REPORT TO COUNCIL
City of Sacramento

915 I Street, Sacramento, CA 95814-2671
www. CityofSacramento.org

PUBLIC HEARING
October, 3, 2006

Honorable Mayor and
Members of the City Council

Title: Del Paso Boulevard Special Planning District Amendments (M06-040)

Location/Council District: Del Paso Boulevard from Globe Avenue to El Camino Avenue (District 2)

Recommendation: 1) Adopt a **Resolution** approving the Environmental Exemption per the California Environmental Quality Act Section 15301; and 2) adopt an **Ordinance** amending the Comprehensive Zoning Ordinance regarding the Del Paso Boulevard Special Planning District.

Contact: Greg Bitter, Senior Planner, (916) 808-7816; David Kwong, Planning Manager, (916) 808-2691.

Presenter: Not Applicable

Department: Development Services

Division: Current Planning

Organization No: 4881

Description/Analysis

Issue: In order to support the Del Paso Boulevard Special Planning District (SPD) and the public and private investment in Del Paso Boulevard, the City is proposing to regulate certain land uses within the Del Paso Boulevard SPD. The SPD amendments include the addition of Check Cashing, Money Lenders, Retail Tobacco Stores, Mortuaries (Funeral Homes), Bingo Parlors, and Card Rooms to the list of Prohibited Uses and the removal of Hotels, Motels and Bed and Breakfast Inns from the Prohibited Use list. Hotels, Motels and Bed and Breakfast Inns shall be allowed subject to a Planning Commission Special Permit.

The intent of these amendments is not to prohibit the above listed uses throughout North Sacramento, but within a limited area that is undergoing significant public and private investment. The proposed prohibited uses do not

contribute to the overall goals of the Del Paso Boulevard Special Planning District, the goals of the North Sacramento Redevelopment Plan or the goals of the Northeast Line Light Rail Stations Infrastructure Needs Assessment and Urban Design Plans (see discussion in Background section on page 5 of this report).

Policy Considerations: The General Plan and North Sacramento Community Plan (NSCP) designate all of the land within the Del Paso Boulevard SPD as Special Planning District. The General Plan and NSCP land use designations allow these properties to be guided by the goals found in Chapter 17.108 of the City Zoning Code regarding the Del Paso Boulevard SPD that covers the Del Paso Boulevard SPD area. The proposed amendments are consistent with the general goals for the Del Paso Boulevard SPD, as found in Section 17.108 of the City Zoning Code (see Background section on page 5 of this report).

Smart Growth Principles: City Council adopted a set of Smart Growth Principles in December 2001 in order to promote growth or sustain existing development that is economically sound, environmentally friendly, and supportive of community livability. The subject proposal aids in the mixing of land uses to support vibrant city centers, takes advantage of existing community assets, and targets infrastructure investments within the urban core of the region.

Strategic Plan Implementation: The proposed amendments are consistent with the City of Sacramento Strategic Plan to expand economic development within the Del Paso Boulevard Special Planning District.

Committee/Commission Action: On September 14, 2006, the City Planning Commission unanimously recommended the Council adopt the proposed amendments. On September 19, 2006, the City Council's Law and Legislation Committee unanimously recommended the full Council approve the proposed amendments.

Environmental Considerations: The Environmental Services Manager has determined that these amendments to the Del Paso Boulevard Special Planning District regulations are exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines. Exemption 15061(b)(3) consists of an activity covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. However, specific projects requiring entitlement approval will be brought back to Planning Commission for authorization to proceed with actual construction/development of the proposed project. At the time of final action, appropriate CEQA environmental review documentation will also be completed for each specific project and brought forward to Planning Commission.

Rationale for Recommendation: The project is consistent with the objectives of the General Plan, North Sacramento Community Plan and the goals of the Del Paso Boulevard Special Planning District. The proposed amendments to the Del Paso Boulevard SPD are aimed at reducing the potential for less desirable land uses to be located within the SPD boundaries.

