

**ORDINANCE NO. 2006-065**

Adopted by the Sacramento City Council

October 24, 2006

**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 (M06-017)**

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

**SECTION 1.** Section 1.24.040 of Title 1 of the Sacramento City Code relating to administrative appeals to the City council is amended to read as follows:

1.24.040     Applicability.

The provisions contained in this chapter shall not apply to appeals from any decision or action taken by the planning commission, the design commission, or the preservation commission, or any appeal taken wherein the council is itself required by a statute of the state of California to conduct the appellate hearing.

**SECTION 2.** Section 1.24.050 of Title 1 of the Sacramento City Code relating to administrative appeals and hearing examiners is amended to read as follows:

1.24.050     Appointment of hearing examiner.

In lieu of hearing any appeal filed pursuant to Section 1.24.010 of this chapter, the city council, upon making the determination set forth in Section 1.24.060(A) of this chapter, may cause the appeal to be heard by a hearing examiner designated by the council. This section shall not apply to any appeal to the city council from a decision or action taken by the planning commission, the design commission, or the preservation commission, or any appeal taken wherein the council is required by a statute of the state of California to conduct the appellate hearing itself.

**SECTION 3.** Subsection (C)(2) of Section 1.28.010 of Title 1 of the Sacramento City Code relating to the general penalty for code violations and administrative penalties is amended to read as follows:

2            Imposition of Administrative Penalties.

In addition to criminal sanctions and other remedies set forth in this code, the city may impose administrative penalties for any of the acts or omissions set forth in this subsection. Administrative penalties shall be imposed, enforced, collected and reviewed in compliance with the provisions of this section. Administrative penalties may be imposed for any of the following acts or omissions:

- a. All violations of this code;
- b. All violations of the city charter and other codes or ordinances adopted by the city, including but not limited to the zoning ordinance,
- c. All violations of uniform codes adopted by the city;
- d. Failing to comply with any order issued by a commission, board, hearing officer or examiner or other body appointed by the city council and authorized to issue orders, including, but not limited to, the planning commission, the housing code advisory and appeals board, the design commission, the preservation commission, the design director, the preservation director, and the zoning administrator;
- e. Failing to comply with any condition or requirement imposed on or by any entitlement, permit, contract or environmental document issued or approved by the city.

**SECTION 4.** Section 2.16.100 of Title 2 of the Sacramento City Code relating to conflicts of interest and disqualification of board and commission members is amended to read as follows:

**2.16.100 Applicability.**

The provisions of Sections 2.16.110 through 2.16.150 of this article shall apply to members of the city council and members of the following boards, commissions, and bodies:

- Administration, investment and fiscal management board of the Sacramento city retirement system
- Board of plumbing examiners
- Building and fire code advisory and appeals board
- Civil service board
- Design commission
- Design director
- Electrical code advisory and appeals board
- Housing code advisory and appeals board
- Mechanical and plumbing code advisory and appeals board
- Old Sacramento variance appeals board
- Planning commission
- Preservation commission
- Preservation director

Retirement hearing commission  
Sacramento city public facilities financing corporation  
Sacramento city financing authority  
Zoning administrator

**SECTION 5.** Section 2.40 030 of Title 2 of the Sacramento City Code relating to the appointment procedure for members of boards and commissions is amended to read as follows:

2.40.030     Applicability.

The provisions of this article shall apply to persons recommended to the mayor by the personnel and public employees committee as appointees for positions on the city council and the following boards and commissions:

Administration, investment and fiscal management board of the city retirement system;

Board of plumbing examiners;

Building and fire code advisory and appeals board,

Civil service board;

Design commission;

Electrical code advisory and appeals board.

Housing code advisory and appeals board,

Mechanical and plumbing code advisory and appeals board;

Old Sacramento variance appeals board;

Planning commission;

Preservation commission;

Retirement hearing commission;

Sacramento city public facilities financing corporation.

**SECTION 6.** Subsection (G) of Section 2.84 080 of Title 2 of the Sacramento City Code relating to the powers and duties of the Metropolitan Arts Commission is amended to read as follows:

G. To review and make recommendations upon the program development and budget, master planning site development and building design of any local government public building project during the preliminary stages. Actions of the council, planning commission, design commission, and preservation commission shall not be delayed by such review;

**SECTION 7.** Section 8.100.040 of Title 8 of the Sacramento City Code relating to the housing code and the applicability of the California historical building code is amended to read as follows:

8.100.040 Additions to, alterations or repairs of existing buildings and structures—  
Additions to, alterations or repairs of listed historic resources, and applicability of  
California Historical Building Code.

