



# **REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento**

**915 I Street, Sacramento, CA 95814-2671**

**STAFF REPORT  
August 21, 2012**

Honorable Members of the  
Law and Legislation Committee:

**Subject:** The Planning and Development Code (LR11-006)

**Location/Council District:** Citywide

**Recommendation:** This report is for Committee information and comments.

**Contact:** Teresa Haenggi, Associate Planner, (916) 808-7554; Tom Pace, Long Range Planning Manager (916) 808-6848.

**Presenter:** Tom Pace, Long Range Planning Manager, (916) 808-6848

**Department:** Community Development

**Division:** Planning

**Organization Number:** 21001222

## **Description/ Analysis**

**Issue:** The 2030 General Plan includes a number of priority implementation measures that will help to promote a sustainable and livable built environment for the City of Sacramento. One of these measures includes a comprehensive update to the planning and development code (zoning code) to align it with the vision, goals, policies, and development standards of the General Plan.

The City of Sacramento Community Development Department has initiated a comprehensive zoning code update, something that has not been completed in more than 50 years. The proposed update, referred to as the "Planning and Development Code Update," will result in a user-friendly document that provides predictable, clear and consolidated direction for development.

The Planning and Development Code will be developed in three phases. Key components of Phase I include:

- Reorganizing the code by individual zones for ease of use
- Creating a consistent citywide site plan and design review process
- Providing flexibility in development standards to facilitate development of smaller urban infill lots
- Updating development standards to recognize urban and traditional development patterns identified in the General Plan
- Updating parking standards and identifying alternative parking compliance to facilitate urban infill

More information on Phase I of the Planning and Development Code can be found in Attachment 1.

Phase II and III, to be initiated in 2013, will address water usage and energy efficiency of development, and develop standards for better designed, healthy neighborhoods that are walkable, safe, and promote healthy lifestyles.

On August 21st, 2012, staff will present a draft outline of the key proposals in the Law and Legislation Committee for their review and comment. The focus of the presentation will be on the following:

- An improved site plan and design review process
- Increased by-right density and height in select commercial, office and residential zones
- More by-right housing and mixed-use in commercial, office and residential zones
- A density and height bonus to incentivize affordable housing, senior housing, and/or green development

An outline of the proposed design and site plan review process is provided in Attachment 2. A summary of the remaining items are provided in Attachment 3.

An update of the parking code standards is part of the Planning and Development Code project, but is being developed as a separate project.

**Policy Considerations:** The Planning and Development Code described in this report is consistent with the City's goals and policies as established in the 2030 General Plan, and is a key implementation measure of the General Plan. These policies, which describe the importance of key land use and sustainability policies, include:

- **LU 2.7.1 Development Regulations.** The City shall promote design excellence by ensuring city development regulations clearly express intended rather than prohibited outcomes and reinforce rather than inhibit quality design.

- **LU 2.7.2 Design Review.** The City shall require design review that focuses on achieving appropriate form and function for new and redevelopment projects to promote creativity, innovation, and design quality.
- **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, redevelopment, mining 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 Sustainable Building Practices.** The City shall promote and, where appropriate, require sustainable building practices that incorporate a “whole system” approach to designing and constructing buildings that consume less energy, water and other resources, facilitate natural ventilation, use daylight effectively, and are healthy, safe, comfortable, and durable.

The following Historic and Cultural Resources Policies from the 2030 General Plan are related to the Preservation Commission’s comments on the Planning and Development Code proposals (See the summary of the Preservation Commission comments under the “Committee/Commission Action” section below).

- **HCR 2.1.6 Planning.** The City shall take historical and cultural resources into consideration in the development of planning studies and documents.
- **HCR 2.1.1 Identification.** The City shall identify historic and cultural resources including individual properties, districts, and sites (e.g., archaeological sites) to provide adequate protection of these resources.
- **HCR 2.1.10 Early Consultation.** The City shall minimize potential impacts to historic and cultural resources by consulting with property owners, land developers, and the building industry early in the development review process.
- **HCR 2.1.11 Compatibility with Historic Context.** The City shall review proposed new development, alterations, and rehabilitation/remodels for compatibility with the surrounding historic context. The City shall pay special attention to scale, massing, and relationship of proposed new development to surrounding historic resources.
- **HCR 2.1.16 Preservation Project Review.** The City shall review and evaluate proposed preservation projects and development projects involving Landmark parcels and parcels within Historic Districts based on adopted criteria and standards.

