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Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: **Zoning Ordinance Revision**
 (M93-100)

LOCATION AND COUNCIL DISTRICT: City-wide

RECOMMENDATION: The Planning Commission and staff recommend adoption of the proposed Zoning Ordinance. Planning staff requests that the Law and Legislation Committee review the proposed Zoning Ordinance during their meeting on February 16, 1999. Staff proposes to return to the committee on March 2, 1999, to answer questions and to recommend the committee adopt the Zoning Ordinance and forward it to the City Council.

CONTACTS: Carol Shearly, Associate Planner, 264-5893
 Joy Patterson, Zoning Administrator, 264-5607

FOR COMMITTEE MEETING OF: February 16, 1999 and March 2, 1999

SUMMARY: Guided by the goals of restructuring the Zoning Ordinance to improve readability and streamlining the entitlement process and retaining appropriate project review, Planning staff has completed the proposed revision of the City's Zoning Ordinance.

COMMISSION ACTION: On January 14, 1999, the Planning Commission recommended adoption of the proposed Zoning Ordinance and forwarded it to the City Council. Staff presented all portions of the ordinance to the Commission in eight occasions over the last five years.

BACKGROUND INFORMATION: Zoning is the subdivision of a city into districts and the application of different regulations in each district. Zoning regulations are generally divided into two classes: 1) regulations which prescribe the use to which the buildings within a certain district may be put; and 2) regulations which have to do with the structural and architectural design of the buildings.

An effort has been underway in the Planning Division to update the City's Zoning Ordinance. The current Zoning Ordinance was originally approved in 1964 and has been amended on numerous occasions since then. The vision of the urban environment has changed dramatically since 1964. In 1964, the post World War II suburban model was prevalent - separated land uses, heavy reliance on the automobile, provision of much parking, increase in the shopping center as a model of retailing with the subsequent demise of the neighborhood/ corner market, and others. Development trends of today include a willingness to mix land uses to discourage vehicle trips; a response to environmental concerns, such as noise, air quality, and habitat conservation (CEQA was adopted in 1971); a response to social concerns, such as accessibility standards and social services; and the desire to stabilize neighborhoods by allowing a mixture of housing sizes and expansion of existing homes to encourage citizens to remain in the same neighborhood.

The Zoning Ordinance revision has been driven by two basic goals: 1) to restructure the ordinance to enhance reader usability; and 2) to appropriately streamline the planning entitlement process without compromising appropriate project review.

Restructuring the Zoning Ordinance: The Zoning Ordinance is proposed to be reorganized into seven chapters as listed below.

- Chapter 1- General Provisions
- Chapter 2- Zoning Districts and Land Use Regulations
- Chapter 3- Development Standards
- Chapter 4- Non-Conforming Structures and Uses
- Chapter 5- Special Districts
- Chapter 6- City-wide Programs
- Chapter 7- Entitlement Process and Administration
- Appendices
- Index

The proposed organization of the ordinance is consistent with the general organization of many city zoning codes - batching the varied sections by general topic; unlike our current ordinance.

Each of the sections of the current Zoning Ordinance has been located within one of the seven chapters, except Section 17 - Right of Way Lines. Planning and Public Works staff propose to move Section 17 into the City Code with Street Design Standards, the Design Procedures Manual, or another appropriate document. The Table of Contents in the proposed Zoning Ordinance includes the old section number listed after each proposed section for convenient reference. Previously when the Zoning Ordinance was amended a new section would be added to the end, resulting in a hodge podge approach and difficulty in finding many regulations.

Streamline the Entitlement Process: The following list describes some of the changes proposed to be made to the Zoning Ordinance that would streamline the entitlement process:

1. **Revising the standard to allow desired development:** Easing the restrictions on accessory structures (Ch 3 Sec 6) and additions to existing single family and two family dwelling units (Ch 3 Sec 1) is designed to encourage stability in the neighborhood and increased property value. Allowing

Zoning Administrator level review for off-site parking and parking reductions gives incentive to transit use (Ch 3 Sec 2).

