



Board of Directors Regular Meeting
Meeting Date: 5/17/2018
Agenda Item No.: 2018-May-9.

SACOG Board of Directors

Subject: Support Senate Bill 1162: Capitol Area Planning - Height Limits
(Est. time: 0 minutes)

Consent

Prepared by: Christina Lokke

Approved by: James Corless

Attachments: Yes

1. Issue:

Should SACOG take a position on Senate Bill (SB) 1162 (Pan)?

2. Recommendation:

The Government Relations & Public Affairs Committee recommends that the Board Support SB 1162 (Pan).

3. Background/Analysis:

SB 1162 corrects an apparent drafting error that inadvertently included the property at 1619 N Street, Sacramento, in the height restrictions established by the Capitol View Protection Act of 1992 (Act). The Act reflected collaboration with the City of Sacramento to guide development in the area of Capitol Park and it imposed height restrictions on certain properties near the State Capitol, including a height limit of 120 feet for the property located at 1619 N Street. However, the City's Plan did not include the parcel located at 1619 N Street and its local plans allow for development of up to 240 feet. Based on research of the legislative history and intent of the Act, the inclusion of the property appears to be an error. This error was not realized until a high density residential development was recently proposed for that site. Under current law, the development would be limited to 120 feet.

The property is located in an established urban center with high quality transit and low average per-capita vehicle miles traveled (VMT). High-density residential development on the site will encourage the use of active transportation and may reduce the need for greenfield development on the urban fringe. The site is also located within a Transit Priority Area, adjacent to a High Quality Transit Corridor and in a location with some of the lowest per-capita VMT in the region. Higher density residential growth in the central city of Sacramento is a critical part of achieving SACOG's greenhouse gas reduction goals in the 2016 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS).

4. Discussion/Analysis:

SB 1162 aims to fix an inadvertent error in the Capitol View Protection Act by adjusting the southern boundary of the area governed by a height limit of 120 feet. This will permit higher-density development at 1619 N Street, consistent with the MTP/SCS.

For these reasons, staff is recommending a Support position on the bill. The bill is supported by the Sacramento Metropolitan Air Quality Management District and the Sacramento Regional Transit District and has no registered opposition. It passed the Senate Committee on Governmental Organization and was scheduled to be heard by the Senate Appropriations Committee on May 14.

Attachment A is the current text of the bill.

5. Fiscal Impact/Grant Information:

This item has no direct fiscal impact.

ATTACHMENTS:

Description

Attachment A - SB 1162

This staff report aligns with the following SACOG Work Plan Goals:

#9 - Better Connect & Communicate with Members & Regional Electeds

AMENDED IN SENATE MARCH 19, 2018

SENATE BILL**No. 1162****Introduced by Senator Pan**

February 14, 2018

An act to amend ~~Section 42705.5 of the Health and Safety Code, relating to nonvehicular air pollution.~~ *Section 8162.7 of the Government Code, relating to state government.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1162, as amended, Pan. ~~Air monitoring systems.~~ *Capitol area planning: height limits.*

Existing law provides that the Capitol Area Plan is the official state master plan for development in the central city of the City of Sacramento. The Capitol View Protection Act requires specified height and setback requirements in specified areas surrounding Capitol Park. The act, among other things, requires a height limit of 120 feet for the blocks between L Street on the north, 17th Street on the east, N Street on the south, and 16th Street on the west.

This bill, instead, would designate Matsui Alley as the southern boundary of that area with the height limit of 120 feet.

~~Existing law requires the State Air Resources Board, by October 1, 2018, to prepare a monitoring plan regarding technologies for monitoring criteria air pollutants and toxic air contaminants and the need for and benefits of additional community air monitoring systems, as defined. Existing law requires the state board, based on the monitoring plan, to select the highest priority locations in the state for the deployment of community air monitoring systems, and requires an air pollution control or air quality management district containing a selected location to deploy a system in the selected location by July 1, 2019.~~

~~This bill would make a technical, nonsubstantive change to those provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 8162.7 of the Government Code is*
2 *amended to read:*

3 8162.7. Notwithstanding any other provision of law, except as
4 provided in Section 8162.9, the following height limits shall apply
5 as follows:

6 (a) The applicable height limit shall be 80 feet for the following
7 areas:

8 (1) The block surrounded by L Street on the north, 16th Street
9 on the east, Capitol Avenue on the south, and 15th Street on the
10 west.

