

## Planning and Design Commission Report

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**File ID: 2019-01056**

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**Public Hearing Item 08**

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### **Initiation of Planning and Development Code Amendments Related to Ad Hoc Subcommittee Recommendations (M19-004)**

File ID: 2019-01056

**Location:** Citywide

**Recommendation:** Pass a motion to: Initiate Amendments to the Planning and Development Code (Title 17 of the Sacramento City Code) related to Ad Hoc Subcommittee recommendations, including amendments to the Site Plan and Design Review and Conditional Use Permit process, the processing of tentative subdivision maps, and the establishment of an Architectural Review Committee

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**Attachments:**

- 1-Description/Analysis
- 2-Background

## Description/Analysis

**Issue Detail:** At the January 10, 2019, Planning and Design Commission hearing, the Commission formed an ad hoc subcommittee of its members with the following instructions:

*Identify how the Commission can take “lessons learned” from the study mission to Portland/Seattle in 2018 and implement the best ideas in Sacramento. Specifically, the ad hoc committee is focused on changes in the structure and/or procedures of the Commission which would streamline quality developments in commercial corridors, Transit Oriented Development (TOD) zones and other innovative ideas to encourage long-term smart, sustainable and equitable growth of our city.*

The subcommittee was comprised of six Planning and Design Commission members; they met from January through March 2019 to develop code and procedure recommendations that will work toward achieving the stated objectives. The amendments to Title 17 of the Sacramento City Code that are discussed in this report are reflective of the recommendations of the subcommittee. Staff is asking the Planning and Design Commission to initiate an amendment to the code and would subsequently return to the Commission at a future meeting with a draft ordinance.

**Environmental Considerations:** An action by the Planning and Design Commission to direct staff to initiate work on the recommendations of the ad hoc subcommittee is an administrative activity such as general policy making and is not a project under the California Environmental Quality Act (CEQA), per Guidelines Section 15378(b)(2). Any subsequent action to amend the Sacramento City Code will be subject to further CEQA review.

**Commission/Committee Action:** The ad hoc subcommittee met six times in early 2019, formulated objectives and recommendations for achieving those objectives.

On April 25, 2019, the subcommittee work was presented to the full Commission. At that meeting, Staff was asked to bring this item back to the Commission for initiation of amendments to the Planning and Development Code (Title 17) that would implement the subcommittee recommendations.

**Rationale for Recommendation:** Staff asks the Commission to initiate an amendment to Title 17, effectively directing staff to work on amendments to the code to implement the changes summarized in this report. Staff would return to the Commission at a future public hearing with draft ordinances and updates. Any amendments to the city code will ultimately need to be approved by City Council.

## **Background:**

In early October 2018, several Planning and Design Commissioners elected to go on a study tour to Portland, OR, and Seattle, WA. The tour was organized through First Stop Portland, a program housed in Portland State's College of Urban and Public Affairs. The tour focused on sustainable urban development policy and best practices related to infill development, commercial corridor revitalization, and transit-oriented development. The tour members presented a slide show of their findings back to the larger Commission at the regular meeting on October 25, 2018. Subsequently, the ad hoc subcommittee was formed on January 10, 2019, to discuss what lessons-learned in both cities might be transferrable to the City of Sacramento.

The ad hoc members discussed a number of high-level objectives, including how the Commission can place a greater emphasis on supporting climate readiness, resiliency, and sustainable development. Other priorities include supporting enhanced community engagement in both policy making initiatives and private development projects, with a special emphasis on reaching communities that are not typically a part of the planning process.

On April 25, 2019, the findings and recommendations of the subcommittee were presented to the larger Commission during its regular meeting. Staff was asked to return with an item on a future agenda to allow the Commission to initiate amendments to Title 17, consistent with City Code Section [17.916.010\(A\)](#), to implement the subcommittee recommendations.

## **Subcommittee Objectives:**

The following three objectives were identified by the subcommittee; these objectives provide guidance related to the recommendations:

*Objective #1:* Convert the Planning and Design Commission to a Planning Commission that is focused on sustainable and equitable land use policy and planning to a greater degree than project entitlements. Craft policy as sufficiently detailed/definitive to render more project entitlement decisions "by-right" if consistent with adopted policy. The Commission would be provided a regular update on private development project approvals to determine the efficacy of development policy.

*Objective #2:* Provide that architectural design input is received early in the project development process.

*Objective #3:* Maintain or enhance the community's ability to participate. Ensure good civic engagement on both private development projects and policy items.

## **Recommended Text Amendments to the Planning and Development Code:**

In order to shift the focus of the Commission toward policy matters and streamline the development review process for projects that comply with design guidelines and development standards, the following code and process changes are recommended. They include delegating approval authority for some entitlements to the Director Level (Zoning Administrator, Design Director, Preservation Director), while eliminating some Conditional Use Permit (CUP) requirements altogether. The Commission would continue to hear and make recommendations

on all legislative entitlements, appeals of Director Level decisions, some CUP's, and recommendations to City Council on all policy matters.

