

ORDINANCE NO. 91-092

ADOPTED BY THE SACRAMENTO CITY COUNCIL

DEC 17 1991

ON DATE OF _____

AN ORDINANCE AMENDING SECTIONS 8 AND 25 OF THE
COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO
(ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED)
RELATING TO APPLICATIONS, PRELIMINARY REVIEW,
AND EARLY POLICY REVIEW OF PROJECTS

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

SECTION 1

Section 25 of the Zoning Ordinance of the City of Sacramento is hereby amended to add the following:

SECTION 25: APPLICATIONS

H. EARLY POLICY REVIEW PROCESS

1. Purpose and Scope of Review: The purpose of the Early Policy Review is to provide a preliminary screening process to consider major policy issues presented by private projects. Early Policy Review should be guided by the following parameters:
 - a. The screening process should consider major policy and land use issues including, but not limited to, the following:
 - 1) the appropriateness of the proposed land use concept;
 - 2) the relationship between the proposed project and existing or proposed plans, policies, and goals pertaining to the subject site and the area in which it is located; and

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- 3) the appropriateness of any special financing mechanisms or potential public subsidy.
 - b. The Early Policy Review should be limited to consideration of major policy and land use issues. Detailed site planning, design and environmental issues will not be reviewed at this stage, but should be addressed as the project proceeds through the standard application review process.
2. Type of Projects Subject to Early Policy Review: To be eligible for Early Policy Review, proposed projects presenting significant policy issues should meet both minimum potential size and policy issue criteria set forth below; provided that the Planning Director or City Council may, in their discretion, allow for or require Early Policy Review of projects that meet either of the criteria.
- a. Minimum Potential Size Criteria: The project should potentially encompass a minimum size of:
 - (1) 40,000 square feet of building area for a non-residential project outside of the Central Business District; or
 - (2) 75,000 square feet of building area for a non-residential project within the Central Business District; or
 - (3) 100 residential dwelling units.
 - b. Policy Issue Criteria: The project should require an entitlement involving significant land use policy issues. Examples of such policy issues would include a major change in land use, involving General Plan or community Plan issues, significant change in the quantity or quality of housing stock, a change in the density or intensity of development, or significant infrastructure or financial impacts.
3. Initiation of Early Policy Review Process: The Early Policy Review Process may be initiated by the applicant with the concurrence of the Planning Director, or by the City Council.
- a) Applicant Initiation: An applicant may request Early Policy Review prior to filing of a formal project application or within ninety days of the application being determined or deemed to be complete, or prior

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to the commencement of circulation of the Negative Declaration or draft Environmental Impact Report, whichever occurs first. The Planning Director is responsible for determining whether or not the project meets the policy issue criteria, as defined in subsection (2) below, and whether it should undergo Early Policy Review.

- (1) If the Planning Director concurs that the project should go through the Early Policy Review process, then the Planning Director shall schedule the matter for Early Policy Review before the Planning Commission to commence within 60 days, with subsequent meetings to follow before the Housing and Redevelopment Commission, or City Council.
 - (2) If the Planning Director does not concur that the project should go through the Early Policy Review process, a written explanation will be provided by the Planning Director to the applicant within 14 days of the completed Early Policy Review application, as to why the project is not suitable for Early Policy Review. A copy of the explanation shall be provided to each Councilmember. The Council thereafter may initiate the Early Policy Review by majority vote pursuant to subparagraph b below.
- b) Council Initiation: The City Council may initiate the Early Policy Review process, either when the Planning Director has denied an applicant's request for Early Policy Review or when the Council determines that an Early Policy Review hearing is warranted absent an Early Policy Review application.
- (1) Council Initiation Following Planning Director's Denial: If the Planning Director denies the application for Early Policy Review, pursuant to Section 25-H-3-a-2, one or more Councilmembers may request Early Policy Review within 30 days after the Planning Director's denial of the request for Early Policy Review. The City Council shall determine whether to require Early Policy Review for the project pursuant to the procedure set forth in subparagraph (3) below. .