2. Removing obstacles to complying with new laws: Examples of streamlining the compliance of new laws include: easing parking restrictions to comply with Title 24 - Accessibility standards (Ch 3 Sec 2), and easing parking restrictions to provide recycling facilities for existing development (Ch 3 Sec 4).

Proposed Changes: The following general changes were made throughout the proposed Zoning Ordinance:

- References to the "Old City" have been changed to "Central City" except the "Old City" definition has been retained for historical value.
- References to "Sacramento Housing and Redevelopment Agency" have been changed to include SHRA or the Downtown Department, as applicable.
- References to old section numbers have been changed to reflect new chapter and section numbers.

A list of the proposed changes by section is included in Exhibit A, attached to this transmittal.

Planning Commission and Staff Input: A draft Zoning Ordinance, Articles I through VII (now called Chapters) was presented to the Planning Commission on December 8, 1994. Chapters 1, 2, and 5 were modified based on staff comments and presented to the Commission on February 2, 1995, and Chapters 4, 6, and 7 were modified and presented to the Commission on June 22, 1995. Chapter 3 related to Development Standards was presented to the Commission on January 15, 1998. On many occasions, policy meetings were held with Planning and other department staff to review proposed sections of the proposed ordinance and receive comments. From December 3, 1998 to January 14, 1999, members of the Planning staff reviewed the entire document.

Community Input: For each Commission hearing, a public notice was sent to each of the interested parties on the Zoning Ordinance Amendment mailing list. The list includes: City Council staff, the Sacramento Metropolitan Chamber of Commerce, Sacramento Board of Realtors, Sacramento Valley Apartment Association, American Institute of Architects, Building Industry Association, various public agencies, newspapers, community associations, and other interested persons. See attached Exhibit B for the mailing list.

Also, on February 1, 1997, the then Planning and Development Department hosted a Restructuring Workshop open to the public. About 100 persons attended. Amending the Zoning Ordinance to eliminate unnecessary review steps and to improve user friendliness was an important concept to improving the Planning Project Process.

"Final Touches": The following three final touches are being put on the proposed Zoning Ordinance and should be ready for review during the March 2nd committee meeting:

- 1) Design Review Procedures - Planning staff is working with Design Review staff to define the Director and Staff Level Design Review procedures.
- 2) Reformat Special Planning Districts - Two SPDs (Richards Boulevard and R Street) need to be reformatted to match the rest of the proposed ordinance.
- 3) Parallel Parking - Staff has had requests for on-site parallel parking standards. Standards similar to the County's are proposed to be added after Public Works staff review.

Other Zoning Ordinance Amendments in Progress: Planning staff have worked cooperatively on this major Zoning Ordinance revision and other ordinance amendments in progress. The following Zoning Ordinance Amendments have been coordinated with this revision:

Central City Housing Strategy	Some ideas to encourage Central City housing have been incorporated, most will be included in the CCHS proposal
Street Standards	Language regarding planter strips was added to Chap. 3 Sec. 1
Flood Zones	Section 26 related to Flood Zones was amended pursuant to the work of the Flood Zone subcommittee
Social Services	Once this amendment is adopted, it will be added to the revision
Executive Airport Overlay Zone	Work on this overlay zone has begun, no changes have been incorporated into the revision

FINANCIAL CONSIDERATIONS: Fees charged for the planning entitlement process are defined in the Fee and Charge Report. The Zoning Ordinance revision does not propose to change the Fee and Charge Report.

POLICY CONSIDERATIONS: The Zoning Ordinance prescribes the use of land and regulates development. The Zoning Ordinance should set forth regulations that result in development that is consistent with the General Plan. The General Plan sets forth the goals, visions, policies, and actions for the City and the Zoning Ordinance regulates the built environment to be consistent with the General Plan. The proposed Zoning Ordinance is more consistent with the 1986 to 2006 General Plan than the current Zoning Ordinance, originally adopted in 1964 and subsequently amended. The proposed Zoning Ordinance has been designed to be sensitive to desired policies of the City Council and evolving lifestyle trends of Sacramento's citizens.

