REPORT TO COUNCIL
City of Sacramento

28

915 I Street, Sacramento, CA 95814-2671
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PUBLIC HEARING
October 24, 2006

Honorable Mayor and
Members of the City Council

Title: Creation and Authority of a Design Commission and a Preservation Commission (M06-017)

Location/Council District: Citywide

Recommendation:

1) Adopt a **Resolution** approving the Environmental Exemption from the California Environmental Quality Act under Section 15061(b)(3) and 15378(b)(5), 2) Adopt four **Ordinances** amending the City Code as follows:

    a) an **Ordinance** amending Chapter 17.132 of Title 17 of the Sacramento City Code (The Zoning Code) relating to design review and establishing the Design Commission; and,
    b) an **Ordinance** adding Chapter 17.134 to Division V, Special Districts of Title 17 of the Sacramento City Code (The Zoning Code) relating to historic preservation and establishing the Preservation Commission and repealing Chapter 15.124 of Title 15 of the Sacramento City Code; and,
    c) an **Ordinance** amending various sections of Chapter 17.200 of Title 17 of the Sacramento City Code (The Zoning Code) relating to hearings and appeals; and,
    d) an **Ordinance** amending various sections of Title 1, Title 2, Title 8, Title 12, Title 15, Title 17, and Title18 of the Sacramento City Code relating to the Design Commission and the Preservation Commission.

Contact: William Crouch, Urban Design Manager (916) 808-8013; David Kwong, Current Planning Manager (916) 808-2691
Presenters: William Crouch, Urban Design Manager
Department: Development Services
Division: Current Planning Division
Organization No: 4881

Description/Analysis

Issue: The four proposed ordinances provide for:

- Make up of new Commissions:
  NEW: Seven-member Design Commission, and a seven-member Preservation Commission;
  CURRENT: One (joint) Design Review & Preservation Board with nine members;
- Policy role of new Commissions:
  NEW: Emphasis upon a policy advisory role of the new commissions with respect to their area of expertise, either Design Review or Historic Preservation, and limiting their respective development project review roles;
  CURRENT: Currently the Board's work is primarily review and approval of development projects. For the Design Review projects, these are mostly exterior new construction; for Preservation projects, these are more major rehabilitation and restoration projects and many new construction projects on vacant lots in Historic Districts. Reviewing these projects have often led to two meetings each month, often extending past 11:00 P.M., leaving very little time to devote to developing new guidelines and standards and other larger policy related issues that would be forwarded to the City Council for its consideration and adoption.
- Providing new streamlined levels of development project review:
  NEW: Revising the types of development projects that would be heard at the Commission, Director or other Staff-levels; limiting Commissions review of only major projects, an increased role of staff in remaining development project review, and including provisions for an "early project notice."
  CURRENT: The Board's current project review workload adds time to the project review process, for both the property owner and City staff, in addition to the Board's time. The Board now reviews many smaller commercial projects in Design Review, and Preservation has reviewed single-family new construction in Historic Districts.
- New one appeal process:
  NEW: A "one appeal" process where a decision can be appealed up to the next level. City Council call up provisions would remain in place for a Commission decision on an item appealed from a Design Review Director or Preservation Director Hearing.
  CURRENT: Currently, especially in Design Review more so than in Preservation, the process allows a staff-level decision to be appealed to the Design Review & Preservation Board, and that decision can be appealed to the Planning Commission, and that decision can then be appealed to the City Council.

- Design Review Director development project hearings:

NEW: Design Review Director Hearings of mid-level commercial projects that currently require Board approval
CURRENT: the Preservation Director and the Zoning Administrator (ZA) now both hold hearings on development projects and planning entitlements, and the Design Review Director has not held hearings on staff-level decisions;

- Reconsideration process for staff-level decisions:
  NEW: A new process for the Preservation Director and the Design Director to reconsider the decision on certain projects decided at the staff-level, prior to the decision on the project becoming final;
  CURRENT: Currently, the process requires a Design Review staff decision to be appealed directly to the Design Review & Preservation Board. This is less of an issue for Preservation projects, since there is currently a differentiation of projects that are staff review, relatively minor in scope, and Preservation Director level of review. But, there still is no mechanism for reconsidering a Preservation staff-level decision.
- Concurrent project review involving:
  NEW: For those staff-level Design Review or Preservation projects that also require Zoning Administrator hearings, the proposal is for the Design Review and Preservation staff decisions to be made as part of the Zoning Administrator Hearing, similar to the way the Zoning Administrator includes other disciplines in the hearings now;
  CURRENT: The current process, technically, allows for the Zoning Administrator (ZA) to hold a public hearing on a project and the Design Review or Preservation staff would not need to coordinate with the ZA (though this coordination is done now informally).
- Notice, hearings, appeal consistency:
  NEW: Providing procedural consistency within Title 17 of the City Code (Zoning) for preservation and design review, including noticing, hearings, and appeals;
  CURRENT: Each process, Design Review & Preservation, now follows their own notice, hearing and appeal processes, different from each other, and from other hearing bodies as well, such as the Zoning Administrator and Planning Commission.
- Processes to dissolve Design Review Districts:
  NEW: Include a formal process in the Design Review ordinance to allow for dissolution of a Design Review District;
  CURRENT: Only includes a process for creating a Design Review District.
- Streamlined process for Preservation Commission Hearings of 50+ Year Old Structures Demolition Reviews:
  NEW: When the Preservation Director has made a preliminary determination that a structure proposed for demolition is eligible for listing in the Sacramento Register, the decision is sent directly to the new Preservation Commission for consideration as to the eligibility of the property for the Sacramento Register. This eliminates the requirement, if the property owner disagrees with the Preservation Director's

determination, for the property owner to appeal the Preservation Director's decision to the Design Review & Preservation Board.
CURRENT: If the property owner disagrees with the Preservation Director's preliminary determination of eligibility, the property owner currently has to appeal the Preservation Director's decision to the Design Review & Preservation Board. The Board, then, has to hold a hearing on the appeal, and the findings for the decision on the appeal need reflect the Board's view about the property's eligibility to the Sacramento Register, Then the Board needs to hold another hearing to consider the property's eligibility to the Sacramento Register and begin the nomination process.

- Clean-up:
  Multiple sections of the City Code that are affected by the amendments to the Design Review chapter, the Historic Preservation chapter, and the Hearings and Appeals chapter of Title 17, and moving the Historic Preservation chapter of the City Code from Title 15 (Buildings and Construction) to Title 17 (Zoning).

Policy Considerations: The proposed project is consistent with the City's General Plan and with the Preservation Element of the General Plan.

Strategic Plan Implementation - The recommended action conforms with the City of Sacramento Strategic Plan, specifically by adhering to the core values: "Our Customers- We are here to serve our customers. We treat our customers with respect, concern, and appreciation;" "Teamwork- We achieve common goals through cooperation. We recognize our strengths and use them for the benefit for all;" "Community Participation and Input- Our team includes the community. We encourage community members to be a genuine part of the process and we truly seek and value community input and involvement."

The recommended action is also consistent with the Development Services Department's mission of "Getting the Customer to Success," as well as the Department's strategic goal of "Promoting an appropriate regulatory environment," and mirrors the Department's success measures of "predictable, timely, clear and seamless."

Committee/Commission Action: Public hearings concerning these proposed ordinance amendments have been held with the Design Review & Preservation Board, the Development Oversight Commission, and the Planning Commission. Staff reviewed the comments from these bodies and incorporated many, though not all, of the recommendations in the ordinance language presented to the Law & Legislation Committee for its review on October 03, 2006. The major staff recommended changes included: the composition of the two new commissions were changed so that two of the proposed seven seats will be "at-large" positions; the new Design Commission will be able to recommend new Design Review Districts to the City Council for its consideration; a purpose and goals statement for the early notification section was incorporated; and, provision was made for consultation with the Zoning Administrator by appropriate Design

Review or Preservation Staff when a project also requires a Zoning Administrator Hearing. At its October 03, 2006, meeting the Law & Legislation Committee of the City Council reviewed the ordinances with the Staff recommended changes and supported the ordinances with the following additional changes: limiting candidates for appointment to the two new Commissions to residents of or owners of businesses located within the City, which would be consistent with appointments to all other Boards and Commissions; and, allow reconsideration of Staff level decisions in all Design Review Districts for building moves and new single- and two-family homes. The ordinances included in this Staff Report reflect all the recommendations from the Law & Legislation Committee.
Environmental Considerations: The Environmental Services Manager has determined that adopting the proposed ordinances does not have the potential for causing a significant effect on the environment and is therefore exempt under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (Review for Exemption), and Section 15378(b)(5) (Definitions) "organizational or administrative activities of governments that do not result in direct or indirect physical changes in the environment." However, subsequent actions or decisions made pursuant to these ordinances, once adopted, may be required to undergo CEQA review.

Rationale for Recommendation: In its 2004/2005 Annual Report to the City Council, the Development Oversight Commission (DOC) recommended and the City Council endorsed the concept of creating two separate Commissions and eliminating the Design Review & Preservation Board, as part of the DOC's efforts to review and improve the City's development project review process. The recommendations provide for a more streamlined process, including appeal procedures, and provide for consistency and clarity relative to notice, hearings and appeals within the Zoning Code.

Financial Considerations: This project has no fiscal considerations.

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

Respectfully Submitted by: _____
William Crouch
Urban Design Manager

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

Background Information:

In an effort to streamline procedures, especially relative to development project review, the City of Sacramento's Development Oversight Commission (DOC) reviewed the elements of the City's Design Review and Historic Preservation programs, particularly in regards to the Design Review & Preservation Board's (Board) and the Design Review or Historic Preservation staff responsibilities involving development project review. It was noted that the Board hears many development project proposals which are non-controversial or which were decided "on consent," but which involve considerable additional staff and applicant time for the Board hearing. The DOC began work on a recommendation, presented and accepted by the City Council, in the DOC's 2004-2005 Annual Report, with an emphasis on development project review, specifically recommending:

> "2. Redefinition of the original purpose of the Development Oversight Commission, with potential expansion of the DOC role in the development process. This would include other areas in the development review process where the DOC can increase value in the delivery and review of services provided by the City."
>
> "3. The division of the Design Review and Preservation Board into two separate entities. The Development Services Department will return to the Council later this year with specific ordinances to formalize this process."

Through the intervening months, City staff from the Development Services Department, the City Manager's Office and the City Attorney's Office, have been meeting with the Board, the DOC, the Planning Commission, and various interested organizations and individuals, to draft implementing ordinances that reflect the DOC's 2004-05 Annual Report recommendations, as well as taking the opportunity to provide for consistency related to notice, hearings and appeals within the Zoning Code.

Executive Summary (M06-017) **ATTACHMENT 2**

Creation of a new Design Commission and a new Preservation Commission

DOC Initiative

- Policy Leadership Role for Commissions
- Streamlining Development Project Review & Staff Responsibilities
- Urban Design Manager Position

Four Ordinances

- Design Review – Amending Title 17, Chapter 17.132
- Historic Preservation – Adding New Chapter to Title 17, Chapter 17.134; Repealing Title 15, Chapter 15.124
- Hearings & Appeals – Amending Title 17, Chapter 17.200
- Overall City Code Cleanup related to above-three ordinances

Design Review Ordinance – Title 17, Chapter 17.132

- Seven-Member Commission
- Development Project Review Commission/Staff Threshold Changes
- Design Review Director Hearings
- Appeals & Applications Procedures
- Roles of Commission/Director/Staff
- Provide a process for the Establishment/Dissolution of Design Review Districts

Preservation Ordinance – Title 17, Chapter 17.134

- Seven-Member Commission
- Development Project Review Commission/Staff Threshold Changes
- Appeals & Applications Procedures
- 50+ Years Old Structures Demolition Review/Preliminary Determination of Eligibility Process Streamlining
- Roles of Commission/Director/Staff
- Move from Title 15 to Title 17of the City Code

Hearings & Appeals Ordinance– Title 17, Chapter 200

- Noticing Consistency – incorporating SWAT Recommendations
- Appeals Procedures Consistency – One Appeal Recommendation

Overall City Code Cleanup Ordinance

- Identify existing DRPB and other references to current ordinances being changed, and amend those portions of city code to reflect provisions of the three new ordinances

Proposed Schedule

- *AUGUST/SEPTEMBER* – DRPB, DOC, CPC & CC Law & Leg Committee Hearings on Proposed Ordinances
- *AUGUST/SEPTEMBER* – Civic/Neighborhood Organizations Outreach
- *OCTOBER 2006* – City Council Adopts Ordinances
- *UPON ADOPTION* – City Clerk Opens Commission Positions for Application
- *NOVEMBER/DECEMBER* – CC Personnel Committee Recommends/Mayor Appoints/City Council Confirm Commissioners
- *JANUARY 01, 2007* – Ordinances & New Commissions take effect / DRPB sunsets

ATTACHMENT 3

MATRIX SUMMARY OF MAJOR CURRENT AND PROPOSED HISTORIC PRESERVATION ORDINANCE CHANGES

PROVISION	CURRENT ORDINANCE	PROPOSED ORDINANCE
A. Membership	9 Member Board (2 at large members)	7 Member Commission (2 at large members with preference to professional experience)
B. Project Review Thresholds	1. Board reviews all projects that would affect significant features or eligibility of property for listing in Sacramento Register. Board specifically reviews all demolitions of Landmarks & Contributing Resources, and new construction on vacant lots within Historic Districts.	1. Move more project review to Preservation Director & Staff to allow emphasis on the policy advisory role of the Commission. Commission reviews more major projects that would have a significant impact on features, including demolition, and upon eligibility for listing. Remaining projects, including new construction on vacant lots within Historic District moved to Preservation Director
	2. Preservation Director reviews projects not subject to Board review involving alterations, additions and new construction, and also demolitions involving non-contributing structures	2. Preservation Director reviews projects not subject to Commission review, including alterations and additions affecting significant features, but where work would not have significant impact, including new construction on vacant lots in Historic Districts.
	3. Staff reviews all remaining work.	3. Staff reviews all remaining work; new Zoning Administrator Hearings consultation process.

PROVISION	CURRENT ORDINANCE	PROPOSED ORDINANCE
C. Appeal Process	1. Preservation Director action may be appealed to the Board; and, Board action may be appealed to the City Council.	1. One Appeal process allows for appeal of Preservation Director action to the Preservation Commission, which is final unless called up by City Council 2. Staff actions which are noticed cannot be appealed, but are subject to reconsideration procedure by the Preservation Director.
D. Notification	1. Early Notice is policy 2. Board and staff projects are noticed to 500 foot radius of property owners and interested parties/community groups	1. Early Notice process is codified 2. Hearings (Preservation Commission and Preservation Director Hearings) are noticed to a 300 foot radius of property owners and interested parties/ community groups 3. Staff level reviews are not formally noticed unless a request for reconsideration is submitted
E. 50-Year-Old+ Structure Demolition Appeal/Nomination Process	Current process requires an appeal to Board, with fee, of Preliminary Determination of eligibility, then another hearing to consider eligibility for the property's nomination.	Eliminates need for appeal process; goes directly to hearing on eligibility for nomination.

MATRIX SUMMARY OF MAJOR CURRENT AND PROPOSED DESIGN REVIEW ORDINANCE CHANGES

PROVISION	CURRENT ORDINANCE	PROPOSED ORDINANCE
A. Membership	9 Member Board (2 at large members)	7 Member Commission (2 at large members with preference to professional experience)
B. Project Review Thresholds	4. Board reviews all new commercial projects and any project with over $100K of exterior work 5. Staff reviews all 1 and 2 family construction and commercial additions and remodels with up to $100K of exterior work	4. Commission reviews projects that exceed four stories, or; exceeds 60 feet in height, or; is located in the CBD and exceeds 75K gross s.f. of floor area or is outside the CBD and exceeds 40K gross s.f. of floor area 5. Design Director now will hold hearings for projects below Commission threshold if the project is not in substantial compliance with applicable design guidelines 6. Staff level project reviews for all projects in substantial compliance with applicable guidelines, including 1 and 2 family construction

C. Appeal Process	2. Staff action appealable to the Board, with Board action appealable to the Planning Commission, and that action appealable to City Council 2. City Council can call up Planning Commission action	3. One Appeal process allows for appeal of Design Director action to the Design Commission, which is final unless called up by City Council 4. Staff actions which are noticed cannot be appealed, but are subject to reconsideration procedure by the Design Director prior to final decision
D. Notification Process	3. Early Notice is policy 4. Board and staff projects are noticed to adjacent property owners and interested community groups	4. Early Notice process is codified 5. Design Commission and Design Director Hearings are noticed to a 300 foot radius of property owners via U.S. mail, as well as to interested community groups via internet 6. Staff level reviews are not formally noticed unless a request for reconsideration is submitted

ATTACHMENT 4

DESIGN REVIEW &
PRESERVATION BOARD

CITY OF SACRAMENTO

915 "I" STREET
SACRAMENTO, CA 95814

September 20, 2006

TO: Honorable Mayor and Members of the City Council

FROM: Design Review & Preservation Board

SUBJECT: **Ordinances creating a Design Commission and a Preservation Commission and establishing notice and hearing authority and procedures for design and preservation review (MO6-017)**

The Design Review and Preservation Board (DRPB) reviewed the four proposed ordinance packages and the accompanying staff report at its meetings on August 30, 2006, September 6, 2006 and September 20, 2006. At the meetings, the DRPB was informed of the very tight timeline for City Council adoption. While we are very much in support of the streamlining initiative and agree that these changes are overdue, we feel the success of the new processes, for both development and neighborhood customers, will depend on the clarity and completeness of the proposed ordinances.

In that spirit, our Board performed a thorough review of the proposed Ordinances and offers the following comments and recommendations:

- The Board endorses the policy focus of the new Commissions and the new project review thresholds. By staff's estimation, these new thresholds will reduce the amount of projects subject to Commission level review by as much as 65 to 75 percent.

- To allow experience to shape future process improvements, the Board recommends that there be a process for a periodic assessment of the effectiveness of the new Staff/Director/Commission triage thresholds and a

process to submit its recommendations for any amendments to these thresholds to the City Council for your consideration.

- The Board's recommendation on early notification (Attachment 2) is based upon our position that, in return for a streamlined project review process, the public is afforded the opportunity to provide timely input on projects. This was a basic premise upon which this entire streamlining initiative achieved support from neighborhood interests. This and other neighborhood and public involvement interests have been substantially weakened or entirely removed from this final draft of the ordinances.

- The Board feels that the currently proposed "triage" whereby a project is only heard by one Commission or Director/Administrator, no matter the project or issue, could be very problematic. Many projects in our City will require design review, will have significant planning or zoning entitlements and/or variances, and may even involve a historic structure. Having an arbitrary system to select a single authority to decide these disparate issues for a project seems contrary to good government. Further, the Commissions will not be adequately versed in the specialties of other Commissions (for example, the Preservation Commission would not and should not be granting variance to parking requirements). For these reasons, provisions for joint hearings should be included.

- The second basic premise upon which the streamlining initiative achieved support from neighborhood interests was an assurance of a higher level of compliance with design and preservation guidelines. The Board recommends that the proposed ordinances be amended to provide increased certainty of project compliance.

The Council will consider these Ordinances at its October meeting. In addition to DRPB comments, the Council will likely receive comments from the Development Oversight Commission, Planning Commission, the Law and Legislation Committee of the City Council, and the general public. If necessary, we hope the Council is prepared to forego action, to allow staff to incorporate all the input received and to produce a final draft that represents the significant input provided by the effected organizations and the community.

These Ordinances will have a profound affect on the future built environment of the City of Sacramento. While we are all anxious to proceed, this multiyear process should not be rushed through at its most critical juncture, simply to meet an arbitrary deadline. Further, a fully vetted set of ordinance changes is more representative of the transparency the City desires.

The Board strongly recommends the specific ordinance language changes, per Attachment 1, be made to accommodate the key issues itemized above.

We thank you for your time and consideration.

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Exhibit A - Design Review & Preservation Board Recommendations for specific changes to language in the four ordinances

Exhibit B - Early Notification - goals, timing, methods, and breadth of notification

Exhibit A

DRPB recommendations on proposed
DESIGN REVIEW ORDINANCE – 17.124

1. **Section 17.320.040.C Design Commission Seats (pg. 3)**: Recommend the following modifications to the Commission Seats:
   - Seat 1: is former Seat 2 Licensed Architect
   - Seat 2: is former Seat 3 LEED Accredited Architect
   - Seat 3: is former Seat 5 Licensed Landscape Architect
   - Seat 4: is former Seat 6 Licensed Contractor
   - Seat 5: is former Seat 7 but specify that it must be a Licensed Structural Engineer
   - Seat 6: Change to At-Large Member with preference for training or experience in Urban Planning and Urban Design (specifically recommend this modification to ensure neighborhood representation on the Commission)
   - Seat 7: Change to At-Large Member with preference for training or experience in real estate development, real estate brokerage, or real estate financing (specifically recommend this modification to ensure neighborhood representation on the Commission)

2. **Section 17.132.050 Design Commission Term of Office (pg. 4)**: Recommend adding language about timely appointments of successors, including maximum advertising time, etc. Recommend modification to the initial terms to be a minimum 2 year appointment.

3. **Section 17.132.080.C Design Commission Quorum (pg. 5)**: Recommend modification to quorum to be no less than one half of Commission seats currently filled.

4. **Section 17.132.160.B.1 Procedure for Establishing Design Review Districts (pg. 6)**: Recommend that the Design Commission also be given authority to initiate establishment of Design Review Districts.

5. **Section 17.132.170 Guidelines for Design Review Districts (pg. 7)**: Recommend that design guidelines be made standards, where feasible.

6. **Section 17.132.290.A Authority to Review (pg. 10)**: Recommend adding language that gives authority to the Design Commission to elect to elevate a Design Director Hearing on a development project to a Commission Hearing.

7. **Section 17.290.F Determination Regarding Applicability of Chapter 17.132 and Chapter 17.134 (pg. 12)**: Recommend that language be added to allow joint hearings of the Design Commission and Preservation Commission for projects which are subject to both types of review, and when a Design project is adjacent to a Landmark or Historic District. In addition, add language such that

when Section 17.134 applies, review is conducted subject to that section and applicability under Section 17.132 would not occur.

