

**CITY OF SACRAMENTO
DEVELOPMENT OVERSIGHT COMMISSION
SYNOPSIS**

Monday, September 11, 2006

Commissioners Present:	Mark Abrahams, Holger Fuerst, Brian Holloway, Kristina McBurney, Michael Malinowski, John Nunan, John Packowski, Bruce Starkweather, Roger Valine
Commissioners Absent:	None

AGENDA ITEM	DISCUSSION	ACTION
1. Call to Order	Chairman Nunan called the meeting to order at 5:40 p.m.	Information Only
2. Approval of 6/29/06 Synopsis	Holloway moved; Malinowski seconded. Approved 7-0	Unanimously approved 7-0. (Starkweather and McBurney were absent during this item)
3. Communications a. Comments from the Audience b. Written comments received	a. Jon Marshack, Vice Chair of the DRPB spoke regarding item #11. He stated that DRPB Board members were concerned that certain things were put in the City Code while other things were not. He specifically expressed concern with the language and details, but applauded the intent of the work to refocus the role of the boards to more of a policy review and appeals body, and stated that Board members were embracing their proposed new role in framing larger issues. He stated that perhaps Commissioners Holloway and Packowski misinterpreted the position of the DRPB members on this point. Lisa Schmidt, a 39 th Street resident commented on item #12 and thanked the Commission for requesting community outreach and asked the Commission what happens next. She expressed concern over the ordinance becoming law on November 1. b. No written comments were received.	Information Only
4. Assistant City Manager Updates	Marty Hanneman reviewed progress on Citywide MATRIX to date, and discussed taking the culture of MATRIX citywide, with a planned launch date of January 1, 2007. He then reported that the City's Executive Team recently held a planning conference surrounding the themes of Change and Getting the Customer to Success. He thanked Commissioner Roger Valine for speaking to the group and for his valuable insight. He stated that City Manager Ray Kerridge has tasked the Executive Team with the goal of expanding the "Get the Customer to Success" philosophy to all City departments to prepare for the changes that lie ahead for the City. Mr. Hanneman added that on August 31 st the Development Services Department held a customer focus group, and that three DOC members (Holloway, Starkweather and Malinowski) participated in addition to approximately 45 focus group members from the development community. DSD staff is preparing a summary of customer comments which will be shared with the DOC at a later date. Focus group meetings will be held quarterly for purposes of gathering feedback.	Information Only
5. Standard Specifications Update	Terry Paxton with the Utilities Department presented a summary of the Standard Specifications Update, last updated in 1989. This update will result in a more timely and streamlined approach to CIP projects. The draft was	Receive and File

