



CITY OF SACRAMENTO

CITY MANAGER'S OFFICE
RECEIVED
JAN 20 1982

DEPARTMENT OF ENGINEERING
915 I STREET SACRAMENTO, CALIFORNIA 95814
CITY HALL ROOM 207 TELEPHONE (916) 449-5281

R. H. PARKER
CITY ENGINEER
J. F. VAROZZA
ASSISTANT CITY ENGINEER

January 20, 1982

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Ordinance Amending Article IX of Chapter 38 of the Sacramento City Code, Relating to Street Dedication and Improvement Requirements

SUMMARY:

The proposed amendment to Chapter 38 of the City Code will allow the Engineering Department to require right-of-way dedications and improvements along proposed street extensions that are shown on various community plans at the time of building permit application.


BACKGROUND:

Chapter 38 of the City Code, as now written, does not give the City the authority to protect future street right-of-way extensions as shown on various community plans from encroachment by buildings. Examples include the extension of Brighton Avenue to Cucamonga and Broadway from 65th Street to Redding Avenue. Once encroachment has occurred it is very expensive if not impossible to construct the planned extension which provide necessary traffic circulation and access for the police and fire departments in a subject community. The proposed amendment will give the City the needed flexibility to alleviate these problems.

RECOMMENDATION:

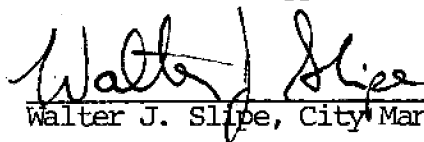
It is recommended that the City Council approve the amendment to Article IX of Chapter 38 of the City Code by adoption of the attached ordinance. Pass for publication of title and continue to February 2, 1982.

Respectfully submitted,


R. H. PARKER
City Engineer

PASSED FOR
PUBLICATION
& CONTINUED
TO 2-2-82

Recommendation Approved:


Walter J. Slize, City Manager

O-020-00-0

January 26, 1982
All Districts

ORDINANCE NO. 82-007

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING ARTICLE IX OF CHAPTER
38 OF THE SACRAMENTO CITY CODE, RELATING TO
STREET DEDICATION AND IMPROVEMENT REQUIREMENTS

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

SECTION 1.

Sacramento City Code Section 38.120 shall be amended to read as follows:

Sec. 38.120 Legislative intent and findings.

It is the purpose and intent of this article to require a building permittee or parking facility permittee to dedicate property for street purposes and to improve such dedicated property in accordance with the requirements and standards set forth herein. The council finds and determines that the regulations set forth in this article are both reasonable and necessary for the following reasons:

(a) That the population growth and industrial growth of the Sacramento Metropolitan Area during the past two decades has been accompanied by an even greater increase in the number of vehicles used on the streets within the city with resulting street and highway deficiencies, and

(b) That plans for the improvements of streets within the city have been prepared but that the lack of public funds for the implementation of such plans has prevented the attainment of goals set forth therein and will prevent their attainment for decades in the future, and

(c) That the improvement and development of property for uses other than those set forth in section 38.123 of this article generate an increase of traffic in the immediate vicinity of such property and that the improvements of such streets confer a direct benefit upon the owners and users of the developed property.

APPROVED
BY THE CITY COUNCIL

FEB 2 1982

OFFICE OF THE
CITY CLERK

SECTION 2.

Sacramento City Code Section 38.121 shall be amended to read as follows:

Sec. 38.121 Generally.

No building or structure shall be erected or enlarged, and no building permit shall be issued therefor on any lot if such lot abuts on a dedicated street or a future street designated on a community plan or street right-of-way established pursuant to Section 17 of the City Zoning Ordinance, unless:

(a) The one-half of the street or streets located on the same side of its centerline as the lot has been dedicated and improved for the full street frontage of the lot so as to meet the dedication and improvement standards for such street or streets as are provided in sections 38.136, 38.137, 38.138 and other applicable provisions of this article, or,

(b) Such dedications and improvements have been assured to the satisfaction of the city engineer.

