

# City of Sacramento

## Legislation Text

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**File #:** 2019-01683, **Version:** 1

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**Title:**

**Repeal Ordinance 2011-021, Relating to Certain Land Use Entitlements and Building Permits for Properties in Natomas Basin while the Area was Designated Zone AE on Flood Insurance Rate Maps (Passed for Publication 11/19/2019; Published 11/22/2019)**

File ID: 2019-01683

**Location:** Natomas Basin, Districts 1, 3 and 4

**Recommendation:**

Adopt an Ordinance repealing Ordinance No. 2011-021, relating to certain land use entitlements and building permits on properties within the Natomas Basin in the City of Sacramento while the area was designated Zone AE on Flood Insurance Rate Maps.

**Contact:** Cheryle Hodge, New Growth Manager, (916) 808-5971, Community Development Department

**Presenter:** None

**Attachments:**

- 1-Description/Analysis
- 2-Ordinance Repeal

**Description/Analysis**

**Issue Detail:** On April 12, 2011, the City Council adopted Ordinance No. 2011-021 extending the life of certain land use entitlements and building permits for properties within the Natomas Basin while the area was designated Zone AE on federal Flood Insurance Rate Maps (FIRMs). Ordinance No. 2011-021 was designed as an interim measure to preserve entitlements within the Natomas Basin until the area was re-designated under the FIRMs and the related restrictive development regulations lifted. On June 16, 2015, the Federal Emergency Management Agency (FEMA) re-designated the Natomas Basin to Zone A99, thereby lifting the federal regulations that previously constrained

development and therefore, interim Ordinance No. 2011-021 is no longer needed. Accordingly, the proposed ordinance repeals Ordinance No. 2011-021.

**Policy Considerations:** The 2035 General Plan includes the following applicable goals and policies related to flood protection:

**GOAL Environmental Constraints (EC) 2.1**  
**Protect life and property from flooding.**

**EC 2.1.4 200 Year Flood Protection.** The City shall work with local, regional, state, and federal agencies to achieve at least 200-year flood protection for all areas of the City by 2025.

**EC 2.1.4 Funding for 200-year Flood Protection.** The City shall continue to cooperate with local, regional, State, and Federal agencies in securing funding to obtain the maximum level of flood protection that is practical, with a minimum goal of achieving at least 200-year flood protection as quickly as possible.

Consistent with the goals and policies related to flood protection, considerable progress has been made to improve the levee system that protects the Natomas Basin. The proposed ordinance provides for consistent timelines of land use entitlements and building permits among all development recognizing that development has resumed in Natomas Basin after the building moratorium was lifted.

**Economic Impacts:** None.

**Environmental Considerations:** The proposed ordinance does not constitute a “project” for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA Guidelines Section 15378, and is not subject to CEQA pursuant to CEQA Guidelines section 15060 (c)(3). Further, the proposed ordinance is exempt from review under CEQA pursuant to CEQA Guidelines section 15061(b)(3), commonly referred to as the “common sense exemption.” Consistent with that section, it can be seen with certainty that there is no possibility that the proposed ordinance will have a significant effect on the environment. The proposed ordinance will result in the same or less development than currently exists. The proposed ordinance simply restarts the clock on the expiration of entitlements that are covered by the original ordinance (Ordinance No. 2011-021). Without the proposed ordinance, these projects could still move forward. The proposed ordinance will simply reinstate the timelines for vesting these entitlements, consistent with the city code.

**Sustainability:** Not applicable.

**Commission/Committee Action:** This report was reviewed by the Law and Legislation Committee on November 5, 2019, and City Council passed for publication on November 19, 2019.

**Rationale for Recommendation:** Ordinance No. 2011-021 was previously adopted in response to the FEMA related restrictions on development in the Natomas Basin. The 2011 Ordinance provided protection to preserve land use entitlements and building permits by granting additional time to the term of these entitlements and permits while the building moratorium was in place. Ordinance No. 2011-021 was an interim ordinance intended to be repealed following the Natomas Basin being re-designated to Zone A99 on the Federal Flood Insurance Rate Maps (FIRMs). As such, Ordinance No. 2011-021 is proposed to be repealed as originally intended by the City Council.

**Financial Considerations:** There are no fiscal implications with the repeal of Ordinance No. 2011-021.

**Local Business Enterprise (LBE):** Not applicable.