ENVIRONMENTAL CONSIDERATIONS: The Environmental Services Manager has determined the project, the Zoning Ordinance Revision - Phase I, will not have a significant impact on the environment; therefore, a Negative Declaration was prepared and released in October 1994. Subsequently, the Negative Declaration was updated and recirculated in November 1998. No development is associated with the proposed revision and any future development regulated by the Zoning Ordinance will require appropriate environmental assessment.

City Council, Zoning Ordinance Revision (M93-100)
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MBE/WBE: No procurement of goods or services is proposed for this project.

Respectfully submitted,



GARY L. STONEHOUSE
Planning Director

RECOMMENDATION APPROVED:

APPROVED:

See William H. Flynn

BETTY MASUOKA
Deputy City Manager

Jack Crist

JACK CRIST
Deputy City Manager

Attachments:

Exhibit A - Proposed Changes to the Zoning Ordinance Sections

Exhibit B - Mailing List

Proposed Zoning Ordinance - distributed in an earlier memo dated January 27, 1999

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Changes and Issues by Chapter and Section

The following organizational and policy changes and issues have been raised for each proposed chapter of the Zoning Ordinance:

CHAPTER 1 - GENERAL PROVISIONS

- Added "How to Use this Ordinance" and "Interpretation Procedures" sections.
- In the "How to Use this Ordinance" section, clarified fractional requirements for various calculations made for regulations throughout the ordinance.
- Alphabetized definitions and noted that any future definitions will be added in alphabetical order.
- Added definitions for the following planning terms and land uses: deep lot, warehouse, wholesale, retail, drive-through service facility, breezeway, roofed porch, covered patio, covered deck, airport, helistop, artist live/work space, auto dismantler, auto sales, manufactured home, restaurant, school, service station, tutoring center, and others.
- Grouped social service uses under "Social Services" and put referrals under specific facilities (i.e., Non-residential Care Facility- See "Social Services".)
- Grouped medical services under the heading "Medical Services" and put referrals under specific facilities (i.e., Hospital: See "Medical Services").
- Added definitions for "School" (including "School, Public or Private- K-12", "Vocational School", "Dance, Music, Arts, and Martial Arts School"); "College" (including "College Extension" and "College Campus"); and "Tutoring Center".

CHAPTER 2 - ZONING DISTRICTS AND LAND USE REGULATIONS

Section 1 - Zoning Districts

- Added approximate densities for each of the residential zones.
- Outlined the Overlay zones and Special Planning Districts at the end of the section for easy reference.

Section 2 - Land Use Regulations

- Alphabetized land uses in the Land Use Chart and noted that any future land uses will be added in alphabetical order. Also, noted with an asterisk the land uses which have a definition in the Definitions section. Some Land Use Chart cells now have two footnotes, one pertaining to the zone and the other to the use.

- Changes to the Land Use Chart were made to reflect the changes to the footnotes described below.
- Changed the Land Use Chart to allow a vet clinic/hospital in several commercial zones without a special permit if the business is conducted entirely within the building and no outdoor boarding of animals is allowed. These regulations are consistent with the current County regulations.
- Changed the title of Section 2.E to indicate that these are footnotes to the Land Use Chart.
- Footnote #1 requires residential land uses to meet the density/ lot area requirements in Chapter 3 Section 1.
- Footnote #8 was changed from an auto repair footnote to a footnote related to new condominium projects.
- Footnote #11 related to preliminary site plans was relocated to other appropriate zone footnotes and a new footnote related to auto repair in residential zones was added.
- Modified footnote #14 related to incidental uses in office development to be a general secondary use footnote and deleted requirement of an interior entrance as the principal entrance to the secondary use.
- Footnote #17 was modified from referral to the R-1A zone section to a clarification of single family dwellings in the R-1A zone.
- Modified footnote #26 related to single family dwelling standards by 1) reordering standards, 2) clarifying enclosed garage, conversion of garage, and demolition of garage regulations, 3) clarifying access/ driveway requirements, and 4) stipulating that a single family dwelling could have more than one kitchen.
- Footnote #27 related to duplexes was changed to require a Zoning Administrator's Special Permit for two units in the R-1B zone.
- Changed footnote #37 related to duplex/ halfplex development standards.
- Moved Deep Lot Regulations into the Land Use Regulations as footnote #62 and changed number of units allowed so as not to allow fractional remainder to become an additional unit (i.e., originally, any remainder over .5 would allow an additional unit; proposed to "round down" and not allow an additional unit until the full lot area (5,200 square feet) is provided).
- Incorporated Section 2.F- Special Uses (uses that require a special permit in any zone) into the Land Use Chart (i.e., a church use requires a special permit in any zone, so church was added to the Land Use Chart under "C" and a "5" in each zone indicates that a special permit is needed in any zone.)

