

City of Sacramento

Legislation Text

File #: 2018-01614, **Version:** 1

Title:

Ordinance Amending Various Provisions of Title 17 of the Sacramento City Code Relating to Streamlining Land Use and Entitlement Processing Requirements and Code Maintenance (M18-012) [Noticed 02/22/2019; Passed for Publication 02/26/2019; Published 03/01/2019]

File ID: 2018-01614

Location: Citywide

Recommendation:

Conduct a public hearing and upon conclusion, adopt: 1) a Resolution concluding the project 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 provisions of Title 17 of the Sacramento City Code, relating to Planning and Development.

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Attachments:

- 1-Description/Analysis
- 2-Resolution for Environmental Determination
- 3-Initial Study
- 4-Ordinance (Redline)
- 5-Ordinance (Clean)
- 6-Letter from CalTrans
- 7-Letter from Regional Sanitation

Description/Analysis

Issue Detail: Staff has prepared an ordinance that proposes numerous amendments to the Planning and Development Code (Title 17 of the City Code) to incorporate City Council directed changes, correction of errors, and streamlining of land-use entitlement processes. All the proposed changes are summarized below and both a redline and clean version of the amendments are attached to this report.

Policy Considerations: The 2035 General Plan Update was adopted by City Council on March 3, 2015. The Land Use and Urban Design section of the General Plan is primarily implemented through the Planning and Development Code (17.100.010 B.). 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 five-year update to the 2030 General Plan focused on updating policies and programs to reflect changed conditions and priorities, streamline development review and implementation, and address new State laws. The proposed amendments support the new priorities. A more comprehensive list of goals and policies is provided in the background section of this report.

Proposed Amendments to the City Code: Staff has prepared an ordinance that amends Title 17 (the Planning and Development Code) that incorporates Council directed changes, corrects errors, fixes unintended consequences from the original adoption, and streamlines processes for land use entitlement processing. The City Council has directed staff to make several changes to Title 17. The proposed changes that eliminate confusing code, correct errors or correct unintended consequences are considered clarifying changes. The proposed changes that simplify the development process or requirements are considered streamlining changes. All the proposed changes to Title 17 are summarized below.

Requested by Council:

- Councilmember Hansen requested staff forward an amendment to City Code section 17.104.050 to change the manner of rounding for fractional requirements related to density calculations. Currently, the City Code rounds down when there is a fractional requirement and the amendment would change the rounding to allow rounding up to the whole number for calculations of 0.5 or more. (Section 17.104.050)
- Councilmember Carr requested an amendment to City Code section 17.620.110 to prohibit chain link fencing in the front and street side yards of residential properties. (Section 17.620.110)
- Vice Mayor Guerra requested an amendment to City Code section 17.228.910 to remove the current limit of 6,400 square feet for cannabis testing in the C-2 zone. (Section 17.228.910C)

Clarifying/Corrections/Administrative Clean-Up Language:

- Section 17.508.070 would be amended to clarify the applicable development standards for parcels with site access via the alley. (Section 17.508.070.E.2)
- Section 17.608.030 would be amended to correct the bicycle parking requirements for multi-unit dwellings in the Suburban Parking District which has a missing number for long-term standards. (Section 17.608.030.C)
- Several sections would be amended to update the residential accessory structure section that currently references the driveway requirements in Chapter 18.08, which has subsequently moved to Chapter 17.508. (Sections 17.624.040; 17.624.050; 17.624.060)
- Section 17.608.040 would be amended to update the parking section which references the

driveway requirements in Chapter 18.08 which has moved to Chapter 17.508. (Section 17.608.040)

- Section 17.228.920 would be amended to correct an error for the Cannabis dispensary locational requirement language to require Commission level review for sites within 600 feet of tobacco retailers less than 15,000 square feet regardless of the shelf space devoted to tobacco. (Section 17.228.920.D.3)

Streamlining:

