
MEASURE O

Shall the County General Plan and Zoning Code be amended, and an ordinance adopted, allowing development of a 2000 acre "Senior Community" in an area known as Deer Creek Hills?

IMPARTIAL ANALYSIS OF MEASURE O

Prepared by County Counsel

Measure O proposes amending the Sacramento County General Plan and Zoning Code to create a new "Senior Community" urban land use designation. Additionally, Measure O would enact an ordinance allowing zoning for 2,700 to 3,000 residences on 2000 \pm acres in an area adjacent to Rancho Murieta called the *Deer Creek Hills Senior Community*. As an initiative measure submitted by voters, no environmental review is required.

Measure O would expire January 1, 2030. Prior to that date, amendment or repeal, except as requested by real property owners in the development, would require voter approval.

A Senior Community would not be an Urban Growth Area, New Growth Area, or New Development Area, and therefore will be exempt from certain General Plan provisions otherwise applied which address water quality protection and conservation plans, sewer and other infrastructure, traffic and transportation issues, and regional impacts on public services and resources. Instead, development of a Senior Community would be controlled by the policies and standards enunciated in Measure O. The Urban Services Boundary would be expanded to include the *Deer Creek Hills* development, and some General Plan considerations generally applicable at the rezone stage would be deferred for this project to the time of tentative map approval.

The Senior Community land use designation permits an age-restricted residential area providing a variety of uses, including detached and attached residences up to 3,000 units, with density ranging from 5 to 20 dwelling units per acre, recreational facilities, community center, medical, congregate care and skilled nursing facilities, restaurants, shopping and offices. Not less than 50% of the land must be noncontiguous open space, improved and unimproved, and include one or more golf courses.

The Public Facilities Element of the General Plan concerning location, construction and financing of schools would not apply. The Conservation Element involving water resources would be qualified relating to intended surface water sources.

A Senior Community would be obliged to construct water, wastewater, and other infrastructure systems without additional cost to existing County taxpayers. There is no similar obligation for ongoing costs for maintenance and assignment of those costs is uncertain. These systems could be located outside the Senior Community Land Use designation, the Urban Policy Area and the Urban Services Boundary, and autonomous or County serviced. A stand-alone, independent sewer system would be allowed. An infrastructure financing plan would be required, specifying the extent, timing and estimated cost of all

necessary infrastructure. A system for wastewater recycling for irrigation of landscaped and open areas is compulsory.

Development design would require seeking reductions in vehicular emissions by providing some community services, a privately financed internal and external shuttle transit system, and a golf cart/low-speed vehicle path system. The *Deer Creek Hills Senior Community* must design a new two-lane rural road running to White Rock Road.

Impact on oak woodlands must be mitigated with onsite replacement plantings designed to result in no net loss of canopy. The added requirement for preservation of the main, central portions of consolidated and isolated groves would become alternative.

ARGUMENT IN FAVOR OF MEASURE O

Our senior population is one of the fastest growing in Sacramento, yet, the county has not provided for all the housing choices that seniors need and want. Seniors need the support of voters to make sure as many housing choices as possible are available here in Sacramento County, where many seniors have spent their lives working and raising their families.

Vote Yes on Measure O so that Sacramento County can make more opportunities for housing available to our seniors. Deer Creek Hills is designed to meet the needs of seniors by providing medical, commercial, and transportation services together with senior housing choices found nowhere else in Sacramento County today.

Vote Yes on Measure O so our parents and neighbors can find this unique senior housing choice right here in Sacramento County. Let our seniors stay in Sacramento County where they have worked hard and contributed much of their lives.

Vote Yes on Measure O so that the Deer Creek Hills senior community can be brought before the Board of Supervisors for review and approval.

Vote Yes on Measure O so that hundreds of acres of public open space and wildlife habitat (almost the size of Golden Gate Park in San Francisco) can be preserved forever.

Vote Yes on Measure O to provide more money for our local schools without adding new students and at no cost to county taxpayers.

Vote Yes on Measure O to provide more money for public safety and infrastructure.

Listen to what Jon Coupal of the Howard Jarvis Taxpayers Organization says: "Taxpayers should support Deer Creek Hills senior community. Not only will the project pay for its own infrastructure but it also should result in a net tax gain."

Vote yes on Measure O for our families and friends.

Jan Scully, District Attorney, Sacramento County

Joan Barry, Chief Executive Officer, Serve Our Seniors

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Jon Coupal, President, Howard Jarvis Taxpayers Association

Jay Schenirer, Member, Sacramento City Unified School District

Constance Bonneau-Sale, former Supervisor, Senior Community Service Employment Program

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE O

This isn't about senior housing, it's about a private developer using your tax dollars for his personal profit.

"Sacramento Business Journal" opposes this taxpayer giveaway: "People should see through the argument that we need this development. The ballot box is a horrible place to do land-use planning. It's about profits from land speculation. That's all it is."

"This measure proposes a project in the 5th District. I have reviewed this measure, and oppose it." - Don Nottoli, Sacramento County Supervisor

"The Sacramento County Farm Bureau opposes the initiative process to override our county's general plan and the deliberative government processes."

Measure "O", thinly disguised as a benefit for seniors, is a blatant attempt to undermine the authority of our elected representatives, and undermines responsible fiscal planning.

"No guarantees are in place. The Developer can rezone the land, take the profits and run." - Sacramento County Alliance of Neighborhoods

"Traffic will worsen and Air Pollution will increase." - Planning and Conservation League

"The project discriminates against low and middle income taxpayers." - Sacramento City Taxpayers' Rights League

"Our community's needs are better served by spending scarce tax dollars on schools, roads, parks, and fire and police services; not making a multimillionaire even richer." - Sacramento Old City Association

The measure allows taxpayer subsidized developments, affecting virtually every neighborhood. It will degrade our drinking water, drive up taxes, add traffic and worsen our air.

It's 48 pages of complex loopholes. Read the measure! You, the taxpayer, will pay.

Vote No on O!

Questions? 419-Hoax, www.votenomeasureo.org

Deborah Ortiz
State Senator

Mark Whisler
President, Sacramento City Taxpayers' Rights League

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Gary Page
President, Sacramento County Alliance of Neighborhoods (SCAN)

Mindy Cecchetti
Co-Chair, Taxpayers Against Senior Housing HOAX

Gerald H. Meral
Executive Director, Planning and Conservation League

ARGUMENT AGAINST MEASURE O

Vote No on Measure O!

Measure O is bad for you and for our community. It's a hoax! It is about special privileges and a bailout for a land speculator, under the guise of a measure to benefit seniors.

County Supervisors, who reviewed this project at length, voted against it because it failed to provide reliable water and allowed a single developer to build far away from existing services. It will increase your fees and shift taxes from your neighborhood to service this "leap frog" development with water, sewer, electricity, and police and fire protection.

The proponent says that seniors have nowhere to live in Sacramento. Yet Sacramento County has 74,000 undeveloped acres available close to urban services.

Placed on the ballot by a single wealthy landowner, it is an end-run around the way ordinary people get approval for new development. Other people must pay their fair share and play by the rules.

Measure O authorizes the construction of a road 8 miles long at taxpayer expense to serve a huge new private development on agricultural land. The developer will design the road, and then the County will have to build and maintain it. This is the greatest attempt to get money from taxpayers in Sacramento County history. This new road has nothing to do with senior housing; it is just a huge taxpayer subsidy to a private developer.

Voters are asked to vote for one thing, but the property owner can do whatever he wants ... and bill the taxpayers for the infrastructure. If the public wants changes to protect their water, air quality, schools, or roads: a new ballot vote is required.

The Business Journal says: "Voters must see through the Hype."

Measure O is filled with loopholes and evasive language. Taxpayers get the bill.

No on O!

Illa Collin, Sacramento County Supervisor

Barbara A. Hopkins, President, League of Women Voters of Sacramento

Ted Costa, CEO, People's Advocate

Howard L. Owens, Congress of California Seniors

Joe Ferreira, Chapter President, Sacramento Audubon Society

REBUTTAL TO ARGUMENT AGAINST MEASURE O

"Measure O authorizes senior community housing choices available nowhere else in Sacramento. Deer Creek Hills still must win Board of Supervisors' approval after thorough environmental review." - Assemblyman and former County Supervisor Dave Cox

"A vote of the people is a fundamental part of the democratic process. More than 60,000 people signed petitions to put Measure O on the ballot." - Joan Barry, Serve Our Seniors

"Measure O is taxpayer friendly. Studies show that Deer Creek Hills will likely provide a net benefit to taxpayers." - Jon Coupal, Howard Jarvis Taxpayers' Association

"Water supply, wastewater and sewer systems are not to result in any additional cost to existing county taxpayers." - County Counsel's Official Title and Summary for Measure O

"This is a well-planned project, with unprecedented open space and services for seniors. Deer Creek Hills would be immediately adjacent to existing services at Rancho Murieta. Seniors drive less and have less demand for law enforcement and other services." - Former Sacramento County Sheriff Glen Craig

"The overheated rhetoric of opponents is intended to mislead voters. The developer, not the county or existing taxpayers, will build the new road from Highway 50. The developer, not existing taxpayers, must pay for all the infrastructure needed to serve this senior community." - Bill Camp, Sacramento Central Labor Council.

Deer Creek Hills sets a very high standard for environmental sensitivity in Sacramento County. Vote Yes on Measure O.

Jon Coupal, President
Howard Jarvis Taxpayers Association

Bill Camp, Executive Secretary
Sacramento Central Labor Council, AFL-CIO

Glen Craig, former Sheriff
Sacramento County

Jim Luttrell, President
Sacramento Area Fire Fighters

COMPLETE TEXT OF MEASURE O

INITIATIVE TO AMEND THE COUNTY GENERAL PLAN AND ZONING CODE AND ENACT AN ORDINANCE TO ALLOW DEVELOPMENT OF A 2000 ACRE "SENIOR COMMUNITY" IN AN AREA KNOWN AS DEER CREEK HILLS. This measure would amend the Sacramento County General Plan and the Zoning Code to create a new "Senior Community" urban land use designation, and would, by ordinance, allow voter approval for development of the *Deer Creek Hills Senior Community*.

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SENIOR COMMUNITY INITIATIVE

TO THE BOARD OF SUPERVISORS OF SACRAMENTO COUNTY:

We, the undersigned registered and qualified voters of Sacramento County, hereby present this petition to amend the Sacramento County General Plan and Zoning Code and to enact a Senior Community Zoning Ordinance. We request that you submit the following Initiative to a vote of the people at the next statewide election.

THE PEOPLE OF THE COUNTY OF SACRAMENTO ORDAIN AS FOLLOWS: SECTION 1. PURPOSE.

The purpose of this Initiative is to facilitate the construction of one or more Senior Communities in the unincorporated part of Sacramento County.

If approved by the voters, this Initiative will establish development standards tailored to the unique characteristics found in most Senior Communities located throughout the nation. A "Senior Community," as that term is used in this Initiative, has the following characteristics:

- *Deed restrictions on all homes, limiting residents to those aged 55 or older, and other "qualifying" residents such as spouses*
- *Large expanses of open space located inside or adjacent to the community, including at least one 18-hole golf course and other recreational facilities*
- *A transportation network throughout the community, enabling travel within the community to occur without use of a car, and external transit services for traveling out side of the community without use of a car*
- *Commercial services, medical facilities, offices and a variety of recreational facilities located in or near the community, accessible by either golf cart, low-speed vehicles or a community shuttle bus, as well as by car*

This Initiative would accomplish these purposes by amending the Sacramento General Plan and Zoning Code and by adopting a Senior Community Zoning Ordinance to:

- *Create a new urban land use designation and zone designed for Senior Communities*
- *Impose specific development standards to assure that any Senior Community built in this County is developed in a manner that is environmentally sensitive and results in economic benefit to the County*
- *Designate and rezone 2000± acres located immediately north of Rancho Murieta as the first Senior Community*
- *Modify the Sacramento County General Plan Urban Service Boundary and Urban Policy Area to allow development of the 2000± acres as a Senior Community*
- *Impose specific requirements on the 2000± acres including:*

- *The construction of a new road providing a safe, direct, and all-weather connection between the Rancho Murieta area and Highway 50, thereby reducing existing traffic and safety concerns on Jackson Highway and on Scott Road*
- *Permanent preservation of a large expanse of open space, including blue oak woodland areas, through conveyance of a Conservation Easement to a public entity or a nonprofit organization*
- *Mitigation for loss of trees on a no-net-loss of tree canopy basis consistent with General Plan Policies as amended by this Initiative*

SECTION 2. FINDINGS.

1. *A Senior Community provides a lifestyle option that is desired by many older adults.*
2. *Currently, there are no Senior Communities in Sacramento County.*
3. *Many Sacramento residents have moved in recent years to Senior Communities located in Placer County and elsewhere.*
4. *Senior Communities will allow long-time Sacramento County residents to remain in the County near their family and friends.*
5. *Senior Communities provide significant revenue to school districts without adding any students.*
6. *Senior Communities provide new tax revenue that may be used for law enforcement, road repair, parks, libraries and other important public facilities and services anywhere in the County.*
7. *Senior Communities provide for the permanent preservation and enhancement of large expanses of natural open space.*

NOTE TO THE READER

A. Existing text in the portions of the General Plan and Zoning Code affected by adoption of this Initiative that will not be changed appear in the following font styles:

1. regular text;
2. **bold text**;
3. underlined text; and
4. **bold underlined text**

B. Deletions from existing text in the General Plan and the Zoning Code that will be changed by adoption of this Initiative appear in the following font style: ~~strikeout text~~.

C. Additions to existing text in the General Plan and the Zoning Code that will be changed by adoption of this Initiative, and the text of the Senior Community Zoning Ordinance that will be enacted by adoption of this Initiative, appear in the following font style: **bold, italic underlined text**.

SECTION 3. GENERAL PLAN LAND USE ELEMENT TEXT AMENDMENTS.

A. The "URBAN DESIGNATIONS" section on pages 3-6 of Section I, "GENERAL PLAN LAND USE DIAGRAM," of the Land Use Element is amended as follows:

URBAN DESIGNATIONS

Urban designations are those used to designate the areas planned for urban uses and the provision of public services and infrastructure during the time horizon of this Plan (twenty years). They include the following major categories of land use: Mixed-Use Designations, Residential Designations, the Senior Community Designation, Commercial and Industrial Designations, Public and Quasi-Public Uses, and Urban Development Areas.

A discussion on the consistency between zoning and General Plan designations is found at the end of Section III. The ~~eighteen~~ land use designations are illustrated on the Land Use Diagram are described below.

Urban Development Area

The Urban Development Area (UDA) designation indicates where the County will conduct studies leading to the appropriate configuration of urban land uses for the area. The UDA differs from the Agricultural-Urban Reserve designation in that development in UDAs is anticipated within the 20 year planning period.

Mixed-Use Designations

The Mixed-use designations delineate specific areas on the General Plan Land Use Diagram primarily associated with Transit Oriented Developments (TODs). However, the standards of these designations are appropriate for other developments that are near transit opportunities where a "pedestrian friendly" design is desired. (Note: "Pedestrian friendly" is defined as supportive of pedestrian and other non-vehicular modes of travel including those used by persons with disabilities.) The mix of uses can occur in a variety of ways; office or residential uses can be included in the same building, or possibly above retail. Mixing promotes functional integration of uses through vertical mixing or through site design. However, when differing uses are on the same site but separated by a wall or large expanse of parking, they are "multiple use" projects. These projects do not meet the intent of the mixed use designation because they lack the necessary functional integration.

Mixed use developments are designed to be consistent with, or conform to the concepts of the Transit-Oriented Development Guidelines for Sacramento County. These concepts call for high intensity, mixed use development in the TOD core area close to transit, an emphasis on neighborhood support services at street level with other employment along the Trunk or Feeder Line Network, a pleasant walking environment, and good pedestrian and bicycle linkages between the Core Area and Secondary Areas. The Trunk Line Network is made of either light rail or express bus service and the Feeder Line Network is of bus transit with 10 to 15 minute headways.

The minimum Floor Area Ratio (FAR) for nonresidential uses varies on the basis of its location relative to a transit transfer center or trunk line stop, and on the basis of the planned or existing status of that facility. Buildings with ground floor

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retail may add as many as two floors of residential uses, or one floor of office use, in return for a ground floor of retail use.

The success of Urban or Neighborhood TODs is not dependent solely on transit. An integrated mix of uses coupled with a pedestrian friendly design promotes pedestrian and bicycle use throughout the development.

Urban Transit-Oriented Development. The Urban Transit-Oriented Development designation allows mixed-use developments of relatively high residential densities and nonresidential intensities. Urban TODs are expected to be between 20 and 160 acres in size with residential densities in the core ranging from 7 to 50 units per gross acre, with a minimum average varying on the basis of location and facility status. The secondary area surrounding the TOD core are to have a minimum average density of 6 dwelling units per acre.

The suggested minimum and maximum percentages for various land uses in an Urban TOD are presented in Table I.1. There are many combinations of uses possible; the land use emphasis in Urban TODs can vary considerably.

TABLE I.1
MINIMUM/MAXIMUM PROPORTIONS OF USES:
URBAN TODs

% of Site Area

<u>Use</u>	<u>minimum</u>	<u>maximum</u>
Commercial Core	10%	30%
Office	20%	60%
Residential	20%	60%
Public	10%	30%

Neighborhood Transit-Oriented Development. The Neighborhood Transit-Oriented Development designation allows mixed-use communities at moderate densities that are along the Feeder Line Network of the transit system and within 10 minutes travel time of the Trunk Line Network. Neighborhood TODs may be located on bus lines not shown on the Transportation Plan, or may be served by a private transit system (e.g., jitney, vanpool, transit shuttle service) as long as that transit meets the level of service defined for the Feeder Line Network. A Neighborhood TOD may be between 20 and 160 acres in size and have residential densities ranging from 7 to 30 units per gross acre with a suggested minimum average density varying on the basis of location and facility status. Like the Urban TOD, the secondary area in the Neighborhood TOD is to have a minimum density of 6 dwelling units per gross residential acre.

The suggested minimum and maximum percentages for land uses in Neighborhood TODs are presented in Table I.2. There are many combinations of uses possible; the land use emphasis in Neighborhood TODs can vary considerably.

TABLE I.2
MINIMUM/MAXIMUM PROPORTIONS OF USES:
NEIGHBORHOOD TODs
Percentage of Site Area

<u>Use</u>	<u>Minimum</u>	<u>Maximum</u>
Commercial Core	10	15
Office	0	40
Residential	40	80
Public	10	No Max.

Residential Designations

Low Density Residential. This designation provides for areas of predominantly single family housing with some attached housing units. It allows urban densities between one and twelve dwelling units per acre, resulting in population densities ranging from approximately 2.5 to 30 persons per acre. Typical low density development includes detached single family homes, duplexes, triplexes, fourplexes, townhouses, lower density condominiums, cluster housing, and mobile home parks.

Medium Density Residential. The Medium Density Residential designation provides for areas of attached units, including apartments and condominiums, along transit corridors and throughout the urban area. This designation establishes urban densities between thirteen and thirty dwelling units per acre, resulting in population densities ranging from approximately 32.5 to 73.5 persons per acre. Medium density development includes apartments, condominiums, and group housing. These uses are appropriate near commercial areas, transportation and transit corridors, and employment centers.

High Density Residential. The High Density Residential designation establishes areas of higher density units primarily along transit corridors. This designation establishes urban densities ranging between thirty-one and fifty dwelling units per acre, resulting in population densities ranging from approximately 75 to 125 persons per acre. High density development includes multiple-floor apartments and condominiums, including mixed-use developments. High density uses are appropriate within the central portion of intensive commercial areas, along transportation/transit corridors and stops, and near major employment centers.

Commercial and Industrial Designations

Commercial and Offices. The Commercial and Office designation provides for a full range of neighborhood, community and regional shopping centers and a variety of business and professional offices. Uses include locally-oriented retail, professional offices, and regional commercial operations. The location and size of commercial areas is based upon accessibility, historic development patterns, community and neighborhood needs, and minimization of land use conflicts.

Ideally, commercial areas are designed to integrate with the community, including the provision for pedestrian amenities. The standard for commercial Floor Area Ratios is between 0.25 to 2.5.

Industrial Intensive. This land use designation allows for manufacturing and related activities including research, processing, warehousing, and supporting commercial uses, the intensive nature of which require urban services. Industrial Intensive areas are located within the urban portion of the county and receive an urban level of public infrastructure and services. Floor Area Ratios range from 0.15 to 0.80.

Other Urban Designations

Core Area. The Core Area designation acknowledges Downtown Sacramento as the core of the urban area. The core functions as the cultural and historic center of the region. This designation recognizes the significantly greater densities and intensities of land use in the Core Area, and the existing radial configuration of the major transportation system centering on the Downtown area. The Core Area should continue to contain higher commercial intensity development than the unincorporated area.

Public/Quasi-Public. The Public/Quasi-Public designation establishes areas for uses such as education, solid and liquid waste disposal, and cemeteries. This designation identifies public and quasi-public areas which are of significant size, under County jurisdiction, regional in scope, specified by State law, or have significant land use impacts. Some facilities (e.g. elementary schools and fire stations) are too small or numerous to show on the Land Use Diagram, but may be identified on other diagrams in the Plan.

Senior Community. *The Senior Community designation is an urban designation that permits development of an age-restricted residential community and associated infrastructure to serve the community. A Senior Community features a variety of uses, which may include detached and attached homes, recreational facilities, a community center, medical facilities, congregate care facilities, skilled nursing facilities, restaurants, shopping, and offices. Residential density in a Senior Community ranges from 5 to 20 du/ac in residential areas. The Senior Community designation is an Urban Land Use designation, and is not an Urban Growth Area, New Growth Area or New Development Area, but is controlled by specific policies and standards applicable to Senior Community development.*

B. The "INTRODUCTION" section to Section III-B., "STRATEGIES TO ACCOMMODATE GROWTH," on pages 38-41 of the Land Use Element is amended as follows:

INTRODUCTION

To accommodate a variety of living and working environments, the Land Use Element provides for both urban and rural communities. Urban communities are substantially developed with a variety of land uses, such as low and medium density residential development, commercial and industrial uses, and public facilities. They are served by, or are planned to receive, such urban infrastructure as community surface water, collection and treatment of wastewater, storm drainage, arterial streets and transit. They provide housing,

services and employment for the great majority of existing and future County residents. The "urban area" of unincorporated Sacramento County includes the urbanized portions of community planning areas such as Arden-Arcade, Carmichael, Citrus Heights, Fair Oaks, North Highlands/Foothill Farms, Rancho Cordova, Rio Linda/Elverta, South Sacramento, Elk Grove, Franklin-Laguna, Antelope, Orangevale and Cosumnes (Rancho Murieta), as well as Senior Communities and new growth areas such as West Vineyard.

Rural communities have historically served as a focus of activity for surrounding agricultural areas. The Delta communities of Walnut Grove, Locke, Courtland, and Hood contain small commercial areas surrounded by older housing with limited urban infrastructure. Other rural communities comprise Agricultural-Residential housing on one to ten acre lots and rely on individual wells and septic systems. In addition to the Delta, the rural area contains the non-urban portion of community planning areas such as Natomas, Vineyard, Cosumnes, Southeast and Franklin-Laguna, and includes the rural towns of Sheldon, Wilton, Alta Mesa, Clay, Herald, Sloughhouse and Franklin. In all cases, they are surrounded by farms and open space.

The County will accommodate the population and economic growth projected to occur in the unincorporated area during the planning period. The County recognizes the limitation of population and economic forecasts, and also the changing nature of land use development in surrounding jurisdictions. Therefore, the County intends to maintain a degree of flexibility through the management of its land resource. The County will monitor development and direct the efficient use of its land resource through land use phasing and timing measures.

Urban communities will accommodate the great majority of the new development projected for the unincorporated area. Near-term urban development will be accommodated through build-out of planned communities because it is in these areas that urban infrastructure and services presently exist. ~~This~~ ~~Because~~ this infill development cannot accommodate all the development projected to occur during the planning period. ~~Therefore~~, the Plan creates a Senior Community designation to accommodate the unique demands and needs of active adults desiring an age-restricted lifestyle away from the urban core (Land Use Diagram). The Plan also designates new urban growth areas (Figures III-1 and III-2). Rural Communities will accommodate minimal growth because open space, natural resources and agricultural values need to be conserved and protected. It is the intent of the County to accommodate rural residential demand within existing rural communities and limited expansion of adjoining lands.

The strategies in this section set forth objectives, policies and programs for accommodating growth through redevelopment, build-out of vacant urban lands, development of new growth areas, development of Senior Communities and Agricultural-Residential development. Table III-1 summarizes the numerical objectives set forth for each strategy, except for the newest category of Senior Community. The holding capacity for Senior Communities is 3,000 residential units. Based on a study submitted to the county in 1998 and prepared by the Real Estate and Land Use Institute of California State

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University, Sacramento, the demand for residential units in Senior Communities far exceeds this holding capacity.

TABLE III.1
TARGETS FOR ACCOMMODATING RESIDENTIAL GROWTH DEMAND
(Number of Residential Units)

<u>Land Use Strategy</u>	<u>Holding Capacity</u>	<u>Targeted Demand</u>	<u>Percent</u>
Redevelopment	N/A	1,000	1
Build-out of Vacant Urban Area	29,300(1)	21,900(2)	23
Office/industrial Area Rezones	10,600	5,300	6
Planned Communities	36,000	35,100	37
New Growth Areas	92,150	28,300	30
Agricultural-Residential Areas	4,100	2,400	3
	172,150	94,000	100%

Notes: (1) Land affected by this strategy includes infill parcels within the existing urban area, rezones, and developed and undeveloped parcels in the Poker Lane and Orangevale (south of Oak Avenue) Agricultural-Residential areas which could be developed to urban densities. Due to the relative amounts of vacant and developed parcels, additional holding capacity was calculated for Poker Lane at 6 du/ac and at 3 du/ac for Orangevale.

(2) Targeted demand assumes approximately five percent of the holding capacity available each year will build out that year.