1. Amend the Site Plan and Design Review Process- Reduce the number of Commission level hearings for projects that meet design and development standards by eliminating automatic triggers for Site Plan and Design Review applications. This will reduce the overall Commission workload, making more time available on regular agendas to consider policy items while streamlining the development process for projects that comply with all standards:
  - a) The following projects would no longer automatically go before the Planning and Design Commission simply because they meet one of these thresholds:
    - i) Development in any zone, excluding the industrial zone, that exceeds 65-feet;
    - ii) A development project in an industrial zone that exceeds 70-feet;
    - iii) A residential project of more than 150 dwelling units;
    - iv) A nonresidential or mixed-use project exceeding 125,000 square feet.
  - b) Decide all deviations from development standards at the Director level, thereby further reducing the Commission's workload. Under today's code, deviations of up to 50% are decided at the Director level and deviations of more than 50% are heard by the Commission.
2. Delegate All Tentative Maps to the Director Level- Currently, the Zoning Administrator hears maps with 1-4 parcels and the Commission hears maps with 5+ parcels. This amendment would delegate the approval of all tentative maps to the Zoning Administrator. During the two-year period of 2017-2018, the Planning and Design Commission heard 28 tentative map entitlements. If maps were heard at the Director Level instead, ten of those 28 projects would not have come before the Commission. Tentative maps accompanied by another Commission/Council level entitlement would still be heard by the Commission;
3. Delegate Some Conditional Use Permits (CUP)- Delegate routine, generally non-controversial CUP's to the Zoning Administrator, reducing the PDC workload by an estimated 12 projects per calendar year. All CUPs will still require a public hearing:
  - a) **Alcohol**, in all zones. Where a CUP is currently required in order to establish a business that sells alcohol, that decision is proposed to be delegated to the Zoning Administrator.
  - b) **Assembly facility – cultural, religious, social**, in single-unit, duplex, and multi-family residential zones, including Agriculture and Open Space zones, RE, R-1, R-1A, R-1B, R-2, R-2A, R-2B, R-3, and R-3A. Where a CUP is currently required in order to establish an Assembly use, that decision is proposed to be delegated to the Zoning Administrator.
  - c) **Dormitory**, in single-unit and duplex residential zones, including Agriculture and Open Space zones, R-1, R-1A, R-1B, and R-2. Where a CUP is currently required in order to establish a dormitory use, that decision is proposed to be delegated to the Zoning Administrator.
  - d) **Kennel**, in all zones. Where a CUP is currently required in order to establish a kennel use, that decision is proposed to be delegated to the Zoning Administrator.

- e) **Residential and Non-residential care facilities**, in residential zones; including Agriculture and Open Space zones, RE, R-1, R-1A, R-1B, R-2, R-2A, R-2B, R-3, and R-3A. With the proposed amendment, care facilities in these zones would require a Zoning Administrator CUP.
  - f) **Vet Clinics**, in all zones. CUPs are currently only required for a veterinary clinic when uses are conducted outdoors, such as an outdoor kennel; these CUPs are proposed to be delegated to the Zoning Administrator. When the veterinary use is conducted entirely within a building, currently no CUP is required.
4. Eliminate Some Conditional Use Permits (CUP)- Eliminate CUP requirement for uses that are generally non-controversial and, for policy reasons, it makes sense to encourage by streamlining the development process in the following zones:
- a) **Assembly facility – cultural, religious, social**, in some multi-family, mixed use, commercial and industrial zones. Assembly uses currently require a Commission level use permit in every zone. This change would allow assembly uses by-right in the following zones, subject to Site Plan and Design Review approval for building and site design: R-4, R-4A, R-5, RMX, RO, OB, SC, C-1, C-2, C-3, C-4, and all industrial and manufacturing zones.
  - b) **Childcare Center** (defined as 15+ children) in some multi-family, mixed use, commercial, and industrial zones. Currently, a Zoning Administrator CUP is required to establish a Childcare Center in most zones. This amendment would remove the use permit requirement in the following zones: R-4, R-4A, R-5, RMX, RO, SC, C-1, C-2, C-3, C-4, HC, M-1, M-2, H, SPX, and TC zones. The EC zone already allows childcare centers by-right. ZA use permits would still be required for Childcare Centers in zones RE, R-1 through R-3A. Staff would also like to explore amending the code to allow childcare centers by-right in all zones when established on the site of an assembly use (such as a school, church, or community center). These assembly uses are often a natural fit for a childcare center and it makes sense to streamline the process for siting them together.
  - c) **Dormitory**, in multi-unit dwelling, mixed use, commercial and industrial zones. Dormitory uses currently require a Commission level use permit and are subject to operational standards (City Code Section [17.228.111](#)). This change would allow dormitory uses by-right in the following zones, subject to Site Plan and Design Review approval for building and site design: R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-5, RMX, RO, OB, SC, C-1, C-2, C-3, C-4, and all industrial and manufacturing zones. The operational standards can be retained.
  - d) **Residential and Non-residential care facilities** in some multi-unit dwelling, mixed use, commercial, and industrial zones, including R-4, R-4A, R-5, RMX, RO, OB, SC, C-1, C-2, C-3, C-4, and all industrial and manufacturing zones. With the proposed amendment, care facilities in these zones would be allowed by-right, subject to Site Plan and Design Review (SPDR) approval for building and site design.
5. Architectural Review Committee (ARC)- Establish an Architectural Review Committee (ARC) appointed by the Planning Director to advise staff and the applicant early in the application process related to site and building design matters. The ARC would make a recommendation to staff and to the decision maker. The ARC's recommendation would increase early, professional design input and largely relieve the Commission of making substantive, and sometimes costly, design decisions at the hearing.