8. **Section 17.132.310.B Early Notice (pg. 13)**: Recommend adding more specificity that includes the framework, intent, goals, methods, and area of notification. (See Attachment 2)

9. **Section 17.132.310.C.3Review by Zoning Administrator (pg. 15)**: Recommend that this be a joint hearing with Design Review and ZA rather than just consultation.

10. **Section 17.132.310.D.2 (pg. 15) and 17.132.310.E.2 (pg. 16) Decision and Notification for Design Director and Commission Hearings:** Recommend that notification be transmitted to neighbors, community groups, and other interested parties, in addition to the applicant.

11. **Section 17.132.310.F Final Plan Certification (pg. 16)** : Recommend adding language that requires any modifications to approved plans to return for review and certification by the Design Director prior to issuance of permits.

General comments:

12. Numerous small changes (e.g., modification language on pre-approved plans to read "substantial deviation") were made on several pages of the document; staff will record these and give to the city attorney for changes to the document.

13. The Board requested that definitions of the terms "ministerial" and "discretionary" be added to the ordinance.

14. The Board recommends that authority be added in the Design ordinance to review public interior spaces visible from the exterior and impacting the exterior design, such as lobbies in new high-rises on DR projects, similar to the Preservation ordinance that allows review of public spaces in Landmark structures.

DRPB recommendations on proposed
HISTORIC PRESERVATION ORDINANCE - 17.134

Article I. General Provisions 17.134.020 Definitions

15. **Contributing resource (page 3)**: Clarify that individually listed Landmarks might also be contributing resources in a historic district.

16. **Demolition 2. b. (page 3)** Change wording to:

" b. the remodeling or other alteration of the landmark or contributing resource, where the [delete "demolition"; add "proposed work"] affects or may affect significant features or characteristics..."

17. **Demolition 2. c. (page 4)**
Add, " ...and has been determined will affect the significance...

18. Add definition of "discretionary"

19. Add definition of "disturb" "disturbed" "disturbing"

20. **Feature or characteristic (page 4)** Add, "massing" in first sentence.

21. Add definition of "ministerial"

Article II. Preservation Commission

22. **17.134.040 Preservation commission – Appointment and qualifications C. (Seats) (pages 6 - 7)** Reorder and change seats to:

1. Seat 1. ...licensed historical architect...
2. Seat 2. ...architectural historian...
3. Seat 3. ...registered structural engineer...
4. Seat 4. ...licensed contractor...
5. Seat 5. ...landscape architect...
6. Seat 6. At large, with preference for persons with experience and expertise in historic preservation and/or urban planning
7. Seat 7. At large, with preference for persons with experience and expertise in history of Sacramento, the region, Northern California...

23. **17.134.050 Preservation commission – Term of office. (pages 7-8)**Change initial members terms to two, three and four years, vs. one, two and three years.

24. **17.134.080 Preservation commission – Organization and procedures C. (Quorum) (page 8)** Recommend modification to quorum to be no less than one half of the Commission seats currently filled.

Article IV. Sacramento Register of Historic and Cultural Resources

25. **17.134.160 Sacramento Register B. (where Register is filed) (page 10)** Add, at end of sentence, "...and made available on the City's internet web site."

26. **17.134.190 Procedures for deletion of listed resources from the Sacramento Register 4. Early Notification (Page 17)** Provide language concerning the intent of early notification, and general goals related to the timing and breadth of

early notification, not necessarily the specific procedures, which may change from time to time. (See Attachment 2.)

Article VI. Development Project Review
17.134.290 Review of development projects – Authority to review.

26. **A. Projects Subject to Preservation Commission Review and Hearing (Page 22) -- NEW:** Provide ability for Commission to call up a project for its review.

27. **D. Projects Exempt from Preservation Review. 2. (Page 23)** Add, "Routine non-abrasive cleaning, except sanding, etc., as required to prepare surfaces for repainting."

28. **F. Determination Regarding Applicability of Chapter 17.134 and Chapter 17.132. (Page 24)**
    - Specify circumstances when this process would be needed, such as projects that cross more than one property, with one or more property containing a Landmark and the adjoining property that does not contain a listed historic resource or is not within an historic district.
    - Specify types of criteria for making these decisions
    - Clarify that projects involving nominated and listed Landmarks and within nominated and listed Historic Districts are subject to preservation review process, not design review process.

29. **17.134.320 Procedures for preservation review B. Early Notice (Page 24)** Provide language concerning the intent of early notification, and general goals related to the timing and breadth of early notification, not necessarily the specific procedures, which may change from time to time.(See Attachment 2.)

30. **17.134.320 Procedures for preservation review. 3. Review by Zoning Administrator (page 26)** Change language, "...the zoning administrator shall act on the preservation review in conjunction with the other entitlements, [delete "after"; add in consultation] with the preservation director or his or her designee."

31. **NEW:** Provide opportunity for joint Preservation Director / Zoning Administrator Hearings

32. **NEW:** Add provision in this Article for Preservation Director or designee to consult with other agencies, commissions or staff on projects that adjoin historic resource properties.

33. **NEW:** Add provision this Article to provide a process to ensure that the conditions of preservation project approvals will be met through the building plan check and field inspections process, and/or if modifications to approved

preservation conditions need to be considered, that the proposed modifications return for preservation review and approval.

34. **NEW:** Add section this Article: Modifications per subsection C. of 17.132.320, Design Review ordinance.

Article VII. Dangerous and Immediately Dangerous Buildings, Structures or Resources

35. **17.134.410 Demolition of immediately dangerous structures – Listed historic resources. A. (Page 31)** Last two sentences, change to read: "Whenever a provision of this section requires that an action be taken by the building official and the building official is absent or otherwise unavailable, then the code enforcement manager shall be authorized to take the action. If the code enforcement manager is absent or otherwise unavailable, then the designee of the [*delete* "code enforcement manager"; *add*, building official] shall be authorized to take the action.

17.134.420 Lawful demolition, removal, or disturbing of listed historic resource – Deletion – Restrictions (Page 32)

36. **A.** Last sentence, add, "Landmark(s) in which a majority of the significant features(s) and characteristic(s) are destroyed by natural disaster(s), acts of God or other similar events not attributable to the neglect by, or to the willful or intentional action of the owner..."

37. **B.** First sentence, add, "...the city clerk upon notice from the preservation director thereof, shall cause such listed historic resource..."

Article IX. Preservation Incentives.

38. **17.134.470 California Historical Building Code (page 34-35)**
Make provision for a Preservation Director list of properties that can be determined eligible to utilize the Historical Building Code prior to listing in the Sacramento Register. Per the Executive Director of the State Historical Building Safety Board, such a listing would need to require use of historical building code for all future work on property; this list could be most helpful for properties that would be considered contributing resources in potential historic districts, in situations where the historic district survey has not begun, or has not been completed. In instances where the property would be eligible for Landmark listing, a Landmark nomination application should be submitted by the property owner within X days of initial determination of eligibility.

General Comments:

39. **Throughout ordinance, references to Early Notification.** Provide language concerning the intent of early notification, and general goals related to the timing

and breadth of early notification, not necessarily the specific procedures, which may change from time to time.

40. **Throughout ordinance, references to "Notice of Decision" or "Decision and Notification":** Expand persons to receive the notice of decision mailing beyond the applicant to include property owners within the specified radius of the project, community groups and other interested parties.

DRPB Recommendations on proposed
HEARINGS & APPEALS ORDINANCE 17.200

41. **17.200.010 & .020 (pages 1-5)** Add, "electronic forms of notification"

DRPB Recommendations on proposed
"CLEANUP" ORDINANCE amending various sections of Title 1, Title 2, Title 8, Title 12, Title 15, Title 17, and Title18 of the Sacramento City Code relating to the Design Commission and the Preservation Commission.

42. **Section 6. G: of Section 2.84.080 of Title 2 (page 3)** Add "Design Review Director and Preservation Director actions"

43. **Section 7. Section 8.100.040 of Title 8 (page 3 & 4)** California Historical Building Code

Section 10. Section 15.44.020 of Title 15:

44. **A. General Rule (page 4)** Add, ...obtain a permit from the preservation director. The preservation director may require..."

45. **C. Demolition of Structures Adjacent to Historic Resources (page 5)** Clarify reference to "director" this section, does it refer to preservation director or building official?

46. **Section 11. Section 15.48.010 of Title 15 A. General – Permit Required (page 8)** Correct title of director of planning and development

47. **Section 14. Section 15.72.030 of Title 15 (page 9)** Clarification of criteria for triage, ensuring that applications involving Landmark properties or properties within Historic Districts are reviewed pursuant to the Preservation review process.

48. Section 17. Section 17.96.020 of Title 17 Urban design...(page 11)
If there is to be a provision for a body to amend the design guidelines where such amendment will aid the accomplishment of the policies for downtown design, it should be the Design Commission, not the Planning Commission.

Exhibit B

Early Notification – goals, timing, methods, and breadth of notification

A. Two components

1. Voluntary early notification – urging the applicant to work with neighbors and neighborhood association(s) to address concerns prior to completing a detailed submittal to the City. At this phase, it is expected that the applicant is not locked in to the specifics of his/her design and is therefore more open to potential modifications. Working early with neighborhoods also increases buy-in for the project.

2. Formal early notification – City notifies neighbors and neighborhood association(s) as soon as a project is submitted for review. Neighbors and neighborhood associations are urged to provide comments prior to or at the same time that City staff is developing their own comments on the project. City staff should meet with the applicant and neighbors/neighborhood association(s) to work out issues before the project is scheduled for hearing or decision.

B. Goals

1. Get the applicant to work with neighbors and neighborhood association(s) early increases the chance that a project will not become controversial and the parties will not become adversarial.

2. Working out differences early in the process lessens the chance that parties at a hearing will be confrontational.

3. Increases buy-in by neighbors and neighborhood association(s) on projects.

4. Increases mutual trust between neighborhoods and development interests.

5. Reduces the chance that project decisions will be appealed.

C. Methods – maximize the use of electronic methods of communication – saves time and money for all – eliminate US Postal Service mail for those parties who elect to use electronic means

1. Post submitted project information, including plans and elevations, on the City web site.

2. Provide links to the posted project information in notices.

3. Use email notification whenever feasible to reduce delays in parties receiving the information and increasing their time to comment.

4. Post projects and links to project information in a weekly electronic newsletter, as is done by the Preservation Office.

5. Allow interested parties to subscribe to project notifications for their area of the City and/or type of project (list serve system).

D. Breadth of Notification

1. Neighbors

2. Neighborhood Associations that cover the area in which project is proposed.

3. Interested Parties (list serve sign-up)

ATTACHMENT 5

RESOLUTION NO. 2006-

Adopted by the Sacramento City Council

DETERMINING PROJECT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

(Creation and Authority of a Design Commission and a Preservation Commission (M06-017))

BACKGROUND

A. The City of Sacramento's Environmental Planning Services has reviewed the Ordinances creating a Design Commission and a Preservation Commission and establishing notice and hearing authority and procedures for design and preservation review (M06-017) ("Project") and has determined the Project is exempt from review under the California Environmental Quality Act as follows:

1. The Project is exempt under the following provisions of the California Environmental Quality Act and/or Guidelines: Section 15061(b)(3) Review and Exemption, and Section 15378(b)(5) Definitions.

2. The factual basis for the finding of exemption is as follows: The proposed ordinances do not have the potential for causing a significant effect on the environment due to the organizational and administrative activities of City government that are involved, realizing however that subsequent actions or decisions made pursuant to these ordinances, once adopted, may be required to undergo environmental review.

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

Section 1. The City Council has reviewed and considered the Environmental Planning Services determination of exemption and the comments received at the hearing on the Project and determines that the Project is exempt from review under the California Environmental Quality Act for the reasons stated above.

ATTACHMENT 6

ORDINANCE NO.

Adopted by the Sacramento City Council

AMENDING CHAPTER 17.132 OF TITLE 17 OF THE SACRAMENTO CITIY CODE (THE ZONING CODE) RELATING TO DESIGN REVIEW AND ESTABLISHING THE DESIGN COMMISSION (M06-017)

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

SECTION 1. Chapter 17.132 of Title 17 of the Sacramento City Code (the Zoning Code) is repealed and reenacted in its entirety to read as follows:

Chapter 17.132 DESIGN REVIEW

17.132.010 Findings and declaration of purpose.

A. The city council finds and declares that a high regard for the integration of design with the general appearance, scale, capacity, use and character of neighborhoods, districts, and environments within the city promotes the health, safety, welfare and economy of the residents of the city in the following manner:

1. The desirability of adjacent and surrounding properties is enhanced;

2. The benefits of occupancy of adjacent and surrounding properties are improved;

3. The value of surrounding properties is increased;

4. Appropriate development of adjacent and surrounding properties is encouraged;

5. The maintenance and improvement of surrounding properties is encouraged, resulting in the enhancement of the health, safety, aesthetics, and general welfare of the inhabitants of the area and the inhabitants of the city at large.

B. The city council further finds and declares that the city is the capital city of the state of California; that as the capital city, Sacramento should reflect the values, beauty and heritage of the entire state to the rest of the state; and that the physical appearance and quality of design should epitomize these values and should serve as a valuable asset and benefit for the citizenry.

C. The city council further finds and declares that the administrative responsibilities of the design review program established under this chapter shall be assigned to a design commission, a design director, and design review staff as follows:

1. The design commission's primary responsibilities shall be to develop and recommend to the council urban design policies appropriate for inclusion in the General Plan and other regulatory plans and programs of the city, and to develop and recommend design guidelines for the implementation of this chapter. The design commission's role in reviewing development projects shall be limited to hearing projects of major significance and appeals of the design director's decisions.

2. The primary responsibilities of the design director and design review staff shall be to review and take action on development project design review applications, as set forth in this chapter.

17.132.020 Definitions.

For the purpose of this chapter, the following words and phrases are defined as follows. The definitions in this section shall supersede the provisions of Section 17.16.010 in the case of conflict. The terms are in alphabetical order.

"Building height" or "height" means the dimension measured from mean finish grade to top of parapet or top of the highest ridge line for projects with pitched roofs.

"Design commission" means the design commission created and composed under this Chapter 17.132.

"Design director" means the individual designated by the city manager to carry out the functions of the design director under this Chapter 17.132 and this code.

"District" means design review districts created under this Chapter 17.132.

"Development project" or "project" shall be liberally interpreted and shall include the new construction of a building or structure and the addition to, remodel, repair, or relocation of any existing building or structure, along with all associated facilities and appurtenances, such as walls, fences, and signs.

"LEED accredited architect" means an architect accredited by the US Green Building Council for proficiency in and understanding of green building practices and principles and

familiarity with LEED ("Leadership in Energy and Environmental Design") requirements, resources, and processes.

"New construction" means the construction of a new building or structure, along with all associated facilities and appurtenances, such as walls, fences, and signs. New construction does not include additions to existing buildings or structures.

"Registered house plans" means house plans that have been previously approved and registered with the City pursuant to this chapter.

17.132.030 Design commission—Established

The design commission is established.

17.132.040 Design commission--Appointment and qualifications.

A. Members of the design commission shall be appointed by the mayor, with the consent of the city council. The general requirements of Article XV of the city charter and of Chapter 2.40 of this code governing the appointment of board and commission members, attendance at board and commission meetings, voting, term limits, and removal shall apply to the design commission. A member is subject to removal for good cause, neglect of duty or misconduct as provided in City Charter Section 232.

B. All members of the design commission shall be residents of or the owner of a business located in the city.

C. The design commission shall consist of seven members. Each member of the design commission shall have demonstrated interest in urban design, landscape or architectural design, or the physical development of the city. The seven members of the design commission shall be qualified by reason of training or professional experience and demonstrated leadership as follows:

1. Seat 1: an individual who is a licensed architect with training or experience in mid- and high-rise urban, commercial, institutional, and mixed use projects;

2. Seat 2: an individual who is a licensed, LEED (or equivalent) accredited architect;

3. Seat 3: an individual who is a licensed landscape architect with training or experience in mid- and high-rise urban, commercial, institutional, and mixed use projects;

4. Seat 4: an individual who is a licensed contractor with training or experience in mid- and high-rise urban, commercial, institutional, and mixed use projects;

5. Seat 5: an individual who is a licensed engineer with training or experience in mid- and high-rise urban, commercial, institutional, and mixed use projects, with a preference for a structural engineer;

6. Seat 6: an at-large member with a preference for an individual with training or experience in urban planning and urban design;

7. Seat 7: an at-large member with a preference for an individual with training or experience in real estate development, real estate brokerage, or real estate financing.

17.132.050 Design commission--Term of office.

Except as provided in this section for the terms of the initial members, the term of office for each member of the design commission shall be three years. Terms shall be staggered. In selecting the initial members of the design commission, the mayor shall appoint two to each serve a term of two years, two to each serve a term of three years, and three to each serve a term of four years. Thereafter, members shall be appointed to serve three year terms. If a vacancy occurs during the term of any member, the mayor shall appoint, with the approval of the city council, a successor to serve during the unexpired term. The successor shall possess the qualifications required for the seat being filled.

17.132.060 Design commission--Conflict of interest and financial disclosure statements.

All appointees to the design commission shall be subject to Chapter 2.16 of this code relating to conflicts of interest and shall be required to file statements disclosing financial interests pursuant to the city's conflict of interest code.

17.132.070 Design commission--Compensation.

Each member of the design commission shall receive compensation as determined by the compensation commission under Section 29 of the city charter.

17.132.080 Design commission--Organization and procedures.

A. At its first meeting, and annually thereafter, the design commission shall elect from among its membership a design commission chairperson and a vice chairperson, who shall each hold office at the pleasure of the design commission. When there is a vacancy in the office of chairperson or vice chairperson, the design commission shall fill that office from among its members.

B. The design commission shall establish a time and place for regular meetings to be held not less frequently than monthly. Each meeting shall be noticed and held in accordance with the Ralph M. Brown Act (Government Code section 54950 *et seq.*). The design commission chairperson shall have the authority to notice and hold special meetings in the manner specified in the Ralph M. Brown Act.

C. A quorum comprised of design commission members present and qualified to act shall be required for the design commission to conduct a meeting and take action. A quorum shall consist of four members. The affirmative vote of a majority of the members present and qualified to vote shall be necessary to pass any motion.

D. The design commission shall adopt such rules and regulations as it shall deem necessary, and consistent with the provisions of this chapter, for the conduct of its business.

17.132.090 Design commission--Powers and duties.

Unless otherwise specified herein the powers and duties of the design commission shall be as follows:

A. Exercise the authority set forth in this chapter and as otherwise provided in this code;

B. Recommend to the city council policies and programs in support of the urban design program established under this chapter, including but not limited to urban design policies appropriate for inclusion in the General Plan and other regulatory plans and programs of the city;

C. Develop and recommend standards for review of development projects in addition to those standards set forth herein, and forward the recommended policies and standards to the city council for the city council's consideration and adoption;

D. Evaluate and submit comments and recommendations on proposed plans, public and private development projects, and environmental reviews that are not subject to review under this chapter and that may affect the physical development of and urban design in the city, in coordination with the review and action by the city council, planning commission, or other public agencies on the plan, project, or environmental review;

E. Consult with, advise, and report to the city council on an annual basis in connection with the exercise of the design commission's duties and functions;

F. Any other powers and duties conferred upon the design commission by the city council.

17.132.100 Design commission--Secretary.

The design director, or his or her designee, shall serve as a non-voting secretary to the design commission.

17.132.110 Design director—Office established.

To assist in the implementation of the purpose and objectives of this chapter and to assist the design commission in the performance of its duties, there is created the position of design director.

17.132.120 Design director—Authority.

The design director shall have the authority to:

A. Exercise the authority set forth in this chapter and as otherwise provided in this code.

B. Oversee the operation of the city's design review program established by this chapter.

C. Advise the city council, planning commission, the preservation commission, the design commission, the housing code advisory and appeals board, and city staff on urban design issues;

D. Perform such other functions as may be assigned by the city council.

17.132.130-17.132.150 Reserved.

17.132.160 Design review districts.

A. Purpose.

Design review districts established under the provisions of this section are for the protection and enhancement of the value, appearance, economic development and vitality, and use of public and private property; the maintenance of a high level of community development and the achievement of orderly, harmonious and integrated development in specific areas within the city.

B. Procedure for Establishing, Amending, and Dissolving Design Review Districts.

1. The city council and the design commission each shall have the authority to initiate the establishment of a new design district and the amendment or dissolution of an existing design review district by filing a statement of initiation describing the proposed new district or the proposed amendment or dissolution of an existing district with the secretary of the design commission.

2. The design commission shall hold a public hearing on the statement of initiation filed under subsection (B)(1) of this section. The procedural requirements for the hearing shall be governed by Chapter 17.200. Notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section17.200.010. In addition, mailed notice shall be given at least ten days prior to the hearing to those persons requesting notice in writing. After

completion of the public hearing, the design commission shall issue a determination concurring, in whole or in part, or not concurring in the statement of initiation and forward the determination to the city council for action.

3. Upon receipt of the determination of the design commission on the statement of initiation, the city council shall hold a public hearing. The procedural requirements for the hearing shall be governed by Chapter 17.200. Notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section17.200.010. After completion of the public hearing, the city council may, by ordinance, establish the boundaries of a new design review district or approve the amendment to or dissolution of an existing design review district.

17.132.170 Guidelines for design review districts.

A. Design review guidelines may be adopted for each design review district in accordance with the notice and hearing procedures prescribed in Section 17.132.160, except that the council may adopt the design guidelines by resolution.

B. Design review guidelines for a design review district shall be consistent with the general plan, applicable community plan, and the intent of this chapter and shall contain all of the following elements:

1. A statement of the goals for design review within the design review district;

2. A statement of the standards and criteria to be utilized in determining the appropriateness of any proposed building or structure or alteration thereof within the design review district;

3. Any additional material as may, in the judgment of the city council, be required for the systematic execution of the purpose enumerated in subsection (A) of Section 17.132.160.

<u>17.132.180 Design requirements for areas outside of design review districts.</u>

A. In addition to establishing design review districts and design review guidelines for design review districts, the council may establish minimum design requirements applicable to development projects of a specified size, type, or location. The design requirements may be made applicable to either ministerial or discretionary project applications.

