



CITY OF SACRAMENTO

DEPARTMENT OF ENGINEERING
915 I STREET SACRAMENTO, CALIFORNIA 95814
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CITY MANAGER'S OFFICE
RECEIVED
APR 3 1980

R. H. PARKER
CITY ENGINEER
J. F. VAROZZA
ASSISTANT CITY ENGINEER

April 2, 1980

City Council
Sacramento, California

APPROVED AS
BY THE CITY COUNCIL
APR 8 1980
AMEND 1020

Honorable Members in Session:

SUBJECT: Ordinance Adopting Requirements for Active
Solar Heating Systems for Outside Swimming
Pools

OFFICE OF THE
CITY CLERK

SUMMARY

Submitted is an ordinance amending Chapter 9 of the Sacramento City Code by adopting requirements for active solar heating systems for outside swimming pools. This ordinance was prepared at the direction of the Planning and Community Development Committee. Even though this ordinance would have an effective date 30 days after its adoption, State law dictates that it cannot be enforced until the State Energy Commission makes a finding that it will result in a diminution of the consumption of energy below that which results from the Commission's regulations. It is recommended that the submitted ordinance be adopted.

BACKGROUND

At the September 12, 1979 Planning and Community Development Committee meeting, staff was directed to seek the assistance of the State Energy Commission in performing a cost effectiveness analysis for solar pool heating in the City.

A report on this subject was presented at the January 23, 1980 Committee meeting. An updated version of this report is herewith being submitted. After discussion on the matter, the Committee directed the City Attorney to prepare an ordinance on the subject for consideration by the Council. The submitted ordinance would become effective 30 days after adoption; however, it cannot be enforced until the Energy Commission has made a finding that it will result in a diminution of the consumption of energy below that which results from the Commission's regulations. Current Commission regulations require all new pools to be supplied with a cover, a time clock to regulate pump operation to non-peak hours and other minor equipment requirements. If the ordinance is adopted, staff will file the economic analysis with the Commission and request that they make the above mentioned finding concerning the diminution of energy

consumption. It will be necessary for staff to submit data quantifying energy savings when this request is made.

RECOMMENDATION

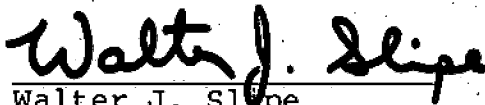
It is recommended that the submitted ordinance adopting requirements for active solar heating system for outside swimming pools be adopted.

Respectfully Submitted,



R. H. Parker
City Engineer

RECOMMENDATION APPROVED:



Walter J. Slupe
City Manager

April 8, 1980

APR 8 1980

CITY MANAGER
MAYOR J. STINE

RECOMMENDATION APPROVED:

CITY ENGINEER
B. H. BAKER

RESPECTFULLY SUBMITTED

FOR THE CITY MANAGER REGARDING THE PROPOSED ADJUSTMENT TO THE CITY'S ENERGY CONSUMPTION REQUIREMENTS FOR THE CITY'S SWIMMING POOLS BE ADOPTED. IT IS RECOMMENDED THAT THE SUBMITTED ORDINANCE ADOPTING REQUIREMENTS

RECOMMENDATION

AND ENERGY SAVINGS WHEN THIS REQUEST IS MADE. CONSUMPTION. IT WILL BE NECESSARY FOR THE CITY TO SUBMIT DATA QUANTITATIVELY

ORDINANCE NO.

FOURTH SERIES

ORDINANCE AMENDING CHAPTER 9
OF THE SACRAMENTO CITY CODE
ADOPTING REQUIREMENTS FOR
ACTIVE SOLAR HEATING SYSTEMS
FOR OUTSIDE SWIMMING POOLS

SECTION 1.

The City Council of the City of Sacramento hereby finds as follows:

a. The residents of the City of Sacramento face the uncertainty of conventional energy source supply and the certainty of rapid cost increases for conventional energy sources as a result of conventional energy resource scarcity and the lack of new production and generation facilities. Fossil fuel swimming pool heating is a nonessential use of these scarce energy resources.

b. The California Energy Commission and California Public Utilities Commission have determined that solar water heating systems and passive design applications are technically mature and are ready for commercial applications. Both Commissions have concluded that they should designate solar energy, along with conservation, as a preferred element of supply planning to meet California's future energy needs.

c. Studies have been conducted which show the local climatic conditions within the City of Sacramento are favorable to the use of swimming pools without fossil fuel heating between May and October.

d. A solar heater requirement for swimming pools will result in a diminution in energy use greater than that which would occur

under existing California Administrative Code Title 25, Part 6, Article I, Section T20-1406(c).

e. A solar heater requirement for swimming pools will be cost effective in that the range of anticipated costs for pool heating with solar is lower than the range of anticipated costs for pool heaters with gas.

SECTION 2.

The intent of this section is to restrict the use of non-renewable fossil fuels thereby conserving natural resources and to encourage the use of alternatives as the primary heat source for swimming pool heating.

SECTION 3.

Section 9.233 is added to the Sacramento City Code to read as follows:

Sec. 9.233

No person shall install or replace a fossil fuel heater for heating any swimming pool on or after May 8, 1980, unless such person shall install an active solar heating system for such swimming pool before or simultaneously with such installation or replacement.

(a) The term "fossil fuel heater" shall mean any heating device which consumes any petrochemical substance by combustion for the purpose of producing heat. "Petrochemical substance" shall include, but not be limited to, natural gas, propane, oil, gasoline, kerosene, diesel fuel or any other hydrocarbon distillate derived from petroleum.

(b) The term "swimming pool" shall mean and include any confined body of water exceeding two (2) feet in depth and greater than one hundred fifty (150) square feet in surface area, located above or below the finished grade of the site, and designed, used or intended to be used, for swimming, bathing, or therapeutic purposes. The term "swimming pool" as used in this section shall not include any swimming pool fully enclosed in a permanent structure or apply to a hot tub or spa which is not installed with a swimming pool.

(c) The term "active solar system" as applied in this section shall mean and include a device which circulates water through a heat exchange device ("collector") for the purpose of heating water for a swimming pool by use of radiated solar energy; and,

(i) which has a collector surface area equal to at least fifty percent (50%) of the surface area of the swimming pool; and,

(ii) which complies with the then current regulations of the California Energy Commission with respect to orientation of collectors for water heating systems for swimming pools (currently California Administrative Code, Title 20 Section 2603(b)).

(d) Any active solar system for which the person installing the system obtains a CAL SEAL label pursuant to the CAL SEAL program shall be deemed to conform to the requirements for an active solar system stated above. Any active solar system which meets the Regulations for the California Solar Tax Credit established

by the Energy Resources Conservation and Development Commission shall be deemed to conform to the requirements for an active solar system stated above.

(e) Any person desiring to install an active solar system which has a collector of less area than fifty percent (50%) of the surface area of the swimming pool shall comply with Sections 9.577 and 9.588 of this chapter.

(f) Any owner of property where topographical conditions, development, or existing trees or buildings on or surrounding the site for the swimming pool or probable location of the collection system preclude effective use of an active solar heating system may apply for relief from this section. The Director shall from time to time establish fees for processing such applications to reimburse the costs incurred in such processing.

CALIFORNIA ENERGY COMMISSION

1111 HOWE AVENUE
SACRAMENTO, CALIFORNIA 95825

(916) 920-6816



April 4, 1980

Honorable Phillip L. Isenberg
Mayor
City of Sacramento
City Hall
Sacramento, California 95814

Dear Mayor Isenberg:

This is a response to the letter of Mr. Britton McFetridge of the California Swimming Pool Industry Energy Codes and Legislative Council (SPEC). Unfortunately, the delivery of SPEC's letter just three days before the final filing date makes it difficult for the interested public to participate in a full fledged discussion of the issues at hand.

SPEC's remarks are directed at the cost-effectiveness analysis, referred to as Solar Finance 2 (SOLFIN 2) done for Sacramento by the Staff of the California Energy Commission. SOLFIN 2 is a computer program that uses standard equations for calculating and comparing the life-cycle costs of alternative energy systems.

At the request of Mr. Keith Bray of the SolarCal Office, on January 23 I presented to the Planning and Community Development Committee a study examining the cost-effectiveness of active solar pool heating. That study supported the proposed ordinance requiring active solar as the primary source of energy for heating pools. It used the best information available at the time.

The letter indicates two areas of concern: the validity of the computer programs and the assumptions used. Both programs have received support from experts at the California Energy Commission and elsewhere. The POOLS computer program is a procedure for determining swimming pool heating loads. It simulates monthly and annual heating requirements under a wide variety of assumptions pertaining to pool size, shape, volume, surface wind speed, ambient temperature, ground temperature, pool cover usage, etc. The POOLS program was developed by Lawrence Berkeley Laboratory.

The assumptions used to determine (1) heating loads; and (2) life-cycle costs are also criticized. Without question the most penetrating criticism pertains to the type of pool cover (See page 2, number 3 of the McFetridge letter). It is correctly pointed out that a single-layer cover was used in the POOLS program to determine the heating loads under the various levels

of cover usage examined. There is some evidence, however, to support the claim that double-layer pool covers are being sold in significant quantities. Therefore, an analysis reflecting their use should be developed. We have rerun the POOLS program for just that purpose. Table I shows natural gas required to maintain an average daily pool temperature of 78° during the six month swimming season, May-October. Also shown is the natural gas required in the presence of single and double-layer covers used 25% of each day. Use of a double-layer cover approximately halves the natural gas required (see "No Solar" column) to maintain a 78° temperature.

TABLE I
Natural Gas Requirements
With and Without Single and Double-Layer Pool Covers

	<u>Solar System Size</u>			
	<u>No Solar</u>	<u>50%</u>	<u>75%</u>	<u>100%</u>
Open Pool	1134.0	554.9	423.1	291.3
Single	776.8	353.7	253.2	163.0
Double	596.5	270.5	187.3	128.0

There are two issues regarding pool covers which are not dealt with by SPEC. First, there is a growing belief that, on the average, pool covers purchased since the implementation of the statewide pool cover mandate have declined in quality. There is a wide variance in the performance of pool covers. There is a tendency on the part of new pool buyers to purchase covers which meet little more than the minimum requirements of the regulation. Secondly, I doubt pool covers are used consistently once purchased. To be precise, the POOLS program calculations presented above assume that the pool owner religiously applies the cover for 6 hours each day. This is, I believe, a strong assumption. In fact, in the opinion of Mr. Geremia of Geremia Pools of Sacramento,

"Ninety percent of them will be folded up and put in the garage in the corner after they've been on and off once or twice or a guy wanted to go out and dive in his pool at 10:00 o'clock and it took two men and a boy to get the cover off." (August 2, 1979, Workshops on revision of residential buildings standards).

Santa Barbara County implemented a solar pool heating ordinance in August of 1979. Mr. David Inger, Senior Energy Specialist, Division of Building and Safety, County of Santa Barbara, recently testified before the CEC:

"Pool covers are typically not used on existing or on new pools. As of July 1979, pool covers were, of course, mandated for new pools. There was no way, of course, to ensure that owners would use them and, as was brought

out earlier, it's quite often to find them folded up and put in the garage. This is understandable. They're a relatively heavy item. Most of them are not automatic. They are the so-called bubble-backs During the pool heating season, it is very common for the covers, I think it's almost universal for the covers not to be used." (CEC Hearing Trans., 2/13/80, p.95).

There are no statistical surveys of pool cover quality and use. Nevertheless, experience and opinions available cast doubt on the likelihood that pool covers are a reliable energy conservation device for swimming pools.

Several criticisms of lesser importance were raised by McFetridge. These involve (1) consumption of electricity to circulate pool water to the collectors; (2) the state solar tax credit and its future; (3) the useful lives of the natural gas pool heater, pool cover and collector system; (4) solar system installed costs; and (5) mortgage and inflation rates.

- (1) Electricity consumption (McFetridge p.2, Number 1): Contrary to his assertion, it is not "well-established that a solar system requires upwards to 4 hours additional filter pump motor usage than would be required for filtration without solar." Again citing Mr. Inger of Santa Barbara County:

"I think that I can state categorically that in no way does the addition of a solar pool heating system add to the electrical energy usage by the overall system. The reason why I could make that statement is because I have never seen a swimming pool timer that has been set for the 4.4 hour turnover period that is required or suggested for a one and a half horsepower pump here. Typically during the summer months pool filters will have their timers set for anywhere from 10 to 12 hours." (CEC Hearing Trans., 2/13/80, p.97).

- (2) State Solar Tax Credit (McFetridge, p.2, Number 2): The future of the state solar tax credit is less certain than just 2 months ago. Nevertheless, there is a strong Legislative commitment to solar and the continuance, in some form of this income tax credit. SPEC's assertion that we have assumed that the credit will "be operable for an infinite length of time" is not valid. The analysis uses the current costs of solar and conventional pool heating equipment, existing financing terms, tax treatment and Commission adopted forecasts of future prices of natural gas and the general rate of inflation. This approach is necessary to determine if solar energy is cost effective today.
- (3) Equipment lives: (McFetridge, p.2, Numbers 5, 6, and 7): The pool cover life is dependent upon the frequency of use and its treatment. Since the pool covers must be guaranteed for three years to qualify for the tax credit, I have increased the cover life from two to three years.

We also have reconsidered the useful life of the collector. It is not quite correct when SPEC claims there is "absolutely no life-cycle experience to validate" the claim that collectors last 15 years. We do know copper plumbing and collectors last in excess of 20 years. In fact, the CEC Residential Energy Conservation Design Manual requires that life-cycle costs comparisons for pool heating be based on a 20 year life for copper collectors. For this reason, the useful life of the collectors has been specified as 20 years. Similarly, the Design Manual specifies a 10 year system life for the gas heater. This is the value used in the analyses.

- (4) Solar System Cost (McFetridge, p.3, Number 8): SPEC is critical of the cost for a solar system sized to 75% of the pool area. Since the original calculations solar system costs have risen. The new calculations use higher costs of \$2,500, \$3,500 and \$4,500 for the 50%, 75% and 100% solar systems, respectively.
- (5) Mortgage and Inflation Rates (McFetridge, p.3, Numbers 9 and 10): At the time of the initial analyses, these values were 13.5% and 8%, respectively. Recent changes in national money markets have resulted in higher interest rates. Accordingly, we are using 16.5% in the analysis presented below.

Similarly the new analyses use an inflation rate more consistent with that being developed by federal economic forecasting activities.

Table II summarizes the changes introduced in the revised analysis. Two other changes have been made: (1) the natural gas rate block structure currently in effect for the Pacific Gas and Electric service area residential customers has been used and (2) the level of average household income for pool owners (which is reflected in the annual tax liabilities and marginal income tax rates) has been increased to \$30,000 from \$20,000.

April 4, 1980

TABLE II
Adjustments to Assumptions

	January 17, 1980*	April 3, 1980
Solar System Cost		
50% of pool area	\$2090	\$2500
75% of pool area	\$2580	\$3500
100% of pool area	\$3275	\$4500
Cover	Single Layer	Double Layer
Collector life	15 years	20 years
Mortgage rate	13.5%	16.5% **
Inflation rate	8%	variable **
Rate block structure		
Summer	Winter	
0 - 26	0 - 106	0.2718
27 - 52	107 - 212	0.4427
53+	213+	0.5382
Household income	\$20,000	\$30,000

* See memo to Mel Johnson, dated January 17, 1980.

** Annual inflation rate series:

1981-82, 13%; 82-83, 11.5%; 83-84, 9.8%; 84-85, 8.3%; 85-86, 7.2%
86-87, 6.0%; 87-88, 5.5%; 88-89, 4.3%; 89-2000, 4.0%.

Table III shows that a solar system sized to 50% of the total pool surface area combined with a double layer pool cover used 25% of each day is the minimum cost alternative.

TABLE III

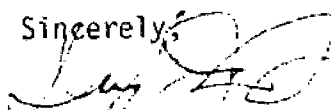
Life Cycle Costs for Various Pool Heating Options
Life Cycle Cost Comparisons

	Gas Only	Solar System Size (Percent of Pool Area)		
		50%	75%	100%
1. Open Pool	\$13,045	\$7,676	\$7,346	\$7,115
2. Covered Pool*	\$ 7,761	\$6,621	\$6,833	\$7,300

* It is assumed that the pool is covered 25% of each day during the swimming season.

This analysis demonstrates that even with the changes suggested by SPEC combined with new information concerning the quality of pool covers purchased under the existing statewide mandate and the frequency with which they are used, the fundamental conclusions of the earlier study remain valid. Active solar remains an economically viable means of reducing the quantity of natural gas used for pool heating.

Sincerely,



DARRYL JOHNSON,
CALIFORNIA ENERGY COMMISSION

Memorandum

To : Neil Johnson
City Engineering Department
915 I Street, Room 207
Sacramento, CA 95814

Date : January 17, 1980

From : Keith Bray, Consultant to SolarCal's
Local Government Commission on Renewable
Resources

Subject: Report on the Cost-Effectiveness of Solar Pool Heating in the City
of Sacramento

On September 12, 1979, the Planning and Community Development Committee requested that a study examining the cost-effectiveness of solar pool heating be completed by the city staff. The following is a summary of the economic analysis completed with the assistance of the California Energy Commission.

The economic analysis compares the life-cycle costs of equipment purchase, installation and lifetime operation solar and conventional systems. Solar Finance 2 (SOLFIN 2) was used for the computations.

Several levels of assumed pool cover usage and solar collector size were examined. Pool cover usage varied from no cover usage (open pool) to cover usage 75% of each day of the May through October swim season. For each level of cover usage, three levels of solar system size (collector area) were examined. The smallest system was costed at \$2,890 and covers 50% of the 578 square foot pool. The largest system, priced at \$4,230 covers 100% of the pool area. Except for the cases examined for which no backup conventional heater was assumed, the desired swim temperature of 78 degrees was maintained throughout the swim season. All thermal energy requirements were calculated using the Lawrence Berkeley Laboratory POOLS program.

The Pacific Gas and Electric summer rate schedule was used to determine the average price of natural gas. The Energy Commission natural gas price forecast was used to determine future gas prices. Finally, the state tax credit for solar energy systems was applied to both the active solar equipment and the pool cover.

The attached tables summarize the results of the economic analysis:

TABLE 1: NO MAINTENANCE EXCEPT COVER REPLACEMENT WITH BACK-UP SYSTEM

When a pool cover is used 50% of the time and the collector area equals at least 75% of the pool area, the life-cycle cost ratio (total discounted costs of the conventional system to the total discounted costs of the solar

system) is 1.32. In other words, the gas pool heater will cost about 30% more than a solar system over a 20-year period. Using the same conditions except altering the pool cover usage to zero, the life-cycle cost ratio is 1.89. Over twenty-years then, the conventional would cost 89% more than a solar system.

TABLE 2: WITH MAINTENANCE AND BACK-UP SYSTEM

Maintenance, as a percentage of the system costs (4% over two-years), was added to the analysis. If the pool covered 50% of the time and the collector area is 75% of the pool area, the life-cycle cost ratio is 1.2. This indicates that a conventional gas heater will cost about 20% more than a solar system.

TABLE 3: NO MAINTENANCE EXCEPT COVER REPLACEMENT AND NO BACK-UP

In this category, the solar system displaces natural gas by 100% because there is no back-up system. When solar energy is the only source of heating a pool during the swimming season, the temperature of the pool will fluctuate. Using the same conditions as in the previous two categories, when a pool cover is used 50% of the time and the collector area equals at least 75% of the pool area, the life-cycle cost ratio registers 1.88. Again, over a twenty-year period, a conventional gas heater would cost about 90% more than a solar pool heater. If the pool coverage was changed to no usage and all other variables are held constant, the life-cycle cost ratio comes to 5.45. This means that over the same twenty-year period, a conventional system will cost almost 550% more to heat a pool than a solar system.

In all cases examined the life-cycle cost of purchasing, installing, and operating a solar pool heating system was found to be less than that for a conventional gas pool heating system.

A more extensive presentation will be made by the Commission to the Planning and Community Development Committee on Wednesday, January 20, 1980.

KB:DJ:mg

CITY OF SACRAMENTO
 ECONOMIC ANALYSIS¹
 OF
 SOLAR POOL HEATING
 JANUARY 17, 1980

SIX MONTH SWIM SEASON (MAY-OCTOBER)
 578 SQ. FT. POOL AREA
 AVERAGE DEPTH OF 5 FT.
 DESIRED SWIM TEMPERATURE OF 78°
 NO MAINTENANCE EXCEPT COVER REPLACEMENT
 WITH BACKUP SYSTEM

	Backup ² Therms	Percent ² Displaced	Life-Cycle Cost	Present Value	Ratio	Run Number
No Cover (Open Pool)						4176
N. Gas 1134 Therms ²			\$12,847 ³			
Case 1) 50% solar	554.9	51	7,641	\$5,206	1.68	
2) 75% solar	423.1	63	6,797	6,050	1.89	
3) 100% solar	291.3	81	6,237	6,610	2.06	
25% Cover Usage						4085
N. Gas 776.8 Therms ²			\$11,296 ³			
Case 1) 50% solar	353.7	55	7,819	3,477	1.44	
2) 75% solar	253.2	67	7,341	3,955	1.54	
3) 100% solar	163.0	79	7,237	4,060	1.56	
50% Cover Usage						4128
N. Gas 506.3 Therms ²			\$ 8,546 ³			
Case 1) 50% solar	218.5	57	6,508	\$2,039	1.31	
2) 75% solar	156.1	69	6,446	2,100	1.32	
3) 100% solar	97.1	81	6,660	1,886	1.28	
75% Cover Usage						4146
N. Gas 405.8 Therms ²			\$ 7,535 ³			
Case 1) 50% solar	169.9	58	6,061	\$1,474	1.24	
2) 75% solar	117.9	71	6,109	1,426	1.23	
3) 100% solar	62.4	85	6,379	1,156	1.18	

1. Based on SOLFIN 2.
2. Based on "A Computer Program for Evaluating Swimming Pool Heat Conservation," Lawrence Berkeley Laboratory.
3. Pertains to natural gas fueled conventional pool heater.

CITY OF SACRAMENTO
ECONOMIC ANALYSIS
OF
SOLAR POOL HEATING
JANUARY 17, 1980

SIX MONTH SWIM SEASON (MAY-OCTOBER)
578 SQ. FT. POOL AREA
AVERAGE DEPTH OF 5 FT.
DESIRED SWIM TEMPERATURE OF 78°
WITH MAINTENANCE AND BACKUP SYSTEM

	Backup ² Therms	Percent ² Displaced	Life-Cycle Cost	Present Value	Ratio	Run Number
No Cover (Open Pool)						4773
N. Gas 1134 Therms ²			\$13,126 ³			
Case 1) 50% solar	554.9	51	8,224	\$4,902	1.59	
2) 75% solar	423.1	63	7,517	5,609	1.74	
3) 100% solar	291.3	81	7,151	5,976	1.83	
25% Cover Usage						4593
N. Gas 776.8 Therms ²			\$11,575 ³			
Case 1) 50% solar	353.7	55	8,486	\$3,089	1.36	
2) 75% solar	253.7	67	8,145	3,430	1.42	
3) 100% solar	163.0	79	8,234	3,340	1.41	
50% Cover Usage						4663
N. Gas 506.3 Therms ²			\$ 8,825 ³			
Case 1) 50% solar	218.5	57	7,175	\$1,650	1.23	
2) 75% solar	156.1	69	7,250	1,575	1.22	
3) 100% solar	97.1	81	7,658	1,167	1.15	
75% Cover Usage						4823
N. Gas 405.8 Therms ²			\$ 7,814 ³			
Case 1) 50% solar	169.9	58	6,728	\$1,086	1.16	
2) 75% solar	117.9	71	6,913	901	1.13	
3) 100% solar	62.4	85	7,377	436	1.06	

1. Based on SOLFIN 2.
2. Based on "A Computer Program for Evaluating Swimming Pool Heat Conservation,"
Larence Berkeley Laboratory.
3. Pertains to natural gas fueled conventional pool heater:

CITY OF SACRAMENTO
ECONOMIC ANALYSIS¹
OF
SOLAR POOL HEATING
JANUARY 17, 1980

SIX MONTH SWIM SEASON (MAY-OCTOBER)
578 SQ. FT. POOL AREA
AVERAGE DEPTH OF 5 FT.
DESIRED SWIM TEMPERATURE OF 78°
NO MAINTENANCE EXCEPT COVER REPLACEMENT
NO BACKUP SYSTEM

	Backup ² Therms	Percent ² Displaced	Life-Cycle Cost	Present Value	Ratio	Run Number
No Cover (Open Pool) N. Gas 1134 Therms ²			\$12,847 ³			5946
Case 1) 50% solar	0.0	100	1,863	\$10,984	6.89	
2) 75% solar	0.0	100	2,357	10,490	5.45	
3) 100% solar	0.0	100	3,081	9,766	4.17	
25% Cover Usage N. Gas 776.8 Therms ²			\$11,296 ³			6083
Case 1) 50% solar	0.0	100	4,050	\$ 7,246	2.79	
2) 75% solar	0.0	100	4,554	6,742	2.48	
3) 100% solar	0.0	100	5,279	6,017	2.14	
50% Cover Usage N. Gas 506.3 Therms ²			\$ 8,546 ³			6051
Case 1) 50% solar	0.0	100	4,050	\$ 4,495	2.11	
2) 75% solar	0.0	100	4,554	3,992	1.88	
3) 100% solar	0.0	100	5,279	3,267	1.62	
75% Cover Usage N. Gas 405.8 Therms ²			\$ 7,535 ³			5999
Case 1) 50% solar	0.0	100	4,050	\$ 3,484	1.86	
2) 75% solar	0.0	100	4,554	2,981	1.65	
3) 100% solar	0.0	100	5,279	2,256	1.43	

1. Based on SOLFIN 2.
2. Based on "A Computer Program for Evaluating Swimming Pool Heat Conservation," Lawrence Berkeley Laboratory.
3. Pertains to natural gas fueled conventional pool heater.



California Swimming Pool Industry
Energy, Codes and Legislative Council

RECEIVED
OFFICE OF THE MAYOR

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SACRAMENTO CITY COUNCIL

April 8, 1980

PROPOSED ORDINANCE MANDATING SOLAR POOL HEATING

POSITION PAPER

The California Swimming Pool Industry, Energy, Codes and Legislative Council is adamantly opposed to the proposed ordinance on solar pool heating. Mandating solar energy for swimming pool heating does not make either energy or economic sense. While the swimming pool industry supports solar energy and has played a key role in its development, we believe that mandating solar heating would be counterproductive and is unnecessary given present market conditions.