**Environmental Considerations:** No project is being proposed at this time. Staff is only introducing concepts for a pending code amendment. Environmental review pursuant to **the California Environmental Quality Act (CEQA) will be conducted prior to the adoption** of any ordinances.

**Committee/Commission Action:**

Preservation Commission: Staff presented the proposed site and design components of the Planning and Development Code Update to the Preservation Commission on August 1, 2012. The Preservation Commission agreed that a consistent, clear, and efficient review process is beneficial to the city. They also provided the following suggestions:

- In instances involving projects with both preservation review and other planning entitlements, especially if the project is not categorically exempt for CEQA purposes, explore options, whereby those issues requiring preservation recommended conditions of approval being forwarded to the other planning body, could not easily be revisited at the planning hearing involving the other entitlements. And, in instances where the planning entitlement decision would result in a major change to the elements involved in the preservation recommended conditions of approval, provide some mechanism whereby those changes could return for preservation review.
- Retain current preservation review of second units on historic Landmark properties or on properties within Historic Districts.
- Through some type of required notification or posting process, explore options to encourage developers to meet with neighborhood groups early in the design development process.
- Develop design guidelines for new infill construction in Historic Districts or on the site of historic Landmarks.
- For projects in areas that have not had a historic survey, establish procedures to ensure properties 50+years old are evaluated for their potential eligibility as historic resources.
- Prepare outreach materials that compare existing and proposed review, decision, and noticing processes.

Planning and Design Commission: Staff will present the Planning and Development Code to the Planning and Design Commission on August 16, 2012. Staff will provide a summary of the discussion to the Law and Legislation Committee on August 21, 2012.

**Community Outreach:** Additional community outreach will take place in August and September 2012, and will include community groups, key stakeholders, developers, business groups and agencies. Throughout each key stage of the project, staff is consulting with the Code Users Advisory Group and the Building Industry Advisory Group which consist of community members who have experience working with the zoning code. Additionally, a project website has been established to provide continuous updates regarding meetings and materials ([www.sacgp.org/pdc](http://www.sacgp.org/pdc)).

**Sustainability Considerations:** The Planning and Development Code is consistent with the City's Sustainability Master Plan goals and policies as adopted by the Council in December 2007, by building energy independence, combating global warming, improving public health, and making possible sustainable land use and transportation policies as identified in the 2030 General Plan and the Sacramento Blueprint.

**Rationale for Recommendation:** The Planning and Development Code is a priority implementation program for the 2030 General Plan. Improving development regulations will help ensure consistency between planning policies and zoning regulations; ensure a timelier, more predictable development review process; and send a message that the City wants to encourage development consistent with its general plan.

**Financial Considerations:** The Planning and Development Code will be prepared by existing city staff.

**Emerging and Small Business Development (ESBD):** None

Respectfully Submitted by:   
David Kwong  
Planning Director

Approved by:   
Max Fernandez  
Director of Community Development

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**Attachment 1**

**Planning and Development Code  
Phase I: Project Scope**

**Reorganizing the code by individual zones for ease of use**

- Zoning chapters will include allowed land use, development standards (height and area, density) and architectural design standards.
- Development regulations from several different titles will be consolidated into a single code.

**Creating a consistent citywide site plan and design review process**

- Consolidate existing Plan Review, “-R” review, design review, PUD review into a single, consistent citywide process.
- Provide staff-level approval of projects consistent with standards and guidelines.
- Provide a flexible process for deviations from development standards at director hearing level.
- Ensure only major projects go to Commission (and projects otherwise requiring Commission approval, such as subdivisions and use permits).

**Providing flexibility in development standards to facilitate development of smaller urban infill lots**

- Give authority to vary development standards (e.g., setbacks, step backs etc.) through approvals at the director and commission levels.