B. Minimum Design Requirements: Ministerial Projects.

1. Minimum design requirements for ministerial projects shall be adopted by the city council by resolution in the same manner as design review guidelines under Section 17.132.170. The resolution shall specify by size, type and/or location the development projects that will be subject to the design requirements. The minimum design requirements

shall not apply to projects that are subject to discretionary design review or that require a special permit under this code.

2. Minimum design requirements for ministerial projects shall be mandatory in nature, and review for consistency with these requirements shall be ministerial and nondiscretionary.

3. No building permit shall be issued for a development project that is subject to the minimum design requirements unless the project is consistent with the applicable requirements.

4. The design commission and the director shall have the authority to vary the minimum design requirements for a development project upon application for discretionary design review in accordance with and subject to the requirements of this chapter.

5. An applicant for a development project subject to the minimum design requirements for ministerial projects who disagrees with an interpretation or application of a design requirement made applicable under this subsection may file a written request for review of that interpretation with the design director. The design director shall review the interpretation or application described in the request for review and render his or her decision on the request within a reasonable period of time. No hearing shall be required, and the decision of the design director shall be final.

C. Minimum Design Requirements: Discretionary Projects.

1. Minimum design requirements for discretionary projects shall be adopted by the city council by resolution in the same manner as design review guidelines under Section 17.132.170. The resolution shall specify by size, type and/or location the development projects that will be subject to the minimum design requirements. The minimum design requirements may be made to apply only to projects that are subject to discretionary design review or that require a special permit or plan review under this code.

b. A finding of consistency with the applicable minimum design requirements shall be required in addition to the findings required for approval of the design review, special permit, or plan review, in the manner specified in the resolution adopting the minimum design requirements.

17.132.190 Approval and use of registered house plans.

A. The design commission shall have the authority to approve registered house plans for one or more design review districts as set forth in this section. Use of registered house plans for development in the designated design review district will exempt the development from further design review as provided in Section 17.132.290.

1. Any person may request approval of registered house plans by filing an application with the design director. The application shall be subject to and governed by Chapter 17.196.

2. A request to approve registered house plans may also be initiated by the design director.

3. The design director shall conduct a preliminary review of the proposed registered house plans and prepare a written evaluation and recommendation of approval, conditional approval, or disapproval of the proposed plans. A copy of the written evaluation and recommendation shall be submitted to the applicant, if any, and shall be forwarded to the design commission for hearing and decision.

4. At least one public hearing shall be held by the design commission on a request to approve registered house plans. The procedural requirements for the hearing shall be governed by Chapter 17.200. Notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section17.200.010. In addition, mailed notice shall be given at least ten days prior to the hearing to those persons requesting notice in writing. At the conclusion of the hearing, the design commission may approve, conditionally approve, or deny the request for approval of registered house plans.

5. In reaching its decision, the design commission shall evaluate each proposal for registered house plans in accordance with the citywide design review guidelines, the design review guidelines for the district or districts for which the registered house plan is intended, the findings and declaration of purpose contained in Section 17.132.010 of this chapter, and any other applicable adopted land use plans. The design commission shall not approve a proposal for registered house plans unless it finds that the design (as it may have been modified or conditioned by the design commission) is consistent with the applicable guidelines and plans and the purpose of this chapter. The design commission shall specify for which design review district or districts the registered house plan is approved for purposes of the exemption from further design review under Section 17.132.290.

6. On its own initiative, or at the request of the director, the design commission may cancel the registration of registered house plans as it deems appropriate to ensure a variety in the housing stock and to otherwise further the purpose of this chapter. The cancellation of the registration of registered house plans shall be subject to the same notice and hearing requirements as apply to the approval of registered house plans.

B. The design director shall establish policies and procedures addressing the development, approval, and use of registered house plans consistent with the purpose of this chapter.

17.132.200-17.132.270 Reserved.

<u>17.132.280 Review of development projects required.</u>

Except as to those exemptions provided in subsection (F) of Section 17.132.290, no building permit shall be issued for any development project that is located in a design review district or that is otherwise made subject to design review under any other provision of this code, and no person shall commence construction of a development project requiring a building permit that is located in a design review district or that is otherwise made subject to design review under any other provision of this code, unless and until an application for design review of the proposed project is reviewed and approved or conditionally approved as required by this chapter. Design review conducted under this chapter shall have review authority over all urban design elements, including by not limited to exterior architectural design, site design, landscape design, and sign design.

17.132.290 Review of development projects—Authority to review.

A. Projects Subject to Design Commission Review and Hearing.

The following development projects subject to design review under this chapter or under any other provision of this code shall be subject to design review by the design commission and shall require a public hearing:

1. New construction of, or an addition to an existing, building or structure that

a. Exceeds four stories, or

b. Exceeds sixty feet in height, or

c. Is located inside the Central Business District and exceeds a total of 75,000 gross square feet of floor area or is located outside the Central Business District and exceeds a total of 40,000 gross square feet of floor area.

2. Any project for which design review by the design commission is required as a condition of approval of a discretionary entitlement issued under this Title 17 or required under any other provision of this code.

3. Any project subject to design director review under this chapter that the design director, in his or her sole discretion, elects to elevate to the design commission for hearing and decision.

B. Projects Subject to Design Director Review and Hearing.

The following projects subject to design review under this chapter or under any other provision of this code shall be subject to design review by the design director and shall require a public hearing:

1. New construction of, or an addition to an existing, building or structure that is not subject to design review by the commission under subsection (A) of this section, and that

the design director determines is not in substantial compliance with applicable design guidelines. No hearing shall be required on the issue of whether the project is in substantial compliance with applicable design guidelines, and the decision of the design director shall be final and shall not be subject to appeal.

2. Any project for which design review by the design director is required as a condition of approval of a discretionary entitlement issued under this Title 17 or required under any other provision of this code.

3. Any project subject to staff review under the general direction of the design director under this chapter that the design director, in his or her sole discretion, elects to elevate to the design director for hearing and decision.

C. Projects Subject to Staff Review Under the General Direction of the Design Director.

1. All projects subject to design review under this chapter or under any other provision of this code that are not required to be reviewed by either the design commission or the design director shall be subject to staff review under the general direction of the design director and shall not require a public hearing.

2. Building moves subject to design review under Section 15.48.010 shall be subject to staff review under the general direction of the design director and shall not require a public hearing.

D. Projects Exempt from Design Review.

Notwithstanding the provisions of subsections (A), (B), and (C) of this section to the contrary, design review shall not be required for the following projects:

1. Remodels or repairs to the interior of any existing building or structure;

2. The following repair and replacement projects, provided the value of the work does not exceed ten thousand dollars ($10,000.00), and the work proposed does not alter, expand or otherwise modify the existing structure:

a. The repair or replacement of stairs, rails and porches to match the design and materials existing at the time of the proposed work, provided the portion to be repaired or replaced when added to the portion(s) repaired or replaced in the previous thirty-six (36) months does not exceed fifty (50) percent of the existing porch or stair area of the structure,

b. The repair or replacement of roofing to match the design and materials existing at the time of the proposed work, provided the portion to be repaired or replaced when added to the portion(s) repaired or replaced in the previous thirty-six (36) months does not exceed twenty-five (25) percent of the existing roof area of the structure,

c. The repair or replacement of exterior siding materials to match the design and materials existing at the time of the proposed work, provided the portion to be repaired or replaced when added to the portion(s) repaired or replaced in the previous thirty-six (36) months does not exceed twenty-five (25) percent of the existing siding area of the structure,

d. The repair or replacement of windows and exterior doors to match the design and materials existing at the time of the proposed work, provided the portion to be repaired or replaced when added to the portion(s) repaired or replaced in the previous thirty-six (36) months does not exceed fifty (50) percent of the existing windows or fifty (50) percent of the existing doors of the structure.

3. New construction of single-family residential units utilizing, without substantial deviation, registered house plans approved for use in the design review district where the proposed construction is located.

4. The construction or installation of public utility boxes and public utility sheds.

5. Billboards.

6. Properties located within a Planned Unit Development subject to Chapter 17.180.

E. Design Director Determination.

The design director shall review and determine whether a development project application is subject to staff review under the general direction of the design review director, a design director hearing, a design commission hearing, or is exempt from review under this chapter. The determination of the design director on this issue shall be final and shall not be subject to appeal.

F. Determination Regarding Applicability of Chapter 17.132 and Chapter 17.134.

An application for a development project that is subject to both design review under this Chapter 17.132 and preservation review under Chapter 17.134 shall be accepted, processed, and reviewed under Chapter 17.134 only, and not under Chapter 17.132; provided, that the review and decision shall be made in consultation with the design director or his or her designee and shall be based on the applicable standards and criteria of both Chapter 17.132 and Chapter 17.134.

G. Expanded North Area Design Review District.

Notwithstanding the provisions of subsections (A) and (B) of this section to the contrary, design review of development projects in the Expanded North Area Design Review

District shall be subject to staff review under the general direction of the design director under subsection (C) of this section.

17.132.300 Standards and criteria for evaluation.

A. The design commission or design director shall evaluate each application for design review in accordance with the applicable design review guidelines for the district in which the project is located, the findings and declaration of purpose contained in Section 17.132.010 of this chapter, and any other applicable adopted land use plans. The design commission or director shall not approve an application for design review unless it finds that the design, as it may have been modified or conditioned by the design commission or design director, is consistent with the applicable plans, findings and declaration of purpose listed above. These standards are intended to provide a frame of reference for the applicant as well as a method of review for the design commission and the design director. These standards and criteria shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, and innovation.

B. The design commission may from time to time promulgate more specific criteria and standards for design review. It is the intent of this paragraph that additional standards and criteria will serve to clarify and elucidate the standards and criteria contained in this section and not modify, supersede, or alter said standards and criteria beyond the scope of design review. Such additional standards shall be adopted by resolution of the design commission.

17.132.310 Procedures for design review.

A. Design Review Applications.

Any person proposing a development project subject to design review under the provisions of this chapter or any other provision of this code shall file an application for design review with the director prior to filing for a building permit or entitlement of use. Such application shall be in the form as required by the director.

B. Early Notice.

The design director shall establish policies and procedures to provide early notification and information to the public regarding the filing and acceptance of an application for design review as determined appropriate by the design director. In developing the policies and procedures for early notice under this section, the design director shall seek to accomplish the following objectives:

1. Encourage applicants to contact, obtain input from, and work out differences with affected neighbors and neighborhood associations early in the project design process;

2. Garner the support of affected neighbors and neighborhood associations for the project through the creation of a transparent process that encourages mutual trust and minimizes adversarial hearings and appeals;

3. Improve the quality of projects and the built environment.

C. Procedures for Staff Review Under the General Direction of the Design Director.

1. Review and Decision.

Except as provided in subsections (C)(2), (3), and (4) of this section, an application for design review that requires staff review under the general direction of the design director under subsection (C) of Section 17.132.290 shall not require notice or hearing. In considering approval of an application, the standards set forth in Sections 17.132.010 and 17.132.300 shall be applied. Such conditions as may be required to ensure conformance with the applicable design review guidelines and standards of review may be imposed. The decision made under this subsection (C)(1) shall be final and shall not be subject to appeal.

2. Special Notice and Reconsideration Procedures.

a. The following projects that are subject to staff review under the general direction of the design director shall be subject to the notice and reconsideration procedures established pursuant to this subsection (C)(2). The design director shall determine whether a development project application is subject to the special notice and reconsideration procedures under this subsection, and the determination of the design director on this issue shall be final and shall not be subject to appeal.

i. New construction of, or the exterior remodel of or an addition to an existing, commercial building or structure.

ii. New construction of, or the exterior remodel of or an addition to an existing, single family or duplex dwelling unit that is greater than two stories and is greater than 35 feet in height.

iii. New construction of, or the exterior remodel of or an addition to an existing, single family or duplex dwelling unit located within a design review district.

iv. An addition to an existing building or structure that increases the square footage of the existing building or structure by fifty percent (50%) or more.

v. The relocation of a nonresidential building.

vi. The relocation of a residential building in or into a design review district.

b. In addition to the early notice provided pursuant to subsection (B) of this section, the design director shall establish policies and procedures to provide notice and reconsideration of the design review decision made under this subsection (C)(2), including at a minimum the following:

i. notification of staff action on the application, including all conditions and findings; and

ii. an opportunity for any person dissatisfied with the decision to request review and reconsideration of the decision by the design director before the decision is final.

c. The decision of the design director after reconsideration under this subsection (C)(2) shall be final and shall not be subject to appeal.

3. Review by Zoning Administrator.

If a project subject to staff review under the general direction of the design director also requires approval of one or more zoning administrator entitlements, the zoning administrator shall act on the design review in conjunction with the other entitlements, in consultation with the design director or his or her designee.

4. Elevation to Design Director Hearing.

At the discretion of the design director, the application for staff review under the general direction of the design director 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 (D) 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.

D. Procedures for Design Review by the Director.

1. Notice—Hearings.

At least one public hearing shall be held on an application for design review that requires action by the design director under subsection (B) of Section17.132.290. The procedural requirements for the hearing and the contents of the notice required by the provisions of this chapter shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting the property and by mail pursuant to subsections (C)(2)(b) and (c) of Section17.200.010.

2. Decision and Notification.

At the conclusion of the hearing, the design director shall issue a written decision setting forth approval, conditional approval, or disapproval of the application, and the findings

supporting the decision, and shall transmit or cause to be transmitted to the applicant written notice of its decision pursuant to section 17.200.020(C).

3. Elevation to Design Commission.

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

4. Appeal.

Except as provided in subsection (D)(3) of this section, any person dissatisfied with the decision of the design director made under this subsection (D) may appeal the decision to the design commission. The appeal shall be noticed, heard, and otherwise governed by Section 17.200.030.

E. Procedures for Design Review by the Design Commission.

1. Notice—Hearings.

At least one public hearing shall be held on an application for design review that requires action by the design commission under subsection (A) of section17.132.290. The procedural requirements for the notice and hearing shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting the property and by mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010.

2. Decision and Notification.

At the conclusion of the hearing, the design commission shall issue its written decision setting forth its approval, conditional approval, or its disapproval of the application, and the findings supporting the decision, and shall transmit or cause to be transmitted to the applicant written notice of its decision pursuant to section 17.200.020(C).

3. Appeal.

a. Any person dissatisfied with the decision by the design commission on an application described in subsection (A) of Section 17.132.290 may appeal the decision to the city council. The appeal shall be noticed, heard, and otherwise governed by Section 17.200.030.

b. A decision by the design commission on an appeal of a decision of the design director under subsection (D)(4) if this section shall be final and shall not be subject to appeal, but shall be subject to call-up for consideration by the city council under Section 17.200.040.

F. Final plan certification.

Upon final approval of a design review plan and acceptance by the applicant of the conditions of approval, the applicant shall file final working drawings and a landscaping plan. The design director, upon receipt of said drawings and plans, shall certify that the final plans submitted under this paragraph are in accord with the approved architectural and design plans. After such certification any permits or entitlements may thereafter be issued in accordance with the provisions of this code.

17.132.320 Term--Extension--Modification.

A. Term.

Approval of an application for design review under this chapter shall expire at the end of three years from the date of final approval unless a building permit has been obtained and exercised for the project. For purposes of this section, the term "exercised" shall mean substantial expenditures in good faith reliance upon the building permit. The burden of proof in showing substantial expenditures in good faith reliance upon the building permit shall be placed upon the permit holder.

B. Extension.

Approval of an application for design review under this chapter may be extended for a period of up to an additional two years upon application to the design director filed no later than thirty days prior to expiration. The application for extension of design review approval shall be subject to staff review under the general direction of the design director pursuant to subsection (C) of Section 17.132.310.

C. Modification.

An application for a modification to an approved design review plan or a condition of approval of a design review plan shall be heard and/or considered in the same manner and by the same body as the original design review application.

SECTION 2. Adoption of this ordinance repealing and reenacting Sacramento City Code Chapter 17.132 is not intended to and does not affect any approvals made, and entitlements issued, with attendant conditions, by the Design Review and Preservation Board prior to the effective date of this ordinance and prior to dissolution of the Design Review and

Preservation Board under the terms of Ordinance No. 2006-XXX. All such approvals and entitlements shall continue in effect subject to the terms and conditions established by the Design Review and Preservation Board and the provisions of Chapter 17.132 as they existed prior to the effective date of this ordinance.

SECTION 3. Adoption of this ordinance repealing and reenacting Sacramento City Code Chapter 17.132 is not intended to and does not affect any administrative, civil, or criminal prosecutions or proceedings brought or to be brought pursuant to Chapter 17.132 or other provisions of the Sacramento City Code, or pursuant to applicable federal, state, or local laws, to enforce the provisions of Chapter 17.132 as they existed prior to the effective date of this ordinance. The provisions of Chapter 17.132, as they exist on the effective date of this ordinance, shall continue to be operative and effective with regard to any acts occurring prior to the effective date of this ordinance.

SECTION 4. This ordinance shall take effect on January 1, 2007, the same date that Ordinance No. _____ enacted on the same date as this ordinance takes effect. Upon the effective date of this ordinance and Ordinance No. ___, the Design Review and Preservation Board, created and existing pursuant to Sacramento City Code Chapter 15.124 as formerly written, shall dissolve and no longer exist or exercise authority. All matters then pending under the jurisdiction of the Design Review and Preservation Board pursuant to Chapter 15.124 shall be transferred to the Preservation Commission, and all matters then pending under the jurisdiction of the Design Review and Preservation Board pursuant to Chapter 17.132 shall be transferred to the Design Commission, as determined by the city manager's designee.

Adopted by the City of Sacramento City Council on by the following vote:

Ayes:

Noes:

Abstain:

Absent:

_____
MAYOR

Attest:

_____
City Clerk

ATTACHMENT 7

ORDINANCE NO.

Adopted by the Sacramento City Council

ADDING CHAPTER 17.134 TO DIVISION V, SPECIAL DISTRICTS, OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO HISTORIC PRESERVATION AND ESTABLISHING THE PRESERVATION COMMISSION AND REPEALING CHAPTER 15.124 OF TITLE 15 OF THE SACRAMENTO CITY CODE (M06-017)

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

SECTION 1. Chapter 17.134 is added to Division V Special Districts of Title 17 of the Sacramento City Code to read as follows:

Chapter 17.134 Historic Preservation

Article I. General Provisions

17.134.010 Findings and declaration of purpose.

A. The city council finds and declares that significant aspects of the city's rich and diverse historic resources deserve recognition and preservation to foster an understanding of our heritage, and to promote the public health and safety and the economic and general welfare of the people of the city. The preservation and continued use of historic resources are effective tools to sustain and revitalize neighborhoods and business districts within the city, enhance the city's economic, cultural, and aesthetic standing, its identity and its livability, marketability and urban character.

B. The city council further finds and declares that the purpose of this chapter shall be as follows:

1. To establish a city preservation program, commission and staff, to implement the Preservation Element of the city's General Plan;

2. To provide mechanisms, through surveys, nominations and other available means, to identify significant historic, prehistoric and cultural resources, structures, districts, sites, landscapes and properties within the city;

3. To provide mechanisms and procedures to protect and encourage the preservation of the city's historic and cultural resources;

4. To provide standards, criteria and processes, consistent with state and federal preservation standards and criteria, for the identification, protection and assistance in the preservation, maintenance and use of historic and cultural resources.

C. The city council further finds and declares that the administrative responsibilities of the preservation program established under this chapter shall be assigned to a preservation commission, a preservation director, and preservation staff as follows:

1. The preservation commission's primary responsibilities shall be to develop and recommend to the council preservation policies appropriate for inclusion in the General Plan and other regulatory plans and programs of the city and to provide oversight relative to the maintenance and integrity of the Sacramento Register of Historic and Cultural Resources. The preservation commission shall review, nominate, and make recommendations to the council on properties eligible for listing in the Sacramento Register as landmarks, historic districts, and contributing resources as set forth in this chapter. The preservation commission's role in reviewing development projects shall be limited to hearing projects of major significance and appeals of the preservation director's decisions as set forth in this chapter.

2. The primary responsibilities of the preservation director shall be to manage the preservation program, conduct surveys, make preliminary determinations relative to properties' eligibility for listing on the Sacramento Register, the potentiality for listing on the California Register relative to discretionary development project review under CEQA, maintain and update the Sacramento Register, review and take action on development project applications as set forth in this chapter, manage incentive programs as established by the council, and advise property owners, the public, other city departments, and other governmental agencies on preservation standards and incentives.

3. The primary responsibilities of the preservation staff under the general direction of the preservation director shall be to coordinate surveys, inventories, and nominations to the Sacramento Register, recommend to the preservation director on the eligibility of properties for listing on the Sacramento Register and California Register relative to discretionary development project review and proposals to demolish structures fifty years old and older, and review and take action on development project applications, as set forth in this chapter.

17.134.020 Definitions.

"Building official" means the building official designated in Chapter 15.04 of Title 15 of this code, and his or her designee(s).

"California Environmental Quality Act" or "CEQA" means the California Public Resources Code Section 21000 et seq. as it may be amended.

"California Register" means the California Register of Historical Resources as defined in California Public Resources Code Section 5020.1 as it may be amended from time to time.

"California Register resource" means any resource listed in the California Register as it may be amended from time to time.

"California Historical Building Code" means Part 8 of Title 24 (California Building Standards Code) of the California Code of Regulations, as it may be amended from time to time.

"Certificate of appropriateness" shall mean the certificate required pursuant to Article VI.

"Certified local government" (CLG) means a local government that has been certified by the National Park Service to carry out the purposes of the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470 et seq.) as amended, pursuant to Section 101(c) of that Act and the regulations adopted under this Act, which are set forth in Part 61 (commencing with Section 61.1) of Title 36 of the Code of Federal Regulations.

"Commission" or "preservation commission" means the preservation commission as designated in Article II of this chapter.

"Contributing resource" means a resource designated as a contributing resource by the city council in accordance with Article IV of this chapter.

"Dangerous building" means a dangerous building as that term is defined in Section 8.96.110 of this code.

