REPORT TO COUNCIL
City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

CONSENT
October 7, 2008

Honorable Mayor and
Members of the City Council

Title: Interim Ordinance for Alternative Development Standards (M06-035)

Location/Council District: Portion of Districts 3, District 2 and District 8.

Recommendation: 1) Review a) a **Resolution** approving the Environmental Exemption per the California Environmental Quality Act Section 15301; b) an **Ordinance** repealing Ordinance No. 2007-014 and establishing interim regulations pertaining to lot coverage, massing and scale in the North Sacramento (District 2), South Sacramento (District 8) and Ben Ali (District 3) neighborhoods; and 2) pass for publication the Ordinance title as required by the Sacramento City Charter 32c to be adopted October 14, 2008.

Contact: Joy Patterson, Principal Planner, (916) 808-5607; William Crouch, Urban Design Manager, (916) 808-8013; David Kwong, Planning Manager, (916) 808-2691

Presenters: Not Applicable

Department: Development Services

Division: Current Planning

Organization No: 21001010

Description/Analysis

Issue: On February 27, 2007, the City Council enacted Ordinance No. 2007-014, an interim ordinance, establishing more restrictive requirements relating to minimum front and side yards, maximum lot coverage, and maximum heights for the construction of new single-family and two-family dwellings and for additions to and remodels of existing single-family and two-family dwellings in the North Sacramento and Ben Ali neighborhoods in the City of Sacramento.

Since that adoption staff was also requested to look at neighborhoods in South Sacramento to see if it was appropriate for District 8 to be included in the boundaries of the interim ordinance for the North Sacramento area. Staff has

since studied these neighborhoods and participated in thorough community discussion with neighborhood groups and have determined it is appropriate to include District 8 in the boundaries of the interim ordinance for North Sacramento and Ben Ali neighborhoods. Consequently, the attached ordinance repeals the previously adopted interim ordinance and re-enacts the provisions of the interim alternative development standards for the expended area to include District 8. The changes to the previously adopted interim ordinance are shown in the red-lined draft.

Staff is recommending that the alternative development standards remain in place for the North Sacramento and Ben Ali neighborhoods, and be extended to the South Sacramento neighborhood, on an interim basis, so that staff may continue to monitor for any unforeseen or unintended consequences that may necessitate additional fine tuning as appropriate for the communities involved. After a sufficient trial period and staff is confident that the program can be successfully implemented, staff will bring back to Council a permanent ordinance to incorporate the program into the Zoning Code.

Policy Considerations: The proposed Ordinance is consistent with the City's Strategic Plan to achieve sustainability and livability in the city of Sacramento.

Environmental Considerations: None

California Environmental Quality Act (CEQA): Under the California Environmental Quality Act (CEQA) guidelines, continuing administrative activities do not constitute a project and are therefore exempt from review.

Sustainability Considerations: The Interim Ordinance for Alternative Development Standards is consistent with the City's Sustainability Master Plan Goals. The Council's initiative to limit unnecessarily large and inappropriately scaled residential development not only protects intrinsic neighborhood character but promotes responsible use of energy resources by limiting construction mass and by reducing consumption needs of completed projects.

Rationale for Recommendation: Since the alternative development standards have met with successful results in the North Sacramento and Ben Ali neighborhoods they can now be extended into the South Sacramento neighborhoods of District 8 having similar characteristics as areas in North Sacramento. The proposed ordinance modifies the existing boundaries to include District 8 in the alternative development standards interim ordinance boundaries. The newly adopted ordinance is also modified to facilitate more streamlining of approval by allowing staff level approvals for minor deviations from the standards. Noticed Design Director Hearings continue to be the vehicle for more significant deviations from adopted standards.

Financial Considerations: Existing fees will cover the staff time required to administer

this interim ordinance in South Sacramento.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully Submitted by: _____
David Kwong
Planning Manager

Approved by: _____
William Thomas
Director of Development Services

Recommendation Approved:

_____
Ray Kerridge
City Manager

Table of Contents:

	Report	Pg	1
Attachments			
1	Resolution - CEQA Exemption	Pg	4
2	Redlined Ordinance	Pg	5
3	Proposed Ordinance	Pg	10
	Exhibit A -North Sacramento, Ben Ali and South Sacramento neighborhoods covered by Ordinance	Pg	14

Attachment 1

RESOLUTION NO.

