



# REPORT TO COUNCIL

## City of Sacramento

21

915 I Street, Sacramento, CA 95814-2604  
www. CityofSacramento.org

**PUBLIC HEARING**  
**May 15, 2007**

Honorable Mayor and  
Members of the City Council

**Title: Right-of-Way Improvements for the Development of Single-Family and Two-Family Residences. (M07-027)**

**Location/Council District:** Citywide

**Recommendation:** Conduct a public hearing and upon conclusion 1) adopt a **Resolution** approving the Environmental Exemption per the California Environmental Quality Act Section 15061(b)(3); and 2) adopt an **Ordinance** amending Section 18.04.040 of the Sacramento City Code regarding Right-of-Way Improvements for Development of Single-Family and Two-Family Residences.

**Contact:** Robert W. Williams, Assistant Planner, (916) 808-7686, Scott Tobey, Associate Engineer, (916) 808-8307

**Presenters:** Robert W. Williams, Assistant Planner, (916) 808-7686, Scott Tobey, Associate Engineer, (916) 808-8307

**Department:** Development Services

**Division:** Current Planning, Development Engineering

**Organization No:** 4881, 4815

### **Description/Analysis**

**Issue:** At the request of Councilmember Tretheway, the Law and Legislation Committee directed staff to draft an ordinance to amend Section 18.04.020 of the City Code pertaining to right-of-way improvements. This section of code requires that as a condition of a building permit the owner/developer must dedicate and improve one half of the street or streets abutting the lot on which the building is being constructed or enlarged. These required improvements include curb, gutter and sidewalk as set forth in the right-of-way guidelines established pursuant to Section 18.04.170.

Section 18.04.040 provides a series of exceptions to the general improvement requirements of Section 18.04.020. One of the exceptions includes a provision that any lot used exclusively for single-family and two-family residential purposes is exempt from the provisions of Section 18.04.020, this proposed ordinance amendment would delete that exception (this exemption does not apply to condominiums, townhomes, cluster housing, and similar residential uses).

Due to the exception provisions of section 18.04.040, developers of new single-



family and two family residences have been able to avoid street frontage dedications and standard right-of-way improvement requirements, such as sidewalks, when constructing new homes on existing lots that were created before current subdivision regulations. In North Sacramento there are a number of "heritage lots" which were created prior to annexation in the City and these lots often lack standard City improvements.

If the mandatory exception provisions for single-family and two-family residential purposes were removed, builders of new homes on existing lots would be required to dedicate the necessary land and construct standard improvements. The city engineer will have the authority to grant a variance to dedication and improvement requirements, or to accept in lieu payments for improvements if the cost of such improvements is deemed excessive in relation to the project, or if it has been determined that the improvements should be constructed at a future date in coordination with other right-of-way improvements as outlined in the variance process of section 18.04.200.

**Policy Considerations:** The proposed amendments would provide the City with greater discretionary authority relative to right-of-way improvements for certain types of development. The proposed amendments conform with the City of Sacramento Strategic Plan by adhering to the goals of providing for city neighborhoods with a sense of place and character, enhanced mobility and enhanced public health and safety.

**Committee/Commission Action:** On January 4, 2007 the Law and Legislation Committee directed staff to prepare an ordinance amending Section 18.04.040.. The proposed City Code amendments were reviewed by the Law and Legislation Committee at their May 1, 2007 meeting. The committee directed staff to provide guidelines to help clarify the existing variance process. These guidelines are found in an attachment.

**Environmental Considerations:** The proposed ordinance is exempt from the provisions of the California Environmental Quality Act (Section 15061(b)(3)).

**Rationale for Recommendation:** The current language of Section 18.04.040 provides for a mandatory, rather than a discretionary, waiver of right-of-way dedication and improvement requirements when constructing a single-family or a two-family residential use. Council members have expressed concerns about the likelihood that the City will end up bearing the cost of installing the sidewalks for infill projects for as well as larger developments being constructed without standard right-of-way improvements. By removing the exemption, right-of-way improvements can be more consistent in older neighborhoods, without leaving gaps in the frontage improvements that currently affect some city neighborhoods.

