REPORT TO COUNCIL
City of Sacramento

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

Consent
February 24, 2009

Honorable Mayor and
Members of the City Council

Title: Interim Ordinance for Alternative Development Standards for Single Family and Two Family Residential Structures in the East Sacramento neighborhood (M06-035)

Location/Council District: District 3

Recommendation: 1) Review an **Ordinance** repealing Ordinance No. 2007-026 and establishing interim regulations pertaining to lot coverage, massing and scale and front yard setbacks in the East Sacramento neighborhoods; and 2) pass for publication the Ordinance title as required by City Charter 32c to be adopted March 3, 2009.

Contact: William Crouch, Urban Design Manager, (916) 808-8013; David Kwong, Planning Manager, (916) 808-2691

Presenter: Not applicable

Department: Development Services

Division: Current Planning

Organization No: 21001010

Description/Analysis

Issue: On April 3, 2007, the City Council enacted Interim Ordinance No. 2007-026, establishing regulations pertaining to lot coverage, massing and scale 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 East Sacramento neighborhood.

Since that adoption, staff has been monitoring the effectiveness of the ordinance

in the field to identify necessary 'fixes' to further improve the applicability of the ordinance as it specifically relates to the East Sacramento neighborhood. Recently staff has identified the need to amend the ordinance to address front yard setbacks in East Sacramento. Many of the distinguishing streets in East Sacramento are characterized by significantly deep front yards with homes sited well back from the street. This is a significant character defining feature of many early subdivisions in East Sacramento and as such requires additional protection beyond minimum setbacks established by the Zoning Code. Staff is recommending amending the ordinance to require front yard setbacks for new projects be not less than the average setback of the two adjacent lots, where occurring. The changes to the previously adopted interim ordinance are shown in the red-lined draft.

Staff is recommending the amended ordinance remain interim, while they continue to monitor for any other unforeseen or unintended consequences that may necessitate additional fine tuning as appropriate. After a sufficient trial period staff will bring back to Council a permanent ordinance to incorporate the program into the Zoning Code.

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

Committee/Commission Action: On February 3, 2009, the Law and Legislation Committee heard this item and forwarded a recommendation of approval to the City Council.

Environmental Considerations:

The proposed ordinance amendments are not subject to the provisions and requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines which states "*The activity is 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.*"

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 were first introduced into the East Sacramento neighborhood they have achieved successful results. The newly adopted ordinance is being modified to more

specifically address and protect the specific character defining feature of front yard setbacks.

Financial Considerations: Existing fees will cover the staff time required to administer this interim ordinance in East 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:

_____
For Ray Kerridge
City Manager

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Attachment 1

Redlined
ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN INTERIM ORDINANCE ESTABLISHING DESIGN REVIEW REQUIREMENTS FOR ~~SPECIFIED~~ THE EAST SACRAMENTO RESIDENTIAL NEIGHBORHOOD~~S~~ IN THE CITY OF SACRAMENTO AND REPEALING ORDINANCE NO. 2007-026 (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. There has been an increase of building permit applications in existing residential neighborhoods for single family and two family residential construction; and~~

A. ~~There is~~ On April 3, 2007, the City Council enacted Ordinance No. 2007-026 that established special design review requirements for the East Sacramento neighborhood in the City of Sacramento to address the potential ~~for these~~ of new and remodeled homes to have a detrimental impact on the ~~unique~~ distinctive character of ~~several distinctive~~this unique residential neighborhood~~s of the City in terms of scale, massing and lot coverage; and~~.

B. At the time Ordinance No. 2007-026 was enacted, the City Council anticipated that permanent design regulations would be developed and enacted within 365 days. However, permanent regulations have not been finalized. In addition, there is a need to amend the regulations enacted by Ordinance No. 2007-026 to clarify the scope of the regulations to better address the design issues experienced under Ordinance No. 2007-026 since it was enacted.

C. Ensuring that ~~these distinctive residential neighborhoods remain~~the East Sacramento residential neighborhood remains safe, livable, and economically vital, and that the character of ~~these neighborhoods~~this neighborhood is preserved, promotes the health, safety, and welfare of the residents of the City.

SECTION 2.

Ordinance No. 2007-026 is repealed.

SECTION 3.