Adopted by the Sacramento City Council

DETERMINING PROJECT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (INTERIM ORDINANCE FOR ALTERNATIVE DEVELOPMENT STANDARDS; M06-035)

BACKGROUND

A. On October 14, 2008, the City Council received and considered evidence concerning the Interim Ordinance for Alternative Development Standards (M06-035) ("Project").

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received on the Project, the City Council finds that the Project is exempt from review under Section 15061(b)(3) of the California Environmental Quality Act Guidelines as follows:

> Exemption 15061 (b) (3) consists of an activity covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. However, specific projects requiring entitlement approval will be brought back to the Design Director for authorization to proceed with actual construction/development plans of the proposed project. At the time of final action, appropriate CEQA environmental review documentation will also be completed for each specific project and brought forward to the Design Director.

Attachment 2 - Redlined Ordinance

Redlined
ORDINANCE NO.

Adopted by the Sacramento City Council

PERTAINING TO LOT COVERAGE, MASSING, AND SCALE FOR SPECIFIED RESIDENTIAL NEIGHBORHOODS IN THE CITY OF SACRAMENTO AND REPEALING ORDINANCE NO. ~~2006-037 AND ORDINANCE NO. 2006-066 (M06-035~~2007-014 (M06-035)

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

SECTION 1. The City Council of the City of Sacramento finds and declares as follows:

A. On ~~June~~February 27, ~~2006~~2007, the City Council enacted Ordinance No. ~~2006-037~~2007-014, an interim ordinance, that established more restrictive requirements relating to minimum front and side yards, maximum lot coverage, and maximum heights for the construction of new single-family and two-family dwellings and ~~to~~ for additions to and the remodeling of existing single-family and two-family dwellings in ~~specified residential~~ the North Sacramento and Ben Ali neighborhoods in the City of Sacramento.

B. At the time Ordinance No. ~~2006-037~~2007-014 was enacted, the City Council anticipated that permanent lot coverage, massing and scale regulations would be developed and enacted within ~~180~~365 days. However, permanent regulations have not been finalized. In addition, there is a desire to ~~adopt a different set of interim regulations for the East Sacramento neighborhood and to~~ extend the application of the regulations enacted by Ordinance No. ~~2006-037 to the Ben Ali neighborhood~~ 2007-014 to neighborhoods in South Sacramento while the permanent regulations are developed.

SECTION 2. Ordinance No. ~~2006-037 and Ordinance No. 2006-066 are~~2007-014 is repealed.

SECTION 3. ~~The interim lot coverage, massing, and scale regulations enacted by Ordinance No. 2006-037 are re-enacted as set forth below:~~

A. This ordinance shall apply only in the geographical areas within the City of Sacramento shown on the attached Exhibit A.

B. For purposes of this ordinance, single-family and two-family dwellings shall include second units.

C. Notwithstanding the provisions of Chapter 17.60 of Title 17 of the Sacramento City Code (the Zoning Code), and except as provided in subsections H and -I, below, the following more restrictive requirements relating to minimum front and side yards, maximum lot coverages, and maximum heights shall apply to the construction of new single-family and two-family dwellings and to exterior additions to, and ~~the~~the exterior remodeling of, existing single-family and two-family dwellings that require a building permit:

Lot Size (Sq. Ft.)	Min. Front Yd. (Ft.)	Min. Street Side Yd. (Ft.)	Min. Int. Side Yd. (Ft.)	Max. Lot Coverage	Max. Plate Height** (Ft.)	Max. Ridge Height (Ft.)
≤4999						
1st story	(1)*	12.5 feet	(3)	50%	10 feet	20 feet
2nd and all add'l stories	(2)	(2)	(4)		20 feet	30 feet
5000-8000						
1st story	(1)	12.5 feet	5 feet	40%	10 feet	20 feet
2nd and all add'l stories	(2)	(2)	(4)		20 feet	30 feet
8001+						
1st story	(1)	12.5 feet	8 feet	40%	10 feet	20 feet
2nd and all add'l stories	(2)	(2)	(4)		20 feet	30 feet

*Numbers inside parenthesis ( ) refer to footnotes below.
**Maximum Plate Height is the vertical dimension measured from average elevation of the finished lot grade at the front of the building to the plate line.

_____(1) The minimum front yard setback shall be twenty-five (25) feet or the average of the front setback of the two nearest buildings on the same side of the street on the same block, whichever is less.

