



# REPORT TO DRPB City of Sacramento

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**PUBLIC HEARING**  
**August 30, 2006**

Members of the Design Review & Preservation Board

**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)**

**Location/Council District:** City Wide

**Recommendation:**

Make recommendations to the City Council for its adoption of:

- 1) an Ordinance amending Chapter 17.132 of Title 17 of the Sacramento City Code (The Zoning Code) relating to design review and establishing the Design Commission; and,
- 2) an Ordinance adding Chapter 17.134 to Division V, Special Districts of Title 17 of the Sacramento City Code (The Zoning Code) relating to historic preservation and establishing the Preservation Commission and repealing Chapter 15.124 of Title 15 of the Sacramento City Code; and,
- 3) an Ordinance amending various sections of Chapter 17.200 of Title 17 of the Sacramento City Code (The Zoning Code) relating to hearings and appeals; and,
- 4) an Ordinance amending various sections of Title 1, Title 2, Title 8, Title 12, Title 15, Title 17, and Title 18 of the Sacramento City Code relating to the Design Commission and the Preservation Commission.

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

**Presenters:** William Crouch, Urban Design Manager (916 808-8013)

**Department:** Development Services Department

**Division:** Current Planning Division

**Organization No:** 4881

**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.

**Issues:**

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).

**Rationale for Recommendation:**

In its 2004/2005 Annual Report to the City Council, the Development Oversight Commission recommended and the City Council endorsed the concept of creating two separate Commissions and eliminating the Design Review & Preservation Board, as part of the DOC's efforts to review and improve the City's development project review process. The recommendations provide for a more streamlined process, including appeal procedures, and provide for consistency and clarity relative to notice, hearings and appeals within the Zoning Code.

**Financial Considerations:**

This project has no fiscal considerations.

**Environmental Considerations:**

The Environmental Services Manager has determined that adopting the proposed ordinances does not have the potential for causing a significant effect on the environment and is therefore exempt under CEQA Guidelines Section 15061(b)(3) (Review for Exemption), and Section 15378(b)(5) (Definitions) "organizational or administrative activities of governments that do not result in direct or indirect physical changes in the environment." However, subsequent actions or decisions made pursuant to these ordinances, once adopted, may be required to undergo CEQA review.

**Policy Considerations:**

The proposed project is consistent with the City's General Plan and with the Preservation Element of the General Plan.

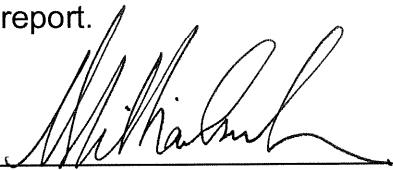
Strategic Plan Implementation- The recommended action conforms with the City of Sacramento Strategic Plan, specifically by adhering to the core values: "Our Customers- We are here to serve our customers. We treat our customers with respect, concern, and appreciation;" "Teamwork- We achieve common goals through cooperation. We recognize our strengths and use them for the benefit for all;" "Community Participation and Input- Our team includes the community. We encourage community members to be a genuine part of the process and we truly seek and value community input and involvement."

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."

**Emerging Small Business Development (ESBD):**

No goods or services are being purchased under this report.

Respectfully Submitted by:   
William Crouch, Urban Design Manager

Recommendation Approved:


  
David Kwong  
Current Planning Manager

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**ATTACHMENT 1****Background Information:**

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 or 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.

**ATTACHMENT 2**

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