



## Law and Legislation Committee Report

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**File ID:** 2019-01048

**July 23, 2019**

**Discussion Item 05**

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### **Title: Transit-Oriented Development Ordinance Amendments**

**Location:** Citywide

**Recommendation:** Review and provide comments on: 1) a framework of modifications to the Transit-Oriented Development (TOD) Ordinance relating to the regulation of land uses near light rail stations; and 2) a proposed new zoning district that permits existing commercial and industrial uses to operate near light rail stations while encouraging a transition to transit-supportive uses.

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### **Attachments:**

1-Description/Analysis

2-List of Proposed Changes to Transit-Oriented Development (TOD) Ordinance and Proposed New Industrial and Transit Area Zoning District

## Description/Analysis

**Issue Detail:** On October 17, 2017, City Council directed the City Manager to bring forward policy and code changes that would limit low-density auto-oriented uses near light rail stations. Uses that are incompatible with light rail are those that are auto oriented and generate high levels of Vehicle Miles Traveled (VMT) while not encouraging the use of transit. Compatible uses are those that increase transit ridership, such as high-density housing and job-intensive office and retail uses.

On December 11, 2018, City Council adopted Ordinance No. 2018-0055 amending various sections of Title 17 of the Sacramento City Code, relating to Transit-Oriented Development (TOD), which became effective January 10, 2019. City Council requested staff to conduct additional outreach to affected property owners/businesses, particularly in industrial areas of the City, and return to City Council in the first quarter of 2019. City Council requested staff to return with recommended next steps in addressing concerns regarding significant barriers between properties with existing industrial uses and light rail stations.

On April 2, 2019, City Council reviewed a proposed framework for revising the TOD Ordinance and directed staff to reevaluate the  $\frac{1}{4}$  and  $\frac{1}{2}$  mile distance from light rail stations and consider revising the TOD Ordinance distance to account for the length of time required to walk and bike from the light rail station to the property instead of “as the crow flies” distance. Attachment 2-List of Proposed Changes to Transit-Oriented Development (TOD) Ordinance and Proposed New Industrial and Transit Area Zoning District, illustrates the revised methodology for measuring distance from light rail stations. The City Council also directed staff to present recommended changes to the Planning and Design Commission as well as the Law and Legislation Committee in the Spring of 2019.

Based on conversations with business and property owners and field observations, City staff has developed an initial framework for potential changes to the TOD Ordinance that encourage existing industrial parks to thrive, while also providing flexibility for other types of land uses that over time may transition into a transit-supportive environment. One potential solution for areas that have long-standing industrial uses and lack pedestrian and bicycle infrastructure and neighborhood-serving amenities and services would be to create a new zoning district. Staff has drafted a proposed new zoning district to be initially used for Cannon Industrial Park only, but the new zone could potentially be applied in other industrial station area locations in the future if needed. The new zone would permit existing commercial and industrial uses, such as wholesale stores and manufacturing uses to continue to operate while encouraging higher-intensity residential, commercial, retail, office, and mixed uses by right, while prohibiting auto centric uses, such as car dealerships, gas stations, and drive-through restaurants. Attachment 2-List of Proposed Changes to Transit-Oriented Development (TOD) Ordinance and Proposed

New Industrial and Transit Area Zoning District provides details on the proposed new zoning district.

On June 27, 2019, the Planning and Design Commission reviewed and commented on the proposed Transit-Oriented Development Ordinance Amendments.

**Policy Considerations:** The 2035 General Plan contains the following policies related to encouraging Transit-Oriented Development:

- **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.
- **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.
- **LU 2.6.1: Sustainable Development Patterns.** The City shall promote compact development patterns, mixed use, and higher-development intensities that use land efficiently; reduce pollution and automobile dependence and the expenditure of energy and other resources; and facilitate walking, bicycling, and transit use.
- **LU 2.6.2: Transit-Oriented Development.** The City shall actively support and facilitate mixed-use retail, employment, and residential development around existing and future transit stations
- **LU 5.1.2: Centers Served by Transit.** The City shall promote the development of commercial mixed-use centers that are located on existing or planned transit stops in order to facilitate and take advantage of transit service, reduce vehicle trips, and enhance community access.
- **M 1.2.1: Multimodal Choices.** The City shall develop an integrated, multimodal transportation system that improves the attractiveness of walking, bicycling, and riding transit over time to increase travel choices and aid in achieving a more balanced transportation system and reducing air pollution and greenhouse gas emissions.