_____(2) The second and all additional stories shall be setback at least six (6) feet from the first story wall at the front elevation and at least five (5) feet at the street side

elevation; except that the following structures shall not be subject to the more restrictive requirements relating to minimum front and side yards established by this ordinance: a) dormer window structures up to a maximum of twelve (12) feet wide; b) protruding two story wall sections, a minimum of three
(3) feet in depth, with a gable or hipped roof, up to a maximum of fifteen (15) feet wide; c) a minimum five (5) foot wide ground floor porch; d) a minimum four (4) foot wide uncovered balcony.

_____(3) The minimum interior side yard setback shall be three (3) feet on any one side; provided that the average of both side yard setbacks shall be a minimum of five (5) feet.

_____(4) The second and all additional stories shall be set back at least five (5) feet from the first story wall at all side elevations; except that the following structures shall not be subject to the more restrictive requirements relating to minimum interior side yards established by this ordinance: a) dormer window structures up to a maximum of twelve (12) feet wide; b) protruding two story wall sections, a minimum of three (3) feet in depth, with a gable or hipped roof, up to a maximum of fifteen (15) feet wide; c) a minimum five (5) foot wide ground floor porch; d) a minimum four (4) foot wide uncovered balcony.

~~Variations from~~ D. Staff level design review under the general direction of the design director under Section 17.132.310(C) of Title 17 of the Sacramento City Code (the Zoning Code) shall be required to vary the minimum front and side yard requirements, maximum lot coverage requirements, and maximum height requirements set forth in this ordinance ~~may be approved by the Design Director. A request to vary these requirements shall be made as a design review application and shall be noticed, heard, and considered by the Design Director pursuant to Chapter 17.132 of Title 17 of the Sacramento City Code (the Zoning Code~~. The staff level review shall be subject to the special notice and reconsideration provisions of section 17.132.310(C)(2).

~~The~~ E. Staff level design review under the general direction of the design director under Section 17.132.310(C) of Title 17 of the Sacramento City Code (the Zoning Code) shall be required for the construction of new single family and two-family dwellings and additions to or the remodeling of existing single family and two family dwellings that require a building permit and result in a building with a width of greater than fifty-five (55) feet when measured at right angles to the lot depth ~~shall be subject to design review by the Design Director pursuant to Chapter 17.132 of Title 17 of the Sacramento City Code (the Zoning Code~~. The staff level review shall be subject to the special notice and reconsideration provisions of Section 17.132.310(C)(2).

F. In reviewing a request for design review ~~of a building with a width of greater than fifty-five (55) feet under subsection E of this section, or a request~~ to vary the yard, lot coverage, or height requirements of this ordinance under subsection D of this section, or a request for design review of a building with a width of greater than fifty-five (55) feet under subsection E of this section, the ~~Design Director shall evaluate the~~

~~application~~application shall be evaluated in accordance with ~~the citywide design review guidelines and~~ any applicable design review guidelines plan pursuant to ~~section~~Section 17.132.~~050~~300 of Title 17 of the Sacramento City Code (the Zoning Code) or, if the application is not otherwise subject to any design review guidelines plan, ~~the Director shall apply~~ the Central City Neighborhood Design Guidelines shall be applied as the Director determines to be appropriate. The ~~Director shall base his or her~~ decision shall be based on the compatibility of the proposed construction with the surrounding neighborhood, taking into account the height, massing, and lot coverage of the adjacent residential structures on either side of the proposed construction and the block face on both sides of the street as the proposed construction.

G. The authority granted ~~to the Design Director~~ by this ordinance to vary minimum front and side yard requirements, maximum lot coverage requirements, and maximum height requirements is limited to the more restrictive minimum front and side yard requirements, maximum lot coverage requirements, and maximum height requirements set forth in this ordinance. This ordinance is not intended to and does not grant ~~to the Design Director~~ authority to grant variances to the yard, lot coverage, height, and other regulations of Chapter 17.60 of Title 17 of the Sacramento City Code (the Zoning Code).

H. Existing single-family and two-family dwellings that do not meet the more restrictive setback, lot coverage, or height requirements of this ordinance are not subject to design review under subsection D of this section as long as (i) any exterior additions ~~or remodeling~~ to the dwellings conform to the provisions of this ordinance outlined in subsection C, or (ii) the dwelling is damaged or destroyed by disaster and any rebuilding of all or a portion of the dwelling is fully contained within the building envelope of the dwelling as it existed before the disaster. Remodeling of the interior of an existing single-family or two-family dwelling shall not be subject to this ordinance.

