

ORDINANCE NO. 2011-015

Adopted by the Sacramento City Council

March 15, 2011

**AN ORDINANCE AMENDING SECTION 17.20.030 OF, AND
REPEALING AND ADDING CHAPTER 17.108 TO, TITLE 17 OF
THE SACRAMENTO CITY CODE (THE ZONING CODE)
RELATING TO THE DEL PASO BOULEVARD/ARDEN WAY
SPECIAL PLANNING DISTRICT**

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

Section 1. Section 17.20.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.20.030 Special planning districts.

The following special planning districts (SPDs) are discussed in more detail in Chapters 17.92 through 17.130 of this title and are listed here for convenience only:

Broadway-Stockton SPD	Ch. 17.94
Cental Business District SPD	Ch. 17.96
McClellan Heights/Parker Homes SPD	Ch. 17.98
Northgate Boulevard SPD	Ch. 17.100
Alhambra Corridor SPD	Ch. 17.104
Del Paso Boulevard/Arden Way SPD	Ch. 17.108
Del Paso Nuevo SPD	Ch. 17.112
Sacramento Army Depot SPD	Ch. 17.116
River District SPD	Ch. 17.120
Sacramento Railyards SPD	Ch. 17.124
R Street Corridor SPD	Ch. 17.128
Freeport SPD	Ch. 17.130

Section 2. Chapter 17.108 of Title 17 of the Sacramento City Code (the Zoning Code) is repealed.

Section 3. Chapter 17.108 is added to Title 17 of the Sacramento City Code (the Zoning Code) to read as follows:

Chapter 17.108

Del Paso Boulevard/Arden Way Special Planning District

17.108.010 Purpose and intent.

- A. General.
 - 1. When established in 1994, the Del Paso Boulevard SPD area consisted of C-2 zoned properties located along Del Paso Boulevard, between approximately Globe Avenue and El Camino Avenue. In 1997, the SPD boundary was expanded and M-1 zoning standards were adopted. In 2010, the SPD boundary was expanded to include the portion of Arden Way between Del Paso Boulevard and Beaumont Street and was renamed the Del Paso Boulevard/Arden Way Special Planning District ("SPD").
 - 2. The Del Paso Boulevard/Arden Way SPD consists of a number of different neighborhoods, including residential uses, light industrial uses, and commercial uses. The SPD zoning regulations are intended to assist in the preservation of the economic climate in these neighborhoods through the retention of existing businesses while accommodating new development in the area.
- B. Goals. The general goals for properties within the Del Paso Boulevard/Arden Way SPD are as follows:
 - 1. Maintain and improve the character, quality and vitality of this unique commercial neighborhood, drawing on the opportunities for an arts and entertainment orientation;
 - 2. Provide the opportunity for a balanced mixture of uses in neighborhoods adjacent to transit facilities and transportation corridors;
 - 3. Maintain the neighborhood stability of existing commercial neighborhoods while allowing for existing nonconforming uses to continue to serve the community needs in this area;
 - 4. Retain and improve economic vitality of this commercial neighborhood;
 - 5. Provide the opportunity for reuse and rehabilitation of heavy commercial and industrial uses to take advantage of the light rail facilities in the area, thereby reducing the number of obsolete and underutilized buildings and sites;
 - 6. Promote land use characteristics for M-1 and C-2 properties that consider the neighborhood changes that resulted from the westerly extension of Arden Way across the Natomas East Main Drainage Canal;
 - 7. Promote orderly transition of land uses from underutilized buildings and sites to new commercial and industrial uses;

8. Discourage outdoor storage in the SPD by limiting stored materials to those that are incidental to primary business uses in the M-1 and C-2 zones and enforcing minimum standards for outdoor storage of materials and products. By discouraging outdoor storage, the city can serve to reverse the adverse aesthetic conditions.

17.108.020 Del Paso Boulevard/Arden Way SPD boundaries.

The boundaries of the Del Paso Boulevard/Arden Way SPD are shown on the map set out at the end of this chapter as Exhibit A.

17.108.030 Del Paso Boulevard/Arden Way SPD special regulations.

Development in the Del Paso Boulevard/Arden Way SPD shall be subject to the regulations and development standards set forth in this chapter in addition to the regulations of this title and code. If a conflict between the provisions of this chapter and other provisions of this title, including Chapter 17.178 Transit Overlay Zone (TO), and code occurs, the provisions of this chapter shall govern.

17.108.040 Uses and development standards—General.

- A. Allowed Uses and Development Standards.