"Demolition" means the following:

1. The complete demolition of the entirety of a landmark or contributing resource;

2. The partial demolition of a landmark or contributing resource that involves any of the following:

a. the demolition of an aggregate of fifty (50) or more linear feet of exterior wall or more than fifty percent (50%) of the footprint of the landmark or contributing resource, whichever applies;

b. the remodeling or other alteration of the landmark or contributing resource, where the proposed work affects or may affect significant features or characteristics (as defined in this chapter);

c. the demolition is other than minor, inconsequential or insignificant and has been determined will affect the significance of the landmark or contributing resource;

3. For purposes of Article VIII of this chapter, the demolition of any structure fifty (50) years old or older means the removal of an aggregate of fifty (50) or more linear feet of exterior wall or more than fifty percent (50%) of the footprint of the structure, whichever applies.

"Development project" shall be liberally interpreted in light of the findings and purpose of this chapter and shall include the following:

1. The demolition of a landmark or a contributing resource;

2. The relocation of a landmark or a contributing resource;

3. The addition to, remodel, repair, rehabilitation, and any other modification of the exterior of a landmark, contributing resource, or non-contributing resource, along with all associated facilities and appurtenances such as walls, fences, and signs;

4. The remodel, repair, rehabilitation, or any other modification of the interior of a landmark or contributing resource where the interior constitutes "features or characteristics" as defined herein and is accessible to or is made available to the public.

5. The new construction of a building or structure on the same lot as a landmark, contributing resource, or non-contributing resource, or on a vacant lot in a historic district;

6. The relocation of an existing building or structure to the same lot as a landmark, contributing resource, or non-contributing resource, or to a vacant lot in a historic district.

"Feature or characteristic" means fixtures, components or appurtenances attached to, contiguous with or otherwise related to a structure or property including but not limited to landscaping, setbacks, massing, distinguishing aspects, roof attributes, materials, moldings, sculptures, fountains, light fixtures, windows and monuments. "Feature or characteristic" may include historically and/or architecturally significant interior areas that are accessible to or made available to the public, including, without limitation, areas commonly used as public spaces such as lobbies, meeting rooms, gathering rooms, public hallways, great halls, bank lobbies, or other similar spaces. Interior areas that generally are not accessible to or made available to the public, but which occasionally may be visited by business invitees or members of the public, including those on a tour of a facility, do not constitute a "feature or characteristic" for purposes of this chapter.

"Historic resource" and "cultural resource" mean those properties determined to be a historic resource or cultural resource under CEQA or NEPA, under any other provision of California law, or listed or nominated for listing on the Sacramento Register.

"Historic district" means a geographic area designated as a historic district by the council in accordance with Article IV of this chapter.

"Historic district plan" means a plan adopted by the council pursuant to Article IV of this chapter or the prior versions of this chapter.

"Immediately dangerous building or structure" means an immediately dangerous building or structure as defined in Section 8.96.120 of Title 8 of this code.

"Landmark" means all historic resources designated as landmarks by the council in accordance with Article IV of this chapter.

"Landscaping" means plants, other physical site elements, and plans.

"Listed historic resource" means any resource listed in the Sacramento Register, the California Register, or the National Register of Historic Places; provided, that "listed historic resource" does not include a non-contributing resource in a historic district or resources in the Old Sacramento National Historic Landmark District.

"Mills Act" means California Government Sections 50280 et seq., as it may be amended from time to time.

"National Environmental Policy Act" or "NEPA" means 42 U.S.C. Section 4321 et seq., as it may be amended from time to time.

"National Historic Preservation Act" means 16 U.S. Section 470 et seq., as it may be amended from time to time.

"National Register of Historic Places" means the official inventory of districts, sites, buildings, structures and objects significant in American history, architecture, archeology and culture which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966(16 U.S.C. 470 et seq., 36 C.F.R. Sections 60, 63).

"National register resource" means any resource listed in the National Register of Historic Places.

"Nominated resource" means a resource nominated for listing on the Sacramento Register as provided for in Article IV of this chapter.

"Nomination" means a nomination for listing of a resource on the Sacramento Register pursuant to Article IV of this chapter.

"Non-contributing resources" means all resources within a historic district that are not identified as contributing resources.

"Old Sacramento National Historic Landmark District" means the Old Sacramento National Historic Landmark District as listed and described on the National Register of Historic Places established pursuant to the National Historic Preservation Act, an area located in the Sacramento central city roughly bounded by the Sacramento River on the west, Capitol Mall on the south, the Interstate 5 freeway on the east and I Street and the I Street Bridge on the north.

"Preservation director" means the individual designated by the city manager to carry out the functions of the preservation director under this Chapter 17.134 and this code..

"Relocation" means the moving of a building or structure from one place to another.

"Resource" means any building, structure, site, area, place, feature, characteristic, appurtenance, landscape, landscape design, or improvement.

"Richards Boulevard area architectural and historical property survey" means the "Richards Boulevard area architectural and historical property survey" prepared for the city by historic environment consultants, as updated and revised in September 2000.

"Sacramento Register of Historic and Cultural Resources" or "Sacramento Register" means the register created by Article IV of this chapter.

"Secretary of the Interior's Standards" means the Secretary of the Interior's Standards for Treatment of Historic Properties found at 36 C.F.R. 68.3, as it may be amended from time to time.

"Significant feature or characteristic" means a feature or characteristic identified by the city council as significant from a historical standpoint pursuant to Article IV of this chapter.

"Survey" means a process by which properties are documented for eligibility for listing in the Sacramento Register, the California Register, or the National Register of Historic Places.

Article II. Preservation Commission

17.134.030 Preservation commission--Established.

The preservation commission is established.

17.134.040 Preservation commission—Appointment and qualifications.

A. Members of the preservation commission shall be appointed by the mayor, with the consent of the city council. The general requirements of Article XV of the city charter and of Chapter 2.40 of this code, governing the appointment of board and commission members, attendance at board and commission meetings, voting, term limits, and removal shall apply to

the preservation commission. A member is subject to removal for good cause, neglect of duty or misconduct as provided in City Charter Section 232.

B. All members of the preservation commission shall be residents of the city or the owner of a business located in the city.

C. The preservation commission shall consist of seven members. Each member shall have demonstrated knowledge of the Secretary of the Interior's Standards for the Treatment of Historic Properties and the California Historical Building Code. In addition, the seven members of the preservation commission shall be qualified by reason of training or professional experience as follows:

1. Seat 1: a member who is a licensed historical architect who meets the Secretary of the Interior's qualifications for historical architects;

2. Seat 2: a member who is an architectural historian with training or experience in the architectural history of Sacramento, the Sacramento region, Northern California, or the West and who meets the Secretary of the Interior's qualifications for architectural historians;

3. Seat 3: a member who is a registered structural engineer;

4. Seat 4: a member who is a licensed contractor and who has training or experience in restoration of historic properties;

5. Seat 5: a member who is a landscape architect, designer, or historian with training or experience in historical landscapes.

6. Seat 6: an at-large member with a preference for an individual with training or experience in historic preservation and/or urban planning;

7. Seat 7: an at-large member with a preference for an individual with training or experience in the history of Sacramento, the Sacramento region, Northern California, or the West and who meets the Secretary of the Interior's qualifications for historians.

<u>17.134.050 Preservation commission—Term of office.</u>

Except as provided in this section for the terms of the initial members, the term of office for each member of the preservation commission shall be three years. Terms shall be staggered. In selecting the initial members of the preservation commission, the mayor shall appoint two to each serve a term of two years, two to each serve a term of three years, and three to each serve a term of four years. Thereafter, members shall be appointed to serve three year terms. If a vacancy occurs during the term of any member, the mayor shall appoint, with the approval of the city council, a successor to serve during the unexpired term. The successor shall possess the qualifications required for the seat being filled.

17.134.060 Preservation commission—Conflict of interest and financial disclosure statements.

All appointees to the preservation commission shall be subject to Chapter 2.16 of this code relating to conflicts of interest and shall be required to file statements disclosing financial interests pursuant to the city's conflict of interest code.

17.134.070 Preservation commission—Compensation.

Each member of the preservation commission shall receive compensation as determined by the compensation commission under Section 29 of the city charter.

17.134.080 Preservation commission—Organization and procedures.

A. At its first meeting, and annually thereafter, the preservation commission shall elect from among its membership a preservation commission chairperson and a vice chairperson, who shall each hold office at the pleasure of the preservation commission. When there is a vacancy in the office of chairperson or vice chairperson, the preservation commission shall fill that office from among its members.

B. The preservation commission shall establish a time and place for regular meetings to be held not less frequently than monthly. Each meeting shall be noticed and held in accordance with the Ralph M. Brown Act (Cal. Gov. Code section 54950 *et seq.*). The preservation commission chairperson shall have the authority to notice and hold special meetings in the manner specified in the Ralph M. Brown Act.

C. A quorum comprised of preservation commission members present and qualified to act shall be required for the preservation commission to conduct a meeting and take action. A quorum shall consist of four members. The affirmative vote of a majority of the members present and qualified to vote shall be necessary to pass any motion.

D. The preservation commission shall adopt such rules and regulations as it shall deem necessary, and consistent with the provisions of this chapter, for the conduct of its business.

17.134.090 Preservation commission—Powers and duties.

Unless otherwise specified herein the powers and duties of the preservation commission shall be as follows:

A. Exercise the authority set forth in this chapter and as otherwise provided in this code;

B. Recommend to the city council policies and programs in support of historic preservation, including but not limited to goals and policies for the General Plan Preservation Element and other regulatory plans; periodic updates of the preservation program, including

the standards, criteria, and procedures set forth in this chapter; and programs for historic preservation incentives;

C. Evaluate and submit comments and recommendations on proposed plans, public and private development projects, and environmental reviews that are not subject to review under this chapter but that may potentially affect the physical development and historic preservation of the city involving landmarks, contributing resources, historic districts, nominated resources, or the historical value of any other building, structure, or neighborhood, in coordination with review and action by the city council, planning commission, or other public agencies on the plan, project, or environmental review;

D. Review and make recommendation to the State Office of Historic Preservation regarding nominations of property located within the city to the National Register of Historic Places;

E. Assume duties assigned to the preservation commission by the city council pursuant to the certified local government provisions of the National Historic Preservation Act of 1966, or duties that may be assigned to the preservation commission through any agreement(s) approved by the city council. This shall include undertaking review and comment upon those projects on which the city, as a certified local government, has an obligation or opportunity to provide review and comment under the National Historic Preservation Act, including but not limited to private and public projects undertaken within the Old Sacramento national historic landmark district;

F. Consult with, advise, and report to the city council on an annual basis in connection with the exercise of the preservation commission's duties and functions;

G. Any other powers and duties conferred upon the preservation commission by the city council.

17.134.100 Preservation commission—Secretary.

The preservation director shall serve as a non-voting secretary to the preservation commission.

Article III. Preservation Director

17.134.110 Preservation director—Office established.

To implement the city's historic preservation program and to assist the preservation commission in the performance of its historic preservation duties pursuant to this chapter, there is hereby created the position of preservation director

17.134.120 Preservation director—Authority.

The preservation director shall have the authority to:

A. Exercise the authority set forth in this chapter and as otherwise provided in this code.

B. Oversee the operation of the city's historic preservation program established by this chapter;

C. Advise the city council, the planning commission, the preservation commission, the design commission, the housing code advisory and appeals board, other advisory boards and commissions of the city, and city staff on historic preservation issues, including rehabilitation standards and historic resources surveys performed in conjunction with adoption of new or amendments to existing community plans, specific plans, this code, public and private development projects, and other discretionary actions;

D. Maintain a list of properties for which a preliminary determination of eligibility has been made in accordance with the criteria of the Sacramento Register or the California Register; consult with city departments regarding potential protections, mitigations, thresholds of significance and standards suitable for historic resources involved in the adoption of new or amendments to existing community plans, specific plans, this code, public and private development projects, and other discretionary actions; and monitor cultural resource mitigation measures;

E. Perform such other functions as are provided for in this chapter or any other applicable law.

17.134.130-17.134.150 Reserved.

Article IV. Sacramento Register of Historic and Cultural Resources

17.134.160 Sacramento Register.

A. The ordinances adopting designations and deletions of landmarks, contributing resources and historic districts shall be known, collectively, as the "Sacramento Register of Historic and Cultural Resources" or the "Sacramento Register."

B. The original Sacramento Register and any subsequent amendments, inclusions, or deletions thereto shall be on file with the city clerk.

C. All structures and preservation areas designated on the "official register" as of the date of enactment of Ordinance No. 2001-027 and on the Sacramento Register as of the date of enactment of this chapter are included on the Sacramento Register of Historic and Cultural Resources (Sacramento Register). All structures individually designated on the "official register" as essential or priority structures are hereby designated "landmarks" on the Sacramento Register, and shall be subject to the restrictions and conditions applicable to landmarks. All geographic areas previously designated as preservation areas designated on

the "official register" are hereby designated as "historic districts" on the Sacramento Register, and shall be subject to the restrictions and conditions applicable to historic districts.

D. The preservation director shall take appropriate steps to ensure that the Sacramento Register is properly maintained, regularly updated, distributed to city staff as necessary to carry out the purpose and intent of this chapter, and made available to the public. The preservation director shall also take appropriate steps to maintain and regularly update a list or compilation of resources within the city that are on the California Register of Historical Resources or the National Register of Historic Places, and to make the list or compilation available for public review and use.

17.134.170 Criteria and requirements for listing on, and deletion from, the Sacramento Register.

The criteria and requirements for listing on, or deletion from, the Sacramento Register as a landmark, historic district or contributing resource are as follows:

A. Listing on the Sacramento Register—Landmarks.

A nominated resource shall be listed on the Sacramento Register as a landmark if the city council finds, after holding the hearing(s) required by this chapter, that all of the requirements set forth below are satisfied:

1. Requirements.

a. The nominated resource meets one or more of the following criteria:

i. It is associated with events that have made a significant contribution to the broad patterns of the history of the city, the region, the state or the nation;

ii. It is associated with the lives of persons significant in the city's past;

iii. It embodies the distinctive characteristics of a type, period or method of construction;

iv. It represents the work of an important creative individual or master;

v. It possesses high artistic values; or

vi. It has yielded, or may be likely to yield, information important in the prehistory or history of the city, the region, the state or the nation.

b. The nominated resource has integrity of location, design, setting, materials, workmanship and association. Integrity shall be judged with reference to the particular criterion or criteria specified in "a" above;

c. The nominated resource has significant historic or architectural worth, and its designation as a landmark is reasonable, appropriate and necessary to promote, protect and further the goals and purposes of this chapter.

2. Factors to be Considered.

In determining whether to list a nominated resource on the Sacramento Register as a landmark, the following factors shall be considered:

a. A structure removed from its original location is eligible if it is significant primarily for its architectural value or it is the most important surviving structure associated with a historic person or event.

b. A birthplace or grave is eligible if it is that of a historical figure of outstanding importance and there is no other appropriate site or structure directly associated with his or her productive life.

c. A reconstructed building is eligible if the reconstruction is historically accurate, if the structure is presented in a dignified manner as part of a restoration master plan; and if no other, original structure survives that has the same association.

d. Properties that are primarily commemorative in intent are eligible if design, age, tradition or symbolic value invest such properties with their own historical significance.

e. Properties achieving significance within the past fifty (50) years are eligible if such properties are of exceptional importance.

B. Listing on the Sacramento Register—Historic districts.

A geographic area nominated as a historic district shall be listed on the Sacramento Register as a historic district if the city council finds, after holding the hearing(s) required by this chapter, that all of the requirements set forth below are satisfied:

1. Requirements.

a. The area is a geographically definable area;

b. The area possesses either:

i. A significant concentration or continuity of buildings unified by: a) past events; or b) aesthetically by plan or physical development;

ii. The area is associated with an event, person, or period significant or important to city history; or

c. The designation of the geographic area as a historic district is reasonable, appropriate and necessary to protect, promote and further the goals and purposes of this chapter and is not inconsistent with other goals and policies of the city.

2. Factors to be Considered.

In determining whether to list a geographic area on the Sacramento Register as a historic district, the following factors shall be considered:

a. A historic district should have integrity of design, setting, materials, workmanship and association,

b. The collective historic value of the buildings and structures in a historic district taken together may be greater than the historic value of each individual building or structure.

C. Listing on the Sacramento Register—Contributing Resources.

A nominated resource shall be listed on the Sacramento Register as a contributing resource if the council finds, after holding the hearing(s) required by this chapter, that all of the following requirements are satisfied:

1. The nominated resource is within a historic district;

2. The nominated resource either embodies the significant features and characteristics of the historic district or adds to the historical associations, historical architectural qualities or archaeological values identified for the historic district;

3. The nominated resource was present during the period of historical significance of the historic district and relates to the documented historical significance of the historic district;

4. The nominated resource either possesses historic integrity or is capable of yielding important information about the period of historical significance of the historic district; and

5. The nominated resource has important historic or architectural worth, and its designation as a contributing resource is reasonable, appropriate and necessary to protect, promote and further the goals and purposes of this chapter.

D. Deletions from the Sacramento Register.

An application to delete a listed historic resource from the Sacramento Register may be approved if the city council finds, after holding the hearings required by this chapter, that the listed historic resource no longer meets the requirements set forth above; provided that where a landmark or contributing resource is proposed for deletion due to a loss of integrity,

the loss of integrity was not the result of any illegal act or willful neglect by the owner or agent of the owner.

17.134.180 Procedures for nomination of resources for listing on Sacramento Register.

A. Initiation of Nomination Proceedings.

1. Statement of Nomination.

The city council, preservation commission and the preservation director each shall have the authority to initiate proceedings to nominate resources for listing on the Sacramento Register as landmarks, historic districts, or contributing resources by filing a statement of nomination with the secretary to the preservation commission.

2. Hearing by Preservation Director.

The preservation director shall hold at least one public hearing on a statement of nomination filed under subsection (A)(1) of this section. The procedural requirements of the hearing and the content of the notice shall be governed by Chapter 17.200 of this title. Notice of the hearing shall be given by mail pursuant to subsection (C)(2)(c) of Section 17.200.010, except that notice shall be mailed only to the owner(s) of the resource(s) proposed for nomination or, in the case of a nomination of a historic district, to all property owners within the proposed district.

3. Decision and Notification—Concurring with Statement of Nomination.

At the conclusion of the hearing, the preservation director shall issue a written decision. The preservation director shall base his or her decision on the criteria, considerations, and assessment of integrity and significance outlined in this chapter.

a. If the preservation director concurs, in whole or in part, with the statement of nomination, the director shall issue a written statement of the reasons for the nomination based on the eligibility criteria for listing on the Sacramento Register and shall include a description of the resource's significant features and characteristics. Upon issuance of the preservation director's written statement, the resource shall be deemed nominated for listing on the Sacramento Register. The preservation director shall transmit or cause to be transmitted written notice of the decision to the preservation commission and to the owners of the nominated resources or, in the case of a nomination of a historic district, to all property owners within the proposed district. The notice shall include the following:

i. Notification that the resource has been nominated for listing on the Sacramento Register as a landmark or contributing resource, along with the statement of the reasons for the nomination issued by the preservation director. In the case of a nomination of a historic district, the notice shall include a description of the proposed boundaries of the district and whether the owner(s)' property is proposed to be added as a contributing or non-contributing resource;

ii. A general explanation of the nomination process, including the noticed hearings before the preservation commission and the council, and the provisions of Section 17.134.200 on the effects of nomination on development projects;

iii. A general explanation of the effects of placement on the Sacramento Register, including the restrictions on alteration and demolition, as well as the general benefits from placement on the register.

b. If the preservation director does not concur, in whole or in part, with the statement of nomination, the director shall issue a written statement of the reasons for not concurring in the nomination. The preservation director shall transmit written notice of the decision to the preservation commission and to the owners of the resources or, in the case of the nomination of a historic district, to all property owners within the proposed district. The notice shall include the date of the preservation commission meeting at which the preservation commission will review and consider the matter under subsection (B)(1)(b) of this section.

B. Nomination of Resource to Sacramento Register--Hearing by the Preservation Commission.

1. Notice and Hearing.

a. If the preservation director concurred with the statement of nomination, the preservation commission shall hold at least one public hearing on the nomination. The procedural requirements of the hearing and the content of the notice shall be governed by Chapter 17.200 of this title. The notice shall also include the statement of the reasons for the nomination issued under subsection (A)(3) of this section. The identification of significant features and characteristics in the notice shall not be considered binding on the preservation commission or council, and nothing shall prevent or preclude the preservation commission or council from identifying different, additional or fewer significant features and characteristics. Notice of the hearing shall be given by mail pursuant to subsection (C)(2)(c) of Section 17.200.010.

b. If the preservation director did not concur with the statement of nomination, the preservation director shall present the matter to the preservation commission for its review and consideration at its next available regular meeting or at a special meeting. The preservation commission may direct the preservation director set the nomination for hearing under subsection (B)(1)(a) of this section, in which case the resource shall be then deemed nominated for listing on the Sacramento Register. The preservation director shall transmit written notice of the commission's action to owners of the nominated resources or, in the case of a nomination of a historic district, to all property owners within the proposed district, in the manner provided in subsection (A)(3) of this section.

2. Recommendation.

At the conclusion of the hearing, the preservation commission shall make a recommendation to the city council on the nomination. The preservation commission shall base its recommendation on the criteria, considerations and assessment of integrity and significance outlined in this chapter. If it recommends for listing of the nominated resource on the Sacramento Register, the preservation commission shall specify the significant features or characteristics of the nominated resource. In the case of a recommendation for listing of a historic district on the Sacramento Register, the preservation commission shall identify as "contributing resource(s)" all properties, structures, features or other resources within the nominated historic district that it determines contribute to the district's designation as a historic district. Properties, structures, features or other resources that happen to be located within the nominated historic district boundaries, but that have no relevance to the area's identified significance, significant physical features or identifying characteristics, shall be deemed non-contributing resources.

3. Transmittal to City Council.

The preservation director shall transmit to the city clerk for review by the city council the preservation commission's recommendations on placement of nominated resources on the Sacramento Register.

C. Nomination of Resource to Sacramento Register—Hearing and Decision by City Council.

1. Notice and Hearing.

The city council shall hold at least one public hearing on the nomination as recommended by the preservation commission. The procedural requirements of the hearing and the content of the notice shall be governed by Chapter 17.200 of this title. Notice of the hearing shall be given by publication and mail pursuant to subsections (C)(2)(a) and (c) of Section 17.200.010.

