

# City of Sacramento

## Legislation Text

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**File #:** 2018-01636, **Version:** 1

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**Title:**

**Ordinance Amending Various Provisions of Title 17 of the Sacramento City Code Relating to Transit-Oriented Development (Noticed 11/30/2018; Passed for Publication 12/04/2018; Published 12/07/2018)**

File ID: 2018-01636

**Location:** Citywide

**Recommendation:**

Conduct a public hearing and upon conclusion, adopt: 1) a Resolution concluding the proposed ordinance is a subsequent project within the scope of the City's Master Environmental Impact Report for the 2035 General Plan (Cal. Pub. Res. Code sec. 21157.1 and CEQA Guidelines section 15177); and 2) an Ordinance Amending Various Sections of Title 17 of the Sacramento City Code, relating to Transit-Oriented Development.

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**Presenter:** Marco Gonzalez, Project Manager, (916) 808-5757, City Manager's Office of Innovation and Economic Development

**Attachments:**

- 1-Description/Analysis
- 2-Resolution for Environmental Review
- 3-Ordinance Summary
- 4-Ordinance - Redline
- 5-Ordinance - Clean
- 6-Frequently Asked Questions
- 7-Outreach Summary
- 8-Correspondence Received

**Description/Analysis**

**Issue Detail:** On October 17, 2017, City Council directed the City Manager to bring forward policy and code changes that would limit low density auto-oriented uses near light rail stations. Uses that are incompatible with light rail are those that are auto-oriented and generate high levels of Vehicle Miles Traveled (VMT) while not encouraging the use of transit. Compatible uses are those that increase transit ridership. Examples of compatible uses are high-density housing and job-intensive office and retail uses.

On April 24, 2018, staff presented to the Law and Legislation Committee three options for discussion. The Committee supported staff's recommended option to prohibit certain uses less than  $\frac{1}{4}$  mile of a light rail station, including gas stations and drive-through restaurants, and require a conditional use permit (CUP) within a  $\frac{1}{2}$  mile of a light rail station.

On September 20, 2018, staff presented to the Planning and Design Commission the status of the proposed ordinance and a summary of the outreach staff conducted since April 2018. Commissioner comments and questions have been incorporated into Frequently Asked Questions (Attachment 6). Attachment 3 includes a summary of the ordinance. Attachment 7 details outreach conducted to date and a summary of common feedback.

On November 13, 2018, the Law and Legislation Committee directed staff to revise the ordinance prior to the December 11, 2018 City Council meeting to:

1. Allow the consideration of cannabis cultivation uses within a quarter mile of a light rail station in cases when the use is difficult to walk or bike to; and
2. Provide the ability to permit large advanced/tech manufacturing uses near the future Twin Rivers Station.

In response, staff revised the ordinance as follows:

1. Cannabis Cultivation uses within a  $\frac{1}{2}$  mile of a light rail station will be permitted with a conditional use permit subject to the same unique considerations for uses generally considered incompatible with light rail.
2. Amend the River District Special Planning District to permit large manufacturing uses in existing buildings with a standard conditional use permit in the C-4 Zone.

On November 29, 2018, staff presented to the Planning and Design Commission the proposed ordinance. Public comments included:

- Support for the ordinance;
- Recommendations to treat each station as a unique area with area-specific regulations;
- Lost property/market value as the result of the ordinance;
- The desire for flexibility in approving uses where the use fits the neighborhood context; and
- Concerns about how grandfathered uses can be reestablished after a fire or other disaster.

The Planning and Design Commission voted 9 to 1 to recommend that the City Council adopt the

Transit-Oriented Development Ordinance. The recommendation was made in the context of the Ordinance being the first step in a process of future City staff efforts to look at the infrastructure needs and unique circumstances for each light rail station. The Planning and Design Commission also recommended that City Council consider extending the amount of time allowed for legal non-conforming uses to reestablish a vacant use caused by a disaster. Additional information on the current process and regulations addressing nonconforming uses have been incorporated into Frequently Asked Questions (Attachment 6).

**Policy Considerations:** In March 2015, the City adopted the 2035 General Plan. The 2035 General Plan's goals, policies, and implementation programs define a roadmap to achieving Sacramento's vision, which includes increased mobility and sustainable transportation options for residents.

The proposed Transit-Oriented Development Ordinance complements, supports, and facilitates the implementation of the goals, policies, and other provisions of the general plan and the city's specific plans and transit village plans and is consistent with the City's goals and policies as established in the 2035 General Plan. These policies include:

- **LU 1.1.1: Regional Leadership.** The City shall be the regional leader in sustainable development and encourage compact, higher-density development that conserves land resources, protects habitat, supports transit, reduces vehicle trips, improves air quality, conserves energy and water, and diversifies Sacramento's housing stock.
- **LU 1.1.5: Infill Development.** The City shall promote and provide incentives (e.g., focused infill planning, zoning/rezoning, revised regulations, provision of infrastructure) for infill development, reuse, and growth in existing urbanized areas to enhance community character, optimize City investments in infrastructure and community facilities, support increased transit use, promote pedestrian- and bicycle-friendly neighborhoods, increase housing diversity, ensure integrity of historic districts, and enhance retail viability.
- **LU 2.1.3: Complete and Well-Structured Neighborhoods.** The City shall promote the design of complete and well-structured neighborhoods whose physical layout and land use mix promote walking to services, biking, and transit use; foster community pride; enhance neighborhood identity; ensure public safety; are family-friendly and address the needs of all ages and abilities.
- **LU 2.6.1: Sustainable Development Patterns.** The City shall promote compact development patterns, mixed use, and higher-development intensities that use land efficiently; reduce pollution and automobile dependence and the expenditure of energy and other resources; and facilitate walking, bicycling, and transit use.
- **LU 2.6.2: Transit-Oriented Development.** The City shall actively support and facilitate mixed-

use retail, employment, and residential development around existing and future transit stations

- **LU 5.1.2: Centers Served by Transit.** The City shall promote the development of commercial mixed-use centers that are located on existing or planned transit stops in order to facilitate and take advantage of transit service, reduce vehicle trips, and enhance community access.
- **M 1.2.1: Multimodal Choices.** The City shall develop an integrated, multimodal transportation system that improves the attractiveness of walking, bicycling, and riding transit over time to increase travel choices and aid in achieving a more balanced transportation system and reducing air pollution and greenhouse gas emissions.

**Economic Impacts:** The economic impacts of the Transit-Oriented Development Ordinance will be increased high-density housing and job opportunities near light rail stations.

**Environmental Considerations:** The proposed ordinance will amend the Planning and Development Code to achieve consistency with the General Plan's goals described above, including those relating to transit-oriented development, infill development, and sustainable development patterns. Accordingly, the project was described in the Master EIR as "amendments to the Planning and Development Code (Title 17) and other sections of the City Code to achieve consistency with the adopted General Plan." (Master EIR, section 2.7.6.)

The City has prepared an Initial Study for the project and has determined that the project would not result in any additional significant environmental effects not previously analyzed in the Master EIR. Pursuant to CEQA Guidelines section 15177, the Transit-Oriented Development Ordinance is a subsequent project within the scope of the Master EIR for the City of Sacramento 2035 General Plan, certified by the City as lead agency on March 3, 2015, and no additional environmental review for the project is required. No new additional mitigation measures or alternatives are required.

The initial study can be accessed at

<http://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports>.

**Sustainability:** The Transit-Oriented Development Ordinance proposals are consistent with General Plan goals and policies to support transit-oriented development and infill development. Increasing housing densities and uses with intensive job opportunities around public transportation hubs will reduce dependence on the use of private automobiles, reduce vehicle miles traveled (VMT) per household, reduce the use of fossil fuels, improve energy efficiency, reduce carbon dioxide emissions, and help meet air quality standards.

**Commission/Committee Action:** On November 13, 2018, the Law and Legislation Committee passed a motion to forward the ordinance, with revisions addressing cannabis cultivation and advanced (tech) manufacturing uses, to the City Council. On November 29, 2018, the Planning and Design Commission passed a motion to forward the ordinance, along with a recommendation to

consider extending the amount of time allowed for legal non-conforming uses to reestablish a vacant use caused by a disaster.

**Rationale for Recommendation:** The Transit-Oriented Development Ordinance complements, supports, and facilitates the implementation of the goals, policies, and other provisions of the general plan and the city's specific plans and transit village plans that promote infill development, reduced greenhouse gas emissions as well as the public health, safety, convenience, and welfare of the city. This ordinance would conserve land near transit stations for mixed use, and higher-development intensities that use land efficiently; reduce pollution and automobile dependence and the expenditure of energy and other resources; and facilitate walking, bicycling, and transit use.

**Financial Considerations:** Not applicable.

**Local Business Enterprise (LBE):** Not applicable.

**Background:** Transit-oriented development has been a priority for the City over the past several years. The existing Transit Overlay Zone allows a mix of moderate- to high-density residential and nonresidential uses by right, within walking distance of an existing or proposed light rail transit station, to promote transit ridership. This overlay zone is intended to promote coordinated and cohesive site planning and design that maximize transit-supportive development; to create continuity of pedestrian-oriented streetscapes and activities; and to encourage pedestrian, bicycle, and transit-rather than exclusive automobile access-to employment, services, and residences. This zone permits increased heights, densities, and intensities over the underlying zone for projects with a residential component; and encourages housing and mixed-use projects. This zone also restricts certain uses that do not support transit ridership. Additionally, since 2004 the City has required certain uses within a ¼ mile of a light rail station to apply for a conditional use permit.

In addition to the Transit Overlay Zone and conditional use permit requirements, the City has standards in Chapter 17.600.160 of the Planning and Development Code for uses within ¼ mile of a light rail station, which require development to be designed in a pedestrian friendly manner.

Over \$1,000,000,000 (\$1 Billion) has been invested in the light rail system in the Sacramento region. Light rail stations cannot easily, or for a low cost, be relocated to different locations. The areas nearest to light rail stations (within ½ mile) that are walkable and bikeable represent the areas of the City where there is the greatest potential of return on investment if high-density housing and job-intensive uses are implemented.

Despite the existence of the Transit Overlay Zone (which has been applied to the 65<sup>th</sup> Street and Del Paso Boulevard areas), conditional use permit requirements, and targeted development standards for uses within ¼ mile of a light rail station, the City frequently receives and approves development applications for auto-centric land uses near light rail stations. While such uses may provide near-term employment and economic benefits, they compromise long-term goals found in the City's General Plan and complicate the ability of the City to meet these goals, particularly since uses incompatible with transit may operate indefinitely if the use is not vacated. The proposed Transit-Oriented Development Ordinance is a first step in halting auto-centric land uses while encouraging higher employment and housing densities near light rail stations.

Future initiatives to promote transit-oriented development include:

- Station-Specific Planning and Infrastructure Analysis
- Additional incentives for affordable, higher density housing
  - Reduced Fees
  - Community Land Trusts
  - Subsidized Transit Passes
- Active Transportation Infrastructure Around Stations
- Establish Parking Maximums