The allowed uses and development standards for each land use zone in the Del Paso Boulevard/Arden Way SPD are set forth in this chapter.

- B. Design Review.

The Del Paso Boulevard/Arden Way SPD is located within the North Sacramento Design Review District. All development within the Del Paso Boulevard/Arden Way SPD, including without limitation all uses allowed by right as well as expansion, repair, and reconstruction of buildings and structures, is subject to design review under Chapter 17.132.

17.108.050 Residential Mixed Use RMX zone.

- A. Allowed and Prohibited Uses—Uses Subject to Special Restrictions and Requirements.

1. Allowed and Prohibited Uses.

The uses permitted in the RMX zone under this title outside of the Del Paso Boulevard/Arden Way SPD shall be allowed in the RMX zone within the Del Paso Boulevard/Arden Way SPD, except the following uses are prohibited in the RMX zone within the Del Paso Boulevard/Arden Way SPD:

- a. Tattoo and/or body piercing parlors;
- b. Used appliance sales;

- c. Check cashing center;
- d. Money lender (includes pawnbroker);
- e. Card room;
- f. Bingo activities licensed under Chapter 5.24 of this code;
- g. Tobacco store;
- h. Laundromat.

2. Uses Subject to Special Restrictions and Requirements.

If this title requires the approval of a special permit or other discretionary entitlement, or imposes other restrictions or requirements on the establishment of a particular use in the RMX zone outside of the Del Paso Boulevard/Arden Way SPD, approval of the same discretionary entitlement and compliance with the same restrictions or requirements shall be required to establish the use in the RMX zone within the Del Paso Boulevard/Arden Way SPD.

B. Development Standards.

Development in the RMX zone in the Del Paso Boulevard/Arden Way SPD shall be subject to the same development standards that govern development in the RMX zone outside of the Del Paso Boulevard/Arden Way SPD.

17.108.060 Office Building OB zone.

A. Allowed and Prohibited Uses-- Uses Subject to Special Restrictions and Requirements.

1. Allowed and Prohibited Uses.

The uses permitted in the OB zone under this title outside of the Del Paso Boulevard/Arden Way SPD shall be allowed in the OB zone within the Del Paso Boulevard/Arden Way SPD, except as set forth below:

- a. The following uses are allowed in the OB zone in the Del Paso Boulevard/Arden Way SPD subject to the restrictions and requirements stated for each use:
 - i. Alternative ownership housing occupying up to 50% of the building square footage of mixed use buildings, subject to footnote (8) of Section 17.24.050 .
 - ii. Apartments occupying up to 50% of the building square footage of mixed use buildings, subject to footnote (75) of Section 17.24.050.

- b. The following uses are prohibited in the OB zone in the Del Paso Boulevard/Arden Way SPD:
 - i. Astrology and related practices;
 - ii. Tattoo and/or body piercing parlors;
 - iii. Used appliance sales;
 - iv. Check cashing center;
 - v. Money lender (includes pawnbroker);
 - vi. Tobacco store.
- 2. Uses Subject to Special Restrictions and Requirements.

If this title requires the approval of a special permit or other discretionary entitlement, or imposes other restrictions or requirements on the establishment of a particular use in the OB zone outside of the Del Paso Boulevard/Arden Way SPD, approval of the same discretionary entitlement and compliance with the same restrictions or requirements shall be required to establish the use in the OB zone within the Del Paso Boulevard/Arden Way SPD.

B. Development Standards.

Development in the OB zone in the Del Paso Boulevard/Arden Way SPD shall be subject to the same development standards that govern development in the OB zone outside of the Del Paso Boulevard/Arden Way SPD.

17.108.070 General Commercial C-2 zone.

- A. Allowed and Prohibited Uses-- Uses Subject to Special Restrictions and Requirements.
 - 1. Allowed and Prohibited Uses.

The uses permitted in the C-2 zone under this title outside of the Del Paso Boulevard/Arden Way SPD shall be allowed in the C-2 zone within the Del Paso Boulevard/Arden Way SPD, except as set forth below:

- a. The use of a total of twenty thousand (20,000) square feet of gross floor area of a building for manufacturing, assembly, and treatment of merchandise is permitted, subject to a zoning administrator special permit and the following requirements:
 - i. New buildings for the manufacture, assembly, and treatment of merchandise shall be designed to be convertible to commercial use.

