Title: Ordinance Amending Sections 17.424.060 and 17.424.070 of the Sacramento City Code (The Planning and Development Code) Relating to the Del Paso Boulevard/Arden Way Special Planning District (M18-002) [Noticed 04/20/2018; Passed for Publication 04/24/2018; Published 04/27/2018] {Continued from 05/01/2018}

Location: Del Paso Boulevard/Arden Way Special Planning District, District 2

Recommendation: Conduct a public hearing and upon conclusion pass an Ordinance amending the Planning and Development Code (Title 17) amending the list of permitted and prohibited uses in the Del Paso Boulevard/Arden Way Special Planning District.

Contact: Joy Patterson, Principal Planner, (916) 808-5607, Zoning Administration, Community Development Department,

Presenter: Joy Patterson, Principal Planner, (916) 808-5607, Zoning Administration, Community Development Department,

Attachments:
1-Description/Analysis
2-Ordinance (Redlined)
3-Ordinance (Clean)
4-Map of Del Paso Boulevard/Arden Way SPD Boundaries
Description/Analysis

**Issue Detail:** At the City Council meeting of January 24, 2018 Councilmember Warren expressed concerns regarding the cultivation of cannabis in buildings that front on Del Paso Boulevard and Arden Way in the Del Paso Boulevard/Arden Way Special Planning District. His concern is that the use, which is required to be contained inside of a building and is prohibited from being visible from the public right-of-way, is contrary to several of the goals of the SPD to activate the area for commercial uses. On February 27, 2018 the City Council initiated proceedings to amend the text of the special planning district to prohibit the cultivation of cannabis on property that fronts on Arden Way or Del Paso Boulevard in the SPD area. The attached amendment to the Planning and Development Code adds “Cannabis cultivation on parcels fronting Del Paso Boulevard or Arden Way” to the list of prohibited uses in the General Commercial (C-2) and Light Industrial (M-1) zones in the special planning district. The Law and Legislation Committee, at their April 24, 2018 meeting also recommended that the code be amended to allow tobacco sales in the SPD with a conditional use permit as certain tobacco related uses would also assist in activating this commercial area.

**Policy Considerations:** The Del Paso Boulevard/Arden Way Special Planning District was initially established in 1994 to assist in the preservation of the economic climate in this mixed-use neighborhood of residential, commercial and light industrial uses by retaining existing businesses while accommodating new development. Some of the general goals for the properties in the area are to promote an active retail and arts and entertainment district along the two major thoroughfares of Del Paso Boulevard and Arden Way, the historic main streets of the North Sacramento community. Cannabis cultivation is not compatible with these goals in that it is a low intensity, non-retail use that is not pedestrian friendly and does not activate the street by encouraging visitors and customers to the area. Prohibiting cultivation on parcels fronting these two streets is consistent with the following General Plan Land Use Policy:

LU 2.1.6 Neighborhood Centers. The City shall promote the development of strategically located (e.g. assessible to surrounding neighborhoods) mixed use neighborhood centers that accommodate local serving commercial, employment and entertainment uses; provide diverse housing opportunities; are within walking distance of surrounding residents; and are efficiently served by transit. (RDR).

**Economic Impacts:** Not applicable.

**Environmental Considerations:** This action is not a project subject to the California Environmental Quality Act (CEQA) because it involves only general policy and procedure making and does not have the potential for resulting in either a direct physical change in the
environment, or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines, section 15002(d), 15378, 15061(b)(3).)

**Sustainability:** Not applicable.

**Commission/Committee Action:** On March 22, 2018 the proposed ordinance was reviewed by the Planning and Design Commission. The commission was hesitant to change the current process on a one-off basis (i.e. Del Paso Blvd./Arden Way) absent a comprehensive study of other commercial corridors, SPDs, and different permutations of the prohibition, such as allowing retail in the front and cultivation in the back of a building. The Planning and Design Commission, by a vote of nine ayes, two noes and one absent, voted to recommend denial of the proposed ordinance and forward the recommendation to City Council.

The item was on the Law and Legislation Committee agenda of April 24, 2018 for their review and recommendation to City Council. The committee listened to public testimony by business and neighborhood groups in favor of the proposed amendment to the code. Testimony was also given by the public in support of a change that would permit the location of tobacco sales in the SPD area. They expressed their belief that certain tobacco related uses would be supportive of the goals of the SPD to activate the commercial area. The committee, by a vote of three ayes and one absent, voted to recommend approval of the proposed ordinance prohibiting cannabis cultivation in the SPD area with the additional code amendment that tobacco sales be removed from the prohibited list and added as a permitted use subject to conditional use permit review and approval. The committee also recommended, to address the commission’s concerns, that the topic of cultivation on commercial corridors and other SPDs be placed on the agenda of upcoming stakeholder meetings conducted by the City Office of Cannabis Policy and Enforcement. The proposed ordinance attached to this report includes the Law and Legislation Committee recommendation.

**Rationale for Recommendation:** The proposed amendment will add cannabis cultivation on parcels fronting Del Paso Boulevard or Arden Way to the list of prohibited uses in the C-2 and M-1 zones in the special planning district. This Planning and Development Code amendment will facilitate the implementation of the goals of the Del Paso Boulevard/Arden Way SPD as well as the 2035 General Plan.

