

AN ORDINANCE RELATING TO THE ISSUANCE OF BUILDING PERMITS AND OTHER ENTITLEMENT WITHIN 300 FEET OF THE AMERICAN RIVER PARKWAY, MAKING THIS ORDINANCE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

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

SECTION 1.

The Council of the City of Sacramento hereby finds and declares:

- (1) That the American River and the area adjacent thereto is a unique and valuable recreational and scenic asset to the City of Sacramento; that this area contributes greatly to the quality of life within the City, enhances the image of the City as a desirable place to live and contributes to the economic well-being of its citizenry.
- (2) That the American River has been found by the California Legislature in the California Wild and Scenic Rivers Act (Public Resources Code Section 5083.50 et seq.) to possess extraordinary scenic, recreational, fishery and wildlife values. These values are sought to be preserved by the protection of the American River itself and the beneficial management of lands riparian thereto. To this end, the Secretary of the Resources Agency is required to develop a management plan with local agencies through whose jurisdictions the American River flows.
- (3) That this unique natural resource should be developed so as to preserve these advantages for future generations and that in furtherance of this goal the Council of the City of Sacramento adopted a "Specific Plan for the City portion of the American River Parkway" (hereinafter "Specific Plan") on September 11, 1969.
- (4) That the implementation of the Specific Plan and the accomplishment of its goals requires comprehensive land use regulations and review. Accordingly, it is anticipated that the promulgation of new land use regulations for the American River Parkway and areas immediately adjacent thereto and public hearings on such regulations will require at least six months to complete.
- (5) That prior to the final enactment of the implementing regulations, construction of buildings and establishment of uses in areas within or adjacent to the American River Parkway may disrupt the planning process and may be inconsistent with and contrary to the broad objectives of the Specific Plan.

- (6) That in recognition of the foregoing objectives the Council further finds it necessary to review each application for a building permit or other entitlement of use as specified herein on an individual basis.

SECTION 2.

This Ordinance shall regulate and control the issuance of building permits and other entitlements of use as herein provided within the City of Sacramento in the following areas:

- (1) All that area within the boundaries of the American River Parkway as said Parkway is described in the Specific Plan adopted by the City Council on September 11, 1969; and
- (2) All that area within 300 feet of the exterior boundaries of said Parkway.

SECTION 3

During the period this ordinance is in effect, applications for the following permits and entitlements of use for property regulated pursuant to Section 2 of this Ordinance shall require approval of the City Council prior to issuance:

- (1) Building permits for any new building or structure and improvements thereon excepting demolition, minor alterations to existing buildings or structures, or improvements required by law.
- (2) Grading permits.
- (3) Variances (as more specifically provided for in Section 7 of this Ordinance).
- (4) Special permits (as more specifically provided for in Section 8 of this Ordinance).
- (5) Sign permits.
- (6) Parking facility permits.

SECTION 4.

- (1) Any person, firm, corporation, partnership or public entity (hereinafter applicant) applying for a building permit or entitlement of use subject to the provisions of Section 3 of this Ordinance shall submit plans of the proposed building, structure or improvement (if any) to the Planning Director. The Planning Director shall forward said plans and other data as may be required to the City Council. Applicants shall be notified of consideration by the City Council of a building permit or entitlement of use and shall have the opportunity to address the City Council on their application.
- (2) Within thirty days after receipt of said plans and data referred to in subsection (1) of this section the Council shall issue a permit or grant an entitlement of use only upon a finding that the issuance of the permit or entitlement is consistent with the Specific Plan and the policies and findings of Section 1 of this Ordinance.
- (3) Said applicant shall be notified by certified mail of any approval or disapproval of his application and the reasons therefor.

SECTION 5.

- (1) Notwithstanding any provision herein to the contrary, the City Council, at a hearing on the application for a building permit within a single family dwelling residential subdivision approved prior to the effective date of this Ordinance, may exempt subsequent applications for building permits within said subdivision from environmental review as provided by Section 9 and building permit review as provided by Section 4 of this Ordinance.
- (2) Notwithstanding any provision herein to the contrary, the City Council may exempt from environmental review and building permit review any application for a building permit within any single family residential subdivisions approved subsequent to the effective date of this Ordinance.
- (3) Provided however, that any exemptions granted under subsections (1) and (2) of this section and any final subdivision maps approved after the effective date of this ordinance shall be consistent with the policy and declarations set forth in Section 1 of this Ordinance and the Specific Plan.

SECTION 6.

