REPORT TO COUNCIL
City of Sacramento

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

Public Hearing
February 20, 2007

Honorable Mayor and
Members of the City Council

Title: Ordinance Amendment: Design Commission and Preservation Commission (M06-017)

Location/Council District: Citywide

Recommendation: Conduct a public hearing and upon conclusion 1) adopt an **Ordinance** amending sections 17.132.040 and 17.134.040 of Title 17 (Sacramento City Code) to alter the residency requirements for the five (5) professional positions on both the Design and Preservation Commissions

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

Presenters: William Crouch, Urban Design Manager; David Kwong, Planning Manager

Department: Development Services

Division: Current Planning

Organization No: 4871

Description/Analysis

Issue: Staff recommends the requirements for qualification to the five (5) professional positions on both the Design and Preservation Commissions be revised to allow for appointment of commissioners who neither own a business in the City nor are residents of Sacramento. This would potentially allow the appointment of qualified professional Commissioners from outside the City, notwithstanding a clear preference for City of Sacramento residents. The requirement for the two (2) at large members for each Commission to be either local business owners or residents of the City would not change.

Policy Considerations: The Ordinance amendment would allow the City's Design Commission and Preservation Commission to select qualified professional members from a larger pool of applicants.

General Plan Update Vision and Guiding Principles:

The recommended action is consistent with the City's General Plan.

The proposed project is consistent with the Community Design section of the General Plan Update Vision and Guiding Principles (pg. 3) adopted by City Council on 11/22/05. By appointing the most qualified commissioners they will be able to best use the Community Design principles to direct future urban design.

Strategic Plan Implementation- The recommended action conforms to the City of Sacramento Strategic Plan, by adhering to specific core values that encourages community participation as a genuine part of the process and states that the city truly seeks and values community input and involvement.

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

Committee/Commission Action: The proposed project has been reviewed by the City Council and the Development Oversight Commission. The City Council directed staff to prepare the Ordinance. The Development Oversight Commission wrote a letter of support to the Mayor and is included as Attachment 3. The Planning Commission heard this project on January 25, 2007, and their comments are included as Attachment 4. The Law and Legislation Committee heard the project on February 6, 2007, their comments are included as Attachment 5.

Environmental Considerations: The proposed Zoning Code amendment is not considered a project because it has no potential for an effect on the environment as stated by the provisions of the California Environmental Quality Act (CEQA) (Section 15061 (b) (3)).

Rationale for Recommendation: The City is best served by Commissioners with exemplary qualifications and experience in required fields of endeavor regardless of their place of residence or business. Many professionals currently work in the City do not live in Sacramento nor own a business in Sacramento. It is preferable to open the professional member positions to qualified individuals with less restriction upon their physical address. This can be easily achieved by altering the wording of each Ordinance as appropriate to require specifically qualified candidates with a preference for local residents and / or business owners without mandating this as an absolute requirement.

Financial Considerations: This project has no fiscal considerations.

Emerging Small Business Development (ESBD): No good 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 A. Thomas
Director of Development Services

Recommendation Approved:

_____
for Ray Kerridge
City Manager

Table of Contents:

	Report	Pg	1
Attachments			
1	Redlined Ordinance Amending Sections 17.132.040 and 17.132.040	Pg	4
2	Ordinance with Amended Section 17.132.040 and 17.132.040	Pg	8
3	Development Oversight Commission Letter of Support	Pg	12
4	Planning Commission Comments	Pg	13
5	Law and Legislation Committee Comments	Pg	14

Attachment 1 – Redlined Ordinance

ORDINANCE NO.

Adopted by the Sacramento City Council

AMENDING SECTIONS 17.132.040, 17.132.050, 17.134.040, AND 17.134.050 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO THE QUALIFICATIONS OF MEMBERS OF THE DESIGN COMMISSION AND THE PRESERVATION COMMISSION (M07-017)

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

SECTION 1. Section 17.132.040 of Title 17 of the Sacramento City Code, (the Zoning Code) is amended to read as follows:

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, with a preference for an individual who is a City resident or the owner of a business located in the city;

2. Seat 2: an individual who is a licensed, LEED (or equivalent) accredited architect, with a preference for an individual who is a City resident or the owner of a business located in the city;

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, with a preference for an individual who is a City resident or the owner of a business located in the city;

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, with a preference for an individual who is a City resident or the owner of a business located in the city;

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 and with a preference for an individual who is a City resident or the owner of a business located in the city;

6. Seat 6: an at-large member who shall be a City resident or the owner of a business located in the city, with a preference for an individual with training or experience in urban planning and urban design;

7. Seat 7: an at-large member who shall be a City resident or the owner of a business located in the city, with a preference for an individual with training or experience in real estate development, real estate brokerage, or real estate financing.

