



City of Sacramento City Council

915 I Street, Sacramento, CA, 95814

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Meeting Date: 7/19/2011

Report Type: Consent

Title: (Pass for Publication) Ordinance Amendments: Community Gardens on Private Property (M11-010)

Report ID: 2011-00453

Location: Citywide

Recommendation: 1)Review an Ordinance amending Title 17 of the City Code (Zoning Code) and an Ordinance amending Title 13 of the City Code (Public Services) pertaining to community gardens; and 2)Pass for Publication the Ordinance titles as required by Sacramento City Charter 32c to be adopted on July 26, 2011

Contact: Joy Patterson, Principal Planner, (916) 808-5607, Community Development Department

Presenter:

Department: Community Development Dept / Utilities

Division: Planning

Dept ID: 21001221

Attachments:

01-Description/Analysis

02 - Background

03 - Original Draft Community Garden Ordinance (Reviewed by Planning Commission and Community Groups)

04 - Grow Together Sacramento Meeting Notes 4.18.11

05 - Oak Park Community Center Meeting Notes 5.4.11

06 - South Natomas Community Center Meeting Notes 5.9.11

07 - Meadowview Community Center Meeting Notes 5.11.11

08 - 12th Street boys and Girls Club Community Center Meeting Notes 5.18.11

09 - Planning Commissioner Comments from the May 12, 2011 Planning Commission Meeting

10 - CEQA Resolution

11 - Community Garden Ordinance Amendment to Title 17 (Zoning)

12 - Community Garden Ordinance Amendment to Title 13.04 (Water Service System) Redlined

13 - Community Garden Ordinance Amendment to Title 13.04 (Water Service System)

City Attorney Review

Approved as to Form

Sheryl N. Patterson

7/15/2011 4:08:54 PM

City Treasurer Review

Prior Council Financial Policy Approval or
Outside City Treasurer Scope

Russell Fehr

7/14/2011 9:42:07 AM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 7/14/2011 11:22:06 AM

Assistant City Manager: John Dangberg - 7/15/2011 4:08:26 PM

Description/Analysis

Issue: In the City of Sacramento the utilization of an otherwise vacant piece of property for the primary purpose of growing food, or crops, is considered an agricultural use and is permitted only in the Agriculture (A) or Agriculture Open Space (AOS) zones. Recently there has been interest in the City of Sacramento to allow the development of vacant lots with community gardens. Currently the City does operate a community garden program in City parks; however, several council members have expressed an interest in amending the City Code to permit community gardens on property that is not owned by the City. Staff has prepared City Code amendments for the review of the City Council. Background information on the development of the proposed code amendments, community outreach, and Planning Commission review is attached.

Policy Considerations: The Environmental Resources Policy 4.1.2. of the City of Sacramento 2030 General Plan states that “The city shall promote urban agriculture by supporting community and rooftop gardens and recognize their value in providing fresh food in urban areas in addition to their recreational, community building, landscaping, and educational value.”

Environmental Considerations: The adoption of the ordinances would have no significant effect on the environment and is exempt pursuant to CEQA Guidelines section 15061(b) (3).

Sustainability: The City’s Sustainability Master Plan, adopted in 2007, set three community-wide Public Health and Nutrition goals, which include:

- Improve the health of residents through access to a diverse mix of wellness activities and locally produced food;
- Promote greening and gardening within the City; and
- Create healthy urban environments through restorative redevelopment.

The Plan calls for the City to promote and support community gardening. The proposed changes to the City Code will help to achieve these goals.

Commission/Committee Action: On April 5, 2011 and April 21, 2011, the Law and Legislation Committee discussed the policies surrounding community gardens on city owned and private property. The committee requested that the staff of the Department of General Services return to the committee with further information regarding the use of city property, other than city parks, for gardens and directed Planning Division staff to prepare an ordinance for the review and recommendation of the Planning Commission regarding regulations for community gardens on non-city owned property.

