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OFFICE OF THE  
CITY ATTORNEY

CITY OF SACRAMENTO  
CALIFORNIA

812 TENTH STREET  
SACRAMENTO, CA  
95814-2694

JAMES P. JACKSON  
CITY ATTORNEY

916-449-5346

THEODORE H. KOBAY, JR.  
ASSISTANT CITY ATTORNEY

June 16, 1988

DEPUTY CITY  
ATTORNEYS:  
SAMUEL L. JACKSON  
WILLIAM P. CARNAZZO  
LAWRENCE M. LUNARDINI  
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DIANE B. BALTER  
RICHARD F. ANTOINE  
TAMARA MILLIGAN-HARMON  
RICHARD E. ARCHIBALD  
KATHLEEN L. MCCORMICK

Honorable City Council  
1231 "I" Street  
First Floor Conference Room  
Sacramento, CA 95814

Re: Ordinance Amending Section 56.503 of the  
Sacramento City Code Relating to the  
Adoption of Specific Plans

Dear Council Members:

In view of the Council action to delay the hearings on the South Natomas Community Plan, it is not necessary to adopt this ordinance as an emergency measure. Therefore the emergency section in the ordinance has been deleted.

Council Member Joe Serna, Jr. also asked that we check with the County of Sacramento regarding its' procedure on this subject. The County of Sacramento does not have Specific Plans as provided under the state law. It only has a General Plan. The County does follow the state law regarding referral of General Plan modifications because it is required to follow the state law. Even though Sacramento is a charter county, it does not have authority to vary from the state law on this subject. Charter cities have greater authority than charter counties in a number of areas and this is one of them.

Sincerely,

JAMES P. JACKSON  
City Attorney

APPROVED  
BY THE CITY COUNCIL

JUN 21 1988

OFFICE OF THE  
CITY CLERK

JPJ:rmm

ORDINANCE NO. 88-043

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING SECTION 56.503 OF THE SACRAMENTO CITY CODE RELATING TO THE ADOPTION OF SPECIFIC PLANS

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

SECTION 1.

Section 56.503 of the Sacramento City Code is hereby amended to read as follows:

Sec. 56.503 Adoption

Except as provided herein, any specific plan shall be adopted in accordance with the procedure prescribed in Article 6, Chapter 3, of the Planning and Zoning law (commencing with Government Code Sections 65.000 et seq.). It shall be the general policy of the City Council to refer back to the Planning Commission, substantial modifications of specific plans proposed by the Council which were not previously considered by the Planning Commission during its hearings. However, the Council reserves the discretion to determine whether such referral to the Planning Commission will be made and to determine other matters, including but not limited to, the following: a) what constitutes a substantial modification of a specific plan; b) the number of days within which the Planning Commission has to consider the referral, and c) whether or not a public hearing is to be held by the Planning Commission on the referral. Therefore, the provisions of Government Code Section 65356 (pertaining to referral of changes by the City Council back to the Planning Commission) shall not be applicable to the City of Sacramento. In addition, the provisions of Section 65352 (pertaining to referral of General Plans) and Section 65357 (pertaining to copies of the General Plan), shall not be applicable to the City of Sacramento.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

APPROVED BY THE CITY COUNCIL

JUN 21 1988

OFFICE OF THE CITY CLERK

CITY CLERK

APPROVED  
BY THE CITY COUNCIL

JUN 14 1988

OFFICE OF THE  
CITY CLERK

*Cont to 6/21/88*



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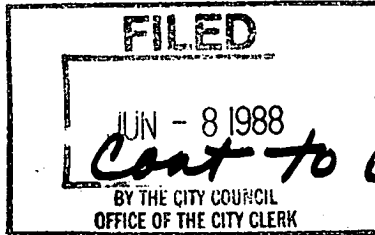
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DEPARTMENT OF  
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO  
CALIFORNIA

1231 I STREET  
SACRAMENTO, CA

June 8, 1988



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

City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: Adoption of Ordinance Amending Section 56.503 of the  
Sacramento City Code

SUMMARY

This Ordinance modifies Section 56.503 of the City Code. Its purpose is to clarify requirements for the processing of specific plans (e.g. our Community Plans).

BACKGROUND

In the fall of 1987, the City Council modified the City Code to clarify similar provisions of State law applicable to the General Plan. At that time, the Council asked that an ordinance applicable to specific plans be drafted. The intent of the ordinance is to clarify the circumstances under which "changes" to a plan under consideration by the Council are to be referred to the Planning Commission prior to final action by the Council.