- Section 17.228.105 would be amended to reduce the minimum setbacks of secondary dwelling units and remove the requirement that the secondary dwelling unit match the architectural style of the main home. (Section 17.228.105)
- Section 17.608.060 would be amended to allow Administrative Parking Permits to be applied to single-unit and duplex dwellings instead of requiring a Commission-level hearing to waive parking. (Section 17.608.060)
- Section 17.228.126 would be amended to allow multiple temporary construction trailers for large construction projects and provide the ability for multiple renewals. (Section 17.228.126)
- Section 17.228.300 and 17.808.160 would be amended to provide for an exemption from site plan and design review for antennas that are granted a revocable permit for situations such as placement on city-owned property or on an existing utility pole. (Section 17.228.300 and 17.808.160)
- Section 17.216.510 would be amended to remove the conditional use permit requirement for vet clinics in the Shopping Center (SC) zone consistent with other commercial zones. (Section 17.216.510)
- Section 17.216.510 would be amended to remove the conditional use permit requirement for hotels/motels in the Shopping Center (SC) zone consistent with other commercial zones. (Section 17.216.510)
- Section 17.808.230 would be amended to modify the level of review for PUD amendments, providing for a Director-level review for amendments related only to signage with the remainder of the amendment requests to be heard at the Planning and Design Commission level. (Section 17.808.230.B.3)

Environmental Considerations: The proposed changes to existing ordinances would revise existing administrative processes for development entitlement applications and amend various provisions regarding development standards. No physical development or change in the existing setting is proposed.

Pursuant to Public Resources Code 21157.1 and CEQA Guidelines 15177, the Community Development Department prepared an initial study that evaluated whether the proposed revisions would result in any new significant effects that had not been evaluated in the Master EIR that was certified in connection with the adoption of the 2035 General Plan. The initial study identified no new

effects. The project will have no additional significant effect not identified in the Master EIR, and no new or additional mitigation measures or alternatives are required. A notice as required under CEQA Guidelines section 15177 was advertised in a newspaper of general circulation and posted in the Sacramento County Clerk's office for a public comment period of January 15, 2019 to February 14, 2019.

Two written comments have been received. Regional San provided information regarding its operations, which the City will consider on an ongoing basis as it may apply to future projects. The letter, however, did not identify any significant effects that were not previously identified in the Master EIR or any new or additional mitigation measures that should be required for this project-amendments to the Planning and Development Code. Caltrans also provided a comment letter that appears to be relevant to the upcoming 2040 General Plan process, suggesting an additional study of increased traffic under the 2035 General Plan might be appropriate. The Caltrans comment does not identify issues that concern the proposed approval of Planning and Development Code amendments. Neither the comments in the Regional San letter or Caltrans letter affect the analysis or conclusions of the initial study.

Individual projects that may apply for entitlements under the ordinances would undergo separate environmental review.

The initial study and Master EIR can be found at the following link:

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

Sustainability: Not applicable.

Commission/Committee Action: The item was heard at the Law and Legislation Committee on November 27, 2018. The Planning and Design Commission heard the item on February 14, 2019. The recommendation from both the Law and Legislation Committee and the Planning and Design Commission was to forward the Title 17 code amendments to the City Council for review and adoption.

Rationale for Recommendation: The amendments to the Planning and Development Code further the implementation of the 2035 General Plan by simplifying the project review process in some instances. The amendments also incorporate the Council directed changes. Finally, the proposed amendments clean up previous errors, omissions, and corrects unintended consequences that hinder or lengthen the development process.

Financial Considerations: None

Local Business Enterprise (LBE): Not applicable.

Background: The proposed code amendments are consistent with the following goals and policies from the General Plan as outlined below.

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 use infrastructure. (Goal LU 1.1)*

Building Intensity and Population Density. *The City shall regulate the levels of building intensity and population density according to the standards and land use designations set out in the General Plan and the Sacramento City Code. Within these designations, cumulative development shall not exceed 640,400 persons and 390,100 employees by 2035. (Policy LU 1.1.2)* The amendment to City Code section 17.104.050 would change the manner of rounding for fractional requirements related to density calculations. Currently, the City rounds down when there is a fractional requirement and the amendment would change the rounding to allow rounding up to the whole number for calculations of 0.5 or more. The number of dwelling units would still be required to be consistent with the density calculations of the General Plan designation. (Section 17.104.050) The amendment furthers the goal to have a more efficient use of land and infrastructure.

Land, Sites, and Opportunity Areas. *Retain, attract, expand, and develop businesses by providing readily available and suitable sites with appropriate zoning and access. (Goal ED 3.1)*

Streamline Development Process. *The City shall continue to identify, develop, and implement strategies, and programs, and processes that streamline its development review process. (Policy ED 3.1.8)* The amendment to City Code sections 17.216.050 would remove the conditional use permit requirement to establish a vet clinic and hotel/motel land use in the Shopping Center (SC) zone. These land use uses are consistent with the type of expected commercial uses within the zoning district and do not have unique characteristics which require review of the operating characteristics for these businesses.

