

City of Sacramento

Legislation Text

File #: 2019-01487, Version: 1

Title:

Historic Districts Plans, Update to the Sacramento Register of Historic and Cultural Resources, and an Ordinance Amending Section 17.808.140 of the Sacramento City Code, Relating to Director-Level Site Plan and Design Review (M19-003) [Passed for Publication 11/19/2019; Notice 11/22/2019; Published 11/22/2019] {Continued from 12/03/2019}

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Location: Central City, River District, and Oak Park, Districts 3, 4, and 5

Recommendation:

Conduct a public hearing and upon conclusion: 1) adopt a Resolution concluding the proposed project is a subsequent project within the scope of the Master Environmental Impact Report for the 2035 General Plan, the project will not have any project-specific additional significant environmental effects not previously examined in the Master EIR, and no new mitigation measures or alternatives are required (per Public Resources Code 21157.1 and CEQA Guidelines 15177); 2) adopt an Ordinance enacting the Historic District Plans and repealing the Preservation Area Plan, Residential Listed Structures Plan, and Non-residential Listed Structures Plan, and declaring the Ordinance to be an emergency measure to take effect immediately upon adoption; 3) adopt an Ordinance amending and restating Ordinance 85-076, relating to the designation of the following historic districts, 1200-1300 Q Street Historic District, 20th and N Street Historic District, Alkali Flat North Historic District, Boulevard Park Historic District, C Street Commercial Historic District, C Street Industrial Historic District, Capitol Historic District, Cathedral Square Historic District, Capitol Avenue (East End) Historic District, Fremont Park Historic District, Marshall Park Historic District, Merchant Street Historic District, Washington School (New Washington School) Historic District, Washington (Old Washington) School Historic District, Plaza (Cesar Chavez) Park Historic District, Poverty Ridge Historic District, R Street Historic District, and South Side Historic District, and deleting the 12th Street Commercial Historic District and the Memorial Auditorium Historic District from the Sacramento Register of Historic and Cultural Resources; 4) adopt an Ordinance listing the residential building located at 1200 Q Street as a Landmark on the Sacramento Register of Historic and Cultural Resources; 5) adopt an Ordinance amending Ordinance 2004-009, relating to the Bungalow Row Historic District and Capitol Mansions Historic District; 6) adopt an Ordinance amending Ordinance 2004-048, relating to Alkali Flat South Historic District, Alkali Flat Central Historic District, and Alkali Flat West Historic District; 7) adopt an Ordinance amending Ordinance 2007-094 relating to the Oak Park Historic District; and 8) adopt an Ordinance amending section 17.808.140 of the Sacramento

City Code, relating to director-level site plan and design review.

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Presenter: Sean de Courcy, Associate Preservation Planner, (916) 808-2796, Community Development Department

Attachments:

- 01-Description/Analysis
- 02-Resolution Adopting Environmental Findings
- 03-Ordinance Adopting the Historic District Plans and Repealing Outdated Plans
- 04-Final Draft Historic District Plans
- 05-Sacramento Register Update Map
- 06-Ordinance (Amendment to Ordinance 85-076)
- 07-Ordinance Listing 1200 Q Street as a Landmark
- 08-Ordinance (Amendment to Ordinance 2004-009)
- 09-Ordinance (Amendment to Ordinance 2004-048)
- 10-Ordinance (Amendment to Ordinance 2007-094)
- 11-Ordinance (Amendment Affecting City Code Section 17.808.140)
- 12-Public Outreach Summary and Public Comments on Final Draft

Description/Analysis

Issue Detail: The Historic District Plans and Sacramento Register Update are an important part of the City's historic preservation program. The plans advance the City's goals to recognize and preserve its significant and diverse historic districts, and thereby foster an understanding of local heritage, promote public health and safety, and further the economic and general welfare of the citizens of Sacramento. The plans seek to provide a basis for managing growth and change in many of the city's historic districts by guiding alterations to existing buildings and new development that respect the historic character that defines these special places.

The project implements City Code Section 17.604.300, as well as implementing policies identified in the 2035 General Plan (e.g., Policies HCR 2.1.11, 2.1.12 and 2.1.13). The HDPs project is also a result, in part, of the Central City Specific Plan (CCSP) public hearing and adoption process, where the City received feedback that the public would like greater guidance as to how the City's historic districts would be managed in the future. The HDPs directly implement four of the five CCSP historic preservation implementation measures. In addition, the project responds to direction provided by the Preservation Commission and stakeholder groups when they requested clearer, more specific, guidance on appropriate infill development within historic settings.