- ii. Manufacturing, assembly, and treatment of merchandise uses along Del Paso Boulevard shall have an office or another active commercial use facing the street.
- b. The following uses are prohibited in the C-2 zone in the Del Paso Boulevard/Arden Way SPD:
 - i. Adult entertainment business;
 - ii. Adult related establishment;
 - iii. Astrology and related practices;
 - iv. Tattoo and/or body piercing parlors;
 - v. Used appliance sales;
 - vi. Auto sales (new and used) and auto storage;
 - vii. RV/mobilehome sales yard, storage, repair;
 - viii. Mini-storage/surface storage;
 - ix. Used tire storage and sales;
 - x. Check cashing center;
 - xi. Money lender (except pawnbroker);
 - xii. Mortuary;
 - xiii. Card room;
 - xiv. Bingo activities licensed under Chapter 5.24 of this code;
 - xv. Tobacco store;
 - xvi. Laundromat;
 - xvii. Medical marijuana dispensary.
- 2. Uses Subject to Special Restrictions and Requirements.

If this title requires the approval of a special permit or other discretionary entitlement, or imposes other restrictions or requirements on the establishment of a particular use in the C-2 zone outside of the Del Paso Boulevard/Arden Way SPD, approval of the same discretionary entitlement and compliance with the same restrictions or requirements shall be required to establish the use in the C-2 zone within the Del Paso

Boulevard/Arden Way SPD, except the following uses are permitted in the C-2 zone in the Del Paso Boulevard/Arden Way SPD, subject to the restrictions and requirements stated for each use:

a. Residential Uses.

- i. Single and two-family residential uses, subject to footnote (76) of Section 17.24.050, except a zoning administrator's special permit is required in all cases.
- ii. Fraternity/sorority houses and dormitories in the area bounded by Arden Way, El Monte Avenue, and Colfax Street, subject to footnote 47 of Section 17.24.050, except a zoning administrator's special permit is also required.
- iii. Apartments, subject to footnote (75) of Section 17.24.050.

b. Commercial Uses.

- i. Bed and breakfast inn, subject to a planning commission special permit.;
- ii. Hotel, subject to a planning commission special permit;
- iii. Motel, subject to a planning commission special permit;
- iv. Non-profit food preparation for off-site consumption and non-profit food storage and distribution facility, subject to a planning commission special permit;
- v. Secondhand stores, subject to a planning commission special permit;
- vi. Pawnshops, subject to a planning commission special permit;
- vii. Somatic practitioner or somatic practitioner establishment, subject to a planning commission special permit.

B. Development Standards.

Except as provided in this subsection B, development in the C-2 zone in the Del Paso Boulevard/Arden Way SPD shall be subject to the same development standards that govern development in the C-2 zone outside of the Del Paso Boulevard/Arden Way SPD.

1. Density.

The maximum allowable density for residential uses in the C-2 zone shall be 60 dwelling units per net acre.

2. Open Space.

New residential construction with twelve (12) units or more and located on a parcel greater than one-half acre in size shall include areas specifically designed for recreation or passive enjoyment of the outdoors, as follows:

- a. A minimum of fifty (50) square feet of usable common open space per unit is required. This open space area may include courtyards, gardens, recreation areas, and similar areas.
- b. A minimum of fifty (50) square feet of usable private open space per unit is required. This area is for the exclusive use of the unit and may include decks, balconies and patios. Private useable open space shall be directly accessible from the unit.
- c. For each square foot of usable private open space over fifty (50) square feet that is provided, the required fifty (50) square feet of usable common open space may be reduced by one square foot.
- d. Mixed use projects may use usable retail open space, such as plazas and open patios, for the required usable common open space.
- e. The open space requirements set forth in this subsection (B)(2) may be modified as part of the special permit or plan review required for the development.

17.108.080 Light Industrial M-1 zone.

A. Allowed and Prohibited Uses—Uses Subject to Special Restrictions and Requirements.

1. Allowed and Prohibited Uses.

The uses permitted in the M-1 zone under this title outside of the Del Paso Boulevard/Arden Way SPD shall be allowed in the M-1 zone within the Del Paso Boulevard/Arden Way SPD, except as set forth below:

- a. Bed and breakfast inns are permitted, subject to a planning commission special permit.
- b. The following uses are prohibited in the M-1 zone in the Del Paso Boulevard/Arden Way SPD:
 - i. Adult entertainment business;
 - ii. Adult related establishment;
 - iii. Astrology and related practices;
 - iv. Tattoo and/or body piercing parlors;

- v. Used appliance sales;
 - vi. Auto sales (new and used) and auto storage;
 - vii. RV/mobilehome sales yard, storage, repair;
 - viii. Recycling facilities;
 - ix. Auto dismantler;
 - x. Used tire storage and sales;
 - xi. Check cashing center;
 - xii. Money lender (including pawnbroker);
 - xiii. Mortuary;
 - xiv. Card room;
 - xv. Bingo activities licensed under Chapter 5.24 of this code;
 - xvi. Tobacco stores;
 - xvii. Laundromat;
 - xviii. Medical marijuana dispensary.
2. Uses Subject to Special Restrictions and Requirements.