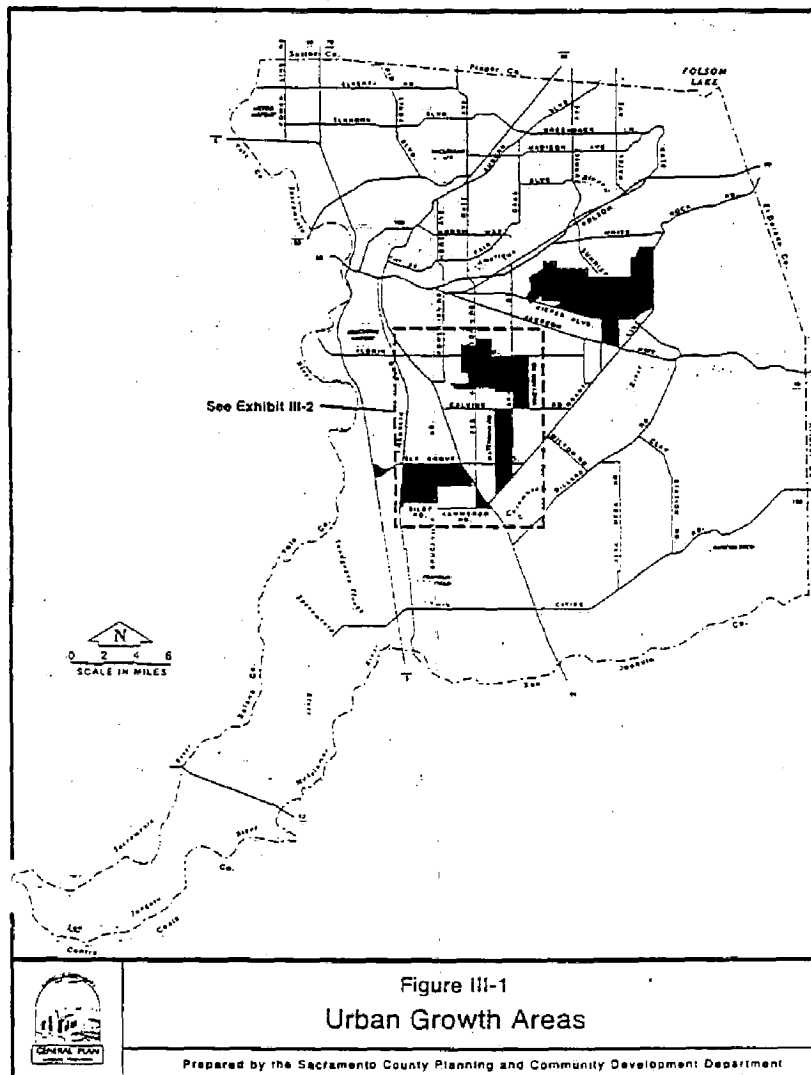
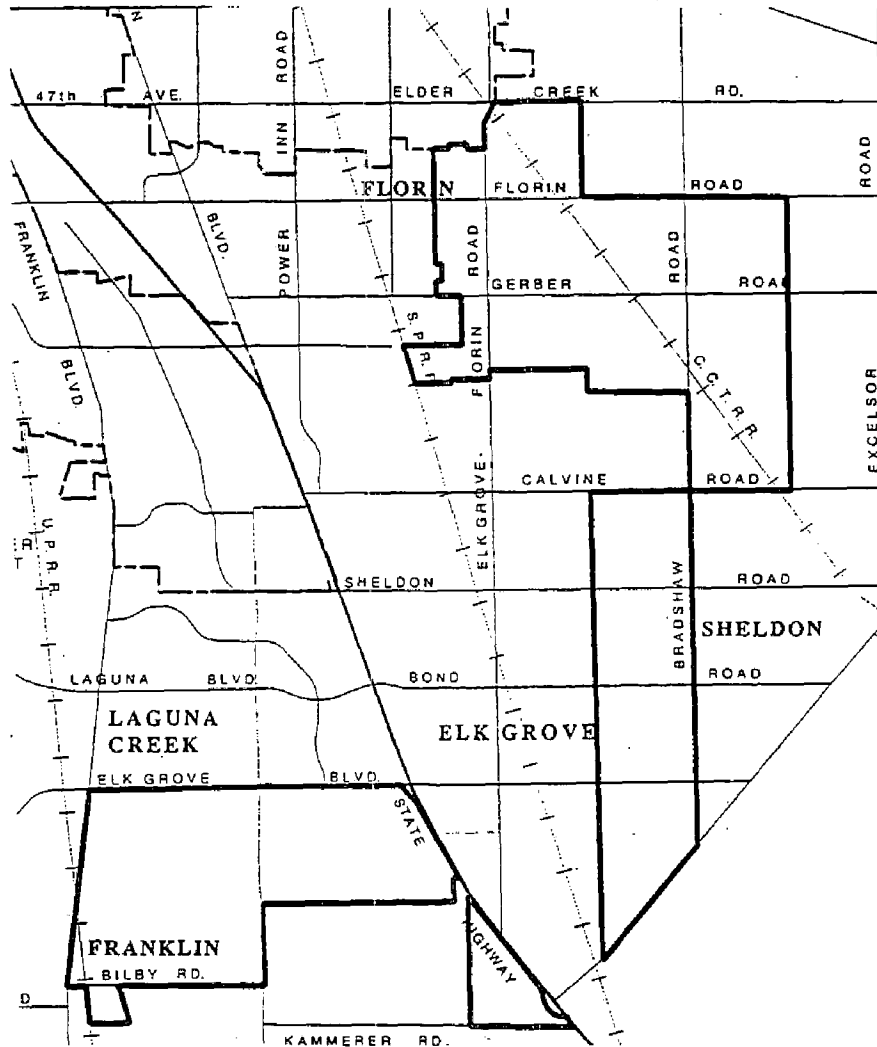


Figure III-2

Urban Growth Areas-South County



Section III
LUE-III-A-B DG:12/15/1993

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Land Use Element

C. A new section entitled "SENIOR COMMUNITY DEVELOPMENT" is added to Section III-B, "STRATEGIES TO ACCOMMODATE GROWTH," on page 52 of the Land Use Element, immediately preceding the section entitled "AGRICULTURAL-RESIDENTIAL DEVELOPMENT," to read as follows:

SENIOR COMMUNITY DEVELOPMENT

Objective: Accommodate the unique demand for and special needs of active adults desiring as a housing option a large, age-restricted and recreation oriented community.

Intent: The 55+ age group living in Sacramento County is growing significantly faster than any other age group. The unprecedented and increasing sales of homes at projects in our neighboring counties and throughout the nation built to accommodate this demographic group evidences that there is a tremendous demand for this lifestyle choice. Sacramento County does not have an adult community designed to provide an active lifestyle commonly found in Senior Communities. Demographic studies compiled by the Sacramento Area Council of Governments ("SACOG") have documented that there is an exodus of long-time Sacramento residents to the foothill counties immediately to the east. This current exodus can be expected to continue and, possibly escalate if there is no comparable housing option available in Sacramento County. By providing a Senior Community land use designation, it is the intent of the County to keep long-time active adult residents in Sacramento County near family and friends and to continue to benefit from their contributions to the culture, economy and general fabric of community life.

The demand for Senior Communities ("SRCs") was not studied, quantified or recognized in the December, 1993 General Plan. There are fundamental differences between SRCs and typical housing projects designed for families and working adults. Examples of those differences include:

- SRCs have no resident children and therefore generate minimal impact on schools.
- Many SRC residents are either retired or work at jobs that do not require close proximity to employment centers or travel during peak commute hours.
- Travel within an SRC is readily accomplished by use of a golf cart, low-speed vehicle or community clean air shuttle bus. Transit services to external locations such as the International Airport, shopping, Downtown Sacramento and Arco Arena are provided by community-owned clean air shuttles, carpooling and on-demand services. These transit services are equivalent or better than those found in Transportation Corridors and, unlike typical residential projects, create significantly fewer adverse traffic and air quality impacts.
- SRCs are typically located away from the urban core to accommodate the residents' desire for immediate access to

recreational facilities, viewsapes of a golf course or natural open space, and the peace and quiet found only away from the busy urban core.

- SRCs include large amounts of open space and, thus, further many General Plan policies designed to permanently preserve important open space located outside the urban core.
- Due to their large size and geographical location, SRCs often can be efficiently served by stand-alone water, wastewater and other essential infrastructure systems that can be constructed and maintained at no cost to residents outside the SRC. Moreover, stand-alone infrastructure does not require growth-inducing extensions of pipelines from the urban core.

Because the SRC designation is an urban land use designation containing specific development standards and policies tailored to the unique characteristics of SRCs, land designated SRC is not a New Urban Growth Area, New Growth Area or New Development Area, as those terms are used in this General Plan.

D. A new section entitled "SENIOR COMMUNITY" is added to Section III-C., "URBAN GROWTH MANAGEMENT STRATEGY," on page 67 of the Land Use Element, immediately preceding the Section entitled "COMMERCIAL AND INDUSTRIAL LAND USE," as follows:

SENIOR COMMUNITY

Objective: Promote the fundamental purpose of the General Plan to accommodate housing demand during the 20-year life of the plan by addressing the demand for and special needs of an age-restricted, active adult community. At the same time, assure that there is an adequate supply of land as projected in the 1993 General Plan near transportation, employment centers and schools available to residents of other age groups.

Intent: The 55+ age group living in Sacramento County is growing significantly faster than any other age group. The unprecedented and ever-escalating sales of homes at projects in our neighboring counties and throughout the nation built to accommodate this demographic group evidences that there is a tremendous demand for this lifestyle choice. Sacramento County does not have an adult community designed to provide an active lifestyle commonly found in Senior Communities. Demographic studies compiled by the Sacramento Area Council of Governments ("SACOG") have documented that there is an exodus of long-time Sacramento residents to the foothill counties immediately to the east. This current exodus can be expected to continue and, possibly, escalate if there is no comparable community available in Sacramento County. By providing a Senior Community land use designation, it is the intent of the County to keep long-time active adult residents in Sacramento County near family and friends and to continue to benefit from their contributions to the culture, economy and general fabric of community life. The development of

Senior Communities in Sacramento County advances Air Quality Element Policy AQ-17 by reducing demand for Senior Communities located farther from the metropolitan urban core, such as those in Placer County and other remote parts of the multi-county air basin. Residents of Senior Communities in Sacramento County will generally have shorter vehicular trips and access to transit services to Downtown Sacramento and other commonly used metropolitan services such as the International Airport and Arco Arena. Accordingly, development of Senior Communities in Sacramento County is consistent with AQ-17, which states: "Require that development projects be located and designed in a manner which will conserve air quality and minimize direct and indirect emission of air contaminants."

Policies:

LU-SRC-1 A Senior Community shall be "age-restricted" in accordance with California Civil Code Section 51.3.

LU-SRC-2 A Senior Community shall provide for a variety of uses, which may include attached and detached residences, recreational facilities, medical services, congregate care facilities, skilled nursing facilities, restaurants, shopping, commercial/office space and a community center.

LU-SRC-3 A Senior Community shall include recreational facilities with one or more golf course(s).

LU-SRC-4 At least 50% of the land in a Senior Community shall consist of improved and unimproved open space. Open space may include active recreational uses such as parks, trails and golf course(s).

LU-SRC-5 A Senior Community shall have water, wastewater and other essential infrastructure systems that result in no additional cost to existing County taxpayers. Water, wastewater and other essential infrastructure systems may be located outside the SRC Land Use Designation, the Urban Policy Area and the Urban Services Boundary. These systems may be autonomous (such as a community services district or other public or private entity independent of the County) or may be served by the County.

LU-SRC-6 A Senior Community shall be served by a wastewater system that recycles water for use to irrigate landscaped areas and open space within the Senior Community.

LU-SRC-7 A Senior Community development shall be designed to reduce vehicular emissions by providing some services within the Senior Community and by providing a privately financed internal and external shuttle transit system and an extensive golf cart/low-speed vehicle path system, thereby reducing the need for long vehicular trips outside the Senior Community and further reducing vehicular trips in or near the Senior Community.

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LU-SRC-8 A Senior Community shall have an infrastructure financing plan that specifies the extent, timing and estimated cost of all necessary infrastructure.

LU-SRC-9 A Senior Community shall provide funding for maintenance and enhancement of natural open space within the SRC.

LU-SRC-10 A Senior Community that impacts oak woodlands shall mitigate any loss of oak tree canopy onsite with replacement plantings designed to result in no net loss of canopy in compliance with Conservation Element Policy CO-135.

Implementation Measures:

- A. Require all home sales in a Senior Community to include deed restrictions providing that at least one person age 55 or older must live in each home and other residents must meet the age restrictions contained in California Civil Code Section 51.3.
- B. Condition approval of tentative maps and permits required after zoning and prior to the commencement of construction of any structure within the Senior Community to assure compliance with the performance standards provided in Policies LU-SRC-1 through LU-SRC-10.

E. Section III-G, "AMENDING THE LAND USE DIAGRAM," on pages 97-100 of the Land Use Element is amended as follows:

G. AMENDING THE LAND USE DIAGRAM

GOAL: Accommodate land use proposals which are in the interest of the public health, safety, and welfare of the residents of Sacramento County.

Objective: Administrative procedures to amend the General Plan Land Use Diagram.

Intent: The Land Use Element, like the other elements of the General Plan, affects both current and future generations. To remain effective in addressing changes in local trends and conditions that occur during the designated planning period, the Land Use Element must be amendable. Therefore, the Planning Department shall monitor the conditions and needs of the unincorporated area during the planning period and will amend the Land Use Diagram as changes in local trends and conditions dictate.

Amendments may be initiated by the Board of Supervisors, the Planning Commission or private individuals. Amendments may also be made by an initiative approved by a majority vote of the People of Sacramento County. Land Use Policies LU-75 through LU-82 are not applicable to amendments made by initiative. State Law (Government Code Section 65358(b)) limits amendments to the Land Use Diagram and each mandatory element of the General Plan to four amendments per calendar year. Any number of changes

can be made to an element, including the Land Use Diagram, and be considered one amendment.

Policies:

LU-75. Except as permitted by LU-42, the County shall not accept applications to amend the General Plan Land Use Diagram from a designation in Column A to a designation in Column B for property located outside of the Urban Policy Area but within the Urban Service Boundary unless:

- The property adjoins property designated for urban land uses and its shape and extent comprise a logical extension of infrastructure services; and
- There is clear evidence that infrastructure capacity and service availability exist or can be easily extended to the property; and
- The Board finds that the unincorporated area land supply within the Urban Policy Area contains an insufficient land supply to accommodate a 15 year supply of growth; or
- The Board determines that the property represents a minor and logical extension of the Urban Policy Area for the purpose of preparation of a Specific Plan or other development request.

LU-76. The Urban Policy Area is intended to provide a 20-year supply of developable land sufficient to accommodate projected growth. The UPA shall also include additional lands to ensure an appropriate supply. It is the policy and intent of the County to expand the UPA at a minimum of five year intervals to maintain a constant adequate supply of land.

Guidelines to be considered by the Board in determining the expansion of the Urban Policy Area include:

- Buildout rates by type of use, unit type and density for the previous 5-year period.
- Infill trends and opportunities.
- Population and job growth projections as reflected by a minimum of three independent sources.
- Evidence that the infrastructure capacity and service availability exist or can be extended to the property.

LU-77. Before granting approval of an amendment to the Land Use Diagram, the Board of Supervisors shall find that:

- the request is consistent with the objectives and policies of the General Plan;
- approval of the proposal will not adversely affect the fiscal resources of the County;
- the project will be consistent with the performance standards in this Plan and, for urban uses in urban growth areas, the project complies with the requirements of LU-8.

LU-78. The County may modify the Urban Policy Area independent of changes in General Plan land use designations provided that the area encompassed by the changes meets the requirements of Policy LU-75,

or the County has adopted a Community Plan which provides for extending urban services to existing agricultural-residential areas.

LU-80. The County shall not accept applications to amend the Land Use Diagram from a designation in Column A, in Table III.7 to an Agricultural-Residential Land Use Designation for property outside the Urban Service Boundary, unless:

- The property adjoins an existing area designated for agricultural-residential land use.
- The property is consistent with Policy LU-67.
- The change in designation will not trigger the need for urban services and cumulative traffic impacts will be within the capacity of the planned road system.

LU-81. The County shall not expand the Urban Service Boundary unless:

- There is inadequate vacant land within the USB to accommodate the projected 20 year demand for urban uses; and
- The proposal calling for such expansion can satisfy the requirements of a master water plan as contained in the Conservation Element; and
- The proposal calling for such expansion can satisfy the requirements of the Sacramento County Air Quality Attainment Plan; and
- The area of expansion does not incorporate open space areas for which previously secured open space easements would need to be relinquished; and
- The area of expansion does not include the development of important natural resource areas, aquifer recharge lands or prime agricultural lands;

OR

- The Board approves such expansion by a 4/5ths vote based upon a or finding that the expansion would provide extraordinary environmental, social or economic benefits and opportunities to the County:

OR

- The proposal calling for such expansion is approved by a majority vote of the People of the County of Sacramento by way of an initiative.

LU-82. Any Departmental determination on the acceptability of an application to amend the General Plan criteria in policies LU-75 through LU-81 and AG-2 is appealable to the Board of Supervisors.

Implementation Measure:

A. Evaluate requests to amend the General Plan Land Use Diagram.
(PLANNING, PLANNING COMMISSION, BOARD OF SUPERVISORS)

TABLE III.7
GENERAL PLAN

LAND USE CATEGORIES (FROM/TO) SUBJECT TO DETERMINATION BY PLANNING DEPARTMENT

A From the Following <u>Land use Categories</u>	B To the Following <u>Land Use Categories</u>
Recreational	Agricultural-Residential
Agricultural-Urban Reserve	Low Density Residential
General Agricultural (80 acres)	Medium Density Residential
General Agricultural (20 acres)	High Density Residential
Agricultural Cropland	Urban Transit-Oriented Development
	Neighborhood Transit-Oriented Development
	Commercial and Office
	Industrial Intensive
	Industrial Extensive
	Urban Development Area

SECTION 4. GENERAL PLAN LAND USE DIAGRAM AMENDMENT.

The Land Use Diagram is hereby amended to include the urban land use designation of Senior Community within the Urban Services Boundary; to reflect the location of all property so designated; to change the land use designation for such property from General Agriculture (20 ac) and General Agriculture (80 ac) to Senior Community; and to reflect the fact that such property is not within a Resource Conservation Area. A copy of the amended Land Use Diagram is attached hereto as Exhibit 1 and incorporated herein by reference as if fully set forth at this point.

SECTION 5. GENERAL PLAN URBAN POLICY AREA MAP AMENDMENT.

The Urban Policy Area Map is hereby amended to include the location of land designated as Senior Community within the Urban Policy Area. A copy of the amended Urban Policy Area Map is attached hereto as Exhibit 2 and incorporated herein by reference as if fully set forth at this point.

SECTION 6. GENERAL PLAN URBAN SERVICE AREA FIGURE AMENDMENT.

Figure III-8 entitled "Urban Service Area" depicts the service boundary of the urban area in the unincorporated County. This figure is hereby amended to include the location of land designated as Senior Community within the Urban Service Area. A copy of the amended Figure III-8 entitled "Urban Service Area" is attached hereto as Exhibit 3 and incorporated herein by reference as if fully set forth at this point.

SECTION 7. GENERAL PLAN ZONING CONSISTENCY MATRIX AMENDMENT.

Table III.5 entitled "ZONING CONSISTENCY MATRIX" provides the basis for determining consistency between zoning and the General Plan Land Use Diagram for any land use proposal under review. This initiative will create a new

land use designation of Senior Community and a new Senior Community Zone. Table III.5 entitled "ZONING CONSISTENCY MATRIX" is hereby amended to reflect the new land use designation of Senior Community and the Senior Community Zone and to identify the zoning that is consistent with the Senior Community land use designation. A copy of amended Table III.5 entitled "ZONING CONSISTENCY MATRIX" is attached hereto as Exhibit 4 and incorporated herein by reference as if fully set forth at this point.

SECTION 8. GENERAL PLAN TRANSPORTATION PLAN AMENDMENT.

The Transportation Plan is hereby amended to show the general location of a new rural collector to connect the land designated as Senior Community with White Rock Road at its eastern intersection with Scott Road. A copy of the amended Transportation Plan is attached hereto as Exhibit 5 and incorporated herein by reference as if fully set forth at this point.

SECTION 9. GENERAL PLAN OPEN SPACE PRESERVATION STRATEGY DIAGRAM AMENDMENT.

The Open Space Preservation Strategy Diagram is hereby amended to show that the property depicted on the Land Use Diagram as Senior Community is now included within the Urban Service Boundary and is no longer identified as Agricultural Area or Resource Conservation Area open space land. A copy of the amended Open Space Preservation Strategy Diagram is attached hereto as Exhibit 6 and incorporated herein by reference as if fully set forth at this point.

SECTION 10. GENERAL PLAN PUBLIC FACILITIES ELEMENT TEXT AMENDMENTS.

A. The "TREATMENT AND DISTRIBUTION" section of Section I, "WATER FACILITIES," on pages 3-4 of the Public Facilities Element is amended as follows:

Objective: Water treatment and distribution facilities located to minimize environmental impact and maximize distribution efficiency with respect to point of withdrawal and area to be served.

Intent: Water treatment and distribution facilities are expensive and comparatively permanent facilities which should be planned to provide high quality water distributed efficiently with minimal impact upon natural resources. The Sacramento and American Rivers provide most of the area's surface water needs and receive much of it back, although water composition and temperature are typically altered, via storm drains and treatment facilities. Such alterations may have a significant impact on the riverine environment depending upon the quality and quantity of the receiving waters, and the amount, location, and timing of withdrawals. Care in designing facilities will reduce detrimental effects on downstream water quality, maintain ecological health, and increase recreational opportunities. In addition, well planned placement of distribution networks can effectively reduce environmentally unsound urbanization, such as sprawl or leapfrog development, by controlling extent and placement of pipes, pumps, and other infrastructure necessary to deliver water. Lastly, with 28 different water purveyors serving the county any new extension should be furnished by an existing agency to minimize further fragmentation of service areas, except in a

Senior Community that is developed away from the urban core, where a newly formed private or public purveyor may be preferable.

The volume of water pumped from underground aquifers has resulted in severe localized decline of the water table. To end this overdraft and maintain service to rapidly growing communities access to surface water supplies is currently being negotiated. The CCOMWP was established to create a plan to secure and develop a long-term surface water supply for the County. The Office is seeking alternatives for providing additional supplies to meet short term needs outside the City of Sacramento's "Place of Use" to areas most affected by groundwater overdraft, as well as agreements with the City of Sacramento for surface water from the American River.

Policies:

- PF-1 New water facilities shall be planned to minimize impacts to in-stream water flow in the Sacramento and American Rivers.
- PF-2 Municipal and industrial development within the Urban Service Boundary but outside of existing water purveyors' service areas shall be served by either annexation to an existing public agency providing water service, or by extension of a benefit zone of the SCWA **or by a newly formed private or public water purveyor to serve a Senior Community.**
- PF-3 Public water agencies shall comply with General Plan policies prior to annexation of additional service areas.

Implementation Measures:

- A. Coordinate the preparation of long-range plans identifying new areas to be served, locating associated treatment facilities, and establishing time frames for plan review consistent with the 5 year review cycle of the General Plan. (Sacramento County Water Agency, Planning)
- C. Review new development proposals to ensure water provisions requirements of this plan are satisfied. Ongoing. (Planning)

B. The "FINANCING NEW FACILITIES" section of Section I, "WATER FACILITIES," on page 4 of the Public Facilities Element is amended as follows:

FINANCING NEW FACILITIES

Objective: New water facilities financed in a timely and equitable manner.

Intent: Financing for new treatment and distribution facilities should be planned well in advance of anticipated new development. In many areas of the County new development should only proceed if surface water is available and funds for constructing water facilities and a distribution network are obtained. Methods to increase revenue to accommodate the growing demand for such water facilities include connector fees, the sale of bonds, and increases in monthly service charges. Equitable distribution of various revenue increases should consider the beneficiaries, proximity to or within an existing water jurisdiction, and availability of surface water in areas where groundwater resources are diminishing.

Policies:

PF-4 Connector fees for new development shall cover the fair share of costs to acquire and distribute surface water to the urban area.

PF-5 New treatment facilities and all facility operations shall be funded by beneficiaries.

PF-5A A Senior Community shall have a water system that results in no additional cost to existing County taxpayers. Water systems may be autonomous (such as a private water company, community services district or other entity independent of the County) or may be provided by the County or another existing water service provider.

Implementation Measures:

A. Determine costs and appropriate fees and collection mechanisms for acquiring and distributing surface water to the unincorporated area. (CCOMWP)

C. The "EXTENSION OF SEWER SYSTEM" section of Section II, "WASTEWATER COLLECTION AND TREATMENT," on pages 8-9 of the Public Facilities Element is amended as follows:

EXTENSION OF SEWER SYSTEM

Objective: Established limits on extension of public sewer service in the unincorporated area to ensure long-term availability of conveyance and treatment capacity, cost-effective use of revenues and support open space preservation objectives.

Intent: While sewer service could be provided to serve development almost anywhere in Sacramento and adjoining Counties, there are important practical and environmental reasons to place limits on service. A recent issue concerns extending trunk lines to rural residential areas where densities exceed that which will ensure long-term protection of groundwater from contamination by septic system seepage. The policies below clarify appropriate limits. They essentially reaffirm the regional treatment system as the means of serving new development. **Senior Communities involve unique considerations because Senior Communities are typically large and remote from the urban core and, therefore, may be served by a stand-alone, independent sewer system.** The intent of the policy regarding agricultural-residential service is that it is warranted only where a clear risk to groundwater quality exists. This will require that the County also implement policies regarding the creation of rural lots which protect groundwater aquifers (see also Land Use and Conservation Elements). The Urban Services Boundary contained in the General Plan will provide a long range urban growth horizon compatible with the Sanitation Districts' long range needs to implement planning, design and construction of cost-effective public sewerage facilities; which are in conformance with both the Regional Sanitation District's policy instrument, the Master Interagency Agreement (MIA), and the Sacramento County General Plan.

The MIA, to which Sacramento County is a signatory, contains provisions whereby service cannot be extended beyond the current service area if such an

extension would impact the ability of any SRCSD's Contributing Agency to receive sewer services for its existing and future customers. Additionally, the MIA only allows the SRCSD to annex properties that are designated for urban uses in the General Plans of Sacramento County and the Cities of Sacramento and Folsom.

In the event that a proposal is made to provide sewer services to an adjacent county which required construction of sewers across rural or agricultural lands, the Board of Supervisors would be able to address the issue in terms of conformance to the requirements of the MIA. Any proposal to provide service outside Sacramento County would, under the existing MIA, be through a contract.

Important in establishing benefit are findings that extension of the sewer system is needed to ensure Sacramento's surface water quality, that the ultimate capacity of the Regional Treatment Plant will be sufficient to accommodate full development within the Urban Service Area as well as out-of-County flows, that out-of-County urban areas can be equitably connected to the regional sewer system's service area, and that extension of the sewer system into other counties be in the context of other regional issues such as water supply and transportation.

Policies:

PF-11. The County shall not support extension of the regional interceptor system to areas within the County which are beyond the Urban Service Boundary.

PF-12. Sacramento County will support extension of sanitary sewer services outside of Sacramento County by the Sacramento Regional County Sanitation District and its Contributing Agencies under the following conditions:

1. That the residents of Sacramento County are benefitted by such an extension.
2. That such extension of sewer service compiles with the conditions set forth in the Master Interagency Agreement which governs the policies and operating responsibilities of the Sacramento Regional County Sanitation District and its Contributing Agencies.

PF-13. Public sewer systems shall not extend service into agricultural-residential areas outside the urban policy area unless the Environmental Health Department determines that there exists significant environmental or health risks created by private disposal systems serving existing development and no feasible alternatives exist to public sewer service.

PF-14 Independent community sewer systems shall not be established for new development, except in a Senior Community. A Senior Community shall have a wastewater treatment system that results in no cost to existing County taxpayers. The system may be autonomous (such as a private community sewer system, a community services district or another entity independent of the County), or service

may be provided by the County or other existing sewer service provider.

D. A new section entitled "SENIOR COMMUNITIES AND PUBLIC SCHOOLS" is added to Section IV, "PUBLIC SCHOOL FACILITIES" of the Public Facilities Element on page 16, immediately preceding the section entitled "NEIGHBORHOOD INTEGRATION" as follows:

SENIOR COMMUNITIES AND PUBLIC SCHOOLS

Senior Communities are age-restricted developments designed to provide housing to seniors and residency is restricted by the provisions of Civil Code Section 51.3. Accordingly, such communities will not significantly impact school facilities and no public schools will be constructed within the boundaries of a Senior Community. Moreover, development of Senior Communities will provide school facility fees and added assessed valuation with very limited demand. In light of this, the Policies contained within this Public Facilities Element that concern the location, construction and financing of schools are not applicable within any Senior Community.

SECTION 11. GENERAL PLAN CONSERVATION ELEMENT TEXT AMENDMENTS.

A. The "ADDITIONAL WATER SUPPLIES" section of section A, "SURFACE WATER SUPPLIES," of Section I, "WATER RESOURCES," on pages 6-7 of the Conservation Element is amended as follows:

ADDITIONAL WATER SUPPLIES

Objective: Adequate guaranteed long-term surface water supply to meet future needs within the unincorporated area.

Intent: Urban development in unincorporated Sacramento County has long depended on ground water pumping to meet its growing domestic water needs. This has resulted in significant ground water overdraft problems in the northeast area around McClellan Air Force Base, in Galt, and Elk Grove. Ground water levels in these areas during the spring of 1992 were 20, 40, and 70 feet, respectively, below their original levels. An adequate guaranteed long-term surface water supply to meet the needs of areas with ground water overdraft problems and accommodating future growth is essential. These policies establish the County's intent that the Sacramento County Water Agency (SCWA) be the primary water contracting agency with the Bureau of Reclamation (USBR) in obtaining surface water from the American and Sacramento Rivers for distribution. In this role SCWA must monitor the growth of water needs and a myriad of water supply issues involving competing interests. The SCWA and USBR have agreed that there is a need for 213,000 AF/vr. of unallocated water stored in Folsom Reservoir to serve Galt and unincorporated Sacramento. The USBR has delayed negotiating contracts for these surface waters pending resolution of environmental issues and concerns. The Department of the Interior has withdrawn the most recent Draft Environmental Impact Statement and there is no indication when the process will resume.

The County and City have adopted a Memorandum of Understanding (MOU) to facilitate an agreement to establish a cooperative and conjunctive water use program. A new office, the City-County Office of Metropolitan Water Planning (CCOMWP), has been created to meet the region's water needs over the next 10 to 15 years. The office has Drafted a memorandum of agreement, signed by the County, City, and the Sacramento County Water Agency, which sets forth a seven and one-half year work plan to develop a technical facilities plan for the distribution of water within metropolitan Sacramento County, develop a financing plan for the facilities, and create an agency or organization to implement the plan for the long-term. To this end, the city is conducting a study to determine additional capacity needs at its water treatment facilities, and the County is negotiating to obtain an additional 22,000 acre feet from the U.S. Bureau of Reclamation. The Office is also seeking alternatives for providing additional supplies to meet short term needs outside the city's Place of Use.

The Water Policy Statement adopted by the Board of Supervisors on August 10, 1993, provides further policy direction for development of additional water supplies. Reference to "new development areas" and "new growth areas" in Conservation Element Policy CO-2 refers to lands identified in Figure III-1 of the Land Use Element and excludes Senior Communities, which shall instead be subject to the water supply planning, financing and conservation standards set forth in the Land Use Element for Senior Communities.