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- (2) Council Initiation Absent Early Policy Review Application: If the applicant does not request Early Policy Review, the Planning Director or an individual Councilmember may request, at any time within 30 days after a formal project application is determined or deemed to be complete, that the Council initiate the Early Policy Review process for a proposed project. The City Council shall determine whether to require Early Policy Review for the project pursuant to the procedure set forth in subparagraph (3) below.
 - (3) Hearing to Initiate Early Policy Review: The Planning Director will schedule at the earliest convenient date following the receipt of a request by one or more Councilmembers that a project be subject to the Early Policy Review process or upon a determination by the Planning Director that Early Policy Review would be appropriate for a project, the issue of whether a project should be reviewed under the Early Policy Review process. The sole issue to be decided by the Council is whether the project should be reviewed under the Early Policy Review process. No other public notice other than the notice required by the Brown Act (Government Code Section 54950 through 54962) shall be required for this hearing.
 - (4) Scheduling for Early Policy Review Hearing: If the City Council decides that Early Policy Review of the project is appropriate, the Planning Director shall schedule the matter for Early Policy Review before the Planning Commission to commence within 60 days, with subsequent meetings to follow before the Housing and Redevelopment Commission, or City Council.
4. Contents of the Early Policy Review Application: An applicant seeking Early Policy Review shall complete an Early Policy Review Application which shall include:
- a. Name/Address of Applicant, Owner
 - b. Location [Address, Assessor's Parcel Number, Vicinity Map]

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- c. Description of Site [Acreage, Vacant/Developed]
 - d. Adjacent Land Uses
 - e. 500' Radius Property Ownership Map & Mailing List
 - f. Statement of Intent including Square feet, Height, Density/Intensity, identification of major policy issues, description of how and why the plan supports or varies from existing policy, and description of benefits and potentially negative aspects of projects and how the project satisfies or conflicts with public objectives
 - g. Illustrative Site Plan [Schematic Plan, Building envelope, Parking area, landscaping, plazas, Relationship to street/transit circulation]
 - h. Signed form which notifies applicant that the Council's action is non-binding.
 - i. Such additional information and documentation as the Planning Director determines to be necessary and appropriate
 - j. Payment of fees
5. Public Noticing: Public Notice of Early Policy Review of a Major Project shall be published at least 10 days in advance of each hearing. Notice of a hearing shall be sent to all property owners within a 500' radius. The Planning Director shall endeavor to notify affected groups and community groups. Failure of any person to receive notice shall not affect the validity of the hearing held pursuant to the provisions of this section, nor prevent the City Planning Commission or the City Council from proceeding with any such hearing.
6. Commission and Council Hearing Procedures: The Planning Commission shall conduct a hearing for all projects undergoing Early Policy Review. If the project is located in a redevelopment project area or is a project sponsored by the Redevelopment Agency, then a hearing shall also be heard conducted by the Housing and Redevelopment Commission. Following the hearings before the Commission(s), the City Council shall conduct a hearing for all projects undergoing Early Policy Review.

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7. Commission/Council Disposition:

- a. Staff Reports: The City Planning and Redevelopment Agency staffs shall prepare a report concerning identified major policy issues to the Commission(s). The report to the Council shall include, as appropriate, comments from the Commission(s) and public testimony.
- b. Commission Action: The City Planning Commission and Housing and Redevelopment Commission shall provide comments and recommendations to the City Council.
- c. Council Decision or Recommendation: Upon completion of the Early Policy Review hearing, the Council may, but need not, vote to take one or more of the following actions:
 - 1) To allow the project to proceed, as proposed, for further processing through the normal application review process;
 - 2) For projects requiring one or more amendments of the general Plan, or a Community Plan, the Council may vote not to allow the application to proceed through the normal application process. If the City Council votes not to allow an application to proceed pursuant to this provision, then no new application for the same or substantially similar project or use at the same location that would require the same amendments to the General Plan or a community plan shall be submitted for a period of one year following the date of Council decision;
 - 3) To advise the applicant that there are, or appear to be, conflicts with one or more specified land use plans or other policies that the City has either adopted or has under consideration, and to recommend that the applicant modify the project under consideration to address these conflicts or potential conflicts before going through the normal application process;

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- 4) To request that staff consider the possible amendment of one or more adopted policies, and to report back to the City Council within a reasonable period of time on the overall consequences of any possible modifications to policy.

The Council may limit their action to discussing the project. If the Council does not vote to take any action, then the project shall be allowed to proceed as proposed, for further processing through the normal application review process.

