

**ITEM 6.3: ORDINANCE AMENDMENT – CITYWIDE – ZONING AND SIGN ORDINANCE
UPDATE 2023 – PL23-0007**

REQUEST

The project is a city-initiated update to Title 19 (Zoning Ordinance) of the Roseville Municipal Code (RMC) to reflect changes in state law and implement annual maintenance updates. The project also includes two minor corrections to Title 17 (Sign Ordinance) of the Roseville Municipal Code. The request includes an Ordinance amending Zoning Ordinance Section 19.08.080 (Residential Use Types) to correct errors in the definition of long-term care facilities; Section 19.08.090 (Commercial Use Types) to correct an error in the definition of long-term care facilities, to add a definition for electric vehicle charging facilities, and adjust the definition of gas stations to recognize alternative fuels; Section 19.12.020 (Commercial Zones, Permitted Use Types) to add electric vehicle charging facilities to the permitted use table, carry forward the adjustment to the gas station definition, and add a new table note; Section 19.26.030 (Parking Space Requirements by Use Type) to add a religious-use parking reduction in conjunction with a housing project pursuant to Assembly Bill 2244; Chapter 19.28 (Density Bonus) in various places to add shared housing to the density bonus provisions and make other minor clarifications pursuant to Assembly Bill 682; Chapter 19.60 (Accessory Dwelling Units) to adjust the height limitations for “mandatory minimum” accessory dwelling units and make other clarifications pursuant to Assembly Bill 2221; Section 19.74.010 (Permit Requirements) to change the approving authority for a Design Review Permit for a Residential Subdivision (DRRS) from the Planning Commission to the Planning Manager; and Section 19.82 (Major Projects Permit Processing) to clarify the purpose and process description for amendments to a Major Project Permit. The project also includes a minor correction to Title 17 (Sign Ordinance) Section 17.08.510 (Appeals from the decision of the director) to correct an internal inconsistency in which the Design Committee is identified as the appeal authority but a later sentence erroneously refers to a hearing by City Council and to Section 17.04.090 (Building façade definition) to clarify that for the purposes of sign length, the façade is the length of a single, uninterrupted wall plane.

Applicant – City of Roseville
Owner – Citywide

SUMMARY RECOMMENDATION

The Planning Division recommends the Planning Commission take the following actions:

1. Consider the two (2) findings of fact and recommend City Council approve the Ordinance Amendment to Title 19 of the Roseville Municipal Code.
2. Review and comment on the Ordinance Amendment to Title 17 of the Roseville Municipal Code.

SUMMARY OF OUTSTANDING ISSUES

There are no outstanding issues associated with this request.

BACKGROUND

Each year, staff reviews the Zoning Ordinance to identify needed maintenance updates, including updates needed in response to legislation. The proposed updates identified for this annual update are relatively minor, and consist of the following changes (see Exhibit A and Exhibit B):

- **Section 19.08.080 and Section 19.08.090 (Residential Use Types and Commercial Use Types):** This update corrects some errors within the definitions for Long Term Care, ensuring that the Residential Use Types include the correct definition of Long Term Care, Small (six or fewer)

and Long Term Care, Large (12 or fewer) and the Commercial Use Types includes Long Term Care Facility (commercial facility with no limit on number).

