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Neighborhoods Planning and
Development Services
Department

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October 4, 2002

Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: M02-003 TRANSIT OVERLAY ZONE DISTRICT

LOCATION: Citywide

COUNCIL DISTRICT: All

RECOMMENDATION:

For approval by Law and Legislation Committee and forward the ordinance to the City Council.

CONTACT PERSON: Steve Peterson, Principal Planner, 264-5981

FOR LAW LEGISLATION COMMITTEE MEETING OF: October 15, 2002 (afternoon session)

SUMMARY:

The overlay zone would provide development standards and additional regulatory flexibility to promote transit-oriented development in the city. The Transit Overlay zone would initially apply to the 65th Street station area to implement the 65th Street Transit Village Plan.

COMMISSION ACTION:

The Planning Commission unanimously recommended approval of the ordinance on July 25, 2002.

BACKGROUND:

- The Transit Overlay (TO) Zone District allows a mix of moderate to high density and intensity residential and commercial uses to promote transit rider ship within a ¼ mile walking distance of an existing or proposed light rail transit station. The district also is intended to promote cohesive site planning and design that maximizes transit supportive development, to create a continuity of pedestrian-oriented activities throughout the district and to encourage pedestrian, bicycle and transit rather than exclusive automobile access to employment, services and residences.
- The overlay zone is intended to deal with special situations that are not appropriate to a special planning district. This allows staff to efficiently provide more uniform transit supportive development standards throughout the city rather than adopt separate special planning districts for each station area.
- The overlay zone is a zoning district that encompasses one or more underlying zones. The overlay zone establishes additional requirements or special procedures that otherwise are not provided for by the underlying zone. The proposed transit overlay zone permits increased heights and flexible parking standards over the base zone for projects with a residential component and encourages housing and mixed-use projects. The district also places some restrictions and review on certain kinds of industrial and commercial uses that are not transit supportive uses. These overlay standards are combined with the underlying zone provisions (e.g. Residential Mixed Use (RMX) or General Commercial (C-2) zones) to establish the applicable uses and development standards for a particular site. Attachment A summarizes the proposed TO development standards and the proposed staff revisions.

STAFF REVISIONS:

Staff and Commission recommended the following modifications to the Transit Overlay Zone in response to public testimony and to provide additional regulatory flexibility:

MINIMUM RESIDENTIAL DENSITY:

Reduce the minimum permitted residential densities from 30 to 15 units per net acre to accommodate single family units more compatible with the surrounding neighborhood and larger units which can accommodate student housing.

PARKING:

Modify the non-residential parking requirements to allow more parking (e.g. 1 space per 250 sq. ft. of building area) for retail uses.

PERIODIC RE-EVALUATION:

Identify a 2 yr. review period for the Plan and Ordinance to determine the appropriateness of the development standards (i.e., whether the standards facilitate or inhibit new TOD development).

FLOOR AREA RATIO (FAR) STANDARD:

Allow a limited reduction from the minimum FAR requirement. The minimum FAR that could be considered transit supportive is 0.4.

HOUSING FEE ALTERNATIVE:

Investigate the feasibility of establishing a housing fee alternative for smaller projects (e.g. parcels less than one-half acre) to provide a funding mechanism for mixed-use development in cases where smaller lots have site feasibility limitations.

MIXED USE DEFINITION: Reduce the minimum required housing percentage from 50% to 40% for Residential Mixed Use projects that provide at least half of the housing component in the initial phase and identify a phasing plan for the additional housing.

OPEN SPACE: Standards were modified to accommodate smaller projects.

DESIGN REVIEW: The provisions for design review were eliminated. Staff level plan review will include a review of design considerations as part of the proposed Planning Director's Plan Review entitlement.

FINANCIAL CONSIDERATIONS:

None.