2. Decision.

At the conclusion of the hearing, the city council may adopt, modify or reject the action(s) recommended by the preservation commission. In the alternative, the city council may refer the proposed action(s) to the preservation commission for further hearings, consideration or study. The significant features and characteristics of the nominated property identified by the preservation director and the preservation commission shall not be considered binding on the council, and nothing shall prevent or preclude the council from identifying different, additional or fewer significant features and characteristics. Adoption of any listing on or deletion from the Sacramento Register shall be made by uncodified ordinance which shall contain findings of fact in support of each designation. The uncodified ordinance shall identify significant feature(s) or characteristic(s) of resources added to the Sacramento Register, and shall identify contributing resources and non-contributing resources in a historic district.

17.134.190 Procedures for deletion of listed resources from the Sacramento Register.

A. Request to Delete Historic Resource from the Sacramento Register.

1. Historic Districts.

The city council, preservation commission and the preservation director shall have the authority to initiate proceedings to request the deletion of a historic district from the Sacramento Register by filing a statement of deletion with the secretary to the preservation commission.

2. Landmarks and Contributing Resources.

The owner of a landmark or contributing resource may submit an application for deletion of the listed historic resource from the Sacramento Register by filing an application with the preservation director.

3. Historic Resources No Longer Eligible for the Sacramento Register.

The preservation director shall periodically propose and process for deletion from the Sacramento Register those listed historic resources that have been lawfully removed, demolished or disturbed to such an extent that, in the preservation director's opinion, they no longer qualify for listing on the register.

4. Early Notification.

The preservation director shall provide early notification of requests for the deletion of a listed historic resource from the Sacramento Register in accordance with the policies and procedures established under Section 17.134.320.

B. Request to Delete Landmarks and Contributing Resources--Preliminary Determination of Preservation Director.

1. Preliminary Determination.

Within such time that is reasonable and practicable after the preservation director has determined that an owner's application for deletion is complete, the preservation director shall make a preliminary determination on whether the listed historic resource is eligible for deletion from the Sacramento Register based on the criteria specified in Section 17.134.170. If the preservation director determines that the listed historic resource is eligible for deletion from the Sacramento Register, the application shall be set for hearing by the preservation commission pursuant to subsection (C) of this section. If the preservation director determines that the listed historic resource is not eligible for deletion from the Sacramento Register, the application shall be considered to be denied.

2. Notice of Preliminary Determination.

The preservation director shall give written notice of the preliminary determination to the applicant and to those who received early notice of the application for deletion under subsection (A)(4) of this section.

3. Appeal.

Any person dissatisfied with a preliminary determination by the preservation director that a listed historic resource is not eligible for deletion from the Sacramento Register may appeal the determination to the preservation commission. The appeal hearing by the preservation commission shall be noticed, heard, and otherwise governed by the provisions of subsection (C) of this section.

C. Request to Delete Historic Resource from Sacramento Register--Hearing by the Preservation Commission.

1. Notice and Hearing.

Upon receipt of a statement of deletion, an application by an owner to delete a historic resource from the Sacramento Register, or an appeal from the preservation director's preliminary determination that a historic resource is not eligible for deletion from the Sacramento Register, the preservation commission shall hold at least one public hearing on the nomination. The procedural requirements of the hearing and the content of the notice shall be governed by Chapter 17.200 of this title. Notice of the hearing shall be given by mail pursuant to subsection (C)(2)(c) of Section 17.200.010.

2. Recommendation.

a. Except as provided in subsection (C)(2)(b) of this section, the preservation commission shall make a recommendation to the city council on the proposed deletion. The preservation commission shall base its recommendation on the criteria, considerations and assessment of integrity and significance outlined in this chapter.

b. In the case of an appeal from the preservation director's preliminary determination that a historic resource is not eligible for deletion from the Sacramento Register, if the preservation commission determines that the historic resource is not eligible for deletion and denies the appeal, the decision of the preservation commission shall be final and shall not be subject to appeal, but shall be subject to call-up by the city council under section 17.200.040.

3. Transmittal to City Council.

The preservation director shall transmit to the city clerk for review by the city council the preservation commission's recommendations on the deletion of historic resources from the Sacramento Register.

D. Request to Delete Historic Resource from Sacramento Register—Hearing and Decision by City Council.

1. Notice and Hearing.

The city council shall hold at least one public hearing on the proposed deletion as recommended by the preservation commission. The procedural requirements of the hearing and the content of the notice shall be governed by Chapter 17.200 of this title. Notice of the hearing shall be given by publication and mail pursuant to subsections (C)(2)(a) and (c) of Section 17.200.010.

2. Decision.

At the conclusion of the hearing, the city council may adopt, modify or reject the action(s) recommended by the preservation commission. In the alternative, the city council may refer the proposed action(s) to the preservation commission for further hearings, consideration or study. Approval of the deletion of a historic resource from the Sacramento Register shall be made by uncodified ordinance that shall contain findings of fact in support of each resource.

17.134.200 Nominated resources--Protections pending final decision.

A. Subject to the time limits set forth in subsection (B) of this section, any resource nominated as a landmark or contributing resource under subsections (A) or (B)(1)(b) of Section 17.134.180 shall be considered to be a landmark or contributing resource for purposes of Article VI Development Project Review of this chapter, and it shall be subject to the restrictions and protections of Article VI as further provided in Section 17.134.300. Any geographic area nominated as a historic district under subsections (A) or (B)(1)(b) of Section 17.134.180 shall be considered to be a historic district for purposes of Article VI of this chapter, and the properties located within the proposed historic district shall be subject to the restrictions and protections of Article VI as further provided in section 17.134.300.

B. Subsection (A) of this section shall apply for a period of one hundred eighty (180) days from the date the property becomes a nominated resource. After one hundred eighty (180) days have elapsed, if the city council has not adopted an ordinance designating the nominated resource as a landmark, contributing resource or historic district, subsection (A) of this section shall no longer apply; provided, that the council may adopt an ordinance to extend the time to consider the nomination one time up to an additional one hundred eighty (180) days.

C. Listed historic resources proposed for deletion from the Sacramento Register shall be subject to the restrictions and protections of Article VI unless and until a final decision is made by the city council to delete the listed historic resources from the Sacramento Register.

17.134.210 Frequency of nominations.

When a nomination for listing of a resource on the register has been denied, no new nomination for listing of the same or substantially the same resource may be filed or submitted for a period of one year from the effective date of the final denial of the nomination, except that an owner of a property may file a new nomination following the passage of one year from the date of final denial. Where a nomination for deletion of a listed historic resource from the register has been denied, no new application to delete the same listed historic resource may be filed or submitted for a period of one year from the effective date of the final denial.

Article V. Historic District Plans

17.134.220 Historic district plans.

A. The preservation commission shall promulgate and recommend to the council for adoption a historic district plan for each preservation area existing as of the date of enactment of this chapter, and for each historic district designated pursuant to this chapter. Each historic district plan shall include:

1. A statement of the goals for review of development projects within the historic district;

2. A representation of the historical development of land uses, existing land uses, and any adopted plans for future land uses;

3. A statement of findings, including the following:

a. The historical or pre-historical period to which the area is significant,

b. The predominant periods or styles of the structures or features therein, and

c. The significant features and characteristics of said periods or styles, as represented in the historic district, including, but not limited to, structure height, bulk, distinctive architectural details, materials, textures, archeological and landscape features and fixtures; and

d. A statement, consistent with Article IV, Sacramento Register of Historic and Cultural Resources, of this chapter, of the standards and criteria to be utilized in determining the appropriateness of any development project involving a landmark, contributing resource or non-contributing resource within the historic district.

B. The preservation commission shall conduct a public hearing or hearings on the proposed historic district plan. At the conclusion of the hearing or hearings, the preservation commission may affirm, modify or rescind any portions of the proposed historic district plan. A notice of decision and recommendations in support thereof shall be filed in the office of the preservation director.

C. The preservation director shall transmit the preservation commission's recommended historic district plan to the city clerk for the council's review. The procedures set forth in Article IV Sacramento Register of Historic and Cultural Resources of this chapter shall govern the city council's action on any proposed historic district plan. No historic district plan shall be considered adopted unless it had been approved by the council.

17.134.230-17.134.270 Reserved.

Article VI. Development Project Review

17.134.280 Review of development projects required.

No permit shall be issued for, and no person shall commence construction of or otherwise undertake, a development project as defined in this chapter unless and until an application for preservation review of the proposed project is reviewed and approved or conditionally approved as required by this chapter. For purposes of this chapter, a permit shall include without limitation a building permit, a demolition permit, a sewer or water connection or disconnection permit, a sign permit, a grading permit, an encroachment permit, and a certificate of occupancy.

17.134.285 Certificate of appropriateness.

A certificate of appropriateness issued by the preservation director under subsection (F) of Section 17.134.320 shall be required to undertake any of the work specified in Section 17.134.280. This requirement shall be in addition to any other permit or requirement required by this code.

17.134.290 Review of development projects—Authority to review.

A. Projects Subject to Preservation Commission Review and Hearing.

The following development projects subject to preservation review under this chapter or under any other provision of this code shall be subject to review by the preservation commission and shall require a public hearing:

1. Any development project involving a landmark, contributing resource, or noncontributing resource that, in the determination of the preservation director, involves one or more of the following:

a. Significant alteration to an existing landmark or contributing resource that would have a significant impact upon the character-defining features of the resource or upon original fabric, or would impact the resource's eligibility for listing in the Sacramento Register;

b. New construction of a building or structure on the site of an existing landmark, contributing resource, or non-contributing resource that would have a significant impact upon the character-defining features of the resource or upon original fabric, or would impact the resource's eligibility for listing in the Sacramento Register;

c. Relocation of a building or structure to the site of an existing landmark, contributing resource, or non-contributing resource that would have a significant impact upon the character-defining features of the resource or upon original fabric, or would impact the resource's eligibility for listing in the Sacramento Register;

2. Any development project that involves the demolition or relocation of a landmark or contributing resource, except the demolition or relocation of accessory buildings and structures that are not identified as significant features or characteristics of the landmark or contributing resource.

3. Any development project that involves the relocation of a building or structure to a vacant lot in a historic district;

4. Any project subject to preservation director review under this chapter that the preservation director, in his or her sole discretion, elects to elevate to the preservation commission for hearing and decision.

B. Projects Subject to Preservation Director Review and Hearing.

The following development projects subject to preservation review under this chapter or under any other provision of this code shall be subject to review by the preservation director and shall require a public hearing:

1. Any development project involving a landmark, contributing resource, or noncontributing resource that is not subject to review by the preservation commission pursuant to subsection (A) of Section 17.134.290 and that involves one or more of the following:

a. New construction of a building or structure on the site of an existing landmark, contributing resource, or non-contributing resource or on a vacant site in a historic district;

b. Additions of new porches, dormers, or new conditioned space on primary facades or affecting significant features or characteristics;

c. Alterations such as new openings in primary facades, raising the structure, partial demolitions or other changes with the potential for having impacts on character-defining features of the property or district, or on existing original fabric;

d. Demolition or relocation of accessory buildings and structures which are not identified as significant features or characteristics of the landmark or contributing resource.

2. Any project subject to staff review under the general direction of the preservation director under this chapter that the preservation director, in his or her sole discretion, elects to elevate to the preservation director for hearing and decision.

C. Projects Subject to Staff Review Under the General Direction of the Preservation Director.

All development projects subject to preservation review under this chapter or under any other provision of this code that are not required to be reviewed by the preservation commission or the preservation director under subsections (A) or (B) of this section shall be subject to staff review under the general direction of the preservation director and shall not require a public hearing.

D. Projects Exempt from Preservation Review.

Notwithstanding the provisions of subsections (A), (B), and (C) of this section to the contrary, preservation review shall not be required for the following projects:

1. Repainting of surfaces that were originally painted and the color scheme is not a significant character-defining feature of the historic resource;

2. Routine non-abrasive cleaning and maintenance;

3. Site plantings when plantings and landscape elements are not significant character-defining features of the historic resource.

E. Preservation Director Determination.

The preservation director shall review and determine whether a development project application is subject to staff review under the general direction of the preservation director, a preservation director hearing, or a preservation commission hearing under this chapter. The determination of the preservation director on this issue shall be final and shall not be subject to appeal.

F. Determination Regarding Applicability of Chapter 17.134 and Chapter 17.132.

An application for a development project that is subject to both preservation review under this Chapter 17.134 and design review under Chapter 17.132 shall be accepted, processed, and reviewed under Chapter 17.134 only, and not under Chapter 17.132; provided, that the review and decision shall be made in consultation with the design director or his or her designee and shall be based on the applicable standards and criteria of both Chapter 17.132 and Chapter 17.134.

G. Director Determination on Landmarks and Contributing Resources without Identified Significant Features and Characteristics.

For development project applications involving landmarks and contributing resources which are on the Sacramento Register because they were essential or priority structures on the official register created under the prior versions of this chapter and for which there are no identified significant features and characteristics, the preservation director shall identify the significant features and characteristics and determine whether the application is subject to staff review under the general direction of the preservation director, a preservation director hearing, or a preservation commission hearing under this chapter. The determination of the preservation director on this issue shall be final and shall not be subject to appeal.

17.134.300 Review of development projects involving nominated resources.

A. Resources Nominated as Landmarks and Contributing Resources.

For purposes of this chapter, resources nominated as landmarks and contributing resources under Section 17.134.180 shall be treated as if they are landmarks and contributing resources on the Sacramento Register, and development projects involving these resources shall be subject to staff review under the general direction of the preservation director, a preservation director hearing, or a preservation commission hearing pursuant to Section 17.134.290.

B. Other resources within nominated historic districts.

Resources within geographic areas nominated for consideration as historic districts that are not nominated or identified as potential contributing resources shall be treated as non-contributing resources in a historic district. Development projects involving these resources shall be subject to staff review under the general direction of the preservation director, a preservation director hearing, or a preservation commission hearing pursuant to Section 17.134.290.

17.134.310 Standards and criteria for evaluation.

The staff under the general direction of the preservation director, the preservation director, and the preservation commission shall apply and consider the following when reviewing a development project or other matter pursuant to this chapter:

A. The Secretary of Interior standards;

B. When the project involves a resource located within a historic district, the applicable provisions of the historic district plan, if any;

C. The goals and policies of this chapter; and

D. The goals and policies of the general plan and any applicable specific or community plan.

17.134.320 Procedures for preservation review.

A. Preservation Review Applications.

Any person proposing a development project subject to preservation review under the provisions of this chapter or any other provision of this code, prior to filing for a building permit or entitlement of use, and prior to commencing the development project, whether or not a building permit or other entitlement of use is required, shall file an application for preservation review with the preservation director. Such application shall be in the form as required by the preservation director.

B. Early Notice.

The preservation director shall establish and implement policies and procedures to provide early notification and information to the public regarding the filing and acceptance of an application for preservation review as determined appropriate by the preservation director. In developing the policies and procedures for early notice under this section, the preservation director shall seek to accomplish the following objectives:

1. Encourage applicants to contact, obtain input from, and work out differences with affected neighbors and neighborhood associations early in the project design process;

2. Garner the support of affected neighbors and neighborhood associations for the project through the creation of a transparent process that encourages mutual trust and minimizes adversarial hearings and appeals;

3. Improve the quality of projects and the built environment.

C. Procedures for Staff Review under the General Direction of the Preservation Director.

1. Review and Decision.

Except as provided in subsections (C)(2), (3), and (4) of this section, an application for preservation review that requires staff review under the general direction of the preservation director under subsection (C) of Section 17.134.290 shall not require notice and hearing. In considering approval of an application, the standards set forth in Section 17.134.310 shall be applied. Such conditions as may be required to ensure conformance with the applicable guidelines, standards, and policies may be imposed. The decision made under this subsection (C)(1) shall be final and shall not be subject to appeal.

2. Special Notice and Reconsideration Procedures.

a. The following development projects subject to staff review under the general direction of the preservation director shall be subject to the notice and reconsideration procedures established pursuant to this subsection (C)(2). The preservation director shall determine whether a development project application is subject to the special notice and reconsideration procedures under this subsection, and the determination of the preservation director on this issue shall be final and shall not be subject to appeal.

i. Major changes or additions involving conditioned space affecting non-character defining features of the property's secondary facades;

ii. Removal of non-significant original features on the property's primary facades.

b. In addition to the early notice provided pursuant to subsection (B) of this section, the preservation director shall establish policies and procedures to provide notice and reconsideration of the preservation review decision made under this subsection (C)(2), including at a minimum:

i. notification of staff action on the application, including all conditions and findings; and

ii. an opportunity for any person dissatisfied with the decision to request review and reconsideration of the decision by the preservation director before the decision is final.

c. The decision of the preservation director after reconsideration under this subsection (C)(2) shall be final and shall not be subject to appeal.

3. Review by Zoning Administrator.

If a project subject to staff review under the general direction of the preservation director also requires approval of one or more zoning administrator entitlements, the zoning administrator shall act on the preservation review in conjunction with the other entitlements, in consultation with the preservation director or his or her designee.

4. Elevation to Preservation Director Hearing.

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

D. Procedure for Review by the Preservation Director.

1. Notice and Hearing.

At least one public hearing shall be held on an application for preservation review that requires action by the preservation director under subsection (B) of Section 17.134.290. The procedural requirements for the hearing and the contents of the notice shall be governed by the provisions of Chapter 17.200 of this code. Notice of the hearing shall be given by posting the property and by mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010.

2. Decision and Notification.

At the conclusion of the hearing, the preservation director shall issue a written decision setting forth approval, conditional approval, or disapproval of the application, and the findings supporting the decision, and shall transmit or cause to be transmitted to the applicant written notice of the decision pursuant to section 17.200.020(C).

3. Elevation to Preservation Commission.

At the discretion of the preservation director, the application for preservation review by the preservation director may be elevated to the preservation commission for hearing and decision, and the application shall be heard and decided by the preservation commission in the same manner as preservation commission review under subsection (E) of this section. No hearing shall be required on the decision by the preservation director to elevate a preservation review application to the preservation commission, and this decision of the preservation director shall be final and shall not be subject to appeal.

4. Appeal.

Except as provided in subsection (D)(3) of this section, any person dissatisfied with the decision of the preservation director made under this subsection (D) may appeal the decision to the preservation commission. The appeal shall be noticed, heard, and otherwise governed by section 17.200.030.

E. Procedures for Review by the Preservation Commission.

1. Notice—Hearings.

At least one public hearing shall be held on an application for preservation review that requires action by the preservation commission under subsection (A) of Section 17.134.290. The procedural requirements for the hearing and the contents of the notice shall be governed by the provisions of Chapter 17.200 of this code. Notice of the hearing shall be given by posting the property and by mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010.

2. Decision and Notification.

At the conclusion of the hearing, the preservation commission shall issue its written decision setting forth its approval, conditional approval, or disapproval of the application, and the findings supporting the decision, and shall transmit or cause to be transmitted to the applicant written notice of its decision pursuant to section 17.200.020(C).

3. Appeal.

a. Any person dissatisfied with the decision by the preservation commission on an application described in subsection (A) of Section 17.134.290 may appeal the decision to the city council. The appeal shall be noticed, heard, and otherwise governed by Section 17.200.030.

b. A decision by the preservation commission on an appeal of a decision of the preservation director under subsection (D)(4) of this section shall be final and shall not be subject to appeal, but shall be subject to call-up for consideration by the city council under Section 17.200.040.

F. Final plan certification—Issuance of Certificate of Appropriateness.

Upon final approval of a preservation review application and acceptance of the conditions of approval by the applicant, the applicant shall file final working drawings and a landscaping plan. The preservation director, upon receipt of said drawings and plans, shall certify that the final plans submitted under this paragraph are in accord with the decision and issue a certificate of appropriateness. After such certification any permits or entitlements may be issued in accordance with the provisions of this code.

<u>17.134.330 Decision and findings after hearing by preservation director and preservation commission.</u>

A. Projects Not Involving the Demolition or Relocation of a Landmark or Contributing Resource.

For projects not involving the demolition or relocation of a landmark or contributing resource, the preservation director or preservation commission shall not approve the

application unless the preservation director or preservation commission makes one or more of the following findings concerning the project, as it may have been conditioned or modified:

1. The project is consistent with the Secretary of Interior standards and the goals and policies of this chapter;

2. The project is not fully consistent with the Secretary of Interior standards, due to economic hardship or economic infeasibility, but the project is generally consistent with, and supportive of, the goals and policies of this chapter. The applicant shall have the burden of proving economic hardship or economic infeasibility;

3. The project is not fully consistent with the Secretary of Interior standards, but is consistent with and supportive of identified goals and policies of the general plan or applicable community or specific plan(s); and the project is either generally consistent with, and supportive of, the goals and policies of this chapter, or if not, the benefits of the project and furthering the identified goals and policies of the general plan or applicable community plan outweigh any impacts on achieving the goals and policies of this chapter.

B. Projects Involving Demolition or Relocation of a Landmark or Contributing Resource.

For projects involving the demolition or relocation of a landmark or contributing resource, the preservation director or preservation commission shall not approve the application unless the preservation director or preservation commission makes one or more of the following findings concerning the project, as it may have been conditioned or modified:

1. Based upon sufficient evidence, including evidence provided by the applicant, the property retains no reasonable economic use, taking into account the condition of the structure, its location, the current market value, the costs of rehabilitation to meet the requirements of the building code or other city, state or federal law;

2. That the demolition or relocation of the landmark or contributing resource is necessary to proceed with a project consistent with and supportive of identified goals and policies of the general plan or applicable community or specific plan(s), and the demolition of the building or structure will not have a significant effect on the achievement of the purposes of this chapter or the potential effect is outweighed by the benefits of the new project; or

3. In the case of an application for a permit to relocate, that the building may be moved without destroying its historic or architectural integrity and importance; or

4. That the demolition or relocation of the landmark or contributing resource is necessary to protect or to promote the health, safety or welfare of the citizens of the city, including the need to eliminate or avoid blight or nuisance, and the benefits of demolition or relocation outweigh the potential effect on the achievement of the goals and policies of this chapter.

