

ORDINANCE NO. 3464 FOURTH SERIES

AN ORDINANCE REPEALING SECTION 16 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, RELATING TO CIVIC IMPROVEMENT DISTRICTS AND THE ARCHITECTURAL ADVISORY COMMITTEE; ENACTING A NEW SECTION 16 OF ORDINANCE NO. 2550, FOURTH SERIES, RELATING TO DESIGN REVIEW DISTRICTS, AND THE ESTABLISHMENT OF THE ARCHITECTURAL REVIEW BOARD, AMENDING SECTION 3.251 OF THE SACRAMENTO CITY CODE RELATING TO THE DEFINITION OF ARCHITECTURAL ADVISORY COMMITTEE, AMENDING SECTION 54.306 OF THE SACRAMENTO CITY CODE RELATING TO APPEALS TO THE ARCHITECTURAL ADVISORY COMMITTEE, AND AMENDING SECTION 3.205 OF THE SACRAMENTO CITY CODE RELATING TO SIGNS IN CIVIC IMPROVEMENT DISTRICTS.

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

SECTION 1.

Section 16 of Ordinance No. 2550, Fourth Series, is hereby repealed. All existing civic improvement districts are hereby abolished.

SECTION 2.

Section 16 of Ordinance No. 2550, Fourth Series, is hereby enacted to read as follows:

Articles 1 through 4. Reserved.

ARTICLE 5. Design Review Districts

Paragraph 5.01. Purpose.

Design review districts, hereinafter districts, established under the provisions of this article are for the protection of the value, appearance, 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 of Sacramento.

Paragraph 5.02. Old City District Established.

There is hereby established the "Old City" design review district which includes within its boundaries all properties within the "Old City" of Sacramento as defined by section 22 of this ordinance, and all parcels of property abutting on the easterly boundary of Alhambra Boulevard and the southerly boundary of Broadway.

Paragraph 5.03. Future Establishment of Districts.

The city council shall have the authority to request the planning commission to initiate proceedings to establish additional districts, or the planning commission, on its own motion, may initiate such proceedings. The procedure to be followed by the commission for establishment shall be as follows:

- (a) It shall prepare a map designating the boundaries of the proposed district; and

- (b) It shall hold a public hearing on the proposed district. The procedures governing such public hearing and notice thereof shall be those specified in paragraphs 5.07 and 5.08 of this article.
- (c) It shall recommend to the city council the approval of the proposed district, or;
- (d) It shall recommend conditional approval of the proposed district; or;
- (e) It shall recommend disapproval of the establishment of the proposed district. Except where the proceeding was initiated by the council, the recommendation of the disapproval of the proposed district shall terminate the proceedings.

Paragraph 5.04. Same - Necessity of Resolution.

The recommendation approving, or conditionally approving, any proposed district shall be by resolution of the commission.

Paragraph 5.05. Transmitted to Council.

The commission shall transmit to the council its recommendation concerning the proposed district unless the proceedings were initiated and subsequently terminated by action of the commission.

Paragraph 5.06. Action by the Council.

Upon receipt of a copy of recommendations of the commission concerning the proposed district, the council may, by ordinance, adopt the plan designating the boundaries of the district. Before adoption, however, the council shall hold a public hearing. The procedures governing such public hearing and notice thereof shall be those specified in paragraphs 5.07 and 5.08 of this article.

Paragraph 5.07. Hearings.

(a) Whenever the commission or the council is required to hold a public hearing with regard to the establishment of any district pursuant to the authority of this article, the director, or in the event that such hearing is to be held by the council, the city clerk, shall schedule such hearing and provide notice at least ten days prior to the date of the hearing by at least one publication thereof in the official newspaper of the City of Sacramento.

(b) In addition to the provisions enumerated in subparagraph (a) of this paragraph, the city clerk shall also provide written notice to those persons requesting in writing such notice and to those persons who appear and identify themselves for the record at any prior public hearing held by the commission on the proposed district or as the same may thereafter have been modified. Such additional notice shall be given at least ten days prior to the date set for the hearing.

Paragraph 5.08. Notice - Content.

