REPORT TO COUNCIL
City of Sacramento

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915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

Public Hearing
May 25, 2010

Honorable Mayor and
Members of the City Council

Title: Transit Overlay Zone Amendment (LR10-002)

Location/Council District: Citywide

Recommendation: Conduct a public hearing and upon conclusion adopt an **Ordinance** amending sections 17.178.020, 17.178.055, and 17.178.060 of Title 17 of the Sacramento City Code (the Zoning Code) relating to the applicability of the Transit Overlay (TO) zone.

Contacts: Fedolia "Sparky" Harris, Department of Transportation, Senior Planner, 808-2996; Jim McDonald, Community Development Department, Senior Planner, 808-5723

Presenters: Fedolia "Sparky" Harris, Department of Transportation, Senior Planner

Department: Transportation

Division: Office of the Director

Organization No: 15001041

Description/Analysis:

Issue: The Transit Overlay (TO) zone is a tool used in close proximity to existing and proposed light rail transit (LRT) stations to promote land uses, densities, and heights compatible with transit-oriented development (TOD). The Sacramento 2030 General Plan relies on significant levels of infill development to accommodate future growth. Much of this infill is planned for areas surrounding LRT stations in an effort to develop underutilized land and to encourage transit for routine daily travel. The proposed City Code amendments are necessary to provide clarity as to where the TO zone can be applied in order to prepare the land for development consistent with the General Plan.

Policy Considerations: The proposed City Code amendments promote several city policies including: Smart Growth, Infill Development, Transition in Scale, Mix of Uses, Compact Neighborhoods, Connections to Transit, Centers Served by Transit,

Transit-Oriented Development, Corridor Transit, Industrial Conversion, the City's Strategic Plan, and the Budget/Capital Improvement Program by increasing development opportunities adjacent to a light rail station; encouraging compact, higher density development with a mix of land uses; utilizing existing infrastructure; and refining development guidelines to support mobility and promote transit, pedestrian and bicycle activity. The recommended City Code amendments are necessary to promote an appropriate regulatory environment and streamline the entitlement process.

Environmental Considerations:

California Environmental Quality Act (CEQA): The action is not considered a "project" under CEQA Guidelines Section 15378(a) because the whole of the action does not have the potential for resulting in either a direct or indirect physical change in the environment. The proposed Sacramento City Code amendments are intended to resolve ambiguity whether the City can apply the Transit Overlay zone to parcels beyond one quarter-mile but within one half-mile of an existing or proposed light rain transit station. Because the action is not considered a "project", CEQA is not applicable and no environmental review is necessary.

Sustainability Considerations: None

Other: None

Commission/Committee Action: The Transit Overlay (TO) zone amendments were presented to the Planning Commission on March 11, 2010 and the Law and Legislation Committee on March 16, 2010. Neither body raised significant concerns in regards to the proposed Code changes.

Rationale for Recommendation: The recommended City Code amendments are necessary to clarify the applicability of the Transit Overlay (TO) zone. Failure to do so could open the City to legal challenge regarding the appropriate application of the TO zone in areas intended to promote transit oriented development.

Financial Considerations: There are no financial impacts associated with this ordinance amendment.

Emerging Small Business Development (ESBD): Not Applicable.

Respectfully Submitted by: Francesca Lee Halbakken
Francesca L. Halbakken
Operations Manager

Approved by: Jerry Way
Jerry Way
Director of Transportation

Recommendation Approved:

Gus Vina
Interim City Manager

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Attachment 1

Background

The Transit Overlay (TO) Zone was developed to allow a mix of moderate to high density residential and nonresidential uses, by right, to promote transit ridership within walking distance of an existing or proposed light rail transit station. The district is intended to promote coordinated and cohesive site planning and design that maximizes land use transit supportive development, to create continuity of pedestrian-oriented streetscapes and activities throughout the district and to encourage pedestrian, bicycle and transit rather than exclusive automobile access to employment, services and residences. This overlay zone provides a streamlined approval process; permits increased heights, densities and intensities over the base zone for projects with a residential component; and encourages housing and mixed use projects. The district also restricts certain uses that do not support transit ridership.