On May 12, 2011 the City of Sacramento Planning Commission considered the proposed Zoning Code amendment. The Planning Commission, by a vote of 7 ayes, 1 no and 2 absent, voted to forward the proposed ordinance amending the Zoning Code to City Council without a recommendation, to request the City Council to take into consideration the individual comments of the Planning Commissioners when it hears and considers the proposed ordinance, and to direct staff to transmit the Commissioner comments to the City Council. The Planning Commissioner’s comments are attached (Attachment 9)

Rationale for Recommendation: The proposed amendment to Title 17 would update the City Zoning Code and allow community gardens to be developed on non-city owned property. If the ordinance is not approved, the development of non-city owned property for exclusive use as community gardens in all zones other than Agriculture (A)

or Agriculture Open Space (AOS) is a prohibited use. The proposed amendment to Title 13 of the city code would allow a community garden to use the existing water service connection of an adjoining lot for irrigation purposes subject to approval of the Director of Utilities, provided the connection is metered and appropriate backflow protection is installed. Currently City Code requires each lot to have its own water service.

Financial Considerations: None

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



Background

In the city of Sacramento the utilization of private property for the primary purpose of growing food, or crops, is considered an agricultural use and is permitted only in the Agriculture (A) or Agriculture Open Space (AOS) zones. Gardening, or the growing of fruits, vegetables and plants on developed properties as an incidental use of the land (such as a garden in the yard of a single family home, garden in the common area of an apartment complex, a herb garden on a restaurant's property, a garden at a school) is generally considered a type of landscaping and is permitted as long as it does not create a hazard, blight, or nuisance.

At the City Council meeting of August 26, 2010, council member Rob Fong requested that staff bring forward a discussion on community gardens and the opportunities for more gardens. In preparation for the Law and Legislation meeting, Planning Division staff reviewed existing regulations on community gardens from Sacramento County, Long Beach, Chicago, San Diego, Nashville, Stockton, Davis, Los Angeles, UC Cooperative Extension, Orange, Boulder, Palo Alto, San Francisco, as well as the city of Sacramento Guidelines for Community Gardens and the Public Health Law & Policy Model Zoning Language for Establishing Community Gardens as an Approved Use.

On April 5, 2011, the Law and Legislation committee discussed the policies surrounding community gardens on city-owned and non-city owned property. The committee requested that Planning Division staff return to the committee with further information for the discussion of gardens on private property and that the Department of General Services return with further information regarding the use of city property for gardens.

At the April 21, 2011 Law and Legislation Committee meeting, members discussed the potential issues surrounding community gardens on non-city owned property and reviewed a draft ordinance (Attachment 3) The draft ordinance proposed amendments to Title 17 of the City Code (the Zoning Code) and contained definitions and development and operational standards for gardens. The Law and Legislation Committee directed staff to continue with community outreach and present to the Planning Commission the proposed requirements for permitting community gardens on private property. Council member Schenirer also provided staff with the comments on the draft regulations from the Grow Together Sacramento Meeting on April 18, 2011 (Attachment 4).

Planning Division and Utilities Department staff, with the assistance of Neighborhood Services, held community meetings on the proposed ordinance at the Oak Park Community Center (May 4, 35 people in attendance), South Natomas Community Center (May 9, approximately 10 people in attendance), Meadowview Community Center (May 11, approximately 15 people in attendance), and the Boys and Girls Club on 12th Street (May 18, approximately 35 people in attendance). Staff presented the details of the proposed ordinance and took questions and comments from those in attendance. The minutes from each of the meetings are attached as Attachments 5 through 8. In summary, community members at all the meetings were concerned that there were too many regulations and that the fees for water and to apply to vary the regulations were too high, thus making it difficult for people to come together and develop a community garden on their own. They questioned the need for fencing and wanted to be able to sell fruits and vegetables grown at the garden on the site in order to help defray the costs associated with the garden.

The Planning Commission held a public hearing on the proposed amendment to the Zoning Code for Community Gardens on May 12, 2011. Six people testified in support of community gardens but

expressed their concerns with the regulations found in the proposed ordinance. After discussion the Planning Commission voted to not make a recommendation on the proposed Zoning Code amendment as a commission. Instead they voted to transmit to the City Council their individual comments and concerns regarding the proposed ordinance. The Planning Commission's comments are attached as Attachment 9.