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- Incorporated Section 2.G- Conditional Uses into the Land Use Chart or other appropriate sections (i.e., residential swimming pools used for swimming instruction, helistops, and antennas).
- Incorporated Section 2.H- General Provisions into the Land Use Chart or other appropriate sections.

Section 3 - Land Use Regulations and Development Standards for Specific Zoning Districts

- Consolidated all sections related to specific zones (i.e., TC, MRD, MIP, etc.) to Section 3 of this article.
- Deleted section related to R-1A zone and incorporated into footnotes #8 and 17 in Chapter 2 Section 2.

CHAPTER 3 - DEVELOPMENT STANDARDS

Section 1 - Height and Area Regulations

Section 1 includes former Section 3 - Height and Area Regulations and Section 4- Special Court Regulations. The subsections are organized as follows: A- How to Read the Chart; B- Height and Area Chart; C- Footnotes to the Chart; and D- Exceptions to the Regulations.

- Old section 3-A on how to read the chart was modified to include how to deal with fractional requirements and a reference to the Definitions section (Chapter 1 Section 4). Also the fact that development within a Special District may have different regulations is stated in the first paragraph.
- The following changes were made to the chart and footnotes in old sections 3-B and 3-C:
 - Since no parcels in the Central City are zoned R-1A, R-2A, R-2B, or R-3, the Central City line for each of these zones was deleted.
 - No parcel in the City is zoned R-4A, so the zone was dropped from the chart and has been deleted throughout the balance of the ordinance.
 - The minimum court requirements formerly located in Section 4 were incorporated into the chart and as footnote #25.
 - The Transportation Corridor (TC) and Employment Center (EC) zones were added to the chart.
 - The maximum height for the C-3/ CBD zone was changed from NR (no requirement) to must meet the Capitol View Protection requirements.
 - A footnote for the R-1A zone (#5) was added since Section 7 related to the R-1A

zone is proposed to be deleted and incorporated as needed throughout the ordinance.

- The street side setback requirement for RMX was changed from 12½ feet to footnote #3 (3 to 5 feet) because RMX lots are traditionally narrow, Central City lots making it difficult to meet the 12½ foot requirement.
- The Minimum Lot Area Per Dwelling Unit for OB and HC zones was changed from NR (no requirement) to NA (not applicable). The residential unit size for SC, C-1, and C-2 zones were retained in support of mixed use and the unit square footage for SC was decreased from 2,500 sf/ unit to 1,500 sf/unit, to be consistent with C-1 and C-2.
- Portions of old Section 3-D were moved or deleted as follows:
 - D-1, 2, 3, and 4 related to Special Site Regulations for OB, SC, HC, RO, M-1S, M-2S, and F zones were moved to the Land Use Regulations (Chapter 2 Section 2).
 - D-5 and 6 related to Additions to Single and Two Family Dwellings became D-7.
 - D-7 related to Wall and Fence Requirements was moved to the new Wall, Fence, and Gate Regulations (Chapter 3 Section 5).
 - D-8 and 9 were repealed previously and so now are proposed to be deleted.
- Portions of old Section 3-E were moved or deleted as follows:
 - E-1 and 4 related to carports and swimming pools were moved to Residential Accessory Structures (Chapter 3 Section 6).
 - E-2 and 10 related to open space interpretation and setbacks were moved to the Definitions section (Chapter 1 Section 4).
 - E-3, 6, 9, and 11 related to kitchen units in hotel/ motels, height variation for public buildings, setbacks in annexed areas, and setbacks- plat of subdivision respectively are proposed to be deleted.
 - E-5 related to fractional requirements was moved to Section A on how to read the chart.
 - E-7 related to height variation in roof structures became D-1.
 - E-8 related to setback area landscape requirements was moved to the new Landscaping and Paving Regulations (Chapter 3 Section 3).
 - E-12, 13, 14, and 15 related to projections into setbacks became D-2.