Existing buildings and structures that are altered, modified, repaired, enlarged or in any way changed shall be made to conform to this chapter insofar as the new work is concerned and in accordance with the California Building Code as amended by Title 15 of this code; provided that if the building or structure to be altered or enlarged is a listed historic resource as defined in Chapter 17.134 of this code or is otherwise a qualified historical building or structure within the meaning of Health and Safety Code Section 18955, then alteration or enlargement may be made pursuant to the alternative building standards and building regulations of the State Historical Building Code.

**SECTION 8.** Section 8.100.050 of Title 8 of the Sacramento City Code relating to the housing code and the applicability of the historical building code is amended to read as follows:

8.100.050 Relocation of existing buildings and structures.

Existing buildings and structures which are moved or relocated shall be considered as new buildings and shall comply with all the requirements of the chapter; provided that if the building or structure to be moved or relocated is a listed historic resource as defined in Chapter 17.134 of this code or is otherwise a qualified historical building or structure within the meaning of Health and Safety Code Section 18955, then such building or structure may comply with the alternative building standards and building regulations of the State Historical Building Code.

**SECTION 9.** Subsection (D) of Section 12.56.110 of Title 12 of the Sacramento City Code relating to the protection of trees and building moves is amended to read as follows:

D. In connection with the relocation of a listed historic resource as defined in Chapter 17.134, the director shall give greater consideration to the removal of street trees if there is no alternative way to preserve the structure. Factors to be considered by the director include the historical significance of the structure, whether it could be preserved in its present location, the condition, size, and species of the trees to be removed, and other related factors.

**SECTION 10.** Section 15.44.020 of Title 15 of the Sacramento City Code relating to permits for building demolitions is amended to read as follows:

A. General Rule.

Prior to commencing any demolition or wrecking work on any building or structure, the wrecker shall obtain a permit from the building official. The building official

may require completion of any preparatory work which may be required prior to issuing the permit.

B. Demolition of Historic Resources

No demolition permit shall be approved for demolition of a historic resource as defined in Chapter 17.134 of this code, except pursuant to the provisions of Chapter 17.134.

C. Demolition of Structures Adjacent to Historic Resources.

No demolition permit shall be issued for demolition of a building which is adjacent to a historic resource as defined in Chapter 17.134 and which the building official has determined is structurally connected to the historic resource so that the demolition of the adjacent structures presents the potential for substantial damage to, or collapse or demolition of, the historic resource until the building official has consulted with, or made reasonable efforts to consult with, the preservation director and the chairperson of the preservation commission. Prior to issuance of any demolition permit, the building official may require the wrecker to submit a report from a licensed architect or licensed civil or structural engineer or such other reports as the building official deems reasonable and necessary to evaluate the potential impact of demolition of the structure on the adjacent historic resource and to determine the adequacy of the proposed method of demolition in terms of protecting the adjacent historic resource. The building official shall require such a report unless he or she determines that the proposed method of demolition will protect adequately the adjacent historic resource. The building official shall impose such conditions on the demolition permit as he or she determines necessary and appropriate to protect the historic resource. Nothing in this section is intended to affect or interfere with the authority of the building official to order or approve the immediate demolition of a building or structure determined to be immediately dangerous as defined in Section 8.96.120 of this code.

D. Demolition or Move of Nonhistoric Residential Structures.

1. General.

Except as provided below, a nonhistoric residential structure located within the city may not be demolished or moved unless, acting pursuant to this section, the zoning administrator has issued a residential structure demolition/building move permit authorizing said demolition or move.

2. Exceptions.

The requirements of this subsection (D) for zoning administrator approval of a residential structure demolition/building move permit shall not apply in the following situations:

a. Replacement Structure for which a Building Permit has been Issued.

Where all discretionary entitlements, if any, have been approved for a replacement building or structure to be built on the site of the building or structure proposed for demolition or relocation, and either (i) a building permit and all other necessary permits or entitlements to construct the replacement building or structure have been issued by the building official or designee; or (ii) to the extent permitted by the building code, a building permit for the replacement building or structure has been applied for, and a partial permit, whether a demolition permit, foundation permit or other permit, has been issued by the building official or designee, to authorize one or more initial phases of construction associated with and necessary for the replacement building or structure, a permit to demolish or move the existing building or structure shall be issued by the building official or designee upon receiving written confirmation from the planning director or designee that the replacement building or structure has been approved for the site.

b. Redevelopment Projects

The demolition or relocation of structures required as part of a redevelopment project for which an owner's participation agreement (OPA) or development disposition agreement (DDA) has been approved and executed shall not be subject to the requirement of this section to obtain zoning administrator approval of a residential structure demolition/building move permit.

c. Demolition of Dangerous or Substandard Structures Undertaken by the City.