- **Section 19.08.090 (Commercial Use Types):** Stand-alone electric vehicle charging facilities, similar to traditional gas stations, are an emerging new use. The update includes adding a definition for electric vehicle charging stations. Similarly, the definition of “gas station” is proposed for amendment to “fuel station,” with other text adjustments to recognize that vehicle fueling stations provide forms of fuel other than petroleum products.
- **Section 19.12.020 (Commercial Zones, Permitted Use Types):** The permitted use table is proposed to be amended to reflect the change in title from “gas station” to “fuel station” and to include electric vehicle charging stations, subject to the same use restrictions as fuel stations. The update also includes adding table note 14 which clarifies that, in addition to a Conditional Use Permit, residential uses on commercial sites will require a Unit Transfer or Specific Plan Amendment if there are no units allocated or fewer allocated to the commercial site than are proposed.
- **Section 19.26.030 (Parking Space Requirements by Use Type):** AB 2244 requires amendments to allow a 50% reduction in required religious use parking spaces in conjunction with a housing project on property which is owned, controlled, and operated by a religious institution and is used for regular assembly by members of the institution.
- **Chapter 19.28 (Density Bonus):** Assembly Bill 682 made various changes to density bonus law. Minor changes include clarifying the types of standards which qualify as a “development standard” and clarifying how density must be calculated (this was to address situations where a site has no assigned density, and uses Floor Area Ratio or similar standards). The remaining changes are all related to the addition of “shared housing” as a use type which is eligible for a density bonus. Simply put, shared housing is defined as a building with five or more units and one or more common kitchens and dining areas.
- **Chapter 19.60 (Accessory Dwelling Units):** Assembly Bill 2221 made various changes to accessory dwelling unit (ADU) law. Minor changes include requiring that when construction of an ADU will include demolition of a detached garage the permits must be reviewed and issued concurrently (this is already City practice), that parking is not required for an ADU submitted together with a permit application to build a new single-family or multi-family dwelling, clarifying that attached garages and other enclosed uses within a residence are considered “within the walls of the proposed or existing single-family residence” and may be used for a junior ADU (this is already City practice), and adding that if a junior ADU does not include a separate bathroom the unit must include a separate entrance from the main entrance to the residence and must include an interior entry into the main living area.

The bill also includes changes to the definition of the so-called “mandatory minimum” ADU, which establishes that certain standards must be waived in order to allow an ADU of certain minimum dimensions. One or more of the following standards must be waived: height, setbacks, lot coverage, floor area ratio, open space, front setbacks, and lot sizes. Front setbacks are new to this list. However, the law does not require all of the standards be waived, just that one or more on the list be waived so that a mandatory minimum ADU may be built. The City has the discretion to waive standards other than the front setback, so it is unlikely that the City will be required to allow an ADU in the front yard. The previous mandatory minimum was an 800-square-foot ADU with a height of up to 16 feet and side and rear setbacks of four feet. The bill revises the height limitations, allowing 18 feet for a detached ADU if within ½-mile of a major transit stop or high

quality transit corridor, allowing 18 feet for a detached ADU on a multifamily site, and allowing 25 feet for an ADU attached to the primary dwelling.

- **Section 19.74.010 (Permit Requirements):** The approving authority for a Design Review Permit for a Residential Subdivision (DRRS) is proposed to be amended from the Planning Commission to the Planning Manager. When this process was first established the typical DRRS was submitted concurrently with a Subdivision Map. Subdivision Maps are heard by the Planning Commission, and so DRRS were also established as a Planning Commission item. Over the past decade it has become increasingly common to defer the DRRS application, because the subdivision is typically submitted by a development company and then the property is sold to a builder, and the builder applies for the DRRS. The current process effectively requires most Medium Density Residential subdivisions to be heard by Planning Commission twice: once to establish the subdivision map and a second time to establish the exterior appearance of the homes. Staff is requesting the Planning Commission recommend the approval of a modification which would allow Planning Manager approval of the DRRS.
- **Section 19.82.010 and 19.82.040 (Purpose and Amendments to an Approved Major Project Permit):** The process description in this section has proven confusing to applicants and is in need of clarification. The proposed amendments are intended to clearly explain the three tiers of Major Project Permit amendments and their purpose: those which are exempt from permit (a letter of approval), those which are minor (administrative approval), and those which are major (public hearing required). The proposed changes do not alter the process; the changes merely clarify the process.
- **Section 17.08.510 (Sign Ordinance, Appeals from the decision of the director):** Staff noticed an error in the referenced section which is proposed for correction. The section identifies the Design Committee as the appeal authority but a later sentence erroneously refers to a hearing by City Council. The phrase “City Council” is proposed to be deleted and replaced with “Design Committee.”
- **Section 17.04.090 (Building façade definition):** Certain sign regulations limit sign length based on the length of the “building façade if a tenant occupies more than one tenant space.” This has occasionally led to some confusion, because the Sign Ordinance definition of “building façade” is the entire building. Staff proposes to amend the definition of building façade to indicate that, for the purpose of sign regulations limiting sign length, the length of the building façade or tenant space means the length of a single, uninterrupted wall plane in the portion of the building occupied by the tenant.

