

**ITEM 6.4:                   ORDINANCE AMENDMENT – CITYWIDE – DOWNTOWN CODE AND  
ORDINANCE UPDATES 2023 – PL23-0186**

**REQUEST**

The project is a City-initiated minor update to the Downtown Code and to Title 17 (Sign Ordinance) and Title 19 (Zoning Ordinance) of the Roseville Municipal Code. The request includes amendments to Downtown Code Chapter 2 (Land Use and Zoning) to update the permitted use table to reflect changes in state law, including adding community care facilities (small and large) and long-term care facilities (small and large) as uses permitted in districts where residential uses are permitted, adding low barrier navigation centers as a permitted use where multifamily uses are permitted, adding electric vehicle charging centers as a use type (to reflect this emerging new use), modifying “gasoline sales” to “fuel sales” to recognize alternative fuels, and adding a table note clarifying that transitional and supportive housing uses are permitted where residential uses are permitted or conditionally permitted; amendments to Downtown Code Chapter 3 (Regulatory Incentives) to add a note indicating that parking standards may be reduced by sections of the Government Code related to density bonuses, proximity to transit, and other sections of law; amendments to Downtown Code Chapter 4 (District Standards) to amend Section 4.6.2 to require 80% of ground floor space be non-residential, instead of requiring 80% be retail and 20% be office; and to amend Chapter 7 (Downtown Specific Ordinances) to clarify and simplify Section 7.11 relating to Downtown Murals. The request also includes one minor amendment to Title 17 (Sign Ordinance) Section 17.06.220 to allow three wall signs for corner tenants and one minor amendment to Title 19 (Zoning Ordinance) Section 19.86.020 to indicate that text amendments to Title 19 shall be initiated by City Council, Planning Commission, or the Planning Manager.

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 adopt the Ordinance Amendment to amend Chapters 2, 3, 4, and 7 of the Downtown Code.
2. Review and comment on the Ordinance Amendment to Title 17 of the Roseville Municipal Code.
3. Consider the two (2) findings of fact and recommend City Council approve the Ordinance Amendment to Title 19 of the Roseville Municipal Code.

**SUMMARY OF OUTSTANDING ISSUES**

There are no outstanding issues associated with this request.

**BACKGROUND**

Staff annually reviews the Zoning Ordinance to identify needed maintenance updates, including in response to state legislation, but has not prepared a maintenance update for the City’s Downtown Code in several years. Staff is proposing updates to the Downtown Code consistent with legislation passed over the last several years, and to bring it into consistency with similar changes made in the Zoning Ordinance. These updates are relatively minor, and consist of the following changes (see Exhibit A):

- **Downtown Code Chapter 2 (Land Use and Zoning):** This update adds community care facilities (small and large) and long-term care facilities (small and large) as uses permitted in districts where residential uses are permitted, adds low barrier navigation centers as a permitted use where multifamily uses are permitted, adds electric vehicle charging centers as a use type (to reflect this emerging new use), modifies “gasoline sales” to “fuel sales” to recognize alternative fuels, and adds a table note clarifying that transitional and supportive housing uses are permitted where residential uses are permitted or conditionally permitted. These changes were adopted by City Council as part of annual Zoning Ordinance updates in 2022 and 2023.
- **Downtown Code Chapter 3 (Regulatory Incentives):** This update adds a note indicating that parking standards parking standards may be reduced by sections of the Government Code related to density bonuses, proximity to transit, and other sections of law. The primary law affecting these provisions is AB 2097, which became effective in January 2023. This law eliminates parking requirements for most projects within ½-mile of a “major transit stop,” which in the City is the Amtrak multimodal station and affects most of the Downtown Specific Plan. Rather than attempt to completely revise all sections dealing with parking in the Downtown Code, staff is recommending a minor edit to note that parking standards may be reduced by applicable sections of the Government Code. This change was not made in the Zoning Ordinance, because on a Citywide basis most areas are unaffected by the applicable legislation.
- **Downtown Code Chapter 4 (District Standards):** The existing Section 4.6.2 to requires 80% of ground-floor space be retail and 20% be office on Vernon Street. This standard was established in order to ensure a pedestrian-focused and activated streetscape, but as the non-residential market has shifted – particularly as it relates to office space – this provision has become a barrier to development and redevelopment. Staff is recommending the requirement be modified to require 80% of ground floor space be non-residential. This preserves the ground-floor space as a predominantly activated space, while providing for more flexibility of uses.
- **Chapter 7 (Downtown Specific Ordinances):** The existing Section 7.1 relating to Downtown Murals was designed to focus mural development around imagery related to historic Roseville, includes large sections of subjective language that have been difficult to implement, or provisions that have hampered beneficial mural projects. Blue Line Arts administers a mural program for the Downtown area, and recommended revisions to the section. Staff worked with Blue Line Arts for over a year on revisions to simplify and clarify the section. Both City staff and Blue Line Arts staff are comfortable with the proposed changes. Key changes include:
  - **Delete “Location” section.** The section required murals to be clearly visible from the sidewalk, but tenants and others have sometimes wanted to locate murals within alleys, and they still provide a public benefit is less street-forward locations.
  - **Delete “Design Characteristics” section.** This section requires the mural be “of historical significance.” This is a subjective determination which has proven difficult to implement. There are also many non-historical mural designs which contribute to the intent of the mural section, which is to create a visually engaging environment.
  - **Augment “Advertising” section.** To avoid having to refer to both the Sign Ordinance and the Downtown Code, definitions have been included for the existing prohibition on “commercial advertising” which are consistent with the City’s existing Sign Ordinance.
  - **Delete “Relation to Adjacent Properties” section.** This section states that a mural should not have an adverse impact on adjacent properties. However, it is unclear what adverse impact could result from a mural, or how to define this section to be objective. Staff recommends that the Design Review process itself is sufficient to address this concern.