We ask your consideration of the following points:

A. THE CITY COUNCIL HAS NOT ESTABLISHED THE COST-EFFECTIVENESS OF THE PROPOSED ORDINANCE AS REQUIRED BY STATE LAW.

In enacting this ordinance, the City Council has the statutory obligation to insure that the ordinance is cost-effective (Public Resources Code Section 25402.1). Without this finding of cost-effectiveness, the City Council does not have the legal authority to enact a residential energy conservation standard. As we have earlier pointed out to you (see attached correspondence), the report made to the City by the California Energy Commission, purporting to show the cost-effectiveness of the proposed ordinance, is factually incorrect. Whether by ineptness or calculated design, the Energy Commission's report so misstates fuel usage and economic realities that it is utterly worthless as supportive documentation.

B. THE CITY COUNCIL HAS NOT ESTABLISHED THAT THE PROPOSED ORDINANCE WILL CAUSE A DIMINUTION OF ENERGY GREATER THAN THAT WHICH WOULD OCCUR UNDER EXISTING ENERGY CONSERVATION STANDARDS.

The proposed ordinance, if enacted, may cause an increase in aggregate energy consumption. The operation of an active solar system requires the use of a larger pump motor and longer periods of circulation. Almost all of this additional pumping time will occur during the electrical utilities' peak load period. The additional electrical usage needed to run an active solar system on a normal size pool during the swimming season will amount to 1400 kilowatt hours of electricity. When you consider this increased use of electricity against the fact that pool owners are either using pool covers in conjunction with heating their pools or are simply not using their pool heaters at all because of the high cost of natural gas, the case for solar as an energy saver becomes fatally flawed.

C. THE PROPOSED ORDINANCE IGNORES THE REALITIES OF ENERGY CONSERVATION NOW TAKING PLACE.

Californians are conserving nonrenewable sources of scarce energy without recourse to punitive governmental regulation. Education and marketplace factors are dramatically reducing the consumption of energy. P.G. & E. recently reported that consumers in Northern California, including Sacramento, used 25% less natural gas than last year. Pool owners are voluntarily installing solar systems, using pool covers, or turning their pool heaters off altogether. The Energy Commission's report sets up the absurd hypothetical situation of an average pool owner heating his or her pool to 78° without a cover from May 1 through October 31. We defy anyone to show us this is occurring to any measureable extent. This neither conforms to the normal use practices of most pool owners nor to their ability to afford such high energy costs.

D. THE ENACTMENT OF THE PROPOSED ORDINANCE WILL HAVE A LARGE, ADVERSE ECONOMIC IMPACT ON SACRAMENTO BUSINESSES, EMPLOYMENT AND THE LOCAL TAX BASE.

There will be a substantial reduction in the purchase of new pools as a result of the mandate for solar pool heating. The increase in a new pool's cost will be between \$3,000 and \$5,000, which represents as much as a 45% increase in pool construction costs without a guarantee that operating costs will be any less than with a gas heater. In many cases, the average homeowner wishing to build a pool simply can't afford the high front end cost of solar. On the basis of a large sampling of new pool owners, the Stanford Research Institute concluded that 45% of the pools constructed would not have been purchased if the owner was required to install active solar or had to do without a pool heater. This reduction in new pool construction translates directly into loss of jobs and economic activity in the community.

The proposed ordinance naively assumes that people will not change their purchasing patterns as a result of price increases. This is economic nonsense. People do change their purchasing patterns in response to a number of variables. Basic economics will tell that if you raise the price of a commodity by over 30 percent, regardless of tax credits, there will be a reduction in sales with an attendant loss of employment and wages.

Coupled with the economic impact of mandating solar, the current economic situation of exorbitantly high interest rates and lack of construction financing means economic disaster to Sacramento's pool businesses and their employees.

E. THE PROPOSED ORDINANCE INCORRECTLY ASSUMES THE STATE SOLAR TAX CREDIT WILL BE IN PLACE INDEFINITELY.

The cost-effectiveness of solar heating systems is highly dependent upon the continuation of the solar tax credit. The tax credit expires at the end of 1980 -- and although there are attempts to extend the credit -- tax cutting initiatives (such as Jarvis II) and a general budget tightening will probably force its discontinuance or severe restriction.

Perhaps more importantly, the tax credit was passed in an effort to provide an incentive for the marketplace to accelerate the use of solar energy. In the case of pool heating, the marketplace has responded in very favorable fashion. Over 70 percent of the applications for the solar tax credit have been for pool heating -- and 40 percent of new pools are being built with solar heating. It is expected that over half of all pools will be solar heated by 1985 without any mandate from government. The essential point is that the marketplace has responded to the incentive. There is no need for expensive and time consuming regulations.

F. THE PROPOSED ORDINANCE IS OPPOSED BY THE SOLAR INDUSTRY.

The solar industry feels that the increased use of active solar systems can best be achieved on a free choice basis. They are cognizant that mandating solar for pool heating may reduce their market rather than increase it. The solar industry is also worried that mandating solar heating will provide opportunities for inexperienced or disreputable solar installers to take advantage of the consuming public by selling and installing shoddy solar equipment. They also realize that in many instances solar installations are not practical because of tree shading or roof direction. There are virtually no building code standards for solar equipment and systems.

G. THE CITY COUNCIL HAS NOT EXPLORED OTHER MORE VIABLE AND COST-EFFECTIVE ALTERNATIVES TO MANDATING ACTIVE SOLAR HEATING FOR SWIMMING POOLS.

Instead of the proposed ordinance, we believe that the following requirements would prove to be far more energy efficient and less economically disruptive:

1. Require that every residential pool owner (both new and existing pools) utilize a pool cover when heating a pool, spa, or hot tub with a fossil fuel heater.

2. Require that pool covers meet certain minimum insulation and solar thermal characteristics.

3. Require that no building permit shall be issued to construct a swimming pool equipped with a fossil fuel or electric heating system unless the pool contractor has submitted a written bid estimate for installation of the following types of systems:

(a) active solar system

(b) a fossil fuel heating system with an approved pool cover.

The bid estimate shall include an approximation of the annual operating costs of both types of heating over a ten-year period.



California Swimming Pool Industry
Energy, Codes and Legislative Council

March 26, 1980

Hon. Phillip L. Isenberg
Mayor
City of Sacramento
City Hall
Sacramento, California . 95814

Re: Proposed Ordinance on Solar
Swimming Pool Heating

Dear Mayor Isenberg:

Although we fully expected to supply you and the City Council with a detailed written analysis on the feasibility and cost-effectiveness of the proposed ordinance on solar swimming pool heating now before you, we regret that we are unable to do so because of the nonavailability of critical source material used by the California Energy Commission in preparing their report to you on the cost-effectiveness of solar pool heating over other heating alternatives. Accurate cost-effectiveness data will be the major determinant in your deliberations on the proposed ordinance. A finding of cost-effectiveness is also required by state statute (Public Resources Code Section 25402.1) before any local entity can enforce an energy conservation standard adopted by a city or county.

The fuel usage analysis and the economic analysis used by the Energy Commission in developing their cost-effectiveness report contain such a large number of errors and inaccuracies that there is absolutely no doubt of the invalidity of the report's conclusions. Furthermore, the Commission in preparing the economic analysis utilized a new computer computation program, Solar Finance 2 (SOLFIN 2) which has not yet been made available to the public. Consequently, neither we nor anyone outside of the Commission can analyze or critique the economic assumptions and methodologies used to arrive at the conclusions reached by the report. To give you some idea of how defective and questionable much of the input data utilized by the Commission for their computer runs of both the POOLS and SOLFIN 2 program, please consider the following:

Hon. Phillip L. Isenberg

Page 2

March 26, 1980

1. No electrical energy consumption is computed for active solar pool heating. It is well-established that a solar system requires upwards to 4 hours additional filter pump motor usage than would be required for filtration without solar. Most of this pumping occurs during peak hours. Engineering calculations show that this extra electrical power usage during the summer is equivalent to 159.3 therms of natural gas.

2. The solar tax credit is assumed to be operable for an infinite length of time. The cost effectiveness of solar systems is highly dependent upon the tax credit. The tax credit expires at the end of 1980 --- and although there will be attempts to extend the credit --- tax cutting initiatives (such as Jarvis II) and a general budget tightening may force its discontinuance or modification. Even in the case the credit were to be extended, pending legislation has been amended to scale down the credit to 25% in 1983. This measure would only extend the credit an additional three years.

3. The input for a pool cover is based on a very thin non-solar type of cover not commonly used, although the cost they use for this cover (\$300) is what one would pay for an extremely efficient solar cover. If the solar cover had been used in the calculations instead of the thin cover, seasonal natural gas consumption would have been reduced by almost half.

4. SOLFIN's simulates a natural gas pool heater with a capacity of 130,000 BTU per hour, less than half the capacity of the heater actually used for a pool of the size simulated. On the cost side, however, a \$1,000 price tag was placed on this extremely small heater, when in reality a correctly sized 325,000 BTU heater would cost approximately \$800.

5. The program computed 10 years as the useful life of a gas heater, when 15 years or longer is probably the norm.

6. The program computes a 2-year useful life of a pool cover, when 3 years is correct and is also the warranty period for most popular brands of covers.

Hon. Phillip L. Isenberg

Page 3

March 26, 1980

7. On the other hand, SOLFIN computes solar systems as having a useful life of 15 years when there is absolutely no life-cycle experience to validate such a claim.

8. The total installed cost of an active solar system using 75% coverage is computed at \$2,580. The actual costs of solar systems this large would be upwards to \$3,500.

9. A 13.5% loan finance rate is used. In today's market, second mortgage loans, if they are available at all, exceed 18%.

10. An inflation rate of 8% is used. Nationally, the current annual inflation rate is 18% and in Los Angeles, it has reached 25%. In 1979, the inflation rate was 13.3% nationally.

There are other numerous major and minor input data errors and while some of these may not have a significant effect on the output data, they do show an amazing degree of carelessness and are indicative of the general unreliability of the analysis.

Most of the abovementioned points will cause large distortions in the output data. Consistently, there seems to be an under-estimation of solar costs while nonsolar heating costs are always on the high side. It should also be remembered that we are dealing with two separate computer analysis, one of which supplies the input data for the other, thus creating the situation where the fuel use computations based on initial erroneous inputs will become even further distorted as they are used as inputs for the SOLFIN 2 economic analysis. This "garbage in, garbage out" type of computer analysis is worthless as a public policy-making tool. It would not be sound policy to rely upon the analysis of SOLFIN 2 unless all the variables and their underlying assumptions are known and made explicit. There are simply too many unknowns to make clear determinations at this time.

Until the SOLFIN 2 computer program and user manual are released to the public, and an agreement is reached on correct input information for both the POOLS computer program and the SOLFIN 2 program, there should be no action taken by the Council on the proposed ordinance. We recommend that the Council take the following steps:

Hon. Phillip L. Isenberg
Page 4
March 26, 1980

1. Obtain and make public the SOLFIN 2 user manual from the California Energy Commission.

2. Develop objective and real-world economic input data for the SOLFIN program. We would suggest that the City Council establish a task force made up of staff from the City Engineer's Office, the Energy Commission, the swimming pool industry, the solar industry, and impartial engineering and economic experts.

3. Have the Energy Commission rerun both the POOLS and the SOLFIN 2 programs utilizing objective input data.

4. Reassess the proposed ordinance on the basis of this to-be-developed objective and usable cost-effectiveness analysis.

We in the swimming pool industry are fully committed to reducing energy consumption both in our operations and in the products we build. We have fully cooperated with government agencies to reduce pumping times and shift pumping hours to off-peak times.

We have also worked closely with the solar industry to encourage solar energy use. We, however, cannot support a policy to mandate solar when the data and the analyses supporting such a move are unobtainable, inaccurate and clearly misleading. We will convert our full efforts to develop useful and productive techniques to save energy and money in our industry and will support reasonable efforts to advance our knowledge in these areas.

In conclusion, we respectfully request that the City Council defer any action on the proposed ordinance at its April 8 meeting and instead, move to undertake the above recommended steps. At your convenience, we are ready to discuss this matter at any time.

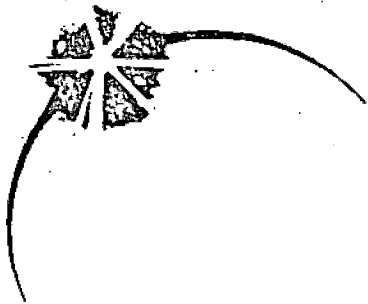
Sincerely yours,



Britton McFetridge

BM:rm

cc: Members, City Council
Mel Johnson, City Engineering Department



34

solarcal council

1111 Howe Avenue, Suite 315
Sacramento, California 95825

April 4, 1980

Mayor Phillip L. Isenberg
City of Sacramento
City Hall
Sacramento, California 95814

Re: Proposed Ordinance on Solar
Swimming Pool Heating

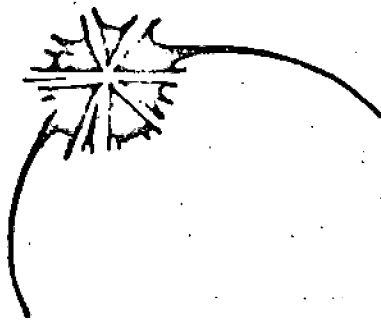
Dear Mayor Isenberg:

The following report, "The Economic Impact of Banning Natural Gas Pool Heaters on the Pool Industry: Feast or Famine," was prepared for the City Council to utilize in their efforts on this issue. I will be available for any questions on the contents of this paper at the Council hearing on Tuesday night.

Sincerely,

Keith J. Bray, Consultant to the SolarCal Council's
Local Government Commission on Conservation and
Renewable Resources

cc: Members, City Council
Mel Johnson, City Engineering Department



solarcal council

1111 Howe Avenue, Suite 315
Sacramento, California 95825

April 4, 1980

THE ECONOMIC IMPACT OF BANNING NATURAL
GAS POOL HEATERS ON THE POOL INDUSTRY:
FEAST OR FAMINE?

A Summary
by

Keith Bray, Consultant to
SolarCal Local Government Commission
on Conservation and Renewable Resources

The following report contains an analysis of the Stanford Research Institutes's paper on the impact of banning natural gas pool heaters. The ordinance before the Sacramento City Council is not a ban of natural gas heaters, but rather it will require solar energy systems as the primary heating source. The SRI report claimed that solar heating would be cost-effective with gas heating when the price of natural gas reached 20¢ per therm (1975 dollars). The average price per therm in P.G.&E.'s service area today is 32¢ (1975 dollars). The report concluded that a ban would result in a 45% reduction in pool sales. A study done by the County of San Diego showed that pool sales would be decreased by 4%. Recent pool buyers were interviewed by San Diego; SRI interviewed pool owners who had their pools built by SPEC builders, the swimming pool industry lobbying association which paid for the SRI study.

The factors that significantly affect pool industry sales are:

- * tight credit
- * increasing multi-family and condominium construction
- * rate of population and real income growth
- * escalating energy prices
- * market concentration of the pool industry

The social and economic consequences of banning natural gas swimming pool heaters has been exaggerated by SRI and the pool industry's representatives.

THE ECONOMIC IMPACT OF BANNING NATURAL
GAS POOL HEATERS ON THE POOL INDUSTRY:
FEAST OR FAMINE?

by

Keith Bray, Consultant to
SolarCal Local Government Commission
on Conservation and Renewable Resources

This report analyzes the Stanford Research Institute's (SRI) May 1976 study "An Economic Impact Study of the Proposed PUC Ban of Gas Heaters for New Swimming Pools" prepared for the California Swimming Pool Industry Energy, Codes and Legislative Council (SPEC). This paper represents a survey of some of the major problems of the report, along with a review of the research completed by the County of San Diego on the same topic,¹ and a look at the industry's view of market and human behavior.

Public attitudes have changed about solar energy since the report was completed in 1976. Solar energy systems are clearly more technologically feasible in 1980, as well as more available. These factors, together with the alarming escalation of natural gas prices, has made solar energy cost-effective in more applications today than four or five years ago, therefore increasing its public acceptability. Signalling these changing times is the move by our public decision makers to encourage the conservation of our national energy sources by legislating fair and equitable programs which reflect the public's need for a safe and productive energy future.

The Major Problems with the SRI Study:

- 1) The study was based upon an action by the Public Utilities Commission which would have banned the use of natural gas for heating swimming pools.

The ordinance under consideration by the City Council will not ban natural gas heaters but rather replace natural gas as the primary heating source with solar energy. The SRI report state that when "a 50% pool area solar system (is) combined with a natural gas heater, parity is reached with a natural gas heater by itself when gas costs 20¢ per therm (1975 dollars)."² In the P.G.&E. service area today, lifeline gas is costing 21¢ (1975 dollars) per therm whereas the tailblock rate is pricing at 41¢ (1975 dollars) per therm. The lifeline rate is the cheapest rate offered by P.G.&E. whereas the tailblock

rate is the marginal price (price of new gas). The average natural gas price in 1975 dollar is 32¢ per therm. The Sacramento ordinance clearly meets the price level calculated by SRI when solar is cost-effective with gas.

2) The economic impact on the pool industry as calculated by SRI estimates that 45% of the pool owners sampled would not purchase swimming pools if the PUC ban on natural gas heaters was approved.

The results of the pool owner survey completed by San Diego County shows that when pool owners are confronted by a mandate where solar is the primary heating source, a majority will buy solar alone or with a gas back-up system. Only 4% of the pool owners sampled indicated that they would not buy a pool.³

TABLE 1
RESULTS OF POOL OWNER SURVEY, SAN DIEGO COUNTY

If the proposed ordinance had been in force when you bought your pool, which of the following options would you have chosen:

Solar System Only	20%
Solar System with Gas Backup	56%
No Heater	20%
Not Build a Pool	4%

San Diego County also studied the effect of increasing pool prices on pool sales by comparing 1978 and 1979 sales data. The number of pools sold rose slightly in 1979 but not as dramatically as did their average price or size.⁴

TABLE 2
RESULTS OF POOL SALES SURVEY, SAN DIEGO COUNTY

POOL SALES INFORMATION

1. 1978 Average price of a pool: \$8896
2. 1979 Average price of a pool: \$10,742
3. 1978 Average square footage of a pool: 421
4. 1979 Average square footage of a pool: 486
5. Total Unicorporated Pool Permits Issued:
January through August, 1978: 962
6. Total Unicorporated Pool Permits Issued:
1979: 965

The conclusion reached by the staff in San Diego County is best expressed by the following excerpt:

"Conditions have changed so much since 1976 that the Stanford Research Institute study is no longer valid; in particular, gas prices have increased substantially, and perhaps most importantly, our proposed ordinance does not ban natural gas but rather requires that natural gas cannot be the only source of heat for swimming pools."⁵

- 3) Based upon an objective review of the study, the methodology employed by SRI was weak and inherently biased towards the industry.

The impact study was paid for by the California Swimming Pool Industry Council. To gather data for the study, SPEC provided SRI with lists of pool builders, subcontractors, manufacturers and distributors. The actual list of the 250 pool owners who were to be interviewed for the survey by SRI was also provided by SPEC, and, those pool owners had all had their pools built by builders who were members of SPEC.⁶ The sampling of pool owners should have been done randomly instead of selectively.

The questionnaire itself is incomplete. The pool owners interviewed were never asked if they would purchase a solar system if the operating costs of the solar system were lower than those for gas systems. It is common knowledge that gas is bought from a utility whereas solar energy has yet to be sold. The questionnaire is as difficult to understand as is the process by which SRI used to achieve their final results. SRI found that 36% of the respondents indicated that they would not build a pool if natural gas heaters were banned and that an additional 8% "might not" build a pool under these same conditions.⁷ This negative probability is reflected throughout the entire questionnaire and greatly influences the results. (See Attachment A).

- 4) The swimming pool industry functions in a market which is highly concentrated; meaning that the largest companies do the most business yet actually represent the smallest percentage of firms in the market.

As Table 3 indicates, 8% of the pool builders in California in 1975 did 48% of the installations and received 49% of the sales. The smaller 35% accounted for only 6% of the installations and 7% of the sales. Market concentration of this type results in a reduction of competition and a resultant increase of price. This lack of competition restricts innovation and consumer choice. The market concentration amongst pool companies merely reflects the income concentration of the consumers who can afford to buy pools.

TABLE 3
 SIZE-CLASS DISTRIBUTION AMONG POOL BUILDERS,
 INSTALLATIONS, AND SALES IN CALIFORNIA, 1975-SRI

Installation Size-Class	Percent of Builders	Percent of Installations	Percent of Sales
Less than 50	35%	6%	7%
50 to 99	26	12	12
100 to 199	26	23	23
200 to 499	5	10	9
500 to 999	4	16	18
1,000 or more	4	32	31
	<u>100%</u>	<u>100%</u>	<u>100%</u>

In the "Swimming Pool Industry Market Report" published in 1979 by the Swimming Pool Weekly, the industry assesses its own survival in the marketplace in the event of a recession.⁹

Although it *seems* to be a consensus that the economy will level off during the second half of 1979, and many economists are predicting a recession, this should not affect the pool business. Cruel as it may seem to state, if unemployment rises, a recession occurs, and inflation goes through the roof, those most affected are not prospects for swimming pools. These adverse economic factors will primarily affect urban teenagers, lower income workers and older people on fixed incomes.

This candid assessment by the industry shows that buying swimming pools is primarily upper-income activity that can outlast recessions and other negative economic occurrences.

- 5) The economic conclusion made by the SRI report regarding the banning of natural gas pool heaters is much too severe and is equivalent only to the catastrophic view of human behavior as presented by the pool industry's representatives.

The overall economic consequence of banning natural gas heaters from the pool building market does not compare with the effect of the following conditions:

- * tight credit
- * increasing multi-family and condominium construction
- * rate of population and real income growth
- * escalating energy prices

For example, the current unavailability of home improvement loans makes extremely difficult to get an adequate loan to build a pool. Due to financial conditions alone, buying a house in California is very difficult and building a pool may be even harder.

The SRI report optimistically predicts that 19,000 pools annually will be built without a gas heater ban in California if the real income growth rate continues to increase 3% to 4% a year.¹⁰ If the building of new swimming pools is a function of the rate of real income growth, then the outlook for the industry in 1980 is pretty grim. Actual real income growth in 1978 was estimated at 5.9% by the UCLA Business Forecast. The preliminary figures for 1979 show a 3.1% real income growth rate and their forecast for 1980 predicts a negative growth rate of between -.3% and -.39%.¹¹ Depending upon the weight of this variable, pool sales should drop off considerably in 1980 with or without a ban on natural gas heaters. The question becomes, if the banning gas heaters from heating swimming pools will reduce pool sales by 45%, what effect will these significant factors have?

The view of the world as seen by representatives of the swimming pool industry and presented by SPEC to the California Energy Commission on February 13, 1980, presumes that human behavior (which is a very important function of the rate of activity in the marketplace) when reaching to the reduction of swimming pool usage, is likely to be violent and result in deaths and family break-ups.¹² In his report on the aspect of natural gas heating swimming pool as potentially being a non-essential use of energy, Dr. Donald F. Sinn, Professor of Recreation and Leisure Studies at San Jose State University was quite candid in his assessment of the potential consequences. Dr. Sinn stated that:

"To label pools as a non-essential use of natural gas flies in the face of serious social problems in communities which relate directly to the problem of keeping youth occupied in wholesome, healthy activities in their own neighborhood or at home. If providing recreation can alleviate the tragedy of gang fights, and stabbing deaths, vandalizing of schools through boredom and lack of recreation opportunities, breakup of the family through tensions, and inability to develop and maintain good health. . . then it is unthinkable to begrudge the small amount of gas used to heat pools for such constructive use."¹³

Dr. Sinn's rather catastrophic view of the world is quite visual and imaginative. Similar to the conclusion made by the Stanford Research Institute

which predicted that banning natural gas heaters will have a negative impact upon pool sales, it is unlikely that both of these scenarios will indeed ever happen.

In conclusion, continuing to require ratepayers to subsidize inessential natural gas consumption by pool owners in a period of diminishing natural resources, public decision makers should look at allocating these precious resources more conservatively. No longer should government permit those who can afford rate increases to continue to make the cost of energy more expensive for those who cannot afford it.

FOOTNOTES

1. Memo, "Swimming pool heater restrictions," Zucker, San Diego County Department of Planning and Land Use, August 10, 1979, pp. 1.
Please note: San Diego County passed an ordinance in November of 1979 requiring solar pool heaters as the primary heat source for the swimming pool.
2. "An Economic Impact Study of the Proposed PUC Ban of Gas Heaters for New Swimming Pools," Stanford Research Institute, May 1976, pp. 50.
3. Memo, "Swimming Pool Heating Ordinance," Zucker, San Diego County Department of Planning and Land Use, October 22, 1980, pp. 3.
4. "Potential Economic Impacts of the Proposed San Diego County Swimming Pool Heating Ordinance," Marinovich, Department of Planning and Land Use, October 1979, pp. 8.
5. Zucker, October 22, 1980, Memo, pp. 3.
6. SRI, pp. 1.
7. 8% figure was supplied by the Solar Office of the California Energy Commission.
8. SRI, pp. 4.
9. "Swimming Pool Industry Market Report," Swimming Pool Weekly, Fort Lauderdale, Florida, 1979.
10. SRI, pp. 11.
11. Journal, "UCLA Business Forecast for California," March 1979.
12. Sinn, Donald, Docket No. 79-LBS-2, In the Matter of: San Diego County Residential Solar Swimming Pool Water Heating Ordinance (#5663), February 14, 1980, pp. 13.
13. Ibid.

CHAPTER II

A CRITIQUE OF THE STANFORD RESEARCH INSTITUTE
STUDY ON THE ECONOMIC IMPACT OF A BAN ON
GAS HEATERS FOR POOLS

INTRODUCTION.

At the initial hearing of the Solar Pool Ordinance concern was expressed that a ban on installing gas heaters for new pools would have a severe economic impact on the pool industry. As stated in the swimming pool report attached to the Board letter of August 10, 1979:

"The impact on the swimming pool industry of either banning fossil fuel pool heating or requiring solar pool heating while permitting auxiliary fossil fuel back-up heating cannot accurately be assessed. The pool industry has stated that such actions could reduce pool sales by as much as fifty percent due to the additional front-end costs of installing a solar system a consumer would face and the consumer's fear of not being able to heat a pool adequately. Such a drop in sales volume would adversely impact the pool industry and associated industries."