Policies:

- CO-2. In new growth areas (which, as provided in the Land Use Element, do not include Senior Communities), until such time as the water plan being developed by the CCOMWP provides for an alternative contracting authority, the Sacramento County Water Agency (SCWA) shall be the primary contracting agency with the United States Bureau of Reclamation to obtain additional surface water for delivery to new growth areas in the unincorporated area, where the SCWA will be the purveyor.
- CO-3. SCWA shall continue to work with the area water purveyors to develop a conjunctive use program and assist other purveyors in obtaining surface water necessary to implement conjunctive use.
- CO-4. SCWA, working in conjunction with the CCOMWP and the area water purveyors, shall every five years reevaluate water needs based on long-term growth consistent with the General Plan.

Implementation Measures:

- A. Prepare updated water needs report. (SCWA)
- B. Monitor water development and management activities in the Delta and adjoining counties and report annually to the Board on matters which might beneficially or adversely affect Sacramento County. (SCWA)
- C. Secure a contract with USBR for 22,000 AF of firm water for SCWA and 13,000 AF of firm water for San Juan Suburban Water District in compliance with the provisions of Public Law 101.514. (SCWA)

- D. Conduct an evaluation of alternative means for meeting the immediate water needs of Sacramento County and identify specific measures to incrementally secure additional surface water supplies. (SCWA)
- E. Monitor issues affecting the USBR water contracting program, and secure a contract to provide for additional firm supplies from Folsom reservoir at the earliest possible date. (SCWA)

B. The "GROWTH AND GROUNDWATER" section of section C, "GROUND WATER RESOURCES" of Section I, "WATER RESOURCES," on pages 19-22 of the Conservation Element is amended as follows:

GROWTH AND GROUNDWATER

Objective: Growth managed to protect ground water quality and supply

Intent: Sacramento County has been continually frustrated in meeting its safe yield objective by the inability of all involved agencies to resolve disputes over water rights and contracts for available American River water. In the meantime, growth has increasingly shifted to the south area of the county, where ground water pumped for farmland irrigation has created a long-standing overdraft problem. A current backlog of approved and unbuilt residences in Zone 40 (see Water Districts Map on page 112) is causing increasing public concern that the ground water supply will be exhausted before surface water is finally delivered to the area. Moreover, the County's past growth management policy in overdraft areas has become an issue in City-County negotiations for sharing water rights. The County cannot continue to approve development in the south area while ground water is the only source of water. Policy CO-20 is a key General Plan policy which must be strictly enforced. It applies to areas previously identified for non-urban uses that are within the Urban Growth Area established by this Plan. Policy CO-20 applies to all new commercial and residential development Urban Growth Areas, New Growth Areas and New Development Areas, but does not apply to Senior Communities, which shall instead be subject to the water supply planning, financing and conservation standards set forth in the Land Use Element for Senior Communities.

Limited ground water is a constraint for Rancho Murieta, which is dependent on winter diversions and storage from the Consumnes River and is already approaching full utilization of available water entitlement. The Rancho Murieta Community Services District (CSD) proposes augmenting their supply with ground water during drought years. The County will need to coordinate development approval with the CSD system expansion in implementing those policies.

The State sets quality standards for potable water from all sources of water which are used for domestic purposes. Ground water is often much purer than surface water as it has filtered through overlying sediments. However, contaminants can leach into the aquifer and, if present in unacceptable levels, require expensive treatment or render the water unfit for consumption. Generally, deeper aquifers receive less contamination than shallower ones (although some deep aquifers can have unacceptable levels of hydrogen sulfide, magnesium, and other salts where the geological formation is composed of marine sediments). The policies and implementation measures below reflect the

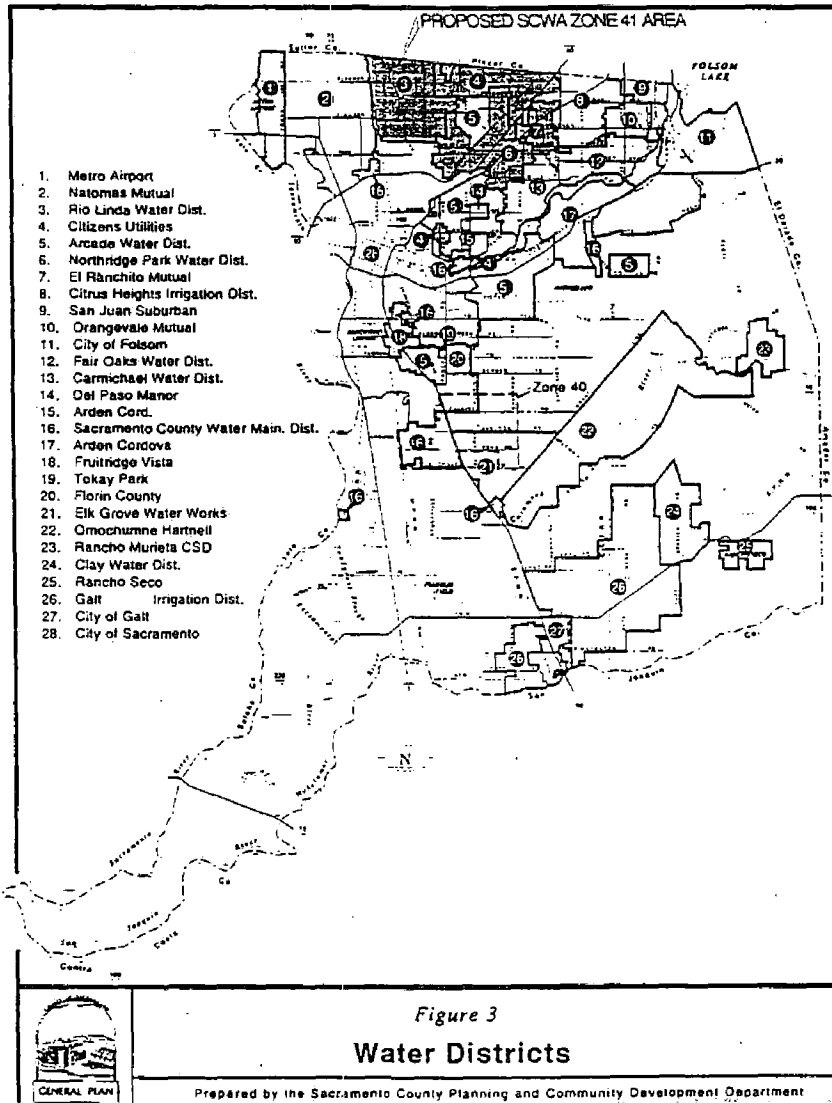
County's regulatory approach to ensure acceptable ground water quality. References to "new development areas" and "new urban growth areas" in Conservation Element Policies CO-20 and CO-21, respectively, refer to lands identified in Figure III-1 of the Land Use Element and exclude Senior Communities.

Policies:

- CO-20. In new development areas, as identified in Figure III-1 of the Land Use Element (which, as provided in the Land Use Element, do not include Senior Communities), entitlements for urban development shall not be granted until a Master Plan for water supply has been adopted by the Board of Supervisors and all agreements and financing for supplemental water supplies are in place. The land use planning process may proceed, and specific plans and rezoning may be approved.
- CO-21. The Master Water Plan shall include three planning objectives which direct the Plan to consider alternate conservation measures, achieve safe yield of ground water supply in conjunction with development in new urban growth areas (which, as provided in the Land Use Element, do not include Senior Communities), and formulate a five year monitoring program to review water plan progress.
- CO-22. Development entitlements shall not be granted in areas where no ground water exists and water purveyors have reached their capacity to deliver treated water unless: (a) all necessary agreements and financing to obtain additional water supply are secured; or (b) the development project is located within an area with a Senior Community land use designation and has the ability to import groundwater or surface water necessary to serve the Senior Community.
- CO-23. Subdivisions and Parcel Maps shall be required to demonstrate adequate quantity and quality of groundwater prior to approval of residential lots in areas of the County where supply and quality are doubtful.
- CO-24. Development oriented artificial lakes, unless otherwise required by the County, shall not be approved in areas of ground water overdraft where ground water sources maintain lake level.
- CO-25. Should the Board of Supervisors determine that there is a significant adverse effect on ground water, including effects on quality, no building permits for urban commercial and residential uses shall be issued.

Implementation Measures:

- A. Closely monitor build-out at Rancho Murieta to ensure compliance with policies. (Planning)
- B. Develop a computer tracking program and prepare an annual report on new private and municipal wells within Sacramento County, their depth and nature of aquifer drawn from, and where data are available, their water quality. (Environmental Health)



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C. The "NATIVE AND LANDMARK TREE PROTECTION" section of section D, "TREE RESOURCES," of Section V, "VEGETATION AND WILDLIFE," on pages 82-85 of the Conservation Element is amended as follows:

NATIVE AND LANDMARK TREE PROTECTION

Objective: Native oak woodlands resources and landmark tree resources preserved and protected for their historic, economic and environmental values.

Intent: With increasing development, the removal of oaks and other native trees is occurring at an accelerated rate to the detriment of woodlands and associated environmental, historical, biological, and aesthetic values. Preservation of native and landmark trees enhances the county's landscape, increases property values, conserves energy, reduces soil erosion, provides natural wildlife habitat, and preserves natural heritage values. To preserve these values an inventory of the County, conducted over a number of years by staff, interns and volunteers, will identify existing mature native and landmark trees for protection. The County's current Tree Preservation Ordinance does recognize the value of preserving trees, especially oaks, and seeks to protect the resource by preserving all native trees in the urban area through its development review process. However, the ordinance does have shortcomings which additional policies and programs seek to remedy by providing guidance for directing tree preservation efforts. One such shortcoming is the tendency to preserve native trees, especially oaks, with inadequate consideration for regeneration opportunities or tree canopy. Tree canopy is the plan view of a tree's crown at full foliage. Maintaining an area's tree canopy can provide opportunities for second generation growth which will eventually replace first generation growth. In addition, the canopy provides aesthetic values and energy conservation benefits. It should be noted the intent of these policies is to preserve and protect the tree resource, not to saddle property owners with regulations that overly interfere with development

Conservation of native tree species other than oaks, and preservation native oaks and landmark trees is the intent of policies in the section. Landmark trees are generally defined as any non-native oak tree measuring 19 inches in diameter at breast height. Native oak trees which measure six inches in diameter at breast height are protected under provisions of the County Tree Ordinance. Policy CO-131 should apply only to non-discretionary projects and seeks protection for oaks and other native species, excluding cottonwoods. Policy CO-133 should only apply to discretionary projects.

Policies:

CO-130. Make every effort to protect and preserve non-oak native, excluding cottonwoods, and landmark trees and protect and preserve native oak trees measuring 6 inches in diameter at 4.5 feet above ground in urban and rural areas, excluding parcels zoned exclusively for agriculture.

CO-131. Native trees other than oaks, which cannot be protected shall be replaced with in-kind species in accordance with established tree planting specifications, the combined diameter of which shall equal the combined diameter of the trees removed. In addition, with respect to

oaks, a provision for a comparable on-site area for the propagation of oak trees may substitute for replacement tree planting requirements at the discretion of the County Tree Coordinator when removal of a mature oak tree is necessary in accordance with consistent policy.

CO-132. If the project site is not capable of supporting all the required replacement trees a sum equivalent to the replacement cost of the number of trees that cannot be accommodated shall be paid to the County's Tree Preservation Fund. The replacement cost of trees shall be established in accordance with the Council of Tree and Landscape Appraiser's standards for appraising trees.

CO-133. For discretionary projects involving native oaks, ensure no net loss of canopy area by (1) preserving the main, central portions of consolidated and isolated groves constituting the existing healthy and unhealthy native oak canopy or and (2) provide an area on-site to mitigate any canopy lost. Native oak mitigation area must be a contiguous area on-site which is equal to the size of canopy area lost and shall be adjacent to existing oak canopy to ensure opportunities for regeneration. If on-site mitigation area is not available due to area limitations, developer shall provide off-site mitigation consistent with policy proposed in CO-136.

CO-134. Mitigate for loss of trees for road expansion and development consistent with County Tree Ordinance and General Plan policies.

CO-135. In 15 years the native oak canopy within on-site mitigation areas shall be 50 percent canopy coverage for valley oak and 30 percent canopy coverage for blue oak and other native oaks.

CO-136. If on-site mitigation is not possible given site limitation, off-site mitigation may be considered. Such a mitigation area must meet all of the following criteria to preserve, enhance, and maintain a natural woodland habitat in perpetuity, preferably by transfer of title to an appropriate public entity. Protected woodland habitat could be used as a suitable site for replacement tree plantings required by ordinances or other mitigations.

- a. Equal or greater in area to the total area that is included within a radius of 30 feet of the dripline of all trees to be removed;
- b. Adjacent to protected stream corridor or other preserved natural areas;
- c. Supports a significant number of native broadleaf trees; and
- d. Offers good potential for continued regeneration of an integrated woodland community.

Implementation Measures:

- A. Through aerial photo interpretation and other means, survey county and identify existing mature, native, and landmark trees for protection. Develop an inventory of those trees to be protected. (Planning)
- B. Amend the County Tree Preservation Ordinance to include the protection of the native and landmark trees consistent with General Plan

policies on lands zoned for urban and agriculture/residential use. (Planning, Public Works)

- C. Amend the County Tree Preservation Ordinance section 19.12.130 to include current agricultural standards and practices which include, but are not limited to measures to protect roots and root zones, pruning techniques, grading, soil compaction, and vegetative control. (Public Works)
- D. Amend the Tree Preservation Ordinance to accord the same protection now provided for native oaks to native trees, including northern California black walnut (Juglans hindsii) and California Sycamore (Platanus racemosa).
- E. Amend CEQA project review procedures to require exhibits identifying all tree species, tree locations, and tree diameters, at 4.5 feet above ground, for all projects. (Planning and Environmental Review and Assessment)
- F. Amend building permit requirements to require identification of trees on plans and review plans to ensure protection of trees. (Public Works, Building Inspection)
- G. Indicate on development plans existing native oak canopy, oak canopy to be preserved, and on-site mitigation area to replace lost canopy to ensure oak regeneration opportunities.

SECTION 12. GENERAL PLAN HOUSING ELEMENT TEXT AMENDMENTS.

A. A new section entitled "SENIOR COMMUNITIES" is added on page 161 of the Housing Element, immediately preceding the "CONCLUSION" section of Chapter 6, "LAND USE INVENTORY," as follows:

SENIOR COMMUNITIES

The Land Use Element and its accompanying Land Use Diagram provide for a new Senior Community land use designation to permit development of an age-restricted residential community within the Urban Services Boundary and the Urban Policy Area. This type of land use was not analyzed in the 1993 General Plan and the holding capacity and vacant land information contained in this Chapter does not include any land designated as Senior Community. A Senior Community features a variety of uses, which may include detached and attached homes, recreational facilities, a community center, medical facilities, congregate care facilities, skilled nursing facilities, restaurants, shopping, and offices. Residential density in a Senior Community ranges from 5 to 20 du/ac in its residential areas. This strategy creates a residential holding capacity of 3,000 units in addition to the residential units available in residential and agricultural/residential areas as described in this Chapter.

B. The "CONCLUSION" section of Chapter 6, "LAND USE INVENTORY," on Page 161 of the Housing Element is amended as follows:

CONCLUSION

Based on the 1993 holding capacity analysis of vacant land currently zoned for residential uses (excluding land zoned as Senior Community), there is a sufficient supply of land within the timeframe of this Housing Element to accommodate total demand for such uses. The analysis of the holding capacity of the General Plan, over a 20 year planning period, also identifies an adequate supply of land to provide for such housing. It is difficult to project whether land currently zoned as Senior Community will prove sufficient to accommodate demand for this unique type of housing demand. However, planning currently underway to implement the General Plan and allow development within various new growth areas will be important to providing adequate land for housing past the 1996 timeframe of this Element. Additional chapters of this Element will examine factors other than total supply such as the distribution of housing types and housing costs. This information necessarily excludes housing supply in Senior Community land use designation areas, which currently have no housing projects.

C. The "The General Plan" section to the "GOVERNMENTAL CONSTRAINTS" section of Chapter 7, "HOUSING CONSTRAINTS ANALYSIS" on pages 164-166 of the Housing Element is amended as follows:

The General Plan

Sacramento County's General Plan Land Use Element and Land Use Diagram designate particular areas within the unincorporated County for residential development. To accommodate a variety of living environments, the Land Use Element and Diagram provide for both urban and rural communities. Urban communities are substantially developed with a variety of residential land uses, such as low, medium, and high density residential development. These areas are served by, or are planned to receive, such urban infrastructure as community surface water, collection and treatment of wastewater, storm drainage, arterial streets and transit service. Urban communities will accommodate the greatest majority of new residential development projected for the unincorporated area. Rural communities have historically served as a focus of activity for surrounding agricultural areas, comprising of agricultural-residential housing on one- to ten-acre lots that rely on individual wells and septic systems. It is the intent of the General Plan to accommodate rural residential demand within existing rural communities and limited expansion of adjoining lands, to primarily protect and conserve open space, natural resources and agricultural values. The following section discusses the residential land use designations, as illustrated on the County's Land Use Diagram, to provide for a variety of types of residential development within urban and rural communities.

Low Density Residential: This designation provides for areas of predominantly single family housing with some attached housing units. It allows urban densities between one and twelve dwelling units per acre, resulting in population densities ranging from approximately 2.5 to 30 persons per acre. Typical low density development includes detached single family homes, duplexes, triplexes, four plexes, town homes, lower density condominiums, cluster housing, and mobile home parks.

Medium Density Residential: The Medium Density Residential designation provides for areas of attached units, including apartments and condominiums along transit corridors and throughout the urban area. This designation establishes urban densities between thirteen and twenty-nine dwelling units per acre, resulting in population densities ranging from approximately 32.5 to 73.5 persons per acre. Medium density development includes apartments, condominiums, and group housing. These uses are appropriate near commercial areas, transportation and transit corridors, and employment centers.

High Density Residential: The High Density Residential designation establishes areas of higher density units primarily along transit corridors. This designation establishes urban densities ranging between thirty and fifty dwelling units per acre, resulting in population densities ranging from approximately 75 to 125 persons per acre. High density development includes multi-floor apartments and condominiums, including mixed-use developments. High density uses are appropriate within the central portion of intensive commercial areas, along transit/transportation corridors and stops, and near major employment centers.

Mixed-Use: The Mixed-Use designations delineate specific areas on the General Plan Land Use Diagram primarily associated with Transit Oriented Developments (TOD's). These TOD designated areas call for high intensity, mixed-use development close to transit, an emphasis on neighborhood support services at street level with other employment along the transit Trunk and Feeder Line Networks, a pleasant walking environment, and good pedestrian and bicycle linkages between the core and surrounding low density secondary areas. The mix of uses can occur within a TOD in a variety of ways; office or residential uses can be included in the same building or possibly above retail. The "Urban" TOD designation allows mixed-use developments of relatively high residential densities and non-residential intensities, with residential densities ranging from 7 to 50 units per gross acre. The residential secondary areas surrounding the TOD core are expected to have a minimum average densities of 6 dwelling units per acre. The "Neighborhood" TOD designation allows mixed-use communities at moderate densities ranging from 7 to 30 units per gross acre. Like the "Urban" TOD, the secondary area of the "Neighborhood" TOD is to have a minimum density of 6 units per gross residential acre.

Agricultural-Residential: It is the intent of Sacramento County that the pursuit of a rural lifestyle should be available within the County. The Agricultural-Residential designation thus provides for rural residential uses, such as animal husbandry, small scale agriculture, and other limited agricultural activities. This designation is typical of established rural communities where between one and ten acres per unit is allowed, resulting in a development density of 2.5 to 0.25 persons per acre.

Senior Community: the Senior Community designation is an urban designation that permits development of an age-restricted

residential community and associated infrastructure to serve the community. A Senior Community features a variety of uses, which may include detached and attached homes, recreational facilities, a community center, medical facilities, congregate care facilities, skilled nursing facilities, restaurants, shopping, and offices. Residential density in a Senior Community ranges from 5 to 20 du/ac in residential areas. The Senior Community designation is an Urban Land Use Designation, and is not an Urban Growth Area, New Growth Area or New Development Area, but is controlled by specific policies and standards applicable to Senior Community development.

Urban Policy and Service Areas: The General Plan identifies some additional important planning tools, other than land use designations, which relate to the supply of land. The Urban Policy Area is the area identified for growth within the 20 year planning period. The intent of the General Plan is to make land use approvals within this area relatively easy. In addition, a larger Urban Service Area is identified which will allow for growth beyond the 20 year planning period. The intent of the General Plan is to look beyond the 20 year period with regard to infrastructure provision so that in the future, this land can be made available for urban uses. A land use amendment process is provided, although it is fairly stringent, which could allow General Plan amendments in the Urban Service Area.

The General Plan provides for a variety of housing types through various land use designations. In addition, the General Plan provides for an amendment process to accommodate requests for changes from one urban category to another and from non-urban categories to urban. Requests for changes from non-urban designations to urban designations are fairly strictly controlled and are contingent on the determination of a need for additional holding capacity. However, the provisions of a variety of land use designations, the identification of an Urban Policy Area for immediate growth, the identification of an Urban Service Area for long-term growth, and the amendment process available to the Board of Supervisors ensure that the General Plan does not act as a significant governmental constraint to the provision of an adequate housing supply.

SECTION 13. HOUSING ELEMENT URBAN POLICY AREA & URBAN SERVICE BOUNDARY FIGURE AMENDMENT

Figure 6.1 entitled "1992 Urban Policy Area & Urban Service boundary" depicts the Urban Policy Area and the Urban Service Boundary. This figure is basically a compilation of the maps and figures contained in the Land Use Element that separately depict the Urban Service Area (Figure III-8) and the Urban Policy Area map. Figure 6.1 is hereby amended to include the location of land designated as Senior Community within the Urban Policy Area and the Urban Service Boundary. A copy of the amended Figure 6.1 entitled 1992 Urban Policy Area and Urban Service Boundary is attached hereto as Exhibit 7 and incorporated herein by reference as if fully set forth at this point.

SECTION 14. ZONING CODE TEXT AMENDMENTS.

A. Section 101.27, "Special Land Use Zones," of Article 2, "Land Use Zones" of CHAPTER 1, "General Provisions," of Title 1, "GENERAL PROVISIONS," is amended as follows:

101-27. Special Land Use Zones

(a) SPA Special Planning Area Land Use Zone

(b) DW Delta Waterways Land Use Zone

(c) SRC Senior Community Zone

B. New Section 130-171.3 is added to Article 1, "Definitions," of Chapter 25, "General Terminology and Definitions," of Title 1, "GENERAL PROVISIONS," as follows:

130-171.3. Special Zones

A Special Zone or Special Land Use Zone shall mean all of the zones described in Section 101-27.

C. New Article 11, "SENIOR COMMUNITY ("SRC") ZONE," is hereby added to Chapter 35, "Special and Combining Land Use Zones," of Title II, "LAND USE ZONES," as follows:

ARTICLE 11: SENIOR COMMUNITY ("SRC") ZONE

235-210. Purpose

The purpose of this Article is to establish a zone consistent with the Senior Community ("SRC") Land Use Designation in the General Plan. It is recognized that a special zone for Senior Communities is needed because of the unique variety of residential, service, recreational and open space land uses that are intrinsic in successful Senior Communities located throughout California and the nation. The standard land use zones of this Code lack sufficient flexibility to accommodate the clustering of residential and nonresidential structures in a manner to maximize the permanent preservation of the uniquely large expanses of open space within a SRC project. The purpose of the SRC zone is to facilitate the development of communities containing a variety of uses where all housing is age-restricted (all homes must have a resident aged 55 or older) and travel is easily accomplished by use of a golf cart or low-speed vehicle.

235-211. Establishment of Zone and Designation

There is hereby established a Senior Community Zone ("SRC"). The abbreviation SRC appearing on a Comprehensive Zone Plan incorporated in Title I, Chapter 1, Article 4 of this Code indicates that the property so classified is subject to the provisions of this Article and an ordinance adopted pursuant to this Article.

235-212. Placement of Land Within a Senior Community Zone

The Board of Supervisors may, by ordinance, place parcels within the Senior Community Zone. Additionally, the People of the County of

Sacramento may place land into the Senior Community Zone through approval of a ballot initiative.

235-213. Mandatory Contents of Senior Community Ordinance

Land shall be placed within a Senior Community ("SRC") Zone by ordinance and provisions shall be included in each SRC Ordinance for the following matters:

- (a) A legal description of property covered by the ordinance.
- (b) A list of permitted uses.
- (c) The reasons for establishment of an SRC Land Use Zone on the particular property.
- (d) Requirements to comply with all performance and development standards set forth in the General Plan for the SRC Land Use designation.
- (e) Other design standards appropriate for the specific site.

235-214. Additional Permissive Contents of SRC Ordinance

A SRC Ordinance may include any additional standards, procedures or regulations deemed appropriate for the type of project(s) permitted under such SRC Ordinance.

235-215. Findings

An Ordinance placing land into the SRC Zone shall not be adopted unless the following findings are made:

- (a) The area included within the SRC Zone has sufficient size and environmental or other specified significant features to render it appropriate for development of a Senior Community with a variety of land uses, which may include large expanses of recreational and natural open space within the project.
- (b) Performance and design standards included in the Ordinance placing the land into the SRC Zone satisfy all the criteria set forth in the General Plan for the SRC Land Use designation.

SECTION 15. SENIOR COMMUNITY ZONING ORDINANCE.

The following ordinance rezoning lands from AG - 20 and AG - 80 to Senior Community (SRC) is hereby adopted:

Section 1. Title

The Deer Creek Hills Senior Community Zoning Ordinance

Section 2. Intent

It is the intent of the People of the County of Sacramento in adopting this Senior Community Zoning Ordinance to allow development on the property described as Parcel A in Section 3, below, consistent with the applicable goals and standards set forth in the General Plan of the County of Sacramento and this ordinance, which allow for development of a

variety of uses, which may include residential, commercial, medical, office, public/quasi-public and recreational uses in Senior Communities. Proposed improvements within the Deer Creek Hills Senior Community shall meet the development standards described within this Ordinance.

The objectives promoted by the establishment of the Deer Creek Hills Senior Community are:

- A. Provision for an age-restricted residential community with a variety of land uses within Sacramento County.
- B. Provision of an option for older residents that desire homes in an age-restricted residential community consistent with Civil Code Section 51.3.
- C. The preservation and enhancement of large expanses of land for on-site golf course(s), various recreational facilities and natural open space.

Section 3. Rezoning of Property and Amendment of Comprehensive Zoning Plans

The property more particularly described in Section 4.A., below (9PARCEL A), is hereby rezoned from Agricultural Land Use Zones AG-20 and AG-80 to Senior Community (SRC). Comprehensive Zoning Plans 308/236 and 308/260 referred to in Sections 101-199.42 and 101-199.50, respectively, of Article 4, "Comprehensive Zoning Plans," of Chapter 1, "General Provisions" of Title I, "GENERAL PROVISIONS" of the Zoning Code are amended to reflect the rezone of this property as Senior Community, as shown on Exhibits 8 and 9, which are incorporated herein by reference as if fully set forth at this point.

Section 4. Applicability

A. Deer Creek Hills Senior Community

The provisions of this Ordinance shall apply to the land area depicted as SRC on Comprehensive Zoning Plans 308/236 and 308/260. The land area (Parcel A) shall be commonly known as the Deer Creek Hills Senior Community and is legally described as follows:

PARCEL A

CONSISTING OF THE FOLLOWING CONTIGUOUS PARCELS IN THE COUNTY OF SACRAMENTO:

PARCEL NO.1:

THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 8 NORTH, RANGE 8 EAST, M.D.B. & M., ACCORDING TO THE OFFICIAL PLAT THEREOF.

AFFECTS APN 073-0060-003

PARCEL NO.2:

THE NORTHEAST QUARTER; THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 8 NORTH,

DRAFT

RANGE 8 EAST, M.D.B. & M., ACCORDING TO THE OFFICIAL PLAT THEREOF.

AFFECTS APN 073-0050-030

PARCEL NO. 3:

THE NORTH HALF OF SECTION 22; THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF SECTION 22, TOWNSHIP 8 NORTH, RANGE 8 EAST, M.D.B. & M., ACCORDING TO THE OFFICIAL PLAT THEREOF.

AFFECTS APN 073-0060-018

PARCEL NO. 4:

THE NORTHWEST QUARTER; THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER; THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; AND THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 8 NORTH, RANGE 8 EAST, M.D.B. & M., ACCORDING TO THE OFFICIAL PLAT THEREOF.

AFFECTS APN 073-0060-020

PARCEL NO. 5:

THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER; AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 8 NORTH, RANGE 8 EAST, M.D.B. & M., ACCORDING TO THE OFFICIAL PLAT THEREOF.

AFFECTS APN 073-0050-029

PARCEL NO. 6:

THE SOUTH HALF OF SECTION 22, TOWNSHIP 8 NORTH, RANGE 8 EAST, M.D.B. & M., ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM THE NORTH HALF OF THE NORTH HALF OF THE SAID SOUTH HALF OF SECTION 22.

