



4.2

PLANNING AND BUILDING DEPT.

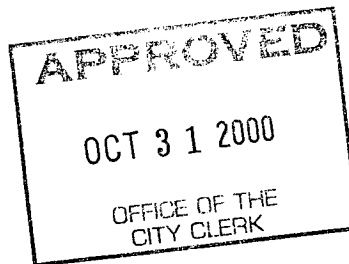
CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 200
SACRAMENTO, CA
95814-2998

PLANNING DIVISION
916-264-5381
FAX 916-264-7046

September 21, 2000

City Council
Sacramento, California



Honorable Members in Session:

SUBJECT: AN ORDINANCE AMENDING SECTIONS 15.55.020 AND 15.48.010 OF TITLE 15 OF THE SACRAMENTO CITY CODE TO ESTABLISH A DISCRETIONARY PERMIT REQUIREMENT TO DEMOLISH OR MOVE NON-HISTORIC RESIDENTIAL STRUCTURES, AND TO AMEND ARTICLE VIII OF CHAPTER 15.124 OF THE CITY CODE (SECTIONS 15.124.480 THROUGH 15.124.550) RELATING TO THE DEMOLITION OF HISTORIC BUILDINGS AND STRUCTURES (M98-047)

LOCATION: Citywide

RECOMMENDATION:

Staff and the Law and Legislation Committee recommend that the City Council approve the attached ordinance amending the City Code relating to the demolition and relocation of non-historic residential structures and the demolition of historic buildings and structures.

CONTACT PERSON: Joy Patterson, Senior Planner, 264-5607

FOR COUNCIL MEETING OF: October 31, 2000 (afternoon)

SUMMARY:

Over the past few years, several demolitions and relocations of residential structures have occurred in various areas of the City and have had a negative impact on the surrounding residential neighborhoods. Presently the Sacramento City Code only provides for a public hearing process for the demolition of structures that are on the City's Official Register (either individually or as part of a Preservation Area) or are listed in the National Register of Historic Places or the California Register of Historical Resources. Moving a non-historic structure is reviewed by Design Review staff. The City Council directed staff to

research the possibility of amending the City Code to provide for a hearing process for the demolition or moving of non-historic residential structures. The attached ordinance would establish a new residential demolition/building move permit review procedure.

COMMITTEE/COMMISSION ACTION:

On September 19, 2000, by a vote of four ayes, the Law and Legislation Committee voted to recommend approval of the attached ordinance.

BACKGROUND:

As noted above, the City Code currently provides for the review of demolition permits for historic structures. Qualifying structures are reviewed at a public hearing before the City's Design Review and Preservation Board. The Board has the ability to approve the demolition, approve the demolition with conditions, or stay the demolition for a period of six months while alternatives to demolition are explored. The stay can be extended by the City Council for an additional six months. If a structure is proposed to be relocated out of or into a preservation area, or if a listed structure is proposed to be moved, it is also reviewed by the Board.

For structures not listed on the City's Official Register or the State or National Registers, however, the demolition process consists of obtaining a demolition permit from the City Building Division. This is a ministerial permit, with no noticing or public hearing required. For structures not listed in the City's Official Register, either individually or as part of a Preservation Area, a proposed relocation is reviewed by Design Review staff. The property is posted with notice of the move and adjacent property owners are noticed.

In several cases, however, the demolition or relocation of structurally sound residential buildings has contributed to blighted conditions in the surrounding residential neighborhood. The attached ordinance outlines a hearing process to address this concern. The proposed ordinance requires that a non-historic residential structure could not be demolished or relocated unless a Residential Demolition/Building Move Permit is issued by the City's Zoning Administrator. The notice and hearing process would be the same as for a Zoning Administrator's Special Permit, except that, if the demolition/building move request was in conjunction with requests for planning entitlements to be heard by the Planning Commission, the Planning Commission notice and hearing process would be used and the Planning Commission would act on the request.

The ordinance, as proposed, applies only to residential structures. Non-historic, non-residential structures would be required to apply for the administrative demolition permit through the City's Building Division. Non-historic, non-residential structures proposed for relocation would continue to go through the Design Review staff review process.

In order to approve the Residential Demolition/Building Move Permit, the Zoning Administrator (or Planning Commission) would need to make one or more of the following findings:

1. That based upon sufficient evidence, the property retains no reasonable economic use;

2. That the approval of the permit and subsequent demolition or removal of the residential structure will not cause or contribute further to blight in the neighborhood or otherwise cause a decline in the nature and quality of the neighborhood;
3. The benefits of demolition or removal of the residential structure outweigh any negative impacts or potential negative impacts associated with its demolition or removal.

Appropriate conditions, however, can be placed on the approval of the demolition/building move permit. For example, if the demolition of a residential structure is for the purpose of constructing a new residential structure, an appropriate condition may be to require the demolition permit and the building permit be issued at the same time for the project. A condition requiring that a demolition plan be submitted to the Solid Waste Manager which specifies any proposed recycling of building material in the demolition of the structure can also be placed on the permit if the demolition is approved. Design Review of the replacement structure, however, would not be a condition that the Zoning Administrator/Planning Commission would be permitted to place on the permit. Design Review of the replacement structure would occur on projects located in Design Review Districts.

If the demolition/building move permit was denied, the applicant could appeal the decision to the Planning Commission. The decision of the Planning Commission can be appealed or called-up to the City Council. If the applicant did not desire to continue with a residential use at the site, the applicant would have the option of applying for a Planning entitlement for one of the non-residential uses that the Zoning Ordinance permits in a residential zone.

The proposed ordinance does exempt certain projects from the Zoning Administrator residential Demolition/Building Move Permit. They are:

1. Situations where a building permit has been issued for the replacement structure and the demolition is required in order to construct the replacement structure;
2. Where the demolition or relocation is required as part of a redevelopment project for which an Owner's Participation Agreement (OPA) or Development Disposition Agreement (DPA) has been approved;
3. The demolition of dangerous or substandard structures undertaken by the City (not the property owner);
4. The demolition of immediately dangerous structures.