POLICY CONSIDERATIONS:

The Transit Overlay Zone implements the recommendations of the Transit for livable communities (TLC) project by providing zoning standards which promote transit ridership. The ordinance addresses several policy issues to promote mixed-use development near transit station areas:

- **Level of Review** - The Ordinance recommends use of a Planning Directors Plan Review (PDPR) to streamline the review process for projects. This new entitlement would provide for staff level review of the site plan (not uses) to assure the project conforms with the development standards, mitigation measures and design guidelines for the transit district. This addresses concerns about the uncertainty, time and cost of the development process while allowing for community public review.

- Mixed Use Flexibility - Within Residential Mixed Use zones up to 50% of the total project square footage may be allowed either on or off site if phased concurrently with the residential component.
- Non-conforming use regulations - An extended vacancy period of two years is proposed to allow existing business as to reoccupy space as legal non-conforming uses (up to six years with commission approval).
- Expansion of Existing Buildings - Limited expansion of existing uses would be allowed subject to PDPR of exterior improvements to assure adequate landscaping and other site improvements
- Mitigation of potential environmental impacts - noise standards, wall requirements and other setback requirements are included to address potential incompatible land use issues (e.g. residential next to industrial). The city will also investigate the feasibility of recording a notice which would protect existing businesses against nuisance claims from future residents.
- Pedestrian Access/Open Space - standards are included to assure open space and convenient pedestrian access is integrated within the project design.

ENVIRONMENTAL CONSIDERATIONS:

The FEIR for the 65th Transit Village Project identifies the potential environmental impacts and mitigation measures associated with the adoption and implementation of the Transit Village Plan and implementing ordinances (including the Transit Overlay Zone). The potential application of the TO zone to other transit station locations will require a separate environmental determination of potential impacts.

ESBD EFFORTS:

No goods or services are being purchased.

RECOMMENDATION APPROVED:



KEN NISHIMOTO
Deputy City Manager

Respectfully submitted,



GARY STONEHOUSE
Planning Director

Attachments:

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN ORDINANCE AMENDING SECTION 17.136.020 AND
ADDING CHAPTER 17.184 TO TITLE 17 OF THE
SACRAMENTO CITY CODE RELATING TO THE
ESTABLISHMENT OF A TRANSIT OVERLAY ZONE
DISTRICT**

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

SECTION 1.

Section 17.136.010 of Title 17 of the Sacramento City Code is amended to read as follows:

An overlay zone is a zoning district that encompasses one or more underlying zones that imposes additional or alternate requirement to those of the underlying zone. Overlay zones deal with special situations in the city that are not appropriate to a specific district or apply to several zones. For example, parcels along the Interstate 5 corridor may have different zones but are required to comply with specific development regulations that pertain to sites along the freeway, such as landscaped buffer areas or sign regulations about freeway oriented signs.

SECTION 2.

Section 17.136.020 of Title 17 of the Sacramento City Code is hereby amended to include the following:

Chapter 17.184 - Transit Overlay Zone (TO)

SECTION 3.

Chapter 17.184 is hereby added to Title 17 of the City Code, to read as follows:

17.184.010 Purpose.

The transit (TO) overlay zone allows a mix of moderate to high density residential and nonresidential uses, by right, to promote transit rider ship within walking distance of an existing or proposed light rail transit station. The district is intended to promote coordinated and cohesive site planning and design that maximizes land use transit supportive development, to create continuity of pedestrian-oriented street scapes and activities throughout the district and to encourage pedestrian, bicycle and transit rather than

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

-1-

DATE ADOPTED: _____

exclusive automobile access to employment, services and residences. This overlay zone provides a streamlined approval process, permits increased heights, densities and intensities over the base zone for projects with a residential component and encourages housing and mixed use projects. The district also restricts certain uses that do not support transit ridership.

