

City of Sacramento

Legislation Details (With Text)

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Title: Third Party Appeal: 601 Capitol Mall (P18-054) (Noticed on 01/25/2019)
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Date	Ver.	Action By	Action	Result
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Title:
Third Party Appeal: 601 Capitol Mall (P18-054) (Noticed on 01/25/2019)

File ID: 2018-01771

Location: 601 Capitol Mall, APN 006-0151-020, District 4

Recommendation:

Conduct a public hearing and upon conclusion adopt: 1) a Resolution exempting the project from CEQA (pursuant to Public Resources Code 21155.4); and 2) a Resolution approving a tentative map for condominium ownership, site plan and design review of an eight-story mixed-use building with deviations, and tree permit to remove a protected tree, thereby denying the third-party appeal.

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Presenter: Matthew Sites, Urban Design Staff, Associate AIA, LEED AP, (916) 808-7646, Community Development Department

Applicant/Property Owner: Tim Johnson, Shorenstein Properties LLC, 235 Montgomery Street, San Francisco, CA 94101

Appellant: James Diel, 1023 E Street, Sacramento, CA 95811

Attachments:

- 1-Description/Analysis
- 2-Background Information
- 3-Resolution Exemption
- 4-Resolution Project Entitlements
- 5-P18-054 Plans
- 6-CC-2018-00309
- 7-Appeal Form
- 8-Staff Response
- 9-Public Comments

Description/Analysis

Issue Detail: The project site consists of a ±0.99 acre property currently developed with a surface parking lot and a small structure. The applicant is requesting approval to develop an eight-story, mixed-use building with ground-floor retail, residences, and parking.

On December 13, 2018, the Planning and Design Commission approved the tentative map, site plan and design review, and tree permit with a unanimous vote. Within the 10-day appeal period, a third-party appeal was filed. Staff has reviewed the third-party appeal (Attachment 7) and at the time of writing this report, the only objection raised by the appellant states that,

“Approving the construction of a mediocre project for the sake of developing a currently underutilized site would be a mistake. If we allow an eight-story building to be constructed on this important site it will be at least two generations before such a mistake can be corrected. We should expect and demand something grand for the 601 Capitol Mall site and other future development opportunities on Capitol Mall between the Tower Bridge and the Capitol Building.”

Staff believes the proposed project as conditioned complies with Option 3 of the disposition and development agreement approved by City Council (in its capacity as the Redevelopment Agency Successor Agency) on March 20, 2018 (Attachment 6) and staff’s response to the appeal may be found in Attachment 8.

Policy Considerations:

General Plan

The 2035 General Plan Update was adopted by City Council on March 3, 2015. The 2035 General Plan’s goals, policies, and implementation programs define a roadmap to achieving Sacramento’s vision to be the most livable city in America. The project site is designated in the General Plan as Central Business District (CBD), includes a mixture of retail, office, governmental, entertainment

and visitor-serving uses built on a formal framework of streets and park spaces laid out for the original Sutter Land Grant in the 1840s. The vision for the CBD is a vibrant downtown core that will continue to serve as the business, governmental, retail, and entertainment center for the city and the region. A significant element anticipated includes new residential uses within the CBD. Increasing the residential population will add vitality to the CBD by extending the hours of activity and the built-in market for retail, services, and entertainment.

Key urban form characteristics found in the CBD designation include:

- A mixture of mid- and high-rise buildings creating a varied and dramatic skyline with unlimited heights
- Buildings are sited to positively define the public streetscape and public spaces
- Building façades and entrances directly addressing the street and have a high degree of transparency
- An interconnected street system providing for traffic and route flexibility
- Public parks and open space areas within walking distance of local residents
- Parking is integrated into buildings or placed in separate structures
- Side or rear access to parking and service functions
- Broad sidewalks appointed with appropriate pedestrian amenities, including sidewalk restaurant/café seating

The proposed project would support the characteristics listed above, and forwards the goals and policies contained within the General Plan in the following ways:

GOAL LU 1.1: Growth and Change. Support sustainable growth and change through orderly and well-planned development that provides for the needs of existing and future residents and businesses, ensures the effective and equitable provision of public services, and makes efficient use of land and infrastructure.