The San Diego pool industry, in large part, is referring to a report by Stanford Research Institute prepared for the California pool industry in May of 1976. As the results of this report are being suggested for the proposed Solar Pool Ordinance, it will be critiqued for applicability to the present "energy-pool" environment.

METHODOLOGY.

In April of 1976 the Stanford Research Institute interview 250 homeowners who had recently installed pools. There were four major questions asked to determine the economic impact of banning gas heated pools. These questions are discussed below.

Question 1 (Asked of all persons interviewed)

If you had not been able to install a natural gas heater -- for example, if there had been a ban on using them for swimming pools, which of the three alternatives would you choose?

- o install a non-gas heater
- o build a pool without a heater
- o not build a pool

The results of this question were as follows:

- o install a non-gas heater - 55%
- o build a pool without a heater - 9%
- o not build a pool - 36%

Question 2 (Asked of those who replied that they would install a non-gas heater)

Would you be willing to install a non-gas heater if it were twice the purchase and operating cost?

- o yes - 25%
- o no - 65%
- o don't know - 10%

It was assumed that those who responded "yes" in this question would in fact buy a non-gas heated pool.

Question 3 and Question 4 (Asked of all "non-yes" answers in Question 2)

- o If the purchase price of a non-gas heater were the same as a gas heater, but its operating cost were twice as much; would you install a non-gas heater?
- o If the purchase price of a non-gas heater were twice the price of a gas heater, but its operating cost were the same, would you install the non-gas heater?

Question 5 (Asked of those who did not respond "yes" to both Question 3 and Question 4)

- o Would you build a pool without a heater?

Based upon Questions 3, 4, and 5 it was determined that 25% of those who initially said they would install a gas heater would not, 24% said they would build a pool without a heater, and 51% were not sure.

Based upon Questions 1 - 5 and the assumption that those who were uncertain in Question 5 would actually install a non-gas heater it was determined that a ban on gas heated pools would have the following impacts:

- installation of non-gas heaters - 38%
- pools without heaters - 17%
- would not install pools - 45%

It should be noted that the 51% who were uncertain in their actions were all left in the group who would install non-gas heaters. Therefore, perhaps the estimates of those who would build pools without heaters and of those who would not build a pool are conservative.

LIMITATIONS.

This section will summarize the applicability or non-applicability of this survey to the proposed Solar Pool Ordinance.

There are a variety of reasons why the Stanford Research Institute survey seems to have limited applicability to the proposed Solar Pool Ordinance. These are:

- o The survey did not ask if the individuals would purchase a solar system which was say three times the cost of a gas heater but with virtually a zero operation cost. In fact, the report states "If a non-gas heater had the same annual cost as a gas heater, the respondents who stated that they would not build a pool would probably build one and those who stated that they would build a pool without a heater would probably install one."
- o The study analyzes the impacts of an outright ban on gas heaters, while the San Diego Solar Pool Ordinance would allow a back-up gas heater.
- o The price of natural gas has increased substantially between the survey in 1976 and the present. In a survey conducted by Pacific Gas and Electric for residential gas bills (100 therms per month) in the twenty-five largest U.S. cities indicates the following:

	<u>April 1977</u>	<u>July 1, 1979</u>	<u>% Increase</u>
Los Angeles	\$15.93	\$25.85	63
San Diego	18.79	30.99	65
San Francisco	15.34	29.60	92

This compares to an overall price increase of about 31% during the same period. In other words, the relative price of natural gas has increased substantially since the survey. Thus, relative costs/savings and, in turn, demand for solar versus natural gas heaters probably has changed.

CONCLUSIONS.

The Stanford Research Institute study was applicable to the study question and "energy environment" in 1976. However, it has limited, if any, applicability to the proposed Solar Pool Ordinance. In fact, it is likely that it overstates the potential negative economic impact of the ordinance.

M. Ke Garland

34

SACRAMENTO ENERGY PLANNING AND CONSERVATION COUNCIL

700 H STREET • ROOM 7625 • SACRAMENTO, CALIFORNIA 95814 • (916) 440-5882

January 17, 1980

The Honorable Phillip Isenberg
Mayor, City of Sacramento
915 I Street, City Hall
Sacramento, CA. 95814

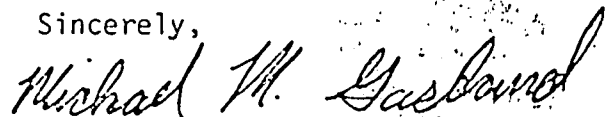
Dear Mayor Isenberg:

On January 23, 1980, the Planning and Community Development Committee of your Council will hold hearings on a proposed ordinance that will require swimming pools heated with fossil fuels or electric energy to be also equipped with an active solar heating system. The Energy Council has long recognized the great need for effective planning and energy conservation, and sees this as an opportunity for your Council to exercise leadership in the effort to conserve energy.

The Sacramento Energy Planning and Conservation Council was established in 1975 as an advisory body to the Board of Supervisors on energy related matters. The Energy Council is a broad based citizen group providing a wide spectrum of community interest. A list of the organizations currently represented on the Energy Council is attached.

At their regular meeting held on January 10, 1980, the Energy Council adopted a position in support of the proposed Swimming Pool Heating Ordinance. The Council urges adoption of this ordinance when presented to your full Council.

Sincerely,



Michael M. Garland, Chairperson
Sacramento Energy Planning and
Conservation Council

MMG:JL:ps

Enclosure

SACRAMENTO ENERGY PLANNING AND CONSERVATION COUNCIL

700 H STREET • ROOM 7625 • SACRAMENTO, CALIFORNIA 95814 • (916) 440-5882

To: Anne Rudin, Chair
City Planning and Community Development Committee

From: Michael Garland, Chair
County Energy Council

Re: Summary of Testimony Given by Michael Garland at January 23, 1980 Hearing

The Sacramento Energy Planning and Conservation Council was established in 1975 as an advisory body to the County Board of Supervisors on energy related matters. The Energy Council is a broad-based citizen's group representing a wide range of community interests (see attached membership list). At our regular meeting held on January 10, 1980, the Energy Council adopted a position in support of the proposed Solar Swimming Pool Heating Ordinance.

As background, I would like to explain that the County has adopted an Energy Element to the General Plan. The Energy Element was prepared by the County Planning Department under the guidance of the Energy Council. Work began on the Energy Element in November 1976. Hearings were held in the summer and fall of 1978 and on February 15, 1979 the Board of Supervisors adopted the Element. The goals established were:

- o to reverse the historical trend of increasing per capita consumption of energy, and
- o shift toward using a greater share of renewable sources of energy, and
- o shift seasonal and daily peak energy demands to increase the load factor of electrical generating facilities, while
- o maintaining or enhancing the general standard of living, the level of employment, and the quality of the environment.

Of particular importance to tonight's hearing is the goal to shift to renewable resources. The median range goal was to increase use of renewable resources from 6% of the total County-wide use in 1973 to 25.2% in 1988.

The County currently has under consideration many actions including a Solar Swimming Pool Ordinance. Work is now being done on the Energy Conservation Audit Ordinance.

I would like to point out a specific reason for adopting the Solar Pool Ordinance. Every year, an average swimming pool in Sacramento County uses the same amount of natural gas as 3 to 4 new homes built to Title 24 standards. In 1979 over 2000 pools and 5,400 new homes were built in Sacramento County.

This means that every year, the swimming pools built in Sacramento will consume more natural gas than all the new homes being built! With spiraling energy costs and uncertain fuel supplies, this is an untenable situation.

The Energy Council understands the pool industry's concerns about the proposed ordinance. We commend them on their progress in promoting the use of solar swimming pool heaters. Yet, the Energy Council must look at the best interests of the community. We therefore urge your support and adoption of the proposed Solar Swimming Pool Heating Ordinance.

1980 MEMBER ORGANIZATIONS OF THE
SACRAMENTO ENERGY PLANNING AND CONSERVATION COUNCIL

Sacramento County Board of Supervisors

California Citizen Action Group

Sacramento Regional Transit District

Sacramento City Council

Sacramento Metropolitan Chamber of Commerce

Sacramento City Planning Commission

Sacramento Municipal Utilities District

American Association of University Women

Pacific Gas and Electric

Sacramento Regional Area Planning Commission

League of Women Voters

Building Industry Association

Environmental Council of Sacramento, Inc.

Sacramento County Planning Commission

Modern Transit Society

CITIZENS FOR SAFE ENERGY

1917 16th Street • Sacramento, Ca. 95814 • Phone 442-3635

No one has the right to risk human lives for monetary gain and/or political expediency. Future generations should not pay for the irresponsible waste and undue profits of the present. We must all act now to put an end to the misdirection of energy programs and halt the waste ethic. We must work for an energy future with responsibility and good conscience.

April 8, 1980

Mayor Phillip Isenberg
Sacramento City Hall
Sacramento, Calif. 95814

Dear Mayor Isenberg,


Citizens For Safe Energy is a local organization primarily interested in efficient energy conservation programs and the use of safe, non-polluting energy resources.

We are impressed with the City's willingness to take seriously the need to start a sound and efficient energy conservation program and we enthusiastically support the draft ordinance which would require that active solar heating systems be used for outside swimming pools.

Our group has closely followed state legislation (SB-566) introduced early last year by Senator Rains. After observing the tremendous lobbying efforts by the statewide swimming pool industry, we are convinced that local governments must initiate and pass their own ordinances.

We urge the city council members to take this first step toward the beginning of a serious effort to reduce energy consumption in the City of Sacramento.

Sincerely,


Miriam Davis

cc: to all city council members

April 8, 1980

Phillip Isenberg, Mayor
City of Sacramento
Sacramento City Hall
Sacramento, CA. 95814

Dear Mayor Isenberg and council members:

The Fruitridge Democratic Club of Sacramento has endorsed the Energy Conservation Plan proposed by Councilmen Connelly and Roberts and we feel that the draft ordinance regarding the use of solar pool heating being heard tonight is a good place for the City to begin a serious effort toward an effective energy conservation program. It is a modest beginning that hopefully will be acceptable to the council.

According to a study done by the Lawrence Berkeley Labs, a typical California heated pool uses enough energy to heat two California homes for a year. Inasmuch as swimming pools are not a necessity of life, but rather a luxury, we believe that they should not be considered a high priority for the use of non-renewable energy sources. These energy sources would be better allocated for more important uses.

The City of Sacramento has an excellent opportunity to demonstrate much needed leadership in the area of energy conservation. We hope you grab this opportunity by adopting this ordinance as a first step toward a comprehensive energy conservation program for the City.

Sincerely,



Pat Macdonald for the
Fruitridge Democratic
Club of Sacramento

cc: all council members

County of San Diego
Department of PLANNING AND LAND USE
Development Regulation Division

Subject: SOLAR SWIMMING POOL HEATING SYSTEMS,
INFORMATIONAL GUIDELINES PER SAN DIEGO
COUNTY ORDINANCE NO. 5663

Policy Number	Effective Date	Page
TP-5663	3-1-80	1 of 4

PURPOSE:

The purpose of this technical instruction is to provide information to the public and to the Developmental Regulation Division staff regarding the County's Solar Pool Heating ordinance. The policy will also serve as procedural guidelines for enforcing the relevant portions of the Plumbing Code. A copy of this instruction is to be provided to each applicant for a swimming pool fossil fuel heater that comes under the provisions of the Ordinance. (No. 5663)

POLICY:

Section I - Administrative Information -

1. Q. When does the ordinance take effect?:
 - A. Non-Gas served areas: Permits issued for fossil fuel swimming pool heaters on or after March 1, 1980, will require that a solar water heater also be installed to provide the primary means of heating the pool.
(March 1, 1980)
 - Natural gas served areas:
(October 1, 1980) Permits issued for fossil fuel swimming pool heaters on or after October 1, 1980, will require that a solar water heater also be installed to provide the primary means of heating the pool.
2. Q. Which areas of the County are served by natural gas and which are not?
 - A. Refer to San Diego Gas and Electric Company gas distribution maps in each office. (Maps dated January 19, 1979 or later editions.)
3. Q. What is a "fossil fuel" swimming pool heater?
 - A. A fossil fuel heater uses non-renewable fuel which includes natural gas, propane (LPG), diesel fuel and electricity. Pool heaters follow the same permit process as potable water heaters pursuant to the County Plumbing Ordinance.
4. Q. What defines a swimming pool?
 - A. As used in this ordinance, a swimming pool is a confined body of water exceeding two feet in depth and having a surface area exceeding 150 square feet. Note that "spa" or "hot tub" installations would not typically come under the requirements of the solar ordinance. Figure 1 shows some comparative situations with regard to the solar water heater requirement.
5. Q. Does the ordinance require a solar water heater be installed for replacement of a fossil fuel swimming pool heater on a existing swimming pool?
 - A. Yes
6. Q. How may the ordinance requirements be waived?
 - A. The Zoning Administrator may waive parts on all of the ordinance for an individual case if topographic conditions, developmental conditions or existing trees preclude effective use of the solar pool heater due to shading. Also, if the swimming pool is in a permanent enclosed structure a waiver may be obtained. The fee for processing a waiver request is \$100.00
7. Q. If an applicant does not agree with the Zoning Administrator's decision, what appeal may be made?
 - A. An appeal to the Zoning Administrator's decision may be filed with the Board of Planning and Zoning Appeals (BPZA) within 10 days of issuance of the decision. The filing fee for BPZA is \$55.00 and the BPZA decision shall be final.
8. Q. What plan information must be supplied at the time of permit application to show compliance?
 - A. The applicant will provide a plot plan of the swimming pool installation. This will include the location and site of solar water heater as well as other information as indicated in DPL Form #71.
9. Q. Will a swimming pool installation receive a final inspection and power clearance to the fossil fuel heater if the solar collector is not in place?
 - A. No, unless the pool is not to be heated or unless the solar heater requirement has been waived as indicated above.

County of San Diego
 Department of PLANNING AND LAND USE
 Development Regulation Division

Subject: SOLAR SWIMMING POOL HEATING SYSTEMS, INFORMATIONAL GUIDELINES PER SAN DIEGO COUNTY ORDINANCE NO. 5663	Policy Number	Effective Date	Page 2
	TP-5663	3-1-80	of 4

10. Q. Will solar collector arrays be allowed to encroach into required side and rear yards?
- A. Solar collectors detached from the main building will be treated as accessory structures for setback requirements. When solar collectors function as a fence, they then must meet the height criteria for fences. If the solar collectors are located on the roof of a building, they may exceed the height limit by 5 feet as authorized by Section 4620(i) of the County Zoning Ordinance.

Section II - Performance Considerations -

11. Q. What size solar swimming pool heater is required by the ordinance?
- A. The minimum size of the solar collector array must be equal to one-half (50%) of the surface area of the swimming pool.
12. Q. What other considerations may be made in choosing the size of a solar swimming pool heater?
- A. Sizing a solar pool heater is somewhat a function of individual preference. Greater collector size will extend the "swimming season" without using additional fossil fuel, but installation costs will also increase in doing so. A primary consideration is providing sufficient energy input to meet the minimum state tax credit standard, (i.e. the "primary" energy input to the pool).

The information on Figure 2 shows approximate sizes of solar swimming pool heaters that will be needed to achieve the minimum specified energy input. A 50% area ratio will satisfy most south sloping collector arrays that are oriented within 45 degrees of due south. For flat roof installations or for those collectors oriented between 45 degrees and 90 degrees of due south, about 70% area ratio should be used for collector sizing in order to meet the state tax credit standards.

13. Q. Would consistent use of a swimming pool blanket which is classified as a "solar cover" (i.e. transparent) constitute compliance with the ordinance?
- A. No. Although pool covers are beneficial from an energy conservation standpoint and for other reasons, neither "solar covers" nor "thermal covers" are solar pool heaters. A transparent solar cover will collect heat from the sun during the day, but will also radiate heat away from the pool water at night. The primary energy savings of swimming pool covers accrue by reducing evaporation from the pool surface. Note also that current state law requires pool covers be supplied for every outdoor swimming pool which is built with a fossil fuel heater.
14. Q. What type of solar collector is most suitable for swimming pool heating?
- A. Generally, unglazed collectors (either plastic or metal) are more cost effective than glazed collectors for pool heating. The lower temperature requirement for swimming pool heating makes unglazed collectors more attractive for this use. Some situations may require glazed collectors such as those installed in persistent high wind conditions. In these cases, glazing will help preserve heat in the solar collector array.
15. Q. What about freeze protection of solar pool heaters?
- A. All pool solar collector systems should be provided with freeze protection. One of the simplest methods is to provide gravity drain-down of the collector array whenever the circulating pump stops. This is typically used when collectors are installed higher than the pool. When collectors are below the pool, a thermostat-controlled, circulation method could be used. An alternate to recirculation is temperature-controlled drainage of the collectors.
16. Q. Will chlorine addition for control of pool water chemistry tend to corrode metal collectors?
- A. Generally no, however, chlorinators should be installed to inject downstream of the solar collector array. This precaution will prevent initial high chlorine concentrations from creating an isolated corrosion problem. This is also common practice for protection of fossil fuel heaters. Normal chlorine levels for water chemistry control will not corrode metal collectors nor cause undue scaling of collector waterways.

County of San Diego
Department of PLANNING AND LAND USE
Development Regulation Division

Subject: SOLAR SWIMMING POOL HEATING SYSTEMS,
INFORMATIONAL GUIDELINES PER SAN DIEGO
COUNTY ORDINANCE NO. 5663

Policy
Number

Effective
Date

Page 3

TP-5663

3-1-80

of 4

Section III - Material Standards, Tax Credits, Etc.

17. Q. What collectors will meet the County's standards for swimming pool installation?

A. Collectors approved by the International Association of Plumbing and Mechanical Officials, (IAPMO) who author the Uniform Plumbing Code, or those approved by the City of Los Angeles Mechanical Testing Laboratory are acceptable. Note that both of these organizations test unglazed collectors, which will be the most common type used in pool installations. The collectors approved under the State of California Testing and Inspection Program for Solar Equipment (T.I.P.S.E.) are all of the glazed type. Glazed collectors are acceptable but will probably not be widely used.

18. Q. Suppose builders wish to fabricate solar collectors on their own; will these be acceptable?

A. Field assembled or non-labeled collectors will be reviewed on a case basis by the Senior Mechanical Engineer during pool plan check. Designs must demonstrate equivalence to acceptable material standards and show adequate water heating potential.

19. Q. What standards must other components of the solar water heater meet?

A. Electrical wiring must meet the National Electric Code standards. (Refer to DPL Form No. 71.) Piping for the collector supply and return lines must be equivalent to that used for the swimming pool itself. Typically Schedule 40 weight poly-vinyl chloride (PVC) pipe with acrylic paint to prevent sunlight deterioration will be used for pool water piping. Piping with an ultra-violet inhibitor is also acceptable. Valves and other devices must be suitable for swimming pool use.

20. Q. Are solar swimming pool heater lines required to be insulated to prevent thermal losses?

A. No, especially when unglazed collectors are used since water temperatures will be only slightly above ambient temperature.

21. Q. What about tax credits for solar equipment?

A. Considerable first-cost reduction for swimming pool solar water heater installations are afforded through State tax credit provisions. 55 percent up to a total credit of \$3,000 may be claimed via the State of California tax revenue system. State claims may not exceed 55 percent of the total expenditure. Note that equipment installations must be warranted in order to qualify for the tax credits. A 3-year warranty on equipment and one-year on parts and labor must be provided by the swimming pool/solar contractor in order to receive the solar tax credit. The system performance must also supply the primary energy input as indicated in Item 12 above.

Vincent P. Quasarano
Vincent P. Quasarano
Assistant Deputy Director, Codes

Author: Gered H. Seeby

VPQ:GHB:tc:sc

County of San Diego
 Department of PLANNING AND LAND USE
 Development Regulation Division

Subject: SOLAR SWIMMING POOL HEATING SYSTEMS, INFORMATIONAL GUIDELINES PER SAN DIEGO COUNTY ORDINANCE NO. 5663	Policy Number	Effective Date	Page 4
	TP-5663	3-1-80	of 4

FIGURE I - ORDINANCE APPLICABILITY

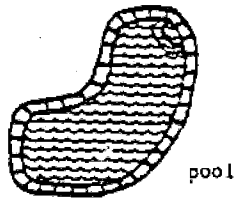
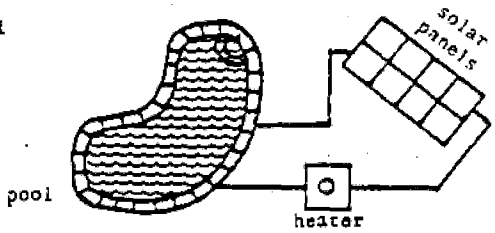
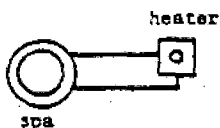
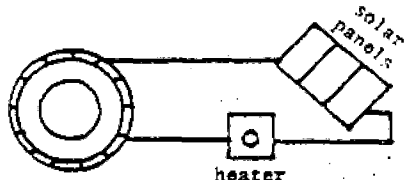
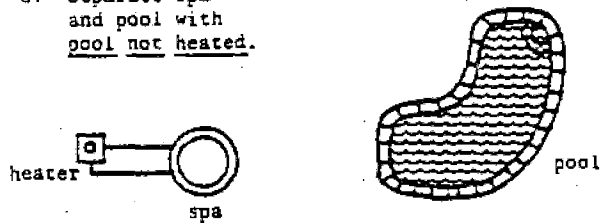
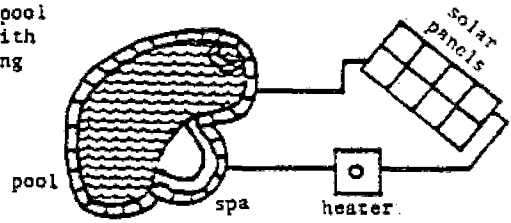
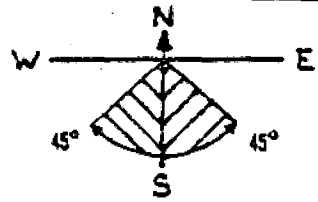
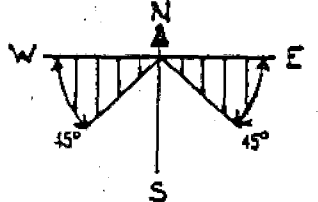
I. SOLAR NOT REQUIRED	II. SOLAR HEATER REQUIRED
<p>A. Pools without fossil fuel heater.</p>  <p style="text-align: right; margin-right: 20px;">pool</p>	<p>A. Pools with fossil fuel heaters.</p>  <p style="text-align: right; margin-right: 20px;">pool</p> <p style="text-align: center; margin-top: 10px;">heater</p>
<p>B. "Spas" and "hot tubs" (150 sq. ft. area or less).</p>  <p style="text-align: right; margin-right: 20px;">spa</p> <p style="text-align: center; margin-top: 10px;">heater</p>	<p>B. Large "spa" (exceeding 150 sq. ft. in surface area).</p>  <p style="text-align: right; margin-right: 20px;">spa</p> <p style="text-align: center; margin-top: 10px;">heater</p>
<p>C. Separate spa and pool with <u>pool not heated</u>.</p>  <p style="text-align: right; margin-right: 20px;">spa</p> <p style="text-align: center; margin-top: 10px;">pool</p>	<p>C. Combined pool and spa with intermixing of water.</p>  <p style="text-align: right; margin-right: 20px;">pool</p> <p style="text-align: center; margin-top: 10px;">spa</p> <p style="text-align: center; margin-top: 10px;">heater</p>

FIGURE 2 - SOLAR SYSTEM SIZING*

Suggested minimum collector-to-pool surface percentages to achieve minimum State tax credit energy performance (i.e., to supply primary energy input to pool).

<p><u>CASE I -</u> Sloping installation oriented within 45° East or West of true South</p>		<p><u>Collector Array Size:</u> 50% of pool surface minimum</p>
<p><u>CASE II -</u> Flat installation or sloping installation oriented more than 45° East or West of true South (up to due East or West)</p>		<p><u>Collector Array Size:</u> 70% of pool surface minimum (NOTE: 50% is required by County Standards)</p>

*This information is general in concept and in no way guarantees that minimum performance will be achieved in a particular solar installation. Nor does this information warrantee that material quality or design life of components will assure cost effectiveness.

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE
RELATING TO PLUMBING TO REQUIRE THE USE OF
SOLAR HEATERS IN NEW SWIMMING POOL CONSTRUCTION

The Board of Supervisors of the County of San Diego do ordain as follows:

Section 1. The Board of Supervisors hereby finds and declares as follows:

(a) The residents of San Diego County face the uncertainty of conventional energy source supply and the certainty of rapid cost increases for conventional energy sources as a result of conventional energy resource scarcity and the lack of new production and generation facilities. Fossil fuel swimming pool heating is a nonessential use of these scarce energy resources.

(b) The California Energy Commission and California Public Utilities Commission have determined that solar water heating systems and passive design applications are technically mature and are ready for commercial applications. Both Commissions have concluded that they should designate solar energy, along with conservation, as a preferred element of supply planning to meet California's future energy needs.

(c) The San Diego County General Plan Energy Element Action Program UT-3.1 advocates the consideration of ordinances which would phase out the use of natural gas to heat swimming pools by stopping hookups to new swimming pools and increasing utility rates on natural gas use to heat existing swimming pools. Special consideration would be given to cases where the restriction against new natural gas hookups for swimming pools can be shown to be unreasonable due to extreme life-cycle costs, technical causes, or health reasons.

(d) A number of studies have been conducted which show the local climatic conditions within San Diego County are favorable to the use of swimming pools without fossil fuel heating between May and October using either a pool blanket or solar energy heating system. These studies include: 1976-1977 Solar Radiation Data for San Diego County, San Diego Gas & Electric Company, September 1978; California Solar Data Manual, Paul Berdahl, Donald Grether, Mario Martin, and Michael Wahlig, Solar Energy Group, Lawrence Berkeley Laboratory, March 1978; and Climates of San Diego County, Daniel Close, Dewayne Gilbert, George Peterson, University of California Agricultural Extension Service, November 1970; Swimming Pool Heating Report, San Diego County, 1979.

(e) A solar heater requirement for new swimming pools will result in a diminution in energy use greater than that which would occur under existing California Administrative Code Title 24, Part 6, Article 1, Section 720-1406(c).

(f) A solar heater requirement for swimming pools will be cost effective in that the range of anticipated costs for pool heating with solar is lower than the range of anticipated costs for pool heaters with gas.

11/27/79 (182)

Section 2. The intent of this section is to restrict the use of non-renewable fossil fuels and encourage the use of renewable alternatives as the primary heat source for swimming pool heating.