Demolition of dangerous or substandard structures undertaken by the city shall not be subject to the requirement of this section to obtain zoning administrator approval of a residential structure demolition/building move permit.

d. Demolition of Immediately Dangerous Structures.

Demolition of immediately dangerous structures shall not be subject to the requirement of this section to obtain zoning administrator approval of a residential structure demolition/building move permit.

3. Zoning Administrator Approval.

Except as provided in subsection (D)(2), above, zoning administrator approval shall be required for a residential demolition/building move permit.

4. Procedure—Zoning Administrator Approval.

The application for a residential demolition/building move permit shall be subject to the same procedures governing zoning administrator's special permits as set forth in Chapter 17.212 of Title 17 of the city code.

#### 5. Authority and Findings.

The zoning administrator shall have the authority to approve, approve with conditions or deny an application for a residential demolition/building move permit. The zoning administrator may approve an application for a residential demolition/building move permit if the zoning administrator makes one or more of the following findings:

a. Based upon sufficient evidence, including evidence provided by the applicant, the property retains no reasonable economic use, taking into account the condition of the structure, its location, the current market value, the costs of rehabilitation to meet the requirements of the building code or other city, state or federal law;

b. The approval of the permit and subsequent demolition or removal of the residential structure will not (i) cause or contribute further to blight in the neighborhood or otherwise cause a decline in the nature and quality of the neighborhood, and (ii) be detrimental to the public health, safety or welfare; or

c. The benefits of demolition or removal of the residential structure outweigh any negative impacts or potential negative impacts associated with its demolition or removal.

In considering whether to approve a residential demolition/building move permit, the zoning administrator shall consider the nature and character of the existing neighborhood, the proximity of vacant lots, vacant buildings, including buildings which are damaged, in poor condition or boarded up, and other conditions of blight or potential blight in the neighborhood for which the permit is sought, the quality, condition and character of the building proposed for demolition or removal, the potential for replacement of the residential structure and the anticipated timing of replacement of the residential structure.

#### 6. Conditions

The zoning administrator shall have the authority to place conditions on the residential demolition/building move permit which are determined to be reasonably necessary to achieve the purposes and intent of this section, including, but not limited to, maintenance, landscaping and fencing requirements, and the establishment of appropriate funding and other mechanisms to ensure compliance with the conditions

#### 7. Appeal.

The decision of the zoning administrator on an application for a residential demolition/move permit shall be subject to appeal to the planning commission in the same manner, and pursuant to the same procedures, as a decision on a zoning administrator's special permit under Chapter 17.200 of Title 17 of the city code.

8. Definitions.

The following definitions shall apply to this subsection (D):

"Blight" means a combination of vacant lots, vacant or boarded up buildings and buildings in a state of disrepair or deterioration so prevalent and so substantial that it constitutes a serious physical, aesthetic, or economic burden on the neighborhood.

"Nonhistoric residential structure" means any residential building or structure that is not a historic resource.

"Residential structure" means a building or structure currently or most recently used for residential purposes

9. Other Provisions.

The requirement for a residential structure demolition/building move permit shall be in addition to the requirements for a moving permit found at Chapter 15.48 of this code; and in addition to any other permit(s) or approval(s) required by provisions of this code, including, but not limited to, the provisions of Chapter 17.132 relating to design review and the provisions of Chapter 17.134 applicable to the demolition or relocation of historic resources and buildings and structures fifty (50) years old or older. Where the preservation commission or preservation director is responsible for approval of one or more entitlements under Chapter 17.134, the preservation commission or preservation director shall hear and decide the application for a residential structure demolition/building permit. The application shall be noticed and heard in the same manner as the other entitlements before the preservation commission or preservation director, and shall be subject to appeal and call-up in the manner specified in Chapters 17.134 and 17.200.

**SECTION 11.** Section 15.48.010 of Title 15 of the Sacramento City Code relating to permits for building moves and the requirement for preservation and design review is amended to read as follows:

15.48.010 Permit required.

A. General—Permit Required.

No person shall move any building or structure upon, over, or through any public property or right-of-way in the city, or from outside the city into the city, without first

complying with all applicable city code provisions and obtaining a written moving permit from the director of planning and development according to the procedures set forth in this chapter.