AFFECTS APN 073-0060-017

PARCEL NO. 7:

THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; AND THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; AND THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 8 NORTH, RANGE 8 EAST, M.D.B. & M., ACCORDING TO THE OFFICIAL PLAT THEREOF.

AFFECTS APN 073-0060-019

PARCEL NO. 8:

ALL OF SECTION 26, TOWNSHIP 8 NORTH, RANGE 8 EAST, M.D.B. & M., ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 26 WHICH LIES SOUTH OF THE COUNTY ROAD (KNOWN AS MICHIGAN BAR & STONE HOUSE ROAD).

ALSO EXCEPTING THEREFROM THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 26.

AFFECTS APN 073-0090-033

PARCEL NO. 9:

THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 8 NORTH, RANGE 8 EAST, M.D.B. & M., ACCORDING TO THE OFFICIAL PLAT THEREOF.

AFFECTS APN 073-0090-001

EXCEPTING THEREFROM PARCELS 1, 2, 3, 5, 6 AND 9 ABOVE, THAT CERTAIN ONE ACRE GRAVEYARD AS IN DEED EXECUTED BY HOWARD A. MISER, ET UX, RECORDED JANUARY 21, 1910, IN BOOK 301 OF DEEDS, PAGE 422.

TOGETHER WITH ANY AND ALL WATER RIGHTS VESTED IN SUCH REAL PROPERTY OR HELD BY SUCH GRANTOR FOR USE ON THE REAL PROPERTY, IF ANY.

B. Off-site Infrastructure Property

Water, wastewater and other infrastructure facilities, such as wells, pumps, pipelines, storage and treatment facilities may be located off-site on property (Parcel B) commonly known as the Lopes Property. Parcel B is comprised of Sacramento County Assessor Parcel Numbers 126-120-0100 and 126-300-1800, is generally located east of the Cosumnes River, north of the Folsom South Canal and west of Dillard Road, in the area depicted on the map attached hereto as Exhibit 10 and is generally described as follows:

PARCEL B

LOTS 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 893, 894, 895, 896, 897, 898, 899, 900 AND 901 AND THOSE PORTIONS OF LOTS 902, 903, 921 AND 922 LYING EAST OF THE FOLSOM SOUTH CANAL, AS SHOWN ON THE PLAT OF "CENTRAL CALIFORNIA TRACTION UNIT NO. 14", RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY, MAY 19, 1913 IN BOOK 14 OF MAPS, MAP NO. 24.

Section 5. Review Authority

The Director of Planning and Community Development is the appropriate authority to determine consistency of development projects with the provisions of this Ordinance. Appeals of decisions of the Director shall be

taken as provided in Title 1, Chapter 15, Article 3 of the County Zoning Code.

Section 6. Age-Restricted Residency

Residency within the Senior Community shall be age-restricted. All home sales in the Senior Community shall include deed restrictions providing that at least one person age 55 or older must live in each home and other residents must meet the age restrictions contained in California Civil Code Section 51.3.

Section 7. Permitted Uses on Parcel A

- A. A minimum of 2,700 and a maximum of 3,000 residential dwelling units. These units may include: single family detached homes subject to the design standards set forth in the Zoning Code for RD-5 residential development; attached cottages subject to the design standards set forth in the Zoning Code for RD-10 or RD-15 residential development; and attached townhomes subject to the design standards set forth in the Zoning Code for RD-15 or RD-20 residential development.
- B. Retail, commercial and offices uses, and other similar, non-residential land uses on a minimum of 10 and a maximum of 20 acres, subject to the land use restrictions and design standards set forth in the Zoning Code for General Commercial (GC Zone) development.
- C. Medical facilities and other health care facilities on a minimum of 15 and a maximum of 25 acres, subject to the land use restrictions and design standards set forth in the Zoning Code for Business Professional (BP Zone) development.
- D. Parcel A shall have not less than 50% open space, including improved and unimproved, non-contiguous open space. Open space may include park(s), trail(s) and golf course(s).

Section 8. Development Plan Review

Applications for specific development projects in the Deer Creek Hills Senior Community shall be submitted to the Planning Department for the purpose of development review in accordance with the provisions of Title 1, Chapter 10, Article 7 of the County Zoning Code and this Ordinance. The review authority shall be the Director of Planning and Community Development, whose decisions may be appealed in accordance with the provisions of Title 1, Chapter 15, Article 3 of the County Zoning Code. The purpose of development plan review is to ensure that development projects are consistent with the standards and guidelines contained in the County Zoning Code and this Ordinance. Development proposals shall conform to the Development Standards described in Section 8 of this Ordinance. The standards specified within this Ordinance supersede the standards contained in the County Zoning Code. If the Development Standards do not provide direction regarding specific standards, then the

provisions of Titles I through IV of the County Zoning Code shall apply, as appropriate.

Section 9. Development Standards; Conditions of Rezoning

A. Water Supply System

1. A water supply system to serve the entire project shall be designed and approved in conjunction with the first tentative subdivision map on Parcel A. The system will be constructed and become operational in phases, consistent with construction phasing for the Senior Community. No certificate of occupancy shall be issued for construction of a structure on Parcel A unless the system has operating capacity to serve that structure as well as all other structures previously constructed on Parcel A.
2. The design, construction and operation of the system shall result in no additional cost to existing county taxpayers.
3. The system may include an aquifer storage and recovery system whereby surface water is treated, injected into the aquifer, and then later extracted from the aquifer, treated again, and then transported by pipeline for use. Aquifer storage and recovery may occur on Parcel A or Parcel B.
4. Until such time as a surface water supply source is available and permitted by all regulatory agencies with jurisdiction for use to serve development on Parcel A, the water supply source shall be groundwater, which may be extracted on Parcel B or elsewhere. Conservation Element Policy CO-25 shall apply to the issuance of building permits on Parcel A. CO-25 provides: "Should the Board of Supervisors determine that there is a significant adverse impact on groundwater, including effects on quality, no building permits for urban commercial and residential uses shall be issued."
5. A surface water supply source may be one of the following or a combination of the following: (a) water distributed by the County; and/or (b) water from the Cosumnes River diverted pursuant to grant of appropriative rights to an entity independent of the County such as the developer of Parcel A. Any diversion from the Cosumnes River to serve Parcel A shall be limited by all applicable state and federal regulations, including all river diversion permit conditions imposed by the California Water Resources Board.
6. A water conservation plan shall be implemented to reduce water supply demand from development on Parcel A. Implementation measures shall include maximum feasible reuse of wastewater, installation of low-flush toilets, public education and incentive programs for conservation, and drought-resistant landscape requirements.
7. The system may be owned and operated by an existing or newly formed Community Service District or other public or private entity

independent of the County. The Parcel A land shall not be required to annex to the Rancho Murieta Community Services District.

B. Wastewater System

1. A wastewater treatment and sanitary sewer system to serve the entire project shall be designed and approved in conjunction with the first tentative subdivision map on Parcel A. The system will be constructed and become operational in phases. No certificate of occupancy shall be issued for construction of a structure on Parcel A unless the system has operating capacity to serve that structure as well as all other structures previously constructed on Parcel A.
2. The design, construction and operation of the system shall result in no additional cost to existing county taxpayers.
3. The system shall be designed to recycle wastewater for use to irrigate landscaped areas within the Senior Community.
4. The system shall be owned and operated by an existing or newly formed Community Service District or other public or private entity independent of the County. The Parcel A land shall not be required to annex to the Rancho Murieta Community Services District or the Sacramento Regional County Sanitation District.

C. Roadway Improvements

1. Off-site Roads

A new two-lane road between Parcel A and White Rock Road, as generally depicted on Exhibit 5, shall be designed at no cost to the County. The design of the entire length of the new road shall be approved in conjunction with approval of the first tentative subdivision map on Parcel A. This new road shall meet current Sacramento County level of service standards for rural roads (LOS D). Prior to issuance of any certificate of occupancy on Parcel A, the developer shall demonstrate that it has acquired appropriate right-of-way for construction of this roadway and that it has a financing mechanism in place to fund and construct the road; the road shall be open to traffic prior to occupancy of more than 100 residential dwelling units. There shall be no new streets connected to this road to serve parcels located outside the boundaries of the Deer Creek Hills Senior Community Area, unless such connection is approved by separate ordinance enacted by either the Board of Supervisors or the People.

2. Project Roads

Each tentative map application shall include an on-site Circulation Plan of public and private streets, sidewalks, bicycle paths and golf cart paths. Right-of-way for streets shall be based on geometric design to be approved by the County Transportation Division. All residential streets located within gates for the project shall be private. Conveyance of land for required right-of-way for public

streets shall be made as part of project development as determined appropriate by the Transportation Division.

D. Transportation System Management Plan

A Transportation System Management Plan (TSMP) for Parcel A development shall be prepared and approved in conjunction with the first tentative subdivision map for the project. This TSMP shall be designed to achieve the maximum feasible reduction in emissions and shall include all of the following: a Transit Center and a program to advise new and existing residents of alternative travel opportunities; a paid Transportation Coordinator responsible for TSMP issues and for implementing the TSMP for the development; membership in a Transportation Management Association; annual monitoring of implemented TSMP measures to determine effectiveness and any need for modification; Class I bicycle lockers, racks placed at attached housing units, commercial, retail, and office sites; private demand clean fuel internal shuttle providing seniors with neighborhood service; provision of private fixed route shuttle service to external shopping and commercial centers; all community owned vehicles utilizing clean air fuels (i.e. electric, CNG, etc.); provisions allowing for electric golf carts and low-speed vehicles to travel on all community roadways; provision of preferential parking for golf carts and low-speed vehicles at all non-residential facilities; residential rideshare matching; telecommuting/community business center; provision of electrical wiring to recharge electric vehicles and equipment.

E. Drainage, Hydrology and Water Quality

A Comprehensive Drainage Plan shall be prepared and approved in conjunction with the first tentative subdivision map on Parcel A. The Plan shall be designed to utilize natural drainage to the extent reasonably and economically feasible. Drainage facilities shall include drainage channels, pipelines, detention basins, and flood control levees, as appropriate. The Plan shall also include provisions relating to storm drainage water treatment control measures, including swales, filter strips, media filters, filtrations, or other approved devices, as appropriate. The Plan shall include a study to determine the extent of the Crevis Creek 100-year floodplain on Parcel A.

F. Trees - Planting Requirements to Mitigate Tree Loss

Parcel A of the Deer Creek Hills Senior Community contains native blue oak woodlands and trees. Development will be located on Parcel A to protect and preserve to the extent reasonably feasible non-oak native trees, excluding cottonwoods, landmark trees and native oak trees measuring 6 inches in diameter at 4.5 feet above ground. At least 70% of the existing healthy blue oak tree canopy on Parcel A shall be preserved by the development. The mitigation

plan for tree canopy loss shall comply with Policy CO-135 of the General Plan Conservation Element, which provides: "In 15 years the native oak canopy within on-site mitigation areas shall be 50 percent canopy coverage for valley oak and 30 percent canopy coverage for blue oak and other native oaks."

G. Open Space - Conveyance of a Conservation Easement

1. Subsequent to approval of the first tentative map on Parcel A, a Conservation Easement shall be conveyed to a qualified Internal Revenue Code Section 501(c)(3) nonprofit entity, the County or other public agency. The Conservation Easement shall encumber a large contiguous area located outside of the gated part of the community and outside of non-gated areas planned for non-residential uses. The Conservation Easement land shall be preserved in perpetuity.

2. An endowment fund shall be created to be funded by a fee district and to be used to protect, maintain and enhance the Conservation Easement land. The endowment shall be established subsequent to approval of the first tentative subdivision map on Parcel A.

H. Infrastructure Financing

In conjunction with the approval of any tentative subdivision map on Parcel A, an Infrastructure Financing Plan shall be completed and approved by the Board of Supervisors. The plan shall explain how all infrastructure required by Parcel A development will be funded. The plan shall address funding for roads, water supply, wastewater treatment and reclamation, drainage, transit, fire protection, golf course and recreation facilities and open space. The plan may use a combination of private and public financing mechanisms.

Section 10. Findings

The area included within this SRC Zone has sufficient size and environmental features to render it appropriate for development of a Senior Community with a variety of uses, which may include large expanses of recreational and natural open space within the project in that Parcel A is greater than 1800 acres in area, away from the urban core, regular in shape with clear perimeter boundaries, with space for a centralized recreational area, and natural amenities including rolling hills, trees and view sheds.

The Development Standards and Conditions of Rezoning included in this Ordinance satisfy all the performance and development criteria set forth in the General Plan for the SRC Land Use designation.

The Transportation System Management Plan (TSMP) required by Section 8.D., above, will provide for the maximum feasible reduction of emissions from a new construction project that is needed to meet market demand. The design and location of the Deer Creek Hills Senior Community

satisfies the requirements of the 1994 Sacramento Area Regional Ozone Attainment Plan because the project will be designed in a manner which will conserve air quality and minimize direct and indirect emissions of air contaminants. The development of Parcel A will reduce market demand for Senior Communities located in the non-attainment basin farther from the metropolitan urban core. Residents of the Deer Creek Hills Senior Community will generally have shorter vehicular trips to essential metropolitan services such as the airport than would be required if they resided in other Senior Communities more remote from such metropolitan services. Therefore, the location of the Deer Creek Hills Senior Community will result in reduced air contaminants caused by long vehicular trips in the non-attainment basin as a whole.

Section 11. Amendments

Except as expressly provided herein, this Zoning Ordinance may be amended or repealed only by the voters at a County election. Upon application of an owner of real property located within the boundaries of Parcel A or Parcel B, as defined herein, a majority of the County of Sacramento Board of Supervisors may amend or repeal any provision of this Zoning Ordinance, provided that such amendment or repeal is in conformance with the application submitted by such owner and is consistent with the purposes of this Ordinance.

SECTION 16. GENERAL PROVISIONS.

A. Implementation.

If in the year this Initiative becomes effective the maximum number of General Plan amendments permitted by state law for that year have already been made, the General Plan and Zoning amendments made herein shall be made at the earliest possible time thereafter.

B. Construction of Initiative.

This Initiative is not intended to preempt or conflict with state or federal laws or regulations, and shall be so construed and applied. This Initiative is also intended to be and shall be construed as consistent with each and every element, provision, and map, and the whole to the Sacramento County General Plan.

C. Amendments.

1. Except as expressly provided herein, this initiative may be amended or repealed only by the voters at a County election.
2. Upon application of an owner of real property located within the boundaries of Parcel A or Parcel B, as defined in this initiative, a majority of the County of Sacramento Board of Supervisors may amend or repeal any provision of this initiative, provided that such amendment or repeal is in conformance with the application submitted by such owner and is consistent with the purposes of this Initiative.
3. The County of Sacramento Board of Supervisors is hereby authorized and directed to amend other provisions of the General Plan and Zoning

DRAFT

Code, and other ordinances and policies affected by this Initiative as soon as possible and in the manner and time required by State Law, if such amendments are necessary to ensure consistency between this Initiative and other elements of the County's General Plan, Zoning Code, and other County ordinances and policies.

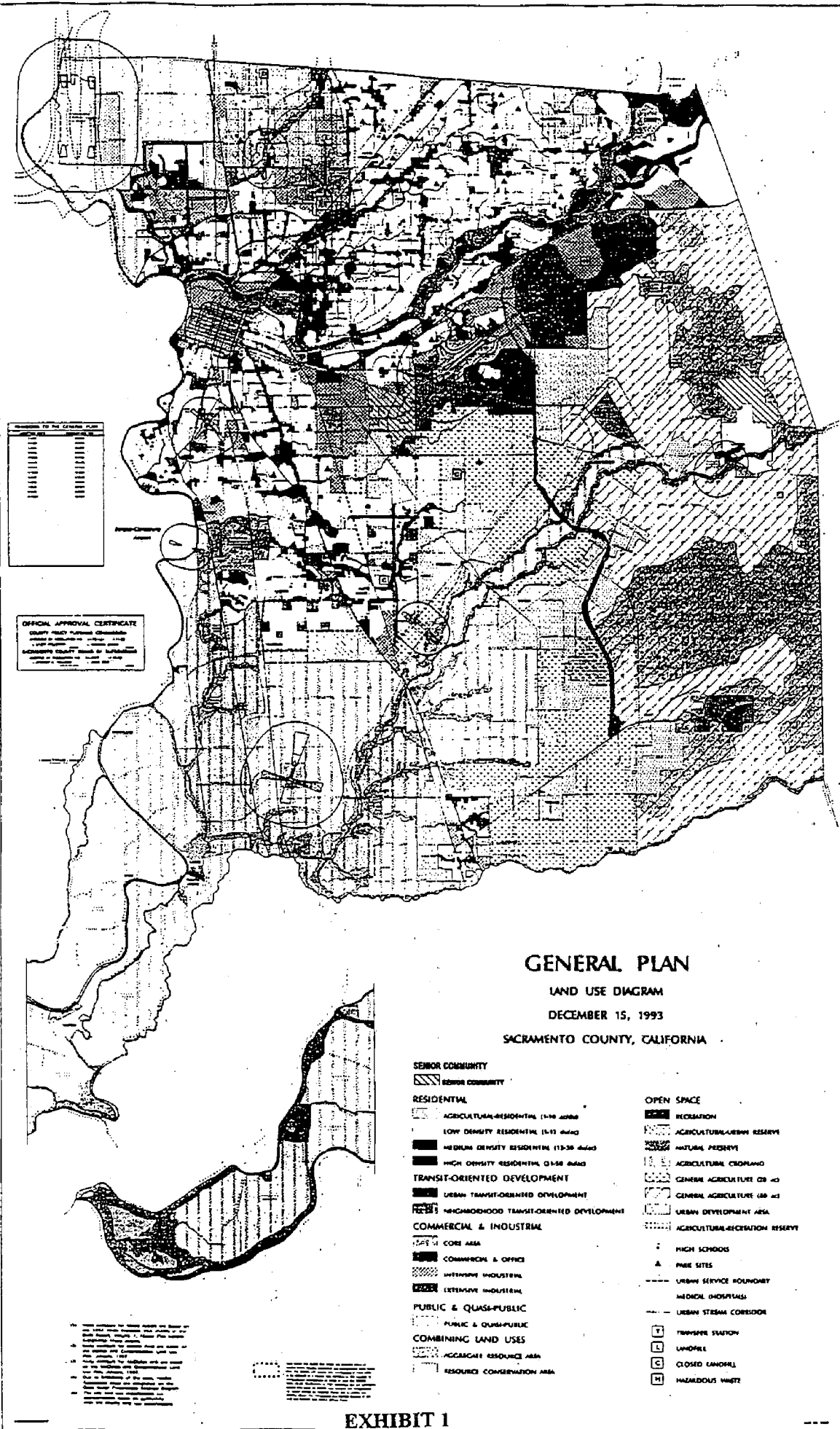
D. Sunset Clause.

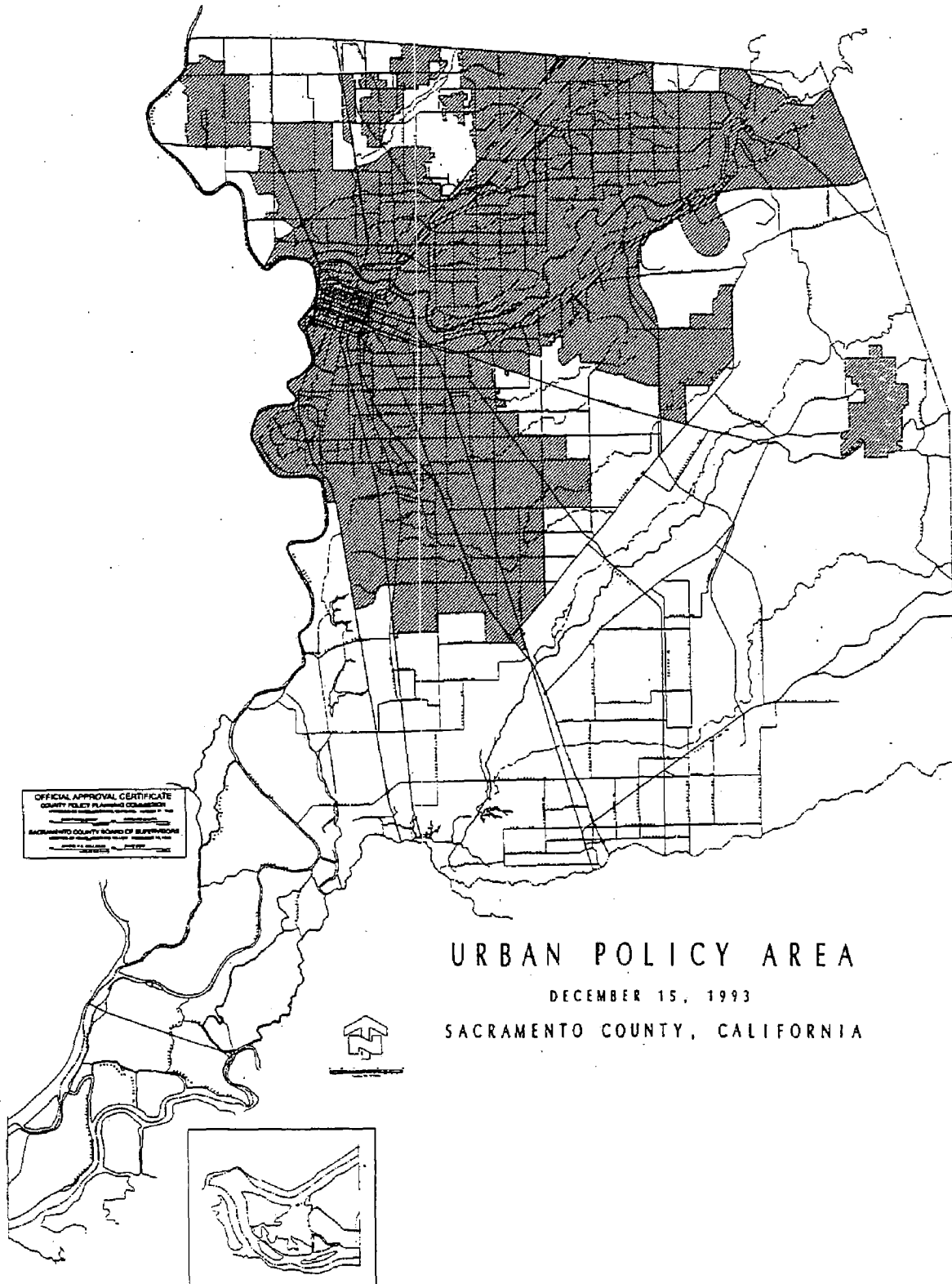
All of the provisions of this Initiative shall expire on January 1, 2030.

E. Severability.

- 1. If any section, sub-section, sentence, clause, phrase, part or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part or portion thereof would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, parts or portions are declared invalid or unconstitutional.*
- 2. The voters who signed this petition also declare that they would have signed the petition irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, parts or portions thereof would be declared invalid or unconstitutional, and it is the intent of the voters that the rest of the Initiative be placed on the ballot.*

The reproduction of map exhibits are small and difficult to read. If you need more detailed maps, call (916) 875-6276 to request copies of the map exhibits.



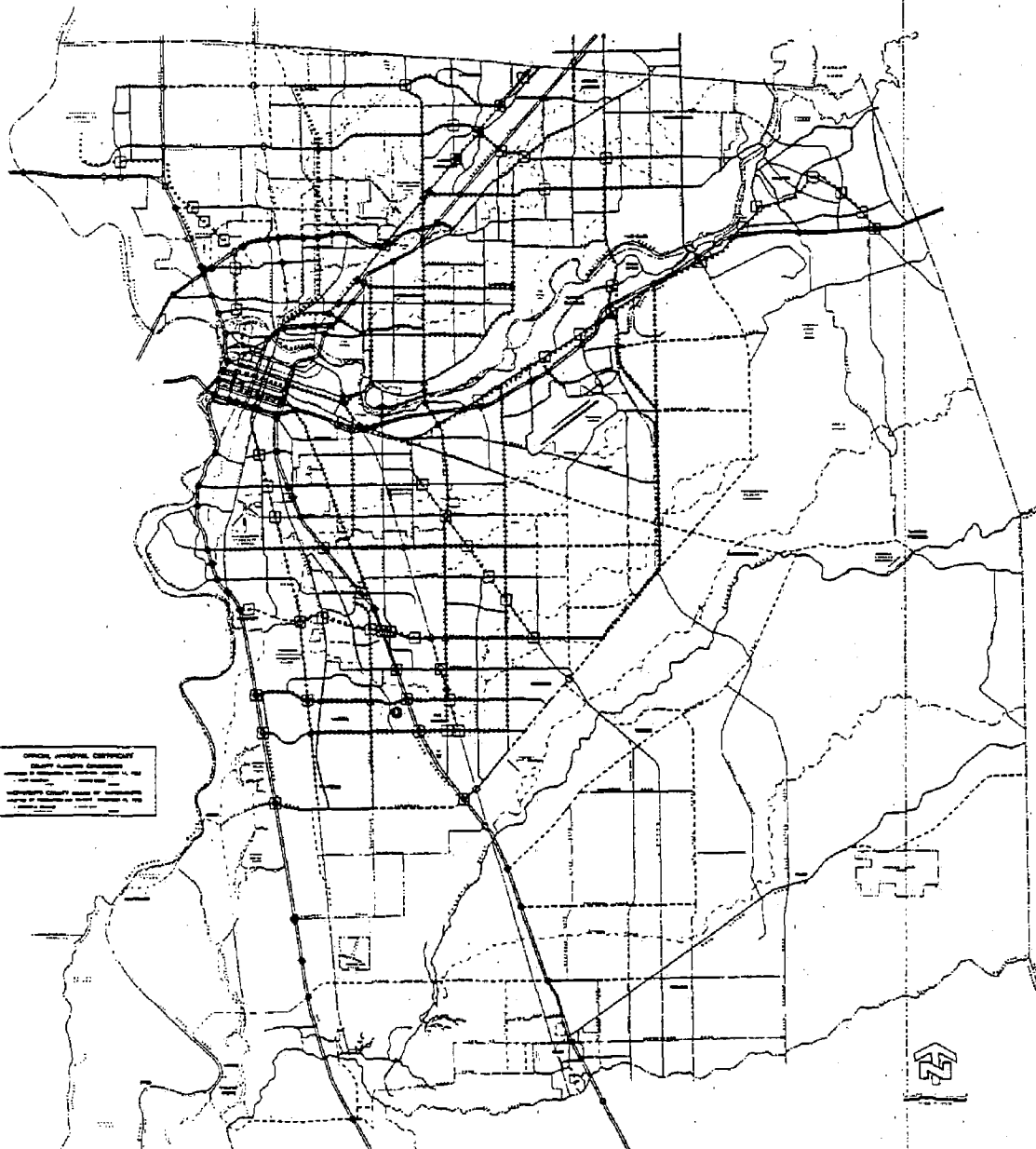


ZONING CONSISTENCY MATRIX

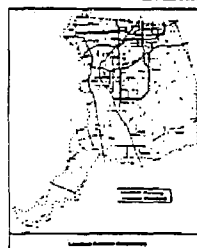
LAND USE DESIGNATION

- NOTES:** Shading indicates that the zoning classification is consistent with the General Plan designation. A number indicates conditional consistency in accordance with the corresponding footnote.

Ballot Type - Pg. 53



TRANSPORTATION PLAN



TELEPHONE NETWORK *****
Highly reliable service within United States

FREEDOM LINE NETWORK *****
Express service to Freely Lined

FEB-2019

POST 2019 ?

FREEWAYS
LONDON 40000
THOROUGHFARES
LONDON 40000 100, 2000000 4 10000
ARTISANS
LONDON 40000 100, 2000000 4 10000
URBAN & RURAL COLLECTORS

- EXISTING INTERCHANGE
 - FUTURE INTERCHANGE
 - ◆ FREEWAY TO FREEWAY INTERCHANGE
 - ◆ EXISTING GRADE SEPARATION
 - FUTURE GRADE SEPARATION
 - EXISTING GRADE SEPARATION & FUTURE INTERCHANGE
 - △ FUTURE URBAN INTERCHANGE
 - FUTURE I & I&M & I&M INTERSECTION
 - PARK & RIDE
See legend on page 100 for details
- ON-STREET BUS LANE -----

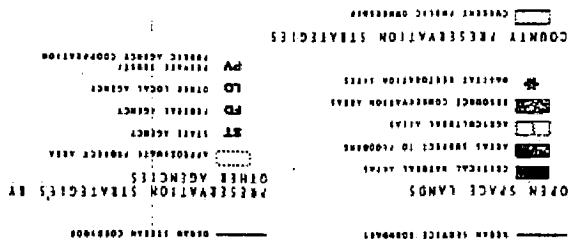
Stability studies on some 1992-1993 season
vaccines were completed. The results of these
studies are being used to determine the
effect of the stability studies on the
vaccine quality.

