REPORT TO COUNCIL
City of Sacramento

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

CONSENT
March 27, 2007

Honorable Mayor and
Members of the City Council

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

Location/Council District: Portion of the East Sacramento Community Plan Area (District 3)

Recommendation: 1) Review a **Resolution** approving the Environmental Exemption per the California Environmental Quality Act Section 15301; 2) review an **Ordinance** adopting interim regulations pertaining to design review in portions of the East Sacramento area; and 3) Pass for Publication the **Ordinance** title as required by the Sacramento City Charter 32c to be adopted April 3, 2007.

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

Presenters: Not Applicable

Department: Development Services

Division: Current Planning

Organization No: 4881

Description/Analysis

Issue: On June 27, 2006 the Sacramento City Council approved an interim Ordinance that implemented alternative development standards for single-family and two-family homes in the East Sacramento and North Sacramento Community Plan areas (City Council Ordinance 2006-037). The Ordinance was effective July 27, 2006. Individuals and community groups in the East Sacramento area contacted Councilmember Cohn and requested that the effective date of the Ordinance for the East Sacramento area be delayed so additional community outreach and input could be obtained. On August 1, 2006 the City Council adopted Ordinance 2006-045, delaying the effective date of Ordinance 2006-037 to November 1, 2006 in the East Sacramento area.

Community meetings on the proposed development standards were held on July 20, 2006 and September 13, 2006. The consensus was that, due to the wide variety of architectural styles and lot sizes in East Sacramento, the proposed

standards in the interim ordinance do not fit the East Sacramento community and that a different approach is needed than the one used in the North Sacramento area. On October 31, 2006 the interim ordinance was deferred until April 1, 2007 in order to allow staff to work with the local chapter of the American Institute of Architects on an approach that would look at the development envelope of a site to make sure the site is not overbuilt (known as a volumetric approach).

The attached ordinance reflects the volumetric approach developed by staff in conjunction with local architects. The ordinance develops a formula for a buildable area envelope for a lot on a case by case basis, depending on the size of the lot. If a new or remodeled home does not fit in the building envelope, the proposal would trigger either a staff level review or a Design Director hearing. Staff and the Director shall review the proposal and make a determination on the compatibility of the proposed construction with the surrounding neighborhood, taking into account the height, massing and lot coverage of the adjacent residential structures on either side of the proposed construction and the block face on both sides of the street as the proposed construction. Diagrams showing the threshold triggers are attached (Attachment 3).

Staff presented the revised ordinance to the East Sacramento Improvement Association, the Board of the McKinley-East Sacramento Neighborhood Association, the East Sacramento Chamber of Commerce and a community meeting sponsored by Councilmember Cohn on March 7, 2007. The community generally appears to be in support of this approach for addressing the scale and massing of new and remodeled single-family and two-family homes in the East Sacramento area.

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

Committee/Commission Action: None

Environmental Considerations: The proposed ordinance is exempt under California Environmental Quality Act (CEQA) Section 15061(b) (3).

Rationale for Recommendation: Staff has worked with local architects and East Sacramento community members to develop an ordinance to address community concerns regarding the massing and scale of homes in the neighborhood.

Financial Considerations: There are no financial considerations associated with this report.

Emerging Small Business Development (ESBD): No goods or services are being

purchased under this report.

Respectfully Submitted by: _____
DAVID KWONG
Planning Manager

Approved by: _____
WILLIAM THOMAS
Director of Development Services

Recommendation Approved:

_____
for RAY KERRIDGE
City Manager

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Attachment 1 – Resolution

RESOLUTION NO. 2007-

Adopted by the Sacramento City Council

DETERMINING PROJECT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (M06-035)

BACKGROUND

A. The City of Sacramento's Environmental Planning Services has reviewed the interim Ordinance establishing design review requirements for the East Sacramento neighborhood and has determined the proposal is exempt from review under the California Environmental Quality Act as follows:

1 .The proposal is exempt under the following provisions of the California Environmental Quality Act Section (CEQA)15061 (b) (3);

2. The factual basis for the finding of exemption is as follows:

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

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 2 – Ordinance

ORDINANCE NO.