**B. Nonhistoric Residential Structures.**

Applications to move nonhistoric residential structures shall be subject to the requirements of Section 15.44.020, in addition to the requirements of this chapter

**C. Historic Resources.**

Applications to relocate a landmark or contributing resource, including accessory buildings and structures; applications to relocate a building or structure to the site of an existing landmark, contributing resource, non-contributing resource, or to a vacant lot in a historic district; and applications to relocate a building or structure fifty (50) years old or older shall be subject to the requirements of Chapter 17.134 in addition to the requirements of this chapter.

**D. Design Review.**

Applications to relocate any building or structure that is not subject to review under Chapter 17.134 shall be subject to design review under Chapter 17.132 in addition to the requirements of this chapter.

**SECTION 12.** Section 15.48.040 of Title 15 of the Sacramento City Code relating to permits for building moves and the requirement for design review is amended to read as follows:

15.48.040 Reserved.

**SECTION 13.** Chapter 15.68 of Title 15 of the Sacramento City Code relating to securing pre-1920 residential structures in the "Old City" is repealed.

**SECTION 14.** Section 15.72.030 of Title 15 of the Sacramento City Code relating to variances for encroaching commercial structures in the "Old City" is amended to read as follows

15.72.030 Application.

Any person applying for a variance under this chapter shall apply for such variance on a form prescribed by the city engineer. The application shall be accompanied by such architectural and engineering drawings and specifications as may be required by the city engineer. The application shall be reviewed by either the design director or the preservation director as determined by the city manager's designee. The

recommendations of the city engineer and the design director or preservation director shall be submitted to the council at the hearing on the application.

**SECTION 15.** Chapter 15.128 of Title 15 of the Sacramento City Code relating to the restoration of historic buildings is repealed.

**SECTION 16.** Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (a)(ix) of Footnote 30 of section 17.24.050 relating to second units is amended to read as follows:

ix. A second residential unit proposed for any lot that includes a landmark or a contributing resource is subject to the provisions of Chapter 17.134.

B. Subsection (j) of Footnote 50 of section 17.24.050 relating to residential hotels is amended to read as follows:

j. Design and Preservation Review.

All residential hotels shall be subject to design review under Chapter 17.132, unless the project is otherwise subject to preservation review under Chapter 17.134, prior to issuance of building permits.

C. Subsection (f) of Footnote 58 of section 17.24.050 relating to antennas is amended to read as follows:

f. Development and Design Guidelines

The council may, by resolution, establish development and design guidelines for antennas and telecommunications facilities. Such guidelines may be adopted following at least one public hearing before the planning commission, either the design commission or the preservation commission as determined by the city manager's designee, and one public hearing before the city council, which shall be noticed in the same manner as hearings on text amendments pursuant to Chapter 17.208 of this title. The council may refer proposed development and design guidelines to the planning commission and the design commission for review and recommendation. Guidelines adopted pursuant to this paragraph shall be consistent with the development standards and requirements of this title, including subsections (58)(a) through (e) of this section, and shall be considered and applied by the zoning administrator and planning commission when considering special permits and special permit modifications pursuant to this provision.

D. Subsection (b) of Footnote 75 of section 17.24.050 relating to plan review of multifamily residential projects is amended to read as follows:

b. Plan Review by the Planning Director or Planning Commission.

Apartment projects of any size within a PUD and of one hundred (100) units or less not within a PUD shall be subject to plan review by the planning director, pursuant to Chapter 17.220. Apartment projects of more than one hundred (100) units not within a PUD shall be subject to plan review by the planning commission pursuant to Chapter 17.220. The decision of the planning director or the planning commission shall be subject to appeal in the manner specified in Chapter 17.200.

i. Required Application Information and Materials

The application for plan review of an apartment project shall include the information and materials required under Section 17.132.060 for an application for design review, in addition to the information and materials required for plan review.

ii. Projects within Design Review Districts—Recommendation on Design

Notwithstanding Chapter 17.132, prior to the hearing before the planning commission or consideration by the planning director, the design of an apartment project that is subject to design review under Chapter 17.132 and is located within a design review district for which design review guidelines have been adopted shall be heard and/or reviewed in the manner provided in Chapter 17.132, but the reviewing body shall forward a recommendation to the planning commission or the planning director on the project design, rather than take action as provided in Chapter 17.132.

iii. Projects Subject to Preservation Review—Recommendation on Design.

Notwithstanding Chapter 17.134, prior to the hearing before the planning commission or consideration by the planning director, the design of an apartment project that is subject to preservation review under Chapter 17.134 shall be heard and/or reviewed in the manner provided in Chapter 17.134, but the reviewing body shall forward a recommendation to the planning commission or the planning director on the project design, rather than take action as provided in Chapter 17.134.