Financial Considerations: This project has no fiscal considerations.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully submitted by: _____
for DAVID KWONG
Planning Manager, Development Services

Approved by: _____
WILLIAM THOMAS
Director of Development Services

Recommendation Approved:

_____
for RAY KERRIDGE
City Manager

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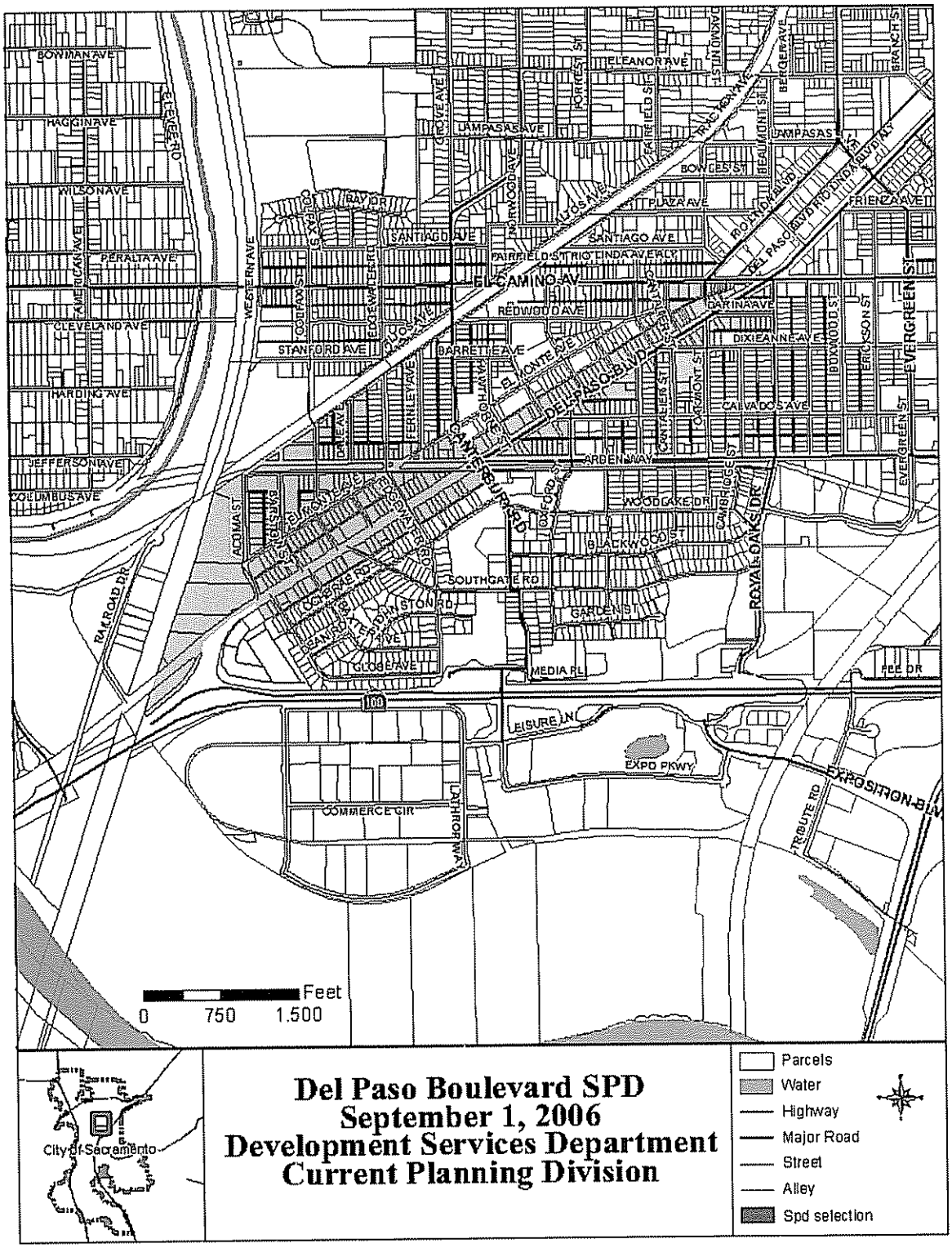
Attachment 1 – Location Map