Section 3. Section 53.120 is hereby added to the San Diego County Code to read as follows:

Sec. 53.120. SOLAR SWIMMING POOL HEATER REQUIREMENTS. Any other provisions of this Division 3 to the contrary notwithstanding, no permit shall be issued for a new or replacement fossil fuel swimming pool heater unless a solar system with a collector area a minimum of fifty (50) percent of the surface area of the swimming pool being heated is also installed as the primary heat source for the swimming pool. Said prohibition shall become operative for permits sought on or after March 1, 1980, which are proposed for unincorporated areas not being served by pipeline natural gas as of the operative date. Said prohibition shall become operative for permits sought on or after October 1, 1980, which are prepared for all other unincorporated areas.

(a) A fossil fuel swimming pool heater is defined as one which uses a non-renewable fuel including but not limited to natural gas, propane, diesel and electricity.

(b) As used in this section a swimming pool means any confined body of water exceeding two feet in depth, greater than one hundred-fifty (150) square feet in surface area, and located either above or below the existing finished grade of the site, designed, used or intended to be used for swimming, bathing or therapeutic purposes.

(c) Other provisions of this section notwithstanding, the owner of a swimming pool may request of the Zoning Administrator a waiver of all, or a portion, of the requirements contained in this section when any of the following conditions exist:

- (1) Topographic conditions, development, or existing trees on or surrounding the swimming pool or probable location of the solar collection system preclude effective use of the solar energy system due to shading; or
- (2) The swimming pool is located within a permanent, enclosed structure.

(d) The cost of processing an application for a partial or complete waiver of swimming pool heating requirements shall be one hundred dollars (\$100) payable to the County of San Diego.

(e) An applicant dissatisfied with a decision of the Zoning Administrator relating to modification or waiver under this section may appeal said decision to the Board of Planning and

34

Zoning Appeals within ten (10) days of the issuance of the decision notice. The decision of the Board of Planning and Zoning Appeals in the case of any such appeal shall be final.

Section 4. This ordinance shall take effect and be in force sixty (60) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, it shall be published once with the names of the members voting for and against the same in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 27th day of November 1979

THOMAS D. HAMILTON, JR.
Chairman of the Board of Supervisors of
the County of San Diego, State of California

The above ordinance was adopted by the following vote:

Supervisor Thomas D. Hamilton, Jr.,	voting "Aye"
Supervisor Lucille V. Moore	being absent and not voting
Supervisor Roger Hedgecock	voting "Aye"
Supervisor Jim Bates	voting "Aye"
Supervisor Paul Eckert	voting "Aye"

ATTEST my hand and the seal of the Board of Supervisors this
27th day of November 1979

PORTER D. CREMANS
Clerk of the Board of Supervisors

By Mildred Ruey Deputy

(SEAL)

RECEIVED
NOV 27 1979
[Signature]
11/27/79

Jan
Don

Greg W. Dillon

Sat. 29, 1980

TIME-OF-DAY METER TEST ISN'T THE FIRST

The Los Angeles Department of Water and Power project in Chatsworth, in which customers with special meters pay for electricity based on the time of day they use it, follows a similar experiment completed last year by DWP and the Rand Corp.

Final figures from the earlier experiment, which involved 1,800 households during five years, will not be available until May. But Jan Paul Acton, a senior economist at Rand, said one thing is clear: Encouraging customers to use electricity in off-peak hours—before 11 a.m. and after 7 p.m. Mondays through Fridays—can reduce bills for "high-use" consumers, particularly people with all-electric homes and those with large, heated swimming pools.

(The DWP says high-use customers are those who use more than 2,000 kilowatt-hours of electricity every two months.)

Although time-of-day pricing has been widely used in Europe for 20 years, it has never been used extensively for private electricity users in the United States.

But two years ago, as the cost of generating electricity skyrocketed because of plant construction costs and the high price of imported fuel, Congress ordered state utility commissions to begin considering time-of-day rates by November, 1980.

Although the reduction in utility bills may make time-of-day metering attractive to consumers, the nation's utilities are interested in it because it could allow them to spread out the load and, perhaps, avoid using their older, less efficient power plants.

Utilities run their most efficient power plants 24 hours a day, Acton said, but when the weather is hot and tens of thousands of air-conditioners go on at once, the utility must turn to its less efficient, more costly plants to meet the demand.

Please Turn to Page 2, Col. 1

TIME-OF-DAY PROJECT NOT FIRST

Continued from First Page

The cost of generating each kilowatt-hour goes up but the increase is not always reflected in the rate charged to customers.

Time-of-day pricing, Acton said, would allow a utility to set rates that reflect the true costs of producing electricity. If it costs 10 cents to generate a kilowatt-hour at 4 p.m., that's what the bill would reflect. If it costs 2 cents to gen-

erate a kilowatt-hour at midnight, the bill—computed by a special meter—would show that.

"It costs us more money to serve people on-peak. By shaving the peaks and filling the valleys, the utility can operate more efficiently," said John Fashing, DWP director of conservation programs.

Many people participating in the DWP's time-of-day metering project devised other battle plans. They put timers on their water heaters to turn them on only in off-peak hours. That means taking baths and washing clothes and dishes during specific time periods. Some even put timers on their refrigerators to turn them off for up to three hours at peak times.

They found that the easiest thing to change is the timer on a swimming pool. A pool filter pump uses about 300 kilowatt-hours a month and costs \$15 to \$20 a month to run at conventional rates. On time-of-day metering, with its higher prices during peak hours, the pump may cost as much as \$45 a month to operate. But by shifting use to off-peak hours, pool owners can drop the price to as little as \$3 a month.

Large industrial and commercial customers of California utilities have been on time-of-day rates for two years, Fashing said. Some of them have altered work schedules to take advantage of the lower rates in off-peak hours.

A Los Angeles plumbing supplies manufacturer, for example, moved 200 workers to the late shift and saved \$500,000 a year because the power needed for welding was cheaper.

After the experiment with Rand was completed last year, DWP, which has a million ratepayers, offered time-of-day metering to about 50,000 high-use residential customers. About 3,700 said they were interested and 2,000 special meters have been installed.

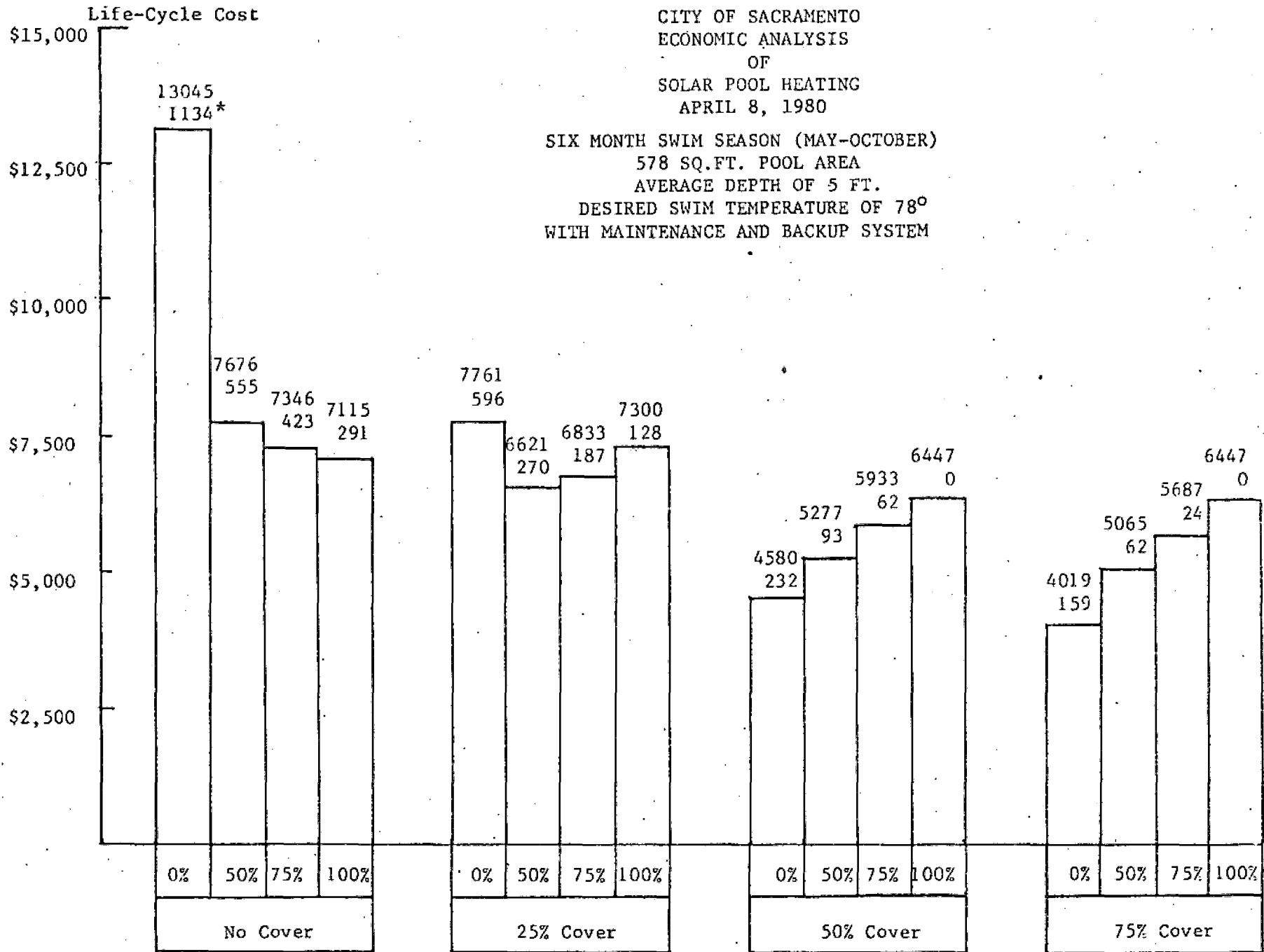
One barrier to the spread of the time-of-day plan is the special meter that keeps track of when electricity is used. Depending on the size of the house, the meters can range in price from \$60 to \$150. DWP charges a bimonthly fee. Utility officials say the cost of the meters would drop if more are produced.

Time-of-day metering is still experimental in California. (Southern California Edison also is trying it, with about 400 families.) But there are models in England and in Europe—and there are also examples of how time-of-day pricing can go awry.

A municipal utility in Hamburg, Germany, recently offered such attractive night-time rates to consumers that it flipped its peak period from day to night.

CITY OF SACRAMENTO
 ECONOMIC ANALYSIS
 OF
 SOLAR POOL HEATING
 APRIL 8, 1980

SIX MONTH SWIM SEASON (MAY-OCTOBER)
 578 SQ.FT. POOL AREA
 AVERAGE DEPTH OF 5 FT.
 DESIRED SWIM TEMPERATURE OF 78°
 WITH MAINTENANCE AND BACKUP SYSTEM



* Number of therms of natural gas used.

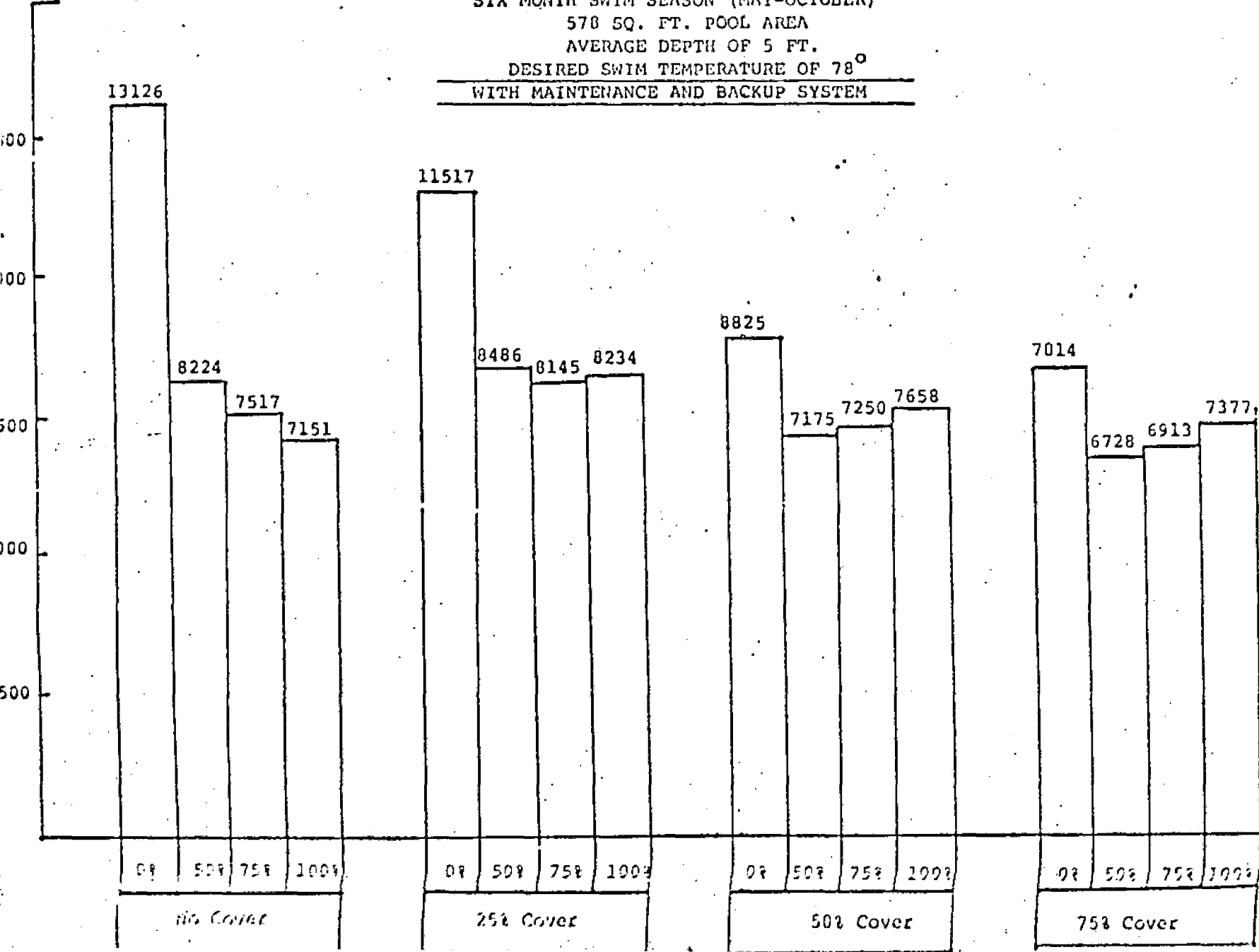
72

hc

CITY OF SACRAMENTO
 ECONOMIC ANALYSIS
 OF
 SOLAR POOL HEATING
 JANUARY 17, 1980

SIX MONTH SWIM SEASON (MAY-OCTOBER)
 578 SQ. FT. POOL AREA
 AVERAGE DEPTH OF 5 FT.
 DESIRED SWIM TEMPERATURE OF 78°
 WITH MAINTENANCE AND BACKUP SYSTEM

Life Cycle Cost (\$)



34

COMPARATIVE TEN-YEAR LIFE CYCLE COSTS OF VARIOUS POOL HEATING TECHNOLOGIES FOR THE CITY OF SACRAMENTO

(All costs are calculated in present-value dollars.)

	Initial Cost (with Loan)	Maintenance Costs	Cover Replacement Costs	Electric Operating Costs	Gas Energy Costs	<u>TOTAL COST</u>
Gas & Cover (off noon-4PM)	\$924	\$175	\$702	0	\$43	\$1,844
Gas & Cover (off 10AM-6PM)	\$924	\$175	\$702	0	\$43	\$1,844
Gas & Cover (off 8AM-8PM)	\$924	\$175	\$702	0	\$172	\$1,973
Active Solar (50%) & Cover	\$3213	\$323	\$702	\$276	0	\$4,514
Active Solar (50%) & Gas	\$3646	\$498	0	\$276	\$1099	\$5,519

* If the 55% California State solar tax credit is available and is applied to these options (along with the Federal tax interaction), the adjusted totals become: Gas & Cover (noon-4PM), \$1,725 ; Gas & Cover (10AM-6PM), \$1725 ; Gas & Cover (8AM-8PM), \$1854 ; Active Solar & Cover, \$2951 ; Active Solar & Gas, \$4075 .

COMPARATIVE TEN-YEAR LIFE CYCLE COSTS OF VARIOUS POOL
HEATING TECHNOLOGIES FOR THE CITY OF SACRAMENTO

(All costs are calculated in present-value dollars.)

	Initial Cost (with Loan)	Maintenance Costs	Cover Replacement Costs	Electric Operating Costs	Gas Energy Costs	<u>TOTAL COST</u>
Gas & Cover (off noon-4PM)	\$924	\$175	\$702	0	\$602	\$2,403
Gas & Cover (off 10AM-6PM)	\$924	\$175	\$702	0	\$775	\$2,576
Gas & Cover (off 8AM-8PM)	\$924	\$175	\$702	0	\$1206	\$3,007
Active Solar (50%) & Cover	\$3213	\$323	\$702	\$331	0	\$4,569
Active Solar (50%) & Gas	\$3646	\$498	0	\$331	\$2442	\$6,917

* If the 55% California State solar tax credit is available and is applied to these options (along with the Federal tax interaction), the adjusted totals become: Gas & Cover (noon-4PM), \$2,284 ; Gas & Cover (10AM-6PM), \$2457 ; Gas & Cover (8AM-8PM), \$2888 ; Active Solar & Cover, \$3006 ; Active Solar & Gas, \$5473 .

COMPARATIVE COST RATIOS

$$\text{COST RATIO} = \frac{\text{Total Cost of Option}}{\text{Total Cost of Gas \& Cover (noon-4PM)}}$$

For instance, a COST RATIO of 2.0 for a given option would indicate that it is twice as costly an option as that of Gas & Cover (noon-4PM).

COST RATIOS

	May-September	May-October
Gas & Cover (noon-4PM)	1.00	1.00
Gas & Cover (10AM-6PM)	1.00	1.07
Gas & Cover (8AM-8PM)	1.07	1.25
Active Solar & Cover	2.45	1.90
Active Solar & Gas	2.99	2.88

ADJUSTED COST RATIOS (including effects of State solar tax credit)

	May-September	May-October
Gas & Cover (noon-4PM)	1.00	1.00
Gas & Cover (10AM-6PM)	1.00	1.08
Gas & Cover (8AM-8PM)	1.07	1.26
Active Solar & Cover	1.71	1.32
Active Solar & Gas	2.36	2.40

CITY OF SACRAMENTO

COMPARATIVE TEN-YEAR LIFE CYCLE COSTS
OF NATURAL GAS vs ACTIVE SOLAR POOL
HEATING, BEST CASE ANALYSIS

May - September

	<u>GAS & COVER (off noon - 4PM)</u>	<u>ACTIVE SOLAR (50%) & COVER</u>
Initial Cost (with Loan)	\$924	\$3213
Maintenance Costs	\$175	\$323
Replacement Costs (of Cover)	\$702	\$702
Electrical Operating Costs	0	\$276
Natural Gas Energy Costs	\$43	0
TOTAL COST	\$1,844	\$4,514
ADJUSTED TOTAL (for Tax Credit)	\$1,725	\$2,951

May - October

Initial Cost (with Loan)	\$924	\$3213
Maintenance Costs	\$175	\$323
Replacement Costs (of Cover)	\$702	\$702
Electrical Operating Costs	0	\$331
Natural Gas Energy Costs	\$602	0
TOTAL COST	\$2,403	\$4,569
ADJUSTED TOTAL	\$2,284	\$3,006

CITY OF SACRAMENTO

ECONOMIC ASSUMPTIONS

(578 ft² Pool)

1. Bubble-Pack Pool Cover
 - a. System first cost: \$289
 - b. Replacement interval (years): 3

2. Natural Gas Pool Heater (325,000 BTU/hr) -- to 78°F
 - a. System first cost: \$800
 - b. Replacement interval (years): 15
 - c. Therms of natural gas consumed (per season):

Cover off:	<u>noon-4PM</u>	<u>10AM-6PM</u>	<u>8AM-8PM</u>
May-Sept.	9.8	9.8	39.2
May-Oct.	136.9	176.1	274.0
 - d. Gas heater efficiency: 75%
 - e. Initial cost of natural gas (per therm): 44¢
 - f. Gas price escalation rate: 14%
 - g. Maintenance costs (% of system cost per year):
3% (years 2-10)

3. Active Solar Pool Heater (unglazed copper) -- 50% coverage
 - a. System first cost: \$3500
 - b. Replacement interval (years): 15
 - c. Electricity consumed: 7.78 Kilowatt-hours per day, the amount required for the operation of a 1½ Hp pump motor for an extra 4 hours each day
 - d. Initial cost of electricity (per kilowatt-hr): 2.6¢
 - e. Escalation rate of price of electricity: 12%
 - f. Maintenance costs (% of system cost per year):
1% (years 4-5); 2% (years 6-10)

4. General Assumptions
 - a. Rate of inflation: 10%
 - b. Nominal discount rate: 14%
 - c. Loan interest rate: 13.5%
 - d. Marginal federal income tax rate: 25%
 - e. Marginal state income tax rate: 5%

Summary of Basic Formulas Employed in Economic Analyses
 (For more detail, see San Diego County's "Solar Ordinance
 Feasibility Analysis", Dec. 1978.)

Initial Cost (with Loan): $C_{s \text{ loan}}$

$$DPT = 0.10 IC_s$$

$$PMT = 0.90 IC_s \left(\frac{\frac{i}{12}}{1 - (1 + \frac{i}{12})^{-120}} \right)$$

$$INT_t = \frac{i}{12} (1 + \frac{i}{12})^{t-1} (.9 IC_s) - ((1 + \frac{i}{12})^{t-1} - 1)(PMT)$$

$$INT = \sum_{t=1}^{120} \frac{INT_t (1 - (.05 + .25) + (.05)(.25))}{(1 + \frac{d}{12})^t}$$

$$PP = \sum_{t=1}^{120} \frac{PMT - INT_t}{(1 + \frac{d}{12})^t}$$

$$C_{s \text{ loan}} = DPT + INT + PP, \text{ where}$$

IC_s = system first cost

i = (annual) loan interest rate

d = (annual) discount rate

DPT = down payment

PMT = monthly payment

INT_t = portion of t^{th} monthly payment due to interest

INT = total payments to interest

PP = total payments to principal

Maintenance Costs: MC

$$1. \text{ Natural Gas Heater: } MC_g = IC_g ((.03) \sum_{j=2}^{10} \left(\frac{1 + e_i}{1 + d} \right)^j)$$

2. Active Solar System:

$$MC_{so} = IC_{so} \left((.01) \sum_{j=4}^5 \left(\frac{1 + e_i}{1 + d} \right)^j + (.02) \sum_{j=6}^{10} \left(\frac{1 + e_i}{1 + d} \right)^j \right),$$

where e_i = (annual) rate of inflation.