Policy 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.

The proposed use provides a reduced amount of vehicular parking and activity based on its proximity to light rail and increased walk and bike-ability of the area. It further strengthens retail presence and use along L Street and Capitol Mall with the additional retail space and residential users.

GOAL LU 2.1: City of Neighborhoods. Maintain a city of diverse, distinct, and well- structured neighborhoods that meet the community's needs for complete, sustainable, and high-quality living environments, from the historic downtown core to well-integrated new growth areas.

Policy LU 2.1.8 Neighborhood Enhancement. The City shall promote infill development, reuse, rehabilitation, and reuse efforts that contribute positively (e.g., architectural design) to existing neighborhoods and surrounding areas.

The proposed use will provide 162 new residential units with complementary amenities 24/7 pedestrian activation in lieu of an underutilized parking lot, and will further provide a public pedestrian paseo enhancing the space between structures.

GOAL LU 4.4: Urban Neighborhoods. Promote vibrant, high-density, mixed-use urban neighborhoods with convenient access to employment, shopping, entertainment, transit, civic uses (e.g., school, park, place of assembly, library, or community center), and community-supportive facilities and services.

Policy LU 4.4.3 Building Design. The City shall encourage sensitive design and site planning in urban neighborhoods that mitigates the scale of larger buildings through careful use of building massing, setbacks, facade articulation, fenestration, varied parapets and roof planes, and pedestrian-scaled architectural details.

The proposed use is well articulated through the erosion of massing both vertically and horizontally while also stepping back to meet the Capitol View Protection Corridor. The orientation and inclusion of ground level residential along the pedestrian paseo assists in the pedestrian-scaled architectural details as well as the use of more noble materials at the base of the building.

GOAL LU 5.6: Central Business District. Promote the CBD as the regional center of the greater Sacramento area for living, commerce, culture, and government.

Policy LU 5.6.1 Downtown Center Development. The City shall encourage development that expands the role of the CBD as the regional center for living, commerce, arts, culture, entertainment, and government.

The proposed uses provide additional residential and retail opportunities that complement and further activate existing uses within the hub of the Central Business District.

Policy LU 5.6.5 Capitol View Protection. The City shall ensure development conforms to the Capitol View Protection Act.

The proposed use does not encroach upon the views into and out of the Capitol through stepped massing and maintaining the front setback.

Central City Community Plan

The subject property is located within the Central City Community Plan Area of the General Plan. The General Plan identifies the Community Plan Area as the core of the city with an urban downtown that holds State government buildings, corporate offices and businesses, high-rise condominiums, historic neighborhoods, parks and recreational areas, nightlife, restaurant and shops, schools, and industrial and manufacturing complexes all within a tree-lined street grid. Overall the project is consistent with the Community Plan Area and supports the following highlighted implementing policy.

Policy CCLU 1.2 Interrelated Land Uses. The City shall provide for organized development of the Central City whereby the many interrelated land use components of the area support and reinforce each other and the vitality of the community.

The proposed use supports the existing framework of the Capitol Mall corridor consisting of walkable streets, community-serving retail and service uses, and restaurants. The proposed use also contributes to the variety of housing available in an area that lacks residents. Furthermore, the design of the project also connects the Capitol Mall to the regional-serving entertainment uses of Downtown Commons.

Central City Specific Plan

The subject property is located within the Capitol District of the Central City Specific Plan. The Specific Plan identifies the Capitol District as a mixture of high-, mid-, and low-rise governmental, office, residential, entertainment, and visitor-serving uses built on a formal framework of streets and park spaces. Overall the project is consistent with the Specific Plan and supported the following highlighted goals and implement policies.

GOAL LU.7: Mix of Uses. Transform the Central City's major corridors into vibrant mixed-use, pedestrian-oriented, and transit-friendly environments.

Policy LU.7.3 New Mixed Uses. Promote new mixed uses, including additional

employment, retail, commercial, services, and residential uses compatible with the nearby neighborhood.

The proposed project includes a mix of uses that include residential units and tenant spaces for retail, restaurants, and commercial services. Residents of the project will also utilize the commercial services in the neighborhood.

GOAL H.1: Housing Types. Provide for a range of housing types that address the needs of a diverse population.

Policy H.1.3 Variety of Housing Types. Encourage projects that provide a variety of housing types and sizes, including those that serve individuals, families, seniors, and persons living with disabilities.

The proposed project provides for studios, one-bedroom, and two-bedroom units. The proposed development contributes to the range of housing types available within the Central City.

Capitol View Protection Act

The Capitol View Protection Act, codified as City Code Section 17.216.860, regulates setbacks, stepbacks, and heights of developments located on Capitol Mall and surrounding the Capitol. The proposed use complies with these standards as it introduces a stepback at the fourth floor (approximately 62 feet' above grade) which extends behind the mandatory 140-foot setback from the centerline of Capitol Mall.

Economic Impacts: Not Applicable

Environmental Considerations: The proposed development at 601 Capitol Mall (P18-054) is a "project" as defined in the California Environmental Quality Act (CEQA). The City, as lead agency, is required to proceed in accordance with CEQA requirements prior to considering any approval.

Staff has determined that the 601 Capitol Mall project qualifies for a statutory exemption pursuant to Public Resources Code (PRC) section 21155.4, which was added to the PRC by SB 743. The legislature included the following that applies to section 21155.4:

"With the adoption of...the Sustainable Communities and Climate Protection Act of 2008, the Legislature signaled its commitment to encouraging land use and transportation planning decisions and investments that reduce vehicle miles traveled [VMT] and contribute to the reductions in greenhouse gas emissions required in the California Global Warming Solutions Act of 2006...Similarly, the California Complete Streets Act of 2008...requires local

governments to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads and highways for safe and convenient travel.”

Section 21155.4 is thus part of a comprehensive legislative approach to reducing VMT and supporting the state’s efforts to reduce greenhouse gas emissions. Section 21155.4 provides as follows:

- (a) Except as provided in subdivision (b), a residential, employment center, as defined in paragraph (1) of subdivision (a) of Section 21099, or mixed-use development project, including any subdivision, or any zoning, change that meets all of the following criteria is exempt from the requirements of this division:
 - (1) The project is proposed within a transit priority area, as defined in subdivision (a) of Section 21099.
 - (2) The project is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified.
 - (3) The project is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy for which the State Air Resources Board, pursuant to subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, has accepted a metropolitan planning organization’s determination that the sustainable communities’ strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emissions reduction targets.
- (b) Further environmental review shall be conducted only if any of the events specified in Section 21166 have occurred.

The requirements of the section are set forth below, followed by text that identifies the manner in which the proposed project complies in italics.

- The project must be a residential, employment center or mixed-use development project.

The 601 Capitol Mall project proposes development of 162 residential condominium units, with retail/commercial on first floor, and two levels of parking within the building) on 0.89 acres in the Central Business District (C- 3-SPD). “Mixed-use development combines two or more types of land use into a building or set of buildings that are physically and

functionally integrated and mutually supporting. This can be some combination of residential, commercial, industrial, office, institutional, or other land uses.” (San Joaquin Valley Blueprint Planners Toolkit, online access 9/24/2018)

The proposed project qualifies as a mixed-use development project.

- The project must be located a transit priority area, as defined in subdivision (a) of Section 21099.

Section 20199 defines “transit priority area” as including an area within ½ mile of an existing major transit stop. Pursuant to PRC Section 21064.3, a major transit stop is “a site containing an existing rail transit station or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.” Pursuant to PRC Section 21155(b), a high-quality transit corridor is defined as a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

The City prepared an EIR for the Central City Specific Plan (CCSP), which was certified on April 19, 2018 (Resolution No. 2018-0129). Figure 4.12-13 in the CCSP EIR showed the portion of the CCSP area that would meet the criteria for proximity to transit in the legislation. The map identified areas one-half mile from RT’s existing light rail stations and one-half mile from two high quality transit corridors with service intervals of 15 minutes or less (RT’s Routes 30 and 51) (CCSP EIR Figure 4.12-13).

The proposed project is located in a transit priority area.

- The project is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified.

The proposed project’s land use is consistent with the CCSP. The City prepared and certified an EIR for the CCSP.

The proposed project is consistent with a specific plan for which an EIR was certified.

- The project is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in a sustainable communities’ strategy for which the State Air Resources Board (ARB) has accepted a metropolitan planning organization’s determination that the sustainable communities CEQA review strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emissions reduction targets.

The proposed project is consistent with the Metropolitan Transportation Plan/Sustainable

Communities Strategy (MTP/SCS) adopted by the Sacramento Area Council of Governments (SACOG). The ARB has accepted SACOG's determination that the plan would achieve GHG reduction targets. The written concurrence from SACOG regarding the City's determination of consistency with the MTP/SCS is included as Attachment 4.

The proposed project is consistent with the MTP/SCS.

- Further environmental review shall be conducted only if any of the events specified in Section 21166 have occurred.

This requirement confirms that the requirement of consistency with a specific plan for which an EIR was prepared would be sufficient unless substantial changes have been proposed in the specific plan that would require major changes in the EIR, or changes have occurred in the circumstances under which the EIR was prepared or new information becomes available. The CCSP EIR was certified, and the CCSP adopted, on April 19, 2018. There have been no substantial changes in the CCSP or in the circumstances in the specific plan area that would affect the EIR analysis and conclusions.

None of the events identified in PRC Section 21166 have occurred.

PRC Section 21155.4 provides that a project that meets the section requirements is exempt from CEQA review, unless one or more of the events identified in subsection (b) have occurred. As noted, none of those circumstances have occurred. The proposed project is, therefore, exempt from CEQA review.

Sustainability: The applicant is proposing to construct the project to achieve the Leadership in Energy & Environmental Design (LEED) Silver rating.

Commission/Committee Action: A request to construct an eight-story mixed-use structure (601 Capitol, P18-054) was heard at the December 13, 2018 Planning and Design Commission meeting. Staff and the applicant gave presentation, the Commission then asked questions and took public testimony from two members of the public. Public comments included a request to deny the project with no further reasoning from the Northern California Carpenters Regional Council, and support for the project from the Downtown Sacramento Partnership based on the addition of condominium-quality residential and additional ground-level retail and restaurant spaces. One opposition letter and eight additional letters of support were also provided prior to the hearing. After the public hearing was closed, the Commission voted to support staff's recommendation of approval and unanimously approved the project.

Rationale for Recommendation: Staff recommends that the City Council approve the requested entitlements and deny the appeal based on the findings of fact and subject to the conditions of approval listed in Attachment 3. Staff is supportive of the proposed project because it: a) is

consistent with the goals and policies of the Central Business District General Plan designation, the Central City Specific Plan, and meets the intent of the development standards of the Central Business District (C-3-SPD) zone and Central City Special Planning District; b) is consistent with the Capitol View Protection Act; c) is consistent with the disposition and development agreement executed between the Redevelopment Agency Successor Agency of the City of Sacramento and the property owner; d) provides additional residential opportunities and commercial activation near light rail and entertainment centers; e) enhances the streetscape with new frontage and pedestrian facilities; e) provides parking in an internal garage screened from view; and f) provides a bike room for residents

Financial Considerations: Not Applicable

Local Business Enterprise (LBE): No goods or services are being purchased under this report.