As a result of the comments received by the community and the Planning Commission comments, Planning staff recommends that the Zoning Code amendment on community gardens as originally drafted and presented to the Law and Legislation Committee be revised to take into consideration these comments and concerns. Planning staff has prepared a revised ordinance that allows community gardens by right in any zone if they are one-half acre or less in size (Attachment 11). Community gardens over one-half acre would require Zoning Administrator special permit review and approval. A community garden is defined as:

An otherwise undeveloped lot divided into multiple plots for the growing and harvesting of fruits, vegetables, flowers, or herbs, primarily for the personal use of the growers, and that is established, operated, and maintained by a group of persons. A community garden does not include a garden or edible landscaping that is incidental to the primary use of the lot, including a garden or edible landscaping (1) on a lot developed with one or more residences and devoted to the personal use of the occupants of the residences, or (2) on a lot developed with a nonresidential use.

Incidental on-site sale of fruits, vegetables, flowers, or herbs grown in the community garden would also be permitted.

The City Code currently requires separate water service connections for separate parcels, and prohibits the use of one parcel's water service connection to provide water to adjoining parcels. In order to address the concerns brought up at both the neighborhood meetings and the Planning Commission meeting regarding water use, the Department of Utilities has explored the possibility of allowing the operator of a community garden to obtain irrigation water by tapping into the water service connection of an adjoining lot, by agreement with the owner of the adjoining lot. Utilities staff has prepared for Council consideration an amendment to Title 13.04 the City Code (Attachments 12 and 13) to allow the Director of Utilities to authorize lots or parcels used for a community garden to use the existing water service connection of adjoining lots to provide irrigation for the garden provided that:

1. The owner of the adjoining lot or parcel consents to the use;
2. A backflow prevention device is installed and periodically tested in order to protect the potable water supply of the city and of the adjoining lot whose water service connection is being used; and
3. A water meter is installed on the existing water service connection.

The owner of the adjoining lot which has the existing water service connection is responsible for notifying the director of Utilities prior to initiation of using the water for the garden and is liable for all rates, charges, and fees for the water service connection that is used to provide irrigation for the community garden.

Draft Ordinance Reviewed by Planning Commission

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 COMMUNITY GARDENS (M11-010)

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

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

A. A definition for “community garden” is added to Section 17.16.010 to read as follows:

“Community garden” means an otherwise undeveloped lot divided into multiple plots for the growing and harvesting of food crops or nonfood crops, such as flowers, primarily for the personal use of the growers, that is established, operated, and maintained by a group of persons. A community garden does not include (1) a garden or edible landscaping on a lot developed with one or more residences and devoted to the personal use of the occupants of the residences, or (2) a garden or edible landscaping on a lot developed with a nonresidential use, which garden is incidental to the primary use of the lot.

B. A definition for “community garden coordinator” is added to Section 17.16.010 to read as follows:

“Community garden coordinator” means the person or persons responsible for the management of a community garden.

C. Except as amended by adding definitions for “community garden” and “community garden coordinator,” 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 “community garden” 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
Community garden*	86	86	86	86	86	86	86	86	86	86	86	86	86	86	86

B. The matrix for set forth in Table 17.24.040 B is amended to add “community garden” to read as follows:

Uses Allowed	E C	H C	S C	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MI P	MR D	H	SP X	T C	A	AO S	F	A R P-F
Community garden*	86	86	86	86	86	86	86	86	86	86	86	86	86	86	86	86	86	86	86	86

C. Except as specifically amended to add “community garden,” 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 86 is added to Section 17.24.050 to read as follows:

86. Community Gardens. Community gardens are allowed in this zone subject to the following requirements:

a. Registration. Prior to establishing or operating a community garden, a complete community garden registration application shall be filed with and accepted by the planning director. The community garden registration application shall be on a form provided by the city, and shall contain the following information:

i. The name(s) and contact information of the community garden coordinator(s) for the garden;

ii. The assessor’s parcel number of the lot on which the community garden is to be located;

iii. The name and contact information of the owner of the lot on which the

garden is to be located and, if the owner is not one of the community garden coordinators, a letter of agency from the owner consenting to the filing of the application;

iv. The lot owner's utility billing information;

v. A site plan showing the boundaries of the garden; the location of the structure, if one is to be provided; the location of the composting area, if one is to be provided; and the location of the garden refuse and trash collection and pick-up area;

vi. Such other information as required by the planning director.

