

**Meeting Date:** 9/15/2015

**Report Type:** Public Hearing

**Report ID:** 2015-00795

**Title: Ordinance Amending Title 17 Relating to Front-Yard Setbacks (M15-010) [Noticed 09/04/2015; Passed for Publication 09/08/2015; Published 09/11/2015]**

**Location:** Citywide

**Recommendation:** Conduct a public hearing and upon conclusion pass an Ordinance amending various sections in Chapter 17.204 of the Sacramento City Code relating to front-yard setbacks for single-unit and duplex dwellings.

**Contact:** Bruce Monighan, Urban Design Manager, (916) 808-1241; Joy Patterson, Principal Planner, (916) 808-5607, Community Development Department

**Presenter:** Bruce Monighan, Urban Design Manager, (916) 808-1241, Community Development Department

**Department:** Community Development Dept

**Division:** Zoning

**Dept ID:** 21001224

**Attachments:**

- 1-Description/Analysis
- 2-Background
- 3-Ordinance (Redline)
- 4-Ordinance (Clean)

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**City Attorney Review**

Approved as to Form  
Jeffrey Heeren  
9/8/2015 9:18:31 AM

**Approvals/Acknowledgements**

Department Director or Designee: Ryan Devore - 8/31/2015 8:54:22 AM

## Description/Analysis

**Issue Detail:** Implemented in September of 2013, the Planning and Development code provided for three critical changes:

- A citywide application of the Bulk Control process.
- A standard setback of 25' minimum or an average of the two adjacent residences whichever is less (*emphasis added*).
- A citywide site plan and design review of all projects

The second item “a standard setback of 25' minimum or an average of the two adjacent residences whichever is less” has caused confusion with homeowners, neighborhood residents and builders as to the standards to be followed in existing neighborhoods. The intent of this ordinance modification is to modify the language to say “A standard setback of an average of the two adjacent residences.”

**Policy Considerations:** The 2035 General Plan class for new development to be designed in a manner sensitive to the surrounding context. General Plan policy LU 2.4.2 (Responsiveness to Context) states: “The City shall require building design that respects and responds to the local context, including use of local materials where feasible, responsiveness to Sacramento’s climate, and consideration of cultural and historic context of Sacramento’s neighborhoods and center.” Ensuring compatible building setbacks will help achieve this objective.

**Economic Impacts:** None

**Environmental Considerations:** The adoption of the ordinance would have no significant effect on the environment and is exempt pursuant to California Environmental Quality Act Guidelines section 15061(b)(3).

**Commission/Committee Action:** The City’s Law and Legislation Committee reviewed the proposed ordinance at their July 14, 2015 committee meeting, and voted to forward the ordinance to the Planning and Design Commission for public hearing.

On August 13, 2015, the Planning and Design Commission conducted a public hearing and reviewed the proposed ordinance. By a vote of 12 ayes and one absent, the commission voted to recommend approval and forward the ordinance to the City Council.

**Rationale for Recommendation:** The proposed ordinance will ensure compatible front building setbacks in single family and two family residential neighborhoods throughout the City.

**Financial Considerations:** None.

**Local Business Enterprise (LBE):** Not applicable.

## **Background Information:**

In 2005 and 2006 a concern developed in the East Sacramento area about existing homes being torn down and replaced with very large residences, or homes being remodeled into large, tall or bulky residences. In 2007, Ordinance 2007-026 was enacted that established special design review requirements in East Sacramento for residential neighborhoods. From that ordinance, a Design Review Ordinance 2008-005 was created to define the design review process and set development standards for single family, duplex and second units. Of significance was a defined minimum setback of 25 feet or the average of the two adjacent lots. Further, a series of wall step backs and maximum heights were established for two story buildings.

In 2009 a new interim ordinance, 2009-010 repealed and replaced the 2007-026 and 2008-005 ordinances. The 2009 ordinance included review of single family, duplex and second units. The new ordinance established bulk control through a massing “tent”, a three dimensional air space based on property lines and setbacks that provided some control over residence design height and massing. This is the same bulk control we are currently using. The language for a minimum front setback was dropped but the average of the two adjacent lots was retained. Any deviation from the standard beyond an allowed 40 square feet of front profile on each side of the building triggered a staff level design review if the deviation was between 50 square feet and 100 square feet. Above that amount the review was by the Design Director. The ordinance, in its language, anticipated being repealed at the time newly enacted regulations were adopted.

In 2013 the new planning and Development Code was adopted and brought the 2009 East Sacramento ordinance forward into a city-wide standard.

Setbacks are often a defining pattern in neighborhoods. The history and intent of the previous ordinances was to assure that setback patterns in existing neighborhoods was recognized and reflected in new or remodels residential projects. The apparent “choice” provided by the current ordinance language was not intended nor is it desired. The new language is consistent with City policy related to neighborhood design goals, policy and guidelines.