The provisions of this Ordinance shall be administered and enforced in the same manner as provided in Section 19 of the Comprehensive Zoning Ordinance for the City of Sacramento (hereinafter Zoning Ordinance).

SECTION 7.

Variances from the provisions of this Ordinance and the Zoning Ordinance may be granted for real property regulated by this Ordinance as herein provided.

- (1) The Planning Commission shall hear the application for variance in the manner prescribed by Section 14 of the Zoning Ordinance.
- (2) No variance granted by the Planning Commission pursuant to subsection (1) of this section and Section 14 of the Zoning Ordinance shall become final until reviewed by the City Council. The following provisions of the Zoning Ordinance relating to variances are incorporated herein and shall apply to the hearing on said variance application by the City Council.

Subsection (A) of Section 14 relating to qualifications
Subsection (C) of Section 14 relating to powers
Subsection (D) of Section 14 relating to hearings
Subsection (G) of Section 14 relating to fees
Subsection (H) of Section 14 relating to conditions
- (3) Any decision by the Planning Commission denying the application for a variance in subsection (1) of this section may be appealed in the manner prescribed in Section 18 of the Zoning Ordinance

SECTION 8.

Any use in any zone within the area regulated by Section 2 of this

Ordinance which may be authorized by the issuance of a special permit by the Planning Commission shall not be finally issued and shall not vest any rights or equities in the applicant until such application for special permit shall have been reviewed and approved by the City Council. The City Council shall hold a noticed public hearing on the application for special permit in the same manner as the Planning Commission first heard the matter. Section 15 of the Zoning Ordinance shall be applicable to any special permit review as required in this section and is hereby incorporated herein.

SECTION 9.

It is the express intent of this Ordinance that environmental review of each application for a building permit or entitlement of use regulated by this Ordinance shall be made except as provided in Section 5 of this Ordinance. Notwithstanding any resolutions or ordinances of the City of Sacramento to the contrary, any application for a building permit or entitlement of use shall be accompanied by an Environmental Impact Report or a Negative Declaration. The procedures and criteria governing the preparation of Environmental Impact Reports or Negative Declarations shall be governed by the provisions of Resolution No. 74-074, adopted on February 14, 1974, by the Council of the City of Sacramento.

SECTION 10.

Violation of the provisions of this Ordinance shall constitute a misdemeanor. Any person, firm, corporation, or public entity whether as principal, agent, employee, or otherwise who violates the provisions of this Ordinance shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for a term of not more than six (6) months, or both. Each day of violation constitutes a separate offense.

SECTION 11.

If any person, firm, corporation or public entity whether as principal, agent, employee or otherwise, uses, erects, moves or constructs any structure or improvement on property subject to the provisions of this Ordinance, then the same is hereby declared a public nuisance and the City Attorney is authorized to bring and prosecute any action in any court of competent jurisdiction to enjoin such person, firm, corporation or public entity from continuing or permitting such use, erection, movement, construction or alteration, or if such use, erection, movement, construction or alteration is in being, or has been accomplished, the City Attorney is authorized to institute and maintain an action to enjoin such person, firm, corporation or public entity from maintaining or permitting the maintaining of the same.

SECTION 12.

This Ordinance is hereby declared to be an emergency measure to take effect immediately, said emergency being the necessity for protecting the American River Parkway and the area immediately adjacent thereto from development which would be inconsistent with or would seriously jeopardize the objectives of the Specific Plan pending the enactment of a comprehensive set of land use regulations designed to implement said plan.

SECTION 13.

The provisions of Section 3 of this Ordinance shall not be applicable to any building permit if substantially complete plans for the construction project for which said permit is sought have been filed with the Director of the Division of Building Inspections prior to the effective date of this Ordinance; provided however, if any substantial changes or amendments to such plans are proposed after the effective date of this Ordinance, then any person, firm, corporation or public entity seeking such permit shall be required to comply with the provisions of this Ordinance.

SECTION 14.

This Ordinance shall be in full force and effect to and including February 18, 1975.

SECTION 15.

This ordinance is hereby declared to be an emergency measure to take effect immediately, the emergency being the need to preserve the status quo until comprehensive land use regulations have been adopted.

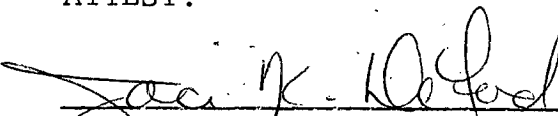
PASSED: October 17, 1974

EFFECTIVE: October 17, 1974



MAYOR

ATTEST:



CITY CLERK