Two vaccine quality studies were completed. The
first study was on the stability of the vaccine
quality. The second study was on the
effect of the stability studies on the
vaccine quality.

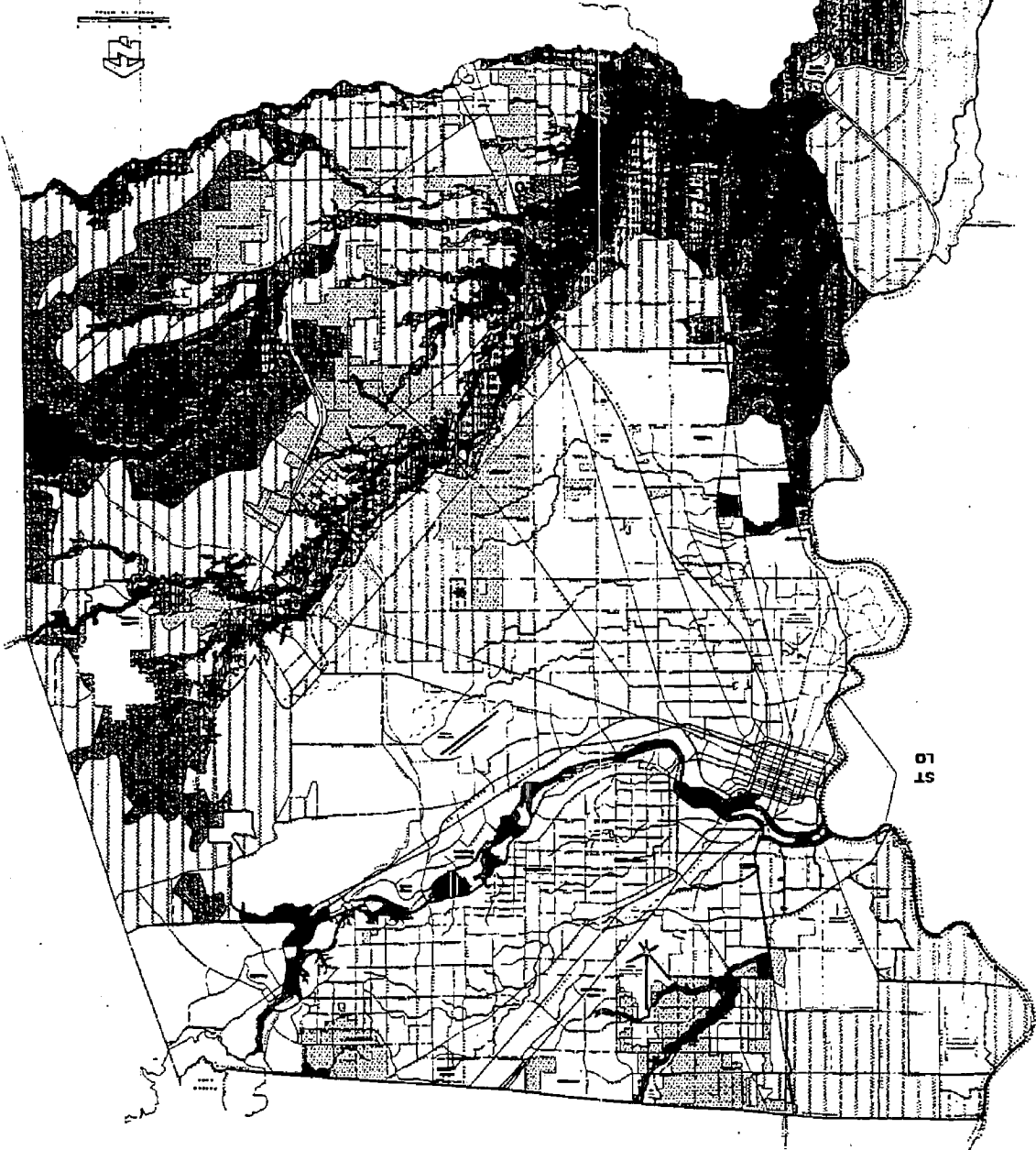
1. The vaccine quality studies were completed.
The results of these studies are being used
to determine the effect of the stability
studies on the vaccine quality.

2. The vaccine quality studies were completed.
The results of these studies are being used
to determine the effect of the stability
studies on the vaccine quality.

54



OPEN SPACE PRESERVATION
STRATEGY DIAGRAM
DECEMBER 15, 1993
SACRAMENTO COUNTY, CALIFORNIA



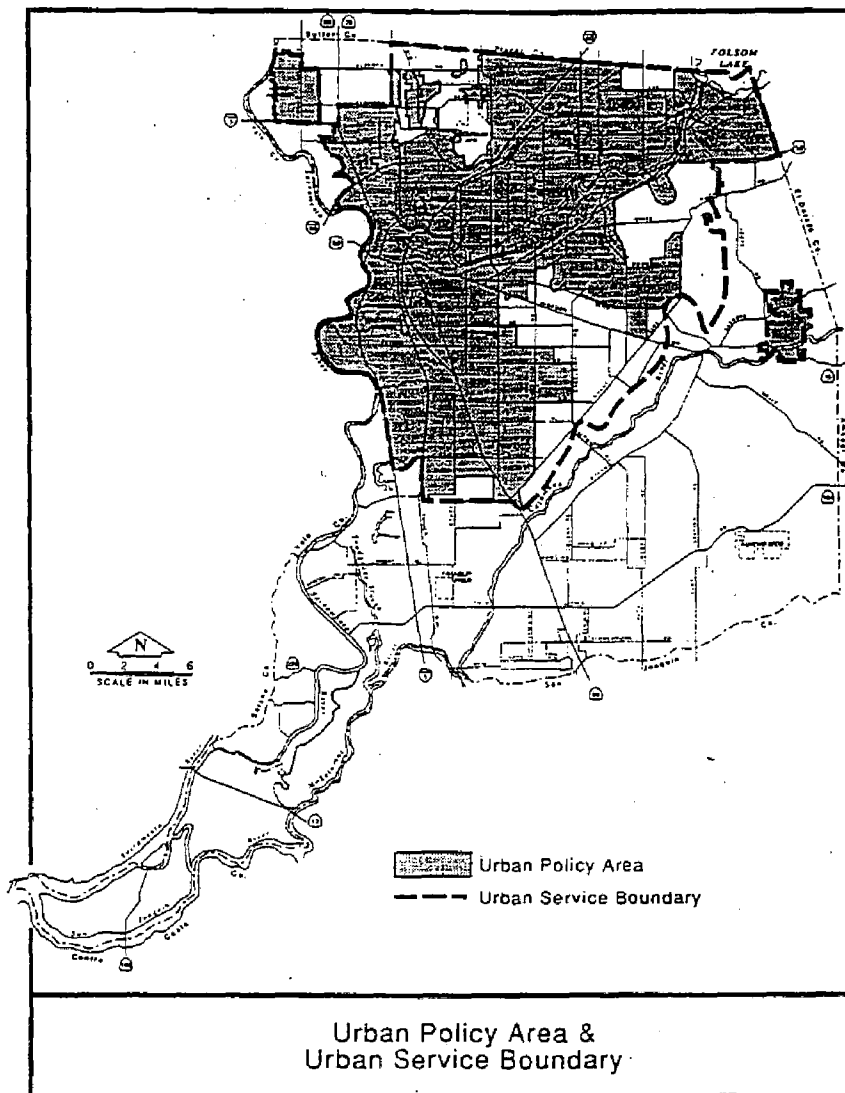


EXHIBIT 7

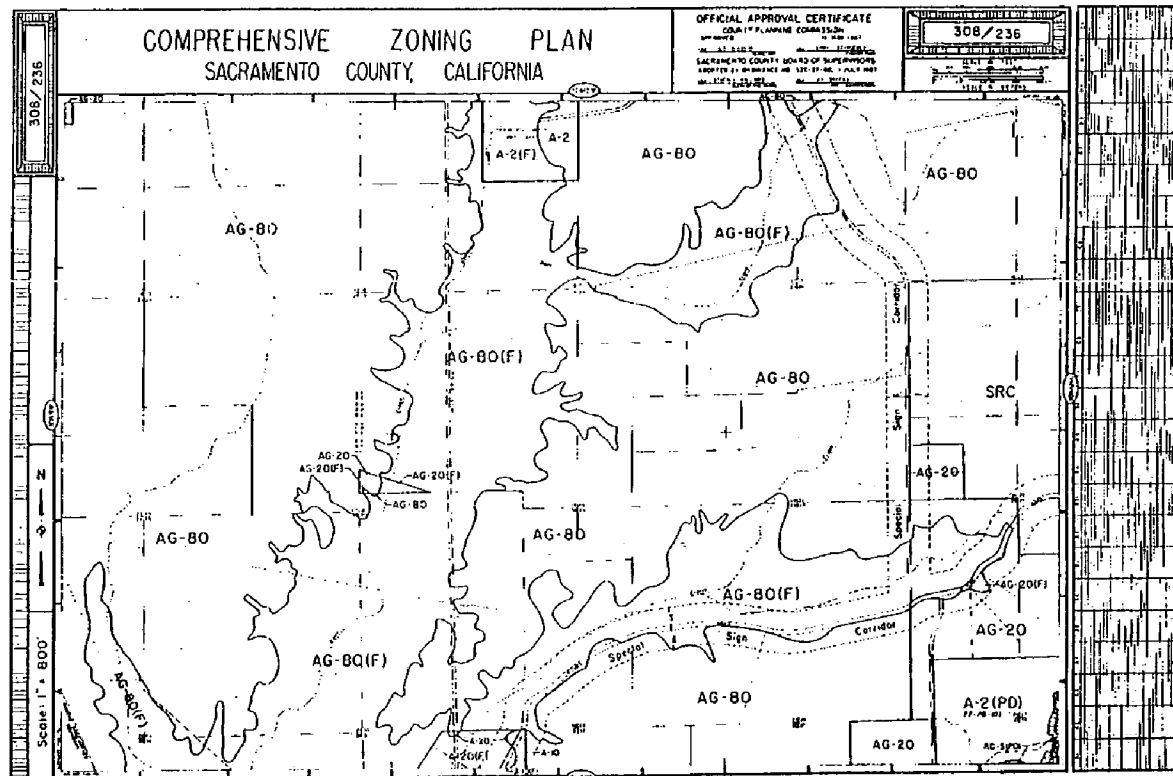


EXHIBIT 8

OFFICIAL APPROVAL CERTIFICATE
COUNTY PLANNING COMMISSION
APPROVED: 11 APRIL 1967
SACRAMENTO COUNTY BOARD OF SUPERVISORS
RESOLVED BY BOARD ACTION NO. 178-67-02, 1 MAY 1967

308 / 261

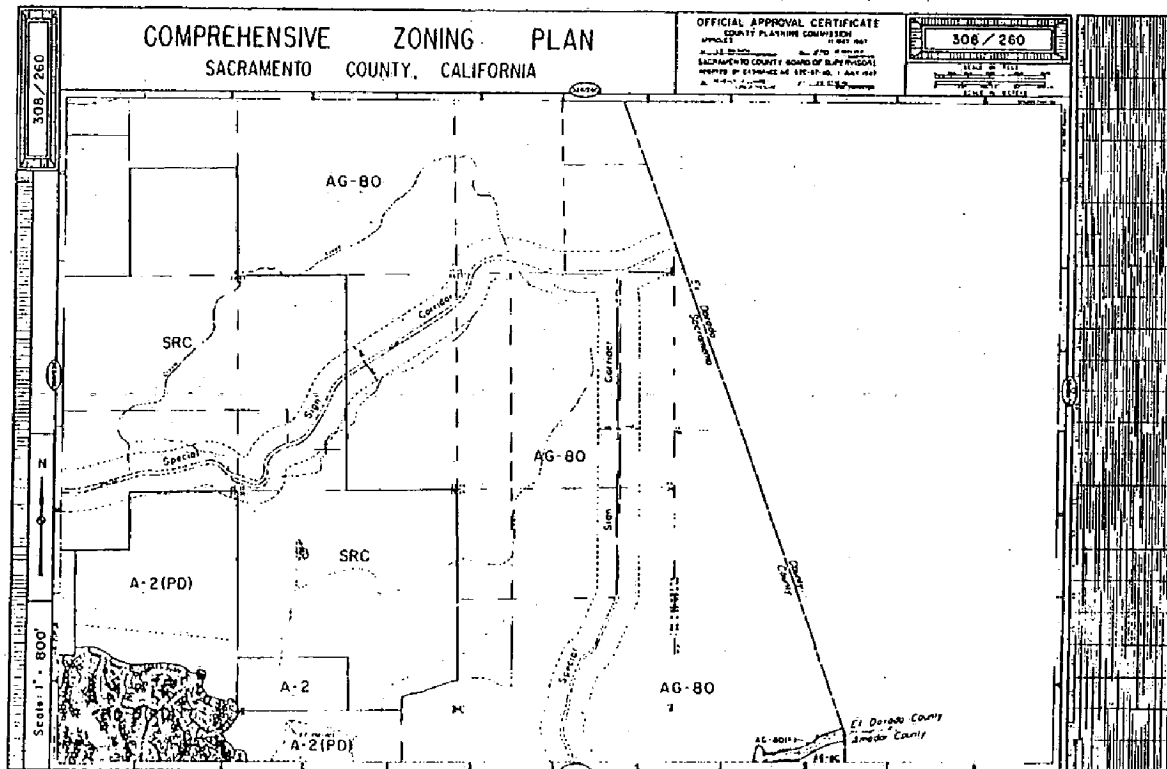


EXHIBIT 9



2.3

DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

915 I STREET
ROOM 301
SACRAMENTO, CA
95814-2700
PH 916-264-5710
FAX 916-264-8250

TECHNICAL SERVICES DIVISION
REAL ESTATE SERVICES

March 21, 2000

Law & Legislative Committee
Sacramento, California

Honorable Members in Session

**SUBJECT: ORDINANCE AMENDING TITLE 12 OF THE SACRAMENTO CITY
CODE RELATING TO CITY REAL PROPERTY**

LOCATION/COUNCIL DISTRICT:

Citywide. All Districts.

RECOMMENDATION:

This report recommends that the Law and Legislative Committee approve and forward to the City Council the attached ordinance amending Title 12 of the Sacramento City Code.

CONTACT PERSON: Bruce Alei, Real Property Supervisor, 264-5055

FOR COMMITTEE MEETING OF: April 4, 2000

SUMMARY:

The purpose of this amendment of Title 12 of the City Code, relating to City Real Property, is to streamline the processes covered by this title relative to minor agreements wherein the amount of the income or expenditure is less than \$100,000. Execution of these agreements would be within the delegated authority of the City Manager. All other agreements specified by this Title involving income or expenditure of \$100,000 or more, shall be approved by the City Council, for signature by the City Manager. By streamlining the processes covered by this Title, the time

Law & Legislative Committee

Ordinance Amending Title 12 of the City Code Relating to City Real Property

March 21, 2000

and costs associated with the sale and lease of minor City owned properties will be reduced.

In addition to the changes mentioned above, the entire Title was reviewed by staff and the City Attorney's Office, and other changes were made, as deemed appropriate, to update the language, provide clarification, and to provide consistency. The significant changes made are summarized in the background section of this report. All revisions are delineated on the redlined version of this proposed ordinance amendment which is attached to this staff report.

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND INFORMATION:

Under the current provisions of Title 12 of the City Code, all real property agreements wherein the amount of the expenditure or income is "Less than \$50,000" are within the delegated authority of the City Manager. The attached ordinance revision increases that amount to "Less than \$100,000" and is consistent with the existing delegation of contract authority pursuant to City Code Titles 57, 58 and 59 relative to contracts for supplies and materials; advertising and receiving bids for public projects; all Consultant and Professional Services Agreements pertaining to computer equipment, automation or software and; all other professional service, non-professional service and supply contracts.

In addition, the proposed ordinance changes will amend the following sections of Title 12:

Section 12.01.031 Issuance of Franchise without Bids. This section was added to allow the City Council to grant a Franchise Agreement by Ordinance without competitive bidding if the bid process fails to produce a successful bidder, or if the City Council determines that special circumstances or the best interest of the City make use of the bid procedure inappropriate.

CHAPTER 12.02 Leases of City Owned Property Section 12.02.041 when bids are required. The City Code currently requires leases of City property for more than 168 hours to be competitively bid. This amendment changes the requirement to apply to leases for a period of more than six (6) months. This is recommended to provide a more customary period of time and to use a more appropriate "Calendar Reference" versus an "Hourly Reference".

Section 12.02.050 Leasing without Bids-Negotiation of Terms, Subsection (d). For leases when the Council determines that it is in the best interest of the City that the bid process not be used, and for leases where the

amount of revenue is less than \$100,000.00, this amendment changes the requirement for Council to establish a proposed rental rate for leases of City owned property to the requirement that the rent specified be at or above the market rate for comparable, similarly situated, property as determined by the Real Property Supervisor.

Section 12.02.050, Leasing without Bids-Negotiation of Terms

Subsection (e): The Code currently allows the City to lease City property to non-profit community civic organizations without bidding, if the term of the lease is 4 years or less. This amendment changes this maximum period to 10 years and eliminates the requirement that the City Council specify the value of such real estate when approving such leases. The maximum term for leases, covered under the above referenced section, was increased to 10 years because a typical lease term is 5 years with a renewal option for an additional 5 years. The requirement that the City Council specify the value of real estate prior to approving the leases covered under this section was eliminated because under this proposed Title all leases for less than \$100,000 would be within the delegated authority of the City Manager.

Section 12.02.050 Leasing without Bids-Negotiation of Terms: This amendment eliminates the requirement that the City Council adopt a resolution providing notice of its intention to authorize negotiation of a lease without bidding when one or more of the conditions specified in this section exist. As revised, this section simply authorizes the City Council to enter into a lease without bidding when one or more of the specified conditions exist. This change is proposed to streamline the requirements for minor leases in which the revenue generated is less than \$100,000.

Section 12.02.051 Amendment of Existing Leases. This amendment allows the City Council to approve a provision in the initial lease authorizing the City Manager to approve amendments that increase the City's expenditure or income by less than \$100,000. This change is consistent with the primary purpose for amending Title 12 which is to streamline the processes relative to minor agreements wherein the amount of income or expenditure is less than \$100,000.

Section 12.03.071 Contract without bids - Negotiation of Terms. This amendment expands the grounds upon which the City Council may enter into a concession contract without bids to include situations where the council determines that special circumstances or the best interest of the City make use of the bid procedure inappropriate. This amendment also eliminates the requirement that the City Council adopt a resolution providing notice of its intention to authorize negotiation of a concession contract without bidding when one of the specified grounds exists. This amendment is consistent with the procedure for leases of Real Property covered under this Title and will

streamline the process when the City Council finds that special circumstances or the best interest of the City makes use of the bid procedure inappropriate.

Section 12.03.073 Amendment of Concession Contracts. This amendment allows the City Council to approve a provision in the initial concession contract authorizing City Manager approval of amendments that increase the City's expenditure or income by less than \$100,000. This change is consistent with the primary purpose for amending Title 12 which is to streamline the process relative to minor agreements wherein the amount of income or expenditure is less than \$100,000.

Section 12.04.084 Telecommunications Facilities located on City owned property, Subsection (g). This subsection was added to give the City the option to receive in-kind services in lieu of requiring fair market rent provided that such services are equal to the fair market rental.

Section 12.05.092 Methods of Disposition, Subsection (e). The existing City Code requires the City Council to approve any sale of surplus property (other than real property) to another public agency if the amount of the sale exceeds \$5,000. This amendment increases this threshold to \$100,000. This recommendation is consistent with the delegation of contract authority pursuant to City Code Titles 57, 58, and 59 and provides for consistency throughout Title 12.

Chapter 12.08 Authority of City Manager Section 12.08.130 Income or expenditure less than \$100,000, Subsection (d). This change allows the City Manager to determine whether real property to be sold for less than \$100,000 will be listed on the open market, either by the City or with a licensed real estate broker under a listing agreement executed by the City Manager or designee. Under normal circumstances, all surplus City owned parcels would be listed on the open market unless it was determined by the City Manager that it is in the best interest of the City not to do so such as a case where the property could only benefit an adjoining property owner. This amendment also specifies that net income from such sale shall be deposited into the City fund that carried the parcel as an asset to the fund.

Chapter 12.09 Relinquishment of unused public service easements. This entire chapter is new and provides an alternative process for the City to relinquish unused public service easements without the need for the abandonment process under streets and highways code section 8311.

This chapter is proposed to provide a cost saving alternative procedure for the abandonment of unused public service easements. The cost to the City for processing a summary abandonment is approximately \$5,000 per case.

FINANCIAL CONSIDERATIONS:

The changes proposed to Title 12 of the City Code will reduce costs associated with real property agreements by streamlining the processing of minor agreements wherein the amount of the income or expenditure is less than \$100,000.

The proposed changes will facilitate the sale of many of the small, surplus, and remnant parcels of land that the City has in its inventory. The benefits of selling these surplus parcels include the following:

- Generating revenue
- Generating additional property tax base
- Removing maintenance and liability responsibilities from the City
- Development of in-fill lots within the City

The changes proposed will also reduce the City's cost associated with the relinquishment of unused public service easements by eliminating the requirement to use the summary abandonment process.

ENVIRONMENTAL CONSIDERATIONS:

Adoption of amendments to Title 12 is not a project for which CEQA Review is required, pursuant to sections 15378 (b) (2) (general policy and procedure making) and 15378 (b) (5) (administrative activities which are not physical changes in the environment) of the CEQA Guidelines.

POLICY CONSIDERATIONS:

This recommendation is consistent with City Council's priority of fiscally sound and cost-effective business operations. Also, as stated in the background section, this recommendation is consistent with the delegation of contract authority pursuant to City Code Titles 57, 58, and 59 which became effective on July 19, 1997.

This recommendation is also consistent with City policy wherein the entire revenue from the sale of the property, after reduction for staff costs, if applicable, will be deposited into the specific City fund which under City accounting procedures, carries or has carried the parcel or parcels of real estate as an asset of the fund.

Law & Legislative Committee
Ordinance Amending Title 12 of the City Code Relating to City Real Property
March 21, 2000

ESBD CONSIDERATIONS:

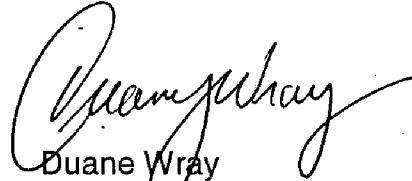
No goods and services are being purchased in this report.

Respectfully Submitted,



Gary Alm
Development Services Manager

Approved:



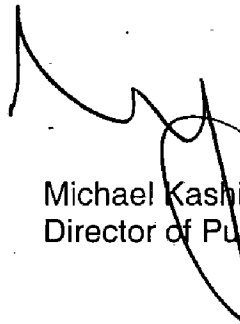
Duane Wray
Technical Services Manager

RECOMMENDATION APPROVED:



ROBERT THOMAS
City Manager

Approved:



Michael Kashiwagi
Director of Public Works

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN ORDINANCE AMENDING TITLE 12 OF THE
SACRAMENTO CITY CODE, RELATING TO CITY OWNED
PROPERTY****BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:****SECTION 1.**

Title 12 of the Sacramento City Code is hereby amended to read as follows:

Title 12. CITY PROPERTY**Chapter 12.01. -Franchises.****12.01.010 Generally.**

No person, firm or corporation shall exercise any franchise mentioned in this chapter in the city except insofar as ~~he~~such person, firm, or it~~corporation~~ may be entitled to do so by direct authority of the Constitution of the State of California or of the United States, unless ~~he~~such person, firm, or it~~corporation~~ shall have obtained a grant ~~there-fore~~therefor in accordance with the provisions of this chapter. Nothing contained in this chapter shall be construed to invalidate any lawful franchise heretofore granted nor to necessitate the obtaining of a new franchise for a use for which a franchise holder shall have a valid unexpired franchise.

12.01.015~~1~~ Authority to grant.

The council is empowered to grant by ordinance a franchise to any person, firm or corporation, whether operating under an existing franchise or not, to furnish the city and its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage or any other public utility or service, or to use the public

- 1 -

3/14/00

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

streets, ways, alleys and places, as the same may now or may hereafter exist, in connection therewith.

12.01.020012 Terms and conditions of franchises.

The council, in granting franchises, shall prescribe the terms and conditions of such franchises in accordance with the applicable provisions of this chapter and any ordinance adopted pursuant thereto and may in such franchise impose such other and additional terms and conditions not in conflict with the Charter, whether governmental or contractual in character, as in the judgment of the council are in the public interest or as the people, by initiative, indicate their desire to have so imposed.

12.01.02513 Term.

Every franchise for a fixed term shall not exceed twenty-five years.

12.01.03014 Purchase or condemnation of property of grantee by city.

No franchise grant shall in any way or to any extent impair or affect the right of the city now or hereafter conferred upon it by law to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge either for a term or in perpetuity the city's right of eminent domain with respect to any public utility.

12.01.03115 Compensation to city.

No new franchise or the renewal of an existing franchise shall be granted without reserving to the city just and adequate compensation.

12.01.04016 Chapter not applicable to certain cases.

Nothing in this chapter shall be construed as applying to or requiring the operators of refrigeration or storage utilities or the carriers of freight or passengers not operating over a fixed route, or other public utilities or services not specifically described in this chapter, to obtain a franchise to operate within the city unless required to do so by ordinance of the city.

12.01.04517 Exercising right without franchise.

The exercise by any person, firm or corporation of any privilege for which a franchise is required without procuring such franchise shall be a misdemeanor, and each such day that such condition continues shall constitute a separate violation.

12.01.04618 Franchising procedure--Invitation to bid.

~~Except as provided in sections 12.01.031 and 12.08.130~~ for any franchise the city shall prepare an invitation to bid, which shall include a summary of the terms and conditions of the franchise.

12.01.04719 Same--Publication of notice.

An advertisement for bid shall be published at least once a week for two consecutive weeks. The published notice shall state where bid forms may be obtained, the time and place for the receiving and opening of sealed bids, and shall describe, in general terms, the franchise to be granted.

12.01.04820 Same--Questionnaire and financial statement from bidders.

The council may require from prospective bidders answers to questions contained in a standard form of questionnaire and financial statement including a complete statement of the prospective bidder's financial ability and experience in maintaining and operating similar or related franchises or business activities. When completed, the questionnaire and financial statement shall be verified under oath by the bidder.

12.01.04921 Same--Questionnaire--Public inspection.

Such questionnaire and financial statements are open to public inspection.

12.01.05022 Same--Sealed bids.

All bids shall be presented under sealed cover.

12.01.05123 Same--Closing time.

Whether or not bids are opened exactly at the time fixed in the public notice for opening bids, a bid shall not be received after that time.

12.01.052024 Same--Withdrawal of bids.

Any bid may be withdrawn at any time prior to the time fixed in the public notice for the opening of bids but only by written request of the withdrawal of the bid filed with the City Manager. The request shall be executed by the bidder or by an authorized representative. The withdrawal of a bid does not prejudice the right of a bidder to file a new bid prior to the date and time set for the opening of bids.

This section does not authorize the withdrawal of any bid after the time fixed in the public notice for the opening of bids.

12.01.053025 Same--Public opening of bids.

On the day and at the time named in the public notice the city clerk shall publicly open the sealed bids.

12.01.05426 Same--Public inspection of bids; hearing.

The city clerk shall place copies of all bids on file in his office for public inspection, and shall publish notice of the availability of this file for inspection once within a week after opening the bids.

The council shall set a public hearing on the bids received not sooner than fifteen days or later than sixty days after opening of the bids. The council may set other public hearings as it deems in the public interest.

At the appointed time the council shall proceed to hear and consider all bidders and any other interested person. Following the hearing the council may grant a franchise in conformity with the terms of any bid or such modification thereof as the council shall deem to be in the public interest, or the council may reject all bids and readvertise for bids.

12.01.05527 Same--Failure to sign contract, provide bond, etc.

A failure on the part of the successful bidder to sign and deliver the franchise contract within thirty days of receipt thereof and to provide the city with any bond and any evidence of insurance required thereunder, and on the time limit presented, may be treated as a refusal to execute if the city so elects.

12.01.05628 Same--Findings.

An ordinance awarding any franchise shall contain a section of findings setting forth the basis for the council's action.

12.01.05729 Same--Joint powers agreements.

Notwithstanding any other provision of this chapter the council may in the award of any franchise avail itself of the authority set forth in Government Code Section 6500 et seq.

12.01.05830 Amendment of franchise ordinance.

Each franchise ordinance shall be subject to amendment according to the terms of such franchise, and by mutual consent of the parties to such franchise.

12.01.059 to 12.01.060

12.01.031 Issuance of franchise without bids

The council may grant a franchise agreement by ordinance without competitive bidding when any one or more of the following conditions exist:

- (a) The bid process as prescribed in this chapter has failed to produce a successful bidder pursuant to section 12.01.026

(b) The council determines that special circumstances make the use of the bid procedure inappropriate.