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	<p>distributed for comment internally and externally. Mr. Paxton stated that the plans and specifications will now be taken to the City Council for adoption, and staff will request that the Council authorize the City Manager to make future updates. Commissioner Nunan stated that the Associated General Contractors declined comment, because two AGC contractors provided assistance in the development of the content. Commissioner Nunan asked about further updates, and Terry Paxton answered that future updates will be available on the City's website and that all new documents will include the revision date.</p>	
<p>6. Combined Sewer Development Fee</p>	<p>Dave Brent from the Utilities Department introduced the Combined Sewer Development Fee staff report, and reviewed progress on the report to date. He stated that graphs were contained in the report that documented mitigation measures for flooding. He added that many new plans for additional development particularly in the downtown area have been addressed in the new measures and plans. Commissioner Holloway asked about details regarding the breakdown of fees in the report. Dave Brent explained the formula for calculation of the fees. Commissioner Malinowski asked about the map contained in the report and the storm and sewage drainage documented in the map. He questioned the lack of a new trunk line with the amount of new development. Dave Brent answered that the creation of the new line would be very costly and difficult to do. He also stated that mitigation for the new development was contained in the report, and would address potential flooding. Commissioner Valine asked about the status of stop work orders from the State of California. Dave Brent answered that continuation of improvements to the system complied with the NPDS permit from the State. Commissioner Valine asked about the quality of the existing system on a scale of 1-10. Dave Brent answered 7 ½. Commissioner Mc Burney asked about the 30 agreements in place for mitigation measures. Dave Brent answered that projects under the new fees did not require new agreements. Commissioner Mc Burney asked if all new development required separate lines, and Dave Brent answered that separate lines would come from the development, but that all lines flowed to the combined system. Dave Brent added that the City gained additional capacity in the combined system. Commissioner Fuerst asked about the percentage of new projects that planned for additional mitigation measures. He cited that the original \$10 million did not necessarily take into consideration new development, but was based on existing development. Mr. Brent added that the mitigation measures compensate for new development.</p>	<p>Receive and File</p>
<p>7. Procedural Improvements to Over-the-Counter Minor Excavation Encroachment Permits</p>	<p>Continued to October meeting at request of staff.</p>	<p>Receive and Provide Input</p>
<p>8. Update: Expansion of MATRIX Citywide</p>	<p>Addressed in ACM Updates. In addition, Bill Thomas added that a Manager and Supervisor teambuilding session will be held on Wednesday, September 13, 2006.</p>	<p>Receive and File</p>
<p>9. Commercial Corridors</p>	<p>Bill Thomas stated that this report was in response to an inquiry from Councilmember Cohn. The report-back includes a map highlighting which areas of the City require design review. Commissioner Malinowski added that there</p>	<p>Receive and File</p>

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	<p>was already an available design tool for commercial corridors, and that there was no mention of that document in the report. Bill Thomas referred this information to staff. Commissioner Holloway added that the standards for commercial corridors that Commissioner Malinowski mentioned were a general list of conditions that site plan staff used in reviewing plans, but that Councilmember Cohn's request was more specific to formal design review.</p>	
<p>10. City-wide Residential Design Review</p>	<p>Bill Thomas stated that the City Council was seriously considering City-wide design review, which he felt was premature. He added that staff has not had time to streamline the current process, establish pattern books, or complete an analysis of community forms, etc. He stated that we need to be cautious as we move forward, and he requested assistance from the DOC in terms of support and guidance if we move forward. He added that during his presentation to Council on September 12th he will emphasize the groundwork that Development Services staff is doing, i.e. working on the creation of pattern books, check lists, etc. Commissioner Valine asked about the articulation of the pros and cons of moving forward with City-wide design review. Mr. Thomas responded that David Kwong is preparing a document and timeline which will address the process issues for the Mayor and Council. Commissioner Valine further asked about the possibility of postponing the scheduled September 12th report-back until Council has an opportunity to review the details being prepared by staff. Mr. Thomas suggested that the report would go forward tomorrow but a report-back would be necessary in approximately six months. He also stated that staff has briefed the Mayor and Councilmembers individually regarding the issue so they are aware of staff's position. Commissioner Malinowski stated that staff would have support from the AIA. The issue has created a lot of interest among AIA members and their comments are being distilled into a letter to bring before Council. Commissioner Nunan stated that some members of the DOC should be involved in assisting staff with this initiative. Commissioner Malinowski suggested that the DOC create a position letter, discouraging the premature creation of ordinances and processes. Commissioner Packowski added that a letter would be an effective next step and that the message should call for a clear and concise system of design review that is truly a City-wide system. Commissioner Nunan asked about giving the Council written information on the date of the report. Staff responded that the City Clerk could distribute the DOC's position letter as supplemental material on the day of the Council meeting. (Commissioner Malinowski left the meeting to draft the letter.) Commissioner Holloway added that the letter should state that time should be taken to carefully and thoughtfully develop the standards, and that one size did not fit all. Commissioner Starkweather commented that he strongly felt that the General Plan should be the framework that protected the standards in the City, and that this plan was currently under revision, with a timeline of two years. He added that the clear message is we should not be creating the guidelines ahead of the General Plan, and that there are currently very few tools to address the design issues. Commissioner Malinowski later returned to the meeting and read a letter to Mayor Fargo and the City</p>	<p>Receive and Provide Input</p> <p>DOC passed motion to send letter to Mayor/Council advising caution when moving forward on the issue of City-wide Residential Design Review. Moved by Malinowski; seconded by Starkweather. Passed unanimously 9-0.</p>