**Updating development standards to recognize urban and traditional development patterns identified in the General Plan**

- Increase density and height in key zones including RMX, C-2, OB, and several multi-family zones.
- Create two new OB zones for greater height and density that could be applied in the urban neighborhoods, centers, and corridors.
- Allow for flexibility in use, including limited retail by right in the OB, R-4, R-4A and R-5 zones and residential use by right in the OB zone.
- Allow for density and height bonuses for affordable housing, senior housing, or green building (Cal Green Tier 1 or 2).

**Timeline**

Planning and Design Commission Workshop .....	August 16, 2012
Law and Legislation Workshop .....	August 21, 2012
Planning and Design Commission Hearing .....	December, 2012
Council Hearing.....	February, 2013

**Attachment 2**

**Site Plan and Design Review**

The current zoning code has a number of review requirements, including plan review, design review, planned unit developments, special planning districts, and the review of larger buildings through special permits. Each has a different process and is applied in different parts of the City, which often causes confusion and can result in a lengthy review process.

Staff is proposing a new process for site plan and design review that would be applied citywide and allow for more flexibility in development and design. The proposed changes in the review of site plan and design review would provide a predictable, timely, and cost effective process to ensure that projects envisioned in the General Plan can be approved more easily.

It is important to note that the new site plan and design review process would not, in most cases, replace the required review of land uses. In general, uses that currently require the Zoning Administrator or Planning and Design Commission review will continue to be reviewed in the same manner.

Please see a summary of the proposed site plan and design review process on the following page.

## PROPOSED SITE PLAN AND DESIGN REVIEW - SUMMARY

Discretionary Review Level	Project Type	Noticing, Decisions, and Appeals
<p style="text-align: center;"><b>Commission</b></p> <p style="text-align: center;">Planning and Design Commission</p> <p style="text-align: center;">Preservation Commission</p>	<ul style="list-style-type: none"> <li>• Development that exceeds four stories or exceeds sixty (60) feet in height.</li> <li>• Residential development of more than 150 dwelling units.</li> <li>• Non-residential development and mixed-use development exceeding 250,000 square feet.</li> <li>• Development that includes deviations from development standards that reduce any minimum or exceed any maximum distance, area, or quantity specified in this title by <u>more than</u> 50%.</li> <li>• When commission level review is otherwise required under this title.</li> </ul>	<p><b>Noticing</b></p> <p>Posting and mailing – 10 days prior to hearing</p> <p><b>Decision</b></p> <p>A decision is effective 10 days after the decision is final, if no request for review by appeal or call-up within statutory timeframe (10 days).</p> <p><b>Appeal</b></p> <p>Subject to appeal and call-up review by Council.</p>
<p><u>Preservation Commission</u>. Commission level site plan and design review is conducted by the Preservation Commission if the development project is located in a historic district or involves a landmark. Otherwise, commission level site plan and design review is conducted by the Planning and Design Commission.</p> <p>If the development project is subject to Preservation Commission site plan and design review, but also requires another discretionary permit or legislative request under this title, the Preservation Commission shall, at the conclusion of its hearing, forward a recommendation on site plan and design review to the Planning and Design Commission, rather than take final action.</p>		
<p style="text-align: center;"><b>Director</b></p> <ul style="list-style-type: none"> <li>• Design Director</li> <li>• Preservation Director</li> <li>• Zoning Administrator</li> </ul>	<ul style="list-style-type: none"> <li>• Development not subject to commission level review and that the director determines the project:               <ol style="list-style-type: none"> <li>1) is not in substantial compliance with applicable design guidelines;</li> <li>2) or includes deviations from development standards that reduce any minimum or exceed any maximum distance, area, or quantity specified in this title by <u>up to</u> 50%.</li> </ol> </li> <li>• When director level review is otherwise required under this title (when a ZA review is required or when elevated to director level).</li> </ul>	<p><b>Noticing</b></p> <p>Posting and mailing – 10 days prior to hearing</p> <p><b>Decision</b></p> <p>A decision is effective 10 days after the decision is final, if no request for review by appeal or call-up is timely made.</p> <p><b>Appeal</b></p> <p>Appeals are heard at commission level.</p> <p><b>Elevating Project Review</b></p> <p>A project can be elevated to the Commission by the Planning Director.</p>
<p><u>Preservation Director Review</u>: Director level site plan and design review is conducted by the preservation director if the development project is located in a historic district or involves a landmark. Otherwise, director level review is conducted by the design director.</p> <p>If the development project requires another discretionary permit under this title to be heard at the director level, the preservation director or design director shall, at the conclusion of its site plan and design review hearing, forward a recommendation on site plan and design review to the zoning administrator, rather than take final action.</p>		