(c) The council determines that it is in the best interest of the city that the bid process not be used.

12.01.032 to 12.01.039 Reserved.

Chapter 12.02. — Leases.

12.02.061 Leases of City-owned real property.

12.02.040 Leases and subleases included.

As used in this chapter, the term "lease" shall include, where appropriate in the context, a sublease.

12.02.041 When bids required.

Except as provided in sections 12.02.050 and 12.08.130, all leases authorizing occupancy of city property for a period of more than one hundred sixty-eight hours six months shall be awarded to the highest responsible bidder.

12.02.06542 Leasing procedure--Invitation to bid.

For any lease authorizing occupancy by the lessee for a period of more than one hundred sixty-eight hours six months of city property, the city shall prepare an invitation to bid, which shall include a summary of the terms and conditions of the lease sufficient to enable persons to bid solely on the basis of rents to be paid to the City.

12.02.06643 Leasing procedure--Publication of notice.

An advertisement for bid shall be published at least once a week for two consecutive weeks. The published notice shall state where bid forms may be obtained, the time and place for the receiving and opening of sealed bids, and shall describe, in general terms the lease to be granted.

12.02.06744 Leasing Procedure--Sealed bids.

All bids shall be presented under sealed cover.

12.02.06845 Leasing Procedure--Closing time.

Whether or not bids are opened exactly at the time fixed in the public notice for opening bids, a bid shall not be received after that time.

12.02.069046 Leasing Procedure--Withdrawal of bids.

Any bid may be withdrawn at any time prior to the time fixed in the public notice for the opening of bids but only by written request of the withdrawal of the bid filed with the city manager. The request shall be executed by the bidder or by an authorized representative. The withdrawal of a bid does not prejudice the right of a bidder to file a new bid prior to the date and time set for the opening of bids.

12.02.070047 Leasing Procedure--Opening of bids; award.

On the day named in the public notice the city clerk shall publicly open the sealed bids. The council may award the lease to the person then determined to be the highest responsible bidder.

12.02.07148 Leasing procedure--Failure to sign lease, provide bond, etc.; award to next best bidder.

A failure on the part of the successful bidder to sign and deliver the lease within thirty days of receipt thereof and to provide the city with any bond and any evidence of insurance required there under, and on the time limit presented, thereunder may be treated as a refusal to execute if the city so elects. If the council deems it is for in the best interests of the city, it may, on the refusal or failure of the successful bidder to execute the lease, award it to the second highest responsible bidder.

If the second best responsible bidder fails or refuses to execute the contract, the city may likewise award it to the third highest responsible bidder.

12.02.07249 Leasing procedure--Rejection of bids.

If the council deems that the acceptance of any bid is not for in the best interest of the city, it may reject all bids and advertise for new bids or proceed as provided in Section 12.02.07350.

12.02.07350 Leasing without bids--Negotiation of terms.

If the council deems it finds that such action is for in the best interests of the city, it may, upon giving notice of intention by resolution, authorize the negotiation of a lease including terms and conditions and thereafter lease real property enter into a lease without bidding when one or more of the following conditions exist:

- A. (a) The bid process as prescribed in this chapter has failed to produce a highest responsible bidder.

B. ~~(b)~~ The city proposes to lease the property to any other ~~another~~ governmental agency.

C. ~~(c)~~ The city proposes a ground lease for a term in excess of twenty years where the lessee, as a condition of the lease, is required to construct facilities on the leased premises having a value in excess of one hundred thousand dollars, and these facilities will become the property of the city upon termination of the lease.

D. ~~The council has established by resolution a proposed rental rate for specified city owned or leased real estate, has authorized an employee or agent of the city to solicit prospective leases or subleases, and the~~

~~(d) A firm and complete written offer for lease has been presented by or on behalf of a prospective lessee or sublessee has tendered an offer to lease or sublease the premises at the rental fixed by the council. E. wherein the rent specified is at or above the fair market rate for comparable, similarly situated property, as determined by the real property supervisor.~~

~~(e)~~ The city proposes to lease the property to a non-profit tax-exempt community civic organization with a membership comprised predominantly of persons residing in the city, and

~~(1-)~~ The firm term of the lease shall not exceed fourteen years.

~~(2-)~~ The resolution approving the lease shall contain the following:

a. ~~(i)~~ The reason for leasing such real estate.

b. ~~(ii)~~ A description of the real estate to be leased.

c. ~~The value of such real estate as appraised by the real estate supervisor.~~

~~d. (iii)~~ The document number of a copy of the lease filed in the office of the city clerk.

~~F. (f)~~ The council in the notice of intention finds and determines that special circumstances make the use of the bid procedure inappropriate.

~~12.02.074 Same Publication of notice.~~

~~The city clerk shall publish the notice of intention to lease without bids provided for in Section 12.02.073 at least once prior to the granting of the lease.~~

~~12.02.075051 Amendment of existing leases.~~

~~The council may by resolution approve the amendment of any lease; provided however, this section does not or may in the initial lease agreement authorize the city manager to enter into minor lease amendments, provided that the amount of the expenditure or income resulting from the amendment of any lease to increase is less the term of such lease an \$100,000.00.~~

~~12.02.07652 Short-term leases of real property acquired for future city public works projects.~~

Real property acquired by the city for future public works projects may be leased without competitive bidding if each of the following conditions exist:

- A. ~~(a)~~ The prospective lessee was the occupant or tenant of the property at the time of its acquisition by the city; and
- B. ~~(b)~~ The tenancy will be on a month to month basis and will not exceed twenty-four months.

The director of public works is hereby authorized to negotiate and execute on behalf of the city all lease agreements entered into pursuant to this ~~action~~ section.

~~12.02.07753 to 12.02.0759 Reserved.~~

Chapter 12.03. Concession Contracts.

~~12.03.0860 Authority of council.~~

The Council may enter into contracts with persons, firms, or corporations to construct, maintain, and operate concessions on city property for the safety and convenience of the general public in the use and enjoyment of the ~~public~~ said city property.

~~12.03.08561 Contract procedure--Award to best responsible bidder.~~

~~A~~ Except as provided in sections 12.03.071 and 12.08.130 all concession contracts authorizing occupancy of city property for a period of more than seventy-two hours shall be awarded to the best responsible bidder. "Best responsible bidder" means the bidder,

as determined by standards established by the council, and who, in the opinion of the council, will operate the concession consistent with the contract and in the best interest of the city and the public.

12.03.086062 Contract procedure--Invitation to bid.

For any concession contract authorizing occupancy by the concessionaire for a period of more than seventy-two hours of city property, the city shall prepare an invitation to bid, which shall include a summary of the terms and conditions of the concession sufficient to enable persons to bid solely on the basis of rates to be paid to the city.

12.03.08763 Contract procedure--Publication of notice.

An advertisement for bid shall be published at least once a week for two consecutive weeks. The published notice shall state where bid forms may be obtained, the time and place for the receiving and opening of sealed bids, and shall describe, in general terms the concession to be operated.

12.03.08864 Contract procedure--Financial statement and questionnaire from bidders.

The council may require from prospective bidders answers to questions contained in a standard form of questionnaire and financial statement including a complete statement of the prospective bidder's financial ability and experience in maintaining and operating similar or related concessions or business activities. When completed, the questionnaire and financial statement shall be verified under oath by the bidder.

~~12.03.089 Contract procedure--Financial statement--Public inspection.~~

~~Such questionnaires and financial statements are open to public inspection.~~

12.03.09065 Contract procedure--Sealed bids.

All bids shall be presented under sealed cover.

12.03.09166 Contract procedure--Closing time.

Whether or not bids are opened exactly at the time fixed in the public notice for opening bids, a bid shall not be received after that time.

12.03.09267 Contract procedure--Withdrawal of bids.

Any bid may be withdrawn at any time prior to the time fixed in the public notice for the opening of bids but only by written request of the withdrawal of the bid filed with the city manager. The request shall be executed by the bidder or by an authorized representative.

The withdrawal of a bid does not prejudice the right of a bidder to file a new bid prior to the date and time set for the opening of bids.

This section does not authorize the withdrawal of any bid after the time fixed in the public notice for the opening of bids.

12.03.09368 Contract procedure--Opening of bids; award.

On the day named in the public notice the city clerk shall publicly open the sealed bids. The council shall carefully study and analyze all such bids and, on or after the seventh day after the bids are opened, may award the concession to the person then determined to be the best responsible bidder.

12.03.094069 Contract procedure--Failure to sign contract, provide bond, etc.; award to next best bidder.

A failure on the part of the successful bidder to sign and deliver the concession contract within thirty days of receipt thereof and to provide the city with any bond and any evidence of insurance required thereunder, and on the time limit presented, may be treated as a refusal to execute if the city so elects. If the council deems it is for the best interests of the city, it may, in on the refusal or failure of the successful bidder to execute the contract, award it to the second best responsible bidder.

If the second best responsible bidder fails or refuses to execute the contract, the city may likewise award it to the third best responsible bidder.

12.03.09570 Contract procedure--Rejection of bids.

If the council deems that the acceptance of any bid is not for the best interests of the city, it may reject all bids and call for new bids or proceed as provided in Section 12.03.100071.

12.03.100071 Contract without bids--Negotiation of terms.

If the council deems it is for the best interests of the city, it may, upon giving notice of intention by resolution, authorize the negotiation of a contract including terms and conditions and thereafter The council may, without competitive bidding, enter into a contract, when any one or more of the following conditions exist:

- (a) The bid process as prescribed in this chapter has failed to produce a best responsible bidder.

~~12.03.101~~ successful bidder pursuant to section 12.03.069

(b) The council determines that special circumstances make the use of the bid procedure inappropriate.

(c) The council determines that it is in the best interest of the city that the bid process not be used.

12.03.072 Same--Authority of city manager.

The city manager may enter into concession contracts without calling for bids for concession service to areas which will primarily serve city employees.

12.03.102 ~~073~~ **Amendment of concession contracts.**

The council may by resolution approve the amendment of any concession contract; ~~provided however, this section does not authorize or may in the amendment of any initial concession contract to increase the term of such contract.~~

12.03.103 Exemption for special events in support of city facilities and programs.

~~This chapter shall not apply to the use of City-owned property for the sale of food, beverages, services or merchandise by a nonprofit organization if the proceeds are used to support a city program or facility. This exemption shall be limited to special events of less than 60 days duration upon approval in advance by the director of parks and community services, except that, with approval of the city council, a non-profit organization which is organized for the primary purpose of supporting a city program or facility shall not be limited to special events of less than 60 days duration. "Non-profit organization" means any group of persons associated for religious, scientific, literary, educational, recreational, benevolent or other purposes not of pecuniary profit.~~

~~12.03.104 to 12.03.109~~ authorize the city manager to enter into minor concession contract amendments, provided that the amount of the expenditure or income resulting from the amendment is less than \$100,000.00.

12.03.074 to 12.03.079 Reserved.

Chapter 12.04. Revocable Permits.

12.04.110 ~~080~~ **Grant; conditions; acceptance.**

The council may by resolution grant permits revocable at its will for minor or temporary purposes or privileges on public property subject to such terms and conditions

as it deems necessary for the public interest. The use of the property by the permittee shall constitute his acceptance and agreement to be bound by the terms and conditions of the permit.

12.04.115081 Application; ~~city engineer~~ Director of Public Works to recommend approval or denial.

Applications for revocable permits shall be filed with the ~~city engineer~~ Department of Public Works and shall be accompanied by a map or plat indicating the area for which the permit is sought. If any work is to be undertaken in the area subject to the permit, the application shall also be accompanied by a detailed plan or plans of such work.

The ~~city engineer~~ Director of Public Works shall refer such application to the city council together with his a recommendation concerning the approval, conditional approval or denial of such permit.

12.04.120082 ~~Director of Public Works or his Designee is hereby Granted Authority~~ Designee-Authority to Issue Revocable Permits for Certain Uses.

The ~~d~~ Director of p Public w Works may review applications for and approve or conditionally approve revocable permits for the following uses:

- 1. (a) Behind existing curbs and gutters:
 - a. (1) Paving.
 - b. (2) Landscaping.
 - c. (3) Construction of landscape planters.
 - d. (4) Other minor uses.
- 2. (b) Groundwater monitoring wells.

12.04.121 ~~Director of planning and development or designee is hereby granted authority~~

- (c) Privately owned utilities within public streets and alleys.

12.04.083 ~~City Manager or designee—authority~~ to issue revocable permits for outdoor sidewalk cafes.

The ~~director of planning and development~~ City Manager or designee, may review applications for and approve or conditionally approve revocable permits for outdoor sidewalk cafes.

12.04.122084 Telecommunications facilities located on City-owned property.

- (a) Exclusive procedure. Except as specifically otherwise stated herein, the procedures specified in this section shall be the exclusive procedure governing revocable permits for telecommunications facilities which are proposed to be located on City-owned property. Nothing in this section shall preclude the application of the following provisions, and any applicant for a revocable permit shall comply therewith:
- (1) all applicable land use regulations, including but not limited to City zoning regulations and guidelines;
 - (2) Sacramento City Code Section 12.04.126082, relating to revocable permits for use of city rights of way or easements.
 - (3) Sacramento City Code Section chapter 38.03-026, relating to excavation permits and street cuts; and
 - (4) Sacramento City Code, Title 23, relating to business occupation tax certificates.

The revocable permit application required hereunder may be filed by an applicant while land use and other applications are pending; provided, however, that no revocable permit shall be issued unless and until all other required City, state or federal permits have been obtained by the applicant, and all other state, federal and City requirements including but not limited to subsections (1) through (4) above, have been met.

- (b) Definitions. The following definitions shall apply to terms used in this section:
- (1) Telecommunications facilities. Facilities designed for the provision of cellular telephone facilities and other personal wireless services, including but not limited to transmitters, towers and other equipment.
 - (2) Personal wireless services. Personal wireless services, as defined in 47 U.S. Code 332(c)(7)(C).

- (3) Telecommunications provider. A provider of cellular telephone or other personal wireless services.
 - (4) Utility relocation. Any required move or relocation of an existing installation or equipment owned by any provider of utility or utility-related services, whether such provider is a private or public entity, including but not limited to the City, where such move or relocation is necessitated by installation, improvement, renovation or repair of telecommunications facilities installed on City-owned property.
 - (5) Utility relocation costs. Any actually incurred cost or expense associated with a utility relocation.
 - (6) City-owned property. Any property owned, rented or leased by the City, or in which the City has the right to use or occupancy by virtue of an easement, right of way, or other similar interest in property; provided, however, that the provisions of this section shall not apply to street easements or right of way owned by the City, where the telecommunications provider will be installing wire, conduit or similar equipment within the street. For purposes of this section, "property" includes real property or improvements thereon, and personal property, fixtures or equipment. City-owned property shall also include traffic signals, City lighting or other poles or similar equipment, whether within or outside the street right of way, where telecommunications facilities are to be located or installed thereon.
 - (7) Collocation. The location by the same or different telecommunication providers of telecommunication facilities together in the same location or on the same tower, pole, or other structure.
- (c) Application.
- (1) A telecommunications provider proposing to locate telecommunications facilities on City-owned property shall make application to the city director of public works through the real estate services section supervisor, on a form provided for that purpose.
 - (2) The application shall clearly describe the telecommunications facilities proposed to be installed, the City property on which the facilities are

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proposed to be installed, and their exact proposed location thereon, including such specifications, drawings, maps and other illustrations as are required by the city director of public works, through the real estate services section supervisor.

- (i) The real estate services section supervisor shall, within thirty (30) days from the date of receipt of the application, make a determination as to whether the application is complete in all respects, and whether the applicant has applied for all other required land use entitlements and other required state, federal or City permits or licenses. If no such determination is made within the thirty (30) day period, the application shall be deemed complete. In the event that the application is determined incomplete, the applicant shall be notified in writing of the nature and extent of the deficiencies.
- (ii) Upon a determination that the application is complete, or upon expiration of the thirty (30) day period for making that determination, the real estate services section supervisor shall process the application and meet with the applicant as required in order to determine whether the application should be granted or denied. The application may be denied for good cause, may be conditionally approved, or may be approved, subject to required procedures for approval by the City Council. No application or agreement may be approved or conditionally approved by the City Council unless all required land use entitlements, including but not limited to those required by City zoning regulations and guidelines, have been obtained by the applicant.
- (iii) In the event that the application is denied, the applicant shall be notified in writing of the denial, with a written statement of the reasons for the denial. The notice shall be sent by United States mail to the applicant at the address listed on the application.
- (iv) An applicant whose application has been denied may appeal the denial to the city manager, whose determination shall be final. Any such appeal shall be by letter or other written

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communication delivered to the city manager within fifteen (15) days from the date that the notice of denial was mailed.

- (3) The application shall be accompanied by an estimated processing fee, established by resolution of the City Council, designed to recover all City staff costs in processing the application, including but not limited to the city department of public works, the neighborhood services department, and the city attorney. The application shall contain a statement that by executing the application, the applicant agrees to pay any processing costs in excess of the estimated application fee, upon billing thereof by the City.
 - (4) The application process shall be administered by the City in a nondiscriminatory manner, through the use of standardized procedures for establishing fair market rental, and a uniform schedule of initial, one time fees. All negotiations and discussions shall be conducted by assigned City staff.
- (d) Agreement for issuance of revocable permit; issuance of revocable permit.
- (1) The City Council shall, by resolution, adopt a form of agreement that shall be utilized for all applicants proposing to locate telecommunications facilities on City-owned property. The agreement form shall specify all of the terms and conditions upon which the permit is to be issued, including but not limited to the term; provisions for renewal; termination and revocation provisions; compensation to the City, including but not limited to a one-time initial fee and rental rates or provision of in-kind services as set forth in subsection (g) of this section; if applicable, provisions for space requirements or reservations for public use; provisions for fee escalation based upon a consumer price index procedure; use and nuisance restrictions; construction requirements and specifications; maintenance and repair responsibilities; insurance, liability limitation provisions, and indemnification obligations; provisions relating to payment of taxes including but not limited to possessory interest taxes, to the extent applicable; assignment restrictions; provisions requiring a permittee to notify before excavation ("one call" requirements); and other provisions as may be required by the city attorney.

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- (2) Upon approval by the city director of public works through the real estate services section supervisor of an application pursuant to subsection (c), the applicant shall execute a copy of the pre-approved form of agreement for issuance of a revocable permit. Upon execution of the agreement, City staff shall seek approval of the City Council. Upon City Council approval of the agreement, and upon approval as to form by the city attorney, the city manager or designee shall execute the agreement.
- (3) Upon full execution of the agreement, and subject to subsection (a) and payment by the applicant of any further processing fees owing, the one time initial fee and any rental due, the city director of public works through the real estate services section supervisor shall issue the revocable permit. Each such permit shall be non-exclusive, and shall be in a form approved by the city director of public works through the real estate services section supervisor. The permit form shall refer to the agreement for issuance of revocable permit, which agreement shall govern the permit during its entire term.
- (e) Relocation. Where utility relocation is required either because of the applicant's construction or installation of its facilities, or by virtue of a subsequent City project, the entire utility relocation cost shall be payable by the permittee whose telecommunication facilities are required to be relocated. Nothing in this section shall be interpreted to affect, adversely or otherwise, a permittee's ability to recover all or any part of the relocation cost from another utility or provider located on or adjacent to the City-owned property.
- (f) Collocation. Where appropriate and feasible, telecommunication facilities located on City-owned property shall be collocated.

~~12.04.123 to 12.04.124~~

- (g) In lieu of requiring payment of fair market rental, the City may accept in-kind services as compensation, provided that such services are of equal value to the fair market rental.

12.04.085 to 12.04.089 Reserved.

Chapter 12.05. Disposition of Surplus Personal Property.

12.05.125090 Generally.

The disposition of all ~~surplus personal~~ property, as defined in this chapter, belonging to the city, including any lost or unclaimed property transferred to the ~~purchasing department procurement services division~~ of the city according to the provisions of Section 12.06.14302 of this title, shall be disposed of according to the provisions of this chapter.

12.05.130091 Department heads to submit list of surplus personal property; ~~purchasing department procurement services division~~ to take possession of such property.

The city manager may, from time to time, require that the head of each department in the city submit to the ~~purchasing department procurement services division~~ a list of all personal property belonging to such city department which is no longer fit or necessary for the use of such department in the exercise of its functions, and the same shall be known as surplus property.

The ~~purchasing department procurement services division~~, shall, thereafter, take physical possession of such surplus property, and shall dispose of such surplus property as provided by ~~Sections 12.05.134092 and 12.05.094~~.

12.05.134092 Methods of disposition.

The ~~purchasing department procurement services division~~ shall dispose of surplus property through one of the following methods:

- A. (a) Sale at public auction to the highest bidder. The notice of such auction must be given by publication in the official newspaper of the city no later than ten days prior to such auction. The ~~purchasing department procurement services division~~ shall reserve the right to reject any and all bids received for any item.

— In the event the ~~purchasing department procurement services division~~ rejects any and all such bids so received, it shall not thereafter sell such property at a price less than the highest bid which it received therefore, until it shall first offer such item to the person who submitted the highest bid for such item, at the price bid. In the event such person refused to purchase such item at such price, the ~~purchasing department procurement services division~~ may, thereafter, dispose of such property at a lesser price.

- ~~B. (b)~~ Sealed proposal; provided that the restrictions as to rejecting any and all proposals and there-after selling the property shall be the same as those for public auctions as set forth in ~~part~~subsection (a) of this section;
- ~~C. (c)~~ Incidental sale, as provided in Section 12.05.132093.
- ~~D. (d)~~ Consignment. The City Council may, by resolution, determine to dispose of surplus property by putting such property out to sale on consignment if the council finds that such method of sale is likely to bring the highest price to the city. Such resolution shall set forth the minimum price at which such property shall be sold, and shall call for bids for consignees to sell such property. At the same time as the council determines to sell such property on consignment, or later, the council may, by a resolution adopted by a two-thirds vote, determine to waive competitive bidding on such consignment contract if it determines that such waiver is in the best interests of the city.
- ~~E. (e)~~ Sale to another public agency. Surplus property may be sold to any other public agency, provided that the price is determined to be fair and reasonable. Such determination shall be made by the director of ~~general administrative~~ services for a sale for ~~\$5\$~~\$100,000.00 or less, and by the City Council for a sale exceeding ~~\$5\$~~\$100,000.00. Public agency means the state or any agency or subdivision thereof, any city, county, special district, or school district.
- ~~F. (f)~~ Donation. By resolution of the City Council, surplus property may be donated to any other public agency or charitable organization exempt under Section 501(c)(3) of the Internal Revenue Code.

12.05.132093 Incidental sale of certain items.

~~A. (a) When it is determined by the purchasing department that procurement services division may sell any item of surplus property by incidental sale when it determines that said item:~~

- ~~(1.)~~ Is scrap or salvage material, including, but not limited to, discarded fire hose, a tire casing, a dead storage battery, or worn-out or wrecked automobile or machine body or part;

~~(2-)~~ Is perishable; or

~~(3-)~~ Has been offered for public sale and no offer to purchase has been received, ~~the purchasing department may sell the same by incidental sale.~~

B. ~~(b)~~ For the purpose of this section the term "incidental sale" shall mean the sale of any item defined in ~~part subsection~~ (a) hereof at a price, and at a time and place to be determined by the ~~purchasing department~~ procurement services division, to any buyer who is willing to pay the price requested, without first advertising such sale or calling for the receipt of bids; provided, however, that the ~~purchasing department~~ procurement services division may advertise such sale as it may deem advisable.

C. ~~(c)~~ Nothing in this section shall be read to limit the ~~rightability~~ of the ~~purchasing department~~ procurement services division to sell, as it may deem proper, any item as defined in part (a) hereof by sale at public auction or by sealed proposal as provided in Section 12.05.434 ~~092~~.

12.05.433 ~~094~~ Distribution of surplus property to city departments.

The ~~purchasing department~~ procurement services division may, from time to time, send a list of surplus personal property, including property received from the chief of police according to provisions of Section 12.06.143 ~~02~~ to all departments within the city.

The department head of any city department may choose any item of such surplus property from such list to be used by ~~his~~ that department in the ordinary transaction of the business of such department, and the ~~purchasing department~~ procurement services division may thereafter transfer such item to such department without offering the same for public sale.

In the event that more than one department shall request any particular item of surplus property, the city manager shall decide which department shall receive such property.

12.05.434 ~~095~~ to 12.05.439 ~~099~~ Reserved.

Chapter 12.06. Lost and Unclaimed Property.

12.06.140 ~~00~~ Responsibility of finder of lost property.

Any person who shall save or find any personal property, the ownership of which is unknown to such person, shall, within a reasonable time after saving or finding such property, turn the property over to the police department of the city in compliance with Section 2080.1 of the California Civil Code.

12.06.1401 Responsibility of police department.

The police department shall comply with Sections 2080 through 2080.9 of the California Civil Code in the restoration of found property to the owner or finder.

~~12.06.142 Repealed by Ordinance No. 93-048, §3.~~

12.06.14302 Disposition of property unclaimed by owner or finder.

If, after the expiration of the three month time period specified in Section 2080.4 of the California Civil Code and after notice is published as required by Section 2080.3 of the California Civil Code, the owner fails to redeem the property as hereinbefore set forth, or if the finder of such property fails to pay the cost of publication of the notice concerning such property, or otherwise fails to claim the property, the chief of police shall cause such property to be transferred to the purchasing department procurement services division of the city; provided, however, that if the property shall consist of lost and unclaimed bicycles or toys, the chief of police may cause such property to be donated to non-profit, tax-exempt charitable organizations which agree, in writing, to donate such property in turn to needy children of the City of Sacramento; and provided further, that if the property shall consist of money, it shall be deposited in the city treasury for disposition as provided by law.

Thereafter, the purchasing department procurement services division shall dispose of such property in the same manner as it shall dispose of all surplus property of the city, as provided in Section 12.05.434092 through 12.05.433094 of this title.

Upon the transfer of such property to the purchasing department procurement services division, the owner of such property, or the finder thereof, shall not thereafter be entitled to redeem such property.

12.06.14403 Perishable property.

The provisions of this chapter shall not apply to perishable property. Such property shall be immediately transferred to and disposed of by the purchasing department procurement services division in the manner provided by Section 12.05.433094.

12.06.145104 Property subject to confiscation.

The provisions of this chapter shall not apply to any property which is subject to confiscation by~~under~~ the laws of the United States or the State of California.

12.06.14605 to 12.06.1409 Reserved.

Chapter 12.07. Sale of City Owned Real Property.

12.07.1510 General applicability.

The city may sell any real property owned by it in the manner set forth in this chapter.

12.07.15511 Notice by city council of sale.

~~Except as provided by sections 12.07.118 and 12.08.130,~~ the city council shall, by resolution, declare the intent of the city to sell real property by sealed bid. Notice of such intention, together with information regarding the property to be sold, minimum bid required, if any, the date, time and place when bids are to be received and opened, together with any other pertinent information shall be published at least one time in the official newspaper of the city not less than ten days prior to the date on which bids are to be received.

12.07.16012 Minimum sale price for property acquired because of nonpayment of taxes or special assessments.

The city council shall establish a minimum sale price for any property acquired because of nonpayment of taxes or special assessments in an amount not less than the aggregate total of all delinquencies, penalties and costs outstanding, unless it specifically finds that the estimated value of such property is less than such outstanding aggregate total and that it would be in the best interest of the city to sell such property for less than such total, in which case it may set such other minimum sale price, if any, which it may deem proper.

12.07.16513 Opening bids; acceptance or rejection of highest bid.

A-(a) On the date and at the time and place specified in the notice published pursuant to Section 12.07.15511, the city clerk shall publicly open and examine all bids received.

B-(b) Within thirty days after the receipt of bids, the city clerk shall report to the city council the name of the highest bidder and the amount bid by such person.

- ~~C. (c)~~ The city council shall, within thirty days after receiving the report of the city clerk as specified in part subsection (b) of this section, accept or reject the bid of the highest bidder.

12.07.166~~14~~ Conveyance of property to highest bidder.

If the city council accepts the bid of the highest bidder, a deed, conveying the right, title and interest which the city may have in the property, signed by the city manager and the city clerk, shall be given such bidder upon prior payment in cash, by certified check, or by cashier's check, ~~or by money order~~, of the full amount of such bid and any incidental costs pertaining to the transaction.

12.07.167~~15~~ Rejection of bids; minor errors and informalities; failure to of highest bidder to purchase; conveyance to next highest bidder.

The city council may reject any and all bids received. The city council may waive any minor informality or minor error in any bid, but shall not in any case be obligated to do so. If the city council accepts the bid of the highest bidder and such bidder fails within thirty days of such acceptance to pay for the property, the council may rescind its acceptance and accept the bid of the next highest bidder, or reject any and all bids, as it may deem proper.

12.07.168~~116~~ Bid security and other protections.