Adopted by the Sacramento City Council

AN INTERIM ORDINANCE ESTABLISHING DESIGN REVIEW REQUIREMENTS FOR SPECIFIED RESIDENTIAL NEIGHBORHOODS IN THE CITY OF SACRAMENTO (M06-035)

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

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

A. There has been an increase of building permit applications in existing residential neighborhoods for single family and two family residential construction; and

B. There is the potential for these new and remodeled homes to have a detrimental impact on the unique character of several distinctive residential neighborhoods of the City in terms of scale, massing and lot coverage; and

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

SECTION 2.

A. Applicability.

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

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

3. This ordinance shall not apply to the construction of new single family and two family dwellings and to additions to and the remodeling of existing single family and two family dwellings that are the subject of an application for a special permit for an alternative ownership house type pursuant to section 17.24.050(8) or that have an active approved special permit for an alternative ownership house type pursuant to section 17.24.050(8) or other special permit related to the expansion or modification of the exterior of the dwelling pursuant to section 17.60.040(G) of the Sacramento City Code (City Code).

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

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

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

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

C. Level of Design Review.

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

1. Staff level design review under Section 17.132.310(C) of the City Code shall be required if the portion of the proposed construction that projects beyond the base building envelope is greater than forty (40) but less than or equal to one hundred (100) square feet of front profile on each side of the structure or, if the projection is forty (40) square feet or less of front profile on each side of the structure but the length of the projecting construction along a side elevation exceeds 15 feet aggregate.

2. Director level design review under Section 17.132.310(D) of the City Code shall be required if the portion of the proposed construction that projects beyond the base building envelope is greater than one hundred (100) square feet of front profile on either or both sides of the structure..

D. Existing Structures.

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

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

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

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

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

E. Applicable Guidelines for Design Review.

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

F. Limitations on Design Review.

This ordinance is not intended to and does not grant to the design review staff or the design director authority to grant variances to the yard, lot coverage, height, and other regulations of Chapter 17.60 of Title 17 of the Sacramento City Code (the Zoning Code).

SECTION 3.

