

# City of Sacramento

## Legislation Text

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**File #:** 2019-01313, **Version:** 1

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**Title:**

**Ordinance to Approve a Rezone for the Luther Gardens Senior Apartments Project (P19-031)  
[Passed for Publication 10/22/2019; Noticed 10/25/2019; Published 10/25/2019]**

File ID: 2019-01313

**Location:** East side of Luther Drive, approximately 1,000 feet south of Florin Road and Luther Drive, APN: 049-0010-106-0000, District 8

**Recommendation:**

Conduct a public hearing and upon conclusion adopt: 1) a Resolution determining Luther Gardens Senior Apartments exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) "no significant effect" and approving findings of fact and conditions of approval for Site Plan and Design Review for construction of a 16-unit apartment building and site improvements; 2) a Resolution for a General Plan Amendment to re-designate ±0.79 acres from Suburban Neighborhood Low Density to Suburban Neighborhood High Density; and 3) an Ordinance rezoning ±0.79 acres from the Single-Unit Dwelling (R-1) zone to the Multi-Unit Dwelling (R-2B) zone

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**Attachments:**

01-Description/Analysis

02-Background

03-Resolution: Resolution: Environmental Determination and Site Plan and Design Review

04-Resolution: General Plan Land Use Designation Amendment

05-Exhibit A: General Plan Amendment Exhibit

06-Ordinance: Rezone

07-Exhibit A: Rezone Exhibit

08-Exhibit A: CEQA Memorandum

09-Exhibit B: Project Plans

10-Site Photos

## Description/Analysis

**Issue Detail:** The applicant is requesting entitlements to construct a two-story, 16-unit apartment building on a 0.79-acre vacant parcel. The site is located on Luther Drive, south of Florin Road. The project site is designated as Suburban Neighborhood Low Density (SNLD) in the General Plan and located in the Single-Unit Dwelling (R-1) zone. In order to develop the site as proposed, the necessary entitlements include a General Plan Amendment to re-designate the site from Suburban Neighborhood Low Density (SNLD) to Suburban Neighborhood High Density (SNHD), a Rezone from Single-Unit Dwelling (R-1) zone to Multi-Unit Dwelling (R-2B) zone, and Site Plan and Design Review for the construction of the apartment building and site improvements.

*Public/Neighborhood Outreach and Comments:* As part of the application review process, an early notification notice was mailed to property owners within 300 feet of the proposed project on June 13, 2019. There are no active neighborhood associations within 300-feet of the subject site. The site was posted on August 7, 2019, and all property owners within 300 feet were notified about the public hearing. Staff received two phone calls from nearby residents opposing the project due to the size of the building and the desire to retain the R-1 zone for single-unit dwellings along Luther Drive.

The site was posted for the City Council public hearing on October 18, 2019 and noticed to all property owners within 300 feet of the subject site. Staff received no additional public comments.

## 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 2035 General Plan designation of the subject site is Suburban Neighborhood Low Density. This designation provides for low-intensity housing and neighborhood support uses. However, the project proposes a General Plan Amendment to Suburban Neighborhood High Density, which would allow the construction a multi-family project with 16-units. General Plan goals and policies below support the proposed project.

**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 1.1.1: 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. (RDR)
- **Policy LU 1.1.4: Leading Infill Growth.** The City shall facilitate infill development through active leadership and the strategic provision of infrastructure and services and supporting land uses. (MPSP)
- **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. (RDR/MPSP)

*The project is consistent with the above goal and policies because the project promotes sustainable growth and change through infill development, and is proposing a building for seniors, which will respond to the needs of existing and future residents and increase housing diversity in the area. The project makes efficient use of land by promoting higher density development and seeks to conserve energy through the implementation of solar panels on the roof. There is a vacant parcel and existing apartment complex located at the corner of Meadowgate and Mandy Drive, approximately .25 miles east of the project site, designated Suburban Neighborhood High Density, therefore, the General Plan amendment is consistent with surrounding land uses of properties greater than half an acre being designated for multi-family housing within the General Plan's "Suburban" district.*

**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. (RDR)
- **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. (RDR)

- **Policy LU 2.7.4: Public Safety and Community Design.** The City shall promote design of neighborhoods, centers, streets, and public spaces that enhances public safety and discourages crime by providing street-fronting uses (“eyes on the street”), adequate lighting and sight lines, and features that cultivate a sense of community ownership. (RDR)
- **Policy LU 2.7.8: 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. (RDR)
- **Policy LU 2.7.8: Screening of Off-street Parking.** The City shall reduce the visual prominence of parking within the public realm by requiring most off-street parking to be located behind or within structures or otherwise fully or partially screened from public view. (RDR/MSPS)

