



REPORT TO COUNCIL

City of Sacramento

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

CONSENT
February 20, 2007

Honorable Mayor and
Members of the City Council

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

Location/Council District: Portions of Districts 2 and 3

Recommendation: 1) Review a **Resolution** approving the Environmental Exemption per the California Environmental Quality Act Section 15301; 2) review an **Ordinance** repealing Ordinance Nos. 2006-037 and 2006-066 and adopting an interim ordinance establishing regulations pertaining to lot coverage, massing and scale in the North Sacramento and Ben Ali neighborhoods; and 3) Pass for Publication the **Ordinance** title as required by the Sacramento City Charter 32c to be adopted February 27, 2007.

Contact: Joy Patterson, Principal Planner, (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 were held for input and on October 31, 2006 the City Council adopted Ordinance 2006-066, deferring the effective date of the

ordinance in East Sacramento to April 1, 2007 so that staff could work with design professionals to develop appropriate standards that address neighborhood context for the area.

Staff has met with design professionals and has come up with a concept for contextual design review for the East Sacramento area. Staff is currently conducting outreach with neighborhood and business associations in the East Sacramento area and a community meeting is scheduled for March 7, 2007. After the community meeting staff will return to Council with the proposed ordinance for the East Sacramento area.

At the October 31st City Council meeting it was requested by Councilmember Cohn that staff also look at the Ben Ali neighborhood in the northeast area to see if it was appropriate for it to be included in the boundaries of the interim ordinance for the North Sacramento area. Staff has made visits to the neighborhood and determined that it was built at approximately the same time period and has similar characteristics to the North Sacramento area and it is appropriate to include it in the boundaries of the existing interim ordinance for this area. The attached ordinance repeals the previously adopted interim ordinance and re-enacts the provisions of the interim alternative development standards for the North Sacramento area and Ben Ali neighborhood.

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

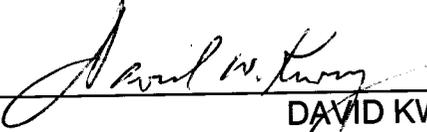
Committee/Commission Action: None

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

Rationale for Recommendation: The alternative development standards have met with successful results in the North Sacramento area. The Ben Ali neighborhood has similar neighborhood characteristics as North Sacramento. The proposed ordinance modifies the existing boundaries to include the Ben Ali neighborhood in the alternative development standards interim ordinance boundaries.

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, Development Services

Approved by: 
WILLIAM THOMAS
Director of Development Services

Recommendation Approved:


for RAY KERRIDGE
City Manager

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RESOLUTION NO.

Adopted by the Sacramento City Council

DETERMINING PROJECT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (INTERIM ORDINANCE FOR ALTERNATIVE DEVELOPMENT STANDARDS/NORTH SACRAMENTO AND BEN ALI NEIGHBORHOODS M06-035)

BACKGROUND

A. The City of Sacramento’s Environmental Planning Services has reviewed the interim ordinance establishing specific regulations pertaining to lot coverage, massing and scale for the North Sacramento and Ben Ali neighborhoods 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 (CEQA) Section 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.

ORDINANCE NO.

Adopted by the Sacramento City Council

**PERTAINING TO LOT COVERAGE, MASSING, AND SCALE FOR SPECIFIED
RESIDENTIAL NEIGHBORHOODS IN THE CITY OF SACRAMENTO AND
REPEALING ORDINANCE NO. 2006-037 AND ORDINANCE NO. 2006-066 (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. On June 27, 2006 the City Council enacted Ordinance No. 2006-037, an interim ordinance, that established more restrictive requirements relating to minimum front and side yards, maximum lot coverage, and maximum heights for 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 in specified residential neighborhoods in the City of Sacramento.

B. At the time Ordinance No. 2006-037 was enacted, the City Council anticipated that permanent lot coverage, massing and scale regulations would be developed and enacted within 180 days. However, permanent regulations have not been finalized. In addition, there is a desire to adopt a different set of interim regulations for the East Sacramento neighborhood and to extend the application of the regulations enacted by Ordinance No. 2006-037 to the Ben Ali neighborhood while the permanent regulations are developed.

SECTION 2. Ordinance No. 2006-037 and Ordinance No. 2006-066 are repealed.