8. Effect of Commission/Council "Action": Neither the Commission nor Council may approve or tentatively approve a project without adequate environmental review and without the standard review and public hearing process, and no action taken by the Commissions or City Council under the Early Policy Review process shall constitute approval or tentative approval of a project. **AUTHORIZATION TO PROCEED THROUGH THE FORMAL REVIEW PROCESS DOES NOT IMPLY ULTIMATE APPROVAL OF THE PROJECT.** Nothing in this Section is intended to mean or to imply that a project not reviewed under the Early Policy Review process may not conflict with one or more land use plans or other policies. Further, nothing in this Section is intended to prevent the Planning Commission, Housing and Redevelopment Commission, or City Council, from concluding, upon further consideration during the normal review process, that the project is not in conflict with the provisions of one or more land use plans or other policies, even though a different preliminary conclusion may have been reached during the Early Policy Review process.
9. Resubmittal of Application for Early Policy Review: If an application for Early Policy Review is denied, no new application for Early Policy Review of the same or substantially similar project or use at the same location shall be submitted for a period of one year following the effective date of denial of the application. For purposes of this provision, the effective date of denial shall be the date on which the City Council votes to deny Early Policy Review, or, if there is no vote by the City Council on the issue of whether a project should be subject to Early Policy Review, the date on which the Planning Director provided the explanation as to why the application for Early Policy Review was denied.
10. Fee for Service: The Early Policy Review will be subject to the necessary filing and investigation fees as established in the Fee and Charge Report.

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SECTION 2

Section 8-E-4 of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 8: PLANNED UNIT DEVELOPMENTS

E. PLANNED UNIT DEVELOPMENT PROJECTS

4. Preliminary Review: Preliminary plans shall be submitted to the Planning Director for preliminary review prior to submission of an application for a Special Permit. The contents and process for preliminary review are set forth in Section 25-G of the Zoning Ordinance.

SECTION 3

Section 25 of the Zoning Ordinance of the City of Sacramento is hereby amended to add the following:

SECTION 25: APPLICATIONS

G. STAFF PRELIMINARY REVIEW:

1. Planning staff shall perform a preliminary review of projects under the following circumstances:
 - a) Special Permit entitlements for projects in a PUD require staff preliminary review [see Zoning Code Section 8-E-4].
 - b) Major projects outside of PUDs are offered the optional service of staff preliminary review.
2. Contents of the Application for Preliminary Staff Review: The application shall include an overall schematic plan designating the location of proposed land uses, general description of the types and intensities of uses, building elevations, heights, square footage, parking, acreage proposed for each parcel, and the proposed traffic circulation system.

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3. Written Comments: Staff shall review all aspects of the application including policy, site design, and building design. Staff shall provide a written summary of comments to the applicant.
4. Fees: The Staff Preliminary Review will be subject to the necessary filing and investigation fees as established in the Fee and Charge Report.

SECTION 4

Section 25 of the Zoning Ordinance of the City of Sacramento is hereby amended to re-number, re-title, and modify the existing text as follows:

SECTION 25: APPLICATIONS

A. SUBMITTAL OF APPLICATIONS:

1. All applications for entitlements described in this Ordinance shall be in writing and shall be filed in the office of the Planning Director upon forms provided by the City.
2. Each application shall be accompanied by appropriate fees, plans, specifications and other information required by the Planning Director or the Environmental Coordinator. Any application relating to the use of a specific parcel of property shall include a description of the present use and all existing trees and other natural features. The Commission or Council may, by Resolution, specify information to be included with applications for particular types of projects.

B. ACCEPTANCE OF APPLICATIONS:

1. Except as required otherwise by the Permit Streamlining Act (Government Code Sections 65920 et seq.) for development projects, no application shall be deemed to be accepted as complete until the Planning Director has determined that all required information has been provided and the application is certified as complete pursuant to this section.

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2. Within 30 days after the submittal of an application and payment of all initial filing fees, the Director and the Environmental Coordinator shall determine if additional information is necessary and shall provide, or attempt to provide written notice to the applicant of the requirement for such additional information or shall inform the applicant that the application is complete.