A. Applicability.

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

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

3. 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 house type pursuant to section 17.24.050(8) or that have an active approved special permit for an alternative ownership house type pursuant to section 17.24.050(8) ~~or other special permit related to the expansion or modification of the exterior of the dwelling pursuant to section 17.60.040(G)~~ of the Sacramento City Code (City Code).

B. Design Review Required for Construction Outside of the Base Building Envelope.

1. Notwithstanding the provisions of Chapters17.60 and 17.132 and any other provisions of the City Code, and except as provided in subsections (B)(3) and (D), below, the construction of new single family and two family dwellings and additions to and the remodeling of existing single family and two family dwellings that require a building permit shall be subject to contextual design review under Chapter 17.132 of the City Code as provided in this Ordinance if the proposed construction falls outside of the base building envelope as ~~described~~defined in subsection (B)(2).

2. Definitions.

a. Base Building Envelope. The base building envelope is the three-dimensional air space contained ~~within~~between the front yard setback and the rear yard setback of a lot and conforming to the following side-yard planes and roofline planes: the side-yard planes of the envelope begin at the side property lines at the average elevation of the finished lot grade at the front setback line and rise directly vertical and perpendicular to each side property line to a height of twelve feet (12'); at this point the envelope slopes inward from each side at a forty-five degree (45°) angle to form the roofline planes, which continue inward until the roofline planes intersect in the middle of the lot; provided, that if the line of intersection of the two roofline planes is greater than thirty-five feet (35') above the average elevation of the finished lot grade at the front setback line, then, at the height of thirty–five feet (35') above the finished grade, the roofline planes shall continue horizontal to the finished grade until they intersect.

b. Front Yard Setback. For purposes of establishing the base building

envelope under this Ordinance, the front yard setback shall be the average of the two front yard setbacks of the nearest buildings with front yard setbacks on the same side of the street on the same block. If there is only one other building with a front yard setback on the same side of the street on the same block, the minimum front yard setback shall be not less than the setback of that other building. The front yard setback shall be measured to the wall or other supporting structure of the building that is contained under a roof and that is closest to the front property line.

c. Rear Yard Setback. The rear yard setback shall be as determined under sections 17.60.020 and 17.60.030(1) and any other applicable provisions of Title 17 of the City Code.

3. Contextual design review under this Ordinance shall not be required for the construction of up to a maximum of 40 square feet of front profile on each side of the structure that is outside of the base building envelope as long as the length of the projecting construction along the side elevation does not exceed 15 feet aggregate.

C. ~~Level of~~ Design Review of New Structures.

Design review ~~of construction outside of the base building envelope~~ shall be as follows:

1. Staff level design review under Section 17.132.310(C) of the City Code shall be required ~~if the~~:

a. The portion of the proposed construction that projects ~~beyond~~outside the base building envelope does not project into the front yard setback and is greater than forty (40) but less than or equal to one hundred (100) square feet of front profile on each side of the structure, or~~, if the projection~~

b. The portion of the proposed construction that projects outside the base building envelope does not project into the front yard setback and is forty (40) square feet or less of front profile on each side of the structure, but the length of the projecting construction along a side elevation exceeds 15 feet aggregate.

At the discretion of the design director, the application for staff review under this subsection (C)(1) may be elevated to the design director for hearing and decision, and the application shall be heard and decided by the design director in the same manner as design director design review under subsection (C)(2) of this section. No hearing shall be required on the decision by the design director to elevate an application subject to staff review to the design director hearing level, and this decision of the design director shall be final and shall not be subject to appeal.

2. Director level design review under Section 17.132.310(D) of the City Code shall be required if ~~the~~:

a. The portion of the proposed construction that projects ~~beyond~~outside the base building envelope is greater than one hundred (100) square feet of front profile on either or both sides of the structure~~.~~, or

b. The portion of the proposed construction that projects outside the base building envelope projects into the front yard setback.

D. Existing Structures That Project Outside the Base Building Envelope.

1. Additions to and remodeling, repair, and maintenance of existing structures that project outside of the base building envelope.