If the planning director determines that the community garden registration application is complete, the application shall be accepted. The determination by planning director shall be final and shall not be subject to appeal.

b. **Development Standards.** A community garden shall comply with all of the following development standards:

i. **Size.** The lot on which a community garden is established shall not exceed 16,600 square feet.

ii. **Drainage.** The site shall be designed and maintained so that all irrigation drainage remains on-site and does not flow onto adjacent lots or a public right-of-way, or into the city drainage system.

iii. **Access.** A clearly marked entrance, at least four feet wide, shall be provided from the public right-of-way to the community garden.

iv. **Fencing.** A minimum six-foot high solid fence shall be provided along all interior property lines adjacent to a residential use or zone. The fence may be located either on the community garden lot or on the adjacent residential lot. All other fencing shall conform to the provisions of this title.

v. **Structure.** A community garden may have one structure not exceeding 10 feet by 12 feet in size.

vi. **Setbacks.** No gardening activity and no structures shall be allowed over any public utility easement or within five feet of any property line.

c. **Operational Standards.** A community garden shall comply with all of the following operational standards and requirements:

i. General Community Garden Maintenance.

(a) All areas of the community garden, including all garden plots and other planting areas, shall be weeded, mowed, trimmed, and otherwise maintained as often as necessary to prevent overgrowth and blight.

(b) Adjacent frontage streets, gutters, and sidewalks shall be maintained clear of all plant material, soil, and other garden debris at all times.

(c) Outdoor storage of tools, equipment, and gardening supplies at the community garden is prohibited.

ii. Management of Garden Refuse and Composting.

(a) Composting. Opportunities for composting on-site at the community garden may be provided. Composting piles or containers shall be set back a minimum of five feet, and shall be located or screened in such a way so as not to be visible, from adjacent properties.

(b) Garden refuse storage areas shall be set back a minimum of five feet, and shall be located or screen in such a way so as not to be visible, from adjacent properties. Garden refuse that is not composted shall be removed from the site at least once a week.

(c) Composting piles and garden refuse storage piles shall be managed to prevent the harborage of rodents and pests and shall be maintained to prevent odors.

iii. Exterior Lights Prohibited. Exterior lighting is prohibited at the community garden site.

iv. Noise. Noise making equipment, such as tillers, shredders, lawn mowers, line trimmers, and power blowers, shall be used only between the hours of 9:00 a.m. and 5:00 p.m. No amplified music or other sound is permitted at the community garden site.

v. Toilet Facilities Prohibited. Toilet facilities of any type are prohibited at the community garden site.

vi. Hours. Hours of operation of a community garden shall not extend beyond sunrise and sunset.

vii. Processing, Storage, Sale of Products. The processing, storage, and sale of food and nonfood crops are prohibited at the community garden site.

viii. Contact Information. An all-weather sign with the name and contact information of the community garden coordinators shall be posted at all times at a location clearly visible from the entrance to the community garden.

d. Prohibited Plants.

- i. The growing of marijuana at the community garden site is prohibited.
- ii. The growing of illegal plants at the community garden site is prohibited.

e. City Water Service, Garbage Collection Service, and Garden Refuse.

A separate metered city water service connection (irrigation only) shall be required for the community garden site. Garbage collection service shall be provided to the community garden site consistent with Chapter 13.10 for a commercial property. Garden refuse shall be managed as required by this Footnote 86.

f. Authority to Vary Requirements.

i. Development and Operational Standards. Except as provided in subsection ii., below, the zoning administrator has the authority to issue a special permit to vary the development and operational standards set forth in subsections b. and c. of this Footnote 86 in accordance with and subject to the requirements of Chapter 17.212.

ii. Community Garden Size.

(a) The zoning administrator has the authority to issue a special permit to allow a community garden on a lot greater than 16,600 square feet but less than one acre in size, in accordance with and subject to the requirements of Chapter 17.212;

(b) The planning commission has the authority to issue a special permit to allow a community garden on a lot one acre or greater in size, in accordance with and subject to the requirements of Chapter 17.212.

