of this ordinance that amend section 2-E-47a of the Comprehensive Zoning Ordinance to require a special permit for a fraternity or sorority house located in the R-4, R-5 and C-2 zones in the "Old City" area shall not apply to any fraternity or sorority house for which an escrow for the purchase of the real property therefor was established on or before April 22, 1993, provided that the real property is purchased before October 31, 1993 and the fraternity or sorority house use is established before February 1, 1994.

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The material below shows the substantive changes to the Zoning Ordinance that would occur if this ordinance is adopted:

Section 2-E-47 of the Zoning Ordinance would be changed as follows:

47. Fraternity-Sorority House and Dormitory

- a. Special Permit: Fraternity-Sorority house and dormitory uses are allowed subject to a special permit; provided that a dormitory/~~fraternity-sorority~~ shall be allowed without a special permit in the R-4, R-5 and C-2 zones within the Old City, provided the development standards set forth in paragraph (b) below are met.
- b. Development standards:
 1. Except as modified pursuant to subsection 2 below, fraternity-sorority house and dormitory uses shall meet the following development standards:
 - a. Every room used for sleeping purposes shall have not less than one hundred square feet of floor area. Where more than one person occupies a room used for sleeping, the required floor area shall be increased at the rate of fifty square feet for each occupant in excess of one.
 - b. The facility shall provide a common lounge area. The lounge shall be centrally located.
 - c. A property owner or a manager shall reside on the premises.
 - d. The facility shall provide one (1) parking space per three occupants.
 - e. The facility shall provide an outdoor patio areaa which shall not face the street. The size of the outdoor area shall be determined by the Planning Commission.
 2. Modification: The Planning Commission may approve a Special Permit to modify the foregoing standards for a fraternity-sorority house or a dormitory use.

Section 2-A-125 would be added to the Zoning Ordinance to read:

125. Sorority-Fraternity House. A dwelling or dwelling unit maintained for sorority and/or fraternity members and their guests or visitors and affiliated with an academic or professional college, university or other institution for higher learning.