11 (2) The half block surrounded by Capitol Avenue on the north,
12 16th Street on the east, 15th Street on the west, and a line parallel
13 to and 210 feet to the south of Capitol Avenue on the south.

14 (3) The half block to the east of 15th Street between a line
15 running parallel to and 210 feet to the north of N Street on the
16 north, and a line running parallel to and 210 feet to the south of N
17 Street on the south.

18 (4) The half block to the south of N Street between 15th Street
19 on the east, and a line parallel to and 200 feet to the west of 9th
20 Street on the west.

21 (b) The applicable height limit shall be 120 feet for the following
22 area:

23 The blocks between L Street on the north, 17th Street on the
24 east, ~~N Street~~ *Matsui Alley* on the ~~south~~ *south*, and 16th Street on
25 the west.

26 (c) The applicable height limit shall be 150 feet for the following
27 areas:

28 (1) The half block to the west of 16th Street between a line
29 parallel to and 210 feet to the north of N Street on the north, and
30 a line parallel to and 210 feet to the south of N Street on the south.

31 (2) The half block to the north of O Street between 16th Street
32 on the east and 8th Street on the west.

- 1 (3) The half block to the south of N Street between 8th Street
2 on the west and a line parallel to and 200 feet to the east of 8th
3 Street on the east.
- 4 (4) The block to the south of O Street between a line parallel to
5 and 200 feet to the east of 11th Street on the east and a line parallel
6 to and 200 feet to the west of 11th Street on the west.
- 7 (5) The half block to the north of L Street between 16th Street
8 on the east and a line parallel to and 200 feet to the west of 9th
9 Street on the west.
- 10 (6) The half block to the west of 9th Street between L Street on
11 the north and N Street on the south.
- 12 (d) The applicable height limit shall be 250 feet for the following
13 areas:
- 14 (1) The half block to the south of O Street between 13th Street
15 and a line parallel to and 200 feet to the west of 12th Street.
- 16 (2) The half block to the south of O Street between a line parallel
17 to and 200 feet to the east of 10th Street on the east, and a line
18 parallel to and 200 feet to the west of 8th Street on the west.
- 19 (3) The half block to the west of 8th Street between N Street on
20 the north and O Street on the south.
- 21 (4) The half block to the south of K Street between 12th Street
22 on the east and 10th Street on the west.
- 23 (5) The block to the north of K Street between a line parallel to
24 and 200 feet to the west of 11th Street on the west, and a line
25 parallel to and 200 feet to the east of 11th Street on the east.
- 26 (e) The applicable height limit shall be 300 feet for the following
27 areas:
- 28 (1) The half block to the south of K Street, between 16th Street
29 on the east and 12th Street on the west.
- 30 (2) The half block to the South of K Street, between 10th Street
31 on the east and 8th Street on the west.
- 32 (3) The half block east of 8th Street, between a line parallel to
33 and 210 feet to the north of L Street on the north and N Street on
34 the south.
- 35 (f) The applicable height limit shall be 350 feet for the following
36 areas:
- 37 (1) The block to the north of J Street between a line parallel to
38 and 200 feet to the east of 11th Street on the east and a line parallel
39 to and 200 feet west of 11th Street on the west.

1 (2) The half block to the north of I Street, between 11th Street
 2 on the east and a line parallel to and 200 feet to the west of 11th
 3 Street on the west.

4 (g) The applicable height limit shall be 400 feet for the following
 5 areas:

6 (1) The half block to the north of K Street between 16th Street
 7 on the east and a line parallel to and 200 feet to the west of 12th
 8 Street on the west.

9 (2) The half block to the north of K Street between a line parallel
 10 to and 200 feet east of 10th Street on the east and a line parallel
 11 to and 200 feet west of 8th Street on the west.

12 (3) The block to the west of 8th Street between K Street on the
 13 north and N Street on the south.

14 (h) The applicable height limit shall be 450 feet for the following
 15 areas:

16 (1) The half block to the south of J Street between 16th Street
 17 on the east and a line parallel to and 200 feet west of 12th Street
 18 on the west.