Design review under this Ordinance shall not be required for additions to or the remodeling (both internal and external), repair, or maintenance of an existing structure that, as of the effective date of this Ordinance, -projects outside of the base building envelope, as long as the addition, remodel, repair or maintenance work does not expand the structure outside of the three-dimensional form or footprint of the structure as it existed as of the effective date of this Ordinance~~. If~~ or, if the ~~addition to, or~~ work does expand the ~~remodeling, repair, or maintenance of the existing~~ structure ~~projects beyond the~~ outside of the three-dimensional form or footprint of the structure, the expansion does not project outside the base building envelope. If the addition to, or the remodeling, repair, or maintenance of the existing structure projects outside the three-dimensional form or footprint of the structure as it existed as of the effective date of this Ordinance ~~by~~and outside of the base building envelope, but not into the front yard setback, and the projection is in an amount less than or equal to one hundred (100) square feet of front profile, then staff level design review under subsection (C)(1) shall be required. If the addition to, or the remodeling, repair, or maintenance of the existing structure projects ~~beyond~~outside the three-dimensional form of the structure as it existed as of the date of this Ordinance and outside of the base building envelope by an amount greater than one hundred (100) square feet of front profile, or projects into the front yard setback, then director level design review under subsection (C)(2) shall be required.

2. Replacement of existing structures that project outside of the base building envelope.

a. If all or a portion of an existing structure that, as of the effective date of this Ordinance, projects outside of the base building envelope is destroyed by disaster, the reconstruction of the structure shall not be subject to design review under this Ordinance as long as the reconstruction does not project ~~beyond~~ outside the three-dimensional form and footprint of the structure as it existed as of the effective date of this Ordinance. For purposes of this Ordinance, "disaster" shall mean fire, flood, wind, earthquake, or other calamity or destruction by the public enemy. If the reconstruction of the structure projects ~~beyond~~ outside the three-dimensional form or footprint of the structure as it existed as of the effective date of this Ordinance~~ by~~, but not into the front yard setback, and the projection is in an amount less than or equal to one hundred (100) square feet of front profile, then staff level design review under subsection (C)(1) of this Section ~~2~~3 shall be

required. If the ~~addition to, or the remodeling, repair, or maintenance~~ reconstruction of the ~~existing~~ structure projects ~~beyond~~outside the three-dimensional form or footprint of the structure as it existed as of the date of this Ordinance by an amount greater than one hundred (100) square feet of front profile, or projects into the front yard setback, then director level design review under subsection (C)(2) of this Section ~~2~~3 shall be required.

b. If an existing structure that, as of the effective date of this Ordinance, projects outside of the base building envelope is voluntarily demolished, ~~and~~ reconstruction that would project outside of the base building envelope shall be subject to design review under subsection (C) of this Section ~~2~~3, except as provided in subsection (B)(3) of this Section ~~2~~3.

E. Applicable Guidelines for Design Review.

In ~~reviewing a request for~~performing contextual design review under this Ordinance, design review staff and the design director shall evaluate the application in accordance with applicable design review guidelines and any applicable design review guidelines plan under section 17.132.050 of the City Code or, if the application is not otherwise subject to any design review guidelines or design review guidelines plan, the Central City Neighborhood Design Guidelines shall be applied as the director determines to be appropriate. The staff and the design director shall base their decision on the compatibility of the proposed construction with the surrounding neighborhood, taking into account the height, massing ~~and~~, lot coverage, and setbacks 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.

F. Scope and Limitations on Design Review.

~~This~~ 1. In performing contextual design review under this Ordinance, the design director shall have the authority to modify the minimum and maximum required front yard setback standards in sections 17.60.020 and 17.60.030(1) of the City Code as the design director deems appropriate to carry out the intent of the applicable design guidelines and to preserve and enhance the character defining features of the surrounding neighborhood. Where the design director has the authority to modify front yard setbacks under this Ordinance, neither the zoning administrator nor the planning commission shall have the authority to consider or grant special permits, variances, plan reviews, modifications of these entitlements, or any other entitlement to modify front yard setbacks.

2. Except as provided in subsection (F)(1), above, this ordinance is not intended to and does not grant to the design review staff or 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).

SECTION 4.

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, consisting of amendments to Title 17 of the City Code, will be processed in the manner required by Section 17.208.010 within 365 days, and that this interim ordinance will be repealed at that time with the newly enacted regulations superseding the regulations enacted under this Ordinance.

Attachment 2

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN INTERIM ORDINANCE ESTABLISHING DESIGN REVIEW REQUIREMENTS FOR THE EAST SACRAMENTO RESIDENTIAL NEIGHBORHOOD IN THE CITY OF SACRAMENTO AND REPEALING ORDINANCE NO. 2007-026 (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:

D. On April 3, 2007, the City Council enacted Ordinance No. 2007-026 that established special design review requirements for the East Sacramento neighborhood in the City of Sacramento to address the potential of new and remodeled homes to have a detrimental impact on the distinctive character of this unique residential neighborhood.