Background Information

In 1994, the City of Sacramento established the Del Paso Boulevard Special Planning District (SPD). The SPD was established as a result of the North Sacramento Special Planning Districts and Light Rail Station Land Use Study. The study focused on mixed use development types and capitalized on working and living opportunities that are available within easy walking distance of light rail stations within the North Sacramento Community Plan area. The overall objective of the Study was to provide a detailed plan to guide and facilitate the continuing development and conservation of the areas within one quarter (1/4) mile of the five light rail stations in North Sacramento and in adjacent commercial areas.

The creation of the Del Paso Boulevard Special Planning District in 1994 required the rezoning of approximately 181 parcels from General Commercial (C-2) designation to the C-2 SPD designation with specific land use regulations. In 1997, the SPD boundary was expanded, and Light Industrial (M-1) zoning regulations were established.

The Del Paso Boulevard SPD area 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.

Section 17.108 of the City Zoning Code provides the following general goals for properties within the Del Paso Boulevard SPD:

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 reducing the number of obsolete and underutilized buildings and sites;
6. Promote land use characteristics for M-1 and C-2 properties which consider the neighborhood changes that result 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. Development standards and conditions for parking areas, as stated in this

section, are intended to promote economic development, while recognizing the need to maintain landscaped street frontages and promote aesthetic improvement of the area through a quality landscaped environment;

9. 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.

The Sacramento Housing and Redevelopment Agency has been actively implementing the North Sacramento Redevelopment Plan that includes a significant investment on Del Paso Boulevard. Agency investment to date along Del Paso Boulevard totals over $10,500,000 which includes, but is not limited to, the following activities: public infrastructure and streetscape improvements, property acquisitions, exterior rebate grants, commercial loans, property improvement and business district assistance, developers assistance and transit oriented development planning assistance to further beautification, commercial revitalization, economic development and transit friendly efforts consistent with the North Sacramento Redevelopment Implementation Plan. Future investment in the next five years is anticipated to be approximately $5 to $7 million and may increase as new projects are identified.

To date, the City has invested $385,000 for the preparation of the Northeast Line Light Rail Stations Infrastructure Needs Assessment and Urban Design Plans. The Light Rail Stations being studied include Globe Avenue Station, Arden Station, Royal Oaks Station and Swanston Station. The goal of these Plans is to identify infrastructure and public improvements that realistically could be implemented to encourage transit-oriented development, increase pedestrian and bicycle movement in the area, and create a vibrant urban village. The proposed project aims to overcome infrastructure and market barriers to development in the station areas by taking advantage of their locations within the North Sacramento Redevelopment Project area to leverage financial resources.

The proposed amendments to the Del Paso Boulevard SPD are aimed at reducing the potential for less desirable land uses to be located within the SPD boundaries. Specifically, the following land uses are proposed to be included in the list of prohibited uses:

- Check Cashing;
- Money Lenders;
- Retail Tobacco Stores;
- Mortuaries;
- Bingo Parlors; and
- Card Rooms

In addition, hotels, motels and bed and breakfast inns are being removed from the prohibited use list and added to the list of uses allowed with a Planning Commission Special Permit.

The intent of these amendments is not to prohibit the above listed uses throughout North Sacramento, but within a limited area that is undergoing significant public and private investment. The proposed prohibited uses do not contribute to the overall goals of the Del Paso Boulevard Special Planning District, the goals of the North Sacramento Redevelopment Plan or the goals of the Northeast Line Light Rail Stations Infrastructure Needs Assessment and Urban Design Plans.

Public/Neighborhood Outreach and Comments

As part of this project, staff has been in contact with several business and community groups in the area, including the North Sacramento Chamber of Commerce, the Del Paso Boulevard Property Based Improvement District (PBID), the North Sacramento Redevelopment Advisory Committee and the Woodlake Community Association. Outreach has included attendance at meetings and e-mail and phone correspondence. Staff also notified all property owners within the SPD and all property owners within 500 feet of the SPD. As of the writing of this staff report, there have been no written comments received from either the business or community groups in opposition to the proposed amendments. As a result of community outreach, hotels, motels and bed and breakfast inns are being removed from the prohibited use list and added to the list of uses allowed with a Planning Commission Special Permit.