## PROPOSED SITE PLAN AND DESIGN REVIEW - SUMMARY

Discretionary Review Level	Project Type	Noticing, Decisions, and Appeals
<b>Staff</b>	<ul style="list-style-type: none"> <li>Staff level site plan and design review is required for any development project that is not subject to director or commission level site plan and design review.</li> <li>Staff level site plan and design review is <u>conducted under the general direction of the design director</u> unless the project is located in a historic district or involves a landmark, in which case the staff level site plan and design review is under the general direction of the preservation director.</li> </ul>	<p><b>Noticing</b> No notice or hearing required.</p> <p><b>Decision</b> Decision is final and effective when decision is made and findings are adopted.</p> <p><b>Appeal/Reconsideration</b> Not subject to appeal or call up review.</p> <p>Subject to reconsideration. The Planning Director shall establish policies and procedures to provide notice and reconsideration of decisions made at the staff level. The decision of the reviewing director after reconsideration is final and not subject to review.</p> <p><b>Elevating Project Review</b> A project can be elevated to the Director or Commission level by the Planning Director.</p>

### Exempt from Site Plan and Design Review

- Work that will not substantially alter the exterior appearance of an existing building or site or will not be visible from adjacent streets, and will not significantly alter the functioning of an existing site with respect to traffic circulation, parking, infrastructure and environmentally sensitive features.
- Grading or paving of 5,000 square feet or less.
- Second units except in historic districts or on property with a historic landmark.

**Attachment 3**

**Urban Zone Standards**

Currently, the General Plan allows for higher density and mixed-use in urban neighborhoods, corridors, and centers. The intent of encouraging higher density and mixed-use is to promote infill development, higher intensity of development around public transit, and less reliance on vehicles.

The existing zoning in urban areas, however, does not allow for the intensity of development envisioned in the General Plan. To encourage development that is consistent with the General Plan, changes are proposed to the allowed density, height, and mix of uses in select zones, and two new zones have been created that could be applied to areas planned for mid-rise and high-rise development. Additionally, a density and height bonus is proposed to encourage affordable housing, senior housing, and green development.

Please see a summary of the proposed urban zone standards on the following page.

## Planning and Development Code – Proposed Urban Zone Standards

DRAFT 8/2/12

### Commercial/Mixed Use Zones

The proposed increase in density and height allows for more flexibility in density and height for development in commercial areas, particularly in the urban corridors and centers.

Zone	Existing Maximum Density	Existing Maximum Height	Proposed Maximum Density	Proposed Maximum Height
<b>C-1</b>	<i>Citywide</i> 29 du/na with special permit  <i>Central City</i> By right	<i>Citywide</i> • 35ft within 100ft of residential • 45ft outside 100ft of residential • 55 ft with residential and special permit	• 30 du/na by right • Up to 50% increase with bonus	• 35ft by right • 55ft with bonus
<b>RMX</b>	36 du/na	<i>Citywide</i> • 35 ft • 45ft with Special Permit  <i>Central City</i> Same as citywide, except: • Additional height with special permit • Arts and Entertainment District bonus	• 60 du/na by right • Up to 50% increase with bonus	• 45ft by right • 65ft with bonus
<b>C-2</b>	36 du/na (up to 150 du/na with special permit)	<i>Citywide</i> • 35ft within 100ft of residential • 45ft outside 100ft of residential • 55 ft with residential and special permit  <i>Central City</i> Same as citywide, except: • Additional height with special permit • Arts and Entertainment District bonus	• 60 du/na by right • Up to 50% increase with bonus	• 50ft by right • 75ft with bonus
<b>C-2-TO &amp; RMX TO</b>	60 du/na (more with a special permit)	• 35ft within 100ft of residential • 55ft outside 100ft of residential • 75ft if 25% is residential	• 100 du/na by right • Up to 50% increase with bonus	• 60ft by right • 90ft with bonus