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

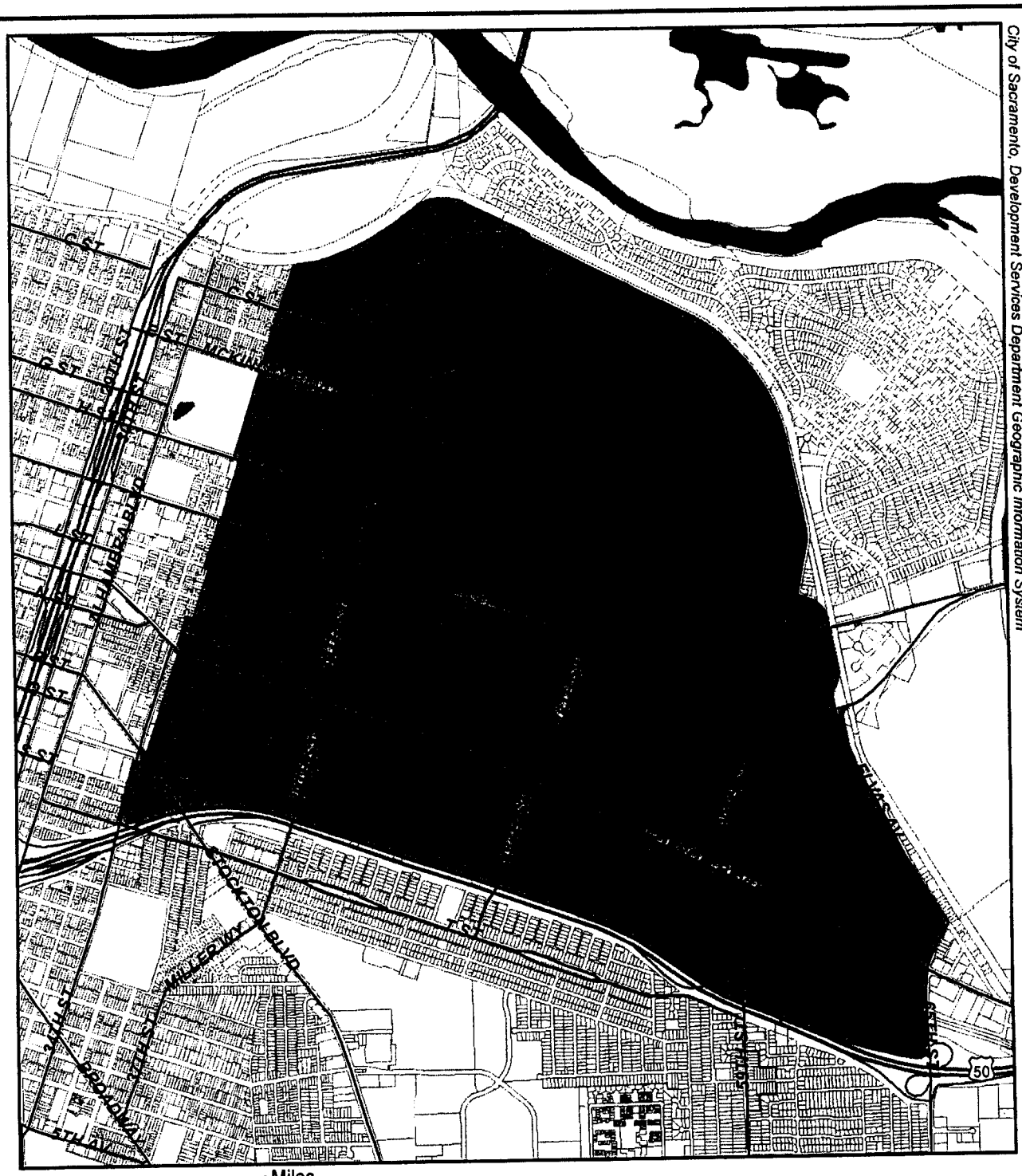

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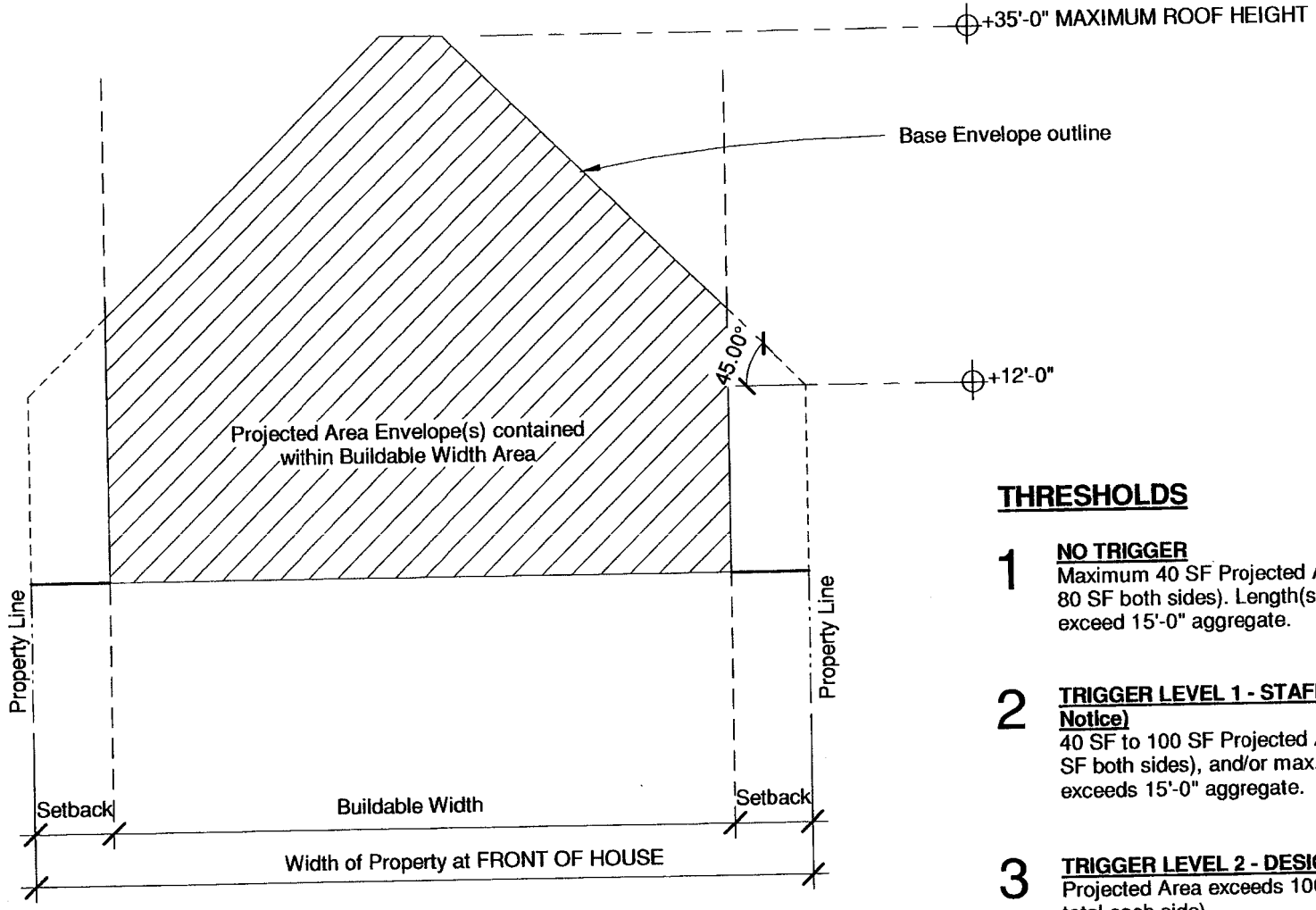
Exhibit A