I. This ordinance shall not apply to the construction of new single-family and two-family dwellings and to additions to and the remodeling of existing single- family and two-family dwellings that are the subject of an application for a special permit for an alternative ownership housing type or that have an active approved special permit for an alternative ownership house type pursuant to section 17.24.050(8) of Title 17 of the Sacramento City Code (the Zoning Code).

SECTION 4. Except for the minimum front and side yard requirements, maximum lot coverage requirements, and maximum height requirements set forth in this ordinance, all ~~other~~ provisions of Chapter 17.60 of Title 17 of the Sacramento City Code (the Zoning Code) shall apply to the construction of new single-family and two-family dwellings and to additions to and the remodeling of existing single-family and two-family dwellings that are subject to this ordinance.

SECTION 5. This ordinance is enacted by the City Council as an interim ordinance,

without notice and hearing before the Planning Commission and City Council as otherwise required by Section 17.208.010 of the City's Zoning Code. It is anticipated that permanent, comprehensive regulations governing single-family and two-family residential massing, setback and lot coverage regulations will be processed in the manner required by Title 17 of the City Code within 365 days, and that this interim ordinance will be repealed at that time.

Table of Contents:

Exhibit A – ~~Area affected~~Areas Affected by Ordinance

Attachment 3

ORDINANCE NO.

Adopted by the Sacramento City Council

PERTAINING TO LOT COVERAGE, MASSING, AND SCALE FOR SPECIFIED RESIDENTIAL NEIGHBORHOODS IN THE CITY OF SACRAMENTO AND REPEALING ORDINANCE NO. 2007-014 (M06-035)

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

SECTION 1. The City Council of the City of Sacramento finds and declares as follows:

A. On February 27, 2007, the City Council enacted Ordinance No. 2007-014, an interim ordinance, that established more restrictive requirements relating to minimum front and side yards, maximum lot coverage, and maximum heights for the construction of new single-family and two-family dwellings and for additions to and the remodeling of existing single-family and two-family dwellings in the North Sacramento and Ben Ali neighborhoods in the City of Sacramento.

B. At the time Ordinance No. 2007-014 was enacted, the City Council anticipated that permanent lot coverage, massing and scale regulations would be developed and enacted within 365 days. However, permanent regulations have not been finalized. In addition, there is a desire to extend the application of the regulations enacted by Ordinance No. 2007-014 to neighborhoods in South Sacramento while the permanent regulations are developed.

SECTION 2. Ordinance No. 2007-014 is repealed.

SECTION 3.

A. This ordinance shall apply only in the geographical areas within the City of Sacramento shown on the attached Exhibit A.

B. For purposes of this ordinance, single-family and two-family dwellings shall include second units.

C. Notwithstanding the provisions of Chapter 17.60 of Title 17 of the Sacramento City Code (the Zoning Code), and except as provided in subsections H and I, below, the following more restrictive requirements relating to minimum front and side yards,

maximum lot coverages, and maximum heights shall apply to the construction of new single-family and two-family dwellings and to exterior additions to, and the exterior remodeling of, existing single-family and two-family dwellings that require a building permit:

Lot Size (Sq. Ft.)	Min. Front Yd. (Ft.)	Min. Street Side Yd. (Ft.)	Min. Int. Side Yd. (Ft.)	Max. Lot Coverage	Max. Plate Height** (Ft.)	Max. Ridge Height (Ft.)
≤4999						
1st story	(1)*	12.5 feet	(3)	50%	10 feet	20 feet
2nd and all add'l stories	(2)	(2)	(4)		20 feet	30 feet
5000-8000						
1st story	(1)	12.5 feet	5 feet	40%	10 feet	20 feet
2nd and all add'l stories	(2)	(2)	(4)		20 feet	30 feet
8001+						
1st story	(1)	12.5 feet	8 feet	40%	10 feet	20 feet
2nd and all add'l stories	(2)	(2)	(4)		20 feet	30 feet

*Numbers inside parenthesis ( ) refer to footnotes below.
**Maximum Plate Height is the vertical dimension measured from average elevation of the finished lot grade at the front of the building to the plate line.

(1) The minimum front yard setback shall be twenty-five (25) feet or the average of the front setback of the two nearest buildings on the same side of the street on the same block, whichever is less.