B. Except as specifically amended to add footnote 86, section 17.24.050 remains unchanged and in full force and effect.

Issues to look into:

- i. Fees:
 - a. Any registration fee should be one time, not annual.
- ii. Fencing:
 - a. What is the intent?
 - b. Can the fence be optional if neighbors approve?
 - c. If a fence is required, can it be a fence which is more for verifying the bounds of the garden grounds or must it be to keep un-wanted guests out. Posts with wire?
- iii. Utilities:
 - a. Can a water connection not be required?
 - b. Could a garden use water from an approving neighbor?
 - c. If connection is required, have the garden be metered at the same time as the residents adjacent to it.
 - d. If a garden is metered, could they receive the Park rate rather than the residential?
 - e. Is there a need to require solid waste pick up? Smaller gardens would not have need for solid waste pickup if they are composting.
- iv. Selling Produce:
 - a. The ability to sell crops creates the opportunity for the gardens to be self sustaining.
 - b. In SF local restaurants have started buying from these small entrepreneurial Agricultural enterprises. These small gardens have become small businesses.
- v. Other:
 - a. How does the city define private property? SHRA? County? SCUSD?
 - b. Grandfather in existing gardens.
 - c. Visible Composting. Section 3-A-cii-(a) & (b): I'm not sure why community gardens would be held to a standard higher than residences in that their compost containers and garbage/recycling cans can't be "visible" from adjacent properties. This seems excessive if not impossible. Visible from where, the street?
 - d. Why is amplified sound prohibited? Stricter stand than residential. Limits potential community events.



COMMUNITY GARDEN MEETING NOTES
Oak Park Community Center-May 4, 2011

Is water charged at flat rate or metered rate?

Can you have the park rate for water? (There is no more park rate)

Water estimates assume heavy usage

Will backflow preventers be required?

Does the Good Samaritan Act apply so you can use your neighbor's water?

What is difference between easement and full service?

Will insurance be required for property? (Between the property owner and garden operator)

Are there resources/templates on agreements between volunteers and property owners?

What happens when there is an existing water tap present but not working? (Fee for installation may be waived)

If the chicken ordinance passes, will chickens be allowed in gardens? (No)

What are the opportunities to influence this ordinance? (These meetings, Planning Commission meeting, City Council meeting)

Why can't people sell the products from the garden? (Not permitted to sell at the garden site unless a ZA special permit is obtained)

Are there fees for a special permit? (Yes)

Can the City pay for the water? (No)

Do most lots already have water connections/lines?

A full budget outline for a garden would be helpful, something that includes all costs of establishing a garden. (Bill is working on a handout of helpful hints for establishing a garden)

Equity and sustainability/seems like there are too many barriers

Fencing is too prohibitive (for example, is chain link acceptable?)

The fewer barriers the better

What is the thought behind the fencing requirement? (Council direction)

Fencing should not be required.

Seems like we need to find properties already with water and fences

Being able to sell produce will help raise funds to sustain the garden

People that live in the community should have first access to neighborhood gardens. Certain number of spots should be reserved.

We should have open and inclusive ordinance. Minimal standards

Consider looking for grants (like in San Francisco)

Should assist people with coordination

This ordinance with all the barriers will cause conflict with community members

Fees should be looked at because they are based on “development” vs. gardens

Community Partnership Meeting

Monday, May 9, 2011

6:30 – 8:00 PM

South Natomas Community Center

2921 Truxel Road

Community Garden Ordinance Questions

- How will gardens be monitored by the City (Planning Division)?
- Why can one not water from a neighbors' property?
- Does this ordinance have an effect on a joint-use property (i.e schools, etc.)?
- How many individuals usually join one garden? (Initial start-up costs are high.)
- Will the applicant have to show proof of water/irrigation?
- Is this the same process (water hook-up) for any kind of development/building?
- Is there a fee to start a by-right garden?
- What was the rationale for this ordinance/how did it come about?
- How long has this ordinance been discussed?
- Concerns that this ordinance needs more due diligence (more time to plan the ordinance).
- Concerns about costs; could be a challenge for certain communities.
- Will vertical gardening (trellises, roof-top gardening) be considered?
- Can the selling of food be included in the ordinance (rather than needing to go through a public hearing)?
- Does one need to have a business license to sell fruits and vegetables?
- Is the City choosing the potential sites for gardens?
- Does the City have slots available for their public gardens?
- Comment: glad to see the City is putting this ordinance forward
- Is this going back to Law & Legislation?
- What kind of license/cost would it be to sell food at a community garden?

Solar Ordinance Questions

- Is this strictly for commercial operation?
- Is fencing required in residential areas?
- Are there conditions for solar panels?