Replacement Costs (of Cover): RC

$$RC = IC_{co} \left(\left(\frac{1+e_i}{1+d} \right)^3 + \left(\frac{1+e_i}{1+d} \right)^6 + \left(\frac{1+e_i}{1+d} \right)^9 \right)$$

Operating Costs: OC_s

$$OC_s = IC_e \left(\sum_{j=1}^{10} \left(\frac{1 + e_e}{1 + d} \right)^j \right), \text{ where}$$

e_e = (annual) escalation rate of price of electricity

IC_e = first year cost of electricity

Energy Costs: EC_s

$$EC_s = IC_g \left(\sum_{j=1}^{10} \left(\frac{1 + e_g}{1 + d} \right)^j \right), \text{ where}$$

e_g = (annual) escalation rate of price of natural gas

IC_g = first year cost of natural gas

34

NATURAL GAS CONSUMED UNDER VARIOUS
POOL COVER USAGE SCHEDULES

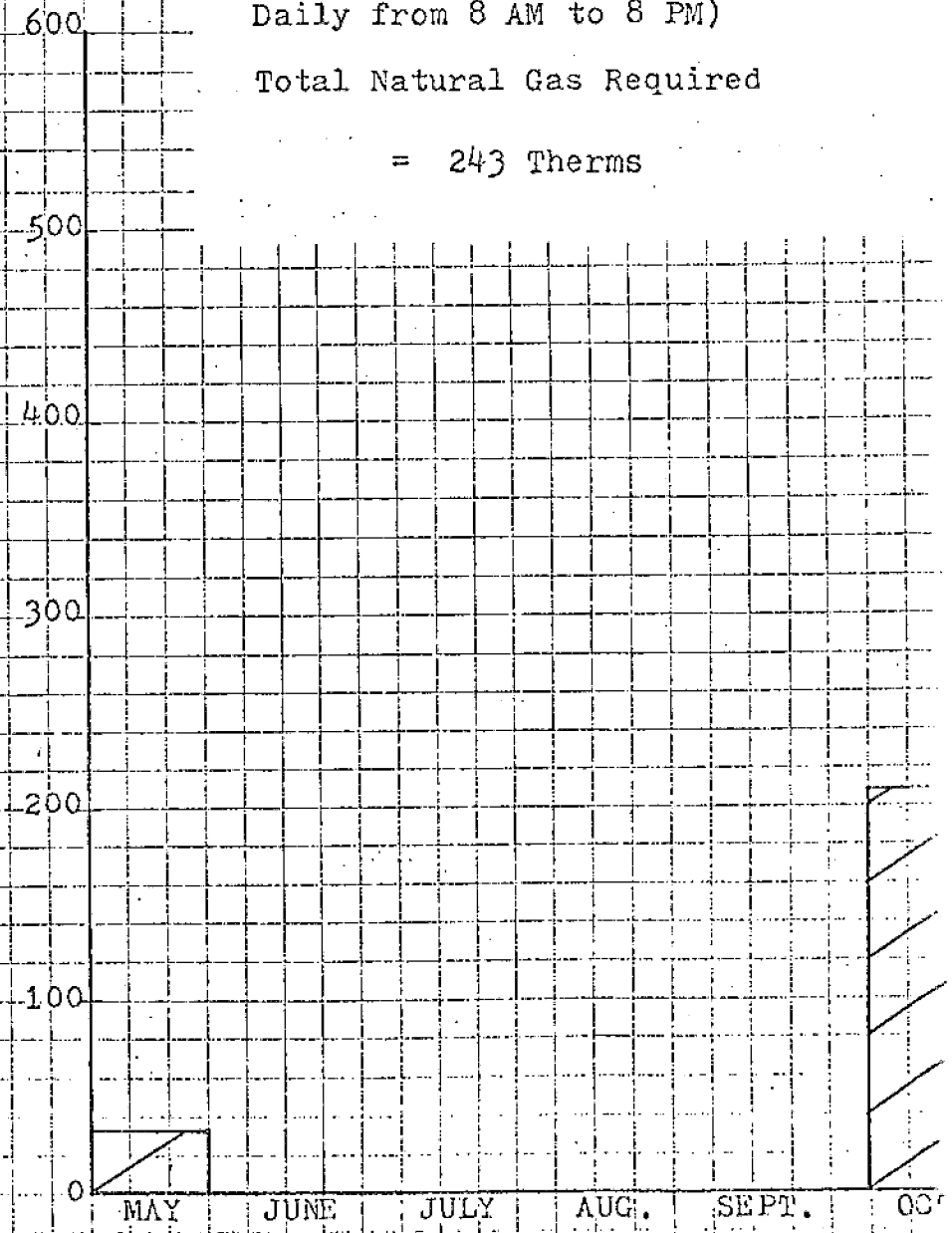
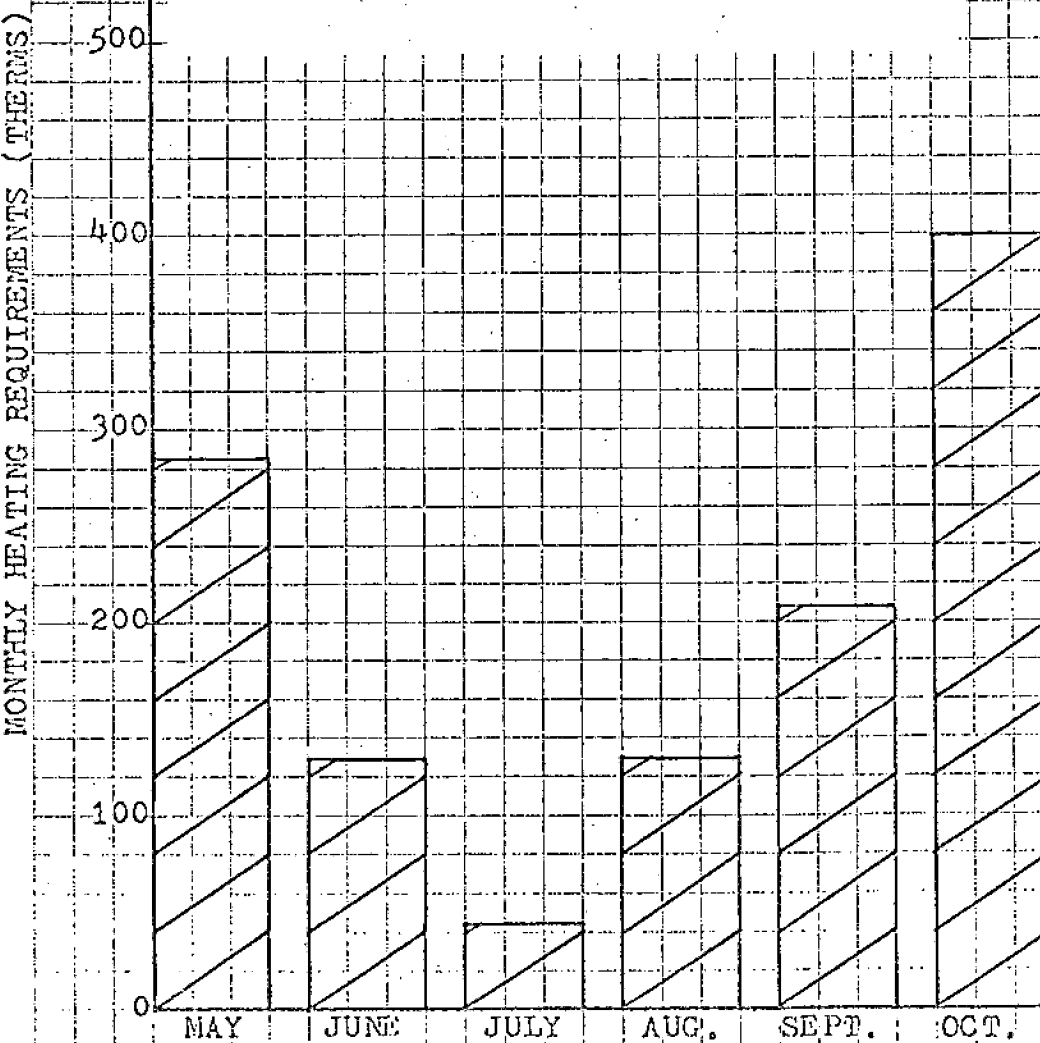
Pool Area: 512 ft²

Desired Pool
Temperature: 78°F

Type of Pool Cover:
Bubble-Pack

Gas Heater Only:
0% Pool Cover Use
Total Natural Gas Required
(At 75% Heater Efficiency)
= 1,196 Therms

50% Pool Cover Use: (Removed
Daily from 8 AM to 8 PM)
Total Natural Gas Required
= 243 Therms



NATURAL GAS CONSUMED UNDER VARIOUS
POOL COVER USAGE SCHEDULES

Pool Area: 512 ft²
Desired Pool
Temperature: 78°F
Type of Pool Cover:
Bubble-Pack

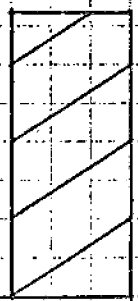
66 $\frac{2}{3}$ % Pool Cover Use: (Removed
Daily from 10 AM to 6 PM)
Total Natural Gas Required
= 156 Therms

83 $\frac{1}{3}$ % Pool Cover Use: (Removed
Daily from noon to 4 PM)
Total Natural Gas Required
= 121 Therms

MONTHLY HEATING REQUIREMENTS (THERMS)

600
500
400
300
200
100
0

MAY JUNE JULY AUG. SEPT. OCT. MAY JUNE JULY AUG. SEPT. OC



600
500
400
300
200
100
0



17) (6) No permit to build a swimming pool equipped with a fossil fuel or electric heating system or to install a fossil fuel or electric heating system for swimming pools shall be issued until the following requirements have been met:

(a) A licensed contractor shall submit to the pool owner a written bid estimate for installation of at least the following types of systems: (i) an active solar system meeting the California solar energy tax credit requirements, and (ii) a fossil fuel heating system and a pool cover. The bid estimate for each system shall also include an approximation of the annual operating cost of heating for 10 years with and without a pool cover, with the proposed systems designed to maintain the pool water at 78°F from May 1 through October 31 under normal weather conditions. Such bid estimates shall include but need not be limited to pool cover replacement costs. The bid estimate for an active solar system shall show any tax credit which may be available for the system. The bid estimates shall not be construed to be warranties or guarantees unless they expressly so state.

(b) Energy prices and weather conditions used in preparing the bid estimates shall be as shown in the Residential Energy Conservation Manual.

(c) Prior to the issuance of a construction permit for a fossil fuel or electric swimming pool heating system, the swimming pool owner or owner's agent shall certify as part of the permit application that he/she has read all bid estimates as provided in subsection (6)(a). The minimum requirement for an Enforcement Agency in the permit application process is that it obtains the owners certification prior to authorizing a fossil fuel or electric pool heating system construction permit. The Enforcement Agency may, at its option, require a copy of the bid estimates to be a part of the owner's certification.

Students for Economic Democracy
California State University, Sacramento Chapter

April 8, 1980

Mayor Phillip Isenberg
City of Sacramento
City Hall
Sacramento, CA 95816

Dear Mayor Isenberg:

After thoughtful and careful discussion of the solar pool heating ordinance before the City Council tonight, Students for Economic Democracy at California State University, Sacramento conveys its strong support for the ordinance's provisions. We believe it is a sensible, well-crafted and much-needed ordinance and encourage the council to adopt it for the following reasons:

1. In general, we believe solar energy is one of several feasible renewable energy resources upon which it is essential the United States become more reliant. We must begin a nationwide movement towards use of such renewable resources if we are to decrease our dependence on foreign oil and energy sources countless groups consider "unsafe" --economically and environmentally. Specifically, adopting this ordinance tonight would be an extremely significant move in this direction nationwide.
2. If the council adopts this ordinance tonight it will set what SED believes is a good precedent and will encourage future ordinances boosting local solar energy development.
3. Specifically, we believe requiring solar heaters along with natural gas heaters for swimming pools is locally a sensible first step toward increased dependence on solar. SED, as a conservationist organization, sees swimming pool heaters as definite non-essentials in this world faced with major declines in fossil fuel supplies. Though they indeed account for a small portion of the city's overall energy consumption, natural gas swimming pool heaters are not sensible; they are instead wasteful when such viable alternatives as solar exist. This proposal should be agreeable because it does not prohibit pool owners from installing natural gas heaters, but, in essence, by requiring solar heaters along with them, it provides a strong incentive to "solarize" the entire system, an idea SED strongly supports.

SED would also like to inform the council of its plans to draw up a proposal to present to the CSUS administration, encouraging it to embark on an ambitious "solarization" program for the campus. CSUS and its SED chapter can be pacesetters in statewide campus solar energy development. In fact, we believe Sacramento -- boasting both a city council and a major university encouraging immediate solar energy development -- can be a strong example of a "sensible energy city" nationwide, and hope the council tonight decides to become part of that progressive example.

Respectfully Submitted,

Susan Bryer

Susan Bryer
CSUS Students for Economic Democracy

CITIZENS FOR SAFE ENERGY

1917 16th Street • Sacramento, Ca. 95814 • Phone 442-3635

No one has the right to risk human lives for monetary gain and/or political expediency. Future generations should not pay for the irresponsible waste and undue profits of the present. We must all act now to put an end to the misdirection of energy programs and halt the waste ethic. We must work for an energy future with responsibility and good conscience.

April 8, 1980

Mayor Phillip Isenberg
Sacramento City Hall
Sacramento, Calif. 95814

Dear Mayor Isenberg,


Citizens For Safe Energy is a local organization primarily interested in efficient energy conservation programs and the use of safe, non-polluting energy resources.

We are impressed with the City's willingness to take seriously the need to start a sound and efficient energy conservation program and we enthusiastically support the draft ordinance which would require that active solar heating systems be used for outside swimming pools.

Our group has closely followed state legislation (SB-566) introduced early last year by Senator Rains. After observing the tremendous lobbying efforts by the statewide swimming pool industry, we are convinced that local governments must initiate and pass their own ordinances.

We urge the city council members to take this first step toward the beginning of a serious effort to reduce energy consumption in the City of Sacramento.

Sincerely,


Miriam Davis

cc: to all city council members

4330

29

1. ORDINANCE NO. 4330 , FOURTH SERIES

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, BY REMOVING PROPERTY LOCATED AT SOUTHEAST CORNER OF GRAND OAKS WAY & DEL OAKS WAY FROM THE R-1 SINGLE FAMILY RESIDENTIAL ZONE AND PLACING SAME IN THE R-1A TOWNHOUSE ZONE (FILE NO. P- 8926) (APN: 031-540-20)

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

SECTION 1.

The territory described in the attached exhibit(s) which is in the R-1 Single Family Residential zone(s), established by Ordinance No. 2550, Fourth Series, as amended, is hereby removed from said zone(s) and placed in the R-1A Townhouse zone(s).

SECTION 2.

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this ordinance.

SECTION 3.

Rezoning of the property described in the attached exhibit(s) by the adoption of this ordinance shall be deemed to be in compliance with the procedures for the rezoning of property prescribed in Ordinance No. 2550, Fourth Series, as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION:

PASSED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

APPROVED BY THE CITY COUNCIL

APR - 1 1980

OFFICE OF THE CITY CLERK

P-8926

LEGAL DESCRIPTION

LOT 20, RIVER OAKS RANCH, UNIT NO. 1

P-8926

1. ORDINANCE NO. 4330 , FOURTH SERIES

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, BY REMOVING PROPERTY LOCATED AT SOUTHEAST CORNER OF GRAND OAKS WAY & DEL OAKS WAY FROM THE R-1 SINGLE FAMILY RESIDENTIAL ZONE AND PLACING SAME IN THE R-1A TOWNHOUSE ZONE (FILE NO. P- 8926) (APN: 031-540-20)

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

SECTION 1.

The territory described in the attached exhibit(s) which is in the R-1 Single Family Residential zone(s), established by Ordinance No. 2550, Fourth Series, as amended, is hereby removed from said zone(s) and placed in the R-1A Townhouse zone(s).

SECTION 2.

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this ordinance.

SECTION 3.

Rezoning of the property described in the attached exhibit(s) by the adoption of this ordinance shall be deemed to be in compliance with the procedures for the rezoning of property prescribed in Ordinance No. 2550, Fourth Series, as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION:

PASSED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

P-8926

LEGAL DESCRIPTION

LOT 20, RIVER OAKS RANCH, UNIT NO. 1

P-8926

1. ORDINANCE NO. 4330 , FOURTH SERIES

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, BY REMOVING PROPERTY LOCATED AT SOUTHEAST CORNER OF GRAND OAKS WAY & DEL OAKS WAY FROM THE R-1 SINGLE FAMILY RESIDENTIAL ZONE AND PLACING SAME IN THE R-1A TOWNHOUSE ZONE (FILE NO. P- 8926) (APN: 031-540-20)

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

SECTION 1.

The territory described in the attached exhibit(s) which is in the R-1 Single Family Residential zone(s), established by Ordinance No. 2550, Fourth Series, as amended, is hereby removed from said zone(s) and placed in the R-1A Townhouse zone(s).

SECTION 2.

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this ordinance.

SECTION 3.

Rezoning of the property described in the attached exhibit(s) by the adoption of this ordinance shall be deemed to be in compliance with the procedures for the rezoning of property prescribed in Ordinance No. 2550, Fourth Series, as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION:

PASSED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

P-8926

LEGAL DESCRIPTION

LOT 20, RIVER OAKS RANCH, UNIT NO. 1

P-8926

4331
4331

5. ORDINANCE NO. 4331, FOURTH SERIES

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, BY REMOVING PROPERTY LOCATED AT W & E SIDES OF UNIVERSITY AVE., APPROX. 625' N OF GUY WEST BRIDGE FROM THE A Agricultural ZONE AND PLACING SAME IN THE OB-R(PC) OFFICE BUILDING REVIEW (PARKWAY CORRIDOR) & OB-R OFFICE BUILDING REVIEW ZONES. (FILE NO. P-8929) (APN: 295-030-08,09,14-18)

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

SECTION 1.

The territory described in the attached exhibit(s) which is in the A Agricultural zone, established by Ordinance No. 2550, Fourth Series, as amended, is hereby removed from said zone and placed in the OB-R(PC) Office Building Review (Parkway Corridor) and OB-R Office Building Review zone. This action rezoning the property described in the attached exhibit(s) is adopted subject to the following conditions and stipulations:

- a. A material consideration in the decision of the Planning Commission to recommend and the City Council to approve the rezoning of the applicant's property is the development plans and representations submitted by the applicant in support of his request. It is believed said plans and representations are an integral part of such proposal and should continue to be the development program for the property.
- b. If an application for a building permit or other construction permit is filed for said parcel which is not in conformity with the proposed development plans and representations submitted by the applicant and as approved by the Planning Commission February 28, 1980 /City Council April 1, 1980, on file in the office of the Planning Department, or any provision or modifications thereof as subsequently reviewed and approved by the Planning Commission, no such permit shall be issued, and the Planning Director shall report the matter to the Planning Commission for site plan review in accordance with Section 13 of the Zoning Ordinance, No. 2550, Fourth Series, as amended.

SECTION 2.

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this ordinance.

SECTION 3.

Rezoning of the property described in the attached exhibit(s) by the adoption of this ordinance shall be deemed to be in compliance with the procedures for the rezoning of property prescribed in Ordinance No. 2550, Fourth Series, as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION:
PASSED:
EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

APR 1 1980

APR - 1 1980

OFFICE OF THE CITY CLERK

CITY PLANNING COMMISSION

JAN 24 1980

RECEIVED
January 21, 1980

DESCRIPTION OF PROPERTY TO BE
REZONED FROM A TO OB (R)

Lots 1, 2, 3, 4 and 5, as said lots are shown on the official plat of Campus Commons University Square Unit No. 1, recorded in the office of the Recorder of Sacramento County in Book 88 of Maps, Map No. 6 and Lots 16 and 17, as said lots are shown on the official plat of Campus Commons University Square Unit No. 2, recorded in the office of said Recorder in Book 88 of Maps, Map No. 4.

P-8929

THE SPINK CORPORATION
HECKED: _____ DATE _____
TYPING _____
TRAVERSE _____
MAP _____
DELIVERED TO: _____

After this description is filed, no person shall offer this description to file with any other agency or to the Planning Commission of the governing body or compliance with lot split ordinances.

5.

ORDINANCE NO. ⁴³³¹, FOURTH SERIES

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, BY REMOVING PROPERTY LOCATED AT W & E SIDES OF UNIVERSITY AVE., APPROX. 625' N OF GUY WEST BRIDGE FROM THE A Agricultural ZONE AND PLACING SAME IN THE OB-R(PC) OFFICE BUILDING REVIEW (PARKWAY CORRIDOR) & OB-R OFFICE BUILDING REVIEW ZONES. (FILE NO. P-8929) (APN: 295-030-08,09,14-18)

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

SECTION 1.

The territory described in the attached exhibit(s) which is in the A Agricultural zone, established by Ordinance No. 2550, Fourth Series, as amended, is hereby removed from said zone and placed in the OB-R(PC) Office Building Review (Parkway Corridor) and OB-R Office Building Review zone. This action rezoning the property described in the attached exhibit(s) is adopted subject to the following conditions and stipulations:

- a. A material consideration in the decision of the Planning Commission to recommend and the City Council to approve the rezoning of the applicant's property is the development plans and representations submitted by the applicant in support of his request. It is believed said plans and representations are an integral part of such proposal and should continue to be the development program for the property.
- b. If an application for a building permit or other construction permit is filed for said parcel which is not in conformity with the proposed development plans and representations submitted by the applicant and as approved by the Planning Commission February 28, 1980 /City Council April 1, 1980, on file in the office of the Planning Department, or any provision or modifications thereof as subsequently reviewed and approved by the Planning Commission, no such permit shall be issued, and the Planning Director shall report the matter to the Planning Commission for site plan review in accordance with Section 13 of the Zoning Ordinance, No. 2550, Fourth Series, as amended.

SECTION 2.

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this ordinance.

SECTION 3.

Rezoning of the property described in the attached exhibit(s) by the adoption of this ordinance shall be deemed to be in compliance with the procedures for the rezoning of property prescribed in Ordinance No. 2550, Fourth Series, as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION:

PASSED:

EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

APR 1 1980

OFFICE OF THE CITY CLERK

CITY PLANNING COMMISSION

JAN 24 1980

RECEIVED
January 21, 1980

DESCRIPTION OF PROPERTY TO BE
REZONED FROM A TO OB (R)

Lots 1, 2, 3, 4 and 5, as said lots are shown on the official plat of Campus Commons University Square Unit No. 1, recorded in the office of the Recorder of Sacramento County in Book 88 of Maps, Map No. 6 and Lots 16 and 17, as said lots are shown on the official plat of Campus Commons University Square Unit No. 2, recorded in the office of said Recorder in Book 88 of Maps, Map No. 4.

P-8929

THE SPINK CORPORATION
CHECKED: _____ DATE _____
TYPING _____
TRAVERSE _____
MAP _____
DELIVERED TO: _____

After this description is filed, the applicant shall be responsible for any before incorporating it in any document and to the Planning Commission of the governing body or compliance with lot split ordinances.

4332

33

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE CITY OF SACRAMENTO COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, BY PREZONING PROPERTY GENERALLY LOCATED SOUTH OF I-880, WEST OF ROSIN COURT, AND DESIGNATING SAME FOR THE R-1-A AND A ZONE(S) (FILE NO. P-8702)

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

SECTION 1.

The territory described in the attached exhibit(s), and which is in the unincorporated territory contiguous to the City, is hereby designated in the Townhouse R-1-A (104.4+ acres) and Agriculture A (6.6+ acres) prezoning classification(s). This action prezoning the property described in the attached exhibit(s) is adopted subject to the following conditions and stipulations:

This action does not vest any right or entitlement to use except to indicate the zoning designation which shall become effective at such time that this property is annexed to the City of Sacramento.

SECTION 2.

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this ordinance.

SECTION 3.

Prezoning of the property described in the attached exhibit(s) by adoption of this ordinance shall be deemed to be in compliance with the procedures for the prezoning of property prescribed in Ordinance No. 2550, Fourth Series, as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION:
ENACTED:
EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

APPROVED
BY THE CITY COUNCIL

APR - 1 1980

OFFICE OF THE
CITY CLERK

RANEY ANNEXATION

P.8702

111.1 ± Net Acres

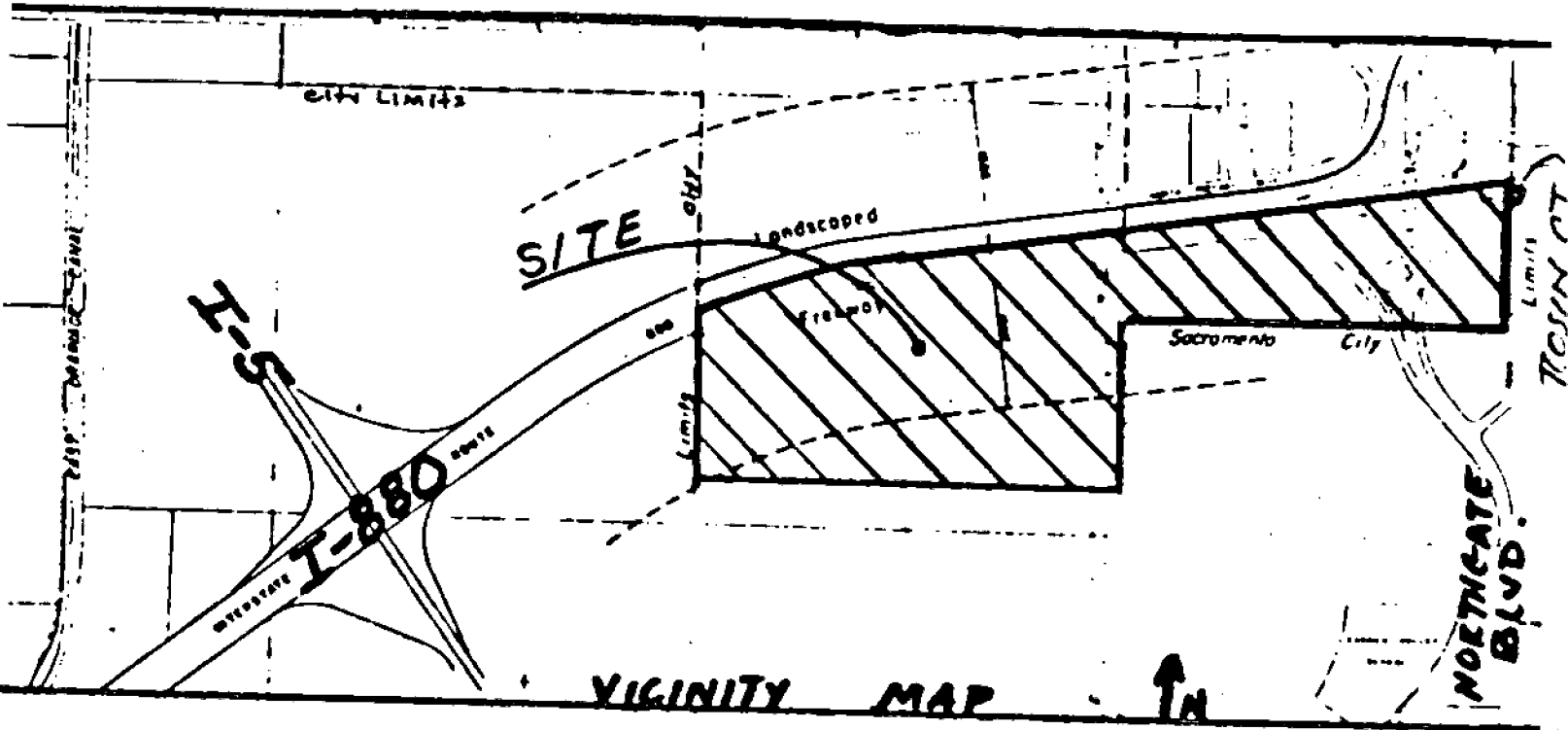


EXHIBIT A

1/4

PROPOSED ANNEXATION TO THE CITY OF SACRAMENTO

All that real property situate in the County of Sacramento, State of California, described as follows:

Beginning at the center of Section 13, Township 9 North, Range 4 East, M.D.B.&M.; thence from said point of beginning northerly along the west line of the Northeast 1/4 of said Section 13 to its intersection with the centerline of U.S. Freeway Interstate 880; thence easterly along the centerline of Interstate 880 to its intersection with the east line of Section 18, Township 9 North, Range 5 East, M.D.B.&M.; thence southerly along the east line of said Section 18 to its intersection with the easterly production of the northerly line of that certain property deeded to Robert C. Cook, described in the deed recorded in the office of the Recorder of Sacramento County, California in Book 4624, Official Records, Page 317; thence westerly along said easterly production and said northerly line of the Robert C. Cook property to its intersection with the west line of said Section 18, said point being situate on the east line of Section 13, Township 9 North, Range 4 East, M.D.B.&M.; thence southerly along the east line of said Section 13 to the east 1/4 corner of said Section 13; thence westerly along the south line of the Northeast 1/4 of said Section 13 to the center of said Section 13 and the point of beginning.