RESOLUTION NO. 2006-

Adopted by the Sacramento City Council

DETERMINING PROJECT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (M06-040)

BACKGROUND

A. The City of Sacramento's Environmental Planning Services has reviewed the Del Paso Boulevard SPD Amendments (M06-040) and has determined the Project is exempt from review under the California Environmental Quality Act as follows:

1. The Project is exempt under the following provisions of the California Environmental Quality Act and/or Guidelines: Section 15061(b)(3)

2. The factual basis for the finding of exemption is as follows: Exemption 15061(b)(3) consists of an activity covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. However, specific projects requiring entitlement approval will be brought back to Planning Commission for authorization to proceed with actual construction/development of the proposed project. At the time of final action, appropriate CEQA environmental review documentation will also be completed for each specific project and brought forward to Planning Commission.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Council has reviewed and considered the Environmental Planning Services determination of exemption and the comments received at the hearing on the Project and determines that the Project is exempt from review under the California Environmental Quality Act for the reasons stated above.

Redlined ORDINANCE NO.

Adopted by the Sacramento City Council

AMENDING SECTIONS 17.108.020 AND 17.108.030 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO USES IN THE DEL PASO BOULEVARD SPECIAL PLANNING DISTRICT (M06-040)

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

SECTION 1. Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Section 17.16.010 is amended by adding the definition of "retail tobacco store" to read as follows:

"Tobacco store" means a place utilized primarily for the sale to members of the general public at retail of tobacco products or accessories, and in which the sale of other products is merely incidental.

B. Except as specifically amended in this Section 1, all other provisions of section 17.16.010 remain unchanged and in full force and effect.

SECTION 2. Section 17.108.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

17.108.020 C-2 SPD—Special regulations and restrictions.

Development for properties with C-2 zoning within Del Paso Boulevard SPD shall be subject to the following special rules and regulations, in addition to the other regulations of this title. In the event of conflict between the provisions of this section and other provisions of this title, the provisions of this section shall prevail.

A. Prohibited Uses.

In addition to other uses prohibited in the underlying zone, the following additional uses are prohibited for properties with C-2 zoning in the Del Paso Boulevard SPD:

1. Adult entertainment business;

2. Adult related establishment;

3. Astrology and related practices;

4. Tattoo and/or body piercing parlors;

5. Used appliance sales;

6. Auto sales (new and used), storage;

7. RV/mobilehome sales yard;

8. RV storage;

9. RV repair;

10. Mini storage/surface storage;

11. Used tire storage and sales;

12. Check cashing center and check cashing facility;

13. Money lender;

14. Mortuary (Funeral Home);

15. Card room;

16. Bingo activities licensed under Chapter 5.24 of this code;

17. Retail tobacco store.

B. Planning Commission Approval Required.

The following uses, although generally discouraged because of overconcentration problems and the potential nuisance and other problems associated with such uses, are permitted in the C-2 zone in the special planning district, subject to the issuance of a special permit by the planning commission, provided that, in addition to other findings required by Chapter 17.212 of this title, the planning commission must find that the use will meet one or more of the goals set forth above:

1. Auto service and repair, rental;

2. Bed and breakfast inn;

3. Hotel;

4. Motel;

5. Social services;

6. Thrift stores/pawn shops.

C. Manufacturing Establishments.

Notwithstanding the provisions of Section 17.24.040(B) of this title, the zoning administrator may approve the use of a total of twenty thousand (20,000) square feet of gross floor area of a building for manufacturing purposes, subject to the following requirements:

1. The manufacturing use shall not create noise levels that exceed the standards set forth in Section 8.68.060 of this code.