17.184.020 Applicability.

The TO Zone may be applied to property within one-quarter (1/4) mile of an existing or proposed light rail transit (LRT) station. For purposes of this provision the distance is measured as follows: i) for existing stations, from the edge of the station platform to the edge of the property closest to the station; and ii) for proposed stations, from the center point of the block designated for the station to the edge of the property closest to the center of the designated block. The TO designation appearing after the RMX or C-2 zone classification on the official zoning map shall mean that the property so classified is subject to the requirements and restrictions set forth in this chapter in addition to those of the underlying zone, unless otherwise specified. In the event of a conflict between a provision in this chapter and other provisions of this title, the provisions of this chapter shall prevail.

17.184.025 Definitions.

For purposes of this chapter, the following definitions shall apply.

"Nonresidential" shall mean any use set forth in Chapter 17.24 of this title, other than a residential use.

"Transit Village Plan" shall mean any plan adopted in accordance with the Transit Village Development Act of 1994, California Government Code section 65460 et seq.

17.184.030 Permitted Uses in the Residential Mixed Use (RMX) Zone.

Except as otherwise provided herein, uses permitted in the RMX zone outside of a transit overlay zone shall be permitted in the same zone in a transit overlay zone. If this title requires the approval of a special permit or other discretionary entitlement(s) to establish a particular use in the RMX zone outside of a transit overlay zone, approval of the same discretionary entitlements shall be required to establish the use within the RMX zone within the transit overlay zone.

- A. In addition to other uses permitted in the RMX zone by this title, the following uses are permitted in the RMX zone within the TO zone:
 - 1. Convenience market without gas sales with no hours prior to six a.m. or after eleven p.m.
 - 2. All uses permitted in the C-1 zone not listed above.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

-2-

DATE ADOPTED: _____

- B. In addition to other uses permitted in the RMX zone by this title, the following uses are permitted in the RMX zone within the TO zone subject to a planning commission special permit:

1. Hotel/motel.
2. Printing, blueprinting.

17.184.040 Permitted uses in the General Commercial (C-2) Zone.

Except as otherwise provided herein, uses permitted in the C-2 zone outside of a transit overlay zone shall be permitted in the same zone in a transit overlay zone. If this title requires the approval of a special permit or other discretionary entitlement(s) to establish a particular use in the C-2 zone outside of a transit overlay zone, approval of the same discretionary entitlements shall be required to establish the use within the C-2 zone within the transit overlay zone.

- A. In addition to the other uses permitted in the C-2 zone by this title, the following uses are permitted in the C-2 zone within the TO zone:

1. Convenience market without gas sales with no hours prior to six a.m. or after eleven p.m.
2. All residential uses permitted in C-1 and RMX zones not listed above.

17.184.050 Prohibited Uses.

In addition to the other uses prohibited in the RMX and C-2 zones by this title, the following uses are prohibited in the RMX and C-2 zones within the TO zone:

- A. Amusement Centers - Outdoors
- B. Auto sales, auto service and repair, auto storage and auto rental uses; towing service and vehicle storage yard; RV mobile home sales yard and storage
- C. Building Contractor Shop
- D. Cabinet shop
- E. Cleaning Plant
- F. Drive-in Theater
- G. Drive through service facilities

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

-3-

DATE ADOPTED: _____

- H. Equipment rental/sales yard
- I. Laboratory
- J. Laundry, commercial
- K. Mini -storage/locker building
- L. Nursery
- M. Service Station
- N. Wholesale stores and distributors over 6400 square feet
- O. Convenience stores with gas sales

17.184.055 Plan Review Requirement.

Within the TO zone, a planning director's plan review shall be required for all development, including expansion of existing buildings. A plan review shall not be approved unless, in addition to the findings required by Chapter 17.220 of this title, the following findings are made:

- A. The development is consistent with the applicable Transit Village Plan and applicable Transit Village Plan design guidelines; and
- B. The development is consistent with the development standards set forth in this chapter.

17.184.060 Development Standards.

Development in the TO zone shall be subject to the following special regulations, in addition to the other regulations of this title. In the event of conflict between the provisions of this chapter and other regulations of this title, the provisions in this chapter shall prevail.