APPROVED
SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

FEB 6 1980

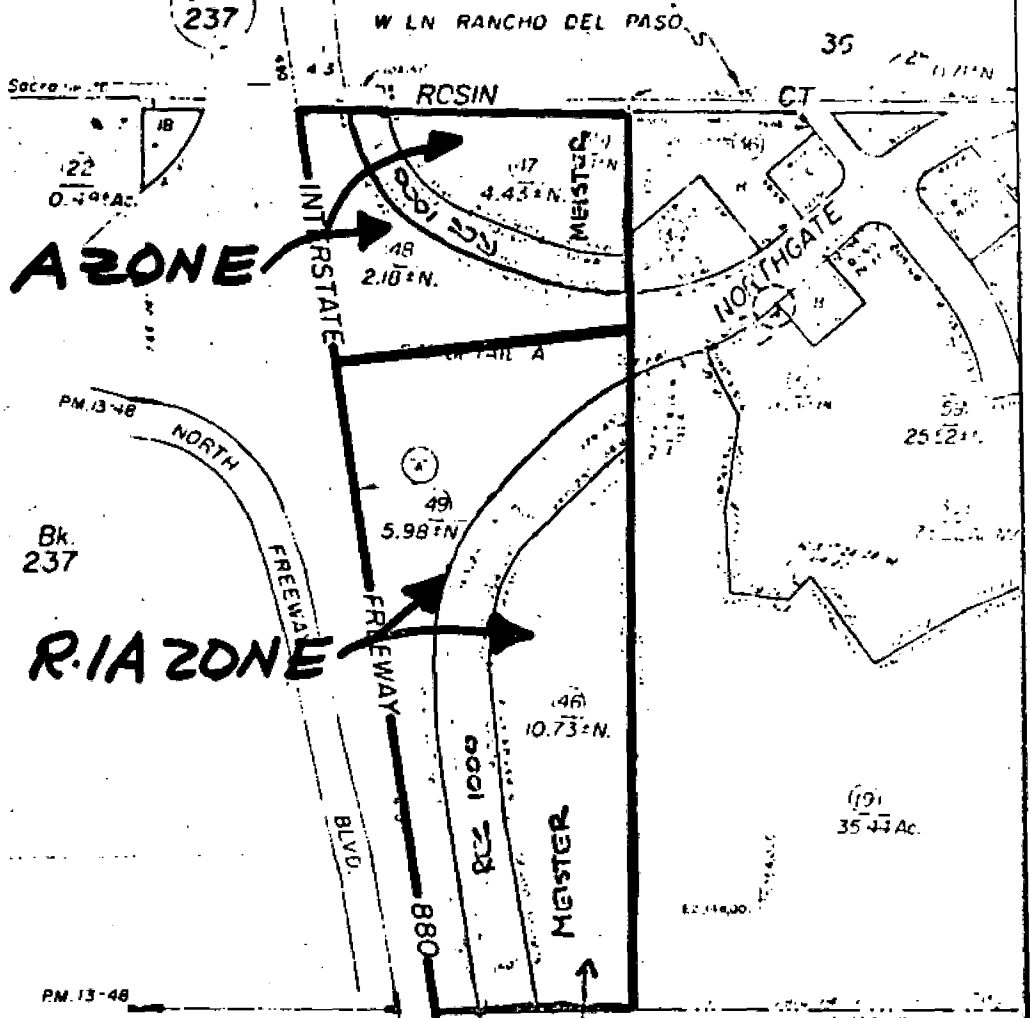
BY *Marilyn Ann Cramer*
Commissioner, Clerk

EXHIBIT A

2/4

P.8702

Bk. 237



A ZONE

R.1A ZONE

BY _____
 FEB 6 1980
 SACRAMENTO LOCAL AGENCY
 FOUNDATION COMMISSION

DETAIL A
SCALE: 1:100

RANNEY MODIFICATION
 LAFCO
 FEB. 80

O.S. Bk. 32 Pg. 33 (11-3-76)

EXHIBIT A

**Zone R-1A
and A**

4/4

P.8702

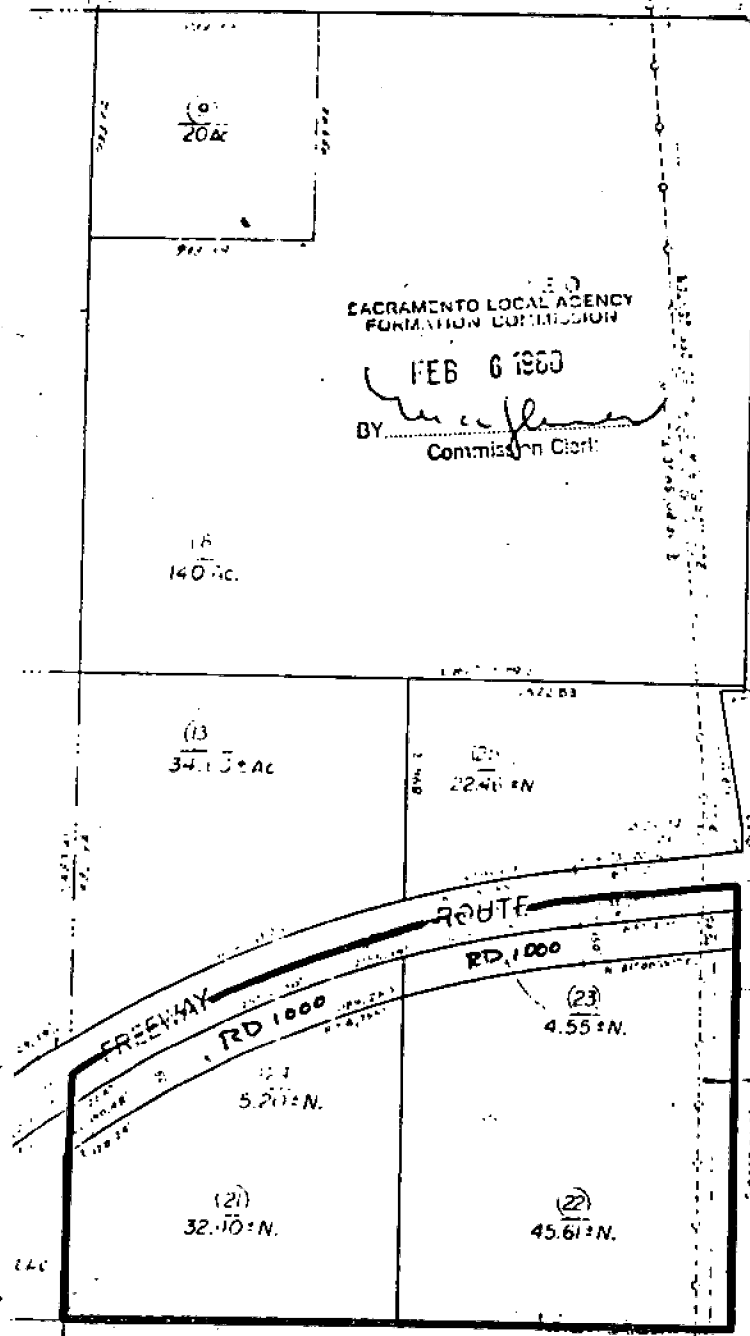
Bk. 225

T. 14, T. 9N., R. 4E., M.D.B. & M.

(06)

Tax Area Code

R.M. 17-34



Bk. 237

12,7
13,18

880

Bk. 250

PANEY (ORIGINAL)
LAFLO
FROSEN
JULY 1979

(17)

Assessor's Map Bk. 225-Pg
County of Sacramento, Ca

NOTE- Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

EXHIBIT A
Freezone R-1A 3/4 P. 8702

ORDINANCE NO. 4332 FOURTH SERIES

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE CITY OF SACRAMENTO COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, BY PREZONING PROPERTY GENERALLY LOCATED SOUTH OF I-880, WEST OF ROSIN COURT, AND DESIGNATING SAME FOR THE R-1-A AND A ZONE(S) (FILE NO. P-8702)

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

SECTION 1.

The territory described in the attached exhibit(s), and which is in the unincorporated territory contiguous to the City, is hereby designated in the Townhouse R-1-A (104.4+ acres) and Agriculture A (6.6+ acres) prezoning classification(s). This action prezoning the property described in the attached exhibit(s) is adopted subject to the following conditions and stipulations:

This action does not vest any right or entitlement to use except to indicate the zoning designation which shall become effective at such time that this property is annexed to the City of Sacramento.

SECTION 2.

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this ordinance.

SECTION 3.

Prezoning of the property described in the attached exhibit(s) by adoption of this ordinance shall be deemed to be in compliance with the procedures for the prezoning of property prescribed in Ordinance No. 2550, Fourth Series, as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION:
ENACTED:
EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

P-8702

4333

1.

ORDINANCE NO. 4333, FOURTH SERIES

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, BY REMOVING PROPERTY LOCATED AT North side of Mack Rd., East of Western Pacific Railroad FROM THE R-1 Single Family Residential ZONE AND PLACING SAME IN THE R-1A Townhouse ZONE (FILE NO. P- 8762) (APN: 49-073-07,08; 49-082-01; 49-093-05; 49-100-02; 49-092-03)

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

SECTION 1.

The territory described in the attached exhibit(s) which is in the R-1 Single Family Residential zone(s), established by Ordinance No. 2550, Fourth Series, as amended, is hereby removed from said zone(s) and placed in the R-1A Townhouse zone(s).

SECTION 2.

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this ordinance.

SECTION 3.

Rezoning of the property described in the attached exhibit(s) by the adoption of this ordinance shall be deemed to be in compliance with the procedures for the rezoning of property prescribed in Ordinance No. 2550, Fourth Series; as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION:

PASSED:

EFFECTIVE:

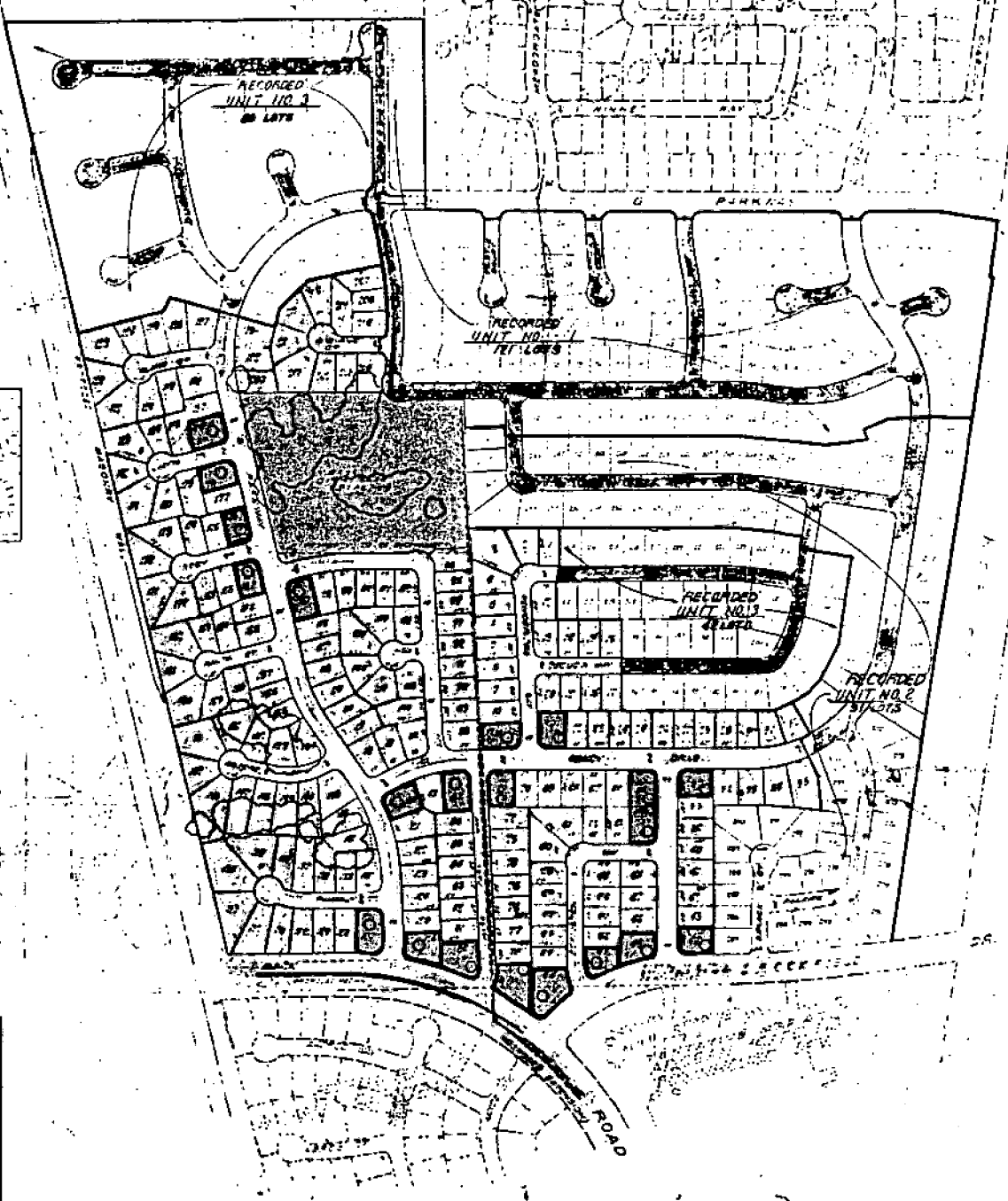
MAYOR

ATTEST:

CITY CLERK

APPROVED BY THE CITY COUNCIL APR - 1 1980 OFFICE OF THE CITY CLERK

TRAX VILLAS
PEOPLE'S HOME PARK



REVISED TENTATIVE MAP OF

VILLAGE PARK UNIT NO. 4, ET SEQ.

CITY OF SACRAMENTO CALIFORNIA NOV. 1970 SCALE 1"=100'

1. ALL LOTS ARE TO BE CONVEYED TO THE CITY OF SACRAMENTO BY DEED.
2. THE CITY OF SACRAMENTO SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL UTILITIES AND STREETS SHOWN ON THIS MAP.
3. THE CITY OF SACRAMENTO SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL UTILITIES AND STREETS SHOWN ON THIS MAP.
4. THE CITY OF SACRAMENTO SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL UTILITIES AND STREETS SHOWN ON THIS MAP.
5. THE CITY OF SACRAMENTO SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL UTILITIES AND STREETS SHOWN ON THIS MAP.
6. THE CITY OF SACRAMENTO SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL UTILITIES AND STREETS SHOWN ON THIS MAP.
7. THE CITY OF SACRAMENTO SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL UTILITIES AND STREETS SHOWN ON THIS MAP.
8. THE CITY OF SACRAMENTO SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL UTILITIES AND STREETS SHOWN ON THIS MAP.
9. THE CITY OF SACRAMENTO SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL UTILITIES AND STREETS SHOWN ON THIS MAP.
10. THE CITY OF SACRAMENTO SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL UTILITIES AND STREETS SHOWN ON THIS MAP.

THE SPINK CORPORATION
1000 J STREET, SACRAMENTO, CALIF. 95811
TELEPHONE 533-1111

AREA CODES M 17-1

February 27, 1980

DESCRIPTION OF PROPOSED
VILLAGE PARK UNIT NO. 4 ET. SEQ.

All that portion of Sections 5 and 6, Township 7 North, Range 5 East,

M. D. B. & M., described as follows:

Beginning at the most Southerly corner of Lot 294, as said lot is shown on the official plat of Village Park Unit No. 3, recorded in the office of the Recorder of Sacramento County in Book 134 of Maps, Map No. 20; thence from said point of beginning along the Southerly boundary of said Village Park Unit No. 3 the following nine (9) courses and distances: (1) North $76^{\circ} 00' 36''$ East 244.22 feet, (2) North $19^{\circ} 55' 34''$ East 48.82 feet, (3) South $75^{\circ} 02' 07''$ East 204.02 feet, (4) Northeasterly, curving to the right on an arc of 400.00 feet radius, said arc being subtended by a chord bearing North $15^{\circ} 26' 30''$ East 6.66 feet, (5) South $74^{\circ} 04' 52''$ East 104.74 feet, (6) North $15^{\circ} 55' 08''$ East 53.12 feet, (7) North $42^{\circ} 38' 26''$ East 104.81 feet, (8) North $78^{\circ} 36' 59''$ East 79.79 feet and (9) North $80^{\circ} 03' 21''$ East 136.45 feet to a point located on the Westerly boundary of Village Park Unit No. 1, the official plat of which is recorded in the office of said Recorder in Book 117 of Maps, Map No. 6; thence along said Westerly boundary the following seven (7) courses and distances: (1) Southerly, curving to the right on an arc of 978.00 feet radius, said arc being subtended by a chord bearing South $04^{\circ} 39' 00''$ East 180.48 feet, (2) curving to the right on an arc of 20.00 feet radius, said arc being subtended by a chord bearing South $45^{\circ} 19' 20''$ West 28.13 feet, (3) South $05^{\circ} 36' 45''$ West 44.21 feet, (4) Southeasterly, curving to the right on an arc of 20.00 feet radius, said arc being subtended by a chord bearing South $43^{\circ} 01' 49''$ East 29.24 feet, (5) South $03^{\circ} 56' 22''$ West 29.17 feet, (6) curving to the right on an arc of 30.00 feet radius, said arc being subtended by a chord bearing South $15^{\circ} 06' 19''$ West 11.62 feet and (7) curving to the left on an arc of 50.00 feet radius, said arc being subtended by a chord bearing South $00^{\circ} 05' 01''$ West 44.13 feet; thence West 434.31 feet; thence, Southeasterly, curving to the left on an arc of 427.00 feet radius, said arc being subtended by a chord bearing South $13^{\circ} 50' 08''$ East 2.30 feet; South $13^{\circ} 59' 24''$ East 459.89 feet; thence East 573.11 feet; thence North $03^{\circ} 20' 00''$ West 67.59 feet to the Southwest corner of Lot 209, as said lot is shown on the official plat of Village Park Unit No. 2,

recorded in the office of said Recorder in Book 128 of Maps, Map No. 21; thence along the Southerly boundary of said Village Park Unit No. 2 East 234.57 feet to the Northwest corner of Lot 213, as said lot is shown on the official plat of said Village Park Unit No. 3; thence along the boundary of said Village Park Unit No. 3 the following six (6) courses and distances: (1) South 254.00 feet, (2) East 186.53 feet, (3) South 254.00 feet, (4) East 377.15 feet, (5) North 81° 23' 00" East 58.21 feet and (6) North 66° 11' 56" East 52.88 feet to the most Westerly corner of Lot 184, as said lot is shown on the official plat of said Village Park Unit No. 2; thence along the boundary of said Village Park Unit No. 2 the following seven (7) courses and distances: (1) South 29° 21' 32" East 100.00 feet, (2) Southwesterly, curving to the right on an arc of 373.00 feet radius, said arc being subtended by a chord bearing South 63° 22' 27" West 35.57 feet, (3) South 23° 53' 34" East 114.51 feet, (4) South 06° 01' 35" East 95.62 feet, (5) North 83° 52' 23" West 129.54 feet, (6) West 162.82 feet and (7) South 457.37 feet to a point located on the Northerly boundary of Aegean Gardens, the official plat of which is recorded in the office of said Recorder in Book 136 of Maps, Map No. 2; thence along said Northerly boundary the following two (2) courses and distances: (1) Westerly, curving to the right on an arc of 5000.00 feet radius, said arc being subtended by a chord bearing South 88° 48' 29" West 74.19 feet and (2) South 89° 13' 59" West 1272.85 feet to a point located on the Easterly line of the Western Pacific Railroad right-of-way; thence along said Easterly right-of-way line North 13° 59' 24" West 1830.29 feet to the point of beginning; containing 47.179 acres, more or less.

THE SPINK CORPORATION
 CHECKED: _____ DATE _____

TYPING _____
 TRAVERSE LN _____
 MAP _____

2-24-80

DELIVERED TO: _____

Refer this description to title company before incorporating it in any document and to the Planning Commission of the governing body for compliance with lot split ordinances.

1. ORDINANCE NO. 4333 , FOURTH SERIES

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, BY REMOVING PROPERTY LOCATED AT North side of Mack Rd., East of Western Pacific Railroad FROM THE R-1 Single Family Residential ZONE AND PLACING SAME IN THE R-1A Townhouse ZONE (FILE NO. P- 8762) (APN: 49-073-07,08; 49-082-01; 49-093-05; 49-100-02; 49-092-03)

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

SECTION 1.

The territory described in the attached exhibit(s) which is in the R-1 Single Family Residential zone(s), established by Ordinance No. 2550, Fourth Series, as amended, is hereby removed from said zone(s) and placed in the R-1A Townhouse zone(s).

SECTION 2.

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this ordinance.

SECTION 3.

Rezoning of the property described in the attached exhibit(s) by the adoption of this ordinance shall be deemed to be in compliance with the procedures for the rezoning of property prescribed in Ordinance No. 2550, Fourth Series, as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION:
PASSED:
EFFECTIVE:

MAYOR

ATTEST:

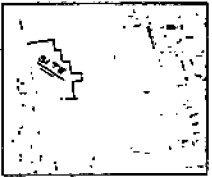
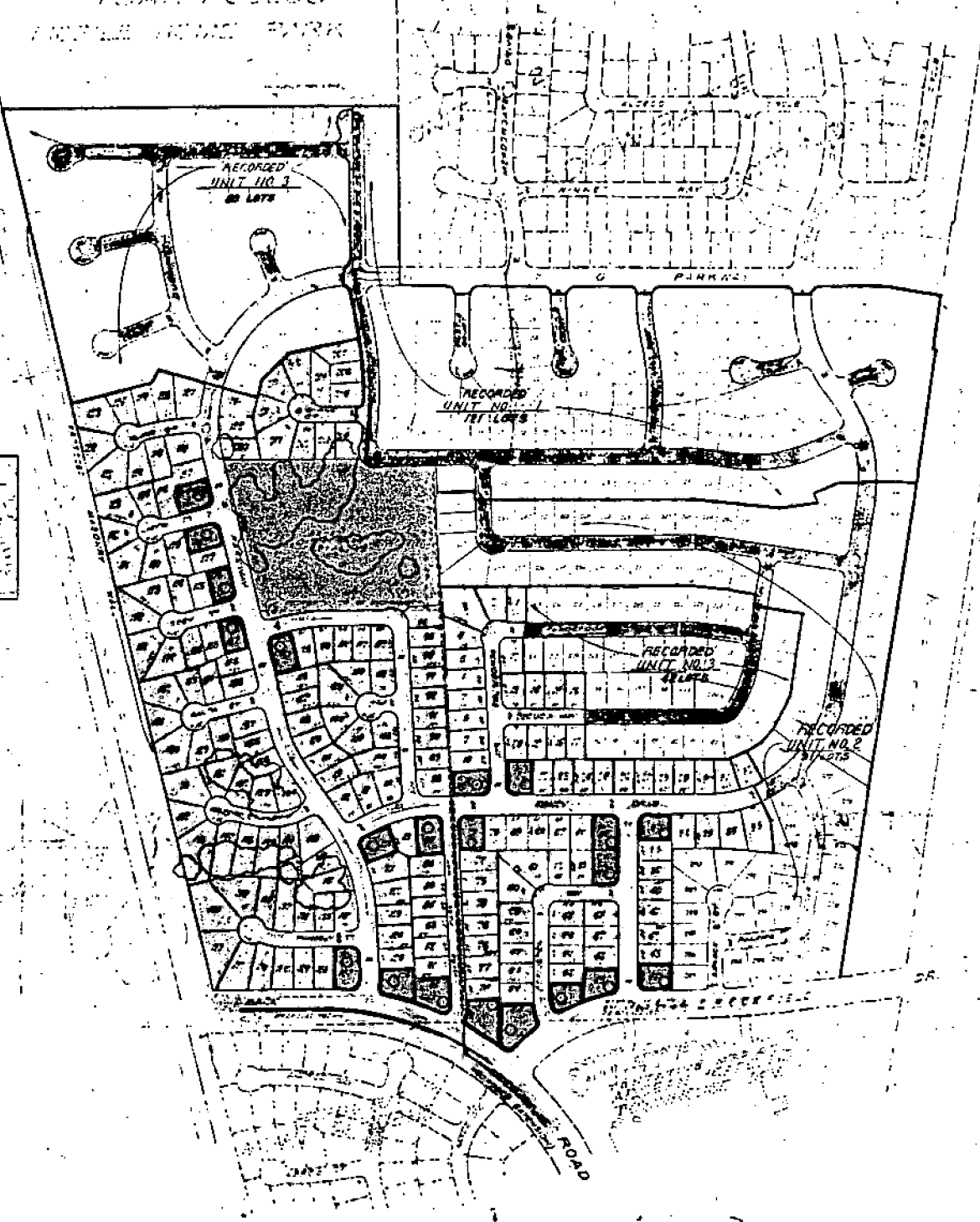
APR 1 1980
BY THE CITY CLERK

APR - 1 1980

CITY CLERK

OFFICE OF THE
CITY CLERK

754870003
VILLAGE PARK



1	Proposed Lots
2	Proposed Streets
3	Proposed Parks
4	Proposed Driveways
5	Proposed Easements
6	Proposed Encroachments
7	Proposed Utility Lines
8	Proposed Survey Lines
9	Proposed Boundary Lines
10	Proposed Area Lines
11	Proposed Section Lines
12	Proposed Township Lines
13	Proposed Range Lines
14	Proposed Meridian Lines
15	Proposed Monument Lines
16	Proposed Corner Lines
17	Proposed Station Lines
18	Proposed Curve Lines
19	Proposed Tangent Lines
20	Proposed Chord Lines
21	Proposed Arc Lines
22	Proposed Circle Lines
23	Proposed Spiral Lines
24	Proposed Parabolic Lines
25	Proposed Hyperbolic Lines
26	Proposed Elliptical Lines
27	Proposed Ellipse Lines
28	Proposed Hyperbola Lines
29	Proposed Parabola Lines
30	Proposed Spiral Lines

REVISED TENTATIVE MAP OF
VILLAGE PARK UNIT NO. 4, ET SEQ.
CITY OF SACRAMENTO CALIFORNIA NOV. 1979 SCALE 1"=100'

 THE SPINK CORPORATION
1000 J STREET, SACRAMENTO, CALIFORNIA 95811
TELEPHONE 484-1111

AREA CODE 916-484-1111

February 27, 1980

DESCRIPTION OF PROPOSED
VILLAGE PARK UNIT NO. 4 ET. SEQ.