If this title requires the approval of a special permit or other discretionary entitlement, or imposes other restrictions or requirements on the establishment of a particular use in the M-1 zone outside of the Del Paso Boulevard/Arden Way SPD, approval of the same discretionary entitlement and compliance with the same restrictions or requirements shall be required to establish the use in the M-1 zone within the Del Paso Boulevard/Arden Way SPD, except the following uses are permitted in the M-1 zone in the Del Paso Boulevard/Arden Way SPD, subject to the restrictions and requirements stated for each use:

- a. Auto service and repair and rental, subject to footnote (80) of Section 17.24.080 and, if not otherwise required, a planning commission special permit;
- b. Hotel, subject to a planning commission special permit;
- c. Motel, subject to a planning commission special permit;
- e. Offices, subject to footnote (35) of Section 17.24.050, except that office use of 10,000 square feet or less of gross floor area or up to 35% of the gross floor area of the building(s) per parcel, whichever is greater, is permitted as of right.

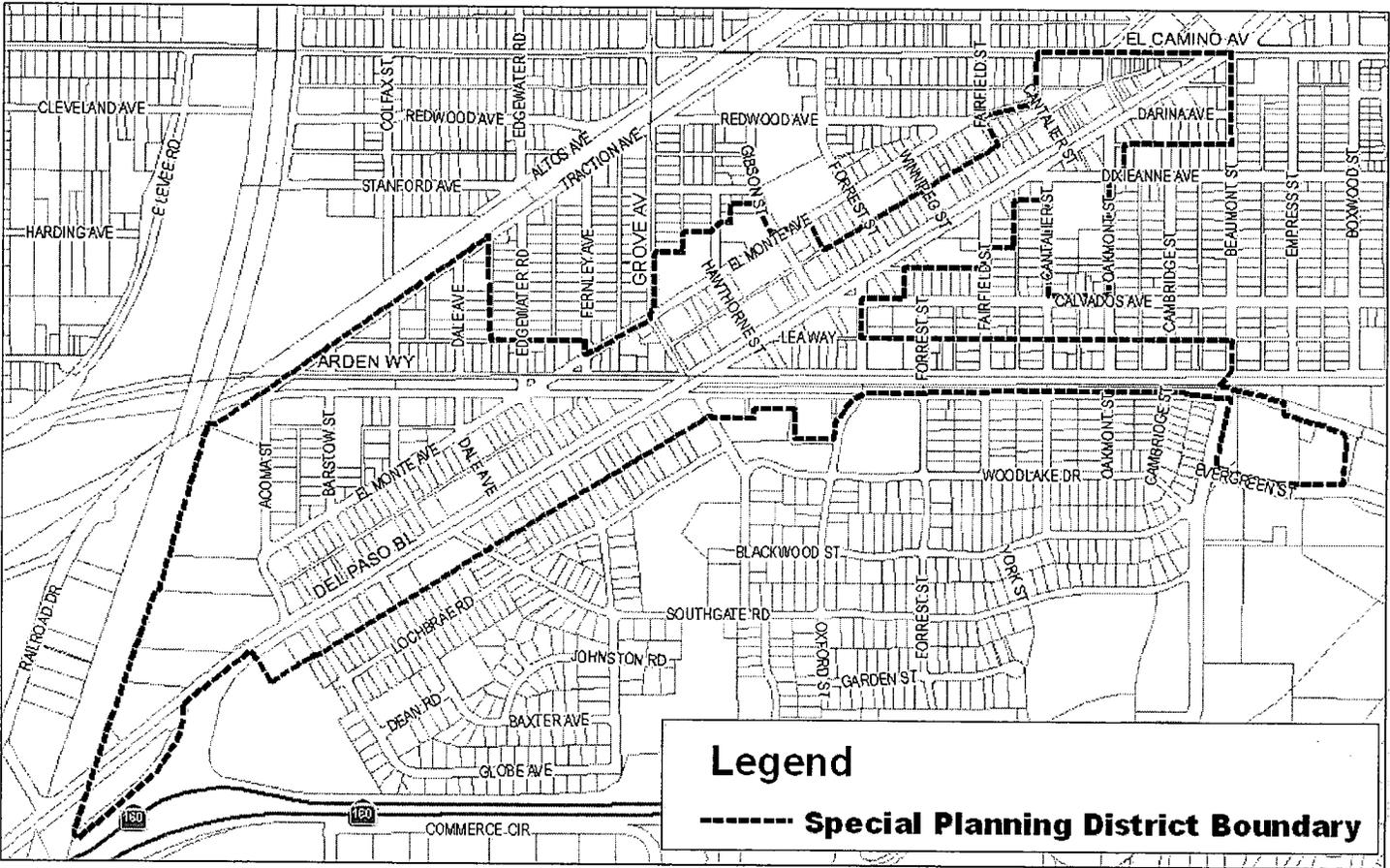
- f. Non-profit food preparation for off-site consumption and non-profit food storage and distribution facility, subject to a planning commission special permit;
 - g. Secondhand stores, subject to footnote (12) of Section 17.24.050, except that a planning commission special permit, rather than a zoning administrator special permit, shall be required;
 - h. Somatic practitioner or somatic practitioner establishment, subject to footnote (67) of Section 17.24.050 and a planning commission special permit.
- B. Development Standards.