N



THRESHOLDS

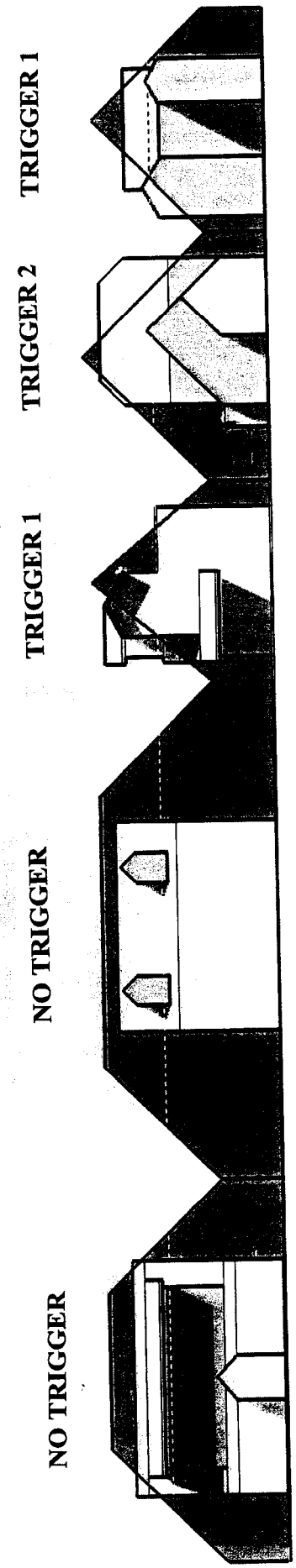
1 **NO TRIGGER**
Maximum 40 SF Projected Area allowed each side (Total 80 SF both sides). Length(s) of projected area not to exceed 15'-0" aggregate.

2 **TRIGGER LEVEL 1 - STAFF REVIEW (No Public Notice)**
40 SF to 100 SF Projected Area allowed (Total 80 to 200 SF both sides), and/or max. length(s) of projected area exceeds 15'-0" aggregate.

3 **TRIGGER LEVEL 2 - DESIGN DIRECTOR HEARING**
Projected Area exceeds 100 SF on a side (or 200 SF total each side).

East Sacramento Interim Alternative Ordinance

THRESHOLD TRIGGERS


NO TRIGGER
NO TRIGGER
TRIGGER 1
TRIGGER 2
TRIGGER 1