E. Except as specifically amended by the amendments to footnotes 30, 50, 58, and 75, all other provisions of section 17.24.050 remain unchanged and in full force and effect.

**SECTION 17.** Section 17.96.020 of Title 17 of the Sacramento City Code (the Zoning Code) relating to the CBD SPD is amended to read as follows:

17.96.020 Urban design, architectural design and streetscape design guidelines—Procedure.

The CBD-SPD (C-3) zone design guidelines consisting of the urban design, architectural design and streetscape design guidelines, are adopted for the CBD-SPD zone. The planning commission, Sacramento housing and redevelopment commission, design commission, preservation commission, the design director, the preservation director, and the city and Sacramento housing and redevelopment agency staffs, shall use the aforementioned guidelines in the evaluation of development projects within the CBD-SPD (C-3) zone. The design commission, preservation commission, planning commission and city council shall have the authority to waive individual guideline provisions for specific projects. These waivers may occur where it is found on the basis of substantial evidence that such waiver is necessary or appropriate to accomplish the policies for downtown design more than would strict application of the guidelines. The city planning commission may amend the design guidelines where such amendment will aid in the accomplishment of the policies for downtown design.

**SECTION 18.** Section 17.96.030 of Title 17 of the Sacramento City Code (the Zoning Code) relating to the "fast-track" procedure in the CBD SPD is amended to read as follows:

17.96.030 Development review process—"Fast track" procedure

In order to implement the development strategy proposed in the urban design plan and channel well-designed development into the incentive zone, the following development review process will govern new projects proposed in the CBD-SPD. Projects proposed in the incentive zone (7th to 13th, I to L Streets) or on catalyst sites designated in the urban design plan shall be processed in one of two ways described below. Development proposed in the balance of the C-3 zone outside the incentive zone shall be administered under the standard project review process.

A. Fast Track Review.

Developments determined by city staff to comply with the design guidelines below and the zoning ordinance may, at the applicant's request, be processed under the "fast track" procedure described in this section. The project design shall be reviewed by either the design commission under Chapter 17.132 or preservation commission under Chapter 17.134, whichever is applicable, to identify design issues. The applicant will then resolve the identified design issues at the staff level under sections 17.132.310 (C) or 17.134.320(C). Projects that receive approval under this subsection (A) shall not be subject to any further review before the design commission, the preservation commission, the planning commission or the city council regarding project design. Any special permits or variances will be processed through the zoning administrator's special permit or variance procedure. Projects approved under this subsection (A) will also receive priority plan checking in the building permitting process in a manner determined by the building inspections division.

Projects that comply with the parking and transportation management plan (TMP) requirements of this title, mitigation measures specified in the master EIR, and the following design criteria specified in the architectural design guidelines shall be eligible for "fast track" processing:

1. Building massing and setbacks;
2. Building materials;
3. Building detailing;
4. Pedestrian amenities;
5. Landscaping;
6. Parking requirements and transportation management plan (TMP) requirements.

B. Material Changes.

If the proposed development materially changes between the time of project design and zoning administrator approval and time of construction, the development shall be referred back to the design commission or preservation commission for further review. Examples of "material change" include but are not limited to substitution of quality materials with lower quality materials; significant alterations to the massing, building form, setbacks, fenestration or building detailing, landscaping or pedestrian amenities; increase in square footage or height by more than ten (10) percent.

Projects determined by the design director or preservation director to be in noncompliance with the overall intent of the design guidelines as a result of design changes may also lose their "fast track" priority status related to the building plan check process.

C. Standard Project Review.

That method of review otherwise specified by this title.

**SECTION 19.** Section 17.96.080 of Title 17 of the Sacramento City Code (the Zoning Code) relating to the CBD SPD is amended to read as follows:

17.96.080 Historic preservation

A. Findings.

1. The buildings in the CBD-SPD are a composite of architectural styles, scales and periods. Preservation and renovation of Sacramento's architectural heritage is important to its economic well-being as well as preserving the CBD's unique physical fabric. The variety of building styles, age, locations, lease rents, and physical character offers a diversity that is essential to a healthy mix of retail and support services.

2. Within the CBD-SPD, there are many historic resources, landmarks, contributing resources, and historic districts.

3. The CBD-SPD has the capacity for another four million square feet of additional development without the removal of historically listed buildings.

B. Policy.

The city council has adopted the following policies related to historic preservation:

1. The highest priority is to encourage restoration and sensitive renovation of listed historic resources. Restoration of listed historic resources entitle the development to all benefits provided in the incentive zone found in Section 2.3 of the urban design plan, including but not limited to one-meeting planning review and priority building permit processing, and may also be eligible for public financial assistance.