Notice of a hearing shall include:

- (a) The time and place of the hearing;

- (b) The boundaries of the specific property involved in the proceedings;
- (c) A general description of the matter to be considered;
- (d) The action that may be taken;
- (e) Appeals that may be taken therefrom;
- (f) Whether or not the matter must subsequently be heard by another body;
- (g) A statement that any person may appear and be heard;
- (h) A statement that those persons who appear and identify themselves at the hearing or who make a written request to the director or the clerk shall be notified of any further proceedings on the matter.

Paragraph 5.09. Specified Plans - Formulation.

The commission shall prepare a design review district plan. Such plans shall be consistent with the general plan, applicable community plans and the intent of this article.

Paragraph 5.10. Same - Adoption.

The design review district plan shall be adopted in accordance with the procedures prescribed in section 56.503 of Chapter 53 of the Sacramento City Code.

Paragraph 5.11. Same - Contents.

The design review district plan adopted in accordance with the provisions of this article shall contain:

- (a) A statement of the goals for architectural review within each design review district;
- (b) A representation of existing land use within each design review district;
- (c) A statement of the standards and criteria to be utilized in determining the appropriateness of any proposed building or structure or alteration thereof for each design review district.
- (d) Any additional material as may, in the judgment of the commission, be required for the systematic execution of the purposes enumerated in paragraph 5.01 of this article.

Paragraph 5.12. Review by Architectural Review Board.

Except as to those exemptions provided in paragraph 11.08 of article 11 no building permit for any new structure or building, or for the remodeling or alteration of the exterior of any structure or building within any district shall be issued unless and until reviewed and approved or conditionally approved by the architectural review board in accordance with the procedures enumerated in article 11.

Paragraph 5.13. Prohibition.

No person shall build or construct any structure or building, requiring any permit, or remodel the exterior of any existing structure or building requiring a permit within any district unless and until approval or conditional approval thereof has been given by the architectural review board pursuant to the procedure set forth in article 11.

Articles 6 through 10. Reserved.

## ARTICLE 11. Architectural Review Board

### Paragraph 11.01. Purpose.

The city council hereby finds and declares that a disregard for the integration of design with the general appearance, scale, capacity, use, and character of certain neighborhoods, districts, and environments within the City of Sacramento adversely affects the health, safety, welfare and economy of the residents of the City of Sacramento in the following manner:

- (a) The desirability of adjacent and surrounding properties for uses for which they are zoned is adversely affected;
- (b) The benefits of occupancy of other property in the vicinity are impaired;
- (c) Property values within the vicinity do not retain their stability;
- (d) The most appropriate development of other properties within the vicinity is impaired;
- (e) The maintenance or improvement, or both, of surrounding properties is discouraged with the result that these properties degenerate and there is an accompanying deterioration of conditions which affect the health, safety, comfort, and general welfare of the inhabitants of the area and the inhabitants of the city at large;
- (f) The proper relationship between the taxable value of real property in the vicinity and the cost of municipal services to these properties are destroyed; and
- (g) The unsightliness which exists causes a decrease in the value of surrounding properties.

The council further declares that the City of Sacramento is the capital city for 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 that the physical appearance, quality of design and interrelationship land development should epitomize these values and should serve as a valuable asset and benefit for the citizenry.

### Paragraph 11.02. Architectural Review Board - Created.

There is hereby created an Architectural Review Board for the City of Sacramento.

### Paragraph 11.03. Same - Composition; Appointment of Members.

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The board shall be composed of seven members. Members of the board shall be appointed by the planning commission with the approval of the city council.

Paragraph 11.04. Same - Term of Office of Members; Filling Vacancies; Initial Board.

- (a) The term of office of the members of the board shall be four years and until their successors are appointed. Members of the architectural advisory committee serving upon the effective date of this article shall serve as interim members until their successors are appointed. A vacancy in membership on the board shall be filled by appointment for the unexpired term of the former member.
- (b) Notwithstanding the provisions of paragraph (a) of this paragraph the members first appointed to the board shall serve for the following terms.
  - (1) One member appointed by the commission shall serve for a period of one year.
  - (2) Two members appointed by the commission shall serve for a period of two years.
  - (3) Two members appointed by the commission shall serve for a period of three years.
  - (4) Two members appointed by the commission shall serve for a period of four years.

