

ORDINANCE NO. 2009-010

Adopted by the Sacramento City Council

March 3, 2009

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:

BACKGROUND

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

- A. 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.
- 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 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Ordinance No. 2007-026 is repealed.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 Chapters 17.60 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.

Table of Contents:

Exhibit A - Area Map

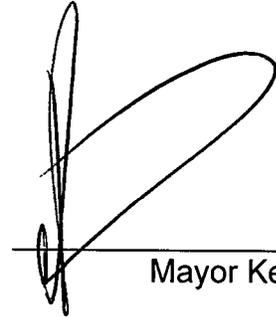
Adopted by the City of Sacramento City Council on March 3, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk

Passed for Publication: February 24, 2009

Published: February 27, 2009

Effective: March 27, 2009



Exhibit A
Alternative Development
Standards East Sacramento
Project Area