2. Secondly, an alternative design solution to demolition of a listed historic resource is to encourage harmonious incorporation of an existing listed historic resource into the design of a new development. A project that incorporates this design approach will also be eligible for the same incentive zone benefits found in Section 2.3 of the urban design plan.

3. Thirdly, when demolition of a listed historic resource is requested, the applicant must prepare an environmental evaluation that fully addresses the potential environmental effects of the demolition under CEQA and NEPA and the criteria listed in section 17.134.330(B).

**SECTION 20.** Subsection (J)(2)(b)(iv) of Section 17.104.020 of Title 17 of the Sacramento City Code (the Zoning Code) relating to the Alhambra Corridor SPD is amended to read as follows:

iv. Any proposed building whose FAR exceeds 0.80 shall be subject to a special permit and a modified project review process such that the design director shall provide review and comment on the building envelope in terms of its relationship to the Alhambra Corridor design review guidelines.

**SECTION 21.** Section 17.120.020 of Title 17 of the Sacramento City Code (the Zoning Code) relating to development standards in the heavy industrial zones in the Richards Boulevard SPD is amended as follows:

A. Subsection (E)(2)(b)(v) of section 17.120.020 is amended to read as follows:

v. Expansion of Existing Buildings.

Buildings or structures which are expanded shall comply with the following requirements:

(A) The proposed area of expansion shall conform to all current development standards, except as provided in subsection (E)(2)(b)(i)(D) of this section.

(B) All exterior improvements shall be subject to design review pursuant to Chapter 17.132 of this title. Improvements shall comply with the Richards Boulevard area plan design guidelines.

(C) Minor improvements to facades fronting on streets shall be required when an expansion occurs. Facade improvements, may include but are not limited to paint and awnings.

(D) Front landscaping shall be required, if determined to be appropriate and required by design review approval.

(E) Site improvements to fencing, signage, and trash enclosures shall be required to improve the appearance of the site which is in view of the public

B. Subsection (E)(3)(b)(ii) of section 17.120.020 is amended to read as follows:

ii. Expansion of Existing Buildings. Buildings or structures which are expanded shall comply with the following requirements:

(A) The proposed area of expansion shall conform to all current development standards, except as provided in this section.

(B) All exterior improvements shall be subject to design review pursuant to Chapter 17.132 of this title. Improvements shall comply with the Richards Boulevard area plan design guidelines.

(C) Minor improvements to facades fronting on streets shall be required when an expansion occurs. Facade improvements, may include but are not limited to paint and awnings.

(D) Front landscaping shall be required, if determined to be appropriate and required by the design review approval.

(E) Site improvements to fencing, signage, and trash enclosures shall be required to improve the appearance of the site which are in view of the public.

C. Except as specifically amended by the amendments to subsections (E)(2)(b)(v) and (E)(3)(b)(ii), all other provisions of section 17.120.020 remain unchanged and in full force and effect.

**SECTION 22.** Section 17.124.050 of Title 17 of the Sacramento City Code (the Zoning Code) relating to the Railyards SPD is amended to read as follows:

17.124.050 Design review guidelines and historic preservation requirements.

A. General.

All development shall be subject to design review either by the design director, the preservation director, the design commission, or the preservation commission pursuant to the following procedures.

B. Procedure—Design Review Not Involving Historic Resources.

1. Review by the Design Director—Development in the RMX Zone.

The specific plan sets forth detailed design guidelines and requirements for development in the RMX zone. Any development in the RMX zone that does not involve a historic resource and for which a special permit has been issued shall be subject to staff review under the general direction of the design director pursuant to the following provisions.

a. Application.

Any person proposing to construct a building for which a special permit has been issued shall file an application for review with the design director pursuant to Chapter 17.132 of this title.

b. Scope and Standard of Review.

Notwithstanding any other provisions of this title, staff review under the general direction of the design director shall be limited to whether the proposed development is consistent with the design guidelines set forth in the railyards specific plan or such additional development or design standards or requirements that may be adopted specifically for development on RMX-zoned property within the railyards SPD.

c. Procedure.

The procedure for staff review under the general direction of the design director in Section 17.132.310(C) shall govern design review under this subsection (B)(1).

2. Review by the Design Commission—Development in the C-3 and OB Zones.

The specific plan sets forth detailed design guidelines and requirements for development in the C-3 and OB zones. Any development in the C-3 and OB zones that does not involve a historic resource and for which a special permit has been issued shall be subject to design review by the design commission pursuant to the following provisions.

a. Application.