The amendment to City Code section 17.228.910.C would remove the current square footage limit of cannabis testing in the General Commercial (C-2) zone. Currently there is a size limit of 6,400 square feet and with the amendment, cannabis testing would be regulated by the development standards including floor area ratio and height limitations which is consistent with other land uses such as office and commercial service.

The amendment to City Code section 17.808.230 would streamline the level of review for Planned Unit Development (PUD) amendments. The establishment of PUDs require City Council action and there is no proposed change to this process. Currently, most PUD Amendments require approval at the Planning and Design Commission level and a small number of PUD Amendments currently require City Council action. This amendment would allow revisions exclusively for signage standards to be heard at a Director level consistent with other sign variances in the city. All other PUD Amendment requests would require action from the Planning and Design Commission.

Housing Diversity. *Provide a variety of quality housing types to encourage neighborhood stability.*

(Goal H 1.2)

Variety of Housing. *The City shall encourage the development and revitalization of neighborhoods that include a variety of housing tenure, size, and types, such as second units, carriage homes, lofts, live-work spaces, cottages, and manufactured/modular housing. (H 1.2.1)* The amendment to City Code Section 17.608.060 would allow single unit dwellings and duplexes to be eligible for Administrative Parking Permit reviews. Currently if a single unit dwelling or duplex requests to reduce the minimum parking requirement for their site, it requires a Commission level hearing. The amendment would allow parking consistency review with a type of administrative permit to receive credit through a checklist menu of items such as on-street parking in front of their subject parcel to substitute for onsite parking standards. This is consistent with all other type of land uses.

Constraints. *Remove constraints to the development of housing. (Goal H 2.3)*

Streamlined Application and Building Process. *The City shall continue to facilitate interdepartmental review of development applications, encourage pre-application meetings with planning and building staff, and streamline the overall planning application and building process for all development types. (Policy H 2.3.2)* The amendment to City Code Section 17.228.105 would reduce the minimum setbacks for the construction of new secondary dwelling units and create more flexibility in the design including an amendment to remove the requirement to match the architectural style of the main home. These amendments will streamline the processing of secondary dwelling unit applications by allowing more flexible standards which results in more projects qualifying for an administrative review instead of a public hearing process.

The amendment to City Code Section 17.228.126 would allow multiple temporary construction trailers for large construction projects and provide the ability for multiple renewals. Large development projects which may have construction sites requiring a lengthy construction process would benefit by having an administrative process to allow additional trailers and time to complete the necessary work.

The amendments to City Code Section 17.228.300 and 17.808.160 would allow antennas subject to a revocable permit process for placement on city-owned property or easements to be exempt from site plan and design review since requiring both city review processes is duplicative.

Rehabilitation. *Preserve, maintain, and rehabilitate existing housing to ensure neighborhood livability and promote housing affordability. (Goal H 4)*

Prevent Blight and Deterioration. *The City shall work to prevent blight and deterioration of housing units resulting from deferred maintenance. (H 4.1)* The amendment to City Code section 17.620.110 would improve neighborhood aesthetics by prohibiting chain link fencing in the front and street side yards. The city code allows up to 4-foot high chain link fences. With the amendment, any residential fencing in the front or street side yard requested would need to be a different material such as wood, tubular steel, or wrought iron. Improving the aesthetics of fencing installed along the street-facing yard areas will encourage further neighborhood

revitalization and livability.

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

Development Regulations. *The City shall promote design excellence by ensuring City development regulations clearly express intended rather than prohibited outcomes and reinforce rather than inhibit quality design. (Policy LU 2.7.1)* The amendment to City Code sections would correct Title 17 provisions which had administrative errors or needed clarification. Section 17.508.070.E.2, 17.608.040, 17.624.040, 17.624.050, 17.624.060 would clarify development standards for site access via the alley and reference the correct city code section number which changed with prior code amendments.

The amendment to City Code section 17.228.920 would correct an error in the locational requirements for cannabis dispensaries regarding the need for calculation of the shelf space requirements for nearby tobacco retailers. The requirement to trigger Commission level review would remain unchanged for cannabis dispensary sites within 600 feet of a tobacco retailer less than 15,000 square feet. This amendment would only remove an arbitrary shelf space requirement to consider the tobacco retailers in the locational criteria and instead the code would rely on the distance and building size only.

The amendment to City Code section 17.608.030.C would correct the omission of the number of bicycle facilities required for multi-unit dwellings in the Suburban Parking District. The correction will provide clear direction on the minimum standards for new projects.