

ORDINANCE NO. 2000-031

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF AUG 3 2000

AN INTERIM ORDINANCE REQUIRING THAT APPLICATIONS FOR PERMITS TO DEMOLISH OR RELOCATE BUILDINGS OR STRUCTURES LOCATED WITHIN THE CENTRAL CITY AND CONSTRUCTED PRIOR TO JANUARY 1, 1950 BE REVIEWED BY THE DESIGN REVIEW AND PRESERVATION BOARD TO CONSIDER NOMINATING SUCH BUILDINGS OR STRUCTURES FOR PLACEMENT ON THE CITY'S OFFICIAL REGISTER AS ESSENTIAL OR PRIORITY STRUCTURES PURSUANT TO CHAPTER 15.124 OF TITLE 15 OF THE CITY CODE, AND RESTRICTING DEMOLITION OR RELOCATION PENDING THE DECISION ON WHETHER TO NOMINATE THE BUILDING OR STRUCTURE FOR PLACEMENT ON THE REGISTER, AND DECLARING THE ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY

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

SECTION 1.

A. Notwithstanding any conflicting provisions of the City Code, if a permit is sought to demolish or relocate a building or structure located within the Central City that was originally constructed prior to January 1, 1950, and that is not currently on the Official Register of the City and therefore not currently subject to the provisions of Chapter 15.124 of Title 15 of the City Code, the permit application shall be referred to the Preservation Director. The Preservation Director shall thereafter submit to the Design Review and Preservation Board (hereinafter "DRPB" or "the Board") the issue of whether the building or structure should be nominated for placement on the Official Register pursuant to Paragraph B below.

Exception: Buildings and Structures within the Richards Boulevard Special Planning District: The requirements of Paragraph A above and the other provisions of this Ordinance shall apply only to applications to demolish or relocate buildings or structures within the Richards Boulevard Special Planning District which are identified in the "Richards Boulevard Area Architectural and Historical Property

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Survey" (hereinafter "Survey"), dated January 1999 and prepared for the City by Historic Environment Consultants, as either potential essential structures, priority structures, or contributing structures within the potential North 16th Street Preservation Area. Applications to demolish or relocate buildings or structures which are not so identified in the Survey shall not be subject to the requirements of this Ordinance.

B. Subject to the exception to Paragraph A above, upon receipt of a referral of an application for a permit to demolish or relocate a building or structure located within the Central City that was originally constructed prior to January 1, 1950 and that is not currently on the Official Register of the City, the Preservation Director shall review the application and notice the application for hearing before the DRPB to allow the DRPB to determine whether the building or structure should be proposed for designation as an essential or priority structure on the Official Register maintained pursuant to Chapter 15.124 of Title 15 of the City Code. The Preservation Director shall make a recommendation to the DRPB on whether the Board should initiate amendment of the Official Register to add the building or structure as an essential or priority structure.

C. The Preservation Director shall notice the matter for hearing before the DRPB for a date not more than thirty (30) days from the date of filing of an application for a permit to demolish or relocate the building or structure. Not less than ten days prior to the hearing, notice of the hearing shall be mailed by the Preservation Director to the owner(s) of the building or structure to be considered for potential designation at the hearing and the applicant(s) for the permit to demolish or relocate. The notice shall provide the date and time of the hearing, and shall provide the owner with a general description of the nomination and designation process.

D. Following the hearing on whether to propose for designation on the City's Official Register the building or structure for which demolition or relocation is sought, and not later than forty-five (45) days following the date of the filing of the application for the permit to demolish or relocate a building or structure, the DRPB shall either: i) propose that the building or structure be proposed for designation on the City's Official Register, pursuant to Article IV of Chapter 15.124 (Secs. 15.124.170 et seq.) of Title 15 of the City Code; or ii) find that the building or structure is not worthy of being considered for designation on the City's Official Register, in which case the restrictions on issuance of permits found in Paragraph F below shall not apply. Failure of the Board to issue a decision within the forty-five (45) day period specified above shall constitute, and be treated as, a determination that the building or structure is not worth of being considered for designation on the City's Official Register. The Board shall propose the building or structure for designation on the City's Official Register if it finds that there is a reasonable likelihood that the building or structure will be placed on the Official Register as an essential or priority structure following completion of the formal notice and hearing requirements of Article IV of Chapter 15.124.

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E. A determination by the DRPB that the building or structure should be considered for designation on the City's Official Register shall be subject to appeal by the owner to the City Council. The procedures for appeals set forth in Article VII of Chapter 15.124 (Secs. 15.124.450 et seq) of Title 15 of the City Code shall govern appeals under this subsection. A determination by the DRPB that the building or structure should not be considered for designation on the City's Official Register shall not be subject to appeal.

F. No permit for demolition or relocation shall issue pending a decision by the DRPB, or the City Council upon appeal, whether a building or structure should be considered for designation on the City's Official Register. Upon a final determination under this Ordinance that a building or structure should be considered for designation on the City's Official Register, the Preservation Director shall thereafter commence processing an amendment to the Official Register pursuant to Article IV of Chapter 15.124 (Secs. 15.124.170 et seq.) of Title 15 of the City Code to add the building or structure as an essential or priority structure. During the nomination process, the provisions of Section 15.124.180B of Title 15 and Article VI of Title 15.124 (Secs. 15.124.330 et seq.), which restrict the issuance of certain types of permits or entitlements, including but not limited to permits necessary to undertake demolition, relocation and exterior alterations, shall apply.

G. **Definitions**

Central City: "Central City" means the Central City as that term is defined in Section 17.16.010 of Title 17 (the Zoning Code) of the City Code

Date of construction: For purposes of this ordinance, a building or structure for which a building permit issued and construction commenced prior to January 1, 1950 shall be considered to have been originally constructed prior to January 1, 1950, regardless of when the construction was completed, and regardless of whether the building or structure was thereafter expanded, modified or otherwise altered.

Richards Boulevard Special Planning District: "Richards Boulevard Special Planning District" means the area within the Central City known and referred to as the Richards Boulevard Special Planning District, as more particularly described in Section 17.120.070 of Title 17 (the Zoning Code) of the City Code.

Section 2

The provisions of Section 1 of this Ordinance shall be valid and effective for a period of one hundred and eighty (180) days from the effective date of this ordinance, subject to extension by the City Council upon its determination that an extension is

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necessary. It is anticipated that during this time period, the provisions of the City Code concerning historic preservation of buildings and structures within the City will be amended and updated, but in the interim it is necessary to enact the provisions of this interim ordinance to protect buildings and structures of potential historical value.

Section 3

This ordinance is declared to be an emergency ordinance, to become effective immediately upon its adoption by the City Council pursuant to Sacramento City Charter Section 32(g)(2). The facts constituting the emergency are as follows: the City is currently processing amendments to Chapter 15.124 of Title 15 of the City Code, the provisions of the City Code concerning preservation of historic buildings and structures within the City. Under the current provisions of the City Code, buildings and structures which may be of historic value but which are not currently on the City's official Register may be demolished or relocated without any discretionary review. Recently, one or more buildings of potential historic significance were demolished. To avoid the unnecessary and irreparable demolition or relocation of buildings or structures that are potentially of historical significance, it is necessary and appropriate that this ordinance take effect immediately so that no buildings or structures of potential historical significance are demolished or relocated during the thirty-day period that would otherwise elapse before this Ordinance would take effect.


DATE PASSED FOR PUBLICATION: August 16, 2000

DATE ENACTED: August 3, 2000

DATE EFFECTIVE: August 3, 2000


MAYOR

ATTEST:


CITY CLERK

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