The dedication and improvement requirements of this article shall also apply to the construction or alteration of all off-street parking areas, off-street loading or unloading areas, off-street pickup and delivery areas, and storage, sale, rental or service areas which are subject to the permit requirements of subdivision III of division 2 of article IV of chapter 25 of this code and the term "building permit," as used herein, shall mean and include the permit required by such subdivision III.

As used in this article, the word "lot" shall mean and include one or more individual lots or parcels of record which have been combined into a single lot or parcel for purposes of development, construction or improvement as a single unit of land.

SECTION 3.

Sacramento City Code Section 38.122(a) shall be amended to read as follows:

(a) The maximum area of land required to be so dedicated shall not exceed twenty-five percent of the total lot area. In no event shall such dedication reduce the lot below a width of fifty feet or an area of five thousand square feet.

SECTION 4.

Sacramento City Code Section 38.135 shall be amended to read as follows:

Sec. 38.135 Lots affected by street widening.

On a lot which is affected by street dedication and improvement requirements imposed by this article, all required yards, setbacks, parking areas, loading space and building locations for new buildings or structures or additions to buildings or structures shall be measured and calculated from the new lot lines being created by such street dedication and improvement.

SECTION 5.

Sacramento City Code Section 38.137 shall be amended to read as follows:

Sec. 38.137. Alternate dedication standards.

In the event that the right-of-way line for a street has not been established under the provisions of the Comprehensive Zoning Ordinance, or in an element of the General Plan or in any applicable specific plan, dedications required under this article shall conform to the proposed right-of-way widths for such street, as such widths are established in the City of Sacramento Street Deficiency Study (2156 Report), approved by the City Council on April 25, 1968, with the following exceptions:

(a) In the event the proposed right-of-way width contained in such study is forty feet, the proposed right-of-way width shall be deemed to be forty-four feet for purposes of dedications required under this article.

(b) In the event the proposed right-of-way width contained in such study is fifty feet, the proposed right-of-way width shall be deemed to be fifty-four feet for purposes of dedications required under this article.

(c) In the event the proposed right-of-way width in such study is sixty feet, the proposed right-of-way width shall be deemed to be sixty-four feet for purposes of dedications required under this article.

(d) For those streets designated as an on-street bikeway in the Sacramento Bikeways Master Plan (Resolution No. 76-195), an additional ten feet of right-of-way width shall be dedicated.

(e) The City Engineer shall review all proposed street widths established pursuant to this section and shall require greater or lesser street widths if he finds that such deviation is necessary to comply with the street system standards adopted by City Council Resolution No. 78-331 on May 23, 1978.

SECTION 6.

Sacramento City Code Section 38.142 shall be amended to read as follows:

Sec. 38.142 Center of street; street alignment.

For purposes of this article, the center of a street shall mean the center of the right-of-way lines determined pursuant to Section 38.136 or Section 38.137, or if a right-of-way line for a street has not been established pursuant to such sections, the center of the street shall be the center of the street as shown on the official records of the City of Sacramento and County of Sacramento.

Whenever uncertainty exists as to the proper application of the provisions of this article in the matter of street alignment, the city engineer shall determine their application in conformity with the spirit and intent of this section.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

(d) For those streets designated as an on-street bikeway in the Sacramento Bikeways Master Plan (Resolution No. 76-195), an additional ten feet of right-of-way width shall be dedicated.

(e) The City Engineer shall review all proposed street widths established pursuant to this section and shall require greater or lesser street widths if he finds that such deviation is necessary to comply with the street system standards adopted by City Council Resolution No. 78-331 on May 23, 1978.

SECTION 6.

Sacramento City Code Section 38.142 shall be amended to read as follows:

Sec. 38.142 Center of street; street alignment.

For purposes of this article, the center of a street shall mean the center of the right-of-way lines determined pursuant to Section 38.136 or Section 38.137, or if a right-of-way line for a street has not been established pursuant to such sections, the center of the street shall be the center of the street as shown on the official records of the City of Sacramento and County of Sacramento.

Whenever uncertainty exists as to the proper application of the provisions of this article in the matter of street alignment, the city engineer shall determine their application in conformity with the spirit and intent of this section.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

Sec. 38.135 Lots affected by street widening.