- E-16 and 17 related to requirements for through lots and odd-shaped lots became D-5 and 6 respectively.
- E-18 was repealed earlier and is now proposed to be deleted.
- E-19, 20, and 21 related to lot dimensions, small lots, and substituted rear yard for corner lots respectively became D-8, 9 and 4 respectively.
- Old Section 4 related to Special Court Regulations was incorporated into the height and area regulations except: B-4 and B-6 related to door openings and stairs in court area were proposed to be deleted and D-8 related to no main entrance from rear yard was moved to Chapter 3 Section 1-C-2, the residential rear yard footnote.

Section 2 - Parking Regulations

This section is formerly Section 6 of the Zoning Ordinance. It has been reorganized to include the following subsections: A- General Provisions; B- Parking Requirement by Land Use Type; C- Development Standards for Parking; D- Loading and Unloading Areas; E- Bicycle Parking Requirements; and F- Parking Requirements in the CBD.

- Old Section 6-A-1 related to required parking became new subsection B.
- Old Section 6-A-2, 3, and 4 related to parking waivers or reductions became subsection A-2-a, b, and c.
- Old Section 6-B related to loading and unloading became subsection D.
- Old Section 6-C related to development standards forms the basis of the new subsection C.
- Old Section 6-D related to special requirements were moved, deleted, and reordered as follows:
 - Subsection D-1 related to CBD requirements became subsection F.
 - Subsections D-2, 11, 14, 16, and 21 related to stand-alone parking facilities, building size increases, ownership, zoning, and applicability to existing buildings became portions of the General Provisions subsection A.
 - Subsections D-3, 4, 5, 6, 8, and 9 related to surfacing, curbing, planters, lighting, and walkways were moved to the new Landscaping and Paving Regulations (Chapter 3 Section 3).
 - Subsections D-7 and 17 were previously repealed so are proposed to be deleted.
 - Subsections D-10, 13, and 19 related to use of parking facilities, parking in setback areas, and tree shading became portions of subsection C related to

development standards.

- Subsection D-12 related to fractional requirements became part of subsection B.
- Subsection D-15 related to Certificate of Occupancy was deleted.
- Subsection D-18 related to Central City parking was incorporated into subsection B - parking ratio chart.
- Subsection D-20 related to Temporary Parking Lots is proposed to be deleted.
- Old Section 6-E related to Transportation Systems Management was moved to the City-wide Programs as Chapter 6 Section 1.
- Old Section 6-F related to calculation of off-street vehicle parking reductions is proposed to be deleted.
- Old Section 6-G related to bicycle parking regulations was simplified and became subsection E.

Section 3 - Landscaping and Paving Regulations

This is a new section composed of portions of old Sections 2 (Land Use), 3 (Height and Area), and 6 (Parking). The section is organized in the following subsections: A- Landscaping Requirements; B- Paving Requirements; and C- Other Site Requirements.

Section 4 - Recycling and Solid Waste Disposal Regulations

- Sections A, B, and C were consolidated into one section entitled General Provisions. Otherwise this section was generally consolidated and repeat phrases were deleted. Planning staff will be reviewing this section for revisions in the near future.

Section 5 - Wall, Fence and Gate Regulations

This section includes old Section 3-D-7 related to wall and fence requirements; the new Gated Development section; and Section 3.1 related to sound walls.

- The wall and fence regulations section (old Section 3-D-7) was modified as follows:
 - A definition of height and statements about responsibility for maintenance and non-conforming fences were added.
 - For Clear Zones: Residential front yard fences are allowed to be 4 feet instead of 3 feet, and the clear zone triangle was decreased in size from 20 feet to 10 feet. Also, the corner lot clear zone section was deleted and is proposed to refer to the pertinent City Code section.