(2) The second and all additional stories shall be setback at least six (6) feet from the first story wall at the front elevation and at least five (5) feet at the street side elevation; except that the following structures shall not be subject to the more restrictive requirements relating to minimum front and side yards established by this ordinance: a) dormer window structures up to a maximum of twelve (12) feet wide; b) protruding two story wall sections, a minimum of three
(3) feet in depth, with a gable or hipped roof, up to a maximum of fifteen (15) feet wide; c) a minimum five (5) foot wide ground floor porch; d) a minimum four (4) foot wide uncovered balcony.

(3) The minimum interior side yard setback shall be three (3) feet on any one side; provided that the average of both side yard setbacks shall be a minimum of five (5) feet.

(4) The second and all additional stories shall be set back at least five (5) feet from the first story wall at all side elevations; except that the following structures shall not be subject to the more restrictive requirements relating to minimum interior side yards established by this ordinance: a) dormer window structures up to a maximum of twelve (12) feet wide; b) protruding two story wall sections, a minimum of three (3) feet in depth, with a gable or hipped roof, up to a maximum of fifteen (15) feet wide; c) a minimum five (5) foot wide ground floor porch; d) a minimum four (4) foot wide uncovered balcony.

D. Staff level design review under the general direction of the design director under Section 17.132.310(C) of Title 17 of the Sacramento City Code (the Zoning Code) shall be required to vary the minimum front and side yard requirements, maximum lot coverage requirements, and maximum height requirements set forth in this ordinance. The staff level review shall be subject to the special notice and reconsideration provisions of section 17.132.310(C)(2).

E. Staff level design review under the general direction of the design director under Section 17.132.310(C) of Title 17 of the Sacramento City Code (the Zoning Code) shall be required for the construction of new single family and two-family dwellings and additions to or the remodeling of existing single family and two family dwellings that require a building permit and result in a building with a width of greater than fifty-five (55) feet when measured at right angles to the lot depth. The staff level review shall be subject to the special notice and reconsideration provisions of Section 17.132.310(C)(2).

F. In reviewing a request for design review to vary the yard, lot coverage, or height requirements of this ordinance under subsection D of this section, or a request for design review of a building with a width of greater than fifty-five (55) feet under subsection E of this section, the application shall be evaluated in accordance with any applicable design review guidelines plan pursuant to Section 17.132.300 of Title 17 of the Sacramento City Code (the Zoning Code) or, if the application is not otherwise subject to any design review guidelines plan, the Central City Neighborhood Design Guidelines shall be applied as the Director determines to be appropriate. The decision shall be based on the compatibility of the proposed construction with the surrounding neighborhood, taking into account the height, massing, and lot coverage of the adjacent residential structures on either side of the proposed construction and the block face on both sides of the street as the proposed construction.

G. The authority granted by this ordinance to vary minimum front and side yard requirements, maximum lot coverage requirements, and maximum height requirements is limited to the more restrictive minimum front and side yard

requirements, maximum lot coverage requirements, and maximum height requirements set forth in this ordinance. This ordinance is not intended to and does not grant authority to grant variances to the yard, lot coverage, height, and other regulations of Chapter 17.60 of Title 17 of the Sacramento City Code (the Zoning Code).

H. Existing single-family and two-family dwellings that do not meet the more restrictive setback, lot coverage, or height requirements of this ordinance are not subject to design review under subsection D of this section as long as (i) any exterior additions to the dwellings conform to the provisions of this ordinance outlined in subsection C, or (ii) the dwelling is damaged or destroyed by disaster and any rebuilding of all or a portion of the dwelling is fully contained within the building envelope of the dwelling as it existed before the disaster. Remodeling of the interior of an existing single-family or two-family dwelling shall not be subject to this ordinance.

I. This ordinance shall not apply to the construction of new single-family and two-family dwellings and to additions to and the remodeling of existing single- family and two-family dwellings that are the subject of an application for a special permit for an alternative ownership housing type or that have an active approved special permit for an alternative ownership house type pursuant to section 17.24.050(8) of Title 17 of the Sacramento City Code (the Zoning Code).

SECTION 4. Except for the minimum front and side yard requirements, maximum lot coverage requirements, and maximum height requirements set forth in this ordinance, all provisions of Chapter 17.60 of Title 17 of the Sacramento City Code (the Zoning Code) shall apply to the construction of new single-family and two-family dwellings and to additions to and the remodeling of existing single-family and two-family dwellings that are subject to this ordinance.