**Economic Impacts:** The revised Transit-Oriented Development Ordinance will increase high-density housing and job opportunities and will support existing industrial uses near light rail stations.

**Environmental Considerations:** The review and comment that is the subject of this report is not a project under the California Environmental Quality Act (CEQA). (Public Resources Code sections 21065 and 21080 and CEQA Guidelines section 15378(a).)

**Sustainability:** The proposed revisions to the Transit-Oriented Development Ordinance proposals are consistent with General Plan goals and policies to support transit-oriented development and infill development. Increasing housing densities and uses with intensive job opportunities around public transportation hubs will reduce dependence on the use of private automobiles, reduce vehicle miles traveled (VMT) per household, reduce the use of fossil fuels, improve energy efficiency, reduce carbon dioxide emissions, and help meet air quality standards.

**Rationale for Recommendation:** Revising the TOD Ordinance measuring distance methodology more accurately identifies transit-supportive uses that are within one-quarter mile or one-half mile walking or biking distance from a light rail station. The proposed new zoning district would permit certain existing commercial and industrial uses to operate near transit stations while encouraging the area to transition to higher-intensity residential, commercial, and mixed uses that support a walkable, transit-oriented district. The proposed new zone would permit uses that increase transit ridership, such as high-density housing and job-intensive office and retail uses, and limit low density auto-oriented uses near light rail stations.

**Financial Considerations:** Not applicable.

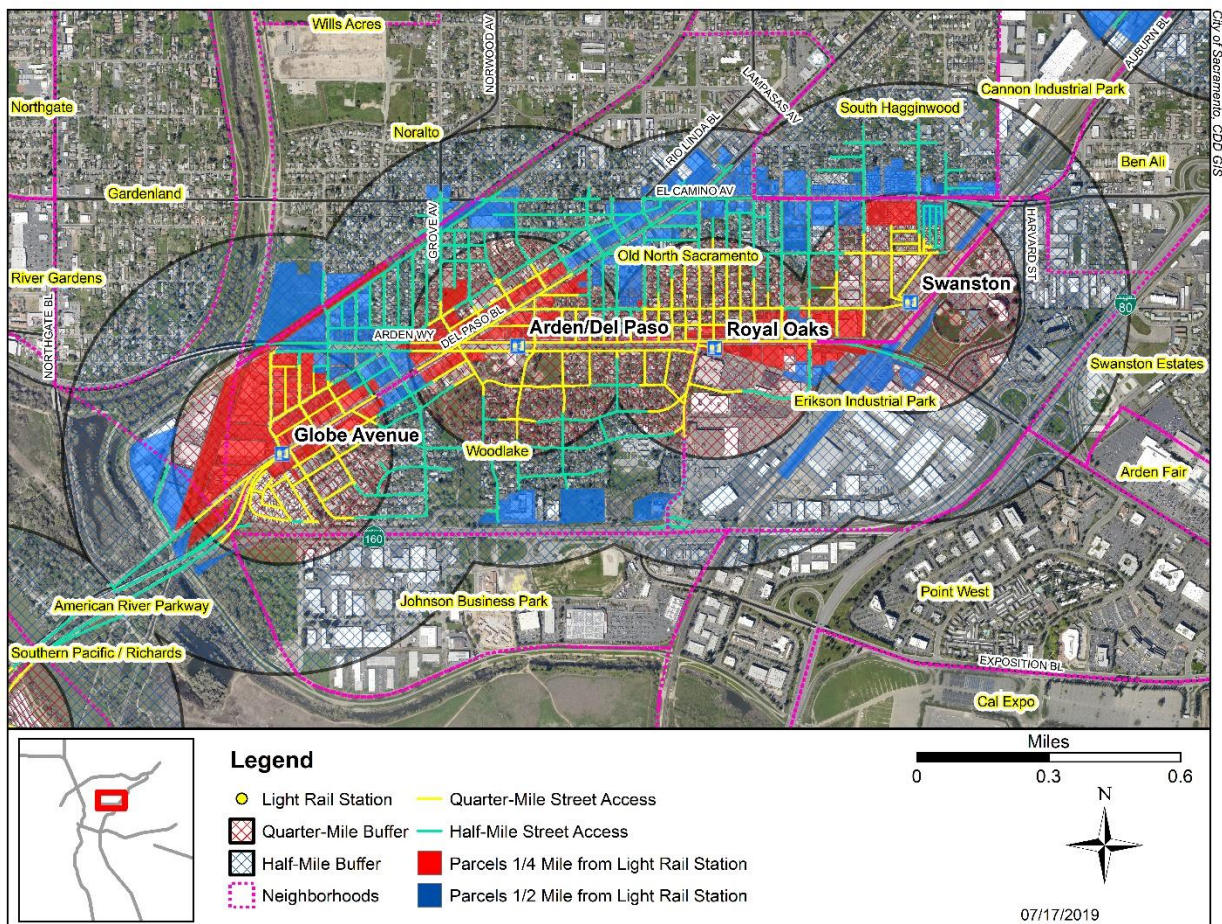
**Local Business Enterprise (LBE):** Not applicable.

