

CITY OF SACRAMENTO

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November 6, 1986

Law and Legislation Committee
Sacramento, California

Re: Parking in Residential Front Yard Setback Areas

Dear Committee Members:

At the Law and Legislation Committee meeting on September 11, 1986, the Committee asked us to report back with information regarding parking in the front yard setback areas. Some Committee members were concerned about persons who parked vehicles on lawns, etc. in the front yard of residences. The Committee indicated that ordinances should be prepared if no regulations currently exist.

I attach a copy of the relevant portion of the City Zoning Ordinance, Section 3(E)(8)(a). The City Zoning Ordinance provides that a maximum of 40% of the front yard or street side yard setback area may be paved for off-street parking and driveways within R-1 and R-2 zones. The other 60% of the area is required to be landscaped. No parking of vehicles is permitted within the landscaped setback areas.

The Code Enforcement Division staff allows vehicles to be parked on gravel, cement, asphalt or other similar hard surface. It does not permit vehicles to be parked on bare dirt nor in landscaped areas. The above section of the Zoning Ordinance is enforced by the Code Enforcement Division and has been upheld by the Superior Court in code enforcement actions.

Since an ordinance currently exists on this subject, no new ordinance has been prepared.

Respectfully submitted,

JAMES P. JACKSON
City Attorney

JPJ/jmv
Attachment

7. Height Variation - Roof Structures: Spires, penthouses not exceeding 50 percent of the roof area, elevator towers, solar collectors and equipment for the mounting and operation of solar collectors, or necessary mechanical appurtenances may be erected on top of a building to a greater height than the limit herein established for the district in which the building or structure is located. In no case shall variation exceed 20 percent of that which is allowed in a zone. (Ordinance No. 4320, March 1980)

8. Setback Area Landscaping Requirements: (Ordinance No. 84-077, July 31, 1984)

a. Residential Zones: A maximum of 40 percent of either the front yard or street side yard setback area may be paved for off-street parking and driveways within the R-1 and R-2 zones. All other portions of the front yard and street side yard setback areas not developed for parking and driveway use shall be landscaped, irrigated and maintained with primarily low ground cover. Only living vegetation may be used as ground cover. No parking of vehicles including boats, campers, trailers shall be permitted within the landscaped setback areas.

b. Non-Residential Zones: Except for approved off-street parking areas, all minimum front and street side yard setback areas shall be landscaped, irrigated and maintained with primarily low ground cover. Only living vegetation may be used as ground cover. No asphaltic concrete, masonry, rock, gravel, wood bark, chips or other form of surfacing as a principal ground cover shall be permitted.

9. Setbacks - Annexed Areas: In any area annexed to the City of Sacramento wherein a 50 foot front setback for business buildings was previously required by the County of Sacramento prior to annexation, a front setback of not less than 50 feet shall apply. Exceptions to this requirement are as follows:

a. Exception - Uniform Setback: Where a uniform setback exists which is less or greater than 50 feet, any building or structure hereafter erected, structurally altered, or enlarged shall conform to said established setback.

b. Exception - Non-Uniform Setback: Where a uniform setback does not exist, then the required setback shall be the average of the setback of the two nearest main buildings, or if there is only one other main building, the setback of said building shall govern.

10. Setbacks - Where Measured From: Setbacks shall be measured to the main wall of the building.

11. Setbacks - Plat of Subdivision: Where setbacks have been established on a recorded map of a subdivision, the setbacks so established shall govern.

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November 6, 1986

Law and Legislation Committee
Sacramento, California

Re: Parking of Motor Homes, Etc., on
Streets Near Intersections

Dear Committee Members:

At the Law and Legislation Committee meeting on September 11, 1986, the Committee asked that we examine the current status of the law relating to the parking of motor homes, etc. on streets near intersections.

A copy of Vehicle Code Section 22507 is attached for Committee information. This section authorizes cities to prohibit vehicles which are 6 feet or more in height from parking within 100 feet of any intersection on certain streets during all or certain hours of the day. With the exception of alleys, signs must be posted giving adequate notice of the parking restriction.

Sacramento City Code Section 25.101 provides that these parking restrictions may be imposed by resolution adopted by the City Council.