SECTION 3. The interim lot coverage, massing, and scale regulations enacted by Ordinance No. 2006-037 are re-enacted as set forth below:

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

- B. For purposes of this ordinance, single-family and two-family dwellings shall include second units.
- C. Notwithstanding the provisions of Chapter 17.60 of Title 17 of the Sacramento City Code (the Zoning Code), and except as provided in subsections H and I, below, the following more restrictive requirements relating to minimum front and side yards, maximum lot coverages, and maximum heights shall 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 require a building permit:

Lot Size (Sq. Ft.)	Min. Front Yd. (Ft.)	Min. Street Side Yd. (Ft.)	Min. Int. Side Yd. (Ft.)	Max. Lot Coverage	Max. Plate Height** (Ft.)	Max. Ridge Height (Ft.)
<4999						
1 st story	(1)*	12.5 feet	(3)	50%	10 feet	20 feet
2 nd and all add'l stories	(2)	(2)	(4)		20 feet	30 feet
5000-8000						
1 st story	(1)	12.5 feet	5 feet	40%	10 feet	20 feet
2 nd and all add'l stories	(2)	(2)	(4)		20 feet	30 feet
8001+						
1 st story	(1)	12.5 feet	8 feet	40%	10 feet	20 feet
2 nd and all add'l stories	(2)	(2)	(4)		20 feet	30 feet

*Numbers inside parenthesis () refer to footnotes below.

**Maximum Plate Height is the vertical dimension measured from average elevation of the finished lot grade at the front of the building to the plate line.

- (1) The minimum front yard setback shall be twenty-five (25) feet or the average of the front setback of the two nearest buildings on the same side of the street on the same block, whichever is less.
- (2) The second and all additional stories shall be setback at least six (6) feet from the first story wall at the front elevation and at least five (5) feet at the street side elevation; except that the following structures shall not be subject to the more restrictive requirements relating to minimum front and side yards established by this

- ordinance: a) dormer window structures up to a maximum of twelve (12) feet wide; b) protruding two story wall sections, a minimum of three (3) feet in depth, with a gable or hipped roof, up to a maximum of fifteen (15) feet wide; c) a minimum five (5) foot wide ground floor porch; d) a minimum four (4) foot wide uncovered balcony.
- (3) The minimum interior side yard setback shall be three (3) feet on any one side; provided that the average of both side yard setbacks shall be a minimum of five (5) feet.
- (4) The second and all additional stories shall be set back at least five (5) feet from the first story wall at all side elevations; except that the following structures shall not be subject to the more restrictive requirements relating to minimum interior side yards established by this ordinance: a) dormer window structures up to a maximum of twelve (12) feet wide; b) protruding two story wall sections, a minimum of three (3) feet in depth, with a gable or hipped roof, up to a maximum of fifteen (15) feet wide; c) a minimum five (5) foot wide ground floor porch; d) a minimum four (4) foot wide uncovered balcony.
- D. Variations from the minimum front and side yard requirements, maximum lot coverage requirements, and maximum height requirements set forth in this ordinance may be approved by the Design Director. A request to vary these requirements shall be made as a design review application and shall be noticed, heard, and considered by the Design Director pursuant to Chapter 17.132 of Title 17 of the Sacramento City Code (the Zoning Code).
- E. The construction of new single family and two-family dwellings and additions to or the remodeling of existing single family and two family dwellings that require a building permit and result in a building with a width of greater than fifty-five (55) feet when measured at right angles to the lot depth shall be subject to design review by the Design Director pursuant to Chapter 17.132 of Title 17 of the Sacramento City Code (the Zoning Code).
- F. In reviewing a request for design review of a building with a width of greater than fifty-five (55) feet under subsection E of this section, or a request to vary the yard, lot coverage, or height requirements of this ordinance under subsection D of this section, the Design Director shall evaluate the application in accordance with the citywide design review guidelines and any applicable design review guidelines plan pursuant to section 17.132.050 of Title 17 of the Sacramento City Code (the Zoning Code) or, if the application is not otherwise subject to any design review guidelines plan, the Director shall apply the Central City Neighborhood Design Guidelines as the Director determines to be appropriate. The Director shall base his or her 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.

- G. The authority granted to the Design Director by this ordinance to vary minimum front and side yard requirements, maximum lot coverage requirements, and maximum height requirements is limited to the more restrictive minimum front and side yard requirements, maximum lot coverage requirements, and maximum height requirements set forth in this ordinance. This ordinance is not intended to and does not grant to 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).
- H. Existing single-family and two-family dwellings that do not meet the more restrictive setback, lot coverage, or height requirements of this ordinance are not subject to design review under subsection D of this section as long as (i) any additions or remodeling to the dwellings conform to the provisions of this ordinance outlined in subsection C, or (ii) the dwelling is damaged or destroyed by disaster and any rebuilding of all or a portion of the dwelling is fully contained within the building envelope of the dwelling as it existed before the disaster.
- I. 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 housing type or that have an active approved special permit for an alternative ownership house type pursuant to section 17.24.050(8) of Title 17 of the Sacramento City Code (the Zoning Code).