17.134.340 Term-Extension-Modification.

A. Certificate of Appropriateness.

1. General.

Except as provided in subsection (A)(2) of this section, a certificate of appropriateness shall expire at the end of three years from the date of issuance by the preservation director unless a building permit has been obtained and exercised for the project or, if no building permit is required for the work, the work has physically commenced. For purposes of this section, the term "exercised" shall mean substantial expenditures in good faith reliance upon the building permit. The burden of proof in showing substantial expenditures in good faith reliance upon the building permit shall be placed upon the permit holder.

2. Certificate of Appropriateness--Demolition.

A certificate of appropriateness for the demolition of a building or structure shall expire at the end of one hundred and eighty (180) days from the date of issuance of the certificate of appropriateness unless a demolition permit or a building permit for the demolition work has been obtained and exercised. For purposes of this section, the term "exercised" shall mean substantial expenditures in good faith reliance upon the permit. The burden of proof in showing substantial expenditures in good faith reliance upon the permit shall be placed upon the permit holder.

B. Extensions.

1. General.

Except as provided in subsection (B)(2) of this section, a certificate of appropriateness may be extended for a period of up to an additional two years upon application to the preservation director filed no later than thirty days prior to expiration. The application for extension of a certificate of appropriateness shall be subject to staff review under the general direction of the preservation director pursuant to subsection (C) of Section 17.134.320.

2. Demolitions.

A certificate of appropriateness for the demolition of a building or structure may be extended for a period of up to an additional 45 days upon application to the preservation director filed no later than thirty days prior to expiration. The application for extension of a certificate of appropriateness shall be subject to staff review under the general direction of the preservation director pursuant to subsection (C) of Section 17.134.320.

C. Modifications.

An application for a modification to a final approval of a preservation review application or a condition of approval of a preservation review application shall be heard and/or considered in the same manner and by the same body as the original preservation review application.

17.134.350 City projects.

A. General.

Except as provided below, the provisions of this chapter requiring review and approval by the preservation commission or the preservation director shall apply to development projects involving landmarks, contributing resources or non-contributing resources that are owned by the city, including public projects within the Old Sacramento National Historic Landmark Historic District; provided that the preservation commission or preservation director shall make a recommendation to the city council or other city decision-making body, entity or person, rather than issuing a decision. When acting on city projects, the city council or other city decision-making body, entity or person shall apply the same standards, and make the same findings, required by this chapter for private projects.

B. Exception.

The council may, by resolution or ordinance, exempt from review by the preservation director or preservation commission individual city projects or categories of city projects.

17.134.360-17.134.380 Reserved.

Article VII. Dangerous and Immediately Dangerous Buildings, Structures or Resources

17.134.390 Notice by building official to preservation director.

The building official shall notify the preservation director upon designation of any listed historic resource or any nominated resource as a substandard, dangerous, or immediately dangerous building, structure or resource.

17.134.400 Reports of notices and orders to preservation director.

The secretary of the housing code advisory and appeals board, the code enforcement manager, and the building official shall forward to the preservation director all notices and orders involving any nominated resource and any listed historic resource within ten (10) days of any such notices or orders.

17.134.410 Demolition of immediately dangerous structures—Listed historic resources.

A. The provisions of this chapter shall not be construed to regulate, restrict, limit or modify the authority of the city and the building official or his or her designee(s) as specified

below, to issue demolition or other permits under the building code set forth in Title 15 of this code for the abatement of any nominated resource or any listed historic resource determined to be immediately dangerous, pursuant to the summary procedures set forth in Chapter 8.96 of Title 8 of the this code; provided that the procedures set forth in this section are followed. Whenever a provision of this section requires that an action be taken by the building official and the building official is absent or otherwise unavailable, then the building official's designee shall be authorized to take the action.

B. Any permits authorizing the demolition of a nominated resource or a listed historic resource determined to be immediately dangerous pursuant to the summary procedures set forth in Chapter 8.96 of Title 8 of the this code shall be issued personally by the building official after complying with the review and consultation process set forth in this section.

C. The building official may issue a permit authorizing the demolition of a nominated resource or a listed historic resource determined to be immediately dangerous pursuant to the summary procedures set forth in Chapter 8.96 of Title 8 of the this code; provided that prior to issuing the demolition permit, the building official shall first consult with the preservation director and the chairperson of the preservation commission for the purpose of discussing (i) whether the condition of the building, structure or other resource is immediately dangerous within the meaning of this code; and (ii) whether there are any feasible alternatives to demolition that will protect adequately the health and safety of the public, including but not limited to abatement of the immediate threat through repair as specified in Chapters 8.96 and 8.100 of Title 8 of this code, securing the premises through security fencing or other measures, stabilization, and limited demolition; and provided further that if the building official determines that the building, structure, or resource is immediately dangerous and that there is no feasible alternative to demolition to abate the immediate and present threat to life, health or safety of the public, the building official may issue a permit authorizing the demolition of the structure without complying with the consultation process, although the building official shall make all reasonable efforts to comply with the consultation process before issuing such permit.

17.134.420 Lawful demolition, removal, or disturbing of listed historic resource—Deletion—Restrictions.

A. When an individually listed landmark on the Sacramento Register, or portion thereof, has been lawfully demolished, removed, or disturbed pursuant to any provisions of this chapter, the city clerk upon notice from the preservation director, shall cause such landmark, or portion thereof, to be deleted from the Sacramento Register. Upon deletion, the provisions of this chapter shall not be considered to encumber any remaining property on which the landmark was located. Landmark(s) in which a majority of the significant feature(s) and characteristic(s) are destroyed by natural disaster(s), acts of God or other similar events not attributable to the willful or intentional action of the owner or owner's agent, shall be considered lawfully demolished, removed, or disturbed for the purposes of this section.

B. When a listed historic resource in a historic district, or portion thereof, has been lawfully demolished, removed, or disturbed pursuant to any provisions of this chapter, the city clerk upon notice from the preservation director, shall cause such listed historic resource, or portion thereof, to be downgraded to a non-contributing resource in the historic district. Listed historic resource(s) in a historic district in which a majority of the significant feature(s) and characteristic(s) are destroyed by natural disaster(s), acts of God or other similar events not attributable to the willful or intentional action of the owner or owner's agent shall be considered lawfully demolished, removed, or disturbed for the purposes of this section

Article VIII. Proposed Demolition or Relocation of Building or Structure Fifty Years Old or Older.

17.134.430 Proposed demolition or relocation of buildings or structures that are fifty years old or older--Review for nomination for listing on Sacramento Register.

A. If a permit is sought to demolish or relocate a building or structure that was constructed at least fifty (50) years prior to the date of application for demolition or relocation, and that building or structure is not currently on the official register, is not the subject of a pending nomination, has not been nominated for listing on the official register or reviewed pursuant to this section within the past three years, the permit application shall be referred to the preservation director to allow the director to make a preliminary determination whether the structure should be nominated for listing on the official register. For purposes of this section, a building or structure for which a building permit issued and construction commenced not less than fifty (50) years prior to the date of application for a demolition or relocation permit shall be considered to have been constructed not less than fifty (50) years ago, regardless of when the construction was completed, and regardless of whether the building or structure was thereafter expanded, modified or otherwise altered. Absent sufficient evidence to the contrary, the date of issuance of the building permit shall be considered to be the date on which construction commenced.

1. Exceptions:

a. Buildings and Structures within the Richards Boulevard Special Planning District.

In the Richards Boulevard special planning district, the requirements of this section shall apply only to applications to demolish or relocate buildings or structures that are identified in the "Richards Boulevard Area Architectural and Historical Property Survey" (hereinafter "survey"), as either potential essential structures, priority structures, or contributing structures within the potential North 16th Street preservation area. Applications to demolish or relocate buildings or structures within Richards Boulevard special planning district that are not so identified in the survey shall not be subject to the requirements of this section.

b. Buildings and Structures within other Surveyed Areas.

To the extent that surveys have been prepared for other areas, and the council has approved and adopted these surveys, the council may provide, by resolution or ordinance, that this section shall apply only to those buildings or structures that the survey has identified as potential landmarks or contributing resources.

B. Preliminary Determination by Preservation Director.

1. Preliminary Determination—Time Limit--Criteria.

Within forty-five (45) days of receipt of an application to demolish or relocate a building or structure under subsection (A) of this section, the preservation director shall make a preliminary determination of whether the building or structure is eligible for listing on the Sacramento Register. In making this preliminary determination, the preservation director shall apply the eligibility criteria and factors specified in Section 17.134.170. The preservation director shall find that the building or structure is eligible for consideration for listing on the Sacramento Register if the director finds that there is a reasonable likelihood that the building or structure will be placed on the Sacramento Register following completion of the notice and hearing requirements of this chapter.

2. Preliminary Determination--Notice.

The preservation director shall notify the property owner of the preliminary determination by first-class, prepaid mail. Failure of the preservation director to act within the forty-five (45) day period shall be considered to be a determination that the structure is not eligible for listing on the register. For purposes of this section, the decision shall be considered to have been made on or before the date of mailing of the notice.

3. Preliminary Determination—Effect

a. If the preservation director determines that the building or structure is eligible for listing on the Sacramento Register, the building or structure shall be deemed nominated for listing on the Sacramento Register under subsection (A) of Section 17.134.180 and shall be subject to Section 17.134.200, except that the restrictions of subsection (B) of Section 17.134.200 shall apply for a period of forty-five (45) days from the date of the preservation director's preliminary determination under this subsection (B) and the time by which the council may extend the time period shall be limited to an additional forty-five (45) days.

b. If the preservation director determines that the building or structure is not eligible for listing on the Sacramento Register, the permit to demolish or relocate the building or structure shall be issued without further restrictions under this chapter. The decision of the preservation directors that the building or structure is not eligible for listing on the Sacramento Register shall be final and shall not be subject to appeal.

17.134.440-17.143.450 Reserved.

Article IX. Preservation Incentives

17.134.460 Incentive programs.

The preservation commission is authorized to develop and implement preservation incentive programs that are consistent with this chapter.

17.134.470 California Historical Building Code.

The building official is authorized to use and shall use the California Historical Building Code for projects involving landmarks and contributing resources. The preservation commission and the preservation director are authorized to and shall utilize the California Historical Building Code for preservation projects.

17.134.480 Mills Act contracts.

A. Mills Act contracts granting property tax relief shall be made available by the city only to owners of properties listed in the Sacramento Register (either as landmarks or as contributing resources within historic districts), as well as properties located within the city that are listed in: the National Register of Historic Places (either as individual listings or as contributing properties within National Register historic districts); or the California Register of Historical Places. Properties that have been previously listed on the above-mentioned register(s), but that have been removed from the register(s) and are no longer listed, shall not be eligible for a Mills Act contract with the city.

B. Mills Act contracts shall be made available pursuant to California law. The preservation director shall make available appropriate Mills Act application materials.

C. Mills Act contract applications shall be made to the preservation director, who shall, within sixty (60) days of receipt of a completed application, prepare and make recommendations on the contents of the contract for consideration by the city council. A fee for the application, to cover all or portions of the costs of the preparation of the contract in the amounts set by city council resolution may be charged.

D. The city council shall, in public hearing, resolve to approve, approve with conditions, or deny the proposed contract. Should the city council fail to act on the proposed contract within one year of its receipt of the proposal, the proposal shall be deemed denied.

E. A Mills Act contract application that has failed to be approved by the city council cannot be resubmitted for one year from the date of city council action, or where the council fails to take action, within one year from the date that the application is deemed denied pursuant to subsection D of this section.

Article X. Minimum Maintenance Requirements

17.134.490 Minimum maintenance requirements.

The owner, lessee or other person legally in possession of a listed historic resource shall comply with all applicable codes, laws and regulations governing the maintenance of property. Additionally, it is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of listed historic resources and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. Listed historic resources shall be preserved against such decay and deterioration and shall remain free from structural defects through prompt corrections of any of the following defects:

A. Facades which may fall and injure members of the public or property;

B. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;

C. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;

D. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;

E. Defective or insufficient weather protection for exterior wall covering, including lack of paint or other protective covering;

F. Any fault or defect in the building which renders it not properly watertight or structurally unsafe.

Article XI. Enforcement and Penalties

17.134.500 Application of chapter and enforcement powers.

The code enforcement manager and building official, and designees, are hereby authorized to enforce the provisions of this chapter, and, in addition to all other powers available to them, are specifically authorized to utilize the provisions of Chapter 1.28 of Title 1 of this code in the enforcement of this chapter. The city attorney is authorized to take such legal actions as are lawfully available, including but not limited to the remedies set forth in Chapter 1.28 of Title I of this code.

17.134.510 Prohibitions.

A. It shall be unlawful and a violation of this chapter for any person to commence or continue work on a development project involving a landmark or contributing resource, or a non-contributing resource in a historic district unless review and approval pursuant to this chapter has occurred; provided that development projects lawfully commenced prior to July 26, 2001, either with or without review under the previous version of this chapter, shall not be subject to any further review under this chapter or title.

B. It shall be unlawful and a violation of this chapter for any person to cause, willfully or otherwise, by action or inaction, the alteration of, environmental change to, damage to or demolition of any significant feature(s) or characteristic(s) of a landmark or all or portion of a historic district, or other listed historic resource, or National Register resource or California Register resource, without first having obtained a proper city authorization for same.

C. For purposes of this chapter, each daily violation shall be considered a new and separate offense.

D. Willful violation of this chapter shall constitute a misdemeanor.

17.134.520 Additional penalties.

The penalties provided for in this chapter are designated as non-exclusive, and are in addition to any other remedies the city may have.

Article XII. General Provisions

17.134.530 Judicial review.

Judicial review of any final decision under this chapter shall be filed within thirty (30) days of the date of the decision, and review shall be pursuant to Section 1094.5 of the Code of Civil Procedure.

17.134.540 Fees.

The city council may, by resolution, establish the fee(s) for submission of the nomination, and all other applications and submissions made pursuant to this chapter. In the absence of a city council resolution, the preservation director may establish the fee and charge schedule.

17.134.550 City code references.

All references in this chapter to Sections of this code shall incorporate those sections as such sections may be amended from time to time.

17.134.560 Severability.

Should any section or other portion of this chapter be determined unlawful or unenforceable by a court of competent jurisdiction, the remaining section(s) and portion(s) of this chapter shall be considered severable and shall remain in full force and effect.

SECTION 2. Chapter 15.124 of Title 15 of the Sacramento City Code is repealed.

SECTION 3. Adoption of this ordinance repealing Sacramento City Code Chapter 15.124 and enacting Sacramento City Code Chapter 17.134 is not intended to and does not affect any approvals made, and entitlements issued, with attendant conditions, by the Design Review and Preservation Board prior to the effective date of this ordinance and prior to dissolution of the Design Review and Preservation Board under the terms of this ordinance and Ordinance No. 2006-XXX. All such approvals and entitlements shall continue in effect subject to the terms and conditions established by the Design Review and Preservation Board and the provisions of Chapter 15.124 as they existed prior to the effective date of this ordinance.

SECTION 4. Adoption of this ordinance repealing Sacramento City Code Chapter 15.124 and enacting Sacramento City Code Chapter 17.134 is not intended to and does not affect any administrative, civil, or criminal prosecutions or proceedings brought or to be brought pursuant to Chapter 15.124 or other provisions of the Sacramento City Code, or pursuant to applicable federal, state, or local laws, to enforce the provisions of Chapter 15.124 as they existed prior to the effective date of this ordinance. The provisions of Chapter 15.124, as they exist on the effective date of this ordinance, shall continue to be operative and effective with regard to any acts occurring prior to the effective date of this ordinance.

SECTION 5. This ordinance shall take effect on January 1, 2007, the same date that Ordinance No. _____ enacted on the same date as this ordinance takes effect. Upon the effective date of this ordinance and Ordinance No. ___, the Design Review and Preservation Board, created and existing pursuant to Sacramento City Code Chapter 15.124 as formerly written, shall dissolve and no longer exist or exercise authority. All matters then pending under the jurisdiction of the Design Review and Preservation Board pursuant to Chapter 15.124 shall be transferred to the Preservation Commission, and all matters then pending under the jurisdiction of the Design Review and Preservation Board pursuant to Chapter 17.132 shall be transferred to the Design Commission, as determined by the city manager's designee.

Adopted by the City of Sacramento City Council on by the following vote:

Ayes:

Noes:

Abstain:

Absent:

_____
MAYOR

Attest:

_____
City Clerk

Passed for Publication:
Published:
Effective:

ATTACHMENT 8

ORDINANCE NO.

Adopted by the Sacramento City Council

AMENDING VARIOUS SECTIONS OF CHAPTER 17.200 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO HEARINGS AND APPEALS (M06-017)

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

SECTION 1. Section 17.200.010 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.200.010 Hearings.

The provisions of this chapter apply to and govern the procedural requirements for hearings conducted under this title. In the event of a conflict between the provisions of this chapter and another provision of this title concerning the noticing and conduct of a hearing, the other provision of this title shall govern over the inconsistent provision of this chapter.

A. Initiation by Property Owner.

An applicant for a hearing on any matter affecting specific property may be one or more holders of an interest in such property, or his or her agent. An applicant may initiate the procedure for a hearing by submitting his or her application on a form provided by the city in accordance with Chapter 17.196.

B. Initiation by City Council, Planning Commission, Design Commission, and Preservation Commission.

1. Where authorized by other provisions of this code, the city council may initiate the procedure for a hearing by delivering to the planning director a duly adopted motion directing that a hearing be held, defining the proposed action, and describing the property involved in the proceedings. The planning director shall schedule the requested hearing upon receipt of the motion.

2. Where authorized by other provisions of this code, the planning commission, design commission, or preservation commission may initiate the procedure for a hearing by delivering to the appropriate commission secretary a duly adopted motion directing that a hearing be held, defining the proposed action, and describing the property

involved in the proceedings. The commission secretary shall schedule the requested hearing upon receipt of the motion.

3. Where authorized by other provisions of this code, the planning director, design director, or preservation director may initiate the procedure for a hearing by delivering to the appropriate hearing body secretary a written request directing that a hearing be held, defining the proposed action, and describing the property involved in the proceedings. The hearing body secretary shall schedule the requested hearing upon receipt of the motion.

C. Notice.

1. Notice - Content.

Notice of a hearing shall include the date, time, and place of the hearing, the name of the hearing body or officer conducting the hearing, a general description of the matter to be considered, a general description, in text or by diagram, of the location of the property involved in the proceedings, and a statement of what environmental determination, if any, has been made on the application to be considered at the hearing.

2. Notice – How Given.

a. Notice by Publication.

When a provision of this title requires notice of a public hearing to be given pursuant to this subsection (C)(2)(a), notice shall be given by publication in the official newspaper of the city at least ten days prior to the hearing.

b. Notice by Posting.

When a provision of this title requires notice of a public hearing to be given pursuant to this subsection (C)(2)(b), notice shall be given by posting the subject real property at least ten days prior to the hearing.

c. Notice by Mail or Personal Delivery.

i. When a provision of this title requires notice of a public hearing to be given pursuant to this subsection (C))2)(c), notice shall be given by mail or personal delivery, at least ten days prior to the hearing, to all of the following persons and agencies:

(A) The owner of the subject real property or the owner's duly authorized agent;

(B) The project applicant;

(C) The owners of real property located within 300 feet of the subject real property, utilizing the owner names and addresses shown on the latest county equalized

assessment roll. In lieu of the equalized assessment roll, other records of the county assessor or tax collector that contain more recent information may be used;

(D) Those persons who have requested in writing notice of the hearing;

(E) Those persons who appeared and identified themselves for the record at any prior public hearing conducted by the hearing body before which the matter is pending or by a subordinate hearing body;

(F) Each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project whose ability to provide those facilities and services to the project may be significantly affected.

ii. If the number of owners to whom notice would be mailed or delivered pursuant to this subsection (C)(2)(c) would be greater than 1,000, then in lieu of mailed or delivered notice, notice may be given by placing a display advertisement of at least one-eighth page in the official newspaper of the city or another newspaper of general circulation within the city reasonably calculated to provide effective notice to the public at least ten days prior to the hearing.

d. Notice of Appeal Hearings.

When a provision of this title requires notice of an appeal hearing to be given pursuant to this subsection (C))2)(d), notice shall be given as follows:

i. By posting the notice on a publicly accessible bulletin board at least ten days prior to the date set for the hearing, and

ii. By mail or personal delivery at least ten days prior to the date set for the hearing to the following persons:

(A) The appellant;

(B) The owner of the property affected where such owner is not the appellant;

(C) The owners of real property located within 300 feet of the subject real property, utilizing the owner names and addresses shown on the latest county equalized assessment roll. In lieu of the equalized assessment roll, other records of the county assessor or tax collector that contain more recent information may be used.

(D) Those persons who appeared and identified themselves for the record before the hearing body before which the original hearing was held;

(E) Those persons who request in writing to be notified of any further proceedings on the matter or who otherwise have requested notice in writing of the hearing; and

e. In addition to the notice required by this subsection (C), additional notice may be given in any other manner as the planning director, zoning administrator, design director, or preservation director, as the case may be, deems necessary or desirable.

3. Notice - Continuances.

If a hearing is continued at the discretion of the hearing body upon its own motion or upon the request of staff, the applicant, or a third party pursuant to section 17.200.020(B), and the continuance is to a date certain that is announced at the hearing, no additional notice of the continued hearing shall be required.

4. Notice – Effect of Failure to Receive.

Failure of any person to receive a hearing notice as required by the provisions of this title shall not affect the validity of the hearing nor prevent the hearing body from proceeding with the hearing.

D. Planning Staff Report.

When a staff report exists, the report shall be made public prior to or at the beginning of the hearing and shall be a matter of public record. When any hearing is held on an application for a change of zone for parcels of at least ten (10) acres, a staff report with recommendations and the basis for such recommendations must be made.

E. Record.

A copy of the record of any hearing held pursuant to the provisions of this chapter shall be made available to any person at cost.

SECTION 2. Section 17.200.020 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.200.020 Decision.

A. Decision.

The hearing body may grant or approve, in whole or in part and with or without modification or conditions, or may deny the proposed action; provided, however, that no decision by the hearing body shall permit the applicant to do an act which was not described in the "general explanation of the matters to be considered" included in the notice of the hearing or the notice of appeal.