EVALUATION

Section 19.86.050 of the City of Roseville Zoning Ordinance requires two findings be made in order to approve a zoning ordinance amendment. The two findings are listed below in ***italicized, bold*** text and are followed by an evaluation of the project in relation to the findings. There is no advisory body for Title 17, so staff is requesting Planning Commission review and comment on changes to Title 17, and will pass those comments on to City Council.

1. ***The project is consistent with the public interest, health, safety, or welfare of the City.***
2. ***The project is consistent with the General Plan and any applicable specific plan of the City of Roseville.***

The proposed changes to the Zoning Ordinance are to bring the City's regulations into consistency with enacted state law and to make other needed maintenance updates. Annual maintenance updates ensure a clear set of regulations for both the public and for City staff. For these reasons, staff finds that the project is consistent with the public interest, health, safety, or welfare of the City and that the project is consistent with the General Plan and applicable specific plans.

Title 17 of the City of Roseville Zoning Ordinance was adopted by City Council on the basis of the findings listed in Section 17.02.020, as shown below. There is no advisory body for Title 17, so staff is requesting Planning Commission review and comment on changes to Title 17, and will pass those comments on to City Council.

1. Signs are an essential element of any community. As such, their location, number, size, design, and relationship to each other and to other structures have a significant influence upon a community's appearance and welfare, and a resultant effect upon a viewer's perception of the community. Signs serve a useful purpose in communicating messages, whether commercial, non-commercial, or merely informative, or otherwise.
2. Where signs are not properly regulated and maintained, they contribute to visual clutter, confusion, aesthetic blight, and create an unpleasant impression. They may cause traffic hazards and impede rather than enhance commerce and communication. In such situations, signs may fail to achieve their original objective of communication. Failure to appropriately regulate signs adversely affects the public health, safety and welfare.

The proposed minor changes to Title 17 have no impact on the findings made upon adoption of the Sign Ordinance, and ensures a clear set of regulations for both the public and for City staff.

PUBLIC OUTREACH

A General Information Memorandum (GIM) to City Council discussing the bills passed in the 2022 legislative session was published on January 11, 2023. Staff discussed these updates at the Roseville Coalition of Neighborhood Associations (RCONA) General Board meeting of February 16, 2023 and also posted a general notice of the Project on the RCONA website on February 17, 2023. RCONA Board members asked several questions about the amendments, but expressed no comments or concerns. To date, no comments or concerns have been received.

Text amendments of the City's Zoning Ordinance and Sign Ordinance are not site-specific, and therefore public hearing notices were not mailed to individual property owners. Consistent with noticing requirements for a citywide project a public hearing notice was published in the Press Tribune and was posted on the RCONA website.

ENVIRONMENTAL DETERMINATION

The proposed Zoning Ordinance and Sign Ordinance amendments are policy and procedure-making activities, and the California Environmental Quality Act (CEQA) only applies to projects which have the potential to cause 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. (CEQA Guidelines §15061(b)(3)).

RECOMMENDATION

The Planning Division recommends the Planning Commission take the following actions:

- A. Consider the findings of fact as stated in the staff report and recommend City Council approve the **Title 19 ORDINANCE AMENDMENT – CITYWIDE – ZONING AND SIGN ORDINANCE UPDATE 2023 – PL23-0007**.
- B. Review and comment on the **Title 17 ORDINANCE AMENDMENT – CITYWIDE – ZONING AND SIGN ORDINANCE UPDATE 2023 – PL23-0007**.

Exhibits

- A. Zoning Ordinance Redlines (RMC 19.08, 19.12, 19.26, 19.28, 19.60, 19.74, and 19.82)
- B. Sign Ordinance Redlines (RMC 17.04 and 17.08)

<p>Note to Applicant and/or Developer: Please contact the Planning Division staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Manager at, or prior to, the public hearing.</p>