Paragraph 11.05. Same - Qualifications of Members; Compensation.

All members shall be specially qualified by reason of training or experience in architecture, urban design, or other relevant business or profession, to judge the effects of a proposed building or structure upon the desirability, property values and development of surrounding areas; at least two members of the board shall be architects licensed by the State of California; two members of the board shall be members of the planning commission; and one member of the board shall be a licensed landscape architect. Members shall serve without compensation.

Paragraph 11.06. Same - Rules and Procedure.

The board shall select a chairman from its membership annually. The board shall adopt its own rules of procedure. Three members shall constitute a quorum. The board shall act by a vote of a majority of its members present.

Paragraph 11.07. Authority to Review.

Prior to issuance of any permit or any entitlement, for which review is hereinafter required, the board shall review and approve or conditionally approve the architectural plans and renderings for the following:

- (a) Any proposed building or structure or modification of any existing building or structure within the boundaries of a design review district established pursuant to article 5.
- (b) Any proposed use requiring a special permit, where the commission determines that architectural review is a

reasonable and necessary condition for the issuance of said special permit.

- (c) Any proposed use requiring architectural review under the provisions of any section of this ordinance.
- (d) Any proposed use within any design review corridor as may hereafter be established.

Paragraph 11.08. Exemptions.

Notwithstanding the provisions of paragraph 11.07 to the contrary, required permits shall not be subject to prior approval by the board for the following:

- (a) Single-family or two-family residences in a residential zone, appurtenances and accessory improvements and additions and repairs thereto, except where said single family or two family residences and appurtenances and accessories thereto are located within any planned unit development.
- (b) Additions or repairs to the exterior of any existing buildings or structures or improvement excluding advertising structures if the value of any exterior additions and repairs to such improvement does not exceed \$2,000 in any twelve month period; however, if in planning director's discretion the proposed addition or repair is a substantial modification of the existing building, structure or improvement then he shall forward the permit application to the board for review pursuant to this article.
- (c) Modifications, alterations, repairs to the interior of any existing improvement.
- (d) Modifications, alterations, and repairs to any existing improvement where required by law.

Paragraph 11.09. Improvement - Definition.

The term "improvement" as used in this article shall be liberally interpreted, and shall include the construction, alteration and repair of all buildings, structures, facilities, accessory buildings, and appurtenances thereto.

Paragraph 11.10. Procedures - Application for Review - Plans.

Any person proposing to construct or locate any building, structure, improvement or use subject to architectural review under the provisions of this article or any other article shall, prior to filing for a building permit or entitlement of use, file an application for architectural review with the planning director. Such application shall be in the form as required by the planning director, and shall include the following where applicable:

- (a) Site plan.
  - (1) Location of existing and proposed structures, including signs;
  - (2) Location of existing trees or natural attributes;
  - (3) Location of off-street parking and loading facilities;

- (4) Location of adjacent public rights of way and private easements for ingress and egress if any.
  - (5) Location of points of entry and exits for vehicles and internal circulation patterns;
  - (6) Location of walls and fences and the indication of their height and material of construction;
  - (7) Exterior lighting standards and devices; and
  - (8) Grading and slopes where they affect the relationship of the buildings.
- (b) Three (3) copies of architectural drawings, including:
- (1) Plans to scale;
  - (2) Four (4) elevations to include all side of development; and
  - (3) Roof details indicating the location and size of mechanical equipment.
- (c) Drawings indicating the location, size, color, shape and type of illumination of each proposed sign;
- (d) Preliminary landscaping plan;
- (e) Site photographs.
- (f) Color, materials, and texture palette;
- (g) Other information which is pertinent and which the board may, by general policy, require all applicants to furnish.

Paragraph 11.11. RESERVED.

Paragraph 11.12. Same - Notice - Hearings.