Staff compiled residential demolition statistics for a two year period, July 1, 1998 to August 22, 2000. During that period there were 335 residential demolition permits issued. Of that number, 225 or 67% were housing cases. Breakdown by area is as follows:

Area 1	44 residential demolition permits (10 of 44 Housing case)	13%
Area 2	29 residential demolition permits (19 of 29 Housing case)	9%
Area 3	115 residential demolition permits (86 of 115 Housing case)	34%
Area 4	147 residential demolition permits (110 of 147 Housing case)	44%

The proposed ordinance also adds language to deal with any potential inconsistencies between the demolition of non-historic residential structures and the demolition of historic structures. Sections 4 through 8 of the proposed ordinance address these issues. The sections indicate that the Design Review/Preservation Board has the authority to approve, condition or deny an application for a permit to demolish or relocate a Listed Structure or Structure on the California or National Register. In Preservation Areas, the Board may approve the action to remove or demolish a structure or may suspend action on it for a period not to exceed 90 days. The City Council may extend the suspension for an additional 90 days. For listed residential structures and residential structures in Preservation Areas, the review by the Board is in addition to the requirement for review by the Zoning Administrator or Planning Commission.

FINANCIAL CONSIDERATIONS:

Staff anticipates that approximately 40 Residential Demolition/House Move Permits will be processed annually to be in compliance with the ordinance. At this time, no additional staff or other resources is requested to handle the processing of these permits. Approximately \$40,000 additional revenue will be generated annually. Workload and revenue will be monitored during initial implementation and any budgetary changes will be evaluated as part of the Mid-Year Report or the 2000-2001 Budget. Most applicants will have approximately \$1,200 in additional costs to meet the permit requirements. Some applicants may have additional changes if a negative declaration is required.

ENVIRONMENTAL CONSIDERATIONS:

This project is exempt from environmental review pursuant to State EIR Guidelines {California Environmental Quality Act, Section 15061 (b) (1)}.

POLICY CONSIDERATIONS:

When the ordinance previously was reviewed by the Law and Legislation Committee, policy issues included whether or not the ordinance was compatible with Preservation Ordinance demolition procedures; whether or not the ordinance should be limited to residential structures; whether the ordinance should pertain to all residential structures or be limited to single family residential structures; and whether the ordinance should be applied Citywide or to specific geographic areas of the City.

The attached ordinance, reviewed and recommended for approval by the Law and Legislation Committee on September 19, 2000, includes provisions to achieve a degree of consistency between demolition processes for historic and non-historic structures. The proposed revisions are a major policy change to the existing Preservation Ordinance by providing for the denial of permits for the demolition of listed structures. The current ordinance only allows the Design Review/Preservation Board and City Council to stay a demolition permit for a maximum time frame of one year. For non-historic structures, the ordinance applies to all residential structures, citywide. A definition of a residential structure is included in the ordinance.

MBE/WBE EFFORTS:

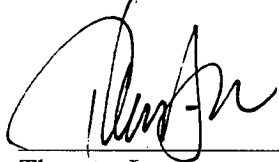
There is no requirement for the purchase of goods or services associated with this item.

Respectfully submitted,



GARY STONEHOUSE, PLANNING DIRECTOR

RECOMMENDATION APPROVED:



Thomas Lee
Deputy City Manager

Attachment: Ordinance amending the City Code Relating to Residential Demolition Permits

APPROVED
OCT 31 2000
OFFICE OF THE
CITY CLERK

ORDINANCE NO. 2000.044

ADOPTED BY THE SACRAMENTO CITY COUNCIL
ON DATE OF _____

AN ORDINANCE AMENDING SECTIONS 15.44.020 AND 15.48.010 of TITLE 15 OF THE SACRAMENTO CITY CODE TO ESTABLISH A DISCRETIONARY PERMIT REQUIREMENT TO DEMOLISH OR MOVE NON-HISTORIC RESIDENTIAL STRUCTURES, AND TO AMEND ARTICLE VIII OF CHAPTER 15.124 OF THE CITY CODE (SECTIONS 15.124.480 THROUGH 15.124.550) RELATING TO THE DEMOLITION OF HISTORIC BUILDINGS AND STRUCTURES

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

SECTION 1. Purpose and Intent of Ordinance.

WHEREAS, the City Council finds and declares that:

1. The City of Sacramento has adopted as one of its primary goals in the General Plan the maintenance and improvement of the quality and character of residential neighborhoods. See General Plan, Sec. 2.-1, Goal A.
2. Over the past several years, a number of neighborhoods have experienced a decline in quality and character due to the demolition or relocation of sound residential structures without replacement, sometimes resulting in vacant lots which are not properly maintained and which, along with other vacant lots, vacant and boarded up buildings and other conditions in the neighborhood contribute to the decline of a neighborhood or otherwise detract from the fabric of the neighborhood.
3. The removal of sound residential structures, whether by demolition or by relocation, does or has the potential to: a) cause or contribute to blight in the neighborhood; b) detract from the aesthetic value of the neighborhood, c) interfere with and jeopardize the integrity, character and quality of the neighborhood; d) impact the neighborhood in a way that is contrary to the general health, safety and welfare of the residents of the neighborhood. This is particularly true where the parcel from which the structure is removed remains vacant and is not properly cared for or tended to by the owner.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

4. To ensure that the demolition or relocation of sound residential structures does not unduly impact neighborhoods and their residents in one or more of the ways identified above, it is reasonable, appropriate and necessary to establish a discretionary process for approval of demolition and move permits for residential structures where no replacement building or structure has been proposed and approved. This process will allow for input from residents of the neighborhood and which will allow the City to consider the impacts of demolition or removal of such structures and either to restrict demolition or condition demolition upon compliance with conditions designed to protect and promote the character and quality of the neighborhood.