- A. Height. Buildings in the TO zone shall not exceed fifty-five (55) feet in height; however, the Planning Director may permit additional height up to seventy-five (75) feet in mixed use buildings with at least twenty five percent (25%) of the gross building square footage devoted to residential use, or buildings which include structured parking and open space. Any portion of a building within one hundred (100) feet of a parcel zoned for, or used as, single family use shall not exceed thirty five (35) feet in height.
- B. Setbacks. Buildings in the TO zone shall be subject to the following setback requirements:

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

-4-

DATE ADOPTED: _____

1. Front yard. The minimum front yard setback shall be zero (0) feet.
 2. Street side yard. The minimum street side yard setback shall be zero (0) feet.
 3. Rear yard. The minimum rear yard setback shall be fifteen (15) feet.
 4. Interior side yard. The minimum interior side yard setback shall be five (5) feet.
 5. Any portion of a building that is twenty eight (28) feet tall or taller shall be subject to the following additional setback requirements:
 - a. Front yard. Any portion of each building that is twenty eight (28) feet tall or taller shall be set back not less than ten (10) feet from the face of the sidewalk adjacent to the front yard property line.
 - b. Street side yard. Any portion of each building that is twenty eight (28) feet tall or taller shall be set back not less than ten (10) feet from the face of the sidewalk adjacent to the street side yard property line.
 6. Permitted encroachments in minimum setbacks.
 - a. Unenclosed stairs accessing upper floors of a building are permitted within the street side yard setback.
 7. Additional setbacks may be required to mitigate the effects of noise, light or glare from adjacent industrial or commercial uses.
- C. Maximum Lot Coverage and Building Size Threshold in the C-2 Zone. The provisions of section 17.60.030(15) shall not apply in the C-2 zone within the TO zone.
- D. Density.
1. Nonresidential Density.
 - a. Minimum Floor Area Ratio. Nonresidential development shall have at least a net FAR of 0.4.
 - b. Maximum Floor Area Ratio. Nonresidential development shall not exceed a net FAR of 3.0.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

2. Residential Density. Residential projects shall be developed with a minimum of fifteen (15) dwelling units per net acre and shall not exceed sixty (60) dwelling units per net acre.

E. Nonresidential Development in the RMX zone.

1. Nonresidential Development Limitations. For new development in the RMX zone, nonresidential uses may occupy a maximum of fifty (50) percent of the gross square footage of the development.

2. Location of Nonresidential Development.

- a. Except as provided in subparagraph b, below, nonresidential development shall be located in the same building as the residential development, or in a separate building on the same site as the residential development.
- b. Nonresidential development may be located on a separate parcel within the same contiguous transit overlay zone as the nonresidential development, subject to the approval of a planning director's special permit. The planning director may approve the proposal only if he or she finds that all buildings and the proposed uses are of adequate size, configuration and access, and shall impose conditions that ensure that the requirements of this chapter are satisfied.

3. The Timing of Construction.

- a. Except as provided in subsection b, or c below, where the nonresidential development and the residential development are not located in the same building, the residential development shall be developed either prior to or concurrently with the nonresidential development.
- b. Subject to the execution of a development or other agreement that ensures the construction of the residential development within two years of the completion of the nonresidential development, the city council may authorize the construction and occupancy of the nonresidential development prior to construction of the residential development.
- c. Subject to the execution of a development or other agreement that ensures the construction of at least 50% of the residential development on site and 50% of the residential development off-

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

site according to an approved phasing plan, the city council may authorize the construction and occupancy of the nonresidential development prior to construction of the residential development.

4. Satisfaction of Housing Trust Fund Housing Construction Requirement. The residential development may be applied to meet the "housing construction requirement" as described in Section 17.188.050(A) and calculated in Appendix B of Chapter 17.188 of this title. Payment of the twenty (20) percent fee, as described in Section 17.188.050(A) and calculated in Appendix B of Chapter 17.188 of this title, shall be required prior to the issuance of any building permits for the nonresidential development project.