C. Notwithstanding Section 17.132.050 to the contrary, the term of office of an at-large member of the design commission shall expire whenever such member ceases to be a resident of the city.

SECTION 2. Section 17.132.050 of Title 17 of the Sacramento City Code, (the Zoning Code) is amended to read as follows:

17.132.050 Design commission--Term of office.

Except as provided in this section for the length of the terms of the initial members, the term of office for each member of the design commission shall be three years and until his or her successor is appointed. 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.

SECTION 3. Section 17.134.040 of Title 17 of the Sacramento City Code, (the Zoning Code) is amended to read as follows:

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~~ an individual who is a licensed historical architect who meets the Secretary of the Interior's qualifications for historical architects, with a preference for an individual who is a City resident or the owner of a business located in the city;

2. Seat 2: ~~a member~~ an individual 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, with a preference for an individual who is a City resident or the owner of a business located in the city;

3. Seat 3: ~~a member~~ an individual who is a registered structural engineer, with a preference for an individual who is a City resident or the owner of a business located in the city;

4. Seat 4: ~~a member~~ an individual who is a licensed contractor and who has training or experience in restoration of historic properties, with a preference for an individual who is a City resident or the owner of a business located in the city;

5. Seat 5: ~~a member~~ an individual who is a landscape architect, designer, or historian with training or experience in historical landscapes, with a preference for an individual who is a City resident or the owner of a business located in the city.

6. Seat 6: an at-large member who shall be a City resident or the owner of a business located in the city, with a preference for an individual with training or experience in historic preservation and/or urban planning.

7. Seat 7: an at-large member who shall be a City resident or the owner of a business located in the city, 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.

C. Notwithstanding Section 17.134.050 to the contrary, the term of office of an at-large member of the preservation commission shall expire whenever such member ceases to be a resident of the city.

SECTION 4. Section 17.134.050 of Title 17 of the Sacramento City Code, (the Zoning Code) is amended to read as follows:

17.134.050 Preservation commission—Term of office.

Except as provided in this section for the length of the terms of the initial members, the term of office for each member of the preservation commission shall be three years and until his or her successor is appointed. 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.

Attachment 2 – Ordinance

ORDINANCE NO.

Adopted by the Sacramento City Council

AMENDING SECTIONS 17.132.040, 17.132.050, 17.134.040, AND 17.134.050 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO THE QUALIFICATIONS OF MEMBERS OF THE DESIGN COMMISSION AND THE PRESERVATION COMMISSION (M07-017)

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

SECTION 1. Section 17.132.040 of Title 17 of the Sacramento City Code, (the Zoning Code) is amended to read as follows:

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. 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, with a preference for an individual who is a City resident or the owner of a business located in the city;

2. Seat 2: an individual who is a licensed, LEED (or equivalent) accredited architect, with a preference for an individual who is a City resident or the owner of a business located in the city;

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, with a preference for an individual who is a City resident or the owner of a business located in the city;

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, with a preference for an individual who is a City resident or the owner of a business located in the city;

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 and with a preference for an individual who is a City resident or the owner of a business located in the city;

6. Seat 6: an at-large member who shall be a City resident or the owner of a business located in the city, with a preference for an individual with training or experience in urban planning and urban design;

7. Seat 7: an at-large member who shall be a City resident or the owner of a business located in the city, with a preference for an individual with training or experience in real estate development, real estate brokerage, or real estate financing.

C. Notwithstanding Section 17.132.050 to the contrary, the term of office of an at-large member of the design commission shall expire whenever such member ceases to be a resident of the city.

SECTION 2. Section 17.132.050 of Title 17 of the Sacramento City Code, (the Zoning Code) is amended to read as follows:

17.132.050 Design commission--Term of office.

Except as provided in this section for the length of the terms of the initial members, the term of office for each member of the design commission shall be three years and until his or her successor is appointed. 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.

SECTION 3. Section 17.134.040 of Title 17 of the Sacramento City Code, (the Zoning Code) is amended to read as follows:

17.134.040 Preservation commission—Appointment and qualifications.