*The project is consistent with the above goal and policies because while increasing the density allowed on the site, the proposed increase is an appropriate transition between the single-family homes to the south and the commercial business to the north. The site design promotes the healthy development of the neighborhood by meeting development standards related to tree shading, parking, solid waste facilities, and Fire Department access. The project is providing senior housing, thereby addressing the needs of all ages and abilities in the neighborhood and is enhancing the area by infilling the site with a more efficient land use. The design and orientation of the building engages with the street as it proposes a street-fronting use that encourages “eyes on the street”. The project reduces visual prominence of parking by locating the off-street parking behind the building.*

### **South Area Community Plan**

The subject site is located within the South Area Community Plan (Community Plan) area of the General Plan. The General Plan vision for the South Area is for a complete community with safe neighborhoods, distinctive local-gathering places within mixed-use districts and corridors, and strong employment centers.

Within the Community Plan area is the Florin Subregional Center, located west of Franklin Boulevard, north and south of Florin Road. The subject site is located at the southern boundary of the Subregional Center (see Figure 1, blue dot parcel). The vision for the Subregional Center is a balanced mix of uses that will serve a growing community and the residential areas. A teen center and senior center have been identified as needs for the area. With an existing mix of commercial and retail uses and anticipated development on vacant sites due to the proximity to the Florin Road Light Rail Station, the area is expected to provide easily accessible living, shopping, recreation, and services, especially for seniors and childcare. The proposed 16-unit multi-family building for seniors

compliments the vision for the Subregional Center.

**Figure 1: Subregional Center**



**Economic Impacts:** Not applicable.

**Environmental Considerations:** The applicant seeks to construct a 2-story, 16-unit apartment complex on a 0.79-acre parcel east of Luther Drive, approximately 1,000 feet south of Florin Road, APN: 049-0010-106-0000. The project site is vacant. The project includes a request for changes to the general plan and zoning designation.

With one exception, the project proposal meets the requirements for an exemption from the California Environmental Quality Act (CEQA) as infill development described in CEQA Guidelines section 15332. The project satisfies the following requirements:

- The project site is within the city limits, is no more than five acres in size, and is

- surrounded by urban uses;
- The site has no value as habitat for endangered, rare or threatened species;
- Approval of the project would result in no significant effects relating to traffic, noise, air quality or water quality; and
- The site can be adequately served by all required public utilities and services.

The proposed project, however, is not "...consistent with the applicable general plan designation and all applicable general plan policies as with applicable zoning designation and regulations..." which is also a requirement for the section 15332 categorical exemption.

Environmental review staff have reviewed the project to determine whether it would result in any significant effects or would have cumulative effects that have not been identified and evaluated in the City's Master EIR. Even though the project requires a general plan amendment for approval, residential uses as anticipated in the current general plan would not change, and the density change that could be allowed by the requested general plan and zoning changes would not affect the analysis and conclusions in the Master EIR. Staff has identified no significant effects that would otherwise result from project approval.

Under these circumstances, environmental staff have considered the application of CEQA Guidelines section 15061(b)(3), which provides that a project is exempt from CEQA review if it can be seen with certainty that the project would have no significant effect on the environment. This exemption is commonly referred to as the "common sense exemption." The application and supplemental materials have been considered. See Attachment 7, Exhibit A to this staff report for a memorandum that generally covers issue areas of concern in the CEQA process, and which provides substantial evidence that the project would not have a significant effect on the environment.

Based on the substantial evidence in the record, staff has determined that the project would not have a significant effect on the environment, and that the project is exempt from CEQA review pursuant to CEQA Guidelines section 15061(b)(3).

**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 Sacramento Area Flood Control Agency (SAFCA) 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, 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.

**Sustainability:** The proposed project supports sustainable growth and change by providing for the needs of existing and future residents and making efficient use of land and infrastructure. The project promotes higher-density development that conserves land resources.

**Commission/Committee Action:** On August 22, 2019, the Planning and Design Commission held a public hearing on the Luther Gardens Apartments project and passed a motion (9 ayes, 3 absent) to forward a recommendation of approval to City Council for all entitlements.

**Rationale for Recommendation:** Staff recommends City Council approval of the requested entitlements based on the findings and subject to the conditions listed in Attachment 7. The proposal complies with the goals and policies of the 2035 General Plan in that project is making efficient use of land by developing housing on a vacant site that will address the housing needs of seniors, further diversifying Sacramento's housing stock. The project seeks to conserve energy by locating solar panels on the roof, activate Luther Drive by designing and orienting the building toward the street, and providing off-street parking behind the building. Although the project amends the General Plan and requires a rezone, the project meets the multi-unit dwelling development standards in the city code. The project is consistent with the Suburban Neighborhood High Density designation that exists within the surrounding area on parcels greater than half an acre and will provide an appropriate transition between the single-family development to the south and the commercial development to the north. Finally, the project is consistent with all required findings.

**Financial Considerations:** None.

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