

ORDINANCE NO. 2007-026

Adopted by the Sacramento City Council

April 3, 2007

**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 Chapters 17.60 and 17.132 and any other provisions of the City Code, and except as provided in subsections (B)(3) and (D), below, the construction of new single family and two family dwellings and additions to and the remodeling of existing single family and two family dwellings that require a building permit shall be subject to contextual design review under Chapter 17.132 of the City Code as provided in this Ordinance if the proposed construction falls outside of the base building envelope as 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.

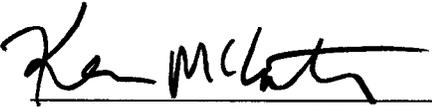
Adopted by the City of Sacramento City Council on April 3, 2007 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Mayor Fargo.


Kevin McCarty, Vice Mayor

Attest:


Shirley Concolino, City Clerk

Passed for Publication March 27, 2007

Published March 30, 2007

Effective May 3, 2007