2. Building expansions shall meet the adopted design guidelines for North Sacramento project area.

3. New buildings in the C-2 zone shall be designed to be convertible to the commercial uses of the underlying C-2 zone.

D. Residential Uses in C-2 Zones.

Notwithstanding the provisions of Section 17.24.020 of this title, residential uses in the C-2 zone are permitted upon approval of a zoning administrator's special permit.

E. Fraternity and Sorority Uses in Certain C-2 Zone Areas.

Notwithstanding Section 17.24.050(47) of this title, fraternity/sorority house/dormitory uses for the C-2 zone lying between Arden Way, El Monte Avenue, and Colfax Street, are allowed subject to a zoning administrator's special permit.

F. Design Review Guidelines.

Properties within the Del Paso SPD are subject to the North Sacramento design review guidelines. These guidelines address aesthetics, setbacks, fencing and landscaping.

SECTION 3. Section 17.108.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

17.108.030 M-1 SPD—Special regulations and restrictions.

Development for properties with M-1 zoning within Del Paso Boulevard SPD shall be subject to the following special rules and regulations, in addition to the other regulations of this title. In the event of conflict between the provisions of this section and other provisions of this title, the provisions of this section shall prevail.

A. Prohibited Uses.

In addition to other uses prohibited in the underlying zone, the following additional uses are prohibited for properties with M-1 zoning in the Del Paso Boulevard SPD:

1. Adult entertainment business;

2. Adult related establishment;

3. Astrology and related practices;

4. Tattoo and/or body piercing parlors;

5. Used appliance sales;

7. Auto sales (new and used), storage;

8. RV/mobilehome sales yard;

9. RV storage;

10. RV repair;

11. Recycling facilities;

12. Auto dismantler;

13. Used tire storage and sales;

14. Check cashing center and check cashing facility;

15. Money lender;

16. Pawn shop;

17. <u>Mortuary (Funeral Home);</u>

18. Card room;

19. Bingo activities licensed under Chapter 5.24 of this code;

20. Retail tobacco stores.

B. Planning Commission Approval Required.

The following uses, although generally discouraged because of over-concentration problems and the potential nuisance and other problems associated with such uses, are permitted in the M-1 zone in the special planning district, subject to the issuance of a special permit by the planning commission, provided that, in addition to other findings required by Chapter 17.212 of this title, the planning commission must find that the use will meet one or more goals for the Triangle Area, as set forth in Section 17.108.010(B) of this chapter.

1. Auto service and repair, rental;

2. Bed and breakfast inn;

3. Hotel;

4. Motel;

5. Social services.

6. Thrift store.

C. Special Permit Requirements for Office Use in M-1 Zone.

Notwithstanding the provisions of Section 17.24.050(35) of this title, office uses zoned M-1-SPD are not required to be incidental to an industrial use, and are permitted as a matter of right up to thirty-five (35) percent of the gross floor area of the building(s) on the property used for the underlying business. The zoning administrator shall also have authority to issue a special permit for up to forty thousand (40,000) square feet of office uses for properties zoned M-1-SPD.

D. Outdoor Storage Use in the M-1 Zone.

Outdoor storage is not allowed unless such use is incidental to allowed manufacturing uses in the M-1 zone. Outdoor storage that is incidental to the allowed manufacturing uses may be approved within one hundred (100) feet of the manufacturing use by right. A zoning administrator's special permit shall be required for outdoor storage up to three hundred (300) feet from the manufacturing use. All outdoor storage shall be adequately screened within an area enclosed on all sides by a solid fence (such as woven wire with slats), or a solid wall which is at least six feet in height.

E. Design Review Guidelines.

Properties within the Del Paso SPD are subject to the North Sacramento design review guidelines. These guidelines address aesthetics, setbacks, fencing and landscaping.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

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B. Except as specifically amended in this Section 1, all other provisions of section 17.16.010 remain unchanged and in full force and effect.

SECTION 2. Section 17.108.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

17.108.020 C-2 SPD—Special regulations and restrictions.

Development for properties with C-2 zoning within Del Paso Boulevard SPD shall be subject to the following special rules and regulations, in addition to the other regulations of this title. In the event of conflict between the provisions of this section and other provisions of this title, the provisions of this section shall prevail.