E. At the time Ordinance No. 2007-026 was enacted, the City Council anticipated that permanent design regulations would be developed and enacted within 365 days. However, permanent regulations have not been finalized. In addition, there is a need to amend the regulations enacted by Ordinance No. 2007-026 to clarify the scope of the regulations to better address the design issues experienced under Ordinance No. 2007-026 since it was enacted.

F. Ensuring that the East Sacramento residential neighborhood remains safe, livable, and economically vital, and that the character of this neighborhood is preserved, promotes the health, safety, and welfare of the residents of the City.

SECTION 2.

Ordinance No. 2007-026 is repealed.

SECTION 3.

A. Applicability.

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

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

3. 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 house type pursuant to section 17.24.050(8) or that have an active approved special permit for an alternative ownership house type pursuant to section 17.24.050(8) of the Sacramento City Code (City Code).

B. Design Review Required for Construction Outside of the Base Building Envelope.

1. Notwithstanding the provisions of Chapters17.60 and 17.132 and any other provisions of the City Code, and except as provided in subsections (B)(3) and (D), below, the construction of new single family and two family dwellings and additions to and the remodeling of existing single family and two family dwellings that require a building permit shall be subject to contextual design review under Chapter 17.132 of the City Code as provided in this Ordinance if the proposed construction falls outside of the base building envelope as defined in subsection (B)(2).

2. Definitions.

a. Base Building Envelope. The base building envelope is the three-dimensional air space contained between the front yard setback and the rear yard setback of a lot and conforming to the following side-yard planes and roofline planes: the side-yard planes of the envelope begin at the side property lines at the average elevation of the finished lot grade at the front setback line and rise directly vertical and perpendicular to each side property line to a height of twelve feet (12'); at this point the envelope slopes inward from each side at a forty-five degree (45°) angle to form the roofline planes, which continue inward until the roofline planes intersect in the middle of the lot; provided, that if the line of intersection of the two roofline planes is greater than thirty-five feet (35') above the average elevation of the finished lot grade at the front setback line, then, at the height of thirty–five feet (35') above the finished grade, the roofline planes shall continue horizontal to the finished grade until they intersect.

b. Front Yard Setback. For purposes of establishing the base building envelope under this Ordinance, the front yard setback shall be the average of the two front yard setbacks of the nearest buildings with front yard setbacks on the same side of the street on the same block. If there is only one other building with a front yard setback on the same side of the street on the same block, the minimum front yard setback shall be not less than the setback of that other building. The front yard setback shall be measured to the wall or other supporting structure of the building that is contained under a roof and that is closest to the front property line.

c. Rear Yard Setback. The rear yard setback shall be as determined under sections 17.60.020 and 17.60.030(1) and any other applicable provisions of Title 17 of the City Code.

3. Contextual design review under this Ordinance shall not be required for the construction of up to a maximum of 40 square feet of front profile on each side of the structure that is outside of the base building envelope as long as the length of the projecting construction along the side elevation does not exceed 15 feet aggregate.

C. Design Review of New Structures.

Design review shall be as follows:

1. Staff level design review under Section 17.132.310(C) of the City Code shall be required if:

a. The portion of the proposed construction that projects outside the base building envelope does not project into the front yard setback and is greater than forty (40) but less than or equal to one hundred (100) square feet of front profile on each side of the structure, or

b. The portion of the proposed construction that projects outside the base building envelope does not project into the front yard setback and is forty (40) square feet or less of front profile on each side of the structure, but the length of the projecting construction along a side elevation exceeds 15 feet aggregate.

At the discretion of the design director, the application for staff review under this subsection (C)(1) may be elevated to the design director for hearing and decision, and the application shall be heard and decided by the design director in the same manner as design director design review under subsection (C)(2) of this section. No hearing shall be required on the decision by the design director to elevate an application subject to staff review to the design director hearing level, and this decision of the design director shall be final and shall not be subject to appeal.

2. Director level design review under Section 17.132.310(D) of the City Code shall be required if:

a. The portion of the proposed construction that projects outside the base building envelope is greater than one hundred (100) square feet of front profile on either or both sides of the structure, or

b. The portion of the proposed construction that projects outside the base building envelope projects into the front yard setback.