Proposed Community Garden Ordinance

Notes from May 11, 2011 Meeting @ Pannell-Meadowview Community Center

- Is this for the City of Sacramento only? Yes.
- Will there be a sunset clause? No.
- Will the ordinance regulate church and school gardens that already exist? No.
- What will happens to existing gardens? If a complaint is generated code enforcement will act on the complaint.
- If a water tap is already on the property and the owner gives permission can we begin to garden? Need to check with the Department of Utilities if the water tap is accessible and ready to use along with providing a monthly cost estimate of water.
- What is the benefit to the land owner if they don't currently have a water tap? If the vacant lot has a garden, the property would be maintained, having eyes and ears at that location, less likely to have illegal dumping on the site.
- Can we sell the produce/flowers? No, but you can request a waiver to sell the garden products. Selling of produce and flowers will bring additional traffic and signage to the location. Selling items in the city of Sacramento also requires Business Operating Tax Certificate.
- How much are the waivers? \$1200
- If produce and flowers are allowed to be sold on the street, the city would also be asked to allow the selling of home furnishings, clothing, etc.
- Food safety is another consideration.
- Can we have porta potties on the property? No.

Notes from Community Partnership Meeting

Boys & Girls Club

May 18, 2011

- How does this ordinance improve the quality of life in Sacramento?
- Why create a totally new ordinance for community gardens? Why not use the verbiage from current ordinance already approved, just insert vacant lot?
- Why not just allow the use on the parcel? Remove as a prohibited item from the chart.
- We want to garden without any city regulations or interference.
- The currently proposed ordinance should be thrown out.
- Requirement of water tap restrictive & not necessary. Mitigation of tap installation costs by the city too high.
- Set back from adjacent property 5' restrictive. If a fence is required why also include the set back?
- Why the high cost associated with both the installation of water service & the monthly services?
- No electricity restrictive, no fencing preferred & no watering from adjacent parcel restrictive.
- Fencing of the parcel shouldn't be required.
- Two story homes will allow the composting pile to be visible, is it required to cover the pile?
- The set back shouldn't be required.
- Water access requirement is restrictive to a number of parcels. With this requirement of water the property owner is required to go through the alley, requires easements from adjacent property owners and would cost thousands of dollars to comply with standards.
- The structure requirement is restrictive.
- The costs associated with the permits, special permits, zoning administrator, etc. seem to be extremely high.
- Comparison between the current residential gardening ordinance should be considered – why not use those guidelines?
- It appears to be a violation of the state regulations that does allow the running of water from one parcel to an adjacent parcel.
- GREAT concern with the idea of a “coordinator” becoming regulated by the city & even being a city employee.
- No need for this ordinance at all, the community already regulates & maintains their gardening plots.
- How does this assist with the facilitation of the development of a garden? The ordinance seems to be counter-productive.
- Will there be a grandfathering in clause for existing “community” gardens?
- The law against community gardening is ridiculous.
- What were the comments from other meetings? Are they available?
- Be allowed by right – no regulations from this ordinance.
- Title 13 of Utilities needs to be revisited & reviewed more.
- This ordinance appears to be a violation of constitutional rights. Individuals and/or groups are allowed to gather on a private parcel to garden, etc.
- Why the extreme permit processing process? Is this cost recovery? Revenue generating?
- Define further the comments from the Planning Commission.

**CITY OF SACRAMENTO PLANNING COMMISSIONER COMMENTS TO THE CITY OF SACRAMENTO CITY
COUNCIL REGARDING THE PROPOSED COMMUNITY GARDEN ORDINANCE
Reviewed by Planning Commission May 12, 2011**

Joseph Contreras

- The community is not ready for the Planning Commission to pass the ordinance, there is too much uncertainty.
- The proposed ordinance needs more outreach to community to hear their concerns.

Philip Harvey

- The proposed ordinance presented by staff is well conditioned
- Concerned about the private contract between the property owner and the gardeners working
- Concerned that code enforcement will not be able to handle the complaints regarding the gardens due to decreased staffing in the Community Development Department
- Maintenance and aesthetics of the garden are important
- More community outreach
- Fencing requirement and no toilet provision should remain in the ordinance
- Concerned that there should be insurance for garden
- A property owner who owns both a developed lot and an undeveloped lot that is adjacent to the developed lot and wants to have a community garden should not be required to have a separate water tap for the garden parcel but should be allowed to use the water from their home lot. Fencing between the two lots that are owned by the same person should be at their discretion. If the property owner sells the community garden lot then the community garden will need to meet the conditions of the ordinance for water and fencing