All that portion of Sections 5 and 6, Township 7 North, Range 5 East,

M. D. B. & M., described as follows:

Beginning at the most Southerly corner of Lot 294, as said lot is shown on the official plat of Village Park Unit No. 3, recorded in the office of the Recorder of Sacramento County in Book 134 of Maps, Map No. 20; thence from said point of beginning along the Southerly boundary of said Village Park Unit No. 3 the following nine (9) courses and distances: (1) North $76^{\circ} 00' 36''$ East 244.22 feet, (2) North $19^{\circ} 55' 34''$ East 48.82 feet, (3) South $75^{\circ} 02' 07''$ East 204.02 feet, (4) Northeasterly, curving to the right on an arc of 400.00 feet radius, said arc being subtended by a chord bearing North $15^{\circ} 26' 30''$ East 6.66 feet, (5) South $74^{\circ} 04' 52''$ East 104.74 feet, (6) North $15^{\circ} 55' 08''$ East 53.12 feet, (7) North $42^{\circ} 38' 26''$ East 104.81 feet, (8) North $78^{\circ} 36' 59''$ East 79.79 feet and (9) North $80^{\circ} 03' 21''$ East 136.45 feet to a point located on the Westerly boundary of Village Park Unit No. 1, the official plat of which is recorded in the office of said Recorder in Book 117 of Maps, Map No. 6; thence along said Westerly boundary the following seven (7) courses and distances: (1) Southerly, curving to the right on an arc of 978.00 feet radius, said arc being subtended by a chord bearing South $04^{\circ} 39' 00''$ East 180.48 feet, (2) curving to the right on an arc of 20.00 feet radius, said arc being subtended by a chord bearing South $45^{\circ} 19' 20''$ West 28.13 feet, (3) South $05^{\circ} 36' 45''$ West 44.21 feet, (4) Southeasterly, curving to the right on an arc of 20.00 feet radius, said arc being subtended by a chord bearing South $43^{\circ} 01' 49''$ East 29.24 feet, (5) South $03^{\circ} 56' 22''$ West 29.17 feet, (6) curving to the right on an arc of 30.00 feet radius, said arc being subtended by a chord bearing South $15^{\circ} 06' 19''$ West 11.62 feet and (7) curving to the left on an arc of 50.00 feet radius, said arc being subtended by a chord bearing South $00^{\circ} 05' 01''$ West 44.13 feet; thence West 434.31 feet; thence, Southeasterly, curving to the left on an arc of 427.00 feet radius, said arc being subtended by a chord bearing South $13^{\circ} 50' 08''$ East 2.30 feet; South $13^{\circ} 59' 24''$ East 459.89 feet; thence East 573.11 feet; thence North $03^{\circ} 20' 00''$ West 67.59 feet to the Southwest corner of Lot 209, as said lot is shown on the official plat of Village Park Unit No. 2,

recorded in the office of said Recorder in Book 128 of Maps, Map No. 21; thence along the Southerly boundary of said Village Park Unit No. 2 East 234.57 feet to the Northwest corner of Lot 213, as said lot is shown on the official plat of said Village Park Unit No. 3; thence along the boundary of said Village Park Unit No. 3 the following six (6) courses and distances: (1) South 254.00 feet, (2) East 186.53 feet, (3) South 254.00 feet, (4) East 377.15 feet, (5) North 81° 23' 00" East 58.21 feet and (6) North 66° 11' 56" East 52.88 feet to the most Westerly corner of Lot 184, as said lot is shown on the official plat of said Village Park Unit No. 2; thence along the boundary of said Village Park Unit No. 2 the following seven (7) courses and distances: (1) South 29° 21' 32" East 100.00 feet, (2) Southwesterly, curving to the right on an arc of 373.00 feet radius, said arc being subtended by a chord bearing South 63° 22' 27" West 35.57 feet, (3) South 23° 53' 34" East 114.51 feet, (4) South 06° 01' 35" East 95.62 feet, (5) North 83° 52' 23" West 129.54 feet, (6) West 162.82 feet and (7) South 457.37 feet to a point located on the Northerly boundary of Aegean Gardens, the official plat of which is recorded in the office of said Recorder in Book 136 of Maps, Map No. 2; thence along said Northerly boundary the following two (2) courses and distances: (1) Westerly, curving to the right on an arc of 5000.00 feet radius, said arc being subtended by a chord bearing South 88° 48' 29" West 74.19 feet and (2) South 89° 13' 59" West 1272.85 feet to a point located on the Easterly line of the Western Pacific Railroad right-of-way; thence along said Easterly right-of-way line North 13° 59' 24" West 1830.29 feet to the point of beginning; containing 47.179 acres, more or less.

THE SPINK CORPORATION

CHECKED: _____ DATE _____

TYPING _____

TRAVERSE LN _____

MAP _____

DELIVERED TO: _____

Refer this description to title company before incorporating it in any document and to the Planning Commission of the governing body for compliance with lot split ordinances.

1. ORDINANCE NO. 4333 , FOURTH SERIES

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, BY REMOVING PROPERTY LOCATED AT North side of Mack Rd., East of Western Pacific Railroad FROM THE R-1 Single Family Residential ZONE AND PLACING SAME IN THE R-1A Townhouse ZONE (FILE NO. P- 8762) (APN: 49-073-07,08; 49-082-01; 49-093-05; 49-100-02; 49-092-03)

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

SECTION 1.

The territory described in the attached exhibit(s) which is in the R-1 Single Family Residential zone(s), established by Ordinance No. 2550, Fourth Series, as amended, is hereby removed from said zone(s) and placed in the R-1A Townhouse zone(s).

SECTION 2.

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this ordinance.

SECTION 3.

Rezoning of the property described in the attached exhibit(s) by the adoption of this ordinance shall be deemed to be in compliance with the procedures for the rezoning of property prescribed in Ordinance No. 2550, Fourth Series, as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION:

PASSED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

P-8762

February 27, 1980

DESCRIPTION OF PROPOSED
VILLAGE PARK UNIT NO. 4 ET. SEQ.

All that portion of Sections 5 and 6, Township 7 North, Range 5 East,

M. D. B. & M., described as follows:

Beginning at the most Southerly corner of Lot 294, as said lot is shown on the official plat of Village Park Unit No. 3, recorded in the office of the Recorder of Sacramento County in Book 134 of Maps, Map No. 20; thence from said point of beginning along the Southerly boundary of said Village Park Unit No. 3 the following nine (9) courses and distances: (1) North $76^{\circ} 00' 36''$ East 244.22 feet, (2) North $19^{\circ} 55' 34''$ East 48.82 feet, (3) South $75^{\circ} 02' 07''$ East 204.02 feet, (4) Northeasterly, curving to the right on an arc of 400.00 feet radius, said arc being subtended by a chord bearing North $15^{\circ} 26' 30''$ East 6.66 feet, (5) South $74^{\circ} 04' 52''$ East 104.74 feet, (6) North $15^{\circ} 55' 08''$ East 53.12 feet, (7) North $42^{\circ} 38' 26''$ East 104.81 feet, (8) North $78^{\circ} 36' 59''$ East 79.79 feet and (9) North $80^{\circ} 03' 21''$ East 136.45 feet to a point located on the Westerly boundary of Village Park Unit No. 1, the official plat of which is recorded in the office of said Recorder in Book 117 of Maps, Map No. 6; thence along said Westerly boundary the following seven (7) courses and distances: (1) Southerly, curving to the right on an arc of 978.00 feet radius, said arc being subtended by a chord bearing South $04^{\circ} 39' 00''$ East 180.48 feet, (2) curving to the right on an arc of 20.00 feet radius, said arc being subtended by a chord bearing South $45^{\circ} 19' 20''$ West 28.13 feet, (3) South $05^{\circ} 36' 45''$ West 44.21 feet, (4) Southeasterly, curving to the right on an arc of 20.00 feet radius, said arc being subtended by a chord bearing South $43^{\circ} 01' 49''$ East 29.24 feet, (5) South $03^{\circ} 56' 22''$ West 29.17 feet, (6) curving to the right on an arc of 30.00 feet radius, said arc being subtended by a chord bearing South $15^{\circ} 06' 19''$ West 11.62 feet and (7) curving to the left on an arc of 50.00 feet radius, said arc being subtended by a chord bearing South $00^{\circ} 05' 01''$ West 44.13 feet; thence West 434.31 feet; thence, Southeasterly, curving to the left on an arc of 427.00 feet radius, said arc being subtended by a chord bearing South $13^{\circ} 50' 08''$ East 2.30 feet; South $13^{\circ} 59' 24''$ East 459.89 feet; thence East 573.11 feet; thence North $03^{\circ} 20' 00''$ West 67.59 feet to the Southwest corner of Lot 209, as said lot is shown on the official plat of Village Park Unit No. 2,

recorded in the office of said Recorder in Book 128 of Maps, Map No. 21; thence along the Southerly boundary of said Village Park Unit No. 2 East 234.57 feet to the Northwest corner of Lot 213, as said lot is shown on the official plat of said Village Park Unit No. 3; thence along the boundary of said Village Park Unit No. 3 the following six (6) courses and distances: (1) South 254.00 feet, (2) East 186.53 feet, (3) South 254.00 feet, (4) East 377.15 feet, (5) North 81° 23' 00" East 58.21 feet and (6) North 66° 11' 56" East 52.88 feet to the most Westerly corner of Lot 184, as said lot is shown on the official plat of said Village Park Unit No. 2; thence along the boundary of said Village Park Unit No. 2 the following seven (7) courses and distances: (1) South 29° 21' 32" East 100.00 feet, (2) Southwesterly, curving to the right on an arc of 373.00 feet radius, said arc being subtended by a chord bearing South 63° 22' 27" West 35.57 feet, (3) South 23° 53' 34" East 114.51 feet, (4) South 06° 01' 35" East 95.62 feet, (5) North 83° 52' 23" West 129.54 feet, (6) West 162.82 feet and (7) South 457.37 feet to a point located on the Northerly boundary of Aegean Gardens, the official plat of which is recorded in the office of said Recorder in Book 136 of Maps, Map No. 2; thence along said Northerly boundary the following two (2) courses and distances: (1) Westerly, curving to the right on an arc of 5000.00 feet radius, said arc being subtended by a chord bearing South 88° 48' 29" West 74.19 feet and (2) South 89° 13' 59" West 1272.85 feet to a point located on the Easterly line of the Western Pacific Railroad right-of-way; thence along said Easterly right-of-way line North 13° 59' 24" West 1830.29 feet to the point of beginning; containing 47.179 acres, more or less.

THE SPINK CORPORATION
CHECKED: _____ DATE _____

TYPING _____

TRAVERSE _____

MAP _____

DELIVERED TO: _____

Refer this description to title company before incorporating it in any document and to the Planning Commission of the governing body for compliance with lot split ordinances.

4334

ORDINANCE NO. 4334 FOURTH SERIES

AN ORDINANCE AMENDING ORDINANCE NO. 4155 FOURTH SERIES, SECTION 25.182, TO FURTHER DEFINE THE PENALTY PROVISIONS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO, SECTION 25.182 IS AMENDED TO READ:

SECTION 1.

Sec. 25.182 Penalty Provisions.

(a) It shall be unlawful and a violation of this Article, unless expressly provided to the contrary herein, for any person to stand or park a motor vehicle contrary to the parking regulations established pursuant hereto. Said violation shall be punishable by a fine not to exceed \$50 as established by the Municipal Court;

(b) It shall be unlawful and a violation of this Article for a person to falsely represent himself as eligible for a parking permit or to furnish false information in an application therefor to the Traffic Engineering Office. Said violation shall be punishable by a fine not to exceed \$500 or by imprisonment for a period not exceeding six (6) months, or both;

(c) It shall be unlawful and a violation of this Article for a person holding a valid parking permit issued pursuant hereto to permit the use or display of such permit on a motor vehicle other than that for which the permit is issued. Such conduct shall constitute an unlawful act and violation of this article both by the person holding the valid parking permit and the person who so uses or displays the permit on a motor vehicle other than that for which it is issued. Said violation shall be punishable by a fine not to exceed \$50 as established by the Municipal Court;

(d) It shall be unlawful and a violation of this Article for a person to copy, produce or otherwise bring into existence a facsimile or counterfeit parking permit in order to evade parking regulations applicable in a residential permit parking area. Upon conviction thereof, a person shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or be imprisoned for a period not exceeding six (6) months, or both.

SECTION 2.

This ordinance is to be published in full within 10 days after passage in the official newspaper of the City of Sacramento.

PASSED:

EFFECTIVE:

MAYOR

ATTEST:

APR 1 1980
BY THE CITY CLERK

APR - 1 1980

OFFICE OF THE
CITY CLERK

CITY CLERK

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PASSED:

EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

APR - 1 1980

OFFICE OF THE
CITY CLERK

CITY CLERK

ORDINANCE NO. 4834 FOURTH SERIES

AN ORDINANCE AMENDING ORDINANCE NO. 4155 FOURTH SERIES, SECTION 25.182, TO FURTHER DEFINE THE PENALTY PROVISIONS

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PASSED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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PASSED:

EFFECTIVE:

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ATTEST:

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SECTION 2.

This ordinance is to be published in full within 10 days after passage in the official newspaper of the City of Sacramento.

PASSED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

4335

ORDINANCE NO. 4335 FOURTH SERIES

AN ORDINANCE AMENDING SECTION 2.57(n) OF THE SACRAMENTO CITY CODE RELATING TO THE SACRAMENTO METROPOLITAN ARTS COMMISSION

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

SECTION 1.

Section 2.57(n) of the Sacramento City Code is hereby amended to read as follows:

Sec. 2.57(n)

To develop, distribute, and sell publications of local (1) artists, (2) art groups, (3) spaces available for the fine and performing arts, and (4) services available to the arts.

SECTION 2.

This ordinance is to be published in full within 10 days after passage in the official newspaper of the City of Sacramento.

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

APPROVED
CITY CLERK

APR - 1 1980

OFFICE OF THE
CITY CLERK

ORDINANCE NO.

4335 FOURTH SERIES

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CITY CODE RELATING TO THE SACRAMENTO METROPOLITAN ARTS
COMMISSION

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This ordinance is to be published in full within 10 days after passage
in the official newspaper of the City of Sacramento.

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO.

4335

FOURTH SERIES

AN ORDINANCE AMENDING SECTION 2.57(n) OF THE SACRAMENTO CITY CODE RELATING TO THE SACRAMENTO METROPOLITAN ARTS COMMISSION

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This ordinance is to be published in full within 10 days after passage in the official newspaper of the City of Sacramento.

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. 4305 FOURTH SERIES

AN ORDINANCE ADDING SECTION 22-A-60 AND SECTION 28 TO, AND REPEALING SECTION 2-H-11 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, REPEALING SECTION 9.05(g) AND 9.37 OF THE SACRAMENTO BUILDING CODE, CHAPTER 9 OF THE SACRAMENTO CITY CODE, AND ADDING SECTION 40.109 TO CHAPTER 40 OF THE SACRAMENTO CITY CODE, RELATING TO CONDOMINIUMS AND CONDOMINIUM CONVERSIONS AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IN SIXTY (60) DAYS

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

SECTION 1.

Section 22-A-60 is added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, to read as follows:

60. The following definitions apply to Section 28 of this ordinance.

(a) Affected Community Plan Area. Affected community plan area shall mean the community plan area within which a building proposed for conversion is located and any other community plan area the boundary of which is located within a quarter mile of the building proposed for conversion.

(b) Association. Association is the organization created to own, lease, manage, maintain, preserve and control the lots, parcels or areas of a project, or any portions thereof or interests therein owned in common by the owners of the separately owned condominium units.

(c) Applicant. Applicant is the owner(s) or subdivider(s) with a controlling interest in the proposed project, and any successors in interest.

(d) Building of Similar Size. All residential buildings with two (2), three (3), or four (4) dwelling units shall be deemed to be of similar size. All residential buildings with five (5) or more dwelling units shall be deemed to be of similar size.

(e) Comparable Housing. See Section 28-C-6-a-iii.

(f) Condominium. Condominium shall mean and include:

(1) "Condominium" as defined by Section 783 of the Civil Code;

(2) "Community Apartment Project" as defined by Section 11004 of the Business and Professions Code;

(3) "Stock Cooperative" as defined by Section 11003.2 of the business and Professions Code; and,

(4) "Planned Development" as defined by Section 11003 of the Business and Professions Code.

The term "condominium" specifically includes, but is not limited to, the conversion of any existing structure for sale pursuant to a method described in subsection (1)-(4) of this subsection.

(g) Condominium Conversion or Conversion. Condominium conversion or conversion shall mean a change in the ownership of a parcel or parcels of property, together with structures thereon, whereby the parcel or parcels and structures previously used as rental units are changed to condominium ownership.

(h) Condominium Project or Project. Condominium project or project shall include the real property and any structures thereon, or any structures to be constructed thereon, which are to be divided into condominium ownership.

(i) Condominium Unit or Unit. Condominium unit or unit shall mean the individual spaces within a condominium project owned as individual estates.

(j) Common Area. Common area is an entire condominium project excepting all units therein.

(k) Eligible Tenant. Eligible tenant shall mean any tenant who was a resident of the project proposed for conversion on the date notice of intent to convert is given, pursuant to Section 28-C-2-a and on the date of approval of the special permit and tentative map for the condominium conversion.

(l) Low Income. Low income, when used by itself or as a modifier of person or household or other term shall mean 80% or less of the median income as established annually by the U. S. Department of Housing and Urban Development for the Standard Metropolitan Statistical Area within which the proposed conversion project is located as adjusted for the number of members of the household.

(m) Moderate Income. Moderate income, when used by itself or as a modifier of person or household or other term shall mean 81% - 120% of the median income as established annually by the U. S. Department of Housing and Urban Development for the Standard Metropolitan Statistical Area within which the proposed conversion project is located as adjusted for the number of members of the household.

(n) Organizational Documents. Organizational Documents are the Declaration of Covenants, Conditions and Restrictions, Articles of Incorporation, by-laws, and any contracts for the maintenance, management, or operation of all or any part of a project.

(o) Special Category. Special category refers to persons or tenants who fall within one or more of the following categories:

(1) Elderly, defined as individuals 62 years of age or older;

(2) handicapped or disabled, as defined in Section 50072 of the California Health and Safety Code or Section 223 of the United States Social Security Act, 42 USC 423;

(3) low income, as defined in subsection (1) above;

(4) moderate income, as defined in subsection (m) above;

(5) single heads of households residing with one or more minor children.

(p) Unjust Eviction. An unjust eviction is an eviction for other than one or more of the following reasons:

(1) The tenant has failed to pay the rent to which the landlord is entitled;

(2) the tenant has violated an obligation or covenant of the tenancy other than the obligation to surrender possession upon proper notice and has failed to cure such violation after receiving written notice thereof from the landlord.

(3) the tenant is committing or permitting to exist a nuisance in or is causing damage to, the rental unit or to the appurtenance thereof, or to the common areas of the property containing the rental unit, or is creating an unreasonable interference with the comfort, safety, or enjoyment of any of the other residents of the same or any adjacent building.

(4) the tenant is using or permitting a rental unit to be used for any illegal purpose.

(5) the tenant who had a written lease or rental agreement which terminated on or after the effective date of this provision, has refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration with similar provisions and in such terms as are not inconsistent with or violative of any provision of this subsection.

(6) the tenant has refused the landlord reasonable access to the unit for the purpose of making repairs or improvements, or for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the rental unit to any prospective purchaser or mortgagee.

(7) the person in possession of the rental unit at the end of a lease term is a subtenant not approved by the landlord.

(q) Unreasonable Economic Hardship. Unreasonable economic hardship shall mean a hardship which renders the project economically infeasible and incapable of being accomplished in a successful manner within a reasonable period of time.

(r) Unreasonable Rent Increase. Unreasonable rent increases refer to increases in rent that substantially exceed the housing component of the Consumer Price Index on an annualized basis and which cannot otherwise be justified by costs of physical improvements to the building or site, repairs for damage, taxes, or other expenses attributable to the operation of the building, or by changes in the market demand for rental housing.

SECTION 2.

Section 28 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby added as follows:

Section 28. Condominiums.

A. Purpose and Objectives.

The City Council finds it necessary to establish requirements and procedures for the control and approval of residential condominium new construction and the conversion of existing multiple family rental housing and non-residential structures to residential condominiums. By their unique character and requirements, condominium and condominium conversion projects differ specifically from other subdivisions and apartments. The unique status of such projects tends to magnify the effects associated with higher urban densities to the point where they may lead to conditions of mismanagement, neglect, and blight that impact upon the public health, safety, welfare and economic prosperity of the City of Sacramento. Such projects may conflict with the policies of the City of Sacramento to provide a reasonable balance of rental and ownership housing within the City and within the city's neighborhoods, to provide a variety of individual choice of tenure, type, price and location of housing, and to insure an adequate supply of rental housing for low and moderate income persons and families. It is also recognized, however, that such projects may benefit the City by providing a source of low and moderate income ownership housing. To insure that the problems are avoided in both the short and long term, while maximizing the benefits of such projects, it is the express intent of the City of Sacramento to treat such projects differently from the multiple-family dwellings or other structures which are not condominium new construction and condominium

conversion projects in the City of Sacramento. This section is intended to insure that proposed new construction of residential condominiums and residential condominium conversions are approved consistent with policies and objectives of the City of Sacramento, particularly the following:

1. to make adequate provision for the housing needs of all economic segments of the community;
2. to facilitate inhabitant ownership of residential units, while recognizing the need and providing for a reasonable balance of rental and ownership housing;
3. to help mitigate the impact of eviction for residents of rental units as a result of their units being converted to condominiums;
4. to inform existing tenants and prospective condominium purchasers of the construction or conversion application, its overall impacts, and the physical conditions of the structure offered for purchase;
5. to insure that new units being constructed and rental units being converted to condominiums meet the reasonable physical standards as required by this section and all other Sacramento City Code provisions.

B. Special Permit Required.

1. No condominium conversion and no new condominium construction shall be permitted in any zoning district unless the same is permitted in such district pursuant to the provisions of Section 2 of this ordinance and until a special permit therefor has been applied for and issued in accordance with the provisions of this Section and Section 15 of this ordinance.

2. The provisions of Section 15 of this ordinance shall apply to applications for special permits for condominium conversions and new condominium construction, and the provisions set forth in this section, including, without limitation, those relating to notice requirements, applications, development standards, and findings, shall apply in addition to the provisions of Section 15; provided, that if a provision of this Section directly conflicts with a provision of Section 15 of this ordinance, the provision of this Section shall prevail.

3. Notwithstanding the provisions of Section 15-C-3-a of this ordinance, at least one public hearing shall be held on an application for a special permit for a condominium conversion under subsection C of this Section by each the Planning Commission and the City Council. The hearing by the City Council shall be noticed and held in accordance with all applicable requirements of this Section

and Section 15 of this Ordinance which govern the Planning Commission's consideration of the special permit.

The City Council shall adopt by resolution special application and procedure regulations to govern the processing of special permit applications under subsection C of this Section to provide for one hearing date per year, or per other designated period, at which to consider all then pending applications.

C. Condominium Conversions.

1. Special Permit Application.

Recognizing that the conversion of existing structures which have been previously occupied and constructed as rental units presents unique problems to present tenants and future buyers, the application for a special permit for a condominium conversion project shall include the following information in addition to that required by Section 15 of this ordinance:

(a) A boundary map drawn to scale showing the location of all existing easements, structures, existing trees and other improvements on the property;

(b) The proposed organizational documents, including the Covenants, Conditions and Restrictions to be recorded pursuant to Section 1350 et seq. of the Civil Code. The organizational documents shall provide for the following:

(i) Transfer of title to each unit;

(ii) Assignment of parking for each owner;

(iii) The management of common areas within the projects;

(iv) A proposed annual operating budget, including a report disclosing the amount of deposit to be provided by the developer and the manner in which it was calculated, to defray expenses of the association in replacing and maintaining major mechanical and electrical equipment;

(v) The FHA Regulatory Agreement, if any;

(vi) The antidiscrimination provisions set forth in subsection C-5-e of this Section.

(c) A property report. The property report shall describe the condition and estimate the remaining useful life of each of the following elements of each structure situated within the project proposed for conversion: roofs, foundations, exterior paint, paved surfaces, mechanical systems, electrical systems, plumbing systems, sewage systems, sprinkler systems for landscaping, utility delivery systems, central or community heating and air conditioning systems,

fire protection systems including any automatic sprinkler systems, alarm systems, or standpipe systems, and structural elements. The property report shall include a structural pest control report.

The property report shall state what the Sound Transmission Class and Sound Impact Class of the existing floor-to-ceiling and wall-to-wall assemblies of each unit are. The report shall also explain, in lay terms, what the class ratings mean and state what measure, if any, the applicant will take to improve sound attenuation between units.

The property report shall list each fixed appliance to be contained in each or any unit offered for sale and shall state whether the appliance is or will be new or used when the unit is first offered for sale. The report shall also state the terms and nature of the warranty offered by the applicant on each such appliance.

Each portion of the property report shall be prepared by an appropriately licensed engineer, except that the structural pest control portion of the property report shall be prepared by a licensed structural pest control operator in compliance with Chapter 14 of Division 3 of the California Business and Professions Code.

(d) A building history report including the following:

(i) The date of construction of all elements of the project;

(ii) a statement of the major uses of said project since construction;

(iii) the date and description of each major repair of any element since the date of construction. A "major repair" is any repair requiring an expenditure of \$1,000 or more;

(iv) the date and description of each major renovation of any element since the date of construction. A "major renovation" is any renovation requiring an expenditure of \$1,000 or more;

(v) the name and address of the current owner(s) of all improvements and the underlying land;

(e) A report identifying all characteristics of the building not in compliance with this ordinance or applicable building or housing codes.

(f) A statement as to whether the applicant will provide any capital contribution to the Association for deferred maintenance of the common areas, the sum of the contribution, and date on which the Association will receive the sum.

(g) A rental history report detailing the size, in square footage, of the building or buildings and each unit; the current or last rental rate; the name and address of each present tenant; the monthly rental rate for the preceding three (3) years for each unit; the average monthly vacancy over the preceding three

(3) years; the number of evictions over the preceding three (3) years; and the number and type of special category tenants for each unit presently residing in the project and over the preceding 3 years.

(h) The information required by (c), (d), (e), (f), and (g), above, may be combined into and submitted as one report. Failure to provide any information required by (c), (d), (e), (f), and (g), above, shall be accompanied by an affidavit or declaration given under penalty of perjury, setting forth in detail all efforts undertaken to discover the information and all reasons why the information could not be obtained.

(i) A detailed report describing the relocation and moving assistance information to be given to each tenant, and the steps the applicant will take to ensure the successful relocation of each tenant, pursuant to subsection C-5-b of this Section. The report should state in detail what assistance will be provided special category tenants, including a discussion of long-term leases and provisions to allow such tenants to continue renting after conversion until comparable housing is located and the move can be completed.

(j) A detailed report describing the methods and procedure by which the applicant shall make units within the project available and affordable to eligible low and moderate income tenants, as required by subsection C-5-a of this Section.

(k) A survey of all the tenants in the conversion project indicating how long each tenant had been a resident of the project, why each tenant moved into the project, how long each tenant had planned to live in the project, whether or not each tenant would be interested in purchasing a unit within the price range estimated for the project, where each tenant would relocate if the conversion took place and the tenant did not purchase a unit, and the extent of tenant approval in principle of the conversion.