F. Parking. Except as specifically set forth below, the parking requirements of Chapter 17.64 of this title shall apply to the TO zone.

1. Parking for residential uses. Parking shall be provided at a ratio of one (1) parking space per unit plus one guest parking space per fifteen (15) parking spaces provided.
2. Parking for non-residential uses. Parking shall be provided at not less than one (1) space per 500 gross square feet and not more than one (1) space per 375 gross square feet.
3. Parking for retail uses. Parking shall be provided at not more than one (1) space per 250 gross square feet.
4. Criteria to Exceed Maximum Parking. Subject to a planning commission special permit, the maximum parking ratio for non-residential projects may be exceeded (i.e., more parking spaces may be provided than the maximum otherwise allowed) contingent upon meeting at least one of the following criteria:
 - a. On-site TSM measures are infeasible;
 - b. Residential neighborhoods would be impacted because no mitigation (other than additional parking) is feasible;
 - c. Unique characteristics of the proposed use requires parking greater than that which is otherwise allowed.
 - d. Approval of a shared parking agreement to serve two or more land uses that have distinctly different hours of operation;
5. Waiver or reduction of required parking for nonresidential development. Mixed-use projects that are within the same building may reduce the required off-street parking requirement for the ground floor noncommercial uses as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

-7-

DATE ADOPTED: _____

- a. Reduced by either four spaces, or fifty (50) percent of the requirement, whichever is greater, subject to a zoning administrator's special permit. The parking reduction may be contingent on participation in an area wide parking district.
- b. Further reduced or waived completely, subject to a Planning Commission special permit.

G. Minimum Bicycle Parking Requirements.

1. Office. One bicycle parking facility is required for every six thousand (6,000) gross square feet of building area. Fifty (50) percent of the required bicycle parking facilities shall be Class I. The remaining facilities may be Class I, Class II or Class III.
2. Commercial. One bicycle parking facility is required for every twelve thousand five hundred (12,500) gross square feet of occupied space. Twenty-five (25) percent of the required bicycle parking facilities shall be Class I. The remaining facilities may be Class I, Class II or Class III.
3. Restaurant. One bicycle parking facility is required for every fifty (50) seats. Twenty-five (25) percent of the required bicycle facilities shall be Class I. The remaining facilities may be Class I, Class II or Class III.
4. Apartments. One bicycle parking facility is required for every ten (10) units. Fifty (50) percent of the required bicycle parking facilities shall be Class I. The remaining facilities may be Class I, Class II or Class III.

H. Pedestrian Access. Projects may be required to provide public pedestrian access through or across the development in order to facilitate convenient pedestrian access to transit stops, a station, to shopping, or other community facilities.

I. Open Space.

1. Nonresidential development. Open space shall be provided at a ratio of one square foot of open space per twenty (20) gross square feet of nonresidential development. Open space shall be in the form of courtyards or public plazas. Landscaping that is part of storm water treatment facilities or pedestrian plazas may be used to satisfy the open space requirement.
2. Residential development.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