- **Section 17.06.220 (Sign Ordinance, Wall signs for building complexes):** For corner tenants of freestanding pad buildings, this update allows three wall signs (one on each wall face) instead of two. See Exhibit B.
- **Section 19.86.020 (Zoning Ordinance, Initiation of amendment):** This update establishes that text amendments to Title 19 (the Zoning Ordinance) shall be initiated by City Council, Planning Commission, or the Planning Manager. See Exhibit C.

## **EVALUATION**

### **Downtown Code**

In 2009 the City Council, by Ordinance, added Chapter 19.31 to the Roseville Municipal Code which adopted and incorporated by reference the Downtown Code, “as though it were fully set forth” within Title 19. Therefore, the same findings of fact to approve a zoning ordinance amendment apply to amendments of the Downtown Code. 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.

- 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 project brings the Downtown Code into consistency with legislation adopted within the past few years, and amends sections which have proven difficult to implement. The proposed amendments ensure a clear and consistent set of effective regulations, and are therefore consistent with the public interest, health, safety, and welfare. Staff review also concludes the changes are consistent with the General Plan and the Downtown Specific Plan.

### **Sign Ordinance (Title 17)**

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 staff 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 change to Title 17 has 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.

### **Zoning Ordinance (Title 19)**

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.

- 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 change to the Zoning Ordinance is minor and ensures that amendments to regulations of the Zoning Ordinance can be initiated, as needed, by the City. For this reason, 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.

### **PUBLIC OUTREACH**

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 in addition was posted on the RCONA website. Staff also worked collaboratively with Blue Line Arts to develop the amendments to Downtown Code Chapter 7, addressing murals.

### **ENVIRONMENTAL DETERMINATION**

The proposed project is policy and procedure-making activity, 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 **ORDINANCE AMENDMENT TO THE DOWNTOWN CODE – CITYWIDE – DOWNTOWN CODE AND ORDINANCE UPDATES 2023 – PL23-0186**.
- B. Review and comment on the **Title 17 ORDINANCE AMENDMENT – CITYWIDE – DOWNTOWN CODE AND ORDINANCE UPDATES 2023 – PL23-0186**.
- C. Consider the findings of fact as stated in the staff report and recommend City Council approve the **Title 19 ORDINANCE AMENDMENT – CITYWIDE – DOWNTOWN CODE AND ORDINANCE UPDATES 2023 – PL23-0186**.

### **Exhibits**

- A. Downtown Code Redlines (portions of Chapter 2, Chapter 3, Chapter 4, Chapter 7)
- B. Sign Ordinance Redlines (RMC 17.06.220)
- C. Zoning Ordinance Redlines (RMC 19.86.020)

**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.