

**ITEM 6.1:      **ORDINANCE AMENDMENT – CITYWIDE – ZONING AND SUBDIVISION ORDINANCE  
LEGISLATIVE UPDATE