Staff took the additional step of examining the effect of these code amendments on the type and number of projects heard by the Preservation Commission. In 2018, the Preservation Commission heard and took action on four private development applications (11% of the overall workload of the Commission). If the code amendments are adopted as proposed, two of the four projects would have been heard at the Preservation Director level because they included new construction in a historic district. The other two projects would have remained at the Preservation Commission level because they involved demolition of a historic resource.

### **Other Recommendations Beyond Title 17 Amendments:**

Staff is asking the Planning and Design Commission to initiate an amendment to Title 17 related to recommendations 1-5 above. Recommendations 6-10 do not require initiation by the Commission, but are discussed in this report as part of the larger picture of changes that staff will implement to meet the subcommittee objectives:

6. Reduce the Number of Commissioners- There was a considerable amount of discussion at the April 26<sup>th</sup> Commission meeting about this recommendation to change the number and composition of the Commission. The appointment of Commission members and required qualifications is currently dictated by City Code section [2.60.020](#). Four individuals are recommended by the personnel and public employees committee (P&PE) and nine individuals are recommended one by each Councilmember and the Mayor. Aside from being a resident of the city, each of the nine members must, *“have an expressed interest, training, or experience in master planning; land use or land use policy; housing policy; large scale construction; urban planning; urban design; or mid- and high-rise urban, commercial, institutional, and mixed use projects.”*

When the City’s Planning Commission was created in 1972, it was composed of nine members, appointed by the Mayor with the approval of City Council. (Ordinance 3098) The City Council created the Design Commission in 2006 and assigned responsibilities to the Commission, the Design Director, and to design review staff. The Design Commission consisted of seven members, each seat with specific qualification requirements.

In 2009, the Planning Commission was increased from nine to eleven members, one member recommended for appointment by each of the members of City Council, including the Mayor, and two members being P&PE appointments. (Ord. 2009-045)

In 2012, the Design and Planning Commissions were merged into a single “Planning and Design Commission.” The membership was increased to 13 members, including two additional P&PE appointments. This is Commission’s composition to this day.

Over the next few months, staff plans to conduct outreach to various stakeholders regarding all of the recommendations, including the reduction in the number of Commissioners from 13 members to 9 or 7 members. When reporting back to the Commission with a draft ordinance, staff can discuss the results of the outreach and make a more informed recommendation as to the Commission number, method of recommendation, and qualifications.

Public Outreach: At the April 25<sup>th</sup> meeting, the Commission members made it very clear that public access, transparency, and outreach is a priority. Recommendations 7-10 do not require action by the Commission to initiate implementation, but are important components to the overall subcommittee objectives. Staff is moving forward with putting these measures in place:

7. Meeting Structure- Consider structure of Planning and Design Commission meetings- how to dedicate adequate time early in the evening to Long Range policy items:
  - a) Agenda Management- On certain regularly scheduled meetings, keep private development project items to a minimum and only schedule non-controversial items;
  - b) Call a Special Meeting when needed to dedicate the entire evening to a particularly weighty policy item;
  - c) Provide policy materials several weeks in advance of the scheduled hearing, or as available, giving Commissioners and the public more time to consider the materials.
8. Development Tracker- Continue to utilize Development Tracker as a method of making in-progress projects accessible to the public. Ensure that all private development applications, exhibits, and supporting materials are uploaded within 1-week of application submittal.
9. Early Site Posting- Provide early notice by posting signage at hearing sites when application is received. Currently, sites are only physically posted 10-days in advance of the public hearing.
10. Public Hearing Notices- Mail public hearing notices to both residents and property owners. Currently, public hearing notices are only mailed to property owners.

At the April 25<sup>th</sup> meeting, several Commissioners noted the importance of recommendations 8-10 above in order to assure access to the planning process for those individuals who are not frequently online or may not otherwise come into contact with land use issues in their neighborhood.

### **Performance Measures:**

Ad Hoc members expressed an interest in being provided a regular update on private development project approvals to determine the efficacy of development policy. More work is needed in this area to determine what type of data would be useful to collect in order to make that determination and the frequency of review.

### **Conclusion:**

In conclusion, staff asks the Commission to pass a motion to initiate an amendment to Title 17, effectively directing staff to work on amendments to the code to implement the changes summarized in this report. Staff would return to the Commission at a future public hearing with draft ordinances and updates.