SECTION 5. This ordinance is enacted by the City Council as an interim ordinance, without notice and hearing before the Planning Commission and City Council as otherwise required by Section 17.208.010 of the City's Zoning Code. It is anticipated that permanent, comprehensive regulations governing single-family and two-family residential massing, setback and lot coverage regulations will be processed in the manner required by Title 17 of the City Code within 365 days, and that this interim ordinance will be repealed at that time.

Table of Contents:

Exhibit A – Areas Affected by Ordinance
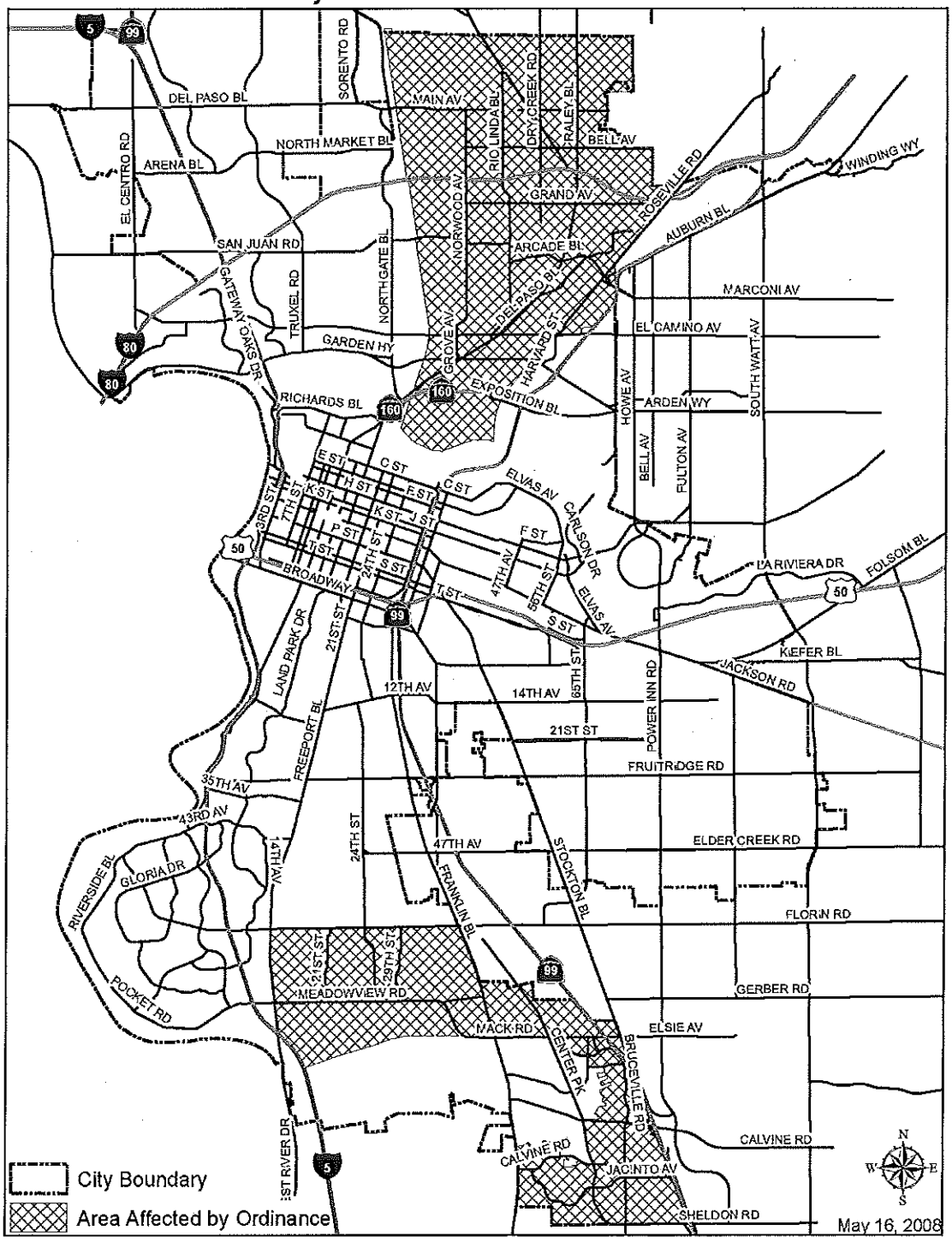
Exhibit A - Area Affected by Ordinance