



**CITY OF SACRAMENTO
CALIFORNIA**

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Development Oversight Commission
Sacramento, California

Members in Session:

SUBJECT: Ordinances creating a Design Commission and a Preservation Commission and establishing notice and hearing authority and procedures for design and preservation review (M06-017)

ACTION REQUESTED: Review and Comment

**CONTACT PERSONS: William Crouch, Urban Design Manager (916 808-8013)
David Kwong, Current Planning Manager (916 808-2691)**

SUMMARY: Initiated by the Development Oversight Commission in April, 2005, in its Annual Report to the City Council, the proposal is to create a Design Commission and a Preservation Commission, eliminating the current Design Review & Preservation Board, emphasizing the policy advisory roles for the new commissions, providing streamlined review procedures for both design review and historic preservation, with amended notice, hearing and appeal procedures to provide consistency throughout the Zoning Code.

BACKGROUND: In an effort to streamline procedures, especially relative to development project review, the City of Sacramento's Development Oversight Commission reviewed the elements of the City's Design Review and Historic Preservation programs, in particular the Design Review & Preservation Board's (Board) and the Design Review and Historic Preservation staff responsibilities involving development project review. It was noted that the Board hears many development project proposals which are non-controversial or which were decided "on consent," but which involve considerable additional staff and applicant time for the Board hearing. The Development Oversight Commission began work on a recommendation, presented and accepted by the City Council, in the DOC's 2004-2005 Annual Report, with an emphasis on development project review, specifically recommending:

2. Redefinition of the original purpose of the Development Oversight Commission, with potential expansion of the DOC role in the development process. This would include other areas in the development review process where the DOC can increase value in the delivery and review of services provided by the City.

3. The division of the Design Review and Preservation Board into two separate entities. The [Development Services] Department will return to the Council later this year with specific ordinances to formalize this process.

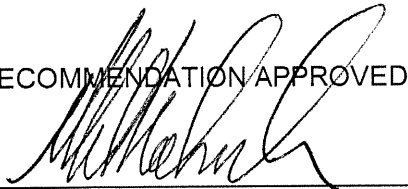
Through the intervening months, city staff from the Development Services Department, the City Manager's Office and the City Attorney's Office, have been meeting with the Design Review & Preservation Board, the Development Oversight Commission, the Planning Commission, and various interested organizations and individuals, to draft implementing ordinances that reflect the DOC's 2004-5 Annual Report recommendations, as well as taking the opportunity to provide for consistency related to notice, hearings and appeals within the Zoning Code.

The four proposed ordinances provide for:

- The creation of a new seven-member Design Commission and a new seven-member Preservation Commission and the elimination of the current nine-member Design Review & Preservation Board;
- A new emphasis upon a policy advisory role of the new commissions with respect to their area of expertise, either Design Review or Historic Preservation, and limiting their respective development project review roles;
- Providing new streamlined levels of development project review, specifying types of development projects that would be heard at the Commission, Director or other Staff levels, including specifying those limited, major projects that would require Commission level review, an increased role of staff in development project review, and including provisions for an "early project notice;"
- A "one appeal" process, vs. current situation where a Design Review staff decision can be appealed to the Board, which Board decision can be appealed to the Planning Commission, which decision can be appealed to the City Council; City Council call up provisions would remain in place for a Commission decision on an appeal item;
- New Design Review Director Hearings, similar to those now held by the Preservation Director and the Zoning Administrator;
- A new process for the Preservation Director and the Design Director to reconsider the decision on certain projects decided at the staff level, prior to the decision on the project becoming final;
- Concurrent project review involving Design Review or Preservation projects that also require Zoning Administrator hearings, vs. current situation where Zoning Administrator would hold a public hearing on a project and the Preservation Director would also hold a public hearing on the project.
- Providing procedural consistency within Title 17 of the City Code (Zoning) for preservation and design review, including noticing, hearings, and appeals;
- Processes to dissolve design review districts;
- Streamlined process for Preservation Commission hearings on 50+-year-old structures proposed for demolition where the Preservation Director has made a preliminary determination that the structure is eligible for listing in the Sacramento Register;
- Clean-up of the multiple sections of the City Code that are affected by the amendments to the Design Review chapter, the Historic Preservation chapter, and the Hearings and Appeals chapter of Title 17, and moving the Historic Preservation chapter of the City Code from Title 15 (Buildings and Construction) to Title 17 (Zoning).

DOC GOALS AND RECOMMENDATIONS: Staff recommends the Commission's review and support for the proposed creation of the new Commissions and the development project review and other amendments that the proposed ordinances would implement. The proposal supports the Development Oversight Commission's overall goal to "Assist the customer to getting to success by providing a review process that is predictable, timely, clear, seamless, and a model for other cities." The recommended action is also consistent with the Development Services Department's mission of "Getting the Customer to Success," and consistent with the department's strategic goal of "Promoting an appropriate regulatory environment," and mirrors the department's success measures of "predictable, timely, clear and seamless."

RECOMMENDATION APPROVED:



William Crouch
Urban Design Manager

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08/07/06

Executive Summary (M06-017)

**Creation of
Design Commission
Preservation Commission**
Elimination of Design Review & Preservation Board

DOC Initiative

- Policy Leadership Role for Commissions
- Streamlining Development Project Review & Staff Responsibilities
- Urban Design Manager Position

Four Ordinances

- Design Review – Amending Title 17, Chapter 17.132
- Historic Preservation – Adding New Chapter to Title 17, Chapter 17.134; Repealing Title 15, Chapter 15.124
- Hearings & Appeals – Amending Title 17, Chapter 17.200
- Overall City Code Cleanup related to above-three ordinances

Design Review Ordinance – Title 17, Chapter 17.132

- Seven-Member Commission
- Development Project Review Commission/Staff Threshold Changes
- Design Review Director Hearings
- Appeals & Concurrent Applications Procedures
- Roles of Commission/Director/Staff
- Provide for Establishment/Dissolution of Design Review Districts

Preservation Ordinance – Title 17, Chapter 17.134

- Seven-Member Commission
- Development Project Review Commission/Staff Threshold Changes
- Appeals & Concurrent Applications Procedures
- 50+ Years Old Structures Demolition Review/Preliminary Determination of Eligibility Process Streamlining
- Roles of Commission/Director/Staff
- Move from Title 15 to Title 17 of the City Code

Hearings & Appeals Ordinance– Title 17, Chapter 200

- Noticing Consistency – incorporating SWAT Recommendations
- Appeals Procedures Consistency – One Appeal Recommendation

Overall City Code Cleanup Ordinance

- Identify existing DRPB and other references to current ordinances being changed, and amend those portions of city code to reflect provisions of the three new ordinances

Proposed Schedule

- *AUGUST/SEPTEMBER* – DRPB, DOC, CPC & CC Law & Leg Committee Hearings on Proposed Ordinances
- *AUGUST/SEPTEMBER* – Civic/Neighborhood Organizations Outreach
- *OCTOBER 10, 2006* – City Council Adopts Ordinances
- *UPON ADOPTION* – City Clerk Opens Commission Positions for Application
- *NOVEMBER/DECEMBER* – CC Personnel Committee Recommends/Mayor Appoints/City Council Confirm Commissioners
- *JANUARY 01, 2007* – Ordinances & New Commissions take effect / DRPB sunsets