Except as provided in this subsection B, development in the M-1 zone in the Del Paso Boulevard/Arden Way SPD shall be subject to the same development standards that govern development in the M-1 zone outside of the Del Paso Boulevard/Arden Way SPD.

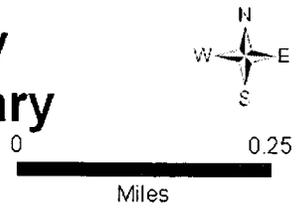
- 1. Outdoor Storage. Outdoor storage is not allowed unless the outdoor storage is incidental to a manufacturing use and is located within one hundred (100) feet of the manufacturing use it serves. A zoning administrator's special permit may permit outdoor storage up to three hundred (300) feet from the manufacturing use it serves. All outdoor storage shall be screened within an area enclosed on all sides by a solid fence (such as woven wire with slats) or a solid wall at least six feet in height.

17.108.090 Modification of Height, Yard, and Stepback Standards.

Design review conducted at the director or commission level under Chapter 17.132 may address and modify the required height, yard, and stepback standards for any project, to achieve the intent and purposes of the North Sacramento Design Guidelines, to ensure adequate light and air and compatibility with surrounding land uses, to ensure that an adequate and appropriate street tree canopy is created and maintained, and to ensure an adequate and appropriate street wall is created and maintained. Where the design director or design commission has authority to modify the required height, yard, and stepback standards under this section for a project, neither the zoning administrator nor the planning commission shall have authority to consider or grant special permits, variances, plan reviews, modifications of these entitlements, or any other entitlement to modify the height, yard, or stepback standards for the project.



Del Paso Boulevard/Arden Way Special Planning District Boundary



Section 4. Adoption of this ordinance repealing and adding Sacramento City Code Chapter 17.108 is not intended to and does not affect any approvals made, and entitlements issued, with attendant conditions, under Chapter 17.108 prior to the effective date of this ordinance. Those approvals and entitlements shall continue in effect subject to the terms and conditions established under the provisions of Chapter 17.108 as they existed prior to the effective date of this ordinance.

Section 5. Adoption of this ordinance repealing and adding Sacramento City Code Chapter 17.108 is not intended to and does not affect any administrative, civil, or criminal prosecutions or proceedings brought or to be brought pursuant to Chapter 17.108 or other provisions of the Sacramento City Code, or pursuant to applicable federal, state, or local laws, to enforce the provisions of Chapter 17.108 as they existed prior to the effective date of this ordinance. The provisions of Chapter 17.108, as they exist on the effective date of this ordinance, shall continue to be operative and effective with regard to any acts occurring prior to the effective date of this ordinance.

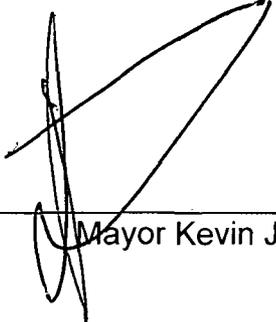
Adopted by the City of Sacramento City Council on March 15, 2011 by the following vote:

Ayes: Councilmembers Ashby, D Fong, R Fong, Pannell, Schenirer, Sheedy, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: Councilmembers Cohn, and McCarty.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk

Effective: April 13, 2011