- A. ~~(a)~~ The city council may require a bid security of all bidders in form and amount which it deems adequate to insure that the successful bidder will pay for the property.
- B. ~~(b)~~ Except for any bidder to whom award is made and who fails to purchase the property, the bid security of each successful bidder shall be returned to such bidder, and the bid security of the successful bidder shall be applied to the purchase price or returned to such bidder after payment of such price as such bidder shall elect.
- C. ~~(c)~~ No bid security shall be returned to a successful bidder who fails to pay for the property as provided in section 12.07.167~~15~~.
- D. ~~(d)~~ The city council may require such other controls and protections as may be deemed proper in order to facilitate the sale of property under this chapter.

12.07.169~~17~~ Independent price determination.

No person submitting any bid or proposal in connection with the sale of real property by City of Sacramento shall:

- A. ~~(a)~~ propose or bid prices which have not been arrived at independently without consultation, communication, or agreement with any other bidder, offeror or competitor for the purpose of restricting competition as to any matter relating to the prices bid or proposed;
- B. ~~(b)~~ unless otherwise required by law, prior to opening of the bids or proposals, knowingly disclose any price bid or proposed to any other bidder, offeror or to any competitor;
- C. ~~(c)~~ make any attempt to induce any other person, firm, or other entity or association to submit or not to submit a bid or proposal for the purpose of restricting competition;
- D. ~~(d)~~ knowingly be interested in more than one bid as the principal bidder.

In the case of joint venture bids, the joint venture and each and every member of the joint venture shall for purposes of the foregoing be construed to be the person submitting the bid or proposal.

Any violation of this section shall be unlawful and a misdemeanor and shall be punished by a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months, or by both such fine and imprisonment. Any bid received or contract awarded where there was a violation of this section shall be a nullity, and the city council shall dispose of the matter in the same manner as if the bidder involved has failed to enter the contract after award.

12.07.17018 Sale of real property without bids.

- A. ~~(a)~~ The city council may, by resolution, provide for the sale of real property without first calling for bids:
 - ~~(1-)~~ When the bid procedures as set forth in this chapter has been used and no bids have been received, or
 - ~~(2-)~~ When it finds that such action will be in the best interest of the city.

B. ~~(b)~~ The resolution provided for in ~~part subsection~~ (a) of this section shall direct the city manager to sell such property on the terms and conditions as may be specified by the council.

C. ~~(c)~~ A deed, conveying the right, title and interest which the city may have in the property, executed by the city manager and the city clerk, shall be given to the purchaser of any property sold pursuant to this section, upon prior payment in cash, by certified check, by cashier's check, or by money order, of the full purchase price and any incidental expenses pertaining to the transaction.

12.07.175~~19~~ Conveyance of land for public purposes.

The city council may, by resolution, convey real property owned by the city to any public body or agency without cost to such body or agency when it finds that the land will be used for a valid public purpose and that such conveyance is in the best interest of the city.

12.07.176~~20~~ to 12.07.17~~29~~ Reserved.

Chapter 12.08. Authority of City Manager.

12.08.183~~0~~ Income or expenditure less than \$5100,000.

~~Subject to the availability of funds, and subject to the procedures, if applicable, specified in~~

(a) ~~Notwithstanding any other provision of this title, the city manager shall have the authority the authority without the need to comply with the competitive bidding procedures specified in this title, to execute any agreement for the purchase, lease or sublease of real property, or disposition by sale or otherwise, lease, or sublease of real property owned by the city, or to enter into any other agreement regarding real property, or to enter into any other agreement covered by this title, where the wherein the amount of the expenditure or income is less than fifty thousand dollars. \$100,000.00 and the agreement relates to:~~

~~(1) the disposition by sale or otherwise, purchase, rental, lease or sublease of real property owned by a private party or by the City;~~

(2) any other agreement regarding real property, or any other agreement covered by this title.

(b) Any such agreement executed by the city manager shall be binding on the city.

12.08.181 on the city.

(c) For purposes of subsection (a) of this section, the expenditure or income with respect to a rental agreement, lease or sublease shall be the actual periodic rental payments required over the entire term of the rental agreement, lease or sublease including any renewal option periods set forth therein, but exclusive of periodic expenses which the tenant is required to pay under the lease, including but not limited to utilities, taxes, insurance, repairs and maintenance.

(d) For purposes of subsection (a) of this section, with respect to the sale of property owned by the city, the following criteria shall apply:

(1) Unless the City Manager determines that it is in the best interest of the City to do otherwise, the property shall be listed on the open market, either by the city manager or designee, or with a licensed real estate broker under a listing agreement executed by the city manager or designee, which agreement may be exclusive or nonexclusive.

(2) The price shall be established based upon a fair market value appraisal, conducted by city staff or under an agreement executed by the city manager or designee with a qualified independent real estate appraiser.

(3) The price as so established shall be less than \$100,000.00.

(4) Normal and usual costs associated with the sale of real property, including but not limited to real estate commission, closing costs, escrow costs, and related costs and fees shall not be taken into account in the process of determining whether the income from the sale of the property is less than \$100,000.00, and

- (5) The entire net income from the sale of the property after reduction for city staff labor reimbursement, if applicable, shall be deposited into the specific City fund which, under City accounting procedures, carries or has carried the parcel or parcels of real estate as an asset of the fund.

12.08.131 Income or expenditure \$5100,000 or more.

Unless otherwise specified in this title, all agreements specified in Section 12.08.1830 involving income or expenditure of ~~fifty thousand dollars~~ \$100,000.00 or more, shall be approved by the city council, for signature by the city manager. The signature by the city manager shall constitute certification that there remains unexpended and unapplied balances of the appropriations or funds applicable thereto sufficient to pay for the estimated expense of executing city's obligations under the agreement.

12.08.132 to 12.08.139 Reserved.

Chapter 12.09: Relinquishment of Unused Public Service Easements.

12.09.140 Findings.

The Sacramento City Council hereby finds and declares as follows:

- (a) Streets and Highways Code Section 8311 provides that the authority and procedures set forth for the abandonment of public service easements in the Public Streets, Highways, and Service Easements Vacation Law (Streets and Highways Code Sections 8300 et seq.) are alternative to other authorities and procedures that are provided by law.
- (b) One such alternative authority is provided by Government Code Sections 66434(g) and 66445(d), which establish alternative procedures for the abandonment of public streets and easements on final subdivision maps and parcel maps.
- (c) Additional alternative procedures should be established for relinquishing the City's public service easements that are not being used and are not needed for future use.

12.09.141 Definitions.

As used in this chapter, the following words and phrases shall have the meaning set forth in this section:

- (a) City utility facility: A facility that is operated by the City to provide public utility service.
- (b) Director: The Director of Public Works for the City of Sacramento, or his or her authorized representative.
- (c) Property owner: The owner of property that is burdened by an unused public service easement relinquished by quitclaim deed pursuant to the procedures established by this chapter.
- (d) Public service easement: Any "public service easement" as that term is defined in Section 8306 of the Streets and Highways Code, as amended, that is owned by the City.
- (e) Public utility facility: A facility operated by a public agency or privately-owned company to provide public utility service, excluding a City utility facility.
- (f) Unused public service easement: A public service easement that has never been used by a public utility facility and is not necessary for present or future use by any City utility facility or public utility facility, and that also meets any additional criteria applicable to a "summary vacation" under Section 8333 of the Streets and Highways Code, as amended.
- (g) Utilities Director: The Director of Utilities for the City of Sacramento, or his or her authorized representative.

12.09.142 Relinquishment of Unused Public Service Easement

The owner of property in the City that is burdened by an unused public service easement may request that the Director relinquish the easement pursuant to this section. Upon verifying ownership of the property, determining that the easement is an unused public service easement as defined herein, and obtaining written consent from the Utilities Director, the Director may execute a quitclaim deed conveying the City's right, title and interest in the unused public service easement to the property owner. The determination whether to execute the quitclaim deed shall be made in the sole discretion of the Director, and the Director's determination shall be final.

12.09.143 Alternative Authority

The procedures set forth in this chapter are intended to provide an alternative to any other authority or procedure provided by law for the abandonment or other disposition of an unused public service easement.

12.09.144 to 12.09.149 Reserved.

s:\oe-rt\oe12.rdl

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

- 29 -

3/14/00

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

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2.4



NEIGHBORHOODS,
PLANNING AND DEVELOPMENT
SERVICES DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 300
SACRAMENTO, CA
95814-2998

PLANNING DIVISION
916-264-5381
916-264-5328 FAX

March 24, 2000

Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

**SUBJECT: ZONING ORDINANCE AMENDMENT RELATED TO RECYCLING FACILITIES
(M99-043)**

ORDINANCE AMENDING CHAPTER 1, SECTION 4-A, CHAPTER 2, SECTION 2-C AND 2-D, AND SECTION 2-E-41 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO (ORDINANCE NO. 99-015, AS AMENDED) TO REVISE THE PERMITTING REQUIREMENTS AND DEVELOPMENT STANDARDS FOR RECYCLING FACILITIES

LOCATION AND COUNCIL DISTRICT: Citywide

RECOMMENDATION: Staff and the City Planning Commission recommends that the Law and Legislation Committee recommend approval of the attached Zoning Ordinance Amendment to revise the permitting requirements and development standards for recycling.

CONTACT PERSON: Barbara Wendt, Senior Planner, 264-5935

FOR COMMITTEE MEETING OF: April 4, 2000

PLANNING COMMISSION ACTION

On March 23, 2000, the Planning Commission voted unanimously to recommend approval of the proposed Zoning Ordinance Amendment.

BACKGROUND INFORMATION: Prior to August, 1999 the Zoning Ordinance allowed some recycling and solid waste facilities to be established without public review or a discretionary



building better neighborhoods block by block

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approval from the City. Changes in the scale of new facilities prompted concern by the City Council and staff about existing regulations. On August 31, 1999, the City Council approved an interim Ordinance to establish a Planning Commission Special Permit approval for new facilities that process over 50 tons of material per day.

Proposed Zoning Ordinance Amendment:

In order to develop a new approach to regulating recycling and solid waste facilities, staff from Planning and the Solid Waste Division observed the operations of many, existing recycling and solid waste facilities in Sacramento. It was determined that new facilities and facility expansions should be subject to operational and development standards and Special Permit approval from either the Planning Commission or the Zoning Administrator.

The elements of the proposed Ordinance Amendment are provided below.

- Recycling and solid waste facilities are redefined as "major" or "minor". A facility would be characterized as "major" if any one of the following criteria applies:
 1. Operation involves 50 tons or more of material per day.
 2. Operation includes on-site stockpiled material of 5,000 tons or more.
 3. Operation includes more than 50 truck trips per day.
 4. The site area exceeds 3 acres.
 5. Operation includes any greenwaste.
- Major facilities would require approval of a Special Permit from the Planning Commission.
- All other recycling and solid waste facilities would be "minor" except "Small Collection Containers". Minor facilities would require approval of a Special Permit from the Zoning Administrator. Small Collection Containers would be approved administratively if specific conditions are met.

Operational and development standards have been established to ensure that facilities will be attractive and well maintained. These standards would be applied to new and expanding facilities. Existing facilities would be required to comply with the operational standards within 120 days of the effective date of the Ordinance Amendment. The standards are listed in Attachment A.

Attachments B and C contain the applicable, amended Zoning Ordinance sections.

FINANCIAL CONSIDERATIONS: The proposed Zoning Ordinance Amendment would result in additional fees from project applications for Planning Commission and Zoning Administrator hearings.

ENVIRONMENTAL CONSIDERATIONS: The proposed Policy is exempt from environmental review pursuant to State CEQA Guidelines (CEQA Section 15061(b)(3)).

POLICY CONSIDERATIONS: The proposed Ordinance adds discretionary review authority for most recycling operations.

MBE/WBE: None

Respectfully submitted

for Wilfred Weitman
Gary Stonehouse, Planning Director
Neighborhood, Planning & Development
Services Dept.

RECOMMENDATION APPROVED:

Betty Masuoka
BETTY MASUOKA
DEPUTY CITY MANAGER

ATTACHMENT A

M99-043

RECYCLING AND SOLID WASTE FACILITY OPERATING STANDARDS

The following standards will be applied to new or expanded facilities. Existing facilities will be required to comply with the operational standards within 120 days of the effective date of the Zoning Ordinance Amendment.

OPERATIONAL STANDARDS

1. Facility owner/operator shall be responsible for removal of all litter generated by the recycling operation. The facility owner/operator shall provide litter control at the entrance(s) of the facility and along the street, sidewalk and setback areas adjacent to the facility.
2. Facility owner/operator shall control dust generated from the facility to the maximum extent feasible as dictated by the City of Sacramento, Solid Waste Division staff. Dust control measures may include misting systems, use of a water truck, manual or mechanical sweeping and use of negative ventilation.
3. Facility owner/operator shall control odors generated by the facility and prevent the migration of odors off-site to the maximum extent feasible as dictated by the City of Sacramento, Solid Waste Division staff. Odor control measures may include misting systems, use of masking agents, containment and use of negative ventilation. Upon the request of City staff, the facility owner /operator shall conduct an odor investigation, provide a written report and correct identified problems.
4. Upon request of a City representative, the facility owner/operator shall attend neighborhood meetings to answer questions about facility operations.
5. Noise levels shall not exceed standards established by the Sacramento City Code.

DEVELOPMENT STANDARDS

1. If necessary to minimize visibility of processing operations and stockpiled or processed materials, the facility owner/operator shall install and maintain fencing and screening around the site. Fencing and screening will conform to the standards in subsection c(2)e(1) of the City Zoning Ordinance.
2. All recyclable materials shall be stored in receptacles, within an on-site building or behind a screened or fenced area to prevent visibility from adjacent roadways and parcels.

3. Landscaping shall be a minimum of 25 feet clear along the frontage of any right of way, including frontage not used as access. Landscaping shall be a mixture of trees, shrubs and (live) groundcover and shall be provided with an automatic irrigation system. The landscaped area shall be free of any obstacles or concrete sidewalks. Exceptions include sidewalks required to attain ADA Handicap Access compliance and some vaults/transformers placed per the requirements of utility companies. Fencing shall not be allowed to encroach into the landscape area. When vehicles overhang, and no wheel stops are provided, the landscaped area must be increased to 27 feet. A six inch raised concrete curb is required at the back of the sidewalk. If the landscape area includes at least 15 feet of turf area to the sidewalk, the concrete curb is not required. The applicant shall submit a detailed landscape and irrigation plan for review and approval.
4. No portion of the facility activities, operations, storage or other work will encroach into the required, established landscaped or setback areas established by the Zoning Ordinance.
5. Any undeveloped area of a site shall be surrounded by a barrier constructed to prohibit access to the area. Barriers may include 6" minimum barrier curbing, bollards, fencing or landscaping.
6. All on-site access areas, tipping areas and sorting areas shall be surfaced with asphalt, concrete or concrete paving.
7. Signs must meet the requirements of the Sign Ordinance for the zone in which the facility is located and must be consistent with the character of the location.
8. Fencing shall be a minimum of 6 feet in height (maximum 8 feet in height) and shall be either solid decorative masonry, solid wood, or shall be vinyl coated chain link fencing with vinyl or redwood slats. Color of the slats shall be unobtrusive and subject to approval prior to installation. Fencing shall be installed behind the required landscaped area.
9. Operating hours shall not exceed 8 A.M. to 7 P.M. when located within 200 feet of a residentially zoned or occupied property.

ATTACHMENT B

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**ORDINANCE AMENDING CHAPTER 1, SECTION 4-A;
CHAPTER 2, SECTION 2-C AND 2-D, AND SECTION 2-E-41
OF THE COMPREHENSIVE ZONING ORDINANCE OF THE
CITY OF SACRAMENTO (ORDINANCE NO. 99-015, AS
AMENDED) TO REVISE THE PERMITTING
REQUIREMENTS AND DEVELOPMENT STANDARDS FOR
RECYCLING AND SOLID WASTE FACILITIES. (M99-043)**

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

SECTION 1

Chapter 1, Section 4-A, of the Comprehensive Zoning Ordinance, Ordinance No. 99-015, as amended, is hereby amended is as follows:

Recycling Facility: A Recycling Facility is a facility for the acceptance of recyclable materials from the general public, other recycling facilities, local government agencies, and other business enterprises. The site is used for the collection, short term storage of, processing and transfer of recycled materials having a residual solid waste of 10% or less of non-putrescent material requiring transport to a land fill. A recycling facility may use portable or permanent equipment to chip, crush, grind, or process recyclable waste products.

The categories of recycling facilities used by this ordinance are:

Small Recyclable-Material Collection Container Facility: ~~A No special permit is required for a Small Collection Container Facility which~~ is a facility for the acceptance (donation, redemption, or sale) of recyclable materials from the public

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DATE ADOPTED _____

which occupies an area of not more than 500 square feet. Such a facility shall not use power-driven processing equipment except as indicated in the Criteria and Standards in Chapter 2 Section 2-E-41.G- Land Use Regulations. Small Collection Container Facilities are: 1) Reverse Vending Machine(s); 2) Mobile Recycling Center(s); 3) 1) Kiosk type units and bulk vending machines, including "igloo" receptacles; or 4) 2) Unattended receptacles placed for the donation of recyclable materials.

Minor Facility: A Minor Facility is one which will require Zoning Administrator Special Permit approval. This facility is characterized by the operating tonnage per day, material stockpiling, truck trips per day, and site area. A Minor Facility cannot accept greenwaste. Refer to Chapter 2, Section 2-E-41 for facility development standards and criteria.

Major Facility: A Major Facility is one which will require Planning Commission Special Permit approval. This facility is characterized by the operating tonnage per day, material stockpiling, truck trips per day, and site area. A Major Facility cannot accept greenwaste. Refer to Chapter 2, Section 2-E-41 for facility development standards and criteria.

Greenwaste Facility: A Greenwaste Facility is one which will require Planning Commission Special Permit approval and is a facility that accepts garden, wood, and other organic waste to reprocess into compost, wood chips, or other products. "Chip and ship" or "chip and grind" facilities are included in this type of facility. Such a facility must meet the criteria and standards listed in Chapter 2 Section 2-E-41. Facilities which receive greenwaste (garden, wood, or other organic waste) for shipment within 48 hours to another facility for re-processing or composting are included in this type of facility. Such a facility may use power-driven processing equipment. as indicated in the Criteria and Standards in Refer to Chapter 2 Section 2-E-41.

Recycling Related Definitions: The following definitions are terms associated with recycling facilities:

Greenwaste: Greenwaste is organic waste generated by landscape, garden or agricultural operations consisting of lawn clippings, tree and shrub prunings, wood, and miscellaneous soil material. This is categorized as material which can be used to process into compost or wood chips for reuse.

Recyclable Material: Recyclable Material is reusable material, including, but not limited to metals, glass, plastic, paper, ~~concrete and organic material~~ which is intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous material.

Solid Waste: Any material consisting of inert, putrescible or non-putrescible material generated by residential, commercial, industrial and agricultural uses. Inert materials generally have no active material which can break down into other forms, therefore considered to not decompose. Putrescible materials are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions. Non-putrescible materials are not easily decomposed into other matter or decomposed into other materials.

Recycling: The following definitions shall pertain to recycling, recycling centers, and recyclable materials:

- b. ~~Reverse Vending Machine:~~ A Reverse Vending Machine is an automated mechanical device which accepts one or more empty beverage containers, including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or redeemable credit slip with a value not less than the container's redemption value, as determined by the State. A reverse vending machine may sort or process containers mechanically provided that the entire process is enclosed within the machine.
- e. ~~Mobile Recycling Center:~~ A Mobile Recycling Center means an automobile, truck, trailer, or van licensed by the State Department of Motor Vehicles, which is used for the collection of recyclable material. A Mobile Recycling Center also means the bins, boxes, or containers transported by trucks, vans, or trailers and used for the collection of recyclable materials.
- e. ~~Large Recyclable Material Collection Facility:~~ A Large Recyclable Material Collection Facility is a facility for the acceptance of recyclable materials from the public which occupies an area larger than 500 square feet. Facilities which receive greenwaste (garden, wood, or other organic waste) for shipment within 48 hours to another facility for re-processing or composting are included in this type of facility. "Chip and ship" or "chip and grind" facilities are not included in this type of facility. Such a facility may use power-driven processing equipment as indicated in the Criteria and Standards in Chapter 2 Section 2.E.41.b.3.

f. ~~Recyclable Material Recovery Facility: A Recyclable Material Recovery Facility is a processing facility that accepts recyclable materials from collection facilities, other material recovery facilities, and the public, processes the materials into a resalable condition, and markets the materials to companies to reuse. Such a facility must meet the Criteria and Standards listed in Chapter 2 Section 2.E.41.b.3.~~

g. ~~Yard Waste/ Composting Facility: A Yard Waste/ Composting Facility is a facility that accepts garden, wood, and other organic waste to reprocess into compost, wood chips, or other products. "Chip and ship" or "chip and grind" facilities are included in this type of facility. Such a facility must meet the Criteria and Standards listed in Chapter 2 Section 2.E.41.b.4.~~

SECTION 2

Chapter 2, Section 2-C and D of the Comprehensive Zoning Ordinance, Ordinance No. 99-015, as amended, is hereby amended by deleting land uses indicated on the matrix below and adding uses to read as follows:

C. COMMERCIAL

USE	R E	R 1	R 1 A	R 1 B	R 2	R 2 A	R 2 B	R 3	R 3 A	R 4	R 5	R M X	R O	O B	E C	H C	SC	C1	C2	C3	C4	M1	M1 S	M2	M2 S	M I P	M R D	H	S P X	T C	A	A C S	P	A R P - F
Recycling- Reverse Vending*																	41 15	41	41	41	41	41	41	41	41									
Recycling- Mobile Ctr*																	41 15					41	41	41	41									
Recycling- Sm Colln Fac*																	41 15					41	41	41	41									
Recycling Facilities																	41 15	41	41	41	41	41	41	41	41						41 72			

D. INDUSTRIAL AND AGRICULTURE - 2

USE	R E	R 1	R 1 A	R 1 B	R 2	R 2 A	R 2 B	R 3	R 3 A	R 4	R 5	R M X	R O	O B	E C	H C	SC	C1	C2	C3	C4	M1	M1 S	M2	M2 S	M I P	M R D	H	S P X	T C	A	A O S	F	A R P P - F
Recycling- Lg Fac ²																					41	41	41 20	41	41 20									
Recycling- MRF ²																					41	41	41 20	41	41 20									
Recycling- Composting																					41	41	41 20	41	41 20									
Recycling Facilities																					41	41	41 20	41	41 20						41 72			

SECTION 3

Chapter 2, Section 2-E-41, Footnotes, of the Comprehensive Zoning Ordinance, Ordinance No. 99-015, as amended, is hereby amended to read as follows:

41. Recycling Facilities: Recycling facilities may be permitted as set forth in the following table. See Chapter 1, Section 4 for applicable definitions. A facility is characterized as a Major Facility, if any one of the following criteria applies:

- Operation involves 50 tons or more of material per day;
- Operation includes on-site stockpiled material of 5,000 tons or more;
- Operation includes more than 50 truck trips per day; and,
- The site area exceeds 3 acres

All other recycling facilities are characterized as "Minor" except the "Small Recyclable Collection Container Facility". Permitting requirements are outlined in the chart below.

Operational and development standards have been developed to ensure that facilities will be attractive and well maintained. These standards shall be applied to existing, new and expanding facilities. Existing facilities are required to comply with the operational standards outlined in subsection (b) below.

Those recycling facilities permitted with a Zoning Administrator's or Planning Commission Special Permit shall comply with the provisions in Chapter 7 Section 5 of this ordinance and the following standards:

Type of Facility	Zones Permitted	Permit Required
<u>Reverse Vending Machines</u> (meeting the standards of paragraph C-1)	SC, C-1, C-2, C-3, C-4, M-1, M-2, M-1(S), M-2(S)	Administrative [must comply with subsection b-1 below]
<u>Small Recyclable Collection Container Facility</u> (other than Reverse Vending Machines meeting the standards of paragraph C-1)	SC, C-1, C-2, C-3, C-4, M-1, M-2, M-1(S), M-2(S)	Administrative <i>Review</i> [must comply with subsection b-2 c below]
<u>Large Recyclable Collection Facility</u> <i>Minor Facility</i>	C-4 M-1, M-2, M-1(S), M-2(S)	Zoning Administrator's Special Permit [must comply with subsection d below] Administrative [must comply with subsection b-3 below]
<u>Recycled Material Recovery Facility</u> (except a Yard Waste/Composting Facility <i>Major Facility</i>)	C-4 M-1, M-2, M-1(S), M-2(S)	Administrative [must comply with subsection b-3 below] <i>Planning Commission Special Permit</i> [must comply with subsection c below]
<u>Yard Waste Composting Facility</u> <i>Greenwaste Facility</i>	A C-4 M-1, M-2, M-1(S), M-2(S)	Zoning Administrator's Special Permit [must comply with subsection c below] <i>Planning Commission Special Permit</i> [must comply with subsection c below]

- a. Permit for Multiple Sites: A single Administrative *Review*, *Zoning Administrator Special Permit*, or *Planning Commission Special Permit* may be granted to allow more than one reverse vending machine installation or small collection facility located on different sites as long as: a) the operator of each of the proposed facilities is the same; b) the proposed facilities are determined by the Zoning Administrator to be similar in nature, size and intensity of activity; and c) all of the applicable criteria and standards set forth in the development standards and/or operational standards paragraph b below are met for each such proposed facility.

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b. Operational Standards: The following standards will be applied to new or expanded facilities, except facilities requiring an Administrative Review. Existing facilities will also be required to comply with the following standards within 120 days of the effective date of the Zoning Ordinance amendment:

1. Facility owner/operator shall provide litter control within public view of the be responsible for removal of all litter generated by the recycling operation. The facility owner/operator shall provide litter control at the entrance(s) of the facility and along the adjacent street, sidewalk and setback areas for a distance of 300' in either direction of the facility entrances(s) adjacent to the facility.
2. Facility owner/operator shall comply with Sacramento Air Quality Management District Standards to control dust within the facility at all times; control dust generated from the facility to the maximum extent feasible as dictated by the City of Sacramento, Solid Waste Division staff. Dust control measures may include misting systems, use of a water truck, manual or mechanical sweeping and use of negative ventilation.
3. Facility owner/operator shall utilize best management practices control odors generated by the facility and prevent the migration of odors off-site to the maximum extent feasible as dictated by the City of Sacramento, Solid Waste Division staff. Odor control measures may include misting systems, use of masking agents, containment and use of negative ventilation. Upon the request of City staff, the facility owner/operator shall conduct an odor investigation, provide a written report and correct identified problems.
4. Upon request of a City representative, the facility owner/operator shall attend neighborhood meetings to answer questions about facility operations.
5. Noise levels shall not exceed 55 dBA as measured at the property line of adjacent residentially zoned or occupied property and otherwise shall not exceed 70 dBA standards established by the Sacramento City Code.

c. Development Standards: The following standards will be applied to new or expanded facilities, except facilities requiring an Administrative Review:

1. If necessary to prevent visibility of processing operations and stockpiled or processed materials, the facility owner/operator will install and maintain fencing around the site.
2. All recyclable materials will be stored in receptacles, within an on-site building, or behind a screened or fenced area to prevent visibility from adjacent roadways and parcels.
3. Landscaping shall be a minimum of 25 feet clear along the frontage of any right of way, including frontage not used as access. Landscaping shall be a mixture of trees, shrubs, and (live) groundcover and shall be provided with an automatic irrigation system. The landscaped area shall be free of any obstacles or concrete sidewalks. Exceptions include sidewalks required to attain ADA Handicap Access compliance and some vaults/transformers placed per the requirements of utility companies. Fencing shall not be allowed to encroach into the landscaping area. When vehicles overhang, and no wheel stops are provided, the landscaped area must be increased to 27 feet. A six inch raised concrete curb is required at the back of the sidewalk. If the landscape area includes at least 15 feet of turf area to the sidewalk, the concrete curb is not required. The applicant shall submit a detailed landscape and irrigation plan for review and approval.
4. No portion of the facility activities, operations, storage, or other work will encroach into the required, established landscaped areas or setback areas established by the Zoning Ordinance.
5. Any undeveloped area of a site shall be surrounded by a barrier constructed to prohibit access to the area. Barriers may include 6" minimum barrier curbing, bollards, fencing, or landscaping.
6. All on-site access areas, tipping areas, staging areas and sorting areas shall be surfaced with asphalt concrete or concrete paving.
7. Signs must meet the requirements in the Sign Ordinance for the zone in which the facility is located and must be consistent with the character of the location.
8. Fencing shall be a minimum of 6 feet in height (maximum 8 feet in height) and shall be either solid decorative masonry, solid wood, or shall be vinyl coated chain link fencing with vinyl or redwood slats.

Color of the slats shall be unobtrusive and subject to approval prior to installation. Fencing shall be installed behind the required landscaped area.