## Planning and Development Code – Proposed Urban Zone Standards

DRAFT 8/2/12

### Office Business Zone

The proposed changes to the OB zone include allowing commercial and residential uses by right. Two additional zones (OB-2, OB-3) were created to allow for mixed use and higher development intensity, particularly in Urban Center areas, (e.g. Cal Expo area, western end of Broadway).

Zone	Existing Maximum Density	Existing Maximum Height	Proposed Maximum Density	Proposed Height	Proposed Mixed Use
OB	N/A	35ft	<ul style="list-style-type: none"><li>• 36 du/na</li><li>• Up to 50% increase with bonus</li></ul>	<ul style="list-style-type: none"><li>• 35 ft</li><li>• Up to 50% increase with bonus</li></ul>	<ul style="list-style-type: none"><li>• At least 50% of building square footage must be office; the remaining square footage can be of any combination of office, retail, commercial, or residential.</li><li>• Up to 100% of building square footage can be a hotel.</li></ul>
OB-2	New Zone	New Zone	<ul style="list-style-type: none"><li>• 60 du/na</li><li>• Up to 50% increase with bonus</li></ul>	<ul style="list-style-type: none"><li>• 120 ft</li><li>• Up to 50% increase with bonus</li></ul>	<ul style="list-style-type: none"><li>• At least 50% of building square footage must be office; the remaining square footage can be of any combination of office, retail, commercial, or residential.</li><li>• Up to 100% of building square footage can be a hotel.</li></ul>
OB-3	New Zone	New Zone	<ul style="list-style-type: none"><li>• 100 du/na</li><li>• Up to 50% increase with bonus</li></ul>	<ul style="list-style-type: none"><li>• 360 ft</li><li>• Up to 50% increase with bonus</li></ul>	<ul style="list-style-type: none"><li>• At least 50% of building square footage must be office; the remaining square footage can be of any combination of office, retail, commercial, or residential.</li><li>• Up to 100% of building square footage can be a hotel.</li></ul>

# Planning and Development Code – Proposed Urban Zone Standards

DRAFT 8/2/12

## Residential Zones

Increases in the allowed density and height of higher-density multi-family zones are proposed to allow higher density, mixed use development in urban areas by right.

Zone	Existing Maximum Density	Existing Maximum Height	Proposed Maximum Density	Proposed Height	Proposed Mixed Use
<b>R-4</b>	58 du/na	35ft	<ul style="list-style-type: none"> <li>• 60 du/na by right</li> <li>• Up to 50% increase with bonus</li> </ul>	<ul style="list-style-type: none"> <li>• 45ft by right</li> <li>• 65ft with bonus</li> </ul>	Allow mixed use by right, commercial on ground floor only, not to exceed 25% of total building floor area or 6,400 sf, whichever is greater.
<b>R-4A</b>	110 du/na	55ft	<ul style="list-style-type: none"> <li>• 110 du/na (<i>No Change</i>)</li> </ul>	<ul style="list-style-type: none"> <li>• 75ft</li> </ul>	Allow mixed use by right, commercial on ground floor only, not to exceed 25% of total building floor area or 6,400 sf, whichever is greater.
<b>R-5</b>	70-150 du/na	45ft	<ul style="list-style-type: none"> <li>• 175 du/na by right</li> <li>• Up to 50% increase with bonus</li> </ul>	<ul style="list-style-type: none"> <li>• 240ft by right</li> <li>• Up to 50% increase with bonus</li> </ul>	Allow mixed use by right, commercial on ground floor only, not to exceed 25% of total building floor area or 6,400 sf, whichever is greater.