5. With the amendments to Chapters 15.44 and 15.48 of Title 15 of the City Code effectuated by Section 2 and 3 of this Ordinance, there are potential inconsistencies or incongruities between these provisions and the provisions of Chapter 15.124 of Title 15, which set forth the City's regulations regarding the preservation of historic buildings and structures within the City. The purpose and intent of Section 4 through 8 of this ordinance is to achieve a degree of consistency between the provisions of Chapters 15.44 and 15.48 of Title 15 dealing with preservation of residential structures generally, and those of Chapter 15.124 of Title 15 dealing with the preservation of historic structures, both residential and non-residential, as well as residential structures located within preservation areas.

SECTION 2. Adoption of Code Provisions.

1. Section 15.44.020 is amended by adding Paragraph D thereto, to read as follows:

D. Demolition or Move of Non-Historic Residential Structures

1. General. Except as provided below, a Non-Historic 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.

Exceptions: The requirements of this Section 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

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

a replacement building or structure to be built on the site of the building or structure proposed for demolition or relocation, and a building permit and all other necessary permits or entitlements to construct the replacement building or structure have been issued, 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.
- 2. Zoning Administrator Approval: Except as provided below, Zoning Administrator approval shall be required for a Residential Demolition/Building Move Permit.
 - 3. 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.
 - 4. 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

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

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.

- 5. 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.
- 6. 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

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

Chapter 17.200 of Title 17 of the City Code. Notwithstanding the provisions of Section 17.200.030C, the decision of the Planning Commission on an appeal of the Zoning Administrator's decision shall be subject to appeal to and call-up by the Council in the same manner as a decision of the Planning Commission on a Special Permit is subject to review under Section 17.200.

7. Definitions. The following definitions shall apply to this Section:

"Blight" shall mean 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.

"Non-Historic Residential Structure" shall mean any residential building or structure that is not a listed structure or a structure within a preservation area.

"Residential Structure" shall mean a building or structure currently or most recently used for residential purposes.

8. 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 15.124 applicable to the demolition or relocation of listed historic structures, structures located within a preservation area, structures listed on the California Register of Historical Resources, and structures listed on the National Register of Historic Places. Where the Design Review and Preservation Board is responsible for approval of one or more entitlements under Chapter 15.124, the Design Review and Preservation Board 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 Board, and shall be subject to appeal in the manner specified in Chapter 15.124.

Section 3

Section 15.48.010 of Title 15 of the City Code is amended to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

- 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. Non-historic residential structures: Applications to move non-historic residential structures shall be subject to the requirements of Section 15.44.020 of Title 15, in addition to the requirements of this section.

Section 4

Section 15.124.480 is amended to read as follows:

15.124.480: Demolition of listed structures or structures on the California or National Register

- A. General: Authority and Findings: The Board shall have the authority to approve, approve with conditions or deny an application for a permit to demolish or relocate a Listed Structure or Structure on the California or National Register. The Board shall approve the issuance of a demolition or relocation permit for a listed Structure or a Structure on the California or National Register if the Board makes one or more of the following findings:
 1. based upon the evidence in the record, including evidence presented by 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;
 2. demolition of the building or structure will not have a significant effect on the achievement of the purposes of this chapter or is otherwise outweighed by the benefits of replacement;
 3. where replacement of some or all of the structure by a new structure is proposed, demolition of the building or structure will not have a significant effect on the achievement of the purposes of this chapter or is otherwise outweighed by the benefits of replacement; or

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

- 4. in the case of an application for a permit to relocate, that the building may be moved without destroying its historic or architectural integrity and importance.
- B. Listed Residential Structures: For listed residential structures, the requirements of this section shall be in addition to the requirements established by Chapters 15.44 and 15.48 of this Title 15 for demolition or relocation of a residential structure.
- C. Conditions: The Board may impose such conditions as are reasonable and necessary to achieve the purpose and intent of this chapter, including but not limited to the following: delaying demolition for a period of time, not to exceed one hundred and eighty (180) days from the date of approval, to allow for evaluation and consideration of alternatives to demolition; where a replacement structure is proposed, requiring issuance of a building permit prior to issuance of a demolition permit.

Section 5

Section 15.124.490 of Title 15 of the City Code is amended to read as follows:

15.124.490 Demolition of structure in preservation areas.

- A. General: Authority and Findings In review of permits enumerated in paragraphs (c) and (d) of subsection (a)(i) of Section 15.124.330, subsection (a)(iii) of Section 15.124.330, and subsection(c) of Section 15.124.330 to remove or partially remove, or to demolish or partially demolish a structure within a preservation area which is not a listed structure or a structure on the California or National Register, the Board may approve the issuance of said permit or permits or may suspend action on it for a period not to exceed ninety (90) days, provided that prior to the expiration of the original suspension period the Council may by resolution and for good cause shown extend the suspension for an additional period of time not to exceed ninety (90) days, for a combined maximum total of 180 days.
 - b. Standard of review: In considering an application to demolish or relocate a structure within a preservation area which is not a listed structure or a structure on the California or National Register, the Board shall apply the same standard as set forth in Section 15.124.480 above.
 - c. Conditions: The Board may impose such conditions as are

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

reasonable and necessary to achieve the purpose and intent of this chapter, including but not limited to the following: delaying demolition for a period of time, not to exceed ninety days (90) days from the date of approval, to allow for evaluation and consideration of alternatives to demolition; where a replacement structure is proposed, requiring issuance of a building permit prior to issuance of a demolition permit.

d. Residential structures: For residential structures in preservation areas that are not listed structures or structures on the California Register or National Register, the requirements of this section shall be in addition to the requirements established by Chapters 15.44 and 15.48 of this Title 15 for demolition or relocation of a residential structure.

Section 6

Section 15.124.500 of Title 15 of the City Code is amended to read as follows:

15.124.500 Suspension period: Commencement and Expiration

Any suspension period imposed by the Board or the Council on the issuance of a regulated permit pursuant to Section 15.124.490 shall commence on the date that the Board's decision or the Council's decision is final. Upon expiration of the suspension period, the regulated permit shall issue without further action by the Board or Council provided all other requirements of this Title and the City Code have been satisfied.

Section 7

Section 15.124.530 of Title 15 of the City Code is amended to read as follows:

15.124.530 Alternatives to Demolition: Board Action

In the event action on an application to remove or demolish a structure is suspended as provided in this chapter, the board shall take such steps as it determines are necessary to preserve the structure concerned. The board may among other things:

- (a) Consult with local trusts and other financial sources willing to purchase the structure or restoration.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

- (b) Publicize the availability of the structure for purchase for restoration purposes.
- (c) Make recommendations to the council concerning the acquisition of development rights, facade easements and the imposition of other restrictions or the negotiation of historic property contracts.
- (d) Investigate possible sites for relocation of the structure.
- (e) Recommend to the Council that the City purchase an essential structure where it does not appear that private preservation is feasible.

Section 8

Section 15.124.540 of Title 15 of the City Code is amended to read as follows:

15.124.540 Architectural Review

In review of permits enumerated in subparagraphs "a," "b" and "e" of Subsection A(1) of Section 15.124.330 and in Subsection A(2) of Section 5.124.330, the Board shall approve issuance of the permit(s) if it finds:

- A. That the proposed work or sign is appropriate for and consistent with the effectuation of the listed structures plan or the preservation area plan, whichever is applicable.
- B. That the proposed work or sign is consistent with the purpose and intent of this chapter.

Section 9: The provisions of Sections 4 through 8 this Ordinance are enacted in contemplation of the pending, comprehensive revision of Chapter 15.124 of Title 15, which is underway and nearing completion. It is anticipated that Chapter 15.124, including those provisions amended by Sections 4 through 8 of this Ordinance, will be revised and replaced within the next six months. The provisions of Sections 4 through 8 of this Ordinance are generally designed to retain the physical status quo of historical buildings and structures, pending the more substantive amendments of Chapter 15.124 under contemplation.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

SECTION 10

It is the intent of the Council that the provisions of this Ordinance shall apply to all pending applications for demolition or relocation permits.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

rea:preserv/residentdemoord906.wpd

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____



4.2

PLANNING AND BUILDING DEPT.

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 200
SACRAMENTO, CA
95814-2998

PLANNING DIVISION
916-264-5381
FAX 916-264-7046

October 4, 2000

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: AN ORDINANCE AMENDING SECTIONS 15.55.020 AND 15.48.010 OF TITLE 15 OF THE SACRAMENTO CITY CODE TO ESTABLISH A DISCRETIONARY PERMIT REQUIREMENT TO DEMOLISH OR MOVE NON-HISTORIC RESIDENTIAL STRUCTURES, AND TO AMEND ARTICLE VIII OF CHAPTER 15.124 OF THE CITY CODE (SECTIONS 15.124.480 THROUGH 15.124.550) RELATING TO THE DEMOLITION OF HISTORIC BUILDINGS AND STRUCTURES (M98-047)

LOCATION: Citywide

RECOMMENDATION:

Staff and the Law and Legislation Committee recommend that the City Council approve the attached ordinance amending the City Code relating to the demolition and relocation of non-historic residential structures and the demolition of historic buildings and structures.

CONTACT PERSON: Joy Patterson, Senior Planner, 264-5607

FOR COUNCIL MEETING OF: October 31, 2000 (afternoon)

SUMMARY:

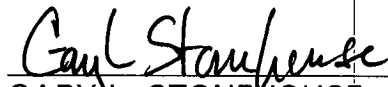
Over the past few years, several demolitions and relocations of residential structures have occurred in various areas of the City and have had a negative impact on the surrounding residential neighborhoods. Presently the Sacramento City Code only provides for a public hearing process for the demolition of structures that are on the City's Official Register (either individually or as part of a Preservation Area) or

Demolition of Historic Buildings (M98-047)
October 5, 2000

BACKGROUND INFORMATION:

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

Respectfully submitted,


GARY L. STONEHOUSE
PLANNING DIRECTOR

FOR CITY COUNCIL INFORMATION:
ROBERT P. THOMAS
CITY MANAGER

ORDINANCE NO. _____

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTIONS 15.44.020 AND 15.48.010 OF TITLE 15 OF THE SACRAMENTO CITY CODE TO ESTABLISH A DISCRETIONARY PERMIT REQUIREMENT TO DEMOLISH OR MOVE NON-HISTORIC RESIDENTIAL STRUCTURES, AND TO AMEND ARTICLE VIII OF CHAPTER 15.124 OF THE CITY CODE (SECTIONS 15.124.480 THROUGH 15.124.550) RELATING TO THE DEMOLITION OF HISTORIC BUILDINGS AND STRUCTURES

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

SECTION 1. Purpose and Intent of Ordinance.

WHEREAS, the City Council finds and declares that:

1. The City of Sacramento has adopted as one of its primary goals in the General Plan the maintenance and improvement of the quality and character of residential neighborhoods. See General Plan, Sec. 2.-1, Goal A.
2. Over the past several years, a number of neighborhoods have experienced a decline in quality and character due to the demolition or relocation of sound residential structures without replacement, sometimes resulting in vacant lots which are not properly maintained and which, along with other vacant lots, vacant and boarded up buildings and other conditions in the neighborhood contribute to the decline of a neighborhood or otherwise detract from the fabric of the neighborhood.
3. The removal of sound residential structures, whether by demolition or by relocation, does or has the potential to: a) cause or contribute to blight in the neighborhood; b) detract from the aesthetic value of the neighborhood, c) interfere with and jeopardize the integrity, character and quality of the neighborhood; d) impact the neighborhood in a way that is contrary to the general health, safety and welfare of the residents of the neighborhood. This is particularly true where the parcel from which the structure is removed remains vacant and is not properly cared for or tended to by the owner.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

4. To ensure that the demolition or relocation of sound residential structures does not unduly impact neighborhoods and their residents in one or more of the ways identified above, it is reasonable, appropriate and necessary to establish a discretionary process for approval of demolition and move permits for residential structures where no replacement building or structure has been proposed and approved. This process will allow for input from residents of the neighborhood and which will allow the City to consider the impacts of demolition or removal of such structures and either to restrict demolition or condition demolition upon compliance with conditions designed to protect and promote the character and quality of the neighborhood.

5. With the amendments to Chapters 15.44 and 15.48 of Title 15 of the City Code effectuated by Section 2 and 3 of this Ordinance, there are potential inconsistencies or incongruities between these provisions and the provisions of Chapter 15.124 of Title 15, which set forth the City's regulations regarding the preservation of historic buildings and structures within the City. The purpose and intent of Section 4 through 8 of this ordinance is to achieve a degree of consistency between the provisions of Chapters 15.44 and 15.48 of Title 15 dealing with preservation of residential structures generally, and those of Chapter 15.124 of Title 15 dealing with the preservation of historic structures, both residential and non-residential, as well as residential structures located within preservation areas.

SECTION 2. Adoption of Code Provisions.

1. Section 15.44.020 is amended by adding Paragraph D thereto, to read as follows:

D. Demolition or Move of Non-Historic Residential Structures

1. General. Except as provided below, a Non-Historic 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.

Exceptions: The requirements of this Section 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

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

a replacement building or structure to be built on the site of the building or structure proposed for demolition or relocation, and a building permit and all other necessary permits or entitlements to construct the replacement building or structure have been issued, 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.
2. Zoning Administrator Approval: Except as provided below, Zoning Administrator approval shall be required for a Residential Demolition/Building Move Permit.
3. 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.
4. 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

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

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.

- 5. 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.
- 6. 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

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

Chapter 17.200 of Title 17 of the City Code. Notwithstanding the provisions of Section 17.200.030C, the decision of the Planning Commission on an appeal of the Zoning Administrator's decision shall be subject to appeal to and call-up by the Council in the same manner as a decision of the Planning Commission on a Special Permit is subject to review under Section 17.200.

7. Definitions. The following definitions shall apply to this Section:

"Blight" shall mean 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.

"Non-Historic Residential Structure" shall mean any residential building or structure that is not a listed structure or a structure within a preservation area.

"Residential Structure" shall mean a building or structure currently or most recently used for residential purposes.

8. 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 15.124 applicable to the demolition or relocation of listed historic structures, structures located within a preservation area, structures listed on the California Register of Historical Resources, and structures listed on the National Register of Historic Places. Where the Design Review and Preservation Board is responsible for approval of one or more entitlements under Chapter 15.124, the Design Review and Preservation Board 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 Board, and shall be subject to appeal in the manner specified in Chapter 15.124.

Section 3

Section 15.48.010 of Title 15 of the City Code is amended to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

- 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. Non-historic residential structures: Applications to move non-historic residential structures shall be subject to the requirements of Section 15.44.020 of Title 15, in addition to the requirements of this section.

Section 4

Section 15.124.480 is amended to read as follows:

15.124.480: Demolition of listed structures or structures on the California or National Register

- A. General: Authority and Findings: The Board shall have the authority to approve, approve with conditions or deny an application for a permit to demolish or relocate a Listed Structure or Structure on the California or National Register. The Board shall approve the issuance of a demolition or relocation permit for a listed Structure or a Structure on the California or National Register if the Board makes one or more of the following findings:
 1. based upon the evidence in the record, including evidence presented by 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;
 2. demolition of the building or structure will not have a significant effect on the achievement of the purposes of this chapter or is otherwise outweighed by the benefits of replacement;
 3. where replacement of some or all of the structure by a new structure is proposed, demolition of the building or structure will not have a significant effect on the achievement of the purposes of this chapter or is otherwise outweighed by the benefits of replacement; or

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

- 4. in the case of an application for a permit to relocate, that the building may be moved without destroying its historic or architectural integrity and importance.
- B. Listed Residential Structures: For listed residential structures, the requirements of this section shall be in addition to the requirements established by Chapters 15.44 and 15.48 of this Title 15 for demolition or relocation of a residential structure.
- C. Conditions: The Board may impose such conditions as are reasonable and necessary to achieve the purpose and intent of this chapter, including but not limited to the following: delaying demolition for a period of time, not to exceed one hundred and eighty (180) days from the date of approval, to allow for evaluation and consideration of alternatives to demolition; where a replacement structure is proposed, requiring issuance of a building permit prior to issuance of a demolition permit.

Section 5

Section 15.124.490 of Title 15 of the City Code is amended to read as follows:

15.124.490 Demolition of structure in preservation areas.

- A. General: Authority and Findings In review of permits enumerated in paragraphs (c) and (d) of subsection (a)(i) of Section 15.124.330, subsection (a)(iii) of Section 15.124.330, and subsection (c) of Section 15.124.330 to remove or partially remove, or to demolish or partially demolish a structure within a preservation area which is not a listed structure or a structure on the California or National Register, the Board may approve the issuance of said permit or permits or may suspend action on it for a period not to exceed ninety (90) days, provided that prior to the expiration of the original suspension period the Council may by resolution and for good cause shown extend the suspension for an additional period of time not to exceed ninety (90) days, for a combined maximum total of 180 days.
 - b. Standard of review: In considering an application to demolish or relocate a structure within a preservation area which is not a listed structure or a structure on the California or National Register, the Board shall apply the same standard as set forth in Section 15.124.480 above.
 - c. Conditions: The Board may impose such conditions as are

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

reasonable and necessary to achieve the purpose and intent of this chapter, including but not limited to the following: delaying demolition for a period of time, not to exceed ninety days (90) days from the date of approval, to allow for evaluation and consideration of alternatives to demolition; where a replacement structure is proposed, requiring issuance of a building permit prior to issuance of a demolition permit.

d. Residential structures: For residential structures in preservation areas that are not listed structures or structures on the California Register or National Register, the requirements of this section shall be in addition to the requirements established by Chapters 15.44 and 15.48 of this Title 15 for demolition or relocation of a residential structure.

Section 6

Section 15.124.500 of Title 15 of the City Code is amended to read as follows:

15.124.500 Suspension period: Commencement and Expiration

Any suspension period imposed by the Board or the Council on the issuance of a regulated permit pursuant to Section 15.124.490 shall commence on the date that the Board's decision or the Council's decision is final. Upon expiration of the suspension period, the regulated permit shall issue without further action by the Board or Council provided all other requirements of this Title and the City Code have been satisfied.

Section 7

Section 15.124.530 of Title 15 of the City Code is amended to read as follows:

15.124.530 Alternatives to Demolition: Board Action

In the event action on an application to remove or demolish a structure is suspended as provided in this chapter, the board shall take such steps as it determines are necessary to preserve the structure concerned. The board may among other things:

- (a) Consult with local trusts and other financial sources willing to purchase the structure or restoration.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

- (b) Publicize the availability of the structure for purchase for restoration purposes.
- (c) Make recommendations to the council concerning the acquisition of development rights, facade easements and the imposition of other restrictions or the negotiation of historic property contracts.
- (d) Investigate possible sites for relocation of the structure.
- (e) Recommend to the Council that the City purchase an essential structure where it does not appear that private preservation is feasible.

Section 8

Section 15.124.540 of Title 15 of the City Code is amended to read as follows:

15.124.540 Architectural Review

In review of permits enumerated in subparagraphs "a," "b" and "e" of Subsection A(1) of Section 15.124.330 and in Subsection A(2) of Section 5.124.330, the Board shall approve issuance of the permit(s) if it finds:

- A. That the proposed work or sign is appropriate for and consistent with the effectuation of the listed structures plan or the preservation area plan, whichever is applicable.
- B. That the proposed work or sign is consistent with the purpose and intent of this chapter.

Section 9: The provisions of Sections 4 through 8 this Ordinance are enacted in contemplation of the pending, comprehensive revision of Chapter 15.124 of Title 15, which is underway and nearing completion. It is anticipated that Chapter 15.124, including those provisions amended by Sections 4 through 8 of this Ordinance, will be revised and replaced within the next six months. The provisions of Sections 4 through 8 of this Ordinance are generally designed to retain the physical status quo of historical buildings and structures, pending the more substantive amendments of Chapter 15.124 under contemplation.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

SECTION 10

It is the intent of the Council that the provisions of this Ordinance shall apply to all pending applications for demolition or relocation permits.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

rea:preservresidentdemoord906.wpd

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____



1.8

PLANNING AND BUILDING
DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 300
SACRAMENTO, CA
95814-2904

PLANNING DIVISION

916-264-5381 OFFICE
916-264-5328 FAX

October 5, 2000

City Council
Sacramento, California

CONTINUED
FROM 10-17-00
TO 10-31-00

Honorable Members in Session:

SUBJECT: AN ORDINANCE AMENDING SECTIONS 15.55.020 AND 15.48.010 OF TITLE 15 OF THE SACRAMENTO CITY CODE TO ESTABLISH A DISCRETIONARY PERMIT REQUIREMENT TO DEMOLISH OR MOVE NON-HISTORIC RESIDENTIAL STRUCTURES, AND TO AMEND ARTICLE VIII OF CHAPTER 15.124 OF THE CITY CODE (SECTIONS 15.124.480 THROUGH 15.124.550) RELATING TO THE DEMOLITION OF HISTORIC BUILDINGS AND STRUCTURES (M98-047)

LOCATION AND DISTRICT: Citywide

RECOMMENDATION:

It is recommended that the item be passed for publication of title and continued to October 31, 2000.

CONTACT PERSON: Joy Patterson, Senior Planner, 264-5607

FOR COUNCIL MEETING OF: October 17, 2000

SUMMARY:

This item is presented at this time for approval of publication of title pursuant to City Charter, Section 32.

ORDINANCE NO. _____

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTIONS 15.44.020 AND 15.48.010 of TITLE 15 OF THE SACRAMENTO CITY CODE TO ESTABLISH A DISCRETIONARY PERMIT REQUIREMENT TO DEMOLISH OR MOVE NON-HISTORIC RESIDENTIAL STRUCTURES, AND TO AMEND ARTICLE VIII OF CHAPTER 15.124 OF THE CITY CODE (SECTIONS 15.124.480 THROUGH 15.124.550) RELATING TO THE DEMOLITION OF HISTORIC BUILDINGS AND STRUCTURES

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

SECTION 1. Purpose and Intent of Ordinance.

WHEREAS, the City Council finds and declares that:

1. The City of Sacramento has adopted as one of its primary goals in the General Plan the maintenance and improvement of the quality and character of residential neighborhoods. See General Plan, Sec. 2.-1, Goal A.
2. Over the past several years, a number of neighborhoods have experienced a decline in quality and character due to the demolition or relocation of sound residential structures without replacement, sometimes resulting in vacant lots which are not properly maintained and which, along with other vacant lots, vacant and boarded up buildings and other conditions in the neighborhood contribute to the decline of a neighborhood or otherwise detract from the fabric of the neighborhood.
3. The removal of sound residential structures, whether by demolition or by relocation, does or has the potential to: a) cause or contribute to blight in the neighborhood; b) detract from the aesthetic value of the neighborhood, c) interfere with and jeopardize the integrity, character and quality of the neighborhood; d) impact the neighborhood in a way that is contrary to the general health, safety and welfare of the residents of the neighborhood. This is particularly true where the parcel from which the structure is removed remains vacant and is not properly cared for or tended to by the owner.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

4. To ensure that the demolition or relocation of sound residential structures does not unduly impact neighborhoods and their residents in one or more of the ways identified above, it is reasonable, appropriate and necessary to establish a discretionary process for approval of demolition and move permits for residential structures where no replacement building or structure has been proposed and approved. This process will allow for input from residents of the neighborhood and which will allow the City to consider the impacts of demolition or removal of such structures and either to restrict demolition or condition demolition upon compliance with conditions designed to protect and promote the character and quality of the neighborhood.

5. With the amendments to Chapters 15.44 and 15.48 of Title 15 of the City Code effectuated by Section 2 and 3 of this Ordinance, there are potential inconsistencies or incongruities between these provisions and the provisions of Chapter 15.124 of Title 15, which set forth the City's regulations regarding the preservation of historic buildings and structures within the City. The purpose and intent of Section 4 through 8 of this ordinance is to achieve a degree of consistency between the provisions of Chapters 15.44 and 15.48 of Title 15 dealing with preservation of residential structures generally, and those of Chapter 15.124 of Title 15 dealing with the preservation of historic structures, both residential and non-residential, as well as residential structures located within preservation areas.

SECTION 2. Adoption of Code Provisions.

1. Section 15.44.020 is amended by adding Paragraph D thereto, to read as follows:

D. Demolition or Move of Non-Historic Residential Structures

1. General. Except as provided below, a Non-Historic 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.

Exceptions: The requirements of this Section 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

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

a replacement building or structure to be built on the site of the building or structure proposed for demolition or relocation, and a building permit and all other necessary permits or entitlements to construct the replacement building or structure have been issued, 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.
- 2. Zoning Administrator Approval: Except as provided below, Zoning Administrator approval shall be required for a Residential Demolition/Building Move Permit.
 - 3. 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.
 - 4. 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

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

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.

- 5. 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.
- 6. 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

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

Chapter 17.200 of Title 17 of the City Code. Notwithstanding the provisions of Section 17.200.030C, the decision of the Planning Commission on an appeal of the Zoning Administrator's decision shall be subject to appeal to and call-up by the Council in the same manner as a decision of the Planning Commission on a Special Permit is subject to review under Section 17.200.

7. Definitions. The following definitions shall apply to this Section:

"Blight" shall mean 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.

"Non-Historic Residential Structure" shall mean any residential building or structure that is not a listed structure or a structure within a preservation area.

"Residential Structure" shall mean a building or structure currently or most recently used for residential purposes.

8. 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 15.124 applicable to the demolition or relocation of listed historic structures, structures located within a preservation area, structures listed on the California Register of Historical Resources, and structures listed on the National Register of Historic Places. Where the Design Review and Preservation Board is responsible for approval of one or more entitlements under Chapter 15.124, the Design Review and Preservation Board 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 Board, and shall be subject to appeal in the manner specified in Chapter 15.124.

Section 3

Section 15.48.010 of Title 15 of the City Code is amended to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

- 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. Non-historic residential structures: Applications to move non-historic residential structures shall be subject to the requirements of Section 15.44.020 of Title 15, in addition to the requirements of this section.

Section 4

Section 15.124.480 is amended to read as follows:

15.124.480: Demolition of listed structures or structures on the California or National Register

- A. General: Authority and Findings: The Board shall have the authority to approve, approve with conditions or deny an application for a permit to demolish or relocate a Listed Structure or Structure on the California or National Register. The Board shall approve the issuance of a demolition or relocation permit for a listed Structure or a Structure on the California or National Register if the Board makes one or more of the following findings:
 1. based upon the evidence in the record, including evidence presented by 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;
 2. demolition of the building or structure will not have a significant effect on the achievement of the purposes of this chapter or is otherwise outweighed by the benefits of replacement;
 3. where replacement of some or all of the structure by a new structure is proposed, demolition of the building or structure will not have a significant effect on the achievement of the purposes of this chapter or is otherwise outweighed by the benefits of replacement; or

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

4. in the case of an application for a permit to relocate, that the building may be moved without destroying its historic or architectural integrity and importance.

B. Listed Residential Structures: For listed residential structures, the requirements of this section shall be in addition to the requirements established by Chapters 15.44 and 15.48 of this Title 15 for demolition or relocation of a residential structure.

C. Conditions: The Board may impose such conditions as are reasonable and necessary to achieve the purpose and intent of this chapter, including but not limited to the following: delaying demolition for a period of time, not to exceed one hundred and eighty (180) days from the date of approval, to allow for evaluation and consideration of alternatives to demolition; where a replacement structure is proposed, requiring issuance of a building permit prior to issuance of a demolition permit.

Section 5

Section 15.124.490 of Title 15 of the City Code is amended to read as follows:

15.124.490 Demolition of structure in preservation areas.

A. General: Authority and Findings In review of permits enumerated in paragraphs (c) and (d) of subsection (a)(i) of Section 15.124.330, subsection (a)(iii) of Section 15.124.330, and subsection(c) of Section 15.124.330 to remove or partially remove, or to demolish or partially demolish a structure within a preservation area which is not a listed structure or a structure on the California or National Register, the Board may approve the issuance of said permit or permits or may suspend action on it for a period not to exceed ninety (90) days, provided that prior to the expiration of the original suspension period the Council may by resolution and for good cause shown extend the suspension for an additional period of time not to exceed ninety (90) days, for a combined maximum total of 180 days.

b. Standard of review: In considering an application to demolish or relocate a structure within a preservation area which is not a listed structure or a structure on the California or National Register, the Board shall apply the same standard as set forth in Section 15.124.480 above.

c. Conditions: The Board may impose such conditions as are

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

reasonable and necessary to achieve the purpose and intent of this chapter, including but not limited to the following: delaying demolition for a period of time, not to exceed ninety days (90) days from the date of approval, to allow for evaluation and consideration of alternatives to demolition; where a replacement structure is proposed, requiring issuance of a building permit prior to issuance of a demolition permit.

d. Residential structures: For residential structures in preservation areas that are not listed structures or structures on the California Register or National Register, the requirements of this section shall be in addition to the requirements established by Chapters 15.44 and 15.48 of this Title 15 for demolition or relocation of a residential structure.

Section 6

Section 15.124.500 of Title 15 of the City Code is amended to read as follows:

15.124.500 Suspension period: Commencement and Expiration

Any suspension period imposed by the Board or the Council on the issuance of a regulated permit pursuant to Section 15.124.490 shall commence on the date that the Board's decision or the Council's decision is final. Upon expiration of the suspension period, the regulated permit shall issue without further action by the Board or Council provided all other requirements of this Title and the City Code have been satisfied.

Section 7

Section 15.124.530 of Title 15 of the City Code is amended to read as follows:

15.124.530 Alternatives to Demolition: Board Action

In the event action on an application to remove or demolish a structure is suspended as provided in this chapter, the board shall take such steps as it determines are necessary to preserve the structure concerned. The board may among other things:

- (a) Consult with local trusts and other financial sources willing to purchase the structure or restoration.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

- (b) Publicize the availability of the structure for purchase for restoration purposes.
- (c) Make recommendations to the council concerning the acquisition of development rights, facade easements and the imposition of other restrictions or the negotiation of historic property contracts.
- (d) Investigate possible sites for relocation of the structure.
- (e) Recommend to the Council that the City purchase an essential structure where it does not appear that private preservation is feasible.

Section 8

Section 15.124.540 of Title 15 of the City Code is amended to read as follows:

15.124.540 Architectural Review

In review of permits enumerated in subparagraphs "a," "b" and "e" of Subsection A(1) of Section 15.124.330 and in Subsection A(2) of Section 5.124.330, the Board shall approve issuance of the permit(s) if it finds:

- A. That the proposed work or sign is appropriate for and consistent with the effectuation of the listed structures plan or the preservation area plan, whichever is applicable.
- B. That the proposed work or sign is consistent with the purpose and intent of this chapter.

Section 9: The provisions of Sections 4 through 8 this Ordinance are enacted in contemplation of the pending, comprehensive revision of Chapter 15.124 of Title 15, which is underway and nearing completion. It is anticipated that Chapter 15.124, including those provisions amended by Sections 4 through 8 of this Ordinance, will be revised and replaced within the next six months. The provisions of Sections 4 through 8 of this Ordinance are generally designed to retain the physical status quo of historical buildings and structures, pending the more substantive amendments of Chapter 15.124 under contemplation.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

SECTION 10

It is the intent of the Council that the provisions of this Ordinance shall apply to all pending applications for demolition or relocation permits.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

rea:preservresidentdemoord906.wpd

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

T H E D A I L Y R E C O R D E R

~ SINCE 1911 ~

1115 H Street, P.O. Box 1048, Sacramento, California 95812
Telephone (916) 444-2355 • Fax (916) 444-0636

SAC. CITY CLERK PO#8070060934
915 I St., Rm. 304/ V. HENRY
Sacramento, CA 95814

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of Sacramento) ss

Notice Type: GSORD SAC CITY ORDINANCE NOT -1 PUB

Ad Description: AD NO 9146

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the DAILY RECORDER, a daily newspaper published in the English language in the City of Sacramento, County of Sacramento, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of Sacramento, State of California, under date May 2, 1913, Case No. 16,180. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

10/23/00

Executed on: 10/23/00
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

This space for filing stamp only

SC#: 166436

**CITY OF SACRAMENTO
ORDINANCES**

On October 17, 2000, the following ordinance was considered by the Sacramento City Council and will be considered for final adoption at the regular meeting of October 31, 2000, in accordance with Sacramento City Charter Section 32, the title is herein published:

AN ORDINANCE AMENDING SECTIONS 15.44.020 AND 15.48.010 OF TITLE 15 OF THE SACRAMENTO CITY CODE TO ESTABLISH A DISCRETIONARY PERMIT REQUIREMENT TO DEMOLISH OR MOVE NON-HISTORIC RESIDENTIAL STRUCTURES, AND TO AMEND ARTICLE VIII OF CHAPTER 15.124 OF THE CITY CODE (SECTIONS 15.124.480 THROUGH 15.124.550) RELATING TO THE DEMOLITION OF HISTORIC BUILDINGS AND STRUCTURES

Anyone interested in the full text of the above ordinance may contact the Office of the City Clerk, City Hall, 915 "I" Street, Room 304, Phone (916) 264-5427.
SACRAMENTO CITY COUNCIL
BY: VALERIE A. BURROWES
CITY CLERK
Ad No.: 9146
10/23/00

SC- 166436#

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO
OCT 26 2 51 PM '00

T H E D A I L Y R E C O R D E R

~ SINCE 1911 ~

1115 H Street, P.O. Box 1048, Sacramento, California 95812
Telephone (916) 444-2355 • Fax (916) 444--0636

SAC. CITY CLERK PO#8070060934
915 I St., Rm. 304/ V. HENRY
Sacramento, CA 95814

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of Sacramento) ss

Notice Type: GSORD SAC CITY ORDINANCE NOT -1 PUB

Ad Description: AD NO 9146

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the DAILY RECORDER, a daily newspaper published in the English language in the City of Sacramento, County of Sacramento, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of Sacramento, State of California, under date May 2, 1913, Case No. 16,180. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

10/23/00

Executed on: 10/23/00
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

This space for filing stamp only

SC#: 166436

**CITY OF SACRAMENTO
ORDINANCES**

On October 17, 2000, the following ordinance was considered by the Sacramento City Council and will be considered for final adoption at the regular meeting of October 31, 2000. In accordance with Sacramento City Charter Section 32, the title is herein published:
AN ORDINANCE AMENDING SECTIONS 15.44.020 AND 15.48.010 OF TITLE 15 OF THE SACRAMENTO CITY CODE TO ESTABLISH A DISCRETIONARY PERMIT REQUIREMENT TO DEMOLISH OR MOVE NON-HISTORIC RESIDENTIAL STRUCTURES, AND TO AMEND ARTICLE VIII OF CHAPTER 15.124 OF THE CITY CODE (SECTIONS 15.124.480 THROUGH 15.124.550) RELATING TO THE DEMOLITION OF HISTORIC BUILDINGS AND STRUCTURES
Anyone interested in the full text of the above ordinance may contact the Office of the City Clerk, City Hall, 915 "I" Street, Room 304, Phone (916) 264-5427.
SACRAMENTO CITY COUNCIL
BY: VALERIE A. BURROWES
CITY CLERK
Ad No.: 9146
10/23/00

SC- 166436#

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO
Oct 26 2 51 PM '00