## Attachment 2 – List of Proposed Changes to Transit-Oriented Development (TOD) Ordinance and Proposed New Industrial and Transit Area Zoning District

### PROPOSED CHANGES TO TOD ORDINANCE

#### Methodology of measuring distance to and from light rail stations

- **Existing:**
  - Some land uses, when located at a specified distance from the center of an existing or proposed light rail station platform, are regulated in the land use tables of the base zoning districts. Locations of land uses are regulated based on the following radius ('as the crow flies') distances:
    - Within  $\frac{1}{4}$  mile
    - Greater than  $\frac{1}{4}$  mile but less than or equal to  $\frac{1}{2}$  mile
    - Within  $\frac{1}{2}$  mile from the center of an existing or proposed light rail station platform
- **Proposed:**
  - Parcels within actual  $\frac{1}{4}$  mile (red colored polygons below) or  $\frac{1}{2}$  mile (blue colored polygons below) biking/driving/walking distance along streets and pathways would be subject to the ordinance. The location of the land use on a parcel would be regulated through the radii below.



## **Attachment 2 – List of Proposed Changes to Transit-Oriented Development (TOD) Ordinance and Proposed New Industrial and Transit Area Zoning District**

### **Definitions clean-up**

- Remove the following phrase from the definitions of six land uses since the land uses are regulated in the land use tables in the base zones: “Regulation of this use varies, depending on the distance from a light rail station.”.

### **Transit Overlay Zone**

- **Existing:**
  - The Transit Overlay Zone applies to properties within ½ mile of a light rail station and the property is either zoned as C-2 (General Commercial Zone) or RMX (Residential Mixed Use).
- **Proposed:**
  - Eliminate the Transit Overlay Zone. The TOD ordinance that was approved in December 2018 makes this overlay zone redundant in the Planning and Development Code.

### **TOD – Special Use Regulations**

- **Existing:**
  - For uses subject to this special use regulation if located within ½ mile from a light rail station they are required to get a conditional use permit (CUP), which will not be granted unless the project meets at least one of the following:
    - Significant barrier. There is a significant barrier that greatly increases the distance someone must travel to reach the site from the nearest light rail station. As an example, a property may be within ¼ mile radius of a light rail station but due to a highway, the actual traveling distance is greater than ½ mile. Note that the project applicant still must go through the CUP process even if staff has confirmed that there is a significant barrier.
    - TOD development standards. If there is no significant barrier then the project has six items of requirements relating to floor area ratio, employee density, residential density (if a mixed-use project), building appearance, pedestrian amenities, and transportation facilities.
- **Proposed:**
  - If there is a significant barrier then there is no CUP requirement. The proposed methodology at the beginning of this attachment of measuring distance to and from light rail stations would eliminate the need for project

## **Attachment 2 – List of Proposed Changes to Transit-Oriented Development (TOD) Ordinance and Proposed New Industrial and Transit Area Zoning District**

sponsors to go through the CUP process if there is a significant barrier between properties and light rail stations. The methodology only includes properties that are within ½ mile from a light rail station, so properties greater than ½ mile from a light rail station would not be subject to the special use regulations.