B. Decision or Recommendation—Time Limit.

The hearing body shall render a decision or recommendation within sixty (60) days from the date for which the application was first noticed for public hearing, whether such hearing was commenced, held, or continued. Except as may be otherwise provided by law, the hearing may be continued at the discretion of the hearing body upon its own motion or upon the request of staff, the applicant, or a third party. The time limit for rendering a decision or recommendation may be extended by mutual consent of the hearing body and the applicant.

C. Decision or Recommendation—Notice to applicant—Posting of synopsis.

Within two business days following a decision on a matter for which a hearing was held pursuant to the provisions of this chapter, the secretary to the hearing body shall notify the applicant of the decision in writing and shall post the synopsis on a publicly accessible bulletin board. Notice to the applicant in writing under this section may be satisfied by transmitting the record of decision by mail, facsimile, or electronically.

D. Decision—Effective Date.

1. The timely filing of an appeal to the design commission, preservation commission, planning commission, or city council, or the call-up of a design commission, preservation commission, or planning commission decision by the city council pursuant to Section 17.200.040 of this chapter, stays proceedings until the determination of the matter on appeal or call-up. A decision of the hearing body shall become final upon expiration of the time within which an appeal from or call-up of that decision may be taken if no appeal is filed or call-up is requested.

2. A decision of the city council shall be effective when made unless otherwise provided by the city council at the time the decision is rendered. Nothing in this paragraph shall be construed to shorten the time within which a decision by ordinance adopted by the city council becomes effective as provided in Sections 26 and 30 of the Sacramento City Charter. No appeal shall be accepted unless it is timely filed.

SECTION 3. Section 17.200.030 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.200.030 Appeals.

The provisions of this chapter apply to and govern the procedural requirements for the hearing and decision on any appeal under this title. In the event of a conflict between the provisions of this chapter and another provision of this title concerning an appeal, the other provision of this title shall govern over the inconsistent provision of this chapter.

A. Appeal of Zoning Administrator Action.

Any person dissatisfied with any action of the zoning administrator may appeal to the planning commission at any time within ten (10) days after a decision has been made by the zoning administrator. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal is taken by filing a notice of appeal with the zoning administrator. Upon filing of a notice of appeal, the zoning administrator shall within ten (10) calendar days transmit to the secretary of the planning commission all papers and documents on file with the zoning administrator relating to the appeal.

B. Appeal of Planning Director Action.

Any person dissatisfied with any action of the planning director may appeal to the planning commission at any time within ten (10) days after a decision has been made by the planning director. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal is taken by filing a notice of appeal with the planning director. Upon filing of a notice of appeal, the director shall within ten (10) calendar days transmit to the planning commission all papers and documents on file with the director relating to the appeal.

C. Appeal of Design Director Action.

Any person dissatisfied with any decision of the design director that is subject to appeal under the provisions of Chapter 17.132 may appeal to the design commission at any time within ten (10) days after a decision has been made by the design director. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal shall be filed on the form provided by the design director. The appeal documents and the project file shall be transmitted to the design commission within a period of ten (10) days.

D. Appeal of Preservation Director Action.

Any person dissatisfied with any decision of the preservation director that is subject to appeal under the provisions of Chapter 17.134 may appeal to the preservation commission at any time within ten (10) days after a decision has been made by the preservation director. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal shall be filed on the form provided by the preservation director. The appeal documents and the project file shall be transmitted to the preservation commission within a period of ten (10) days.

E. Appeal of the Design Commission Action.

Any person dissatisfied with any action of the design commission that is subject to appeal under the provisions of Chapter 17.132 may appeal to the city council at any time within ten (10) calendar days after a decision has been made by the design commission. If the tenth day falls on a non-business day, the last day to appeal is the next business day.

The appeal shall be filed on the form provided by the design director. The appeal documents and the project file shall be transmitted to the city council within a period of ten (10) days.

F. Appeal of the Preservation Commission Action.

Any person dissatisfied with any action of the preservation commission that is subject to appeal under the provisions of Chapter 17.134 may appeal to the city council at any time within ten (10) calendar days after a decision has been made by the preservation commission. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal shall be filed on the form provided by the preservation director. The appeal documents and the project file shall be transmitted to the city council within a period of ten (10) days.

G. Appeal of the Planning Commission Action.

Any person dissatisfied with any action of the planning commission may appeal to the city council at any time within ten (10) days after a decision has been made by the planning commission; provided that, except as otherwise expressly allowed herein, no appeal of a planning commission decision on an appeal of a zoning administrator's decision or planning director's decision shall be allowed. If the tenth day falls on a non-business day, the last day to appeal is the next business day. The appeal shall be filed on the form provided by the planning director. Thereupon the appeal documents and the planning file shall be transmitted to the city council within a period of ten (10) days.

H. Withdrawal of Appeal.

An appeal to the design commission, preservation commission, planning commission or the city council may be withdrawn by the appellant upon written request. The withdrawal shall be noted on the agenda of the next regularly scheduled meeting of the design commission, preservation commission, planning commission or city council and shall be considered to have occurred on that date. Parties other than the appellant shall have ten calendar days from the date of the meeting at which the appeal is considered withdrawn to file a new or different appeal. The matter may be called up during the ten (10) day period from the date of the meeting pursuant to the provisions of Section 17.200.040 of this chapter. If the tenth day falls on a non-business day, the last day to appeal is the next business day.

I. Permits May Not Be Issued.

No construction permits, license or other permit for a project or use requiring approval by the design director, preservation director, zoning administrator, planning director, or planning commission may be issued until the ten (10) day period following such approval has expired. No construction permits, license or other permit shall be issued while a hearing on appeal to the design commission, preservation commission, planning commission or city council is pending.

J. Fees.

The filing of a notice of appeal of a decision of the zoning administrator, planning director, design director, preservation director, design commission, preservation commission, or planning commission shall be accompanied by the fees specified in the city fee and charge report for such appeal.

K. Notice.

Notice of any appeal hearing shall be given by the clerk or secretary of the hearing body in the manner provided in subsection 17.200.010(C)(2)(d).

L. Appeals—De Novo Review.

The proceedings before the design commission, preservation commission, planning commission or city council on appeal of any decision under this title shall be de novo, meaning that the hearing on appeal shall be conducted in the same manner that the original hearing body heard the matter in the first instance.

SECTION 4. Section 17.200.040 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.200.040 City council call-up review.

A. Notice to City Council.

1. Planning Director.

The planning director shall make a report of the following decisions to the city council as soon as reasonably practicable after the decision is made: (i) entitlements under this title first heard by the planning commission which are approved or conditionally approved by the planning commission; (ii) entitlements under this title first heard and decided by the zoning administrator and thereafter approved, conditionally approved or denied by the planning commission upon appeal; and (iii) entitlements under this title first heard and decided by the planning director and thereafter approved, conditionally approved or denied by the planning commission upon appeal.

2. Design Director.

The design director shall make a report of the following decisions to the city council as soon as reasonably practicable after the decision is made: (i) entitlements under this title first heard by the design commission which are approved or conditionally approved by the design commission; (ii) entitlements under this title first heard and decided by the design director and thereafter approved, conditionally approved or denied by the design commission upon appeal.

3. Preservation Director.

The preservation director shall make a report of the following decisions to the city council as soon as reasonably practicable after the decision is made: (i) entitlements under this title or any other provision of this code first heard by the preservation commission which are approved or conditionally approved by the preservation commission; (ii) entitlements under this title or any other provision of this code first heard and decided by the preservation director and thereafter approved, conditionally approved or denied by the preservation commission upon appeal.

B. Procedures for Call-Up Review.

Any decision enumerated in subsection A of this section may be called up for city council review by the mayor or councilmember in whose district the project is located. To initiate a call-up of a decision, the mayor or councilmember in whose district the project is located shall file a written request with the planning director, design director, or preservation director, as the case may be, within ten (10) days of the date of the decision of the planning commission, design commission, or preservation commission. If the tenth day falls on a non-business day, the last day to call-up is the next business day. Upon the filing of a request by the mayor or the city councilmember in whose district the project is located, the council shall notice and set the matter for the hearing before it. Notice of the hearing shall be given in the manner provided in subsection (C)(2)(d) of Section 17.200.010. The hearing before the city council shall be shall be de novo, meaning that the city council shall hear the matter in the same manner that the design commission, preservation commission, or the planning commission heard the matter in the first instance.

C. Withdrawal of Request for Review.

The councilmember or mayor requesting call-up review of a particular decision may withdraw that request, provided that the withdrawal shall be noted on the next regularly scheduled meeting of the city council and shall be considered to have occurred on that date. The mayor or district councilmember not making the request shall have ten (10) days from the date of the meeting at which the application is considered withdrawn to file a request for call-up review. To the extent the decision is one which could have been appealed to the council by someone other than the applicant, such persons shall have ten (10) days from the date of withdrawal of the request for call-up review to file an appeal. If the tenth day falls on a non-business day, the last day to appeal is the next business day.

SECTION 5. This ordinance shall take effect on January 1, 2007.

Adopted by the City of Sacramento City Council on by the following vote:

Ayes:

Noes:

Abstain:

Absent:

_____
MAYOR

Attest:

_____
City Clerk

Passed for Publication:
Published:
Effective:

ATTACHMENT 9

ORDINANCE NO.

Adopted by the Sacramento City Council

AMENDING VARIOUS SECTIONS OF TITLE 1, TITLE 2, TITLE 8, TITLE 12, TITLE 15, TITLE 17, AND TITLE 18 OF THE SACRAMENTO CITY CODE RELATING TO THE DESIGN COMMISSION AND THE PRESERVATION COMMISSION (M06-017)

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

SECTION 1. Section 1.24.040 of Title 1 of the Sacramento City Code relating to administrative appeals to the City council is amended to read as follows:

1.24.040 Applicability.

The provisions contained in this chapter shall not apply to appeals from any decision or action taken by the planning commission, the design commission, or the preservation commission, or any appeal taken wherein the council is itself required by a statute of the state of California to conduct the appellate hearing.

SECTION 2. Section 1.24.050 of Title 1 of the Sacramento City Code relating to administrative appeals and hearing examiners is amended to read as follows:

1.24.050 Appointment of hearing examiner.

In lieu of hearing any appeal filed pursuant to Section 1.24.010 of this chapter, the city council, upon making the determination set forth in Section 1.24.060(A) of this chapter, may cause the appeal to be heard by a hearing examiner designated by the council. This section shall not apply to any appeal to the city council from a decision or action taken by the planning commission, the design commission, or the preservation commission, or any appeal taken wherein the council is required by a statute of the state of California to conduct the appellate hearing itself.

SECTION 3. Subsection (C)(2) of Section 1.28.010 of Title 1 of the Sacramento City Code relating to the general penalty for code violations and administrative penalties is amended to read as follows:

2. Imposition of Administrative Penalties.

In addition to criminal sanctions and other remedies set forth in this code, the city may impose administrative penalties for any of the acts or omissions set forth in this subsection. Administrative penalties shall be imposed, enforced, collected and reviewed in compliance with the provisions of this section. Administrative penalties may be imposed for any of the following acts or omissions:

a. All violations of this code;

b. All violations of the city charter and other codes or ordinances adopted by the city, including but not limited to the zoning ordinance;

c. All violations of uniform codes adopted by the city;

d. Failing to comply with any order issued by a commission, board, hearing officer or examiner or other body appointed by the city council and authorized to issue orders, including, but not limited to, the planning commission, the housing code advisory and appeals board, the design commission, the preservation commission, the design director, the preservation director, and the zoning administrator;

e. Failing to comply with any condition or requirement imposed on or by any entitlement, permit, contract or environmental document issued or approved by the city.

SECTION 4. Section 2.16.100 of Title 2 of the Sacramento City Code relating to conflicts of interest and disqualification of board and commission members is amended to read as follows:

2.16.100 Applicability.

The provisions of Sections 2.16.110 through 2.16.150 of this article shall apply to members of the city council and members of the following boards, commissions, and bodies:

Administration, investment and fiscal management board of the Sacramento city retirement system
Board of plumbing examiners
Building and fire code advisory and appeals board
Civil service board
Design commission
Design director
Electrical code advisory and appeals board
Housing code advisory and appeals board
Mechanical and plumbing code advisory and appeals board
Old Sacramento variance appeals board
Planning commission
Preservation commission
Preservation director

Retirement hearing commission
Sacramento city public facilities financing corporation
Sacramento city financing authority
Zoning administrator

SECTION 5. Section 2.40.030 of Title 2 of the Sacramento City Code relating to the appointment procedure for members of boards and commissions is amended to read as follows:

2.40.030 Applicability.

The provisions of this article shall apply to persons recommended to the mayor by the personnel and public employees committee as appointees for positions on the city council and the following boards and commissions:

Administration, investment and fiscal management board of the city retirement system;
Board of plumbing examiners;
Building and fire code advisory and appeals board;
Civil service board;
Design commission;
Electrical code advisory and appeals board:
Housing code advisory and appeals board;
Mechanical and plumbing code advisory and appeals board;
Old Sacramento variance appeals board;
Planning commission;
Preservation commission;
Retirement hearing commission;
Sacramento city public facilities financing corporation.

SECTION 6. Subsection (G) of Section 2.84.080 of Title 2 of the Sacramento City Code relating to the powers and duties of the Metropolitan Arts Commission is amended to read as follows:

G. To review and make recommendations upon the program development and budget, master planning site development and building design of any local government public building project during the preliminary stages. Actions of the council, planning commission, design commission, and preservation commission shall not be delayed by such review;

SECTION 7. Section 8.100.040 of Title 8 of the Sacramento City Code relating to the housing code and the applicability of the California historical building code is amended to read as follows:

8.100.040 Additions to, alterations or repairs of existing buildings and structures—Additions to, alterations or repairs of listed historic resources, and applicability of California Historical Building Code.

Existing buildings and structures that are altered, modified, repaired, enlarged or in any way changed shall be made to conform to this chapter insofar as the new work is concerned and in accordance with the California Building Code as amended by Title 15 of this code; provided that if the building or structure to be altered or enlarged is a listed historic resource as defined in Chapter 17.134 of this code or is otherwise a qualified historical building or structure within the meaning of Health and Safety Code Section 18955, then alteration or enlargement may be made pursuant to the alternative building standards and building regulations of the State Historical Building Code.

SECTION 8. Section 8.100.050 of Title 8 of the Sacramento City Code relating to the housing code and the applicability of the historical building code is amended to read as follows:

8.100.050 Relocation of existing buildings and structures.

Existing buildings and structures which are moved or relocated shall be considered as new buildings and shall comply with all the requirements of the chapter; provided that if the building or structure to be moved or relocated is a listed historic resource as defined in Chapter 17.134 of this code or is otherwise a qualified historical building or structure within the meaning of Health and Safety Code Section 18955, then such building or structure may comply with the alternative building standards and building regulations of the State Historical Building Code.

SECTION 9. Subsection (D) of Section 12.56.110 of Title 12 of the Sacramento City Code relating to the protection of trees and building moves is amended to read as follows:

D. In connection with the relocation of a listed historic resource as defined in Chapter 17.134, the director shall give greater consideration to the removal of street trees if there is no alternative way to preserve the structure. Factors to be considered by the director include the historical significance of the structure, whether it could be preserved in its present location, the condition, size, and species of the trees to be removed, and other related factors.

SECTION 10. Section 15.44.020 of Title 15 of the Sacramento City Code relating to permits for building demolitions is amended to read as follows:

A. General Rule.

Prior to commencing any demolition or wrecking work on any building or structure, the wrecker shall obtain a permit from the building official. The building official may require completion of any preparatory work which may be required prior to issuing the permit.

B. Demolition of Historic Resources.

No demolition permit shall be approved for demolition of a historic resource as defined in Chapter 17.134 of this code, except pursuant to the provisions of Chapter 17.134.

C. Demolition of Structures Adjacent to Historic Resources.

No demolition permit shall be issued for demolition of a building which is adjacent to a historic resource as defined in Chapter 17.134 and which the building official has determined is structurally connected to the historic resource so that the demolition of the adjacent structures presents the potential for substantial damage to, or collapse or demolition of, the historic resource until the building official has consulted with, or made reasonable efforts to consult with, the preservation director and the chairperson of the preservation commission. Prior to issuance of any demolition permit, the building official may require the wrecker to submit a report from a licensed architect or licensed civil or structural engineer or such other reports as the building official deems reasonable and necessary to evaluate the potential impact of demolition of the structure on the adjacent historic resource and to determine the adequacy of the proposed method of demolition in terms of protecting the adjacent historic resource. The building official shall require such a report unless he or she determines that the proposed method of demolition will protect adequately the adjacent historic resource. The building official shall impose such conditions on the demolition permit as he or she determines necessary and appropriate to protect the historic resource. Nothing in this section is intended to affect or interfere with the authority of the building official to order or approve the immediate demolition of a building or structure determined to be immediately dangerous as defined in Section 8.96.120 of this code.

D. Demolition or Move of Nonhistoric Residential Structures.

1. General.

Except as provided below, a nonhistoric residential structure located within the city may not be demolished or moved unless, acting pursuant to this section, the zoning administrator has issued a residential structure demolition/building move permit authorizing said demolition or move.

2. Exceptions.

The requirements of this subsection (D) for zoning administrator approval of a residential structure demolition/building move permit shall not apply in the following situations:

a. Replacement Structure for which a Building Permit has been Issued.

Where all discretionary entitlements, if any, have been approved for a replacement building or structure to be built on the site of the building or structure proposed for demolition or relocation, and either (i) a building permit and all other necessary permits or entitlements to construct the replacement building or structure have been issued by the building official or designee; or (ii) to the extent permitted by the building code, a building permit for the

replacement building or structure has been applied for, and a partial permit, whether a demolition permit, foundation permit or other permit, has been issued by the building official or designee, to authorize one or more initial phases of construction associated with and necessary for the replacement building or structure, a permit to demolish or move the existing building or structure shall be issued by the building official or designee upon receiving written confirmation from the planning director or designee that the replacement building or structure has been approved for the site.

b. Redevelopment Projects.

The demolition or relocation of structures required as part of a redevelopment project for which an owner's participation agreement (OPA) or development disposition agreement (DDA) has been approved and executed shall not be subject to the requirement of this section to obtain zoning administrator approval of a residential structure demolition/building move permit.

c. Demolition of Dangerous or Substandard Structures Undertaken by the City.

Demolition of dangerous or substandard structures undertaken by the city shall not be subject to the requirement of this section to obtain zoning administrator approval of a residential structure demolition/building move permit.

d. Demolition of Immediately Dangerous Structures.

Demolition of immediately dangerous structures shall not be subject to the requirement of this section to obtain zoning administrator approval of a residential structure demolition/building move permit.

3. Zoning Administrator Approval.

Except as provided in subsection (D)(2), above, zoning administrator approval shall be required for a residential demolition/building move permit.

4. Procedure—Zoning Administrator Approval.

The application for a residential demolition/building move permit shall be subject to the same procedures governing zoning administrator's special permits as set forth in Chapter 17.212 of Title 17 of the city code.

5. Authority and Findings.

The zoning administrator shall have the authority to approve, approve with conditions or deny an application for a residential demolition/building move permit. The zoning administrator may approve an application for a residential demolition/building move permit if the zoning administrator makes one or more of the following findings:

a. Based upon sufficient evidence, including evidence provided by the applicant, the property retains no reasonable economic use, taking into account the condition of the structure, its location, the current market value, the costs of rehabilitation to meet the requirements of the building code or other city, state or federal law;

b. The approval of the permit and subsequent demolition or removal of the residential structure will not (i) cause or contribute further to blight in the neighborhood or otherwise cause a decline in the nature and quality of the neighborhood; and (ii) be detrimental to the public health, safety or welfare; or

c. The benefits of demolition or removal of the residential structure outweigh any negative impacts or potential negative impacts associated with its demolition or removal.

In considering whether to approve a residential demolition/building move permit, the zoning administrator shall consider the nature and character of the existing neighborhood, the proximity of vacant lots, vacant buildings, including buildings which are damaged, in poor condition or boarded up, and other conditions of blight or potential blight in the neighborhood for which the permit is sought, the quality, condition and character of the building proposed for demolition or removal, the potential for replacement of the residential structure and the anticipated timing of replacement of the residential structure.

6. Conditions.

The zoning administrator shall have the authority to place conditions on the residential demolition/building move permit which are determined to be reasonably necessary to achieve the purposes and intent of this section, including, but not limited to, maintenance, landscaping and fencing requirements, and the establishment of appropriate funding and other mechanisms to ensure compliance with the conditions.

7. Appeal.

The decision of the zoning administrator on an application for a residential demolition/move permit shall be subject to appeal to the planning commission in the same manner, and pursuant to the same procedures, as a decision on a zoning administrator's special permit under Chapter 17.200 of Title 17 of the city code.

8. Definitions.

The following definitions shall apply to this subsection (D):

"Blight" means a combination of vacant lots, vacant or boarded up buildings and buildings in a state of disrepair or deterioration so prevalent and so substantial that it constitutes a serious physical, aesthetic, or economic burden on the neighborhood.

"Nonhistoric residential structure" means any residential building or structure that is not a historic resource.

"Residential structure" means a building or structure currently or most recently used for residential purposes.

9. Other Provisions.

The requirement for a residential structure demolition/building move permit shall be in addition to the requirements for a moving permit found at Chapter 15.48 of this code; and in addition to any other permit(s) or approval(s) required by provisions of this code, including, but not limited to, the provisions of Chapter 17.132 relating to design review and the provisions of Chapter 17.134 applicable to the demolition or relocation of historic resources and buildings and structures fifty (50) years old or older. Where the preservation commission or preservation director is responsible for approval of one or more entitlements under Chapter 17.134, the preservation commission or preservation director shall hear and decide the application for a residential structure demolition/building permit. The application shall be noticed and heard in the same manner as the other entitlements before the preservation commission or preservation director, and shall be subject to appeal and call-up in the manner specified in Chapters 17.134 and 17.200.

SECTION 11. Section 15.48.010 of Title 15 of the Sacramento City Code relating to permits for building moves and the requirement for preservation and design review is amended to read as follows:

15.48.010 Permit required.

A. General—Permit Required.

No person shall move any building or structure upon, over, or through any public property or right-of-way in the city, or from outside the city into the city, without first complying with all applicable city code provisions and obtaining a written moving permit from the director of planning and development according to the procedures set forth in this chapter.