SECTION 4. Except for the minimum front and side yard requirements, maximum lot coverage requirements, and maximum height requirements set forth in this ordinance, all other provisions of Chapter 17.60 of Title 17 of the Sacramento City Code (the Zoning Code) shall 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 subject to this ordinance.

SECTION 5. 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 will be processed in the manner required by Title 17 of the City Code within 365 days, and that this interim ordinance will be repealed at that time.

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Exhibit A – Area affected by Ordinance

City of Sacramento, Development Services Department Geographic Information System

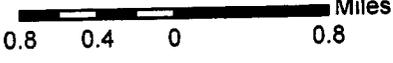
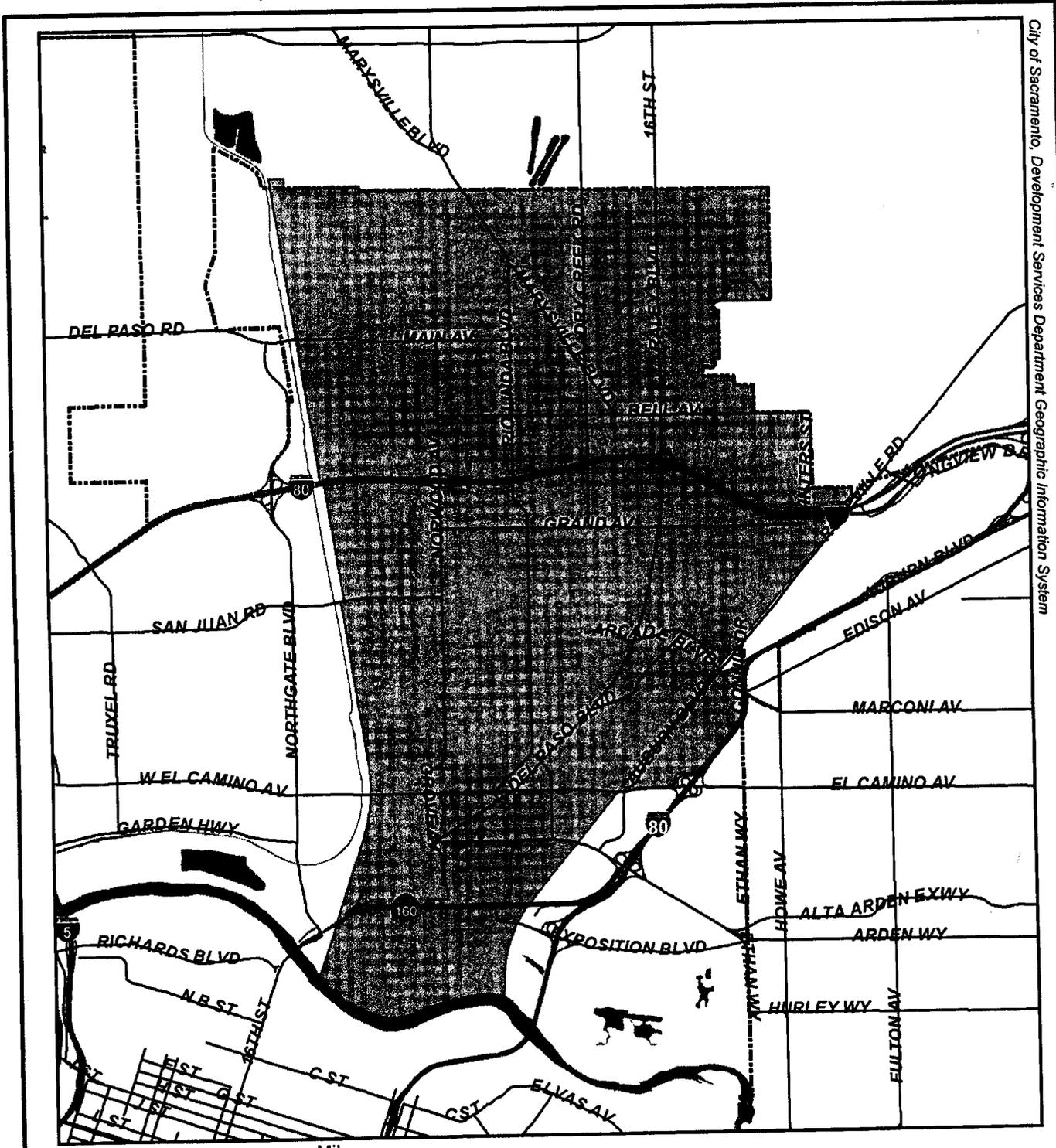


Exhibit A Alternative Development Standards North Project Area