Any person proposing to construct a building for which a special permit has been issued shall file an application for review with the design commission pursuant to Chapter 17.132 of this title.

b. Scope and Standard of Review.

Notwithstanding any other provisions of this title, the design commission shall limit its consideration to whether the proposed development is consistent with the design guidelines set forth in the railyards specific plan or such additional development or design standards or requirements that may adopted specifically for development on C-3 and OB zoned property within the railyards SPD.

c. Notice, Hearing and Appeal.

Design review of projects in the C-3 and OB zones shall be subject to the notice, hearing and call-up provisions of Chapters 17.132 and 17.200 of this title.

3. Review by the Design Commission--Development in the TC, OS, M-1 and C-2 Zones.

All projects in the TC, OS, M-2 and C-2 zones that do not involve a historic resource and for which a special permit has been approved shall be subject to design review by the design commission pursuant to Chapter 17.132 of this title.

C. Preservation Review

1. Historic Resources Located on the Railyards Site.

Except as provided in subsection (C)(1)(c) of this section, no permit or entitlement shall be issued for a development project, as defined in section 17.134.020

of this title, that involves any of the buildings and structures specified in subsection (C)(1)(a) of this section unless and until the permit or entitlement has been approved pursuant to Chapter 17.134 of this title.

a. Buildings, Structures and Boundaries Subject to Review Under Chapter 17.134.

The following buildings and structures and the buildings and structures within the boundaries identified in subsection (C)(a)(iv) of this section shall be subject to review under Chapter 17.134 of this code:

i. The depot;

ii. Railway Express building;

iii. The following buildings and structures located in the central shops and Crescent Park area of the railyards site and illustrated in Figure 4-16 of the specific plan and Exhibit 10 at the end of this chapter.

(A) Erecting shops,

(B) Masonry water closet,

(C) Machine shop, including repair gang shop,

(D) Car shop 3, including the air room, rotating equipment shop, injection shop and material's lift,

(E) Locomotive wheel shop,

(F) Electric shop/traction motor shop (located in Crescent Park),

(G) Locomotive truck shop/fabrication shop,

(H) Turntable,

(I) Locomotive wheel shop annex;

iv. Boundaries.

Generally within the area bounded by Locomotive Drive on the west, Communication Lane of the south, Quality Way on the east and the rail tracks on the north (Exhibit 1A).

b. Listed Historic Resources.

For purposes of Chapter 17.134 of this code, the buildings and structures specified in subsection (C)(1)(a) of this section shall be considered and treated as listed historic resources as that term is defined and used in Chapter 17.134 of this code.

c. Exception—Demolition or Relocation of Historically Significant Structure Proposed and Approved as Part of a Development Project

Where the alteration, modification, relocation or demolition of a building or structure specified in subsection (C)(1)(a) of this section is proposed and subsequently approved as part of an application to develop the property on which the building or structure is located, applicant need not comply with subsection (C)(1)(a) of this section; provided that as part of its consideration of the development proposal, the planning commission shall consider the matters specified in Section 17.134.330 of this title. No building permit or other entitlement to allow for the alteration, modification, or demolition of a structure shall issue pending the final decision on the development application; and further, no building permit or other entitlement shall issue to allow for the relocation or demolition of building or structure specified in subsection (C)(1)(a) of this section unless and until the building permit for development of the project has been issued. For projects involving demolition of a building or structure specified in subsection (C)(1)(a) of this section, the special permit or other entitlement approved for the development project shall include appropriate conditions to ensure that the development project which necessitates the demolition of the building or structure is in fact built. If a development application which includes the proposed alteration, modification, or demolition of a structure listed in subsection (C)(1)(a) of this section is denied, then the requirement of subsection (C)(1)(a) of this section for review pursuant to Chapter 17.134 of this code must be satisfied prior to the issuance of a permit or entitlement to alter, modify, relocate or demolish a structure.

d. Listing of Buildings and Structures on the Sacramento Register.

If any of the buildings and structures specified in subsection (C)(1)(a) of this section are placed on the Sacramento Register pursuant to the provisions of Chapter 17.134 of this code, then the provisions of Chapter 17.134 of this code shall govern the proposed demolition or relocation of such buildings and structures; and the provisions of Chapter 17.134 of this code shall prevail over any conflicting provisions in this chapter.