Project Description

1. Adoption of historic district plans by ordinance for 27 of the City's 32 historic districts. Section 17.604.300 of the City Planning and Development Code directs the City's Preservation Commission to promulgate and recommend to the City Council for adoption a historic district plan for each historic district. Consistent with section 17.604.300, the plans contain-
 - A. A statement of the goals for review of development projects within the historic district;
 - B. A representation of the historical development of land uses, existing land uses, and any adopted plans for future land uses; and
 - C. A statement of findings, including the following:
 - i. The historical or pre-historical period to which the area is significant;
 - ii. The predominant periods or styles of the structures or features therein;
 - iii. The significant features and characteristics of such periods or styles, as represented in the historic district, including, but not limited to, structure height, bulk, distinctive architectural details, materials, textures, archeological and landscape features and fixtures; and
 - iv. A statement, consistent with article II, of the standards and criteria to be utilized in determining the appropriateness of any development project involving a landmark, contributing resource or noncontributing resource within the historic district.
2. The proposed adoption includes modification of existing historic district boundaries and, in some cases, the modification of the status of individual properties as within or outside a historic district or as contributors or noncontributors to a historic district. The proposed changes can be seen in Attachments 5-10, which can be accessed online at: <http://www.cityofsacramento.org/hdp>. Updating the Sacramento Register would require revisions to the following City Ordinances affecting the Sacramento Register:
 - A. Ordinance 1985-76 (1985);
 - B. Ordinance 2004-0009 (2004);
 - C. Ordinance 2004-0048 (2004); and
 - D. Ordinance 2007-094 (2007);
3. The rescinding of the following documents, which, following the adoption of the historic district plans, would no longer be needed:
 - a. Preservation Area Plan (1978);
 - b. Residential Listed Structures Plan (1976); and

- c. Non-residential Listed Structures Plan (1976)
- 4. Revisions to City Code section 17.808.140 affecting the level of review for development projects within historic districts.

Public/Neighborhood Outreach and Comments: Staff has engaged in a robust public outreach and listening effort, beginning in the summer of 2018, with a wide range of community stakeholders. A summary of this outreach is provided in Attachment 12.

Policy Considerations: In addition to being required within City Code Section 17.604.300, the Historic District Plans (HDPs) are consistent with the 2035 General Plan and the Central City Specific Plan.

Consistency with the 2035 General Plan

The Historic and Cultural resources chapter of the general plan includes policies and goals that support actions to maintain and improve historic districts in the City.

Policy HCR 2.1.2 Applicable Laws and Regulations. The City shall ensure compliance with City, State, and Federal historic preservation laws, regulations, and codes to protect and assist in the preservation of historic and archaeological resources, including the use of the California Historical Building Code as applicable. Unless listed in the Sacramento, California, or National registers, the City shall require discretionary projects involving resources 50 years and older to evaluate their eligibility for inclusion on the California or Sacramento registers for compliance with the California Environmental Quality Act (CEQA).

The Historic District Plans project is consistent with the General Plan policy set forth above and will assist the city in making well-justified CEQA determinations regarding historical resources.

Policy HCR 2.1.4 Incentives and Enforcement. The City shall develop and support regulatory (e.g., appropriate development and zoning standards), technical, and financial incentives (e.g., City, State, Federal, and private grants, loans, easements, and tax credits) and enforcement programs to promote the maintenance, rehabilitation, preservation, and interpretation of the city's historic and cultural resources.

The Historic District Plans project supports the use of the Mills Act and Historical Building Code provisions that incentivize property owners within historic districts and promote the maintenance, rehabilitation, preservation, and interpretation of the city's historic districts.

Policy HCR 2.1.13 Historic Surveys and Context Statements. Where historic resource surveys may no longer be valid, or for areas that have not been surveyed, the City shall seek funding to prepare new historic context surveys. In these surveys, the potential eligibility of all properties 45 years and older for listing in National, California or Sacramento registers shall be evaluated.

The Historic District Plans project includes historic context and survey for all historic districts in the city, and intensive level documentation for the oldest districts that date back to 1976.

Consistency with the Central City Specific Plan

Implementing Action HR-1. Utilize Information from CCSP Historic Resources Survey. Review and utilize information from historic resource surveys conducted in the CCSP area. The initial inventory and identification effort as part of the CCSP provides guidance for sites with the greatest potential for adaptive reuse or contextually sensitive infill development. The information collected in the CCSP historic resources survey should be consulted when new development is proposed in the CCSP area to help identify potential effects to historical resources and/or opportunities for adaptive reuse or incorporation of historical elements or features into the new development.

As part of the Historic District Plan project, consultants reviewed and incorporated information from the CCSP historic resource survey.

Implementing Action HR-2. Conduct Historic Resource Investigations. Complete historical resource investigations for projects where no historical studies have been prepared for buildings 45 years or older. Where detailed historic studies have been completed and a qualified professional has determined the presence of historical resources either within or adjacent to the site, then a qualified professional should provide guidance for the proposed preservation or adaptive reuse of the resource, or appropriate sympathetic architectural design features, in accordance with the Secretary of the Interior Standards for the Treatment of Historic Properties. In the event that a qualified architectural historian has determined that no historic resources are present either within or adjacent to the project site, no further analysis shall be required. In the event of historic resources damage or demolition, additional mitigation addressing the loss of the structure (e.g., HABS/HAER documentation, development of a historic context statement, interpretive displays) will be incorporated into the proposed project.

The Historic District Plans project includes comprehensive historical resource investigations of existing historic districts, including looking at buildings that were not surveyed during the initial survey of those districts that have since turned 45 years old.

Implementing Action HR-3. Context Statements and Design Guidelines. Develop context statements and design guidelines for each listed Historic District that are tailored to the unique characteristics of

those districts in order to preserve the context of the historic resources.

The Historic District Plans project developed comprehensive historic context statements and design guidelines for each historic district within the central city that are tailored to the unique characteristics of those districts in order to preserve the context of the district and contributing resources of each district.

Implementing Action HR-4. Mills Act Program. The City updated its Mills Act ordinance and procedures for administering the program during 2018. As newly administered, the program will support the continued use and preservation of historic properties. Also, the Historic District Plans and the public outreach conducted in developing the Plans will serve to drive greater interest in and access to this incentive.

Environmental Considerations: On October 7, 2019, the City published an initial study that concluded the proposed project constitutes a subsequent project within the scope of the Master Environmental Impact Report (Master EIR) for the City of Sacramento 2035 General Plan and is consistent with the 2035 General Plan land use designation and the permissible densities and intensities of use. Further, this action will not have any project-specific additional significant environmental effects not previously examined in the Master EIR and no new mitigation measures or alternatives are required (per Public Resources Code 21157.1 and CEQA Guidelines 15177). The comment period for the Initial Study ended on November 6, 2019. No public comments on the Initial Study were received. The Initial Study can be found on the city's website at the following hyperlink: [<http://www.cityofsacramento.org/community-development/planning/environmental/impact-reports>](http://www.cityofsacramento.org/community-development/planning/environmental/impact-reports)

Commission/Committee Action: The Preservation Director reviewed a Statement of Nomination for the Sacramento Register update at a public hearing on October 30, 2019. The Law and Legislation Committee of the City Council reviewed the proposed amendment to City Code section 17.808.140 on November 5, 2019 and made a recommendation City Council pass an ordinance reducing the level of review for development projects within historic districts (Attachment 11). The Planning and Design Commission reviewed the proposed amendment to City Code section 17.808.140 on November 17, 2019 and made a recommendation City Council pass an ordinance affecting the level of review for development projects within historic districts. On November 20, 2019, the Preservation Commission made a recommendation that City Council pass a motion approving the HDPs, updating the Sacramento Register, and amending section 17.808.140 as proposed. The Law and Legislation Committee of the City Council reviewed staff's recommendation and all associated resolutions and ordinances on December 3, 2019 and made a recommendation City Council pass a motion approving staff's recommendation, which includes adopting the Historic District Plans, updating the Sacramento Register of Historic and Cultural Resources, and amending City Code section 17.808.140 affecting the level of review for development projects in historic districts.

Rationale for Recommendation: The Historic District Plans project is consistent with the city's Planning and Development Code, 2035 General Plan, and Central City Specific Plan. By updating the Sacramento Register of Historic and Cultural Resources, Sacramento demonstrates its

commitment to preserve the important features and characteristics of the historic districts that make the city unique and preserve its heritage, while allowing for future development of non-contributing parcels with contextually appropriate infill development. Standards and Criteria for each historic district ensure city standards are clear when proposing alterations to contributing resources and provide certainty to project proponents and residences when considering infill development for each historic district.

Background: On May 15, 2018, City Council authorized an agreement between the City and the preservation architecture firm of Page & Turnbull to prepare Historic District Plans (HDPs) for 29 of the city's 32 historic districts. The project scope included a district-by-district field survey evaluation of properties, preparation of city-wide and district-specific historic context statements, identification of common property types, architectural/design styles and character-defining features, and district-wide and district-specific design standards and criteria, a district-by-district list of contributing and non-contributing resources, as well as a review and analysis of district boundaries. The district survey update included in the project was intended to cure a key informational deficiency of the Sacramento Register, primarily resulting from the outdated survey information (most district surveys took place in 1976). The survey also resulted in the recommended deletion of two districts (12th Street Commercial Historic District and Memorial Auditorium Historic District); therefore, the final document only contains plans for 27 historic districts.

Historic District Plans

A Historic District Plan is a historic preservation and project planning tool for residents, property owners, City staff, and members of the design community. For each historic district, a Historic District Plan provides the historic context, significance statement, period of significance, predominant architectural styles and property types from the period of significance, character-defining features, contributing and noncontributing resources, along with design standards and criteria to guide further development that is appropriate within the context of the district.

Housing Streamlining

The Historic District Plans have narrowed the areas of subjective review for infill housing and provides for increased clarity of expectations for development in historic districts.

The two elements of the Historic District Plan, updated surveys and district specific infill guidelines serve a common purpose by reducing risks to development in removing ambiguity about the status of properties within historic districts and by providing clear guidelines about what can be developed in historic districts. This allows builders, owners, and developers to enter into a project with clear understanding of appropriate building types and design and to reduce time and money required to evaluate and accomplish projects.

The Historic District Plan, as proposed, provides mandatory requirements in achieving overall design principals while retaining flexibility in accomplishing those Principals. Historic districts are unique places and require a degree of flexibility to review applicant proposed project solutions that are respectful of the district and the historic properties they contain.

This plan provides for the accommodation and promotion of significant infill growth in historic districts that are fully built out neighborhoods while preserving the integrity of the districts. The Historic District Plan is pro-housing in that it allows for and promotes growth in the housing stock and population with a variety of housing types and sizes and affordability levels while considering their unique and sensitive location in historic districts.

Emergency Ordinance Request

The Historic District Plans project has been ongoing since the spring of 2018 and was originally scheduled for completion in the fall of 2019. However, due to a high level of community interest in the project, staff extended the schedule to allow for additional public outreach. The revised schedule anticipated adoption of the plans in early 2020. However, on September 17, 2019, the California legislature passed Senate Bill 330 (SB 330). SB 330 is a complex housing streamlining bill that, among other things, puts a number of restrictions on the ability of local governments to pass local restrictions that may inhibit the construction of housing. One provision in SB 330, restricts local government from “[i]mposing or enforcing design standards established on or after January 1, 2020, that are not objective design standards.” While, this is a well intentioned restriction intended to prevent local governments from using design review to restrict new housing development, the Historic District Plans are not an attempt to restrict new construction or conversion of properties within historic districts. Rather, the Historic District Plans are a policy response to establish consistent review criteria, provide clarity and consistency, and reduce risk of proposing projects within historic districts. Without an emergency ordinance, the Historic District Plans would go into effect 30-days after adoption and not meet the January 1, 2020, deadline set by SB 330.

Historic District Design Standards and Criteria

The design standards and criteria within the Historic District Plans are based on the Secretary of the Interior’s Standards for the Treatment of Historic Properties (Secretary’s Standards), and the associated Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Secretary’s Guidelines). The Secretary’s Standards are also incorporated into the findings section of City Code for development projects with historic districts (City Code Section 17.808.180).

Standard 9 of the Secretary’s Standards (Rehabilitation) states that new additions, exterior alterations, or related new construction “shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property

and its environment.” The Historic District Standards and Criteria provide guidance that is intended to help project proponents design projects that are consistent with this Secretary’s Standard. Therefore, by being consistent with the Historic District Design Standards and Criteria, a project would also be consistent with the Secretary’s Standards as called for in City Code Section 17.808.180. Consistency with the Secretary’s Standards also generally results in a project that would not result in a significant impact to historical resources for the purposes of the California Environmental Quality Act.

Lowering Level of Review for Development Projects within Historic Districts

Currently new construction of a building or structure on the site of a landmark, contributing resource, non-contributing resource, including a vacant site is subject to Director-level review. In the current package of Historic District Plans adoption ordinances, Staff has prepared an amendment to City Code section 17.808.140, which would reduce the level of review to staff level for development projects that involve non-contributing resources, including vacant sites. In order to qualify for staff level review, a project would have to be consistent with all zoning regulations and all design guidelines, including the Historic District Plans standards and criteria. The majority of these projects are infill development on vacant lots within historic districts. With adoption of the Historic District Standards and Criteria and updated lists of contributing and non-contributing resource information, Staff has concluded the base level of review can be lowered without threatening the historic districts’ integrity or significance. The plans will provide staff with clear criteria for evaluating projects. Any deviations from development standards or design guidelines would result in an elevated level of review, at the director-level, depending on the severity of the deviation. Director-level decisions would continue to be appealable to the Preservation Commission. Sacramento City Code Section 17.808.300 gives the Preservation Director discretion to elevate any application from staff to Director level for any reason. A draft Ordinance affecting this change is included as Attachment 11 to your staff report.