- The language was clarified that posts and pilasters are allowed for wrought iron fences in specific situations.
 - The language related to landscaping in the street side yard setback area for single and two family residential uses was clarified.
 - The language was clarified that walls on the side property line shall be decreased in height in the front setback area.
 - The language was clarified when front landscaping must be in front of a fence and when it may be behind the fence.
- The following changes were made to the sound wall section: simplified to whom the regulations apply and simplified the development standards and structural criteria.

Section 6 - Residential Accessory Structures and Uses

Staff has modified old Section 5 into a new section with a matrix format with footnotes. The section includes subsection A for Purpose; subsection B for Definitions, subsection C for General Provisions; subsection D for Attached Accessory Structures; Section E for Detached Accessory Structures; and subsection F for Other Accessory Uses. The matrices include a variety of accessory structures and uses and corresponding development standards. The types of accessory structures and uses to be included in the matrix include: garages, carports, and parking pads; patios, patio covers, and decks; pools, spas, hot tubs, and saunas; and other accessory structures. The development standards will include: required setbacks, permitted rear yard lot coverage, required minimum distance from the main building, maximum height, required driveway size, and other standards.

Section 7 - Infill Regulations

The Infill Regulations section is based on old Section 9-B. Section 9-A related to Deep Lot Regulations was moved to Chapter 2 Section 2-E-62 in the Land Use Regulations. Few changes were made to this section. A major effort to improve the City's Infill Regulations is underway. When completed, the infill regulations may stay under Development Standards in the Zoning Ordinance or may be moved to City-wide Programs.

CHAPTER 4 - NON-CONFORMING STRUCTURES AND USES

Staff have modified this chapter into a matrix format with footnotes to improve readability and clarity.

- Revisions have been proposed to make it easier for all vacant non-conforming residential structures to be retained and rehabilitated. (page 4-1-11 and elsewhere)
- Paragraph #15 related to listed historic structures that are non-conforming structures or uses has been added.

CHAPTER 5 - SPECIAL DISTRICTS

This chapter remains essentially the same as in the current Zoning Ordinance. All special districts have been placed in one chapter to make them easier to find.

- Added maps that depict the PUDs in the City and indicate that specific PUD Development Guidelines may supersede Zoning Ordinance regulations for development in these areas.

CHAPTER 6 - CITY-WIDE PROGRAMS

Section 1 - Transportation Systems Management

- A section defining the purpose of the program was added; otherwise this section is substantially the same.

Section 2 - Housing Trust Fund

- No changes proposed.

Section 3 - Condominiums

- Reorganized section to simplify.

CHAPTER 7 - ENTITLEMENT PROCESS AND ADMINISTRATION

Section 1 - Application and Fees

- Added a withdrawal and suspension section.

Section 2 - Hearings and Appeals

- Wording allowing for extension of 10 day appeal was deleted.

Section 3 - General Plan and Community Plan Amendments

- New section (parts of Section 13) that clarifies procedures for a plan amendment.
- Simplified noticing requirements to include newspaper notice, posting, and mailing to owners within 500 feet.

Section 4 - Zoning Amendments and Rezones

- New section (parts of Section 13) that clarifies procedures for Zoning Ordinance amendments and rezones.

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- Simplified noticing requirements to include newspaper notice, posting, and mailing to owners within 500 feet.

Section 5 - Special Permits

- Clarified Special Permit Modifications procedures.
- Simplified noticing requirements.

Section 6 - Variances

- Simplified noticing requirements.

Section 7 - Plan Reviews

- Clarified a Plan Review as a distinct entitlement and set Modifications procedures.
- Simplified noticing requirements.

Section 8 - Home Occupation Permits

- Added language to emphasize that auto repair is not allowed as a Home Occupation Permit.

Section 9 - Emergency Permits

- New section using the County's emergency permit language.

Section 10 - Administration and Enforcement

- Deleted Annual Fee Increase and Waiver of Fee Increase sections as they are not used and are more appropriate in the fee and charge report.

EXHIBIT B

**AMENDMENTS
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