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	<p>Council stating the DOC's "proceed with caution" advice regarding City-wide design review and moved that the DOC send the letter to the Council prior to its meeting on September 12th; Commissioner Starkweather seconded the Motion. Motion was approved unanimously (9-0) Marty Hanneman stated that staff would make sure that the letter would be delivered to the Mayor and City Council on Tuesday morning in advance of their meeting.</p>	
<p>11. Design Review and Preservation Board Update/Revised Ordinances</p>	<p>Bill Thomas stated that Staff has met with the DRPB twice, and that they were in the process of conducting 23 outreach meetings to industry and neighborhood groups to discuss the revised and proposed ordinances modifying the current Board. He agreed with the DRPB comments that staff was moving very quickly with bringing the ordinances to Council He encouraged the DOC to revisit the DRPB concerns with some of the language. He added that everything about the new technology tools would increase transparency of the process and would encourage early notification, but that he had a concern about making early notification mandated by code when it should be policy. He addressed comments contained in the DRPB written report submitted to the DOC. He recommended scheduling another meeting of the DRPB/ DOC subcommittee. Commissioner Holloway announced that he attended the last DRPB meeting and expressed his concerns with the lack of the DRPB members' grasp of the intent of moving the board from a project review board to more of a policy review board. He stated that he did not know how to get that message across to the DRPB members. Commissioner Packowski agreed that there needed to be a follow-up meeting to re-emphasize the difference between a policy/advisory/appeals board vs. a project approval and plan review board. Commissioner Starkweather stated that the DRPB split was a fundamentally different way of looking at things, and the proposed change is causing a discomfort in the design community. Commissioner Starkweather cautioned about revisiting the original principles and structure of the new roles and responsibilities of the new commissions. Commissioner Packowski commented on the DRPB board member concerns about checks and balances and control over the process. He suggested this concern reflects the historic mistrust between Commissioners and staff. Commissioner Starkweather commented on the item in the written response that certain "negotiations" were turned aside or violated, which he contradicted due to the new processes in place such as MATRIX and process improvement efforts. Commissioner Nunan asked staff if they are committed to the original timetable. Bill Thomas suggested that the same committee meet again, and that if there were additional concerns then the schedule could be revisited. Commissioner McBurney asked about the feasibility of staff being able to handle the additional workload. Bill Thomas asked for comments to be directed to Bill Crouch, the Urban Design Manager. Commissioner Mc Burney questioned the lack of an item number 1 in the staff report and asked if there was a recommendation missing. Bill Thomas answered that there was a numbering error, and that content was not missing. She also asked about processes to dissolve design review districts, and that this indicated a red flag. Luis Sanchez answered that the proposed ordinances</p>	<p>Receive and File</p>

