



City of Sacramento City Council

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915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: 8/16/2011

Report Type: Public Hearing

Title: Solar Facilities Zoning Code Update (Noticed on 8-4-11)

Report ID: 2011-00452

Location: Citywide

Recommendation: Conduct a public hearing and upon conclusion adopt an Ordinance amending various sections of Title 17 of the Sacramento City Code (Zoning Code) relating to commercial solar energy systems.

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Presenter: Sandra Yope, Senior Planner, (916) 808-7158, Community Development Department

Department: Community Development Dept

Division: Zoning

Dept ID:

Attachments:

- 1-Description/Analysis
- 2-Ordinance Solar Farms

City Attorney Review

Approved as to Form
Sabina D. Gilbert
8/10/2011 12:06:32 PM

City Treasurer Review

Prior Council Financial Policy Approval or
Outside City Treasurer Scope
Russell Fehr
8/1/2011 11:13:31 AM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 8/2/2011 12:32:06 PM

Assistant City Manager: Cassandra Jennings - 8/10/2011 10:52:56 AM



Description/Analysis

Issue: The City Council directed staff to bring forward code changes that facilitate the location of solar energy systems on both city-owned property and private property.

Staff has prepared an ordinance to regulate commercial solar energy systems as a use under the Zoning Code, Title 17 of the City Code. The ordinance adds to the Zoning Code a definition for “solar energy system-commercial (city property)” and for “solar energy system-commercial (non-city property)”. The definition describes a facility that converts solar energy for the commercial sale of electricity that is either on city property or on private property. The definition also expressly excludes systems that are accessory to the primary use of the lot and are primarily used to generate electricity that is used by or credited to the use of the lot.

The ordinance also amends the land use charts and places a line for each use in the chart. Solar energy systems on city property will be allowed in any zone by right with the actual development standards determined in the city lease process. Solar energy systems on private property will be limited to the heavy commercial, agricultural, and industrial zones subject to a Zoning Administrator special permit. The use on private property will be subject to a one year “discontinued use” provision that requires the removal of all equipment and the termination of the special permit for non-use for a continuous period of one year or more.

Policy Considerations: This ordinance is consistent with the City Council focus areas of Economic Development and Sustainability and Livability. Adopting the ordinance will help to facilitate implementation of the 2030 General Plan goal and polices related to renewable energy. The proposed ordinance is consistent with the Community Development Department’s strategic areas to promote an appropriate regulatory environment and streamline the process.

Environmental Considerations: The adoption of the ordinance is not a “project” covered by the California Environmental Quality Act (CEQA) under CEQA Section 21065 and CEQA Guidelines Section 15378(b).

Sustainability: The zoning code change fosters sustainability by facilitating the location of solar energy systems on both city and private property within the City.

Commission/Committee Action: The proposed code amendments were presented to the Law and Legislation Committee on August 4, 2011. Staff will present the committee’s action at the City Council Hearing. The proposed code amendment was presented to the Planning Commission on May 12, 2011. The Planning Commission recommended approval of the proposed ordinance with a vote of seven ayes, one no, and 2 absent. The Commission recommended the ordinance be changed to provide uniform permitting requirements and standards for commercial solar energy facilities whether located on either private or city owned sites. The ordinance is on the August 9, 2011 City Council agenda to be passed for publication.

Rationale for Recommendation: This furthers implementation of the 2030 General Plan by streamlining the Zoning Code for the location of commercial solar energy systems on private and city property.

Financial Considerations: None.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.



ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE AMENDING SECTIONS 17.16.010,
17.24.040, AND 17.24.050 OF TITLE 17 OF THE
SACRAMENTO CITY CODE (THE ZONING CODE)
RELATING TO SOLAR ENERGY SYSTEMS (M11-006)**

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

SECTION 1. Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The following definition for “solar energy system-commercial (city property)” is added to Section 17.16.010 to read as follows:

“Solar energy system-commercial (city property)” means a facility used for the conversion of solar energy for the commercial sale of electricity and located on a lot owned by the city. A solar energy system-commercial (city property) does not include a system that is accessory to the primary use of the lot and that generates electricity that is primarily used onsite or credited to the use of the lot.

B. The following definition for “solar energy system-commercial (non-city property)” is added to Section 17.16.010 to read as follows:

“Solar energy system-commercial (non-city property)” means a facility used for the conversion of solar energy for the commercial sale of electricity and located on a lot that is not owned by the city. A solar energy system-commercial (non-city property) does not include a system that is accessory to the primary use of the lot and that generates electricity that is primarily used onsite or credited to the use of the lot.

C. Except as specifically amended to add the definitions for “solar energy system-commercial (city property)” and “solar energy system-commercial (non-city property)” as set forth in subsections A and B, Section 17.16.010 remains unchanged and in full force and effect.

SECTION 2. Section 17.24.040 Industrial and Agricultural Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The matrix set forth in Table 17.24.040 A is amended to add “solar energy system-commercial (city property)” to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-4A	R-5	RMX	RO	OB
Solar energy system-commercial (city property)*	87	87	87	87	87	87	87	87	87	87	87	87	87	87	87

B. The matrix set forth in Table 17.24.040 A is amended to add “solar energy system-commercial (non-city property)” to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-4A	R-5	RMX	RO	OB
Solar energy system-commercial (non-city property)*															

C. The matrix set forth in Table 17.24.040 B is amended to add “solar energy system-commercial (city property)” to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	AR P-F
solar energy system-commercial (city property)*	87	87	87	87	87	87	87	87	87	87	87	87	87	87	87	87	87	87	87	87

D. The matrix set forth in Table 17.24.040 B is amended to add “solar energy system-commercial (non-city property)” to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	AR P-F
solar energy system-commercial (non-city property)*							88	88	88	88	88						88	88		

E. Except as specifically amended for the uses indicated in subsections A, B, C, and D,, Section 17.24.040 and Tables 17.24.040 A and 17.24.040 B remain unchanged and in full force and effect.

SECTION 3. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 87 is added to Section 17.24.050 to read as follows:

87. A solar energy system-commercial located on city property is allowed in this zone and is exempt from the provisions of this title.

B. Footnote 88 is added to Section 17.24.050 to read as follows:

88. A zoning administrator special permit shall be required to establish a solar energy system-commercial (non-city property) in this zone pursuant to and subject to the findings required by Chapter 17.212. In approving a special permit, the zoning administrator shall have the authority to vary height, setback, lot coverage, and public street frontage and access requirements of this title and Title 16. Notwithstanding the provisions of Section 17.212.100(G), if the solar energy system-commercial use ceases, either voluntarily or involuntarily, for a continuous period of one year or more, the special permit shall be deemed automatically revoked, and the solar energy system-commercial and all related equipment and accessory structures shall be removed from the site.

C. Except as specifically amended by adding footnotes 87 and 88 as set forth in subsections A and B, Section 17.24.050 remains unchanged and in full force and effect.