B. Nonhistoric Residential Structures.

Applications to move nonhistoric residential structures shall be subject to the requirements of Section 15.44.020, in addition to the requirements of this chapter.

C. Historic Resources.

Applications to relocate a landmark or contributing resource, including accessory buildings and structures; applications to relocate a building or structure to the site of an existing landmark, contributing resource, non-contributing resource, or to a vacant lot in a historic district; and applications to relocate a building or structure fifty (50) years old older shall be subject to the requirements of Chapter 17.134 in addition to the requirements of this chapter.

D. Design Review.

Applications to relocate any building or structure that is not subject to review under Chapter 17.134 shall be subject to design review under Chapter 17.132 in addition to the requirements of this chapter.

SECTION 12. Section 15.48.040 of Title 15 of the Sacramento City Code relating to permits for building moves and the requirement for design review is amended to read as follows:

15.48.040 Reserved.

SECTION 13. Chapter 15.68 of Title 15 of the Sacramento City Code relating to securing pre-1920 residential structures in the "Old City" is repealed.

SECTION 14. Section 15.72.030 of Title 15 of the Sacramento City Code relating to variances for encroaching commercial structures in the "Old City" is amended to read as follows

15.72.030 Application.

Any person applying for a variance under this chapter shall apply for such variance on a form prescribed by the city engineer. The application shall be accompanied by such architectural and engineering drawings and specifications as may be required by the city engineer. The application shall be reviewed by either the design director or the preservation director as determined by the city manager's designee. The recommendations of the city engineer and the design director or preservation director shall be submitted to the council at the hearing on the application.

SECTION 15. Chapter 15.128 of Title 15 of the Sacramento City Code relating to the restoration of historic buildings is repealed.

SECTION 16. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (a)(ix) of Footnote 30 of section 17.24.050 relating to second units is amended to read as follows:

ix. A second residential unit proposed for any lot that includes a landmark or a contributing resource is subject to the provisions of Chapter 17.134.

B. Subsection (j) of Footnote 50 of section 17.24.050 relating to residential hotels is amended to read as follows:

j. Design and Preservation Review.

All residential hotels shall be subject to design review under Chapter 17.132, unless the project is otherwise subject to preservation review under Chapter 17.134, prior to issuance of building permits.

C. Subsection (f) of Footnote 58 of section 17.24.050 relating to antennas is amended to read as follows:

f. Development and Design Guidelines.

The council may, by resolution, establish development and design guidelines for antennas and telecommunications facilities. Such guidelines may be adopted following at least one public hearing before the planning commission, either the design commission or the preservation commission as determined by the city manager's designee, and one public hearing before the city council, which shall be noticed in the same manner as hearings on text amendments pursuant to Chapter 17.208 of this title. The council may refer proposed development and design guidelines to the planning commission and the design commission for review and recommendation. Guidelines adopted pursuant to this paragraph shall be consistent with the development standards and requirements of this title, including subsections (58)(a) through (e) of this section, and shall be considered and applied by the zoning administrator and planning commission when considering special permits and special permit modifications pursuant to this provision.

D. Subsection (b) of Footnote 75 of section 17.24.050 relating to plan review of multifamily residential projects is amended to read as follows:

b. Plan Review by the Planning Director or Planning Commission.

Apartment projects of any size within a PUD and of one hundred (100) units or less not within a PUD shall be subject to plan review by the planning director, pursuant to Chapter 17.220. Apartment projects of more than one hundred (100) units not within a PUD shall be subject to plan review by the planning commission pursuant to Chapter 17.220. The decision of the planning director or the planning commission shall be subject to appeal in the manner specified in Chapter 17.200.

i. Required Application Information and Materials.

The application for plan review of an apartment project shall include the information and materials required under Section 17.132.060 for an application for design review, in addition to the information and materials required for plan review.

ii. Projects within Design Review Districts—Recommendation on Design

Notwithstanding Chapter 17.132, prior to the hearing before the planning commission or consideration by the planning director, the design of an apartment project that is subject to design review under Chapter 17.132 and is located within a design review district for which design review guidelines have been adopted shall be heard and/or reviewed in the manner provided in Chapter 17.132, but the reviewing body shall forward a recommendation to the planning commission or the planning director on the project design, rather than take action as provided in Chapter 17.132.

iii. Projects Subject to Preservation Review—Recommendation on Design.

Notwithstanding Chapter 17.134, prior to the hearing before the planning commission or consideration by the planning director, the design of an apartment project that is subject to preservation review under Chapter 17.134 shall be heard and/or reviewed in the manner provided in Chapter 17.134, but the reviewing body shall forward a recommendation to the planning commission or the planning director on the project design, rather than take action as provided in Chapter 17.134.

E. Except as specifically amended by the amendments to footnotes 30, 50, 58, and 75, all other provisions of section 17.24.050 remain unchanged and in full force and effect.

SECTION 17. Section 17.96.020 of Title 17 of the Sacramento City Code (the Zoning Code) relating to the CBD SPD is amended to read as follows:

17.96.020 Urban design, architectural design and streetscape design guidelines—Procedure.

The CBD-SPD (C-3) zone design guidelines consisting of the urban design, architectural design and streetscape design guidelines, are adopted for the CBD-SPD zone. The planning commission, Sacramento housing and redevelopment commission, design commission, preservation commission, the design director, the preservation director, and the city and Sacramento housing and redevelopment agency staffs, shall use the aforementioned guidelines in the evaluation of development projects within the CBD-SPD (C-3) zone. The design commission, preservation commission, planning commission and city council shall have the authority to waive individual guideline provisions for specific projects. These waivers may occur where it is found on the basis of substantial evidence that such waiver is necessary or appropriate to accomplish the policies for downtown design more than would strict application of the guidelines. The city planning commission may amend the design guidelines where such amendment will aid in the accomplishment of the policies for downtown design.

SECTION 18. Section 17.96.030 of Title 17 of the Sacramento City Code (the Zoning Code) relating to the "fast-track" procedure in the CBD SPD is amended to read as follows:

17.96.030 Development review process—"Fast track" procedure.

In order to implement the development strategy proposed in the urban design plan and channel well-designed development into the incentive zone, the following development review process will govern new projects proposed in the CBD-SPD. Projects proposed in the incentive zone (7th to 13th, I to L Streets) or on catalyst sites designated in the urban design plan shall be processed in one of two ways described below. Development proposed in the balance of the C-3 zone outside the incentive zone shall be administered under the standard project review process.

A. Fast Track Review.

Developments determined by city staff to comply with the design guidelines below and the zoning ordinance may, at the applicant's request, be processed under the "fast track" procedure described in this section. The project design shall be reviewed by either the design commission under Chapter 17.132 or preservation commission under Chapter 17.134, whichever is applicable, to identify design issues. The applicant will then resolve the identified design issues at the staff level under sections 17.132.310 (C) or 17.134.320(C). Projects that receive approval under this subsection (A) shall not be subject to any further review before the design commission, the preservation commission, the planning commission or the city council regarding project design. Any special permits or variances will be processed through the zoning administrator's special permit or variance procedure. Projects approved under this subsection (A) will also receive priority plan checking in the building permitting process in a manner determined by the building inspections division.

Projects that comply with the parking and transportation management plan (TMP) requirements of this title, mitigation measures specified in the master EIR, and the following design criteria specified in the architectural design guidelines shall be eligible for "fast track" processing:

1. Building massing and setbacks;

2. Building materials;

3. Building detailing;

4. Pedestrian amenities;

5. Landscaping;

6. Parking requirements and transportation management plan (TMP) requirements.

B. Material Changes.

If the proposed development materially changes between the time of project design and zoning administrator approval and time of construction, the development shall be referred back to the design commission or preservation commission for further review. Examples of "material change" include but are not limited to substitution of quality materials

with lower quality materials; significant alterations to the massing, building form, setbacks, fenestration or building detailing, landscaping or pedestrian amenities; increase in square footage or height by more than ten (10) percent.

Projects determined by the design director or preservation director to be in noncompliance with the overall intent of the design guidelines as a result of design changes may also lose their "fast track" priority status related to the building plan check process.

C. Standard Project Review.

That method of review otherwise specified by this title.

SECTION 19. Section 17.96.080 of Title 17 of the Sacramento City Code (the Zoning Code) relating to the CBD SPD is amended to read as follows:

17.96.080 Historic preservation.

A. Findings.

1. The buildings in the CBD-SPD are a composite of architectural styles, scales and periods. Preservation and renovation of Sacramento's architectural heritage is important to its economic well-being as well as preserving the CBD's unique physical fabric. The variety of building styles, age, locations, lease rents, and physical character offers a diversity that is essential to a healthy mix of retail and support services.

2. Within the CBD-SPD, there are many historic resources, landmarks, contributing resources, and historic districts.

3. The CBD-SPD has the capacity for another four million square feet of additional development without the removal of historically listed buildings.

B. Policy.

The city council has adopted the following policies related to historic preservation:

1. The highest priority is to encourage restoration and sensitive renovation of listed historic resources. Restoration of listed historic resources entitle the development to all benefits provided in the incentive zone found in Section 2.3 of the urban design plan, including but not limited to one-meeting planning review and priority building permit processing, and may also be eligible for public financial assistance.

2. Secondarily, an alternative design solution to demolition of a listed historic resource is to encourage harmonious incorporation of an existing listed historic resource into

the design of a new development. A project that incorporates this design approach will also be eligible for the same incentive zone benefits found in Section 2.3 of the urban design plan.

3. Thirdly, when demolition of a listed historic resource is requested, the applicant must prepare an environmental evaluation that fully addresses the potential environmental effects of the demolition under CEQA and NEPA and the criteria listed in section 17.134.330(B).

SECTION 20. Subsection (J)(2)(b)(iv) of Section 17.104.020 of Title 17 of the Sacramento City Code (the Zoning Code) relating to the Alhambra Corridor SPD is amended to read as follows:

iv. Any proposed building whose FAR exceeds 0.80 shall be subject to a special permit and a modified project review process such that the design director shall provide review and comment on the building envelope in terms of its relationship to the Alhambra Corridor design review guidelines.

SECTION 21. Section 17.120.020 of Title 17 of the Sacramento City Code (the Zoning Code) relating to development standards in the heavy industrial zones in the Richards Boulevard SPD is amended as follows:

A. Subsection (E)(2)(b)(v) of section 17.120.020 is amended to read as follows:

v. Expansion of Existing Buildings.

Buildings or structures which are expanded shall comply with the following requirements:

(A) The proposed area of expansion shall conform to all current development standards, except as provided in subsection (E)(2)(b)(i)(D) of this section.

(B) All exterior improvements shall be subject to design review pursuant to Chapter 17.132 of this title. Improvements shall comply with the Richards Boulevard area plan design guidelines.

(C) Minor improvements to facades fronting on streets shall be required when an expansion occurs. Facade improvements, may include but are not limited to paint and awnings.

(D) Front landscaping shall be required, if determined to be appropriate and required by design review approval.

(E) Site improvements to fencing, signage, and trash enclosures shall be required to improve the appearance of the site which is in view of the public.

B. Subsection (E)(3)(b)(ii) of section 17.120.020 is amended to read as follows:

ii. Expansion of Existing Buildings. Buildings or structures which are expanded shall comply with the following requirements:

(A) The proposed area of expansion shall conform to all current development standards, except as provided in this section.

(B) All exterior improvements shall be subject to design review pursuant to Chapter 17.132 of this title. Improvements shall comply with the Richards Boulevard area plan design guidelines.

(C) Minor improvements to facades fronting on streets shall be required when an expansion occurs. Facade improvements, may include but are not limited to paint and awnings.

(D) Front landscaping shall be required, if determined to be appropriate and required by the design review approval.

(E) Site improvements to fencing, signage, and trash enclosures shall be required to improve the appearance of the site which are in view of the public.

C. Except as specifically amended by the amendments to subsections (E)(2)(b)(v) and (E)(3)(b)(ii), all other provisions of section 17.120.020 remain unchanged and in full force and effect.

SECTION 22. Section 17.124.050 of Title 17 of the Sacramento City Code (the Zoning Code) relating to the Railyards SPD is amended to read as follows:

17.124.050 Design review guidelines and historic preservation requirements.

A. General.

All development shall be subject to design review either by the design director, the preservation director, the design commission, or the preservation commission pursuant to the following procedures.

B. Procedure—Design Review Not Involving Historic Resources.

1. Review by the Design Director—Development in the RMX Zone.

The specific plan sets forth detailed design guidelines and requirements for development in the RMX zone. Any development in the RMX zone that does not involve a

historic resource and for which a special permit has been issued shall be subject to staff review under the general direction of the design director pursuant to the following provisions.

a. Application.

Any person proposing to construct a building for which a special permit has been issued shall file an application for review with the design director pursuant to Chapter 17.132 of this title.

b. Scope and Standard of Review.

Notwithstanding any other provisions of this title, staff review under the general direction of the design director shall be limited to whether the proposed development is consistent with the design guidelines set forth in the railyards specific plan or such additional development or design standards or requirements that may adopted specifically for development on RMX-zoned property within the railyards SPD.

c. Procedure.

The procedure for staff review under the general direction of the design director in Section 17.132.310(C) shall govern design review under this subsection (B)(1).

2. Review by the Design Commission—Development in the C-3 and OB Zones.

The specific plan sets forth detailed design guidelines and requirements for development in the C-3 and OB zones. Any development in the C-3 and OB zones that does not involve a historic resource and for which a special permit has been issued shall be subject to design review by the design commission pursuant to the following provisions.

a. Application.

Any person proposing to construct a building for which a special permit has been issued shall file an application for review with the design commission pursuant to Chapter 17.132 of this title.

b. Scope and Standard of Review.

Notwithstanding any other provisions of this title, the design commission shall limit its consideration to whether the proposed development is consistent with the design guidelines set forth in the railyards specific plan or such additional development or design standards or requirements that may adopted specifically for development on C-3 and OB zoned property within the railyards SPD.

c. Notice, Hearing and Appeal.

Design review of projects in the C-3 and OB zones shall be subject to the notice, hearing and call-up provisions of Chapters 17.132 and 17.200 of this title.

3. Review by the Design Commission--Development in the TC, OS, M-1 and C-2 Zones.

All projects in the TC, OS, M-2 and C-2 zones that do not involve a historic resource and for which a special permit has been approved shall be subject to design review by the design commission pursuant to Chapter 17.132 of this title.

C. Preservation Review.

1. Historic Resources Located on the Railyards Site.

Except as provided in subsection (C)(1)(c) of this section, no permit or entitlement shall be issued for a development project, as defined in section 17.134.020 of this title, that involves any of the buildings and structures specified in subsection (C)(1)(a) of this section unless and until the permit or entitlement has been approved pursuant to Chapter 17.134 of this title.

a. Buildings, Structures and Boundaries Subject to Review Under Chapter 17.134.

The following buildings and structures and the buildings and structures within the boundaries identified in subsection (C)(a)(iv) of this section shall be subject to review under Chapter 17.134 of this code:

i. The depot;

ii. Railway Express building;

iii. The following buildings and structures located in the central shops and Crescent Park area of the railyards site and illustrated in Figure 4-16 of the specific plan and Exhibit 10 at the end of this chapter:

(A) Erecting shops,

(B) Masonry water closet,

(C) Machine shop, including repair gang shop,

(D) Car shop 3, including the air room, rotating equipment shop, injection shop and material's lift,

(E) Locomotive wheel shop,

(F) Electric shop/traction motor shop (located in Crescent Park),

(G) Locomotive truck shop/fabrication shop,

(H) Turntable,

(I) Locomotive wheel shop annex;

iv. Boundaries.

Generally within the area bounded by Locomotive Drive on the west, Communication Lane of the south, Quality Way on the east and the rail tracks on the north (Exhibit 1A).

b. Listed Historic Resources.

For purposes of Chapter 17.134 of this code, the buildings and structures specified in subsection (C)(1)(a) of this section shall be considered and treated as listed historic resources as that term is defined and used in Chapter 17.134 of this code.

c. Exception—Demolition or Relocation of Historically Significant Structure Proposed and Approved as Part of a Development Project.

Where the alteration, modification, relocation or demolition of a building or structure specified in subsection (C)(1)(a) of this section is proposed and subsequently approved as part of an application to develop the property on which the building or structure is located, applicant need not comply with subsection (C)(1)(a) of this section; provided that as part of its consideration of the development proposal, the planning commission shall consider the matters specified in Section17.134.330 of this title. No building permit or other entitlement to allow for the alteration, modification, or demolition of a structure shall issue pending the final decision on the development application; and further, no building permit or other entitlement shall issue to allow for the relocation or demolition of building or structure specified in subsection (C)(1)(a) of this section unless and until the building permit for development of the project has been issued. For projects involving demolition of a building or structure specified in subsection (C)(1)(a) of this section, the special permit or other entitlement approved for the development project shall include appropriate conditions to ensure that the development project which necessitates the demolition of the building or structure is in fact built. If a development application which includes the proposed alteration, modification, or demolition of a structure listed in subsection (C)(1)(a) of this section is denied, then the requirement of subsection (C)(1)(a) of this section for review pursuant to Chapter 17.134 of this code must be satisfied prior to the issuance of a permit or entitlement to alter, modify, relocate or demolish a structure.

d. Listing of Buildings and Structures on the Sacramento Register.

If any of the buildings and structures specified in subsection (C)(1)(a) of this section are placed on the Sacramento Register pursuant to the provisions of Chapter 17.134 of this code, then the provisions of Chapter 17.134 of this code shall govern the proposed

demolition or relocation of such buildings and structures; and the provisions of Chapter 17.134 of this code shall prevail over any conflicting provisions in this chapter.

SECTION 23. Section 17.128.030 of Title 17 of the Sacramento City Code (the Zoning Code) relating to the OB and RMX zones in the R Street Corridor SPD is amended as follows:

A. Subsection (B)(1)(c)(i)(C) of section 17.128.030 is amended to read as follows:

(C) Exception—Landmarks and Contributing Resources. Subject to approval of a special permit by the planning commission, all or a portion of a building in the OB zone which is a landmark or a contributing resource on the Sacramento register established pursuant to Chapter 17.134 may be devoted to office use without satisfying either the residential component or the ground floor retail requirement set forth in subsections (B)(1)(c)(1)(A) and (B)(1)(c)(1)(B) of this section.

B. Subsection (B)(5)(a)(ii)(C) of section 17.128.030 is amended to read as follows:

(C) Landmarks and Contributing Resources—Office and Commercial Uses. Subject to approval of a special permit by the planning commission, all or a portion of a building in the RMX zone which is a landmark or a contributing resource on the Sacramento register established pursuant to Chapter 17.134 of this code may be devoted to office use or to the commercial uses specified in Section 17.28.020 of this title or the retail and personal service uses specified in Table 1 of Section 17.96.070 of this title.

(1) Landmarks and Contributing Resources on Parcels Not More Than Forty Feet by One Hundred Sixty Feet—Additional Development Allowed. For parcels with a width not greater than forty (40) feet and a depth not greater than one hundred sixty (160) feet; (2) which abut a major street; and (3) on which there is located a landmark or a contributing resource on the Sacramento register established pursuant to Chapter 17.134 of this code, the planning commission may approve a special permit to allow for additional development on the parcel, including additions to or expansions of the landmark or contributing resource; and may authorize the use of such development for office use, the commercial uses specified in Section 17.28.020 of this title, or the retail and personal service uses specified in Table 1 of Section 17.96.070 of this title. For purposes of this provision, major streets mean the major streets as defined in the central city community plan.

C. Except as specifically amended by the amendments to subsections (B)(1)(c)(i)(C) and (B)(5)(a)(ii)(C), all other provisions of section 17.128.030 remain unchanged and in full force and effect.

SECTION 24. Subsection (B)(1) of section 17.176.040 of Title 17 of the Sacramento City Code (the Zoning Code) relating to the Building Conservation (BC) Overlay Zone is amended to read as follows:

1. Replacement Building.

a. New Construction.

The replacement building shall be approximately the same square footage as the original building, not to exceed one hundred twenty-five (125) percent of the square footage of the original building. The exterior shall be residential in design and character. The replacement building shall be subject to design review under Chapter 17.132 unless the construction is otherwise subject to preservation review under Chapter 17.134.

b. Relocation of Historic Resource.

In lieu of new construction under subsection B(1)(a), the building may be replaced with a historic resource relocated to the site, subject to preservation review under Chapter 17.134. Thereafter, the relocated historic resource may be devoted to non-residential uses.

SECTION 25. Section 18.20.130 of Title 18 of the Sacramento City Code relating to residential hotel conversions/demolitions and relocation benefits is amended to read as follows:

18.20.130 Preservation of historic structures.

This chapter does not supersede the requirements of Chapter 17.134 of this code, Historic Preservation.

SECTION 26. Section 18.36.080 of Title 18 of the Sacramento City Code relating to development impact fees in the Richards Boulevard, Railyards, and Downtown areas is amended to read as follows:

18.36.080 Exemptions.

A. The following shall be exempted from payment of the fees established by this chapter:

1. Alterations, renovations, or expansion of an existing residential structure where no additional dwelling units are created and the use is not changed;

2. The replacement of a destroyed or partially destroyed or damaged structure with a new structure of the same size and use;

3. The alteration or renovation of a structure in the Richards Boulevard area that is designated as a landmark or contributing resource on the Sacramento Register pursuant to Chapter 17.134 of this code, as such chapter may be amended from time to time. The exemption provided by this subsection shall not apply to any expansion of such structure;

4. Construction, alteration, renovation, or expansion of a new or existing residential, or residential/retail mixed use, structure owned by the capitol area development authority, or its successor(s) in interest.

B. Any claim of exemption with respect to the fees established by this chapter shall be made no later than the time for application for fee adjustment pursuant to Section 18.36.150 of this chapter.

SECTION 27. This ordinance shall take effect on January 1, 2007.

Adopted by the City of Sacramento City Council on by the following vote:

Ayes:

Noes:

Abstain:

Absent:

MAYOR

Attest:

City Clerk

Passed for Publication:
Published:
Effective: