

# City of Sacramento

## Legislation Details (With Text)

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<b>On agenda:</b>	3/24/2020	<b>Final action:</b>			
<b>Title:</b>	3S Mixed-Use (P19-071) [Passed for Publication 03/10/2020; Noticed 03/13/2020; Published 03/13/2020]				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>					

Date	Ver.	Action By	Action	Result
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### Title:

**3S Mixed-Use (P19-071) [Passed for Publication 03/10/2020; Noticed 03/13/2020; Published 03/13/2020]**

File ID: 2020-00286

**Location:** 1900 3<sup>rd</sup> Street; APNs 009-0044-022, 009-0044-024, 009-0103-028, District 4

### Recommendation:

Conduct a public hearing and upon conclusion, 1) adopt a Resolution approving an environmental exemption pursuant to Public Resources Code Section 21155.4 and CEQA Guidelines Section 15182 (b); 2) adopt an Ordinance approving a Rezone of 2.14 acres from the Office Business Low-Rise Mixed-Use (OB-SPD) and Residential Office (RO-SPD) zones to the General Commercial (C-2-SPD) zone within the Central City Special Planning District; and 3) adopt a Resolution approving Site Plan and Design Review to demolish an existing commercial structure and construct a five-story mixed-use development (190 multi-unit dwellings and retail) and a Tree Permit to remove 14 private protected trees on 2.23 acres.

**Contact:** Michael Hanebutt, Associate Planner, (916) 808-7933; Karlo Felix, Senior Planner, (916) 808-7183, Community Development Department

**Presenter:** Michael Hanebutt, Associate Planner, (916) 808-7933, Community Development Department

**Applicant:** Phillip Harvey, Tricap Development, LLC\*, 2203 13th Street, Sacramento, CA 95811

(\*LLC members are: Phillip Harvey, Ken King, Matt Sanchez)

**Property Owner:** Lenard Zipperian, 1990 3<sup>rd</sup> Street, Sacramento, CA 95811

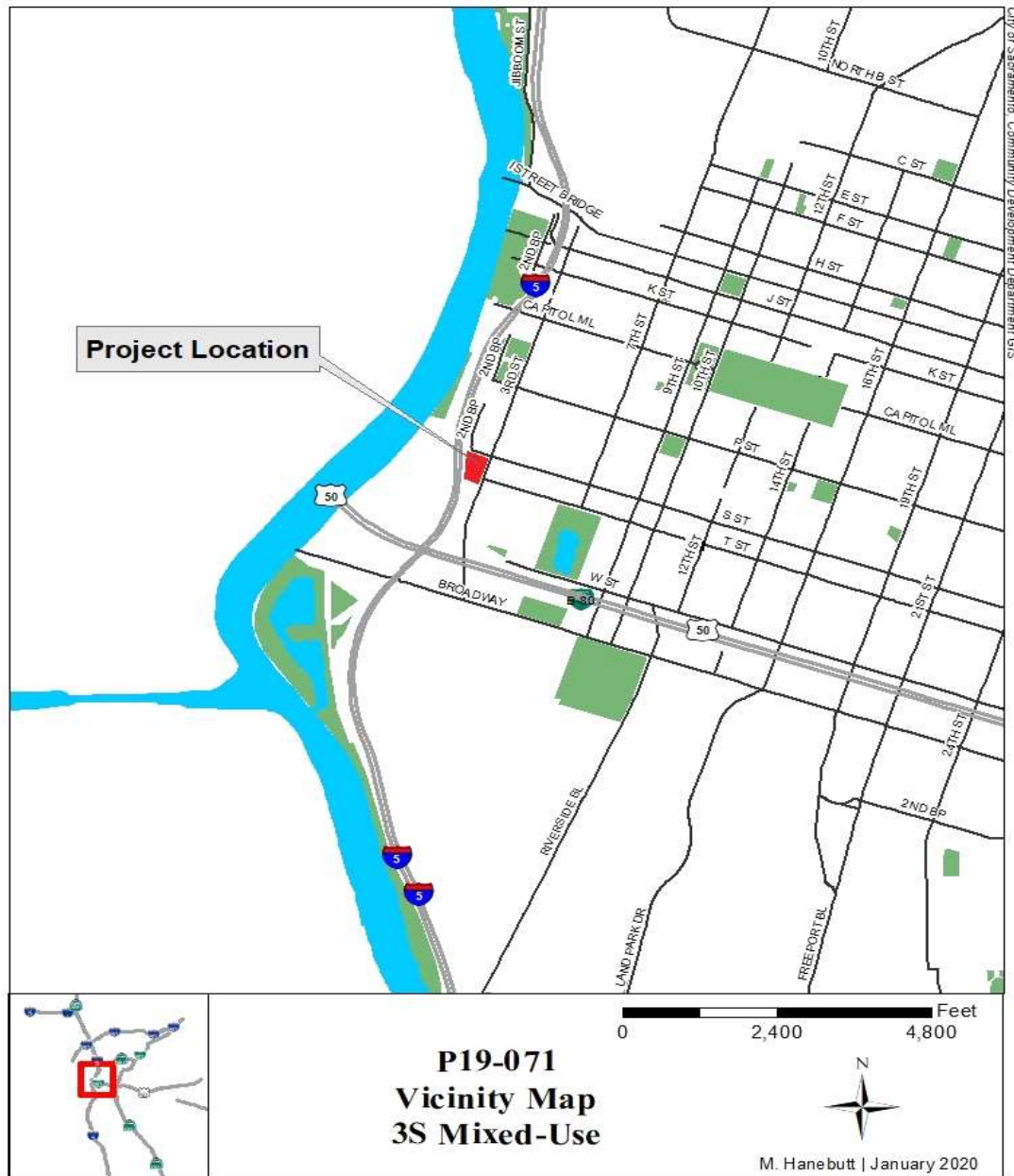
**Attachments:**

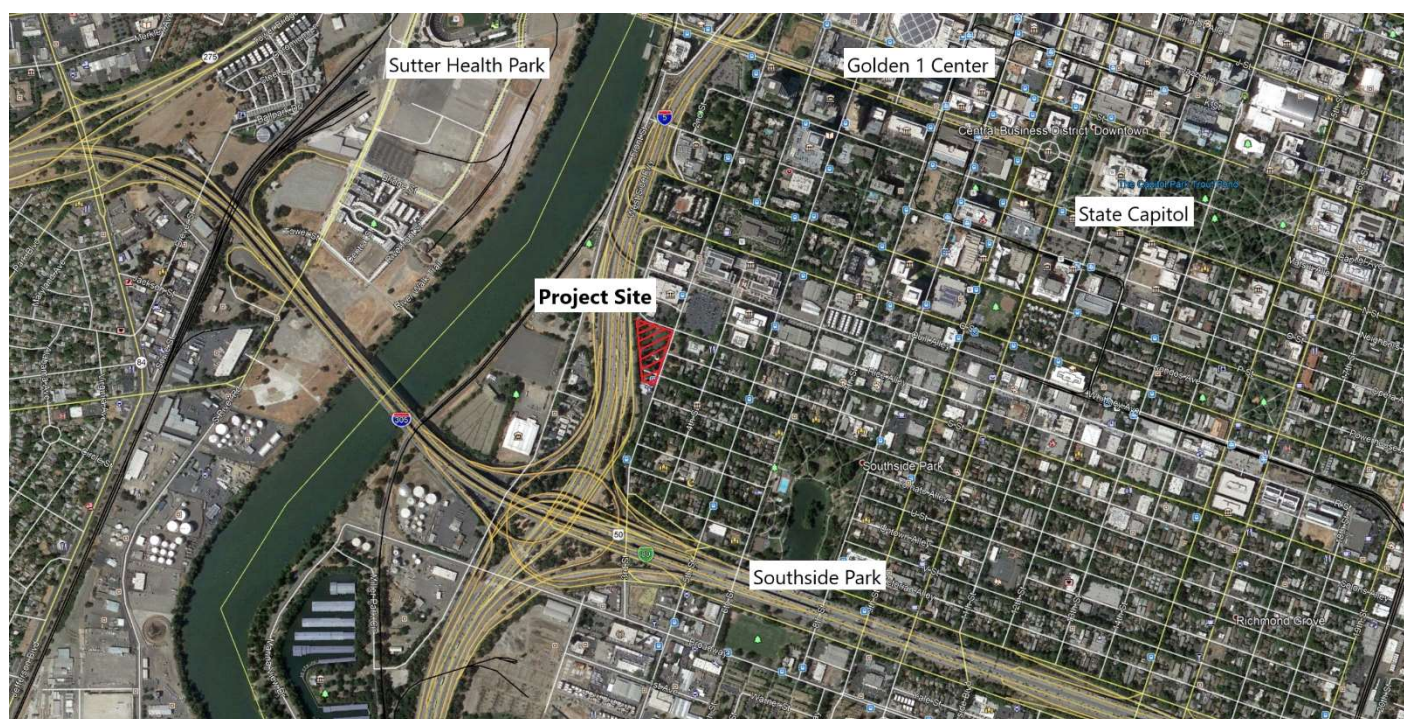
- 01-Description/Analysis
- 02-Background
- 03-Resolution - Environmental Exemption
- 04-Exhibit A: SACOG Concurrence Letter
- 05-Ordinance - Rezone
- 06-Exhibit A: Rezone Exhibit
- 07-Resolution - Project Entitlements
- 08-Exhibit A: Project Plans
- 09-Exhibit B: Tree Permit
- 10-Community Comments
- 11-General Plan Map
- 12-Aerial and Zoning Map

**Description/Analysis**

**Issue Detail:** The applicant is requesting entitlements to allow the development of a five-story, mixed-use building on ±2.23 acres at the southwest corner of 3<sup>rd</sup> and S Streets within the Central City Special Planning District. The site is split with multiple zoning designations which has created challenges when designing a new development. The proposed project would rezone the site with a consistent zone of General Commercial (C-2-SPD) to support the proposed project. The proposed building includes 190 multi-unit dwellings and approximately 2,300 square feet of ground-floor retail at the corner of the building. Open space and parking for residents are provided at the rear of the building consistent with City programs and standards.

**Figure 1: Vicinity Map**





**Figure 2: Contextual Aerial**

## **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 Traditional Neighborhood Medium Density (TNMD) which provides for higher-intensity medium-density housing and neighborhood-supportive uses including multi-unit dwellings (apartment, condominiums) accessory second units and neighborhood-serving commercial uses.

The TNMD designation establishes a floor area ratio (FAR) range zero to 1.50. The project proposes a FAR of 1.45, consistent with the standard for this designation.

The project is consistent with the goals, policies, and FAR standards of the General Plan and is generally compatible with the neighborhood in the vicinity. Goals and policies supported by this project are:

Key urban form characteristics found in the TNMD designation include:

- A mix of single-family units, second units, duplexes, triplexes, four-plexes, and apartments;
- Limited curb cuts along the street frontages with rear, alley, and side garage access;
- Diverse architectural designs consistent with the neighborhood's forms and patterns;

- Street design balancing pedestrian and bicycle uses and safety with vehicular circulation;
- Traffic-calming measures, sidewalks with parkways (e.g., planting strips), and more attractive and functional pedestrian/bicycle facilities; and
- Dense street tree canopy providing shade and enhanced neighborhood character and identity.

The 3S Mixed-Use project is consistent with the TNMD designation as it supports and implements the characteristics listed above with a new apartment building and improved pedestrian, bicycle, and street tree amenities. In addition to the project's consistency with the TNMD designation, the project is consistent with the following General Plan goals and policies:

**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 project promotes residential growth in the existing urbanized area of the Central City, increases housing diversity, and provides space for a future neighborhood amenity with the new retail space.*

**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 2.1.3 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.

*The proposed project adds to the mix of uses in the surrounding neighborhood by providing a highly-amenitized apartment living opportunity, along with additional retail space, in an area mixed with office and single-unit and duplex residential uses.*

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



neighborhoods and surrounding areas.

*The proposed project enhances the surrounding neighborhood by providing a new market-rate apartment building with quality design and materials, larger outdoor spaces for residents, and a new sound wall along the Interstate 5 frontage.*

**Goal LU 2.7 City Form and Structure.** Require excellence in the design of the city's form and structure through development standards and clear design direction.

**Policy LU 2.7.7 Buildings that Engage the Street.** The City shall require buildings to be oriented to and actively engage and complete the public realm through such features as building orientation, build-to and setback lines, façade articulation, ground-floor transparency, and location of parking.

*The design of the development actively engages the streetscape at the corner of S and 3<sup>rd</sup> Streets and includes elevated design touches at the residential portions of the ground level.*

**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 development provides studio, one, two, and three-bedroom units, contributing to the range of housing types available within the Central City.*

### 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 central city consisting of walkable streets, community-serving retail and service uses, and restaurants. The proposed use also*

*contributes to the variety of housing in the area.*

### Central City Specific Plan

The project site is located between the R Street Corridor and the Southside Park neighborhood. The Specific Plan identifies a wide variety of low- mid- and mid-rise office, residential, commercial, retail, restaurant, and industrial uses within proximity to the project site. Overall the project is consistent with the Specific Plan and further supports the plan's emphasis for mixed-use infill development in the Central City.

**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 use supports the existing framework of new development in the Central City and many of the nearby residential neighborhoods. It provides a new residential use and transitions between the higher-intensity uses to the north to the lower-intensity residential neighborhood to the south. Furthermore, the design of the project also provides subtle cues to surrounding styles and forms while interacting with the streets at the pedestrian scale. Staff believes the proposal is consistent with the goals and policies of the General Plan in that the provides additional housing and retail options in the Central City. The project redevelops a low-intensity office building and surface parking lot in the Central City.*

**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 development provides studio, one, two, and three-bedroom units, contributing to the range of housing types available within the Central City.*

### 200-Year Flood Protection

State Law (SB 5) and Planning and Development Code chapter 17.810 require that the City must make specific findings prior to approving certain entitlements for projects within a flood hazard zone. The purpose is to ensure that new development will have protection from a 200-year flood event or will achieve that protection by 2025. The project site is within a flood hazard zone and is an area covered by SAFCA's Improvements to the State Plan of Flood Control System, and specific findings

related to the level of protection have been incorporated as part of this project. Even though the project site is within a flood hazard zone, the local flood management agency, SAFCA, has made adequate progress on the construction of a flood protection system that will ensure protection from a 200-year flood event or will achieve that protection by 2025. This is based on the SAFCA Urban level of flood protection plan, adequate progress baseline report, and adequate progress toward an urban level of flood protection engineer's report that were accepted by City Council Resolution No. 2016-0226 on June 21, 2016 and the SAFCA 2019 Adequate Progress Annual Report accepted by City Council Resolution No. 2019-0398 on October 22, 2019.

**Economic Impacts:** Not applicable.

**Environmental Considerations:** The proposed development at 3S Mixed-Use project (P19-071) 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 3S Mixed-Use project qualifies for a statutory exemption pursuant to Public Resources Code (PRC) section 21155.4 and CEQA Guidelines Section 15182(b). PRC section 21155.4 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 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 3S Mixed-Use project proposes development of 190 residential multi-unit dwellings with some first floor retail/commercial use on 2.23 acres in the Central City Specific Plan area. "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 a high quality transit corridor with service intervals of 15 minutes or less (RT's Route 51). (CCSP EIR Figure 4.12-13) The project site is located in the area identified as a transit priority area.*

*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 of this report.*

*The proposed project is consistent with the MTP/SCS.*

- Further environmental review shall be conducted only if any of the events specified in PRC Section 21166 or CEQA Guidelines Section 15162 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 21166 or CEQA Guidelines Section 15162 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 or as in CEQA Guidelines Section 15182(b) none of the events of Section 15162 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 equivalent of LEED (Leadership in Energy & Environmental Design) Silver rating.

**Commission/Committee Action:** The Planning and Design Commission considered the project on February 13, 2020. During the hearing, no members of the public provided testimony. At the conclusion of the hearing, the Commission recommended approval of the project. The item was passed for publication on the consent calendar by the City Council on March 10, 2020.

**Rationale for Recommendation:** Staff recommends the City Council approve the requested entitlements based on the findings of fact and subject to the conditions of approval listed in Attachments 3, 5, and 7. Staff supports the project because it: a) is consistent with the TNMD designation, the Central City Specific Plan, the C-2-SPD zone, and the Central City SPD; b) provides new high-density residential units within the Central City; c) encourages reduction in vehicle use with ample bicycle parking for residents and visitors combined with reduced on-site vehicle parking; d) provides a vibrant street presence by engaging the adjacent public street frontages with retail space and quality design; e) revitalizes a low-intensity, single-use property; and f) continues the overall positive momentum of development and investment in the Central City.

**Financial Considerations:** Not applicable.

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