Title 17.204.240 (R-1), 17.204.340 (R-1A), 17.204.440 (R-1B), 17.204.540 (R-2), of the Planning and development code all have identical language that would be modified.

**ORDINANCE NO.**

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE AMENDING SECTION 15.04.040 AND ADDING SECTION 15.08.180 TO THE SACRAMENTO CITY CODE, RELATING TO SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS**

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

**SECTION 1.**

A. Section 15.04.040 of the Sacramento City Code is amended as follows:

1. The definition of "small residential rooftop solar energy system" is added to read as follows:

"Small residential rooftop solar energy system" means a solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal; conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city; conforms to the requirements of California Civil Code section 714(c)(3); is installed on a single-unit dwelling or duplex dwelling; and does not exceed the maximum legal building height.

B. Except as amended subsection A above, section 15.04.040 remains unchanged and in full effect.

**SECTION 2.**

Section 15.08.180 of the Sacramento City Code is added to read as follows:

Section 15.08.180 Expedited building permit process for small residential rooftop solar energy systems.

**A. Applicability**

This section applies to applications for expedited building permits for small residential rooftop solar energy systems.

**B. Procedure**

1. The building official shall adopt a checklist of all requirements for an application for an expedited building permit for a small residential rooftop solar energy system. The checklist shall substantially conform to the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

2. If the building official determines that the application is complete and meets the requirements of the checklist, the building official shall issue the expedited building permit.

3. If the application is incomplete, the building official shall provide a written correction notice of the deficiencies and the additional information required to be eligible for expedited permit issuance.

4. The checklist, application form, and any other documents required by the building official shall be published on the city's website.

5. An application for an expedited building permit for a small residential rooftop solar energy system may be filed by facsimile or by email.

6. Only one inspection shall be required unless the small residential rooftop solar energy system fails inspection.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING VARIOUS SECTIONS IN CHAPTER 17.204 OF THE SACRAMENTO CITY CODE, RELATING TO FRONT-YARD SETBACKS FOR SINGLE-UNIT AND DUPLEX DWELLINGS

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

SECTION 1.

A. Subsection A of section 17.204.140 of the Sacramento City Code is amended to read as follows:

A. Front-yard setback. The minimum front-yard setback is determined as follows:

1. If there are at least two other buildings with front-yard setbacks on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the average of the two front-yard setbacks of the nearest two buildings.
2. If there is only one other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the front-yard setback of the other building.
3. If there is no other building with a front-yard setback on the same side of the street on the same block, the minimum front-yard setback is 20 feet.

B. Except as specifically amended by subsection A, above, all provisions of section 17.204.140 remain unchanged and in full effect.

SECTION 2.

A. Subsection A of section 17.204.240 of the Sacramento City Code is amended to read as follows:

A. Front-yard setback. The minimum front-yard setback is determined as follows:

1. If there are at least two other buildings with front-yard setbacks on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the average of the two front-yard setbacks of the nearest two buildings.

2. If there is only one other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the front-yard setback of that building.

3. If there is no other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is 20 feet.

B. Except as specifically amended by subsection A, above, all provisions of section 17.204.240 remain unchanged and in full effect.

### SECTION 3.

A. Subsection A of section 17.204.340 of the Sacramento City Code is amended to read as follows:

A. Front-yard setback. The minimum front-yard setback is determined as follows:

1. If there are at least two other buildings with front-yard setbacks on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the average of the two front-yard setbacks of the nearest two buildings.

2. If there is only one other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the front-yard setback of that building.

3. If there is no other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is 20 feet.

B. Except as specifically amended by subsection A, above, all provisions of section 17.204.340 remain unchanged and in full effect.

### SECTION 4.

A. Subsection A of section 17.204.440 of the Sacramento City Code is amended to read as follows:

A. Front-yard setback. The minimum front-yard setback is determined as follows:

1. If there are at least two other buildings with front-yard setbacks on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the average of the two front-yard setbacks of the nearest two buildings.
2. If there is only one other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the front-yard setback of that building.
3. If there is no other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is 20 feet.

B. Except as specifically amended by subsection A, above, all provisions of section 17.204.440 of the Sacramento City Code remain unchanged and in full effect.

## SECTION 5.

A. Subsection A of section 17.204.540 of the Sacramento City Code is amended as follows:

A. Front-yard setback. The minimum front-yard setback is determined as follows:

1. If there are at least two other buildings with front-yard setbacks on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the average of the two front-yard setbacks of the nearest two buildings.
2. If there is only one other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is the front-yard setback of that building.
3. If there is no other building with a front-yard setback on the same side of the street on the same block as the lot for which the setback is being determined, the minimum front-yard setback is 20 feet.

B. Except as specifically amended by subsection A, above, all provisions of section 17.204.540 of the Sacramento City Code remain unchanged and in full effect.