

East Sacramento Improvement Association

Minutes of the January 5, 2015 Board Meeting

Sacramento Room, Clunie Clubhouse

Members Attending: Paul Noble, Tricia Stevens, Tom Griffith, Brian Augusta, David Diepenbrock, Ann Hamel, Nick Kufasimes, Kyle Mickiewicz

Members Absent: Cyril Shah

President Paul Noble called the meeting to order at 5:32 pm.

Business Session – ESIA members welcome

1. Minutes. Minutes for the last meeting, December 1, 2014, were approved unanimously – motion by Tricia, second by Nick.
2. Treasurer’s Report. Brian distributed copies of the November and December 2014 treasurer’s report and noted that there were few changes.

Ending balances for December were:

Checking	\$3,381.84
Savings	\$9,011.15
CD	\$11,509.54

Executive Session – ESIA board members only

Old Business

3. Report on security of Google Docs. Nick reported that the tech support person at his company said Google Docs are very secure, but that Google can “mine data.” Tom Reported that his search for Google Documents security yielded only two unknown bloggers suggesting lack of security, while five universities and two well-known entities, NIH and ABA, use it. It was moved and seconded (Tom, Kyle) that we utilize Google Docs to collect and store membership data initially and possibly other data in the future. David suggested a friendly amendment that we acknowledge in this motion that data in Google Docs may be mined. The friendly amendment was accepted and the amended motion passed unanimously.

After the vote Tom expressed concerns about including the mining of data issue in minutes that are publicized on our website. He noted that the amendment language is inconsistent with the statement at the bottom of the thrice-revised membership form approved in our previous meeting: “*We will not share your mailing address and email with anyone. Your name(s) and membership category will be listed in the membership link on the ESIA website.*” David suggested that we include the potential mining of data by Google with the above language. Discussion followed, with no additional action.

4. Report on upcoming Meeting with new Council Member Jeff Harris. Paul provided an update on the meeting planned for January 7 with Harris, Land Use Committee members,

development consultant Brian Holloway, planning commissioner Dave Nybo, and city staff. All who were invited plan to attend. David distributed a draft document, East Sacramento Front Yard Setback Protection Initiative that clearly outlined the background, loss of setbacks with the new zoning code, and need to address lack of protections for the architectural integrity of East Sacramento. He recommended emailing this document to Holloway and Nybo to help prepare them for the meeting. After correction of a typo and brief discussion of a Special Planning District as a likely solution the board agreed by consensus, document attached.

Note: David emailed the document right after the meeting.

New Business

5. Discussion of Paul's December 15 document regarding possible merger with MENA. The board was enthusiastic about this prospect. Paul said he would keep the board informed. A merger would result in new bylaws, but there was consensus that we need new bylaws in any event. Paul asked who was interested in working with him on new bylaws. Tricia, Brian and Tom volunteered; David offered to review.
6. Planning for spring general meeting and newsletter. Paul pointed out that we need to be thinking about our spring general meeting. The meeting will likely be in April. Possible topics include welcoming Council Member Harris, merger with MENA (possibly), and update on our efforts to address the replacement of original houses with much larger ones.
7. Open. Paul reported that Beth Tincher from SMUD asked to meet with us to discuss proposed rate adjustments; we agreed. Tricia said that the Public Safety Committee will have to reschedule before reporting to the board. Kyle restated his concern that the "No Parking" signs around Sutter Hospital should be removed after the hospital is demolished and the new Sutter Park neighborhood is built.

The meeting was adjourned at 6:31 pm.

Tom Griffith, Secretary

EAST SACRAMENTO FRONT YARD SETBACK PROTECTION INITIATIVE

A. Many East Sacramento Streets Were Developed Under A Design Standard Requiring 40-Foot Minimum Front Yard Setbacks.

For example, all of the homes in Wright and Kimbrough's Tract 24 subdivision (the "Fabulous Forties") were built with minimum 40 foot front yard setbacks. This design standard was imposed through deed restrictions stating that homes in the area "**must be built at least forty (40) feet from the front property line of said land exclusive of steps...**" and that "no fence or wall above the surface of the ground shall be placed within forty (40) feet of the front property line of said land."

B. On March 3 2009, The City Council Unanimously Approved A Design Review Ordinance To Preserve These Deep Front Yard Setbacks.

In response to construction of a home on 38th Street that encroached into that street's deep front yard setbacks, ESIA joined with residents of that street and with the McKinley East Sacramento Neighborhood Association (MENA) to protect against future encroachments and deterioration of this signature feature of many East Sacramento streets. As a result of this effort, the City Council unanimously voted on March 3, 2009 to amend the original East Sacramento Interim Design Review Ordinance to protect East Sacramento's historic deep front-yard setbacks. The amendment provided that for purposes of establishing the base building envelope under the Ordinance, "**the front yard setback shall be the average of the two front yard setbacks of the nearest buildings with front yard setbacks on the same side of the street on the same block.**"

The Design Review Ordinance required the Design Director to review any project that proposed a front yard setback that would be less than the average of the two adjacent homes. It instructed the Director to conduct design review under the design review guidelines of former section 17.132.050 of the City Code, or the Central City Neighborhood Design Guidelines, as the Director deemed appropriate. It also granted the Director the authority to modify the minimum and maximum required front yard setbacks specified in the City Code "**to preserve and enhance the character defining features of the surrounding neighborhood.**"

C. On March 3, 2009, The City Council Adopted Provisions In The 2030 General Plan To Protect The Integrity Of Historic Neighborhoods.

The same day the City Council unanimously approved the Design Review Ordinance, it adopted the 2030 General Plan, which includes the following policy provisions requiring the City to protect established neighborhoods:

Goal LU 2.1.2 Protect Established Neighborhoods. The City shall preserve, protect, and enhance established neighborhoods by ... requiring new development, both private and public, to respect and respond to those existing physical characteristics, buildings, streetscapes, open spaces, and urban form that contribute to the overall character and livability of the neighborhood.

Goal LU 2.4.2 Responsiveness to Context. The City shall require building design that respects and responds to the local context, including...consideration of cultural and historic context of Sacramento's neighborhoods.

The General Plan's Appendix also includes the following relevant Guiding Principles:

Protect and replicate the pattern and character of Sacramento's unique and traditional neighborhoods.

Promote designs for development that are compatible with the scale and character of Sacramento's existing neighborhoods.

Consistent with the forgoing policy mandates, the City's Office of Community Development created a "Form B" listing "Site Design Standards," which building permit applicants were required to complete. The top of that form states:

Site Design Standards

Front Yard Setbacks: Proposed structures shall be placed on the site to generally align with adjacent (next door neighbors) and surrounding structures.

Check one:

_____ Front yard setback is the average or equal of the two adjacent structures.

_____ No adjacent structures exist, meets Zoning Ordinance requirements for front yard setback.

D. The New Zoning Code Provides For Design Review, But Omits Setbacks From The Base Building Envelope That Were Included In The Interim Ordinance.

Paragraph B of Section 17.600.105 of the Zoning Code, which was adopted in April 2013, defines the base building envelope established for "bulk controls" in R-1 zones, as follows:

1. The base building envelope is the three-dimensional air space contained between the front setback and the rear setback of a lot and conforming to the following side planes and roofline planes: the side planes of the envelope begin at the side property lines at the average elevation of the finished lot grade at the front setback line and rise directly vertical and perpendicular to each side property line to a height of 12 feet; at this point, the envelope slopes inward from each side at a 45 degree angle to form the roofline planes that continue inward until the roofline planes intersect; provided, that if the line of intersection of the two roofline planes is greater than 35 feet above the average elevation of the finished lot grade at the front setback line, then at the height of 35 feet above the finished grade, the roofline planes shall continue horizontal to the finished grade until they intersect.

2. Dormers and other extensions are permitted up to a maximum of 40 square feet of front profile on each side of the structure that is outside of the base building envelope; provided, however, the length of projecting construction along a side elevation does not exceed 15 feet aggregate. (Ord. 2013-0020 § 1; Ord. 2013-0007 § 1)

E. Planning & Design Staff Have Informed Us That Construction of A New Home Following Demolition of An Old One Does Not Trigger Design Director Review.

At a meeting ESIA's land use subcommittee held with Steve Cohn on December 10, 2013, Planning Department staff confirmed that site plan review, which includes review of setback compliance, is performed at the staff level, without a notice and a hearing. *See also* Paragraph D of Section 17.812.010.

F. The Current Zoning Code Does *Not* Adequately Protect The Deep Front Yard Setbacks That Are A Defining Feature of Many East Sacramento Streets.

Section 17.204.240 specifies the minimum front-yard setback for R-1 zones. With exceptions that are not generally relevant, it provides that the minimum front-yard setback is the average of the two front-yard setbacks of "the nearest two buildings or 25 feet, whichever is less." (Emphasis added). This 25-foot minimum setback conflicts with the much deeper front yard setbacks on many East Sacramento streets. The appeal of the Design Director's September 4, 2013 decision regarding 1112 41st Street demonstrated that even design review at the director level can produce wholly unsatisfactory results. It bears noting that paragraph B.1. of Section 17.808.120 of the Zoning Code grants the Design Director discretion to deviate up to 50% from stated design standards. Nearly 400 people signed a petition supporting the appeal from the Design Director's decision to deviate 2' 8" from the historic 40' minimum setback. Commissioner Harvey commented at the hearing that he received more emails on the appeal than any other agenda item he had considered during his tenure on the Planning Commission.

G. Would Creation of A Special Planning District Be The Best Way To Protect The Deep Front-Yard Setbacks That Define Many East Sacramento Neighborhoods?

The City's new Zoning Code states that the purpose of Chapter 17.400, governing Special Planning Districts, "is to establish procedures for the planning and design commission and city council to regulate properties under multiple ownership that are in need of general physical and economic improvement, or have special environmental features that standard land use, zoning, and other regulations cannot adequately address." Our situation does not fall squarely within any of the four goals specified in Section 17.400.010. But it does fall comfortably within one of the criteria specified in Section 17.400.040 (paragraph B of Section 17.400.040), which states: "**The SDP designation and chapter will promote retention of unique geographic or historic features consistent with quality land-use design practices.**"

The first question is whether the planning and design commission and city council are likely to determine “that routinely-used zoning and other standard regulatory provisions should be replaced by, or supplemented with, specifically tailored provisions intended to positively benefit the district and its immediate surrounding area” under paragraph B of Section 17.400.040. We believe that the City and our neighborhood’s experience in 2013 with the appeal of the Design Director’s decision regarding 1112 41st Street support such a finding.

If the commission and council are likely to support development of a Special Planning District for East Sacramento, the next task would be to develop performance and development standards as well as design standards in order to satisfy the mandatory contents for a SPD under Section 17.400.050. Under the Interim Design Review Ordinance, design review was conducted under former section 17.132.050 and the Central City Neighborhood Design Guidelines. It may be appropriate to tailor those design guidelines to align more closely with the unique historic features of East Sacramento, including its deep front yard setbacks, and its historic prohibition on fencing within those front yard setbacks.