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	<p>were not dissolving any districts, and that the wording would be changed to make this clear.</p>	
<p>12. Interim Ordinance on Residential Design Review for East and North Sacramento</p>	<p>Bill Thomas introduced Bill Crouch to discuss the staff report regarding the Interim Ordinance. Bill Crouch reviewed the perceived problem of overly large, out-of-scale “McMansions” in the East Sacramento neighborhood. In response to a request from Councilmember Cohn, staff prepared an interim ordinance and staff report. He stated that staff has arranged for further outreach and public comment to address concerns with this interim ordinance. Bill Thomas added that he will not allow for any future ordinances without public outreach. He added that the original staff report was brought before council as a proposal per request of the Mayor/Council and City Manager Ray Kerridge, but was unfortunately adopted as an ordinance. In response to a question from Commissioner Packowski, Bill Crouch reported that the recent meeting with the AIA had resulted in very thoughtful comments and discussion and that they are clearly a leader in this important issue. Commissioner Starkweather suggested that the DOC take a very strong stand and bring their comments before council to encourage them to avoid repeating the same mistake. He stated that while there is a real issue with insensitive out of scale projects in East Sacramento, the unintended consequences have resulted in restricting creativity i.e. “wedding cake” design. He recommended a triage system of City-wide design review which would involve a staff level review first and moved that he wanted to go on record to stop the creation of knee-jerk ordinances in the future. Commission Holloway suggested that the DOC recommend a motion to oppose the interim ordinance. Commissioner Starkweather seconded the motion. The motion to oppose the ordinance passed unanimously (8-0, Commissioner Malinowski was absent during this vote). Commissioner Holloway cautioned that the Council first gauge the need for the ordinance, i.e. determine the scope of the perceived problem before acting. He stated that the forum on this issue scheduled for September 13th did not include public testimony, and was not outreach in the actual community but rather in City Hall. He added that it was important for real community outreach to occur before this ordinance was revised and passed. Commissioner Nunan asked Commissioner Starkweather to craft a statement in opposition of the ordinance and in support of full community outreach before the passing of any future ordinances. Bob Chase, Chief Building Official, commented regarding Lisa Schmidt’s question regarding next steps for the interim ordinance, which would become law on November 1. He stated that Council may have the ability to reverse its passage of the ordinance if presented with new information. David Kwong, Planning Manager, stated that the City Council needed to take subsequent action to keep East Sacramento interim ordinance in place, remove it entirely or take other action. He added that the community meeting scheduled for September 13th would bring additional comments that will assist the Council in determining the next steps of the interim ordinance. Commissioner Valine asked about next steps to put the ordinance on hold or rescinded. David Kwong answered that public concerns will determine the next course of action.</p>	<p>Receive and Provide Input</p> <p>DOC passed motion to oppose the interim ordinance passed by the City Council. Moved by Holloway; seconded by Starkweather. Passed unanimously 8-0.</p>

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	<p>Commissioner Starkweather added that Council is keenly interested in creating additional design review standards and that it is unrealistic to think that they will abandon all efforts to do so. He added that the General Plan will address the contextual aspects of design review, but that it could not happen at a board or commission level. Commissioner Holloway stated that the interim ordinance is so broad that it would require many projects involving nothing more than a simple kitchen remodel to go through design review. Commissioner Nunan stated that in a year the Design Review Board will be ready to comment on the policy issues surrounding this City-wide design review and he hoped that Council would agree to table the issue for now. David Kwong stated that the Community Meeting would be held on Wednesday, September 13th at 7pm in the Council Chambers.</p>	
13. Miscellaneous Reports	<p>Commissioner Nunan announced the upcoming Code Conversation Event hosted by the AIA. Commissioner Malinowski stated that Bob Chase would moderate the panel. Commissioner Holloway moved that the DOC sponsor at the \$300 level; Commissioner Malinowski seconded and the motion passed unanimously (9-0). Commissioner Malinowski brought up a residential remodel project that was subjected to a City ordinance that involved a water test and sprinkler system plan prior to the Building permit being issued. He added that this requirement added another level of complexity, unexpected costs and was enforced late in the process. He suggested that the DOC partner with the Utilities and Fire Departments and the Building Division to develop a policy paper to assist the homeowner. Bill Thomas volunteered to put together an ad hoc committee to include some DOC members if necessary to work on the issue so that it would be more clear and predictable. Troy Malaspino, Fire Marshall, commented that he and Dave Brent thought that forming an ad hoc committee to brainstorm solutions would be an excellent way to find a solution. Bob Chase, Chief Building Official, will take the lead on the committee.</p>	Information Only
14. Adjournment	Chairman Nunan adjourned the meeting at 7:20 p.m.	