Michael Mendez

- There should be more public outreach, a community workshop to develop the ordinance
- Fencing
- Need affordable fees

Anna Molander

- The proposed ordinance makes it too expensive for the average citizen/neighbor group to develop gardens (the ordinance will be underutilized)
- The proposed ordinance will create too much bureaucracy/oversight, inhibiting use of community gardens (let's keep it simple and flexible)

Michael Notestine

- In developing an ordinance, need an analysis of best practices for community gardens throughout the country
- Need to contact U.C. Davis and County Health to get their input on ordinance
- More research is needed
- Need to bundle the Zoning Code amendment (Title 17) with City Code amendments relating to more affordable water and refuse rates for gardens
- Specific outreach should be made to special groups such as Southeast Asian groups
- Affordability of developing a garden is key

- It should be clear that an adjacent residence that belongs to the community garden is permitted to have a gate in the fence
- Support removing the “no toilet facilities” provision from the ordinance
- Need to expand definitions for terms such as “Processing” and “Gardening Activities”
- Consult with the American Society of Landscape Architects (ASLA) and American Planning Association (APA)
- Need to make it clear that there is Zoning Administrator discretion in the standard, and the extent of that discretion

Michelle Smira

- Would like to see additional community outreach and education to residents
- Encourages staff to look at other models around the region or state and use those as best practices
- Wants to ensure that the property owner will always maintain the right to change the use of their property – concerned that once a community garden goes in, it would be difficult for a landowner to then develop the property if that was their desire in long term

Rommel Declines

- City Council should review the urban/rural report from SACOG. Recommends that the Council get a review and comment from SACOG on how community gardens can play a role in the Blueprint
- City should determine how the ordinance plans into the urbanized food role
- The ordinance should be cost effective
- Consider a community benefit agreement on how the gardens will help the community, neighbors and the city

Joseph Yee

- Gardeners should be allowed to bring water to the community garden, a water tap should not be required. Water provided by a neighbor should be permitted (with the neighbor being responsible for the water cost). An elevated above ground water storage tank in the event gardeners bring water should be discussed: Permitted? Not permitted? Size? Location?. Commissioner Yee is not generally supportive of an elevated water tank
- Affordability important
- Less regulation by City. Reduce, remove regulations regarding waste disposal, water taps, and fences. These items could be negotiated between the gardeners and land owner to fit each specific garden site
- Concerned about the tenant/landlord relationship working over time. While not necessarily a City concern, the land owner should be advised to clearly protect his future use of his land



RESOLUTION NO. 2011-

Adopted by the Sacramento City Council

DETERMINING PROJECT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT COMMUNITY GARDENS (M11-010)

BACKGROUND

A. On May 12, 2011, the City Planning Commission conducted a public hearing on, and forwarded to the City Council an ordinance relating to the Community Gardens Project.

B. On July 26, 2011, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(1) and (2)(a) (publication), and received and considered evidence concerning the Community Gardens project.

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

Section 1. Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the City Council finds that the Project is exempt from review under Section 15061(b)(3) the California Environmental Quality Act Guidelines as follows:

The Community Garden ordinances relating to non-City owned property would allow community gardens on property of less than one half acre and over one half acre with Zoning Administrator special permit review and approval.

With the standards established for the operation of community gardens as set forth in the ordinance, it can be seen with certainty that the adoption of the ordinance would have no significant effect on the environment.



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 COMMUNITY GARDENS (M11-010)

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

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

A. A definition for “community garden” is added to Section 17.16.010 to read as follows:

“Community garden” means an otherwise undeveloped lot divided into multiple plots for the growing and harvesting of fruits, vegetables, flowers, or herbs, primarily for the personal use of the growers, and that is established, operated, and maintained by a group of persons. A community garden does not include a garden or edible landscaping that is incidental to the primary use of the lot, including a garden or edible landscaping (1) on a lot developed with one or more residences and devoted to the personal use of the occupants of the residences, or (2) on a lot developed with a nonresidential use.