D. Existing Structures That Project Outside the Base Building Envelope.

1. Additions to and remodeling, repair, and maintenance of existing structures that project outside of the base building envelope.

Design review under this Ordinance shall not be required for additions to or the remodeling (both internal and external), repair, or maintenance of an existing structure that, as of the effective date of this Ordinance, projects outside of the base building envelope, as long as the addition, remodel, repair or maintenance work does not expand the structure outside of the three-dimensional form or footprint of the structure as it existed as of the effective date of this Ordinance or, if the work does expand the structure outside of the three-dimensional form or footprint of the structure, the expansion does not project outside the base building envelope. If the addition to, or the remodeling, repair, or maintenance of the existing structure projects outside the three-dimensional form or footprint of the structure as it existed as of the effective date of this Ordinance and outside of the base building envelope, but not into the front yard setback, and the projection is in an amount less than or equal to one hundred (100) square feet of front profile, then staff level design review under subsection (C)(1) shall be required. If the addition to, or the remodeling, repair, or maintenance of the existing structure projects outside the three-dimensional form of the structure as it existed as of the date of this Ordinance and outside of the base building envelope by an amount greater than one hundred (100) square feet of front profile, or projects into the front yard setback, then director level design review under subsection (C)(2) shall be required.

2. Replacement of existing structures that project outside of the base building envelope.

a. If all or a portion of an existing structure that, as of the effective date of this Ordinance, projects outside of the base building envelope is destroyed by disaster, the reconstruction of the structure shall not be subject to design review under this Ordinance as long as the reconstruction does not project outside the three-dimensional form and footprint of the structure as it existed as of the effective date of this Ordinance. For purposes of this Ordinance, "disaster" shall mean fire, flood, wind, earthquake, or other calamity or destruction by the public enemy. If the reconstruction of the structure projects outside the three-dimensional form or footprint of the structure as it existed as of the effective date of this Ordinance, but not into the front yard setback, and the projection is in an amount less than or equal to one hundred (100) square feet of front profile, then staff level design review under subsection (C)(1) of this Section 3 shall be required. If the reconstruction of the structure projects outside the three-dimensional form or footprint of the structure as it existed as of the date of this Ordinance by an amount greater than one hundred (100) square feet of front profile, or projects into the front yard setback, then director level design review under subsection (C)(2) of this Section 3 shall be required.

b. If an existing structure that, as of the effective date of this Ordinance, projects outside of the base building envelope is voluntarily demolished, reconstruction that would project outside of the base building envelope shall be subject to design review under subsection (C) of this Section 3, except as provided in subsection (B)(3) of this Section 3.

E. Applicable Guidelines for Design Review.

In performing contextual design review under this Ordinance, design review staff and the design director shall evaluate the application in accordance with applicable design review guidelines and any applicable design review guidelines plan under section 17.132.050 of the City Code or, if the application is not otherwise subject to any design review guidelines or design review guidelines plan, the Central City Neighborhood Design Guidelines shall be applied as the director determines to be appropriate. The staff and the design director shall base their decision on the compatibility of the proposed construction with the surrounding neighborhood, taking into account the height, massing, lot coverage, and setbacks 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.

F. Scope and Limitations on Design Review.

1. In performing contextual design review under this Ordinance, the design director shall have the authority to modify the minimum and maximum required front yard setback standards in sections 17.60.020 and 17.60.030(1) of the City Code as the design director deems appropriate to carry out the intent of the applicable design guidelines and to preserve and enhance the character defining features of the surrounding neighborhood. Where the design director has the authority to modify front yard setbacks under this Ordinance, neither the zoning administrator nor the planning commission shall have the authority to consider or grant special permits, variances, plan reviews, modifications of these entitlements, or any other entitlement to modify front yard setbacks.

2. Except as provided in subsection (F)(1), above, this ordinance is not intended to and does not grant to the design review staff or 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).

SECTION 4.

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, consisting of amendments to Title 17 of the City Code, will be processed in the manner required by Section 17.208.010 within 365 days, and that this interim ordinance will be repealed at that time with the newly enacted regulations superseding the regulations enacted under this Ordinance.

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Exhibit A

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Exhibit A
Alternative Development Standards East Sacramento Project Area

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