The City Attorney's Office has advised that clarification of the City's policy is needed because existing State law leaves key considerations open to interpretation and potential challenge such as:

1. The meaning of a "substantial modification", which must be referred to the Planning Commission, and
2. Whether the Planning Commission has previously considered the modification, and

Subject: Ordinance Amending Section 56.503 of the Sacramento City Code  
June 8, 1988  
Page 2

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3. Whether or not the Commission must hold public hearings on changes referred to it.

In addition, if a matter must be referred to the Planning Commission under State law, the Commission must be given at least 45 days to respond. This could result in a greater delay than the Council wishes.

A Draft Ordinance was submitted by the City Attorney's Office to the Council on May 24, 1988. During discussion of this item, some Council members and representatives of the Natomas Community Association and the League of Women Voters expressed concern about the proposed Ordinance. The matter was held over for further review. The City Attorney's Office and the Planning and Development Department have subsequently collaborated on a revision to the proposed Ordinance based on the general understanding of the Council's policy preferences.

It is understood by the Planning and Development Department that the Council prefers to (1) retain its statutory responsibility as the final decision maker on the General Plan and the several specific plans, etc. -- this is the same responsibility assigned by State law to all other City Councils and Boards of Supervisors in the State of California; (2) to clarify existing vagueness in State law regarding the processing of specific and general plans; and, (3) to reinforce the role of the Planning Commission as the Council's primary advisory body on land use matters.

The proposed ordinance:

1. Specifies that it is exclusively within the Council's discretion to determine when and under what circumstances changes to a plan will be referred back to the Commission, (this is consistent with current practice) and
2. Clarifies that it is the general policy of the City Council to refer substantial modifications to the Planning Commission for evaluation and report, and
3. Eliminates the legal uncertainties.

In addition, the Mayor has asked the Planning and Development Department to make suggestions regarding when and under what circumstances a proposed change to a plan should be referred back to the Planning Commission. In this regard the following observations are offered:

Subject: Ordinance Amending Section 56.503 of the Sacramento City Code  
June 8, 1988  
Page 3

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1. It is recommended that the Council maximize opportunities to involve the Planning Commission in land use decisions including changes to the General Plan, or one of the several specific (community) plans. Hearings conducted by both the Planning Commission and the City Council also maximize opportunities for public review and comment.
2. The extent to which a particular change (under consideration by the City Council) is "substantial enough" for referral back to the Commission will have to be made on a case-by-case basis by the City Council. (this is typical practice in most cities)
3. The staff would generally advise the Council to refer changes to the Commission that:
  - a. Cannot be accommodated within the scope of the existing EIR, or
  - b. Would significantly affect the City's ability to achieve the primary goals and policies of the plan, or changes to those goals and policies, if the subject change had not previously been submitted to a public hearing by the Planning Commission.

**RECOMMENDATION**

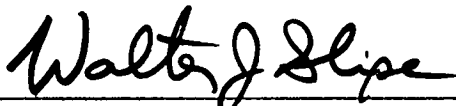
As an emergency measure effective June 20, 1988, adopt the Ordinance amending Section 56.503 of the Sacramento City Code relating to the adoption of specific plans. Adoption on an emergency basis is necessary due to upcoming hearings on a Community Plan.

Respectfully submitted,



Michael M. Davis, Director  
Planning and Development Department

RECOMMENDATION APPROVED:



Walter J. Slipes, City Manager

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

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AN ORDINANCE AMENDING SECTION 56.503 OF THE SACRAMENTO CITY CODE RELATING TO THE ADOPTION OF SPECIFIC PLANS AND DECLARING THIS ORDINANCE TO TAKE EFFECT ON JUNE 20, 1988

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

## SECTION 1.

Section 56.503 of the Sacramento City Code is hereby amended to read as follows:

### Sec. 53.503 Adoption

Except as provided herein, any specific plan shall be adopted in accordance with the procedure prescribed in Article 6, Chapter 3, of the Planning and Zoning law (commencing with Government Code Sections 65.000 et seq.). It shall be the general policy of the City Council to refer back to the Planning Commission, substantial modifications of specific plans proposed by the Council which were not previously considered by the Planning Commission during its hearings. However, the Council reserves the discretion to determine whether such referral to the Planning Commission will be made and to determine other matters, including but not limited to, the following: a) what constitutes a substantial modification of a specific plan; b) the number of days within which the Planning Commission has to consider the referral, and c) whether or not a public hearing is to be held by the Planning Commission on the referral. Therefore, the provisions of Government Code Section 65356 (pertaining to referral of changes by the City Council back to the Planning Commission) shall not be applicable to the City of Sacramento. In addition, the provisions of Section 65352 (pertaining to referral of General Plans) and Section 65357 (pertaining to copies of the General Plan), shall not be applicable to the City of Sacramento.

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SECTION 2.