-8-

DATE ADOPTED: _____

- a. New residential developments with 12 units or more are required to include areas specifically designed for recreation or passive enjoyment of the outdoors.
 - b. A minimum of eighty (80) square feet of common usable open space per unit is required. Such area may include courtyards, gardens, recreational and similar areas.
 - c. A minimum of fifty (50) square feet of private usable open space per unit is required. This area is for the exclusive use of the unit. Such areas may include decks, balconies and patios. Private useable open space shall be directly accessible.
- J. Noise Standards. As some sites within the TO overlay zone may be located on heavily traveled streets or near railroad lines, certain noise attenuation measures must be incorporated into the building design. Accordingly, the building design of all new residential structures within an area of the city above sixty (60) dB Ldn shall incorporate the following construction standards in order to reduce interior noise levels:
1. All penetrations of interior walls shall include a one-half inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, nonhardening caulking or mastic.
 2. The roof shall be finished with a minimum seven-sixteenths inch OSB or plywood of equivalent surface weight, minimum thirty (30) lb. felt paper and minimum two hundred forty (240) lb./square foot composition shingles or equivalent.
 3. Skylights shall not be used unless they have an STC rating of twenty-nine (29) or better.
 4. Windows shall have a minimum STC rating of twenty-nine (29).
 5. Windows shall have an air filtration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a twenty-five (25) mile per hour wind per ASTM standards.
 6. Sliding glass doors shall have a minimum STC rating of twenty-nine (29).
 7. An HVAC system shall be installed which will provide minimum air circulation and fresh air supply requirements as specified in the Uniform Building Code (UBC).

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

-9-

DATE ADOPTED: _____

8. Gravity vent openings in attic space shall not exceed code minimum in size and number.
9. Alternative methods and materials may be used to achieve an interior noise level of forty-five (45) dB Ldn or less, subject to the approval by the environmental coordinator. (Ord. 99-021 § 13t (part); Ord. 99-015 § 5-3.8-E)

K. Wall Regulations.

1. Residential and Residential Mixed Use Parcels Abutting Heavy Commercial or Industrial Uses. Any development, improvement or use of a site for residential purposes shall provide a minimum six foot high solid wall of masonry, brick or similar material along all property lines that abut a Heavy Commercial or Industrial zone or use. The wall shall not extend into any front yard or street side yard setback area, or beyond the required setbacks of the abutting nonresidential zone or use.
2. Fences Along Street Frontages. Fences along street frontages shall be no more than three feet in height.
3. Chain link fencing is prohibited in the TO zone.

L. Expansion of Existing Buildings. Existing buildings or structures that are expanded shall comply with the following requirements:

1. The area of expansion shall conform to all current development standards, except as provided in this section.
2. Improvements shall comply with the applicable transit village plan design guidelines.
3. Minor improvements to facades fronting on streets shall be required when an expansion occurs. Facade improvements, may include, but are not limited to, paint and awnings.
4. Front landscaping shall be required, if determined to be appropriate by the planning director.
5. Site improvements to fencing, signage, trash enclosures or other features shall be required to improve the appearance of the portion of the site that is visible to the public.

17.184.070 Nonconforming use regulations:

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

-10-

DATE ADOPTED: _____

- A. General. Except as provided below, the nonconforming use regulations set forth in Chapter 17.88 of this title shall apply to the nonconforming uses, buildings, structures and lots within the TO overlay zone.
- B. Discontinuance of Nonconforming Uses. Notwithstanding the provisions of section 17.88.030 of this title, any nonconforming use of a lot, building or structure, or portion thereof, in the TO zone may be restored and resumed if the period of vacancy does not exceed two continuous years; provided that pursuant to paragraph C of this section, the planning commission may extend this period up to four additional years, for a total of six years. If the lot, building or structure becomes vacant and remains unoccupied for a continuous period of two years or such other period of time granted by the planning commission pursuant to paragraph C of this section, the lot, building or structure shall not thereafter be occupied except by a use that conforms to the current use regulations applicable to the zone in which it is located.
- C. Extension of Time for Restoration of Nonconforming Use. Upon a showing of good cause and upon a determination that the applicant has made reasonable and diligent efforts to restore the nonconforming use, the planning commission may grant up to two extensions of the time specified above for restoration of a nonconforming use. The extensions of time may not exceed two years each and the total time permitted for restoration may not exceed six years. An application for extension of the time period in which a nonconforming use may be restored must be filed not less than thirty (30) days prior to expiration of the then-applicable time period. An application for extension of time pursuant to this provision shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning commission special permit.

PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

(M02-003)

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ORDINANCE NO. _____

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