C. REQUESTS FOR FURTHER INFORMATION - WITHDRAWAL OF APPLICATION

1. If the Planning Director determines that further information is required, he shall so inform the applicant the information requested.
2. Except as otherwise provided by the Permit Streamlining Act for development projects, or unless an appeal is filed pursuant to section 25-C-3 below, an applicant shall provide requested information to the Planning Director within thirty days after such information has been requested unless a different time period has been mutually agreed to between the applicant and the Director. In the event of an appeal to the Planning Commission pursuant to subparagraph 25-E below, any additional information that is determined to be necessary to render an application complete shall be submitted within thirty (30) days of the date of the decision on the appeal, unless the Planning Commission specifies a longer period of time.
3. Except as otherwise provided in subsection 25-C-2 above, any application shall be deemed withdrawn if the information requested has not been provided within the time specified in subsection 25.C.2. The applicant shall be entitled to a refund of those portions of the fees, if any which were deposited with the City for performance of services or payment of costs that have not yet been performed or incurred.
4. Except as provided otherwise by the Permit Streamlining Act for development projects, the Planning Director may request further information pursuant to this section based upon any change in the project, any change in the circumstances applicable to the project or if so directed by the Commission, Council, or other governmental body having jurisdiction by law over the project. The foregoing application withdrawal provisions shall also apply to request for information pursuant to this section.

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D. EXTENSIONS OF TIME:

Except as provided otherwise by the Permit Streamlining Act for development projects, nothing in this paragraph shall prevent an applicant and the City from mutually agreeing to an extension of any time limit provided by this paragraph. Any extensions of time shall be approved on behalf of the City by the Planning Director.

E. APPEALS:

Any applicant dissatisfied with a determination of the Planning Director or Environmental Coordinator as to the completeness of an application may appeal such determination to the Planning Commission. The determination of the Planning Commission on an appeal pursuant to this subsection shall be final and not subject to further appeal.

1. **Notice of Appeal:** An appeal pursuant to this subsection shall be made by filing a notice of appeal with the Secretary of the Planning Commission within ten (10) calendar days of the date of mailing of the determination of the Planning Director or Environmental Coordinator being appealed.
2. **Hearing and Procedure:** The notice, hearing and procedural requirements governing appeals of Planning Director's Special Permits shall govern appeals made pursuant to this subsection.
3. **Planning Commission Action:** The appeal shall be heard and resolved by the Planning Commission not later than sixty (60) days from the date of the applicant's appeal.
4. **Fees:** An applicant filing an appeal pursuant to this subsection, shall pay, at the time of the filing of the appeal, an appeal fee as established by the City Fee & Charge Report.

F. FEES:

1. Each applicant shall pay in advance an initial filing fee as established in the City Fee & Charge Report. The initial filing fee shall include a staff processing charge and, if applicable, Planning Commission and City

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Council hearing dues. In the event that the actual cost of processing an application exceeds the staff processing component of the initial filing fee, the applicant shall pay an additional fee equal to this excess cost after receipt of written notice from the Planning Director specifying the additional due.

2. The Planning Director, in his or her sole discretion, may waive or reduce:
 - a. Any fee or charge required for residential developments assisted by the Federal or State Governments or by a local public entity, as defined in Section 50079 of the Health and Safety Code, or other residential developments intended for occupancy by persons and families of low and moderate income, as defined in Section 50093 of the Health and Safety Code, or persons and families of middle income, as defined in Section 65008(C) of the Government Code; and
 - b. Any additional fee if the Director believes that the project proposes unique or innovative design features likely to be incorporated in future projects, and that staff time spent evaluating this application will benefit staff processing of such future projects.
 3. An applicant shall have no right to file an appeal with either the Planning Commission or the City Council on the issue or the amount of propriety of any fee.
 4. An application shall be temporarily suspended when an applicant has received written notice that an additional fee is due, and has not paid the full amount of such additional fee prior to noon of the first Planning Commission or City Council hearing date scheduled for the application following the applicant's receipt of written notice that the additional fee is due. The application shall be reactivated following full payment of fees.
- G. **STAFF PRELIMINARY REVIEW:** Prior to the filing of an application, any person may submit a pre-application request for initial staff comments concerning a proposed project. Upon receipt of a pre-application, Planning staff may provide preliminary review indicating to the potential applicant the information which may be requested as part of the application and staff comments concerning the extent

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to which the proposed project would conform to applicable laws, plans and policies. After filing a pre-application request for a project, the applicant shall not file an application for the project for at least seven days thereafter or until the Planning staff has returned the pre-application with comments, whichever occurs earlier.


PASSED FOR PUBLICATION: December 10, 1991

PASSED: December 17, 1991

EFFECTIVE: January 17, 1992


MAYOR

ATTEST:


CITY CLERK

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