B. Except as amended by adding definitions for “community garden” as set forth in subsection A, 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 “community garden” 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
Community garden*	86	86	86	86	86	86	86	86	86	86	86	86	86	86	86

B. The matrix set forth in Table 17.24.040 B is amended to add “community garden” 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	A/OS	F	AR P-F
Community garden*	86	86	86	86	86	86	86	86	86	86	86	86	86	86	86	86	X	X	19	86

C. Except as specifically amended to add “community garden” as set forth in subsections A and B, 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 86 is added to Section 17.24.050 to read as follows:

86. Community Gardens. Community gardens are allowed in this zone subject to the following provisions:

a. Size. A community garden shall not exceed 21,780 square feet (one-half acre) in size. The zoning administrator has the authority to issue a special permit to allow a community garden greater than 21,780 square feet (one-half acre) in size.

b. Fencing. Notwithstanding Section 17.76.030(A), the development, improvement, or use of a lot for a community garden shall not require the provision of a solid wall along property lines abutting a residential zone or use.

c. On-site Sales. A community garden may include the incidental on-site sale of fruits, vegetables, flowers, or herbs grown in the community garden.

B. Except as specifically amended to add footnote 86 as set forth in subsection A, section 17.24.050 remains unchanged and in full force and effect.

ORDINANCE NO.
REDLINE

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTION 13.04.060, ADDING SECTION 13.04.075, AND AMENDING SECTION 13.04.180 OF THE SACRAMENTO CITY CODE, RELATING TO WATER SERVICE FOR COMMUNITY GARDENS

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

SECTION 1.

Section 13.04.060 of the Sacramento City Code is amended to read as follows:

13.04.060 Service connections generally.

Unless otherwise provided in this chapter, Each lot or parcel shall have a separate water service, except for fire service connections serving more than one lot or parcel that are authorized pursuant to the provisions of this chapter. All water service lines shall be equipped with an approved corporation stop/valve at the distribution main and a curb/stop valve at the point of service. Such service lines shall not cross another lot or parcel without first obtaining any and all rights-of-way, easements and/or other approvals necessary to do so.

To be eligible for water service, the property to which service is to be extended must abut a dedicated public easement or a city right-of-way in which a distribution main is constructed at a point immediately adjacent to the property, unless the director authorizes the extension of a distribution main.

The director may authorize water service for land locked parcels provided that the customer obtains recorded private easements from the affected owner(s) and all other applicable legal requirements are fulfilled. Private easements must abut a distribution main in a dedicated public easement or city right-of-way. Water service lines constructed in private easements are private water lines, and the city shall have no responsibility for the maintenance and repair of such lines.

Except as provided herein, maximum sizes of service connections shall be determined by the director. For single-family domestic service connections, the maximum size shall be one inch, or one and one half inches if residential fire sprinkler systems are present, unless otherwise authorized by the director.

All water service connections are subject to the city's tap, meter, development, and abandonment fees established from time to time by resolution of the city council, and to the department's then-current cross-connection control standards.

SECTION 2.

Section 13.04.075 is added to the Sacramento City Code to read as follows:

13.04.075 Water Service for Community Gardens.

The director may authorize lots or parcels utilized for a community garden, as defined in section 17.16.010 of this code, to use the existing water service connection of an adjoining lot or parcel to provide irrigation for the community garden if the owner of the adjoining lot or parcel consents to such use, provided that:

- A. A backflow prevention device is installed and periodically tested in accordance with such requirements as may be specified by the director to protect the potable water supply of the city and of the adjoining lot or parcel served by the existing water service connection; and
- B. A water meter is installed on the existing water service connection.

The owner of the adjoining lot or parcel served by the existing water service connection shall notify the director prior to the initiation of any such use, and shall be liable for all rates, charges, and fees for the water service furnished to the existing water service connection used to provide irrigation for the community garden.

SECTION 3.

Section 13.04.180 of the Sacramento City Code is amended to read as follows:

13.04.180 Service pipes.

It shall be unlawful for any person whose water service pipe is attached directly or indirectly to a public water main, to allow any person to attach any pipe or hose connection to the plumbing on his or her lot or parcel for the purpose of providing water service to any other lot or parcel, except to provide irrigation for a community garden in accordance with section 13.04.075 of this code.

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The director may authorize water service for land locked parcels provided that the customer obtains recorded private easements from the affected owner(s) and all other applicable legal requirements are fulfilled. Private easements must abut a distribution main in a dedicated public easement or city right-of-way. Water service lines constructed in private easements are private water lines, and the city shall have no responsibility for the maintenance and repair of such lines.

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