19 (2) The half block to the south of J Street between a line parallel
 20 to and 200 feet to the east of 10th Street on the east and 7th Street
 21 on the west.

22 (3) The half block to the north of K Street between a line parallel
 23 to and 200 feet to the east of 7th Street on the east and 7th Street
 24 on the west.

25 ~~SECTION 1. Section 42705.5 of the Health and Safety Code~~
 26 ~~is amended to read:~~

27 ~~42705.5. (a) For purposes of this section, the following~~
 28 ~~definitions shall apply:~~

29 ~~(1) “Community air monitoring system” means advanced~~
 30 ~~sensing monitoring equipment that measures and records air~~
 31 ~~pollutant concentrations in the ambient air at or near sensitive~~
 32 ~~receptor locations and in disadvantaged communities and that may~~
 33 ~~be useful for estimating associated pollutant exposures and health~~
 34 ~~risks, determining trends in air pollutant levels over time, and in~~
 35 ~~supporting enforcement efforts.~~

36 ~~(2) “Disadvantaged community” means a community identified~~
 37 ~~as disadvantaged pursuant to Section 39711.~~

38 ~~(3) “Fence-line monitoring system” means monitoring~~
 39 ~~equipment that measures and records air pollutant concentrations~~
 40 ~~at or adjacent to a stationary source that may be useful for detecting~~

1 or estimating emissions of pollutants from the source, including
2 the quantity of fugitive emissions, and in supporting enforcement
3 efforts.

4 (4) “Nonattainment pollutant” has the same meaning as in
5 Section 39607.1.

6 (5) “Sensitive receptors” includes hospitals, schools and day
7 care centers, and such other locations as the district or state board
8 may determine.

9 (6) “Stationary source” has the same meaning as in Section
10 39607.1.

11 (b) On or before October 1, 2018, the state board shall prepare,
12 in consultation with the Scientific Review Panel on Toxic Air
13 Contaminants, the districts, the Office of Environmental Health
14 Hazard Assessment, environmental justice organizations, affected
15 industries, and other interested stakeholders, a monitoring plan
16 regarding the availability and effectiveness of toxic air contaminant
17 and criteria air pollutant advanced sensing monitoring technologies
18 and existing community air monitoring systems, as well as the
19 need for and benefits of establishing additional community air
20 monitoring systems. In preparing the monitoring plan, the state
21 board shall conduct at least one public workshop in each of the
22 northern, central, and southern parts of the state.

23 (c) Based on findings and recommendations in the monitoring
24 plan prepared pursuant to subdivision (b), the state board shall
25 select, concurrent with the monitoring plan, in consultation with
26 the districts and based on an assessment of the locations of sensitive
27 receptors and disadvantaged communities, the highest priority
28 locations around the state to deploy community air monitoring
29 systems, which shall be communities with high exposure burdens
30 for toxic air contaminants and criteria air pollutants. By July 1,
31 2019, any district containing a location selected pursuant to this
32 subdivision shall deploy a community air monitoring system in
33 the selected location or locations. In implementing this subdivision,
34 the district may require any stationary source that emits pollutants
35 in, or that materially affect, the highest priority locations identified
36 pursuant to this subdivision to deploy a fence-line monitoring
37 system or other appropriate real-time, on-site monitoring, taking
38 into account technical capabilities, cost, and the degree to which
39 additional data would materially contribute to an understanding
40 of community risk.

1 ~~(d) By January 1, 2020, and January 1 of every year thereafter,~~
2 ~~the state board shall select additional locations pursuant to~~
3 ~~subdivision (c), as the state board deems appropriate based on the~~
4 ~~monitoring plan described in subdivision (b). Any district~~
5 ~~containing a location selected pursuant to this subdivision shall~~
6 ~~deploy a community air monitoring system in the selected location~~
7 ~~within one year of the state board selecting the location. The state~~
8 ~~board shall hold an annual public hearing on the status of~~
9 ~~implementing the network of community air monitoring systems~~
10 ~~and make recommendations for improvements.~~

11 ~~(e) The districts shall provide to the state board the air quality~~
12 ~~data produced by the community air monitoring systems deployed~~
13 ~~pursuant to this section. The state board shall publish the air quality~~
14 ~~data on its Internet Web site.~~

O