On a lot which is affected by street dedication and improvement requirements imposed by this article, all required yards, setbacks, parking areas, loading space and building locations for new buildings or structures or additions to buildings or structures shall be measured and calculated from the new lot lines being created by such street dedication and improvement.

SECTION 5.

Sacramento City Code Section 38.137 shall be amended to read as follows:

Sec. 38.137. Alternate dedication standards.

In the event that the right-of-way line for a street has not been established under the provisions of the Comprehensive Zoning Ordinance, or in an element of the General Plan or in any applicable specific plan, dedications required under this article shall conform to the proposed right-of-way widths for such street, as such widths are established in the City of Sacramento Street Deficiency Study (2156 Report), approved by the City Council on April 25, 1968, with the following exceptions:

(a) In the event the proposed right-of-way width contained in such study is forty feet, the proposed right-of-way width shall be deemed to be forty-four feet for purposes of dedications required under this article.

(b) In the event the proposed right-of-way width contained in such study is fifty feet, the proposed right-of-way width shall be deemed to be fifty-four feet for purposes of dedications required under this article.

(c) In the event the proposed right-of-way width in such study is sixty feet, the proposed right-of-way width shall be deemed to be sixty-four feet for purposes of dedications required under this article.

SECTION 2.

Sacramento City Code Section 38.121 shall be amended to read as follows:

Sec. 38.121 Generally.

No building or structure shall be erected or enlarged, and no building permit shall be issued therefor on any lot if such lot abuts on a dedicated street or a future street designated on a community plan or street right-of-way established pursuant to Section 17 of the City Zoning Ordinance, unless:

(a) The one-half of the street or streets located on the same side of its centerline as the lot has been dedicated and improved for the full street frontage of the lot so as to meet the dedication and improvement standards for such street or streets as are provided in sections 38.136, 38.137, 38.138 and other applicable provisions of this article, or,

(b) Such dedications and improvements have been assured to the satisfaction of the city engineer.

The dedication and improvement requirements of this article shall also apply to the construction or alteration of all off-street parking areas, off-street loading or unloading areas, off-street pickup and delivery areas, and storage, sale, rental or service areas which are subject to the permit requirements of subdivision III of division 2 of article IV of chapter 25 of this code and the term "building permit," as used herein, shall mean and include the permit required by such subdivision III.

As used in this article, the word "lot" shall mean and include one or more individual lots or parcels of record which have been combined into a single lot or parcel for purposes of development, construction or improvement as a single unit of land.

SECTION 3.

Sacramento City Code Section 38.122(a) shall be amended to read as follows:

(a) The maximum area of land required to be so dedicated shall not exceed twenty-five percent of the total lot area. In no event shall such dedication reduce the lot below a width of fifty feet or an area of five thousand square feet.

SECTION 4.

Sacramento City Code Section 38.135 shall be amended to read as follows:

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING ARTICLE IX OF CHAPTER
38 OF THE SACRAMENTO CITY CODE, RELATING TO
STREET DEDICATION AND IMPROVEMENT REQUIREMENTS

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

SECTION 1.

Sacramento City Code Section 38.120 shall be amended to read as follows:

Sec. 38.120 Legislative intent and findings.

It is the purpose and intent of this article to require a building permittee or parking facility permittee to dedicate property for street purposes and to improve such dedicated property in accordance with the requirements and standards set forth herein. The council finds and determines that the regulations set forth in this article are both reasonable and necessary for the following reasons:

(a) That the population growth and industrial growth of the Sacramento Metropolitan Area during the past two decades has been accompanied by an even greater increase in the number of vehicles used on the streets within the city with resulting street and highway deficiencies, and

(b) That plans for the improvements of streets within the city have been prepared but that the lack of public funds for the implementation of such plans has prevented the attainment of goals set forth therein and will prevent their attainment for decades in the future, and

(c) That the improvement and development of property for uses other than those set forth in section 38.123 of this article generate an increase of traffic in the immediate vicinity of such property and that the improvements of such streets confer a direct benefit upon the owners and users of the developed property.