A. Prohibited Uses.

In addition to other uses prohibited in the underlying zone, the following additional uses are prohibited for properties with C-2 zoning in the Del Paso Boulevard SPD:

1. Adult entertainment business;

2. Adult related establishment;

3. Astrology and related practices;

4. Tattoo and/or body piercing parlors;

5. Used appliance sales;

6. Auto sales (new and used), storage;

7. RV/mobilehome sales yard;

8. RV storage;

9. RV repair;

10. Mini storage/surface storage;

11. Used tire storage and sales;

12. Check cashing center and check cashing facility;

13. Money lender;

14. Mortuary;

15. Card room;

16. Bingo activities licensed under Chapter 5.24 of this code;

17. Retail tobacco store.

B. Planning Commission Approval Required.

The following uses, although generally discouraged because of overconcentration problems and the potential nuisance and other problems associated with such uses, are permitted in the C-2 zone in the special planning district, subject to the issuance of a special permit by the planning commission, provided that, in addition to other findings required by Chapter 17.212 of this title, the planning commission must find that the use will meet one or more of the goals set forth above:

1. Auto service and repair, rental;

2. Bed and breakfast inn;

3. Hotel;

4. Motel;

5. Social services;

6. Thrift stores/Pawn Shops

C. Manufacturing Establishments.

Notwithstanding the provisions of Section 17.24.040(B) of this title, the zoning administrator may approve the use of a total of twenty thousand (20,000) square feet of gross floor area of a building for manufacturing purposes, subject to the following requirements:

1. The manufacturing use shall not create noise levels that exceed the standards set forth in Section 8.68.060 of this code.

2. Building expansions shall meet the adopted design guidelines for North Sacramento project area.

3. New buildings in the C-2 zone shall be designed to be convertible to the commercial uses of the underlying C-2 zone.

D. Residential Uses in C-2 Zones.

Notwithstanding the provisions of Section 17.24.020 of this title, residential uses in the C-2 zone are permitted upon approval of a zoning administrator's special permit.

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Development for properties with M-1 zoning within Del Paso Boulevard SPD shall be subject to the following special rules and regulations, in addition to the other regulations of this title. In the event of conflict between the provisions of this section and other provisions of this title, the provisions of this section shall prevail.

A. Prohibited Uses.

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11. Recycling facilities;

12. Auto dismantler;

13. Used tire storage and sales;

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16. Pawn shop;

17. Mortuary;

18. Card room;

19. Bingo activities licensed under Chapter 5.24 of this code;

20. Retail tobacco stores.

B. Planning Commission Approval Required.

The following uses, although generally discouraged because of over-concentration problems and the potential nuisance and other problems associated with such uses, are permitted in the M-1 zone in the special planning district, subject to the issuance of a special permit by the planning commission, provided that, in addition to other findings required by Chapter 17.212 of this title, the planning commission must find that the use will meet one or more goals for the Triangle Area, as set forth in Section 17.108.010(B) of this chapter.

1. Auto service and repair, rental;

2. Bed and breakfast inn;

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C. Special Permit Requirements for Office Use in M-1 Zone.

Notwithstanding the provisions of Section 17.24.050(35) of this title, office uses zoned M-1-SPD are not required to be incidental to an industrial use, and are permitted as a matter of right up to thirty-five (35) percent of the gross floor area of the building(s) on the property used for the underlying business. The zoning administrator shall also have authority to issue a special permit for up to forty thousand (40,000) square feet of office uses for properties zoned M-1-SPD.

D. Outdoor Storage Use in the M-1 Zone.

Outdoor storage is not allowed unless such use is incidental to allowed manufacturing uses in the M-1 zone. Outdoor storage that is incidental to the allowed manufacturing uses may be approved within one hundred (100) feet of the manufacturing use by right. A zoning administrator's special permit shall be required for outdoor storage up to three hundred (300) feet from the manufacturing use. All outdoor storage shall be adequately screened within an area enclosed on all sides by a solid fence (such as woven

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