Notice of hearing shall be given to applicants for architectural review either at the time an application is filed or by registered mail. Hearings shall be conducted for the consideration of applications for architectural review.

Paragraph 11.13. Same - Decision and Notification.

After consideration of the architectural plans at said hearing, the board shall issue its written determination setting forth its approval, conditional approval, or its disapproval of the plans, and shall then transmit or cause to be transmitted to the applicant written notice of its decision.

Paragraph 11.14. Final Plan and Certification.

(a) When the board approves the architectural plan and the applicant has been informed and has accepted the conditions of approval which may be imposed by the board, the applicant shall file final working drawings, and a landscaping plan.

(b) The planning director upon receipt of said final drawings and plans shall certify that the final plans submitted under this

section are in accord with the architectural plans as approved by the board. After such certification any permits or entitlements may thereafter be issued in accordance with the provisions of the Sacramento City Code.

Paragraph 11.15. Standards and Criteria for Evaluation.

The board shall evaluate each application for architectural review in accordance with the standards and criteria listed herein, the findings and declaration of purpose contained in paragraph 11.01 of this article, and any applicable land use plans. The board shall also evaluate each application for review where the subject property is within any design review district in accordance with the design review district plan. These standards are intended to provide a frame of reference for the applicant as well as a method of review for the board. These standards and criteria shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, and innovation. The specification of one or more particular architectural styles is not included in these standards nor is it intended that these standards dictate a particular theme, or motif of design.

- (a) Review of Landscape: The landscaping shall be developed with due regard for the aesthetic qualities of the natural terrain and landscape by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Landscaped areas shall not be limited to providing open space but shall be utilized for the purpose of separating or screening service or storage areas from the street and adjoining building sites, breaking large expanses of paved areas, separating or screening parking lots from the streets and adjoining sites and separating building areas from paved areas.
- (b) Relation of Proposed Buildings to Environment: Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.
- (c) Drives, Parking and Circulation: With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, consideration shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.
- (d) Utility Service: Electric and telephone lines may be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and the site.
- (e) Advertising Features: The size, location, design, color, texture, lighting and materials of all permanent signs



and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties. The size, height, and location shall not inhibit the view of adjacent building or streets. The design, color and texture shall be coordinated with the building on the site to which it is advertising. All signs shall conform to the regulations for any redevelopment area or special sign district in which such signs are located.

- (f) Special Features: Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- (g) Lighting: Review of all lighting on the exterior of the building including free-standing pole signs and lights shall be to insure that they are so arranged or shielded to prevent glare or reflection onto adjacent properties or public rights-of-way.

Paragraph 11.16. Term. Extension and Modification.

(a) Approval for any project subject to the provisions of this article shall be deemed automatically revoked unless required permits have been issued within two years of the date of such approval. Prior to such expiration however, the board has the authority to grant an extension of time upon written request of the applicant or his successor in interest.

(b) Upon written request of the applicant or his successor in interest, modifications in the approved plan may be permitted by the board if it determines that said modifications are consistent with the provisions of this article.

Paragraph 11.17. Appeal.

Any party aggrieved by any action of the board may appeal to the commission within five days after notice of the decision is given. Such appeal is taken by filing a notice of appeal with the planning director. Upon filing a notice of appeal, the planning director shall within ten days transmit to the secretary of the commission all papers and documents on file with the planning director relating to the appeal.

Paragraph 11.18. Prohibitions.

No building permit, or other approval or entitlement shall be issued or given by the City or any department or employee thereof with respect to any improvement or use subject to architectural review until the design of the improvement or use has been approved as provided in this article. No certificate of use and occupancy or similar approval shall be issued or given for any improvement subject to architectural review hereunder unless, and until the director has certified that the improvement has been completed in accordance with the design approved pursuant to this article.

Paragraph 11.19. Additional Authority.

(a) The board may from time to time promulgate more specific criteria and standards for architectural 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 paragraph 11.15 of this article and not modify, supercede, or alter said standards, criteria and beyond the scope of architectural review.

(b) Such additional standards shall be adopted by resolution of the board and shall become effective when approved by the planning commission.

Paragraph 11.20. Nuisance.