- Remove the requirement that development projects shall provide awnings and canopies. Awnings and canopies would still be allowed, but not required.
- Expand requirement of pedestrian access from just the development/use to the entire property.
- Add the option of providing vehicle parking on top of structures.
- Clarify that only new buildings (and not existing buildings) are required to have direct access to public ways and sidewalks.
- Clarify that if another use is exempt from needing a CUP under certain conditions that the other use's exemption overrules this special use regulation so that no CUP would be required.

### **Standards for uses within one-quarter mile of a light rail station**

- Clarify that the existing standards apply only to new buildings and not to changes of use.
- Remove the requirement that development projects shall provide awnings and canopies. Awnings and canopies would still be allowed, but not required.

### **Parking regulations near light rail stations**

- Clarify that the off-street vehicle parking requirements (none required within ¼ mile and 50% reduction within ½ mile) are measured by radius and not by actual biking/driving/walking distance.



## **Attachment 2 – List of Proposed Changes to Transit-Oriented Development (TOD) Ordinance and Proposed New Industrial and Transit Area Zoning District**

### **PROPOSED NEW INDUSTRIAL AND TRANSIT AREA ZONING DISTRICT**

#### **Industrial and Transit Area Zone**

- Propose a new zone for industrial areas near light rail stations to permit certain existing commercial and industrial uses to operate near transit stations while encouraging the area to transition to higher-intensity residential, commercial, and mixed uses that support a walkable, transit-oriented district. The zone would permit uses that increase transit ridership, such as high-density housing and job-intensive office and retail uses, and would limit low density auto-oriented uses near light rail stations.
  - Permitted by right
    - Residential Uses
      - Dormitory
      - Dwelling, multi-unit
      - Residential care facility
      - Residential hotel
      - Temporary residential shelter
    - Commercial and Institutional Uses
      - Adult entertainment business
      - Amusement center, indoor
      - Athletic club; fitness studio
      - Cannabis testing
      - Childcare center
      - College extension
      - Commercial service
      - Community market
      - Hotel; motel
      - Laundromat, self-service
      - Library; archive
      - Museum
      - Non-profit organization, food preparation for off-site consumption
      - Non-profit organization, food storage and distribution
      - Office
      - Restaurant
      - Retail store (if use does not exceed 40,000 gross square feet)
      - School—dance, music, art, martial arts



**Attachment 2 – List of Proposed Changes to Transit-Oriented Development (TOD)  
Ordinance and Proposed New Industrial and Transit Area Zoning District**

- School, vocational
- Theater
- Temporary commercial building
- Transit vehicle—service, repair, storage
- Veterinary clinic; veterinary hospital
- Wholesale store
- Industrial and Agricultural Uses
  - Aquaculture
  - Community garden, private
  - Contractor storage yard
  - Laboratory, research
  - Manufacturing, service, and repair
  - Market garden
  - Passenger terminal
  - Railroad ROW
  - Solar energy system, commercial (city property)
  - Terminal yard, trucking
  - Tractor or heavy truck sales, storage, rental
  - Tractor or heavy truck service, repair
  - Warehouse; distribution center
- Permitted with a conditional use permit (CUP)
  - Residential Uses
    - Mobilehome park
  - Commercial and Institutional Uses
    - Adult-related establishment
    - Alcoholic beverage sales, off-premises consumption
    - Assembly—cultural, religious, social
    - Bar; nightclub
    - Cannabis dispensary
    - College campus
    - Kennel
    - Non-profit organization, meal service facility
    - Nonresidential care facility
    - Outdoor market
    - Retail store (if exceeds 40,000 gross square feet)
    - School, K-12

## **Attachment 2 – List of Proposed Changes to Transit-Oriented Development (TOD) Ordinance and Proposed New Industrial and Transit Area Zoning District**

- Industrial and Agricultural Uses
  - Antenna; telecommunications facility
  - Cannabis cultivation
  - Cannabis distribution
  - Cannabis manufacturing, nonvolatile
  - Heliport; helistop
  - Public utility yard
- Height, density, floor area ratios, and setbacks
  - Maximum height would be 70 feet
  - Density. Defers to the General Plan
  - No lot coverage requirement
  - Floor area ratios. Defers to the General Plan
  - No minimum front-yard or street side-yard setbacks.
  - Limitations on interior side-yard setbacks and rear-yard setbacks
- Development standards
  - Pedestrian amenities, including lighting, benches, and trees would be required