To comply with this provision the applicant shall provide a questionnaire, in a form approved by City, to each tenant with an envelope, postage prepaid, addressed to the City Planning Department. The questionnaire shall direct the tenant to return the completed form directly to the City Planning Department.

(l) In addition to the information required in (a) through (k) of this subsection, the Planning Commission or planning director may require additional information necessary to evaluate said conversion project in order to make proper findings in accordance with the purposes and objectives set forth in subsection A of this Section, and as required by Subsection C-6 of this Section, the adopted City General Plan, or any specific or community plan or element thereof in effect at the time of such application. Such

information may include, but shall not be limited to:

(i) An economic report comparing the units in the conversion project, as both rentals and ownership units, with housing available within the community plan areas affected by the project;

(ii) An economic report on proposed project unit costs, monthly association costs, and comparative rates City-wide;

(iii) An economic report on availability of comparable rental units at similar rental rates remaining within the affected community plan areas, including vacancy rate information;

(iv) A report outlining the available low and moderate income housing units (rental and sales housing) within the affected community plan areas;

(v) A report on the feasibility of providing all or a portion of the conversion units for sale to low and moderate income individuals or families;

(vi) A report on the feasibility of not converting a portion of the total units in order to retain them for rental occupancy;

(vii) A report on the amount of rental unit construction in the affected community plan areas over the preceding 2 years;

(viii) Any additional information considered reasonable in determining housing needs, housing availability, costs, and housing impacts of the proposed conversion;

(m) The application for a special permit made pursuant to this subsection C shall be accompanied by a fee of \$600.

2. Notices

(a) Notice of Intent to Convert.

At least 30 days prior to filing an application for a special permit for a condominium conversion pursuant to this Section or for a tentative subdivision map to convert airspace in an existing residential building into condominium ownership, the applicant shall notify all the tenants of the project, the City of Sacramento, and the local Project Area Committees, if any, of the proposed conversion. The notification shall include a general description of the proposed project, the anticipated schedule of approval and conversion, the name of the current owner and applicant and where such person or persons can be contacted, and a detailed description of the applicant's plans for relocation assistance and purchase incentives, limitations on rent increases, the tenants' right to purchase, the tenants' rights to receive notice of the conversion prior to termination of tenancy due to the conversion, and the tenants' rights to receive notice of hearings on the tentative map and special permit for conversion. The notice must be written in nontechnical

language comprehensible to all tenants of the building.

(b) Notice of hearings on Special Permit; Planning Commission.

In addition to the notice provisions of Section 15 of this ordinance, the applicant shall provide notice of the time, date and place that the application for a conversion special permit pursuant to this Section is to be heard by the Planning Commission to the tenant of each unit proposed to be converted to condominium ownership. Notice shall be personally delivered to each tenant or shall be mailed, postage prepaid, by certified or registered mail, return receipt requested. The notice shall be provided at least fifteen (15) but no greater than thirty (30) days before the hearing date, and the notice shall include the following information:

(i) The time, date and place of the hearing on the application;

(ii) a general description of the proposed project in nontechnical language;

(iii) the location and time at which tenants and other interested persons may review the Planning Department staff report on the application and the materials submitted with the application pursuant to subsection C-1 of this Section.

The applicant shall make available for public inspection the materials submitted with the application for the special permit pursuant to subsection C-1 of this Section and the tentative map at the Sacramento Central Library and branch library nearest to the project site and on the project site itself, in the project manager's office or the central office.

Evidence satisfactory to the planning director of compliance with the provisions of this subsection (b) shall be submitted prior to the special permit hearing before the Planning Commission. In the event the hearing before the Planning Commission for which the notice has been provided pursuant to this subsection is, for any reason, not held or is continued to another date, the applicant shall provide notice as required by this paragraph of the new hearing, unless specifically waived by the Commission.

(c) Notice of Hearing On Special Permit; City Council.

The provisions of subsection C-2-b of this Section shall apply to hearings held by the City Council on conversion special permits pursuant to this Section.

3. Development Standards

The following development standards shall apply to all applications for a special permit for a condominium conversion:

(a) Off Street Parking: Notwithstanding the provisions of Section 6 of this ordinance, off street parking shall be provided at a ratio of not less than one parking space per dwelling unit.

The dimensions, location and use of such parking shall be subject to provisions of Section 6 of this ordinance.

(b) Utilities:

(i) Sewer: Each condominium unit shall have a separate sewer service hookup; provided, that the City Council may permit the use of common sewer lines that are oversized by one size or more, or which are hydraulically designed with a 100% safety factor, where the Council with the concurrence of the City Engineer, finds the common sewer lines can adequately service the condominiums.

(ii) Water: Each condominium unit shall have a separate water service hookup or shutoff; provided, that the City Council may permit a single water system to service more than one condominium unit where shutoffs are provided wherever practical and where the Council, with the concurrence of the City Engineer, finds the single water system can adequately service the condominiums.

(iii) Gas: Each condominium unit shall have a separate gas service where gas is a necessary utility.

(iv) Electricity: Each condominium unit shall have a separate electrical service, with separate meters and disconnects, and ground fault interrupters where ground fault interrupters are required by present building codes.

(c) Sound Attenuation:

Floor-to-ceiling and wall-to-wall assemblies between each condominium unit must meet Sound Transmission and Sound Impact Classes of 50 lab test, or 45 field test, as prescribed in the Uniform Building Code for new construction.

(d) Fire Safety:

It is the purpose of this development standard to provide safety to occupants of condominium units and to protect the investment in real property represented by the ownership interest of each condominium owner. Each condominium unit shall have a smoke detection system and a two hour-fire separation on its floors and each wall common to itself and an adjacent unit. In lieu of the two-hour fire separation requirement, the City Council may permit with the concurrence of the Fire Chief, the use of a sprinkler system, alarm system, or smoke detection system, or a combination thereof, where it finds the proposed system is sufficient to protect the occupants of and the owner's investment in the condominium.

(e) Ownership Association:

All condominium conversion projects shall provide an ownership association responsible for the care and maintenance of all

common areas and common improvements and any other interest common to the condominium owners. Complete and true copies of all Covenants, Conditions and Restrictions, articles of incorporation, and by-laws shall be subject to review and approval by the City prior to occupancy as a condominium project. The City of Sacramento may be made a third party beneficiary to all or any portion of the Covenants, Conditions, and Restrictions, as deemed appropriate.

(f). Building Code Requirements:

A building proposed for conversion, and each unit within the building, shall comply at a minimum with all applicable building code standards in effect at the time of the last alteration, repair, relocation, or reconstruction of the building, necessitating compliance with the building code, or, if none, at the time of first construction; and shall comply with current provisions of the City Housing Code, Chapter 49 of the Sacramento City Code. Nothing herein shall be construed to prevent or prohibit the applicant or the City from providing or requiring building standards greater than those set forth in the building code where the greater standards are found to be necessary to carry out the purposes and objectives of this Section.

(g) Any other standards the Council may adopt by resolution.

(h) No building shall be permitted to be converted to condominium ownership unless the building was constructed and subject to a building permit issued under the provisions of the 1952 Uniform Building Code, or subsequently adopted Uniform Building Code.

(i) No building constructed after the effective date of Ordinance No. , Fourth Series, shall be permitted to be converted to condominium ownership unless the building was constructed in full compliance with all applicable building codes and the development standards contained in subsection D-2 of this Section, applicable to new condominium construction, in effect at the time of the last alteration, repair, relocation, or reconstruction of the building, or, if none, at the time of first construction.

4. Building Inspection

(a) After reviewing the property report required pursuant to subsection C-1-(c) of this Section and after inspecting the structures within the project when deemed necessary, the Director of the Building Inspections Division shall identify and make available to the Planning Commission and City Council all items evidenced by such reports or inspection to be in noncompliance with applicable building and housing codes or to be hazardous to the life, health or safety of an occupant of the units within the project or the general public. A special permit for a conversion shall require all such items to be corrected to the satisfaction of the Director of Building Inspections Division.

(b) If the proposed project does not comply with the provisions of subsections C-3-b, (c), (d), or (f) of this Section relating to utilities, sound attenuation, fire safety and building code compliance, or if the Director of the Building Inspections Division identifies items to be corrected as provided in (a) of this subsection, any special permit issued pursuant to this part shall require the developer to furnish a performance bond, in an amount to be determined by the Director of Building Inspections to be the reasonable estimated cost to bring the project into compliance with said codes and to make all necessary repairs. Said bond shall run in favor of individual purchasers and the Association. Said bond shall provide for reasonable attorney's fees in the event of default by the principal.

5. Tenant and Buyer Protection Provisions

In addition to the tenant protection provisions set out in Section 66421.1 of the Subdivision Map Act, Government Code Section 66410 et seq., the applicant shall comply with the following provisions as conditions of any special permit for a condominium conversion project approved pursuant to this Section.

(a) Purchase Incentives

The applicant shall make units within the project available and affordable to all eligible low and moderate income tenants, so that the ratio of low and moderate income owners to the total ownership of the project at the time the project is first sold out will be the same as the ratio of low and moderate income tenants to the total tenancy of the project at the time notice of intent to convert is given, provided, that these requirements shall not apply if the applicant can demonstrate that compliance would place an unreasonable economic hardship upon him or her.

The low and moderate income units shall be geographically dispersed throughout the project, and shall be consistent with the size and location of the low or moderate income units within the project before conversion.

A dwelling unit is affordable for purchase by a low or moderate income purchaser if the total price of the unit to be paid by the purchaser does not exceed 2.5 times the annual income of the low or moderate income purchaser for whom the unit is intended to provide a housing opportunity. In no event shall the payments for principal, interest, utilities, property insurance, association fees, and other necessary housing costs exceed 25% of the income of the low or moderate income purchaser.

If the applicant's good faith offer to sell a unit to a low or moderate income tenant pursuant to this subsection is not accepted within twelve months, and the transaction completed within 18 months of the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, the applicant may offer the unit to the general public without restriction.

Whenever units are to be made available and affordable to low and moderate income persons pursuant to this subsection, the applicant, as a condition of approval of the special permit and tentative map, shall enter into an agreement with the City, or with another governmental or private nonprofit organization designated by the City to assure that subsequent sales of units originally sold to low or moderate income persons will be at a price affordable to persons of substantially the same income as the person for whom the initial sales price was intended to provide a housing opportunity. This agreement shall be recorded and shall provide for the following:

(i) The City or its designee shall be given an option to purchase the designated units at the price and terms affordable to the low and/or moderate income tenant. The option to purchase shall run with the land and bind the successors in interest and assigns of the units.

(ii) The option to purchase shall be set forth in the agreement, shall be recorded, and shall be assignable to individual low or moderate income purchasers of substantially the same income as the tenant for whom the initial sales price was intended to provide a housing opportunity.

(iii) The option to purchase shall be at the lower of the market price or the original sales price increased by an amount to compensate for cost of living increases, increases in median income and the value of substantial improvements.

(iv) The applicant and his or her successors in interest shall insert in any deed or other conveyance of the units a prohibition on the sale, lease, rental, assignment, or other transfer of the property (excepting title encumbrances for purposes of financing), without the consent of the City of Sacramento or its designee, as long as the City or its designee holds an option to purchase the property; provided, that encumbrances for purposes of financing shall not exceed the property owner's equity in the unit which would result from the exercise of the option at the time the encumbrance is placed on the property.

(v) Any other provisions the City deems necessary or convenient to carry out the purposes of this Section.

(b) Relocation Assistance

The applicant shall unconditionally offer to each eligible tenant a plan for relocation to comparable housing, as approved by the City Planning Commission and City Council.

The relocation plan shall provide, at a minimum, for the following:

(i) Assistance to each eligible tenant in locating comparable housing, including but not limited to providing availability reports and transportation, where necessary.

(ii) Payment of a relocation fee to each eligible tenant. The relocation fee shall consist of payment of actual moving costs to relocate the tenant's personal property including the following specific costs: insurance, boxes, packing, transportation, and unpacking. In lieu of this requirement, the eligible tenant may, at his or her option, accept a cash payment of \$300.00 if the tenant is relocating from an unfurnished apartment or \$200.00 if the tenant is relocating from a furnished apartment. If the eligible tenant is relocating to an area outside the Sacramento Standard Metropolitan Statistical Area, the tenant shall be entitled only to the cash payment of \$300.00 or \$200.00 whichever, is applicable. An eligible tenant is not entitled to a relocation fee pursuant to this subsection if the tenant has been evicted for just cause.

(iii) In the case of eligible tenants who are elderly, handicapped, low-income, or single heads of households living with one or more minor children, the following additional provisions must be made:

a. Payment of the last month's rent in the new complex, if required upon moving in; and the transfer to the new complex of all key, utility, and pet deposits to which the tenant is entitled upon vacating the unit. Cleaning and security deposits, minus damages, shall be refunded to the tenant upon vacating the unit.

b. In lieu of the transfer of deposits to the new complex, the tenant may, at his or her option, elect to be refunded all deposits to which he or she is entitled.

c. If the amount of deposits and other fees required upon moving in to the new complex exceed the amounts refunded to the tenant and transferred to the new complex, plus damages, the applicant shall pay the difference.

(iv) In the case of eligible special category tenants, the following additional provisions must be made:

a. Where the rent for the comparable unit into which the tenant moves is higher than the rent for the unit

the tenant occupied in the conversion project the applicant shall pay the difference for a period of one year from the date of relocation.

b. Until each tenant is successfully relocated, the tenant shall not be unjustly evicted from the unit presently occupied in the conversion project.

(c) Reports

The applicant shall provide each tenant with a copy of the reports required by Sections C-1-(i) and (j) detailing all relocation and moving assistance information and purchase incentives to be provided by the applicant.

(d) Life-term Leases

The applicant shall unconditionally offer eligible tenants who are elderly or handicapped leases for a term of 59 years. The rent at the beginning of the term shall be the rent charged at the time the special permit for conversion is granted. The leases shall provide that annual rent increases shall not exceed annual increases in fair market rent as established by the Department of Housing and Urban Development for assisted units, that the lease may be terminated upon mutual consent of the parties or upon the death of the tenant, and that the lease shall not be assignable.

(e) Anti-Discrimination

(i) The applicant or owner of any condominium unit within a project shall not discriminate in the sale, or in the terms and conditions of sale, of any dwelling unit against any person who is or was a lessee or tenant of any such dwelling unit, because such person opposed, in any manner, the conversion of such building into a condominium.

(ii) The conditions, covenants, and restrictions for a project to be recorded pursuant to Section 1350 et seq. of the Civil Code shall contain the provisions set forth in this subsection and shall bind all successors in interest to the project.

(f) Preconversion Protection

From the date of giving notice of intent to convert pursuant to subsection C-2-a of this Section until relocation takes place or the application is denied or withdrawn, but in no event for more than two (2) years, no tenant shall be unjustly evicted and no tenant's rent shall be increased (1) more frequently than once every six months nor (2) in an amount greater than the increase in fair market rents as established by the Department of Housing and Urban Development for assisted units, on an annualized basis, for the same period. This limitation shall not apply if rent increases are expressly provided for in leases or contracts in existence prior to the filing date of the special permit.

(g) Prior to offering for sale to the public any unit within a condominium conversion project for which a special permit has been issued pursuant to this subsection C, the applicant shall submit to City a copy of each of the following documents relating to the proposed project: the completed application for issuance of a Final Public Report for the project proposed for conversion, including all attachments and exhibits thereto, the completed Statement of Compliance relating to operating and maintenance funds during start up, and the completed Supplemental Questionnaire for apartments converted to condominium projects, including all attachments and exhibits.

(h) Appliance Warranties..

The applicant shall provide free of charge to the first individual purchaser of each unit a one-year warranty on each fixed appliance contained in the unit, whether new or used.

(i) The applicant shall provide each condominium unit purchaser with a copy of the reports required by subsections C-1-(b), (c), (d), (e), and (f) of this Section.

(j) The Covenants, Conditions and Restrictions (C C & R's), or equivalent document, shall contain, or shall be amended to contain, on the first page thereof, in type as large as any type used in the C C & R's, a notification in substantially the following terms:

"NOTICE"

"THE TERMS OF THIS DOCUMENT ARE LEGALLY BINDING. READ IT CAREFULLY. A REAL ESTATE BROKER IS QUALIFIED TO ADVISE YOU ON REAL ESTATE MATTERS. IF YOU DESIRE LEGAL ADVICE, CONSULT AN ATTORNEY."

(k) After notice of intent to convert is given pursuant to subsection C-2-a of this Section, any prospective tenants shall be notified in writing of the intent to convert prior to leasing or renting any unit and shall not be subject to the provision of (f), above.

6. Criteria For Review

(a) The City Council shall not approve a special permit under this Section unless it finds:

(i) That the proposed conversion is consistent with the General Plan and applicable community and specific plans in effect at the time of the special permit application, especially with the objectives, policies, and programs of the Housing Element of the General Plan designed to provide affordable housing to all economic segments of the population.

(ii) That the average rental vacancy rate in buildings of similar size in the community plan areas affected by the proposed conversion during the 12 months preceding the filing of the application is greater than 5%; provided, that a special permit may be approved where the said vacancy rate is equal to or less than 5% if the applicant has proposed measures which the Council finds would effectively mitigate the displacement of tenants and any adverse effects upon the housing stock in the affected community plan areas which would be caused by the proposed conversion.

In evaluating the average rental vacancy rate in the affected community plan areas and in the building proposed for conversion, the City Council shall consider the rental history of the building, including the number of evictions and increases in rent over the preceding three (3) years. Notwithstanding any other provision of this subsection, the City Council may deny a special permit under this Section if it finds that vacancies in the building have been created by unjust evictions and unreasonable rent increases in order to qualify a project for conversion under this subsection.

(iii) That the applicant has unconditionally offered to each eligible tenant an adequate plan for relocation to comparable housing, in compliance with subsection C-5-(b) of this Section. In determining whether the housing to which the applicant proposes relocation is "comparable" the Council must find that the housing is decent, safe, and sanitary, and in compliance with all local and state housing codes; and, that the housing is open to all persons regardless of race, creed, national origin, ancestry, religion, marital status, or gender. In addition, the Council shall consider the following factors in determining whether the relocation housing is comparable:

a. Whether the housing is provided with facilities equivalent to that provided by the landlord in the dwelling unit in which the tenant then resides in regard to each of the following: a) apartment size including number of rooms; b) rent range; c) major kitchen and bathroom facilities; d) special facilities for the handicapped, infirmed or senior citizens; e) willingness to accept families with children;

b. Whether the housing is located in an area not less desirable than the area in which the tenant then resides in regard to a) accessibility to the tenant's place of employment; b) accessibility to community and commercial facilities; c) accessibility to schools; d) accessibility to transportation; and e) environmental quality and related conditions.

A unit is not comparable if it is located in a building for which a notice of intent to convert has been given, pursuant to subsection C-2-a of this Section, except where the rental units of the building will not be offered for sale as condominium units within two (2) years.

(iv) That the applicant has complied with all of the provisions of this Section relating to the application procedure and submittal of required information (subsection C-1); payment of the application fee (subsection C-1-m); required notices to tenants and other interested persons (subsection C-2); building inspection (subsection C-4); and tenant and buyer protection (subsection C-5).

(v) That the proposed conversion complies with all development standards set forth in subsection C-3 of this Section.

(b) The Council shall not approve a special permit pursuant to this Section where it finds the apartment building or residential complex proposed for conversion represents a unique and needed rental housing resource in the City or in the neighborhood, taking into consideration such factors as the need for a balanced rental-owner housing supply, current rental rates, the unavailability of comparable housing, and extraordinary tenant displacement problems which would result from the conversion, in spite of the relocation assistance and purchase incentive programs offered by the applicant. In evaluating a project for purposes of this subsection, the City Council shall consider the rental history of the building, including the number and types of special category tenants over the preceding three (3) years, the number of unjust evictions, and the number of unreasonable rent increases.

(c) In evaluating an application for a special permit pursuant to this subsection C, the City Council shall consider the results of the tenant survey required by subsection C-1-k. If the City Council finds that less than a significant number of the tenants have indicated their approval in principle to the proposed conversion, the Council shall consider the nature and extent of tenant disapproval and shall reexamine the application with respect to the criteria for review and all other provisions of this Section to insure the proposed project complies.

D. Condominium New Construction.

1. Applications.

A special permit shall be required for all new condominium construction as provided in subsections A and B of this Section. The application procedure for a special permit for condominium new construction shall be governed by the provisions of Section 7 and Section 15 of this ordinance.

2. Development Standards.

The following development standards shall apply to all applications for a special permit for new condominium construction:

(a) Off-Street Parking

Notwithstanding the provisions of Section 6 of this ordinance, off-street parking shall be provided at a ratio of not less than one parking space per dwelling unit. The dimensions,

location and use of such parking shall be subject to the provisions of Section 6 of this ordinance.

(b) Utilities

(i) Sewer: Each condominium unit shall have a separate sewer service hookup; provided, that the Planning Commission may permit the use of common sewer lines that are oversized by one size or more, or which are hydraulically designed with a 100% safety factor, where the Planning Commission, with the concurrence of the City Engineer, finds the common sewer lines can adequately service the condominiums and that separate service hookups would not be feasible.

(ii) Water: Each condominium unit shall have a separate water service hookup or shutoff; provided, that the Planning Commission may permit a single water system to service more than one condominium unit where shutoffs are provided wherever practicable and where the Planning Commission, with the concurrence of the City Engineer, finds that the single water system can adequately service the condominiums and separate service hookups or shutoffs are not feasible.

(iii) Gas: Each condominium unit shall have a separate gas service where gas is a necessary utility.

(iv) Electricity: Each condominium unit shall have a separate electrical service, with separate meters and disconnects and ground fault interrupters where and as required by the Building Code.

(c) Sound Attenuation

Each condominium unit shall comply with the State of California's Noise Insulation Standards (Cal. Adm. Code Section 1092).

(d) Fire Safety

It is the purpose of this development standard to provide safety to the occupants of condominium units and to protect the investment in real property represented by the ownership interest of each condominium owner.

Each condominium unit shall have a smoke detection system and a two-hour fire separation on its floors and each wall common to itself and an adjacent unit.

(e) Ownership Organization

All condominium projects shall provide an ownership association responsible for the care and maintenance of all common areas and common improvements and any other interest common to the

condominium owners. Complete and true copies of all Covenants, Conditions and Restrictions, articles of incorporation and by-laws shall be subject to review and approval by the City prior to occupancy as a condominium unit. The City of Sacramento may be made a third party beneficiary to all or any portion of the Covenants, Conditions and Restrictions, as deemed appropriate.

(f) Building Code Requirements

Each unit of a condominium project, and all commonly owned portions of a condominium building shall comply with all applicable building code standards. Nothing herein shall be construed to prevent or prohibit the applicant or the City from providing or requiring building standards greater than those set forth in the Building Code where the greater standards are found to be necessary to carry out the purposes and objectives of this Section and Section 7 of this ordinance.

(g) New Condominium construction shall be subject to the development standards and other provisions of Section 7 of this ordinance.

E. Expiration For Failure To Establish Use.

1. Notwithstanding the provisions of Section 15-D-4, a condominium project for which a special permit is issued under this Section must be established within one (1) year after such permit is issued. If the condominium project is not so established, the special permit shall be deemed to have expired and shall be null and void.

2. A condominium new construction project shall be deemed established when a building permit has been secured for the project and construction thereunder physically commenced.

3. A condominium conversion project shall be deemed established when one unit in the project has been sold to an individual purchaser other than the owner or applicant

F. City Council To Adopt Regulations.

Regulations governing the implementation of any provision of this Section may be adopted from time to time by the City Council, with a recommendation from the Planning Commission.

G. Variances.

1. Variances Relating to Condominium Conversions.

Notwithstanding the provisions of Section 14 of this ordinance, variances from the provisions of subsection C of this Section relating

to condominium conversions shall be governed by the following provisions:

(a) At least one public hearing shall be held on a request for a variance from the provisions of this Section relating to condominium conversions by each the Planning Commission and the City Council.

(b) Notice of the hearings on said variances by both the Planning Commission and the City Council shall be given as provided in Section 14 of this ordinance and to the tenants of the building proposed for conversion to whom notices are sent pursuant to subsection C-2 of this Section.

(c) All other provisions of Section 14 of this ordinance which do not directly conflict with the provisions set forth herein shall apply to the hearing and review of variance requests, except as provided below.

(d) For purposes of granting variances to the development standards for condominium conversions set forth in subsection C-3 of this Section, the provisions of this paragraph relating to the circumstances for which a variance shall be granted, and the findings on which the grant of a variance must be based, shall govern to the exclusion of the provisions of Section 14 of this ordinance.

The City Council may grant a variance and approve a special permit for a condominium conversion project which does not comply with all of the development standards contained in subsection C-3, if the City Council finds that:

(i) Because of circumstances applicable to the subject property, or to the structures situated thereon, including but not limited to the size, shape, location or surroundings of the subject property or the buildings thereon, the strict application of the development standards would create an unreasonable economic hardship; and,

(ii) The project, as conditioned, will be in substantial compliance with such development standards; and, will incorporate mitigating features into the project which tend to further the purpose of this Section

2. Variances Relating to Condominium New Construction and Other Provisions.

Except as provided in subsection G-1 above, the provisions of Section 14 of this ordinance shall apply to the provisions of this Section.

SECTION 3.

Section 2-H-11 of the Comprehensive Zoning Ordinance is repealed.

SECTION 4.

Sections 9.05(g) and 9.37 of the Sacramento City Building Code, Chapter 9 of the Sacramento City Code, are repealed.

SECTION 5.

Section 40.109 is added to Chapter 40 of the Sacramento City Code, to read as follows:

Sec. 40.109 Tentative Maps for Residential Condominium Conversions; Tenant Notice.

The tenant noticing provisions set forth in Section 28-C-2 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, shall apply to all hearings on tentative maps for residential condominium conversions, in addition to the hearings on special permits for condominium conversions. Failure to comply with the noticing provisions set forth therein shall be grounds to deny the tentative map.

SECTION 6.

Should any Section or part of a Section, clause, or provision of this ordinance be declared by the court to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared invalid.

SECTION 7. Emergency.

This ordinance is hereby declared to be an emergency measure to take effect in sixty (60) days. The facts constituting the emergency are the need to give additional notice of the enactment of this ordinance and the need to further study and obtain additional information on this subject before this ordinance takes effect.

ENACTED: JANUARY 15, 1980

EFFECTIVE: MARCH 15, 1980

PHILLIP L. ISENBERG

MAYOR

ATTEST:

LORRAINE MAGANA

CITY CLERK