This ordinance is an emergency measure to take effect on June 20, 1988. The reason for the emergency is that the City Council will be conducting hearings on the South Natomas Community Plan (i.e., a specific plan) and, in order to give the Council maximum flexibility in its actions, and to eliminate uncertainties in the law, it is necessary that this ordinance become effective before the Council makes decisions concerning the South Natomas Community Plan.

DATE ENACTED:

DATE EFFECTIVE:

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MAYOR

ATTEST:

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CITY CLERK



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**OFFICE OF THE  
CITY ATTORNEY**

JAMES P. JACKSON  
CITY ATTORNEY

THEODORE H. KOBEY, JR.  
ASSISTANT CITY ATTORNEY

City Council  
City Hall  
Sacramento, CA 95814

**CITY OF SACRAMENTO  
CALIFORNIA**

May 20, 1988

812 TENTH STREET  
SACRAMENTO, CA  
95814-2694

916-449-5346

DEPUTY CITY  
ATTORNEYS:  
SAMUEL L. JACKSON  
WILLIAM P. CARNAZZO  
LAWRENCE M. LUNARDINI  
GARLAND E. BURRELL, JR.  
DIANE B. BALTER  
RICHARD F. ANTOINE  
TAMARA MILLIGAN-HARMON  
RICHARD E. ARCHIBALD  
KATHLEEN L. MCCORMICK

Honorable Members in Session:

**SUBJECT: Ordinance Amending Section 56.503 of the  
Sacramento City Code Pertaining to the  
Adoption and Amendment of Specific Plans**

DISCUSSION

Under the State Planning Law, the City Council must refer any substantial changes in the Planning Commission's recommendations on a Specific Plan back to the Planning Commission, must refer the Specific Plan to various public agencies, and must send copies of the adopted Plan to those agencies (which apparently has been or will be done).

The City, as a charter city, need not be bound by these requirements, and historically has not been, according to existing City ordinances and interpretations thereof. However, because of changes in the State law, the attached ordinance should be adopted in order to make it clear that the City is not bound by the above requirements. In particular, if the Council is required to refer Specific Plan changes back to the Planning Commission, the adoption of Specific Plans such as the South Natomas Community Plan could be unnecessarily delayed.

RECOMMENDATION

It is recommended that the attached ordinance be adopted.

Respectfully submitted,

*Theodore H. Kobey, Jr.*  
THEODORE H. KOBEY, JR.  
Assistant City Attorney

RECOMMENDATION APPROVED:

*Walter J. Slize*  
CITY MANAGER

CONTINUED  
TO 5-31-88

FILED  
MAY 21 1988  
cont 706-8-88  
BY THE CITY COUNCIL  
OFFICE OF THE CITY CLERK



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# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

## AN ORDINANCE AMENDING SECTION 56.503 OF THE SACRAMENTO CITY CODE RELATING TO THE ADOPTION OF SPECIFIC PLANS.

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

### SECTION 1.

Section 56.503 of the Sacramento City Code is hereby amended to read  
as follows:

#### Sec. 56.503 Adoption.

Except as provided herein, any Specific Plan shall be adopted  
in accordance with the procedure prescribed in Article 6,  
Chapter 3, of the Planning and Zoning Law. The provisions of  
Section 65352 (pertaining to referral of General Plans), Sec-  
tion 65356 (pertaining to referral of changes by the City  
Council back to the Planning Commission), and Section 65357  
(pertaining to copies of the General Plan), shall not be  
applicable to the City of Sacramento.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AN ORDINANCE AMENDING SECTION 56.503  
OF THE SACRAMENTO CITY CODE RELATING  
TO THE ADOPTION OF SPECIFIC PLANS

SECTION 1.

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# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING SECTION 56.503  
OF THE SACRAMENTO CITY CODE RELATING  
TO THE ADOPTION OF SPECIFIC PLANS

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

SECTION 1.

Section 56.503 of the Sacramento City Code is hereby amended to read  
as follows:

Sec. 56.503 Adoption.

~~Specific plans shall be adopted in accordance with the proce-  
dures prescribed in article 9, chapter 3 of the Planning and  
Zoning Law.~~

Except as provided herein, any Specific Plan shall be adopted  
in accordance with the procedure prescribed in Article 6,  
Chapter 3, of the Planning and Zoning Law. The provisions of  
Section 65352 (pertaining to referral of General Plans), Sec-  
tion 65356 (pertaining to referral of changes by the City  
Council back to the Planning Commission), and Section 65357  
(pertaining to copies of the General Plan), shall not be  
applicable to the City of Sacramento.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

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MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AN ORIGINAL MEMORANDUM DATED 12.20.53  
FROM THE SECRETARY OF THE AIR CORP  
TO THE DIRECTOR OF THE AIR CORP

SECRET