Any improvement constructed, located, repaired, modified, altered, or maintained contrary to the provisions hereof is hereby declared to be unlawful and a public nuisance, and may be abated pursuant to the provisions of chapter 61 of the Sacramento City Code, or any other remedy at law.

SECTION 3.

Section 3.251 is hereby added to Chapter 3 Division 17 of the Sacramento City Code to read as follows:

Sec. 3.251. Same - Architectural Advisory Committee.

The following phrase when used in this article shall be construed as defined herein.

Architectural advisory committee shall mean the architectural review board or any other duly appointed public body authorized to review those actions regulated pursuant to the provisions of this article.

SECTION 4.

Section 54.306 of the Sacramento City Code is amended to read as follows:

Sec. 54.306. Appeal.

Any person dissatisfied with any action of the planning director on an application for restoration under section 54.302 may appeal therefrom to the architectural review board at any time within ten days after the decision of the planning director.

The architectural review board shall have the same authority as the planning director in the case of an original application. The decision of the committee shall be final.

SECTION 5.

Section 3.205 of the Sacramento City Code is hereby amended to read as follows:

Sec. 3.205. Design Review Districts.

The Comprehensive Zoning Ordinance of the city establishes certain areas of the city as design review districts. In accordance with the provisions of such ordinance, the following shall constitute the precise plan and regulation for signs within such districts.

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- (a) Permitted signs: Within design review districts, any signs permitted and as regulated by this article may be erected within such districts except for the following signs:
- (1) Offsite, rotating or roof signs when located within, or within three hundred feet, of the exterior boundaries of a public school, park, place of public assembly, public building complex, the state capitol plan area or a redevelopment project.
  - (2) Any sign which because of its size, location, configuration, color scheme, legend or any other visible component would be such that its resulting character would be detrimental to the environment of the district in which it is located.
- (b) Permitted signs - exception: The provisions of this section relative to signs permitted within design review districts may be modified by the planning commission and city council when deemed appropriate for the establishment of a special sign district as provided for in section 3.199 of this article. Further, such provisions may also be modified as deemed appropriate to carry out the intent and purpose of an adopted plan for a redevelopment project.
- (c) Administration: The following regulations shall apply to the administration of this section:
- (1) Except for designated redevelopment projects, the director of building inspections may issue a permit for a sign to be located in a design review district if all the provisions of this section and article are complied with.
  - (2) In designated redevelopment projects, no sign permit shall be issued unless such sign has been reviewed and approved by the architectural review board.
  - (3) When, in the judgment of the director of building inspections, a sign because of its size, location, configuration, color scheme, legend, or other visible component, would be detrimental to the environment of the district in which it is located, the director of building inspections shall refer the application for such sign to the planning director, who shall transmit such application to the architectural review board for review and determination.
- (d) Nonconforming signs: Any existing sign not in conformity with the provisions of this section shall be deemed to be a nonconforming sign and such signs shall be subject to the provisions of this article pertaining to nonconforming signs.

#### SECTION 6.

In order to implement the provisions of this ordinance and ensure the protection of those values enumerated in paragraph 11.01 herein the board shall utilize, for purposes of paragraph 11.15 of this ordinance, the Old City Community Plan, the Central City Plan and General Plan of the City of Sacramento until the civic improvement


district plan has been duly promulgated and adopted in accordance with paragraphs 5.9 - 5.10 of this ordinance.

SECTION 7.

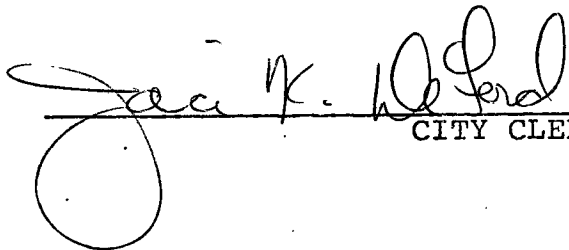
This ordinance shall be published in the official newspaper of the City of Sacramento once within ten days after its passage.

PASSED: December 5, 1974

EFFECTIVE: January 4, 1975

  
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MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK