

ORDINANCE NO. 2722,

FOURTH SERIES

AN ORDINANCE AMENDING ORDINANCE NO. 2208, FOURTH SERIES, PASSED JUNE 16, 1960, AND ENTITLED "AN ORDINANCE APPROVING THE REDEVELOPMENT PLAN AND THE FEASIBILITY OF RELOCATION OF CAPITOL MALL EXTENSION, PROJECT NO. 3 (A PORTION OF REDEVELOPMENT AREA NO. ONE)", AS AMENDED, AND DECLARING THIS ORDINANCE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY.

WHEREAS, the Redevelopment Agency of the City of Sacramento has transmitted to this Council certified copies of its Resolutions No. 1133 and 1134, adopted April 17, 1967, and Resolution No. 1137, adopted April 26, 1967, recommending certain minor modifications in the Redevelopment Plan for Project No. 3 of Redevelopment Area No. One, adopted by Ordinance No. 2208, Fourth Series, June 16, 1960, as amended by Ordinance No. 2423, Fourth Series, November 1, 1962; and

WHEREAS, the Council has on May 25, 1967 held a public hearing on the said recommended modifications, notice of which was published pursuant to Section 6063 of the Government Code and Section 33452 of the California Health and Safety Code in The Sacramento Union, a newspaper of general circulation printed and published in the City of Sacramento and the official newspaper of this City; and

WHEREAS, the Planning Director of the City of Sacramento has advised the Redevelopment Agency of the City of Sacramento that said recommended modifications do not constitute substantial changes in the said Redevelopment Plan and would not affect the General Plan of the City of Sacramento, as adopted by the Planning Commission and this Council; now therefore,

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

Section 1. This Council hereby determines that the minor modifications in the Redevelopment Plan for Project No. 3, adopted by Ordinance No. 2208, Fourth Series, as amended by Ordinance No. 2423, Fourth Series, of the City of Sacramento, which have been proposed and recommended by the Redevelopment Agency of the City of Sacramento, as shown in that Agency's Resolutions No. 1133 and No. 1134, adopted April 17, 1967, and Resolution No. 1137, adopted April 26, 1967, are necessary and desirable.

Section 2. Pursuant to such determination, Ordinance No. 2208, Fourth Series, passed June 16, 1960, is hereby amended by amending the "Redevelopment Plan - Capitol Mall Extension, Project No. 3" approved and adopted by the Redevelopment Agency of the City of Sacramento on April 11, 1960, incorporated into said Ordinance by reference and approved and adopted thereby, as follows:

AMENDMENT NO. 1:

1. On the Land Use Map, show the alignment of the westerly line of the Freeway (Interstate U.S. Route 5-E, State Route 238), which, as it crosses K Street, as approximately seventy feet (70') east of the east line of 2nd Street, and show the land use of the area west of the Freeway structures and within the Project to be "Historic-Commercial-Residential Use".
2. Add "Historic-Commercial-Residential" to the land uses described in Section C. 1., on page 4.

3. Add new subsection to Section C. 2. a., "Land Use Regulations", as follows:

"Historic-Commercial-Residential

The Redevelopment Agency shall encourage the preservation, restoration and reconstruction of the properties, improvements thereon and uses therein that will, in the most compatible and practicable manner possible, maintain, preserve, restore and reconstruct the architectural and environmental character of the area as similar as practicable, in the light of contemporary requirements for the interior development of commercial, residential, institutional, educational, cultural and recreational building space, and the feasible legal and functional use thereof, as existed in the area in the historic 1849 to 1870 early period of establishment and development of the City and County of Sacramento, the State of California, and the Western States Region of the United States.

Permitted Uses shall generally include those in accordance with the objectives set forth below. Towards the accomplishment of this objective, the Redevelopment Agency reserves the right to prohibit, further restrict, or set special conditions for permitted land uses set forth hereinbelow, if in the judgment of the Agency certain specific uses are considered to affect adversely the compatibility or economic stability of adjacent development within this land use area, or adjacent redevelopment project areas.

Permitted Uses

Land uses shall be generally confined to buildings or structures and include the following:

- (1) Commercial Uses: Shall include general and specific purpose offices; banks and other financial institutions; retail stores and services; hotels; residence halls, private clubs, lodges, theatres; restaurants (except drive-in); bars and cocktail lounges; museums; art galleries and studios; arts and crafts shops and studios with or without associated light type fabrication or processing activities essential to the production of the finished product, primarily produced for retail sale on the premises; printing and publishing activities, primarily of a handicraft nature; specialty food processing shops of a primarily handicraft nature such as nuts, confectionery and candy processing, bakery and pastry shops, coffee, tea and spice shops where the finished product is primarily processed and packaged for sale on the premises; other compatible commercial uses as approved by the Redevelopment Agency.
- (2) Residential Uses: Other than those of a transient nature in hotels, residence halls, lodges, private clubs of an overnight, weekly or monthly tenure shall, in general, include apartments in the rear of and/or above street floor commercial uses.

Town or row houses may be developed on some of the more narrow street frontage properties for exclusive residential uses, or for combined residential and professional office purposes.

- (3) Other Permitted Uses: Shall include public park, recreational, educational and cultural uses, as determined by the Redevelopment Agency.

The Historic-Commercial-Residential area includes public uses that may be deemed appropriate for the fulfillment of the objectives for 'Old Sacramento'.

It is the intent of this Plan to promote insofar as proves practicable a Planned Unit Development Concept for the Historic-Commercial-Residential area, or substantial portions thereof."

4. Add new subsection to Section C. 2. b., "Physical Controls for Land Uses", as follows:

"Historic-Commercial-Residential Areas

(1) Floor Area Ratio

The maximum floor area ratio for any particular building shall generally not exceed 3:1. However, in the interest of historical and architectural authenticity, and economic soundness of a particular building development, the Redevelopment Agency may permit a variance of this requirement to allow reasonably more building bulk for a specific building development where historic documentary evidence, acceptable to the Redevelopment Agency, can be produced indicating that a building with a floor area ratio in excess of 3:1 occupied such site during the 1849-1870 period, and where such variance in the judgment of the Redevelopment Agency will not pre-empt excessive floor area building development of the total projected for the whole Old Sacramento Historic (Historic-Commercial-Residential) area, and which might have a depressive effect or jeopardize the reasonable financial feasibility of full development of other properties in this land use area in accordance with the intent of this Plan.

(2) Building Setbacks

There are no street front building setbacks required, except as may be determined by the Redevelopment Agency for a given building site on 2nd Street. Rear building setbacks may be established by the Redevelopment Agency for buildings on the east side of 2nd Street, in order to encourage interior block landscaped courts, plazas and yards, and to provide adequate light, air, ventilation and fire and panic egress protection for facing and/or abutting residential and public assembly uses and to facilitate truck service wherever possible at the rear of commercial, residential and mixed use buildings.

(3) Number and Height of Buildings

The number of buildings in the Historic-Commercial-Residential area shall generally be governed by historic documentation in the interests of architectural authenticity in order to facilitate an accurate re-creation of the historic scene in general and harmonious architectural appearance of the street scenes in particular. However, in the interests of encouraging redevelopment of as much of the area as practicable along planned unit concepts, in order to reduce preservation, restoration, and reconstruction building costs as much as possible,

and to better and more efficiently serve contemporary commercial and residential functions, such does not preclude the grouping and inter-connection of what were formerly several adjacent independent structures in the 1849-1870 period. In such consolidation the early street facades of the several individual former structures so grouped shall be reproduced insofar as practicable.

The height of historic buildings is generally flexible between a minimum of one (1) story and a maximum of three (3) stories above existing street grades. In certain isolated and more important historic situations this flexibility does not exist and the Redevelopment Agency shall judge each individual situation on the basis of all of the major influencing factors involved.

The height of the street facade of any historically oriented building shall not normally exceed that of the original buildings and/or as they were added to during the 1849-1870 period, and in no event shall exceed sixty feet (60') from the sidewalk grade to the top of parapet. Rear additions and/or pent-house structures, and other mechanical equipment housings shall not be permitted to be constructed to a height above the roof level which would make them visible from the normal height of eye from any street or public way within the area.

(4) Parking

The minimum off-street parking requirements in the Historic-Commercial-Residential area are as follows:

General Retail Merchandising Uses:	One (1) space for each four hundred (400) gross square feet of floor area.
Hotels, Residence Halls, Private Clubs, Lodges (overnight, weekly or monthly residence facilities other than apartments):	One (1) space for each guest room for developments of one (1) to twenty-four (24) rooms; one (1) space for each one and one-half (1-1/2) guest rooms for developments of twenty-five (25) to forty-nine (49) guest rooms; one (1) space for each two (2) guest rooms for developments of fifty (50) or more guest rooms.
Offices and Banks:	One (1) space for each four hundred (400) gross square feet of floor area.
Multi-family Residential Uses (Apartments and Town Houses)	One (1) space for each dwelling unit.
Museums, Art Galleries, Arts and Crafts Studios, Antique and Specialty Shops and other General Commercial Uses of a Specialty Type:	One (1) space for each five hundred (500) gross square feet of floor area.

Restaurants and Bars: One (1) space for each five (5) seats.

Theaters: One (1) space for each ten (10) seats.

Other Uses: To be provided in accordance with the prevailing off-street parking requirements of the City of Sacramento.

Off-street parking facilities shall not be provided on-site but within eight hundred feet (800') in consolidated off-street parking garage facilities, approved by the Agency, as at one of four (4) centralized locations on the periphery of the Historic Area designated by the Redevelopment Agency as (1) South Parking Garage, (2) North Parking Garage, (3) under the viaduct between K Street and the J Street eastbound off-ramps, and (4) under the viaduct between the J Street eastbound off-ramp and the north access-egress road from 3rd and I Streets.

All off-street parking spaces (stalls) shall be of the self-park type.

(5) Truck and Service Facilities

Truck and service facilities for loading and unloading supplies and materials and refuse disposal from all buildings, courts, plazas, gardens and yards shall be cooperatively developed insofar as practicable from, and adjacent to, a common alley. Such facilities need not provide for accommodation of the parking of service vehicles off the public way while performing loading or unloading functions. However, it is the intent of this Plan that all service and utility areas be attractively designed in a manner compatible with the architectural character of the environment, and that rubbish and garbage disposal receptacles storage in connection therewith be provided in such a manner that they are located on the private property and screened from public view along the alley and/or the public streets and ways, at the intersection with the alley, and from the view toward such alley from the properties they serve and surrounding properties in the block.

All service areas shall be adequately and appropriately lighted, drained and provision made for maintaining them in a clean, neat and healthy condition, free of odors, attraction of flies, other insects and rodents.

Where planned unit development of one-half (1/2) a block of properties, or a major portion thereof can be practically accomplished, it is the intent of this Plan that truck and service facilities serving all of the buildings, courts, plazas, and gardens therein, be concentrated in one (1) or more central locations in order to reduce the number of such service areas and facilitate their compatibility with adjacent development of yards, courts, plazas and gardens in these rear portions of the properties.

In cases where rear service facilities cannot reasonably be developed off the alleys without excessive and complicated rights of easement over

adjacent properties from the service area to the building, court, yard, garden or plaza served, truck service will be permitted by vehicles parked parallel from the adjacent street, while loading or unloading. In such cases, however, adequate provisions shall be made within the building for the swift, healthful, safe and efficient supply (loading) and disposal (unloading) of goods, materials, garbage and rubbish to and from the basement level of the building and/or ground level of courts, plazas, gardens or yards without recourse to such devices as trapdoors, sidewalk elevators, or areas in or adjacent to the public street and sidewalk rights-of-way. Garbage and trash receptacles will be permitted to be temporarily placed as designated locations at or near the sidewalk curb on days of collection only, provided the properties using such space participate in the development of well-designed appropriate and permanent street furniture of the period type of pick-up station housings, which screen the individual receptacles and containers from the public view, except when the actual garbage and rubbish collection operation is in progress.

The design of all truck and service facilities shall be submitted to and subject to the approval of the Redevelopment Agency.

(6) Land Coverage

Maximum coverage of buildings to land area shall not exceed eighty percent (80%) unless specifically excepted in the interest of historic accuracy and architectural authenticity by the Redevelopment Agency. It is the intent of this Plan to encourage insofar as practicable the attractive and well landscaped development of the rear yards into courts, gardens and plazas wherever possible and to stimulate the development of appropriately designed and functional open and semi-open space adjacent and accessible to the private commercial, residential and public or quasi-public uses of the adjacent buildings themselves, as well as the re-creation of the historic street scenes. In this regard, therefore, the floor areas of open or covered (overhead) balconies, open or semi-open terraces, courts, plazas, arbors and colonnades, and miscellaneous semi-open free standing, attached or detached garden gazebos, or utility structures, set forth in Section (5) above, at or near grade shall not be included in the computation of land coverage.

(7) Other Environmental Controls

The Redevelopment Agency shall impose such additional controls in the Declarations of Restrictions documents (covenants running with the land), land disposition and development documents (in connection with the sale of land and/or existing improvements thereon) and in Property Owner Participation Agreements (where Agency does not purchase property) and in supplemental physical improvements controls to this Plan as in the judgment of the Redevelopment Agency may be necessary and desirable to attain authentic, historic, architectural character in the preservation, restoration and reconstruction of buildings, their sites and the environment of the whole area, financial participation in the development, operation, and maintenance of off-site

consolidated off-street parking garage facilities at the locations set forth in Paragraph (4) above, and such other details, but not necessarily limited to the following, in order to insure and protect the continuous economic stability, historic character and unique environment of the district as a mixed use commercial-residential area.

Such additional controls may relate to interior occupancy, interior and exterior architectural details, use of building material and color, type of construction, advertising signs, both painted and illuminated, sidewalk canopies and overhangs, street and alley lighting, street furniture and exhibits, pavement materials and textures, the use of historic streets and alleys by motor vehicles, exterior monuments, memorials and historic plaques or markers, and development and control of the waterfront, adjacent public park areas, and other controls found necessary to insure the success of the rehabilitation and redevelopment of the historic district."

5. Amend the first paragraph of subsection C. 2. c., on page 8, to read as follows:

"Declarations of Restrictions shall be in the form of covenants running with the land and shall be recorded by the Agency with the County Recorder of Sacramento County. The covenants running with the land which embody the requirements set forth in this Plan shall run for a period of thirty (30) years from the effective date of the ordinance adopting this Plan, except that the covenants which pertain to the Historic-Commercial-Residential Area shall run from the effective date of the City ordinance adopting the Redevelopment Plan for the remainder of the Historic Area, to wit, August 25, 1996; and excepting further the covenants respecting restrictions upon the basis of race, religion, color, or national origin, which covenants shall run in perpetuity."

AMENDMENT NO. 2: Change the boundaries of the Project Area as described on page 1 of the Redevelopment Plan and as shown on the various maps in the Plan, as follows:

"Beginning at the intersection of the center line of 2nd Street and the center line of J Street, thence easterly along the center line of J Street to its intersection with the center line of 7th Street, thence southerly along the center line of 7th Street to its intersection with the westerly projection of the northerly line of Merchant Street, thence easterly along the northerly line of Merchant Street to its intersection with the northerly projection of a line parallel to and two feet westerly from the east line of Lot No. 7 in Block J, K, 7th and 8th Streets, thence southerly along said line to its intersection with the southerly line of K Street, thence westerly along the southerly line of K Street to its intersection with the easterly line of 6th Street, thence southerly along the easterly line of 6th Street to its intersection with the center line of L Street, thence westerly along the center line of L Street to its intersection with the center line of 5th Street, thence northerly along the center line of 5th Street to its intersection with the easterly projection of the center line of the alley between J, K, 3rd and 5th Streets, thence westerly along the center line of said alley to its intersection with the center line of 3rd Street, thence southerly along the

center line of 3rd Street to its intersection with the center line of L Street, thence easterly along the center line of L Street to its intersection with the center line of 4th Street, thence southerly along the center line of 4th Street to its intersection with the center line of N Street, thence westerly along the center line of N Street to its intersection with the center line of 2nd Street, thence northerly along the center line of 2nd Street to the point of beginning, all in the City of Sacramento, California, according to the official map or plat thereof."

AMENDMENT NO. 3:

1. On the block bounded by J, K, 6th and 7th Streets on the Land Use Map, change the land use of the portion of the block easterly of the easterly line of the Ramona Hotel site, projected southerly to the southerly side of the block, from "General Commercial" to "Major Department Store Use".
2. Add "Major Department Store Use" to the land uses described in Section C. 1., on page 4.
3. Add new subsection to Section C. 2. a., Land Use Regulations, as follows:

"Major Department Store

Includes use for major department store purposes."

4. Add new subsection to Section C. 2. b., Physical Controls for Land Uses, as follows:

"Major Department Store

The physical controls for this land use shall be the same as that set forth herein for "General Commercial" areas, or such portions thereof as are applicable to this type use."

AMENDMENT NO. 4: Delete the utility easement along 6th Street, as shown on the Streets and Highways Map.

AMENDMENT NO. 5: In subsection C. 2. b., under "Public Buildings - Special Commercial Areas", on page 5, delete the following:

"Maximum Floor Area Ratio - 2.8 to 1"

and insert in lieu thereof, the following:

"The Maximum Floor Area Ratio shall be 2.8 to 1, except that the Maximum Floor Area Ratio for the block bounded by Capitol, N, 3rd and 4th Streets shall be 5 to 1."

AMENDMENT NO. 6:

1. Paragraph D. 3. a. should be amended as follows:

At the end of paragraph a. "Pedestrian Ways and Street Vacations", add new sentences as follows:

"In developing pedestrian malls on top of the 5th Street Underpass and along K Street, from 5th Street to 7th Street, and along 6th Street from J Street to L Street,

the Agency may also provide for the disposition and redevelopment of portions of said pedestrian ways, and the air space under, over and above the same, provided, that such disposition and redevelopment will not, in the opinion of the Agency, unreasonably restrict or hinder the flow of pedestrian traffic in the Project. In the event of such disposition of portions of said pedestrian ways or air space, the parcels thereof sold or leased shall be limited to General Commercial Use as defined in this Plan, and said parcels, and the redevelopers thereof, shall otherwise conform to the physical controls for land use and the building standards prescribed in said Plan for such use, except where expressly waived or modified by the Agency."

2. On the Land Use Map, the legend for "Pedestrian Ways" should read:

"Pedestrian Ways and General Commercial, as authorized by the Agency under Section D. 3. a. of the Plan - (Detailed design to be determined before disposition)";

On the Land Use Map and other applicable maps show the area on top of the Fifth Street Underpass structure as "Pedestrian Ways and General Commercial".

3. On the Streets and Highways Map, the legend for right of way should read:

"Reserve right of way for pedestrian use - (May be used for General Commercial as authorized by the Agency under Section D. 3. a. of the Plan)".

Section 3. The said modifications do not, and are not intended to, make any substantive change in said Plan but make only the aforesaid minor, unsubstantial modifications to conform to practical standards and eliminate unnecessary restrictions in order to permit more efficiently the carrying out of said Plan without changing any fundamental or substantive provisions or effect of said Plan as heretofore made effective by Ordinance of said City of Sacramento heretofore adopted. The Plan in all its substantive purposes, provisions and effect, and under which tax moneys are and will be allocated in accordance with the Constitution and laws of the State of California, shall continue in effect as it has been since the effective date of the Ordinance of said City heretofore adopted approving said Plan, and nothing in said proposed minor modifications shall be construed to the contrary nor as in anywise modifying or affecting Resolution No. 796 of said Agency authorizing the issuance of Bonds of said Agency adopted August 5, 1963.

Section 4. This ordinance is hereby made an emergency measure, to take effect immediately; such emergency being the necessity of perfecting the redevelopment plan referred to herein in order to make the land in the redevelopment area available for new construction at the earliest possible date and thereby to eliminate and prevent recurrence of conditions of slum and blight.

Section 5. This ordinance shall be published once within ten days after passage in the official newspaper of said City of Sacramento.

Section 6. The City Clerk shall record with the County Recorder of Sacramento County a copy of the amendments herein adopted as promptly as possible after the effective date of this ordinance.

PASSED: May 25, 1967.

EFFECTIVE: May 25, 1967.

ATTEST:



ORDINANCE NO. 2722

CERTIFICATE OF CITY CLERK

The undersigned hereby certifies that:

1. He is the duly qualified and acting City Clerk of the City of Sacramento, California (hereinafter called the "City", and the custodian of the records of the City including the minutes of the proceedings of the Council of the City of Sacramento (hereinafter called the "City Council"); and is duly authorized to execute this Certificate.

2. Attached hereto is a true and correct copy of an Ordinance, including the WHEREAS clauses, adopted at a meeting of the City Council held on the _____ day of _____, 1967, (hereinafter called "Ordinance of the City Council").

3. The Ordinance of the City Council has been duly recorded in the minutes of said meeting and is now in full force and effect.

4. Said meeting was duly convened and held in all respects in accordance with law and by-laws of the City. To the extent required by law or by said by-laws, due and proper notice of said meeting was given. Any legal quorum of members of the City Council was present throughout said meeting and a legally sufficient number of the City Council voted in the proper manner for the adoption of the Ordinance of the City Council. All other requirements and proceedings under law, said by-laws, or otherwise, incident to the proper adoption of the Ordinance of the City Council, including any publication, if required by law, have been duly fully carried out and otherwise observed.

5. The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time that this Certificate was signed.

IN WITNESS WHEREOF, the undersigned hereunto set his hand this _____ day of _____, 1967.

ELMER CLEVELAND, City Clerk