**Financial Considerations:** Not applicable.

**Local Business Enterprise (LBE):** Not applicable.

**Public/Neighborhood Outreach and Comments:** Notice of the Planning and Design Commission hearing and the City Council hearing was sent to all property owners within the
ORDINANCE NO.
Adopted by the Sacramento City Council
Date Adopted

AN ORDINANCE AMENDING SECTIONS 17.424.060 AND 17.424.070 OF THE SACRAMENTO CITY CODE (THE PLANNING AND DEVELOPMENT 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.

The city council finds the following:

1. As amended by this ordinance, the Planning and Development Code complements, supports, and facilitates the implementation of the goals, policies, and other provisions of the general plan and the city’s specific plans and transit village plans; and

2. The amendments in this ordinance promote the public health, safety, convenience, and welfare of the city.

SECTION 2.

Section 17.424.060 of the Sacramento City Code is amended to read as follows:

17.424.060 C-2 general commercial zone.

A. Allowed uses.

1. Except as provided in subsections B and C of this section, the uses permitted in the C-2 zone under this title outside of the Del Paso Boulevard/Arden Way SPD are allowed in the C-2 zone within the Del Paso Boulevard/Arden Way SPD.

2. If this title requires the approval of a conditional use permit or other discretionary permit, 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 permit and compliance with the same restrictions or requirements are required for the use in the C-2 zone within the Del Paso Boulevard/Arden Way SPD.

B. Allowed uses—Manufacturing, service, and repair. Manufacturing, service, and repair uses are allowed in the C-2 zone within the Del Paso Boulevard/Arden Way SPD as follows:

1. Manufacturing, service, and repair uses not exceeding 6,400 gross square feet of floor area are allowed.

2. Manufacturing, service, and repair uses greater than 6,400 but less than 20,000 gross square feet of floor area are allowed, subject to the following requirements:
   a. The use requires a zoning administrator conditional use permit;
   b. Newly constructed buildings for this use shall be designed to be convertible to commercial use; and
   c. If located on Del Paso Boulevard, the use shall have an office or another active commercial use facing the street.

C. Allowed uses—Tobacco retailer. Tobacco retailer uses are allowed in the C-2 zone within the Del Paso Boulevard/Arden Way SPD with a zoning administrator conditional use permit.

D. Prohibited uses. The following uses are prohibited in the C-2 zone in the Del Paso Boulevard/Arden Way SPD:
   1. Adult entertainment business;
   2. Adult-related establishment;
   3. Check-cashing center;
   4. Mortuary; crematory; and
   5. Tobacco retailer.

   5. Cannabis cultivation on parcels fronting Del Paso Boulevard or Arden Way.

SECTION 3.

Section 17.424.070 of the Sacramento City Code is amended to read as follows:

17.424.070 M-1 light industrial zone.
A. Allowed uses.

1. Except as provided in subsections B and C of this section, the uses permitted in the M-1 zone under this title outside of the Del Paso Boulevard/Arden Way SPD are allowed in the M-1 zone within the Del Paso Boulevard/Arden Way SPD.

2. If this title requires the approval of a conditional use permit, or other discretionary permit, 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 permit and compliance with the same restrictions or requirements are required for the use in the M-1 zone within the Del Paso Boulevard/Arden Way SPD.

B. Allowed uses—Office. Office uses are allowed in the M-1 zone in the Del Paso Boulevard/Arden Way SPD, as follows:

1. Office uses not exceeding 10,000 gross square feet of floor area, or up to 35% of gross floor area of building per parcel, whichever is greater, are allowed.

2. Office uses located less than ¼ mile from a light rail station that do not exceed 40,000 gross square feet of floor area and are located in a building with a floor area ratio of 0.4 or greater are allowed.

3. Office uses that are not covered by paragraph 1 or 2 of this subsection require a planning and design commission conditional use permit.

C. Allowed uses—Tobacco retailer. Tobacco retailer uses are allowed in the M-1 zone within the Del Paso Boulevard/Arden Way SPD with a zoning administrator conditional use permit.

CD. Prohibited uses. The following uses are prohibited in the M-1 zone in the Del Paso Boulevard/Arden Way SPD:

1. Adult entertainment business;
2. Adult-related establishment;
3. Auto dismantler;
4. Mobilehome sales, storage;
5. Recycling facility; and
6. Tobacco retailer.

6. Cannabis cultivation on parcels fronting Del Paso Boulevard or Arden Way.

DE. Development standards. In the M-1 zone in the Del Paso
Boulevard/Arden Way SPD, outdoor storage incidental to a manufacturing use is allowed within 100 feet of the manufacturing use it serves. 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.
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Section 17.424.070 of the Sacramento City Code is amended to read as follows:

17.424.070 M-1 light industrial zone.
   A. Allowed uses.
1. Except as provided in subsections B and C of this section, the uses permitted in the M-1 zone under this title outside of the Del Paso Boulevard/Arden Way SPD are allowed in the M-1 zone within the Del Paso Boulevard/Arden Way SPD.

2. If this title requires the approval of a conditional use permit, or other discretionary permit, 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 permit and compliance with the same restrictions or requirements are required for the use in the M-1 zone within the Del Paso Boulevard/Arden Way SPD.

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