- 9) Operating hours shall not exceed 8 A.M. to 7 P.M. when located within 200 feet of a residentially zoned or occupied property.

d) Development Standards-Administrative Review: The following standards will be applied to new or expanded facilities requiring an Administrative Review. Development Standards: Those recycling facilities permitted with an Administrative Permit shall meet all of the criteria and standards listed below. Those recycling facilities permitted with a Zoning Administrator's or Planning Commission Special Permit shall comply with the provisions in Chapter 7 Section 5 of this ordinance and the following standards:

- 1) Reverse Vending Machines: Reverse Vending Machines shall not require additional parking spaces for recycling customers and may be permitted in all Commercial and Industrial zones with Administrative approval provided that they comply with the following standards:
 - a) Shall be established in conjunction with a Commercial use which is in compliance with City Zoning, Building and Fire Codes;
 - b) Shall be located within 30 feet of the entrance to the Commercial structure and shall not obstruct pedestrian or vehicular circulation;
 - c) Shall not occupy parking spaces required by the primary use and shall be placed on the apron of the host facility when possible;
 - d) Shall occupy no more than 50 square feet of floor space per installation, including any protective enclosure, shall be no more than eight feet in height, and shall consist of no more than one set of machines per host facility;
 - e) Shall be constructed of durable waterproof and rust proof material;
 - f) Shall be clearly marked to identify the type of material to be deposited; operating instructions and the identity and phone number of the operator or responsible person to call if the machine is inoperative;

- ~~g) Shall have a sign area of a maximum of four square feet per machine, exclusive of operating instructions;~~
- ~~h) Shall be maintained in a fully functioning, litter-free, dust-free condition on a daily basis;~~
- ~~i) Shall not have a noise level that exceeds California Occupational Safety and Health Association standards and City Noise Ordinance;~~
- ~~j) Operating hours shall be at least the operating hours of the host use; and~~
- ~~k) Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.~~

1)2) Small Recyclable Material Collection Container Facilities: Small Collection Facilities may be sited in Commercial and Industrial zones with ~~Administrative~~ Administrative Review provided they comply with the following conditions:

- a) Shall be established in conjunction with an existing Commercial use or Community Service Facility which is in compliance with the Zoning, Building and Fire Codes of the City of Sacramento;
- b) Shall be no larger than 500 square feet, and occupy no more than five parking spaces not including spaces that will be periodically needed for removal of materials or exchange of receptacles. No parking spaces required for the primary host use may be occupied by the facility;
- c) Shall be set back at least ten (10) feet from any street or building or shall not be located in any required setback and shall not obstruct pedestrian or vehicular circulation;
- d) Shall accept only glass bottles, metals, plastic containers and papers;
- e) ~~Except for bulk reverse vending machines, Shall use no power-driven processing equipment;~~

- f) Shall use receptacles that are constructed and maintained with durable waterproof and rust proof material, covered when site is not attended, ~~secure from unauthorized entry or removal of material~~ and shall be of a capacity sufficient to accommodate materials collected and collection schedule;
- g) Shall store all recyclable material in receptacles ~~or in the mobile center vehicle~~ and shall not leave materials outside of receptacles when attendant is not present;
- h) Shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or receptacles are removed at the end of each collection day, shall be swept at the end of each collection day;
- ~~i) Shall not exceed noise levels of 55 dBA as measured at the property line of Residentially zoned or occupied property, otherwise shall not exceed 70 dBA;~~
- i) Attended facilities located at community service sites shall be in operation only during the hours between dawn and dusk; and facilities located within 100 feet of a property zoned or occupied for Residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.;
- j) Receptacles shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the recycling enclosure or receptacles;
- k) Materials shall be removed from the facility on a routine basis;
- m) ~~Signs may be provided as follows:~~
 - ~~i) Recycling centers may have identification signs with a maximum of 20 percent per side or sixteen (16) square feet, whichever is smaller, in addition to information signs required in condition 11 above;~~

- ~~ii) Signs must be consistent with the character of the location;~~
- ~~iii) Directional signs, bearing no advertising message, may be installed which are consistent with Sign Ordinance regulations if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way; and~~
- ~~iv) The Zoning Administrator may authorize increases in the number and size of signs upon findings that it is compatible with adjacent businesses:~~
 - l) The facility shall not impair the landscaping required for any concurrent use by this ordinance or any permit issued pursuant thereto;
 - m) No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space will be provided for the attendant, if needed;
 - ~~p) Mobile recycling centers shall have an area clearly marked to prohibit other vehicular parking during hours when mobile center is scheduled to be present; and~~
 - n) Occupation of parking spaces by the facility and by the attendant shall not reduce available parking spaces below the minimum number required for the primary host.
- 3) ~~Large Collection Facility or Material Recovery Facility: Large collection facilities may be sited in the Heavy Commercial zone ; with a Zoning Administrator's Special Permit or in an Industrial (M-1, M-2, M-1S and M-2S) zones with Administrative approval; provided the facility complies with the conditions below. Material recovery facilities may be sited in Industrial zones with Administrative approval provided they comply with the following conditions:~~
 - ~~a) Shall not be located in any setback area and shall meet parking requirements as set forth for warehouse uses in Chapter 3-Section 2.~~
 - ~~d) Shall remove/ ship all greenwaste materials received from the site~~

~~within 48 hours of receipt.~~

~~f) Shall not exceed noise levels of 55 dBA as measured at the property line of Residentially zoned or occupied property, otherwise shall not exceed 70 dBA.~~

~~h) The facility shall not impair any required landscaping.~~

~~i) Signs may be provided as follows:~~

~~i) Signs must meet the requirements in the Sign Ordinance for the zone in which the facility is located;~~

~~ii) Signs must be consistent with the character of the location;~~

~~iii) Directional signs, bearing no advertising message, may be installed which are consistent with Sign Ordinance regulations if necessary to facilitate traffic circulation; and~~

~~iv) The Zoning Administrator may authorize increases in the number and size of signs upon findings that these signs are compatible with adjacent land uses.~~

~~4) Yard Waste Composting Facility: Yard Waste Composting facilities may be sited in Industrial zones with a Planning Commission Special Permit or in an Agriculture zone with a Zoning Administrator's Special Permit provided they comply with the following conditions:~~

~~a) Yard Waste Composting facilities located in the Agriculture zone must have a 25 foot front setback from the public right-of-way and shall be screened from the front or street side of the property with fencing and landscaping.~~

~~b) Yard Waste Composting facilities located in the Agriculture zone may provide the following signs:~~

~~i) One monument sign not to exceed 12 feet in height and not to exceed 32 square feet in sign area;~~

~~ii) Directional signs, bearing no advertising message, may be installed which are consistent with the Sign Ordinance~~

regulations if necessary to facilitate traffic circulation; and

- ~~iii) The Zoning Administrator may authorize increases in the number and size of signs upon findings of fact that these signs are compatible with adjacent land uses.~~
- ~~c) Yard Waste Composting facilities in the Industrial zones must meet the same requirements as the Large Collection and Material Recovery Facilities (section b-3), except:~~
 - ~~i) condition b) in section b-3 does not apply, and~~
 - ~~ii) the composting facility cannot be closer than 200 feet to an adjacent Residentially zoned or occupied property.~~
- e. Temporary Recycling: Temporary recycling operations at manufacturing facilities are permitted with a Zoning Administrator's Special Permit in the C-4, M-1, M-2, M-1(S), and M-2(S) zones. Temporary operations must meet the following criteria:
 - 1. One temporary permit will be issued for a maximum of sixty (60) days per calendar year for a site qualifying as a manufacturing site. No extensions of time will be permitted per site per calendar year.
 - 2. The proposed site for the temporary permit shall comply with all recycling operation standards. Refer to Chapter 2, Section 2-E-41(b).
 - 3. All equipment brought in for the temporary recycling operations shall be removed on or before the last day of the temporary permit.
 - 4. Recycling operations are limited to the recycling of on-site materials that result from normal business operations conducted on the site. Off-site materials are not allowed to be accepted for recycling during the temporary recycling period granted.

SECTION 4

Except as provided otherwise in Sections 1 through 3 above, the provisions of the Zoning Ordinance, including the provisions pertaining to appeal and call-up of decisions of the Zoning Administrator and the Planning Commission, shall apply.

DATE TITLE PUBLISHED IN FULL:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

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FOR CITY CLERK USE ONLY

ORDINANCE NO _____

DATE ADOPTED _____

ATTACHMENT C

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

ORDINANCE AMENDING CHAPTER 1, SECTION 4-A, CHAPTER 2, SECTION 2-C AND 2-D, AND SECTION 2-E-41 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO (ORDINANCE NO. 99-015, AS AMENDED) TO REVISE THE PERMITTING REQUIREMENTS AND DEVELOPMENT STANDARDS FOR RECYCLING AND SOLID WASTE FACILITIES. (M99-043)

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

SECTION 1

Chapter 1, Section 4-A, of the Comprehensive Zoning Ordinance, Ordinance No. 99-015, as amended, is hereby amended is as follows:

Recycling Facility: A Recycling Facility is a facility for the acceptance of recyclable materials from the general public, other recycling facilities, local government agencies, and other business enterprises. The site is used for the collection, short term storage of, processing and transfer of recycled materials having a residual solid waste of 10% or less of non-putrescent material requiring transport to a land fill. A recycling facility may use portable or permanent equipment to chip, crush, grind, or process recyclable waste products.

The categories of recycling facilities used by this ordinance are:

Small Recyclable Collection Container Facility: No special permit is required for a Small Collection Container Facility which is a facility for the acceptance (donation, redemption, or sale) of recyclable materials from the public which occupies an area of not more than 500 square feet. Such a facility shall not use power-driven

processing equipment. Small Collection Container Facilities are: 1) Kiosk type units and g "igloo" receptacles; or, 2) Unattended receptacles placed for the donation of recyclable materials.

Minor Facility: A Minor Facility is one which will require Zoning Administrator Special Permit approval. This facility is characterized by the operating tonnage per day, material stockpiling, truck trips per day, and site area. A Minor Facility cannot accept greenwaste. Refer to Chapter 2, Section 2-E-41 for facility development standards and criteria.

Major Facility: A Major Facility is one which will require Planning Commission Special Permit approval. This facility is characterized by the operating tonnage per day, material stockpiling, truck trips per day, and site area. A Major Facility cannot accept greenwaste. Refer to Chapter 2, Section 2-E-41 for facility development standards and criteria.

Greenwaste Facility: A Greenwaste Facility is one which will require Planning Commission Special Permit approval and a facility that accepts garden, wood, and other organic waste to reprocess into compost, wood chips, or other products. "Chip and ship" or "chip and grind" facilities are included in this type of facility. Such a facility must meet the criteria and standards listed in Chapter 2 Section 2-E-41. Facilities which receive greenwaste (garden, wood, or other organic waste) for shipment to another facility for re-processing or composting are included in this type of facility. Such a facility may use power-driven processing equipment. Refer to Chapter 2 Section 2-E-41:

Recycling Related Definitions: The following definitions are terms associated with recycling facilities:

Greenwaste: Greenwaste is organic waste generated by landscape, garden or agricultural operations consisting of lawn clippings, tree and shrub prunings, wood, and miscellaneous soil material. This is categorized as material which can be used to process into compost or wood chips for reuse.

Recyclable Material: Recyclable Material is reusable material, including, but not limited to metals, glass, plastic, paper, concrete and organic material which is intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous material.

Solid Waste: Any material consisting of inert, putrescible or non-putrescible material generated by residential, commercial, industrial and agricultural uses. Inert materials generally have no active material which can break down into other forms,

therefore considered to not decompose. Putrescible materials are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions. Non-putrescible materials are not easily decomposed into other matter or decomposed into other materials.

SECTION 2

Chapter 2, Section 2-C and D of the Comprehensive Zoning Ordinance, Ordinance No. 99-015, as amended, is hereby amended by deleting land uses indicated on the matrix below and adding uses to read as follows:

C. COMMERCIAL

USE	R E	R 1	R 1 A	R 1 B	R 2	R 2 A	R 2 B	R 3	R 3 A	R 4	R 5	R M X	R O	O B	E C	H C	SC	C1	C2	C3	C4	M1	M1 S	M2	M2 S	M I P	M R D	H	S P X	T C	A	A C S	F	A R P - F
Recycling Facilities																	41 15	41	41	41	41	41	41 20	41	41						41 72			

D. INDUSTRIAL AND AGRICULTURE - 2

USE	R E	R 1	R 1 A	R 1 B	R 2	R 2 A	R 2 B	R 3	R 3 A	R 4	R 5	R M X	R O	O B	E C	H C	SC	C1	C2	C3	C4	M1	M1 S	M2	M2 S	M I P	M R D	H	S P X	T C	A	A C S	F	A R P - F
Recycling Facilities																					41	41	41 20	41	41						41 72			

SECTION 3

Chapter 2, Section 2-E-41, Footnotes, of the Comprehensive Zoning Ordinance, Ordinance No. 99-015, as amended, is hereby amended to read as follows:

41. **Recycling Facilities:** Recycling facilities may be permitted as set forth in the following table. See Chapter 1, Section 4 for applicable definitions. A facility is characterized as a Major Facility, if any one of the following criteria applies:

- Operation involves 50 tons or more of material per day;
- Operation includes on-site stockpiled material of 5,000 tons or more;
- Operation includes more than 50 truck trips per day; and,

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DATE ADOPTED _____

- The site area exceeds 3 acres

All other recycling facilities are characterized as "Minor" except the "Small Recyclable Collection Container Facility". Permitting requirements are outlined in the chart below.

Operational and development standards have been developed to ensure that facilities will be attractive and well maintained. These standards shall be applied to existing, new and expanding facilities. Existing facilities are required to comply with the operational standards outlined in subsection (b) below.

Those recycling facilities permitted with a Zoning Administrator's or Planning Commission Special Permit shall comply with the provisions in Chapter 7 Section 5 of this ordinance and the following standards.

<u>Type of Facility</u>	<u>Zones Permitted</u>	<u>Permit Required</u>
<u>Small Recyclable Collection Container Facility</u>	SC, C-1, C-2, C-3, C-4, M-1, M-2, M-1(S), M-2(S)	Administrative Review [must comply with subsection c below]
Minor Facility	C-4 M-1, M-2, M-1(S), M-2(S)	Zoning Administrator's Special Permit [must comply with subsection d below]
Major Facility	C-4 M-1, M-2, M-1(S), M-2(S)	Planning Commission Special Permit [must comply with subsection c below]
Greenwaste Facility	A	Zoning Administrator's Special Permit [must comply with subsection c below]
	C-4 M-1, M-2, M-1(S), M-2(S)	Planning Commission Special Permit [must comply with subsection c below]

- a. Permit for Multiple Sites: A single Administrative Review, Zoning Administrator Special Permit, or Planning Commission Special Permit may be granted to allow more than one facility located on different sites as long as:
- 1) the operator of each of the proposed facilities is the same;
 - 2) the proposed facilities are determined to be similar in nature, size and intensity of activity; and,
 - 3) all of the applicable criteria and standards set forth in the development standards and/or operational standards below are met for each such proposed facility.
- b. Operational Standards: The following standards will be applied to new or expanded facilities except facilities requiring an Administrative Review. Existing facilities will also be required to comply with the following standards within 120 days of the effective date of the Zoning Ordinance amendment:
1. Facility owner/operator shall be responsible for removal of all litter generated by the recycling operation. The facility owner/operator shall provide litter control at the entrance(s) of the facility and along the street, sidewalk and setback areas adjacent to the facility.
 2. Facility owner/operator shall control dust generated from the facility to the maximum extent feasible as dictated by the City of Sacramento, Solid Waste Division staff. Dust control measures may include misting systems, use of a water truck, manual or mechanical sweeping and use of negative ventilation.
 3. Facility owner/operator shall control odors generated by the facility and prevent the migration of odors off-site to the maximum extent feasible as dictated by the City of Sacramento, Solid Waste Division staff. Odor control measures may include misting systems, use of masking agents, containment and use of negative ventilation. Upon the request of City staff, the facility owner /operator shall conduct an odor investigation, provide a written report and correct identified problems.
 4. Upon request of a City representative, the facility owner/operator shall attend neighborhood meetings to answer questions about facility operations.
 5. Noise levels shall not exceed standards established by the Sacramento City Code.

f. Development Standards: The following standards will be applied to new or expanded facilities, except facilities requiring an Administrative Review:

1. If necessary to prevent visibility of processing operations and stockpiled or processed materials, the facility owner/operator will install and maintain fencing around the site.
2. All recyclable materials will be stored in receptacles, within an on-site building, or behind a screened or fenced area to prevent visibility from adjacent roadways and parcels.
3. Landscaping shall be a minimum of 25 feet clear along the frontage of any right of way, including frontage not used as access. Landscaping shall be a mixture of trees, shrubs, and (live) groundcover and shall be provided with an automatic irrigation system. The landscaped area shall be free of any obstacles or concrete sidewalks. Exceptions include sidewalks required to attain ADA Handicap Access compliance and some vaults/transformers placed per the requirements of utility companies. Fencing shall not be allowed to encroach into the landscaping area. When vehicles overhang, and no wheel stops are provided, the landscaped area must be increased to 27 feet. A six inch raised concrete curb is required at the back of the sidewalk. If the landscape area includes at least 15 feet of turf area to the sidewalk, the concrete curb is not required. The applicant shall submit a detailed landscape and irrigation plan for review and approval.
4. No portion of the facility activities, operations, storage, or other work will encroach into the required, established landscaped areas or setback areas established by the Zoning Ordinance.
5. Any undeveloped area of a site shall be surrounded by a barrier constructed to prohibit access to the area. Barriers may include 6" minimum barrier curbing, bollards, fencing, or landscaping.
6. All on-site access areas, tipping areas, staging areas and sorting areas shall be surfaced with asphalt concrete or concrete paving.
7. Signs must meet the requirements in the Sign Ordinance for the zone in which the facility is located and must be consistent with the character of the location.

8. Fencing shall be a minimum of 6 feet in height (maximum 8 feet in height) and shall be either solid decorative masonry, solid wood, or shall be vinyl coated chain link fencing with vinyl or redwood slats. Color of the slats shall be unobtrusive and subject to approval prior to installation. Fencing shall be installed behind the required landscaped area.
 9. Operating hours shall not exceed 8 A.M. to 7 P.M. when located within 200 feet of a residentially zoned or occupied property.
- d. Development Standards-Administrative Review: The following standards will be applied to new or expanded facilities requiring an Administrative Review:
1. Small Recyclable Collection Container Facilities: Small Collection Facilities may be sited in Commercial and Industrial zones with Administrative Review provided they comply with the following conditions:
 - a) Shall be established in conjunction with an existing Commercial use or Community Service Facility which is in compliance with the Zoning, Building and Fire Codes of the City of Sacramento;
 - b) Shall be no larger than 500 square feet, and occupy no more than five parking spaces not including spaces that will be periodically needed for removal of materials or exchange of receptacles. No parking spaces required for the primary host use may be occupied by the facility;
 - c) Shall be set back at least ten (10) feet from any street or building or shall not be located in any required setback and shall not obstruct pedestrian or vehicular circulation;
 - d) Shall accept only glass bottles, metals, plastic containers and papers;
 - e) Shall use no power-driven processing equipment;
 - f) Shall use receptacles that are constructed and maintained with durable waterproof and rust proof material, covered when site is not attended, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;

- g) Shall store all recyclable material in receptacles and shall not leave materials outside of receptacles when attendant is not present;
 - h) Shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or receptacles are removed at the end of each collection day, shall be swept at the end of each collection day;
 - i) Attended facilities located at community service sites shall be in operation only during the hours between dawn and dusk; and facilities located within 100 feet of a property zoned or occupied for Residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.;
 - j) Receptacles shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the recycling enclosure or receptacles;
 - k) Materials shall be removed from the facility on a routine basis;
 - l) The facility shall not impair the landscaping required for any concurrent use by this ordinance or any permit issued pursuant thereto;
 - m) No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space will be provided for the attendant, if needed;
 - n) Occupation of parking spaces by the facility and by the attendant shall not reduce available parking spaces below the minimum number required for the primary host.
- e. Temporary Recycling: Temporary recycling operations at manufacturing facilities are permitted with a Zoning Administrator's Special Permit in the C-4, M-1, M-2, M-1(S), and M-2(S) zones. Temporary operations must meet the following criteria:

1. One temporary permit will be issued for a maximum of sixty (60) days per calendar year for a site qualifying as a manufacturing site. No extensions of time will be permitted per site per calendar year.
2. The proposed site for the temporary permit shall comply with all recycling operation standards. Refer to Chapter 2, Section 2-E-41(b).
3. All equipment brought in for the temporary recycling operations shall be removed on or before the last day of the temporary permit.
4. Recycling operations are limited to the recycling of on-site materials that result from normal business operations conducted on the site. Off-site materials are not allowed to be accepted for recycling during the temporary recycling period granted.

SECTION 4

Except as provided otherwise in Sections 1 through 3 above, the provisions of the Zoning Ordinance, including the provisions pertaining to appeal and call-up of decisions of the Zoning Administrator and the Planning Commission, shall apply.

DATE TITLE PUBLISHED IN FULL:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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FOR CITY CLERK USE ONLY

ORDINANCE NO. _____
DATE ADOPTED _____



2.5

THOMAS V. LEE
DEPUTY CITY MANAGER
DOWNTOWN DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

1030 15TH STREET
SUITE 250
SACRAMENTO, CA
95814-1009

PH 916-264-8109
FAX 916-264-7279

March 23, 2000

Law & Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: State of California Cemetery Legislation –
Assembly Bill 1779 (AB 1779) Support Letter

LOCATION AND COUNCIL DISTRICT: Council District 4
Old City Cemetery, 10th and Broadway

RECOMMENDATION:

It is recommended that the Law and Legislation Committee review and recommend for City Council approval the attached proposed letter of support for a California State Legislature bill pertaining to cemeteries, Assembly Bill 1779 (AB 1779).

CONTACT PERSON: James E. Henley, Manager
History and Science Division, 264-7072

FOR COMMITTEE MEETING OF: April 4, 2000

SUMMARY:

This report provides information on a bill now active before the California State Legislature, Assembly Bill 1779 (AB 1779). As this bill pertains to cemeteries, it is therefore of interest to the City Council because its defeat or success in the Legislature will have consequences for the Old City Cemetery.

AB 1779, if passed, would establish the California Pioneer Cemetery Commission, a seven-member commission responsible for, among other duties, providing guidance and support for local organizations involved in pioneer cemetery restoration,

preservation and protection, and for creating and maintaining a state registry of pioneer cemeteries. The bill would also define a pioneer cemetery as a public cemetery with six or more burial sites dating before January 1, 1901.

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND INFORMATION:

The Old City Cemetery is not only an important link to the social and cultural history of the Sacramento area and the State of California, but is also a part of the City's present. Burials still take place in this venerable cemetery and families still visit their loved ones within the cemetery walls.

The City has devoted many hours and dollars to preserving and protecting this valuable resource. The restoration made necessary by the vandalism of the 1990's illuminated the City's commitment to this institution. The ongoing security measures make clear the public's continued interest in the welfare of the Old City Cemetery.

The adoption of AB 1779 would secure the preservation and restoration of pioneer cemeteries, thus ensuring that this important aspect of the history of California be safeguarded for posterity. The Commission, to be composed of members of a local historical society, an organization of military veterans and an organization of the clergy will provide a balanced perspective on issues relating to pioneer cemeteries.

FINANCIAL CONSIDERATIONS:

There are no financial consequences anticipated as a result of the passage of this bill.

ENVIRONMENTAL CONSIDERATIONS:

The actions recommended in this report are exempt from CEQA review pursuant to Section 15378(3) (b) (1), "Proposals for legislation to be enacted by the State Legislature".

POLICY CONSIDERATIONS:

In supporting this State bill, the City honors its commitment to equal access and efficient management of a public facility without increased cost to the City.

ESBD CONSIDERATIONS:

None. No goods or services are being purchased.

Respectfully submitted,



Thomas V. Lee, Director
Downtown Enterprise Department

RECOMMENDATION APPROVED:



Betty Masuoka
Deputy City Manager

The Honorable Anthony Pescetti
State Capitol Building
Sacramento, CA 95814

SUBJECT: Assembly Bill 1779

Dear Assemblyman Pescetti:

On behalf of the City of Sacramento, I am writing to express our support of Assembly Bill 1779 in its current form.

This bill, if passed, would establish the California Pioneer Cemetery Commission with a specified membership appointed by the Governor, and prescribed duties related to pioneer cemeteries. The bill would also define a pioneer cemetery as a public cemetery with six or more burial sites dating before January 1, 1901.

The adoption of this bill would secure the preservation and restoration of pioneer cemeteries, thus ensuring that this important aspect of the history of California be safeguarded for posterity. The Commission, to be composed of members of a local historical society, an organization of military veterans and an organization of the clergy will provide a balanced perspective on issues relating to pioneer cemeteries.

Thank you for your support of this important bill.

>

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BILL NUMBER: AB 1779 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY MARCH 20, 2000

INTRODUCED BY Assembly Member Pescetti
(Coauthors: Assembly Members Bates, Cox, Cunneen,
McClintock, Oller, and Zettel)
(Coauthor: Senator Ortiz)

JANUARY 25, 2000

An act to add Chapter 4.5 (commencing with Section 8116) to Part 1 of Division 8 of the Health and Safety Code, relating to cemeteries.

LEGISLATIVE COUNSEL'S DIGEST

AB 1779, as amended, Pescetti. Cemeteries.

Existing law regulates cemeteries, including public cemeteries. Existing law defines a public cemetery as a cemetery owned and operated by a city, county, city and county, or public cemetery district.

This bill would establish the California ~~Pioneer~~ Historic Cemetery Commission with a specified membership appointed ~~by the Governor~~ as provided under the bill, and with prescribed duties related to ~~pioneer~~ historic cemeteries. The bill would define a ~~pioneer~~ historic cemetery ~~as a public cemetery with six or more historic burial sites dating before January 1, 1901~~ for purposes of this bill.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 4.5 (commencing with Section 8116) is added to Part 1 of Division 8 of the Health and Safety Code, to read:

CHAPTER 4.5. CALIFORNIA PIONEER CEMETERY COMMISSION

8116. (a) The California ~~Pioneer~~ Historic Cemetery Commission is hereby established.

(b) The commission shall consist of seven ~~members~~ appointed ~~by the Governor~~ members. Three members shall be appointed by the Governor, two members shall be appointed by the Senate Committee on Rules, and two members shall be appointed by the Speaker of the Assembly. The appointments shall be derived from a list of nominations provided by local historical societies and volunteer groups involved in the restoration and maintenance of historic cemeteries.

(c) Members shall hold office for a term of four years. Three appointments shall each be for initial terms of two years and thereafter each of these three appointments shall be renewed for a four-year term.

(d) (1) Each member shall have knowledge and background

in cemetery maintenance and restoration or background in service to a local historical society. ~~At~~

(2) At least one member shall be ~~a~~
as follows:

(A) A representative of an organization of military veterans. ~~At least one member shall be a~~

(B) A representative of an organization of the clergy.

(C) A representative of a public cemetery district.

(3) At least one member shall be as follows:

(A) A resident in northern California, bordered on the south by the Counties of Marin, Napa, Solano, Yolo, Sacramento, Amador, and Alpine.

(B) A resident in central California, bordered on the south by the Counties of Ventura, Kern, and Inyo.

(C) A resident of southern California.

(4) No member shall serve who owns or is employed by a private cemetery or corporation of private cemeteries.

8116.1. (a) The commission shall meet at the times and in the places that it may deem necessary to fulfill its responsibilities. Four members of the commission shall constitute a quorum.

(b) The commission shall elect annually from its members a chairperson and vice-chairperson.

(c) The members shall serve without compensation. However, each member of the commission shall be reimbursed for travel expenses incurred in the performance of the member's duties while serving on the commission.

8116.2. The commission shall have all of the following duties:

(a) Resolve issues regarding the jurisdiction of pioneer cemeteries and establish responsibility for the care of these cemeteries.

(b) Create and maintain a state registry of ~~pioneer~~ historic cemeteries. The registry information shall be available on an Internet website accessible to the public.

(c) Explore opportunities to develop the Internet website established pursuant to subdivision (b) into an educational tool on California history and cemeteries.

(d) Provide guidance and support for local organizations involved in ~~pioneer~~ historic cemetery restoration, preservation, and protection.

(e) Make recommendations to the Legislature regarding all of the following:

(1) Projects and funding to ~~restore pioneer~~ protect, preserve, and restore historic cemeteries.

(2) How to clarify, unify, ~~and strengthen~~ strengthen, and enforce existing laws regarding ~~pioneer~~ historic cemeteries.

~~(f) Whether to create~~

(3) Create a historical landmark program for ~~pioneer~~ historic cemeteries.

8116.3. For purposes of this chapter, ~~"pioneer cemetery"~~ means ~~a public cemetery with six or more burial sites dating before January 1, 1901.~~ "historic cemetery" means a cemetery containing the remains of six or more human beings buried before January 1, 1931, that is not a private cemetery licensed by the Department of Consumer Affairs. A historic cemetery shall include all cemeteries described in this section without regard to the race, sex, color, or ethnic origin of those interred at those cemeteries.