**SECTION 23.** Section 17.128.030 of Title 17 of the Sacramento City Code (the Zoning Code) relating to the OB and RMX zones in the R Street Corridor SPD is amended as follows:

A. Subsection (B)(1)(c)(i)(C) of section 17.128.030 is amended to read as follows:

(C) Exception—Landmarks and Contributing Resources. Subject to approval of a special permit by the planning commission, all or a portion of a building in the OB zone which is a landmark or a contributing resource on the Sacramento register

established pursuant to Chapter 17.134 may be devoted to office use without satisfying either the residential component or the ground floor retail requirement set forth in subsections (B)(1)(c)(1)(A) and (B)(1)(c)(1)(B) of this section.

B. Subsection (B)(5)(a)(ii)(C) of section 17.128.030 is amended to read as follows:

(C) Landmarks and Contributing Resources—Office and Commercial Uses. Subject to approval of a special permit by the planning commission, all or a portion of a building in the RMX zone which is a landmark or a contributing resource on the Sacramento register established pursuant to Chapter 17.134 of this code may be devoted to office use or to the commercial uses specified in Section 17.28.020 of this title or the retail and personal service uses specified in Table 1 of Section 17.96.070 of this title.

(1) Landmarks and Contributing Resources on Parcels Not More Than Forty Feet by One Hundred Sixty Feet—Additional Development Allowed. For parcels with a width not greater than forty (40) feet and a depth not greater than one hundred sixty (160) feet; (2) which abut a major street; and (3) on which there is located a landmark or a contributing resource on the Sacramento register established pursuant to Chapter 17.134 of this code, the planning commission may approve a special permit to allow for additional development on the parcel, including additions to or expansions of the landmark or contributing resource; and may authorize the use of such development for office use, the commercial uses specified in Section 17.28.020 of this title, or the retail and personal service uses specified in Table 1 of Section 17.96.070 of this title. For purposes of this provision, major streets mean the major streets as defined in the central city community plan.

C. Except as specifically amended by the amendments to subsections (B)(1)(c)(i)(C) and (B)(5)(a)(ii)(C), all other provisions of section 17.128.030 remain unchanged and in full force and effect.

**SECTION 24.** Subsection (B)(1) of section 17.176.040 of Title 17 of the Sacramento City Code (the Zoning Code) relating to the Building Conservation (BC) Overlay Zone is amended to read as follows:

1. Replacement Building.
  - a. New Construction.

The replacement building shall be approximately the same square footage as the original building, not to exceed one hundred twenty-five (125) percent of the square footage of the original building. The exterior shall be residential in design and character. The replacement building shall be subject to design review under Chapter 17.132

unless the construction is otherwise subject to preservation review under Chapter 17.134.

b. Relocation of Historic Resource

In lieu of new construction under subsection B(1)(a), the building may be replaced with a historic resource relocated to the site, subject to preservation review under Chapter 17.134. Thereafter, the relocated historic resource may be devoted to non-residential uses.

**SECTION 25.** Section 18.20.130 of Title 18 of the Sacramento City Code relating to residential hotel conversions/demolitions and relocation benefits is amended to read as follows:

18.20.130 Preservation of historic structures

This chapter does not supersede the requirements of Chapter 17.134 of this code, Historic Preservation.

**SECTION 26.** Section 18.36.080 of Title 18 of the Sacramento City Code relating to development impact fees in the Richards Boulevard, Railyards, and Downtown areas is amended to read as follows:

18.36.080 Exemptions

A. The following shall be exempted from payment of the fees established by this chapter:

1. Alterations, renovations, or expansion of an existing residential structure where no additional dwelling units are created and the use is not changed;
2. The replacement of a destroyed or partially destroyed or damaged structure with a new structure of the same size and use;
3. The alteration or renovation of a structure in the Richards Boulevard area that is designated as a landmark or contributing resource on the Sacramento Register pursuant to Chapter 17.134 of this code, as such chapter may be amended from time to time. The exemption provided by this subsection shall not apply to any expansion of such structure;
4. Construction, alteration, renovation, or expansion of a new or existing residential, or residential/retail mixed use, structure owned by the capitol area development authority, or its successor(s) in interest.

B. Any claim of exemption with respect to the fees established by this chapter shall be made no later than the time for application for fee adjustment pursuant to Section 18.36.150 of this chapter.

**SECTION 27.** This ordinance shall take effect on January 1, 2007.

Adopted by the City of Sacramento City Council on October 24, 2006 by the following vote:


Ayes: Councilmembers, Cohn, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters and Vice Mayor Fong.

Noes: None.

Abstain: None.

Absent: Mayor Fargo.

Attest  
  
Shirley Concolino, City Clerk

  
Robert King Fong, Vice Mayor

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Published October 20, 2006  
Effective October 24, 2006