As written, the TO zone may be applied to RMX and C-2 zoned property where any portion of the parcel is located within a quarter-mile radius of an existing or proposed light rail transit (LRT) station or within a half-mile radius of an existing or proposed light rail transit (LRT) station if the property to which the TO overlay zone is to be applied is within the area of a transit village plan.

State law allows a city or county to prepare a transit village plan for a transit village development district, which includes all land within not more than a quarter mile of the exterior boundary of the parcel on which is located a transit station designated by the legislative body of a city, county, or city and county that has jurisdiction over the station area.

The ambiguity that the State law presents is whether the area covered by a Transit Village Plan must be wholly contained with the boundaries of an established transit village development district.

The proposed Sacramento City Code amendments are intended to resolve any question as to the ability of the City to apply the Transit Overlay zone to parcels beyond one quarter-mile but within one half-mile of an existing or proposed light rain transit (LRT) station.

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Attachment 2

ORDINANCE NO.

Adopted by the Sacramento City Council

AN ORDINANCE AMENDING SECTIONS 17.178.020, 17.178.055, AND 17.178.060 OF THE SACRAMENTO CITY CODE RELATING TO THE APPLICABILITY OF THE TRANSIT OVERLAY (TO) ZONE

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 17.178.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.178.020 Applicability.

The TO zone may be applied to RMX and C-2 zoned property any portion of which is located within a half-mile radius of an existing or proposed light rail transit (LRT) station. For purposes of this provision, the half-mile radius shall be measured as follows: (i) for existing stations, from the center of the station platform, as determined by the planning director, to the edge of the property closest to the station; and (ii) for proposed stations, from the center point of the block designated for the station to the edge of the property closest to the center of the designated block. The TO designation appearing after the RMX or C-2 zone classification on the official zoning map shall mean that the property so classified is subject to the requirements and restrictions set forth in this chapter in addition to those of the underlying zone, unless otherwise specified. If a conflict exists between a provision in this chapter and other provisions of this title, the provisions of this chapter shall prevail.

SECTION 2.

Section 17.178.055 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.178.055 Plan review requirement.

Within the TO zone, a planning director's plan review shall be required for all development, including expansion of existing buildings. A plan review shall not be approved unless, in addition to the findings required by Chapter 17.220, the following findings are made:

A. The development is consistent with the applicable transit village plan and applicable transit village plan design guidelines, if any; and

B The development is consistent with the development standards set forth in this chapter.

SECTION 3.

Section 17.178.060 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection L of Section 17.178.060 is amended to read as follows:

L. Expansion of Existing Buildings.

Existing buildings or structures that are expanded shall comply with the following requirements:

1. The area of expansion shall conform to all current development standards, except as provided in this section.

2. Improvements shall comply with the applicable transit village plan design guidelines, if any.

3. Minor improvements to facades fronting on streets shall be required when an expansion occurs. Facade improvements may include, but are not limited to, paint and awnings.

4. Front landscaping shall be required, if determined to be appropriate by the planning director.

5. Site improvements to fencing, signage, trash enclosures or other features shall be required to improve the appearance of the portion of the site that is visible to the public.

B. Except as specifically amended by the amendments to subsection L., Section 17.178.060 shall remain unchanged and in full force and effect.

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Attachment 3

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17.178.020 Applicability.

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Section 17.178.055 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.178.055 Plan review requirement.

Within the TO zone, a planning director's plan review shall be required for all

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A. The development is consistent with the applicable transit village plan and applicable transit village plan design guidelines, if any; and

B The development is consistent with the development standards set forth in this chapter.

SECTION 3.

Section 17.178.060 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection L of Section 17.178.060 is amended to read as follows:

L. Expansion of Existing Buildings.

Existing buildings or structures that are expanded shall comply with the following requirements:

1. The area of expansion shall conform to all current development standards, except as provided in this section.

2. Improvements shall comply with the applicable transit village plan design guidelines, if any.

3. Minor improvements to facades fronting on streets shall be required when an expansion occurs. Facade improvements may include, but are not limited to, paint and awnings.

4. Front landscaping shall be required, if determined to be appropriate by the planning director.

5. Site improvements to fencing, signage, trash enclosures or other features shall be required to improve the appearance of the portion of the site that is visible to the public.

B. Except as specifically amended by the amendments to subsection L., Section 17.178.060 shall remain unchanged and in full force and effect.