Respectfully submitted,

James P. Jackson
JAMES P. JACKSON
City Attorney

JPJ/jmv
Attachment

§ 22507. Local regulation of preferential parking

Local authorities may, by ordinance or resolution, prohibit or restrict the parking or standing of vehicles, including, but not limited to, vehicles which are six feet or more in height (including any load thereon) within 100 feet of any intersection, on certain streets or highways, or portions thereof, during all or certain hours of the day. The ordinance or resolution may include a designation of certain streets upon which preferential parking privileges are given to residents and merchants adjacent to the streets for their use and the use of their guests, under which the residents and merchants may be issued a permit or permits which exempt them from the prohibition or restriction of the ordinance or resolution. With the exception of alleys, no such ordinance or resolution shall apply until signs or markings giving adequate notice thereof have been placed. A local ordinance or resolution adopted pursuant to this section may contain provisions which are reasonable and necessary to ensure the effectiveness of a preferential parking program.

Amended Stats 1980 ch 140 § 1; Stats 1984 ch 181 § 2; Stats 1985 ch 912 § 2.

Amendments:

1980 Amendment: (1) Added the commas after "may" and after "resolution" in the first sentence; (2) added "for their use and the use of their guests,"; (3) substituted "or permits which exempt" for "which exempts" in the second sentence; and (4) added the last sentence.

1984 Amendment: In addition to making technical changes, added ", including vehicles which are six feet or more in height (including any load thereon) within 100 feet of any intersection," in the first sentence.

1985 Amendment: Added ", but not limited to," in the first sentence.

Veh. Code, § 22507, permitting the designation of certain streets on which preferential parking privileges shall be given to residents and merchants "adjacent to such streets," does not require the preferential parking exception to be limited to the street immediately adjacent to the residential or business establishment. The statute only requires general adjacency, thereby permitting residents in the impacted area to park anywhere within that area. *Boccatto v City of Hermosa Beach* (1984, 2d Dist) 158 Cal App 3d 804, 204 Cal Rptr 727.

Under Veh. Code, § 22507, giving local authorities the power to control parking by resolution, including the right to offer preferential parking privileges to residents and merchants in the af-

ected area by issuance of permits, a city properly established a preferential parking area which described the designated area as including "meter posts painted or maintained with yellow color code and residential parking spaces posted One-Hour Parking," by resolution. The city was not establishing a parking meter zone which requires enactment of an ordinance under Veh. Code, § 22508. It was describing a preferential parking zone by reference to a preexisting parking meter zone and was not fixing the rate of fees for a parking meter zone but setting permit fees for preferential parking, an action reasonable and necessary to insure the effectiveness of the parking program. *Boccatto v City of Hermosa Beach* (1984, 2d Dist) 158 Cal App 3d 804, 204 Cal Rptr 727.

§ 22507.2. Local regulation of parking in front of private driveway

Notwithstanding subdivision (e) of Section 22500, a local authority may, by ordinance, authorize the owner or lessee of property to park a vehicle in front of the owner's or lessee's private driveway when the vehicle displays a permit issued pursuant to the ordinance authorizing such parking.

The local authority may charge a nonrefundable fee to defray the costs of issuing and administering the permits.

A local ordinance adopted pursuant to this section may not authorize parking on a sidewalk in violation of subdivision (f) of Section 22500.

Added Stats 1980 ch 158 § 2, effective June 11, 1980; Amended Stats 1984 ch 219 § 1, effective June 20, 1984; Stats 1985 ch 45 § 1.

Amendments:

1984 Amendment: (1) Substituted "while the holder owns or leases the property for which the permit is issued" for "for a period of one year from the date of issuance" in subd (b); and (2) added the third paragraph.

SACRAMENTO CITY CODE

MOTOR VEHICLES AND TRAFFIC

Article VII. Stopping, Standing, & Parking on Street

§ 25.100 Application of On Street Parking Article.

The provisions of this article prohibiting the stopping, standing, or parking of a vehicle shall apply at all times or at those times herein specified, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device.

The provisions of this article imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the vehicle code, this code or other ordinances of the city prohibiting or limiting the standing or parking of vehicles in specified places or at specified times. (Ord. No. 3917, §1)

§ 25.101 On Street Stopping, Standing or Parking Prohibited by City Council.

When signs are erected giving notice thereof, no person shall stop, stand or park a vehicle at any time upon any of the streets described in resolutions duly adopted by the city council. (Ord. No. 3917, §1)

§ 25.102 On Street Stopping, Standing and Parking Prohibited by Traffic Engineer.

The city traffic engineer shall sign or mark as deemed necessary in regard to time or location the following places and, when so signed or marked, no person shall stop, stand or park a vehicle in any such places:

- (a) Upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs or markings, when the width of the roadway does not exceed thirty feet.
- (b) Upon that side of any street adjacent to any school property when such parking would, in the city traffic engineer's opinion interfere with traffic or create a hazardous situation.
- (c) At any place where it is necessary for the city to use the public street for construction, maintenance, repair, cleaning, tree spraying or any other city public service