**Financial Considerations:** None

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

Respectfully Submitted by: Edward Williams  
Edward Williams  
Development Engineering Manager

Approved by: Williams Thomas  
Williams Thomas  
Director of Development Services

Recommendation Approved:

Ray Kerridge  
Ray Kerridge  
City Manager

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**RESOLUTION NO.**

Adopted by the Sacramento City Council

**DETERMINING PROJECT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CODE AMENDMENT RELATING TO RIGHT-OF-WAY IMPROVEMENTS FOR THE DEVELOPMENT OF SINGLE-FAMILY AND TWO-FAMILY RESIDENCES. (M07-027)**

**BACKGROUND**

- A. The City of Sacramento's Environmental Planning Services has reviewed the ordinance relating to Sacramento City Code Amendment for Right-of-Way Improvements for the Development of Single-Family and Two-Family Residences and has determined the Project is exempt from review under the California Environmental Quality Act as follows:
  - 1. The Project is exempt under the following provisions of the California Environmental Quality Act (CEQA): Section 15061 (b) (3);
  - 2. The factual basis for the finding of exemption is as follows:

Exemption 15061 (b) (3) consists of an activity covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. The City Council has reviewed and considered the Environmental Planning Services determination of exemption and the comments received at the hearing on the Project and determines that the Project is exempt from review under the California Environmental Quality Act for the reasons stated above.

**ORDINANCE NO.**

Adopted by the Sacramento City Council

**AMENDING SECTION 18.04.040 OF TITLE 18 OF THE SACRAMENTO CITY CODE  
RELATING TO STREET DEDICATIONS AND IMPROVEMENTS (M07-027)**

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

SECTION 1. Section 18.04.040 of the Sacramento City Code is amended to read as follows:

The provisions of Section 18.04.020 of this chapter shall not apply to the following:

- A. The creation of an off-street parking area in connection with the construction or improvement of a single-family or two-family residence.
- B. Additions and accessory buildings incidental to a residential building legally existing on the lot, provided no additional dwelling units or guest rooms are created.
- C. Additions and accessory buildings incidental to other than a residential building existing on the lot on the effective date provided that the total cumulative floor area of all such additions and accessory buildings shall not exceed five hundred square feet.
- D. The creation of, the alteration of, or the addition to an off-street parking area, off-street loading or unloading area, off-street pickup and delivery area, or storage, sale, rental or service area, subject to the permit requirements of Chapter 10.24 of this code, when the additional surfaced area created thereby does not exceed one thousand (1,000) square feet, or ten (10) percent of the gross area of the lot, whichever is the lesser sum.

**Redlined ORDINANCE NO.**

Adopted by the Sacramento City Council

**AMENDING SECTION 18.04.040 OF TITLE 18 OF THE SACRAMENTO CITY CODE  
RELATING TO STREET DEDICATIONS AND IMPROVEMENTS (M07-027)**

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

SECTION 1. Section 18.04.040 of the Sacramento City Code is amended to read as follows:

The provisions of Section 18.04.020 of this chapter shall not apply to the following:

~~A. Any lot used exclusively for single-family and two-family residential purposes, excluding condominium, townhouse, cluster housing and similar residential uses.~~

A B. The creation of an off-street parking area in connection with the construction or improvement of a single-family or two-family residence.

B C. Additions and accessory buildings incidental to a residential building legally existing on the lot, provided no additional dwelling units or guest rooms are created.

C D. Additions and accessory buildings incidental to other than a residential building existing on the lot on the effective date provided that the total cumulative floor area of all such additions and accessory buildings shall not exceed five hundred square feet.

D E. The creation of, the alteration of, or the addition to an off-street parking area, off-street loading or unloading area, off-street pickup and delivery area, or storage, sale, rental or service area, subject to the permit requirements of Chapter 10.24 of this code, when the additional surfaced area created thereby does not exceed one thousand (1,000) square feet, or ten (10) percent of the gross area of the lot, whichever is the lesser sum.

## Attachment 4 - Guidelines for Variance Approval

**Guidelines for Variance Approval to Required Right-of-Way Improvements for Development of Single-Family and Two Family Residences**

In General the City wants to have public improvements constructed in residential developments. Public Right of Way (dedication) is always required whether or not improvements are constructed. According to Title 18, Section 18.04.200 the City Engineer may allow variations and deviations from the dedications and improvement requirements. The delegated authority for this process is Development Engineering. The following are situations where it is appropriate to waive in whole or in part public improvements:

- Infill areas where there are no existing public improvements.
- Where improvements are excessive and cost becomes prohibitive.
- Where a neighborhood theme is not with complete improvements (i.e. Woodlake with no improvements or South Land Park with curb and gutter only, or an area with only street lighting).
- Where the construction of full improvements creates a safety issue.

Waiver of construction requirements does not waive an applicant's responsibility to provide public improvements. If deemed appropriate the city may collect an appropriate cash payment in lieu of constructing improvements. The following are situations where it is it appropriate to request a cash payment:

- When cost of improvements is deemed excessive and where future construction of improvements is likely because:
  - The street and improvements in question are in the city's TPG (transportation program guide).
  - A large number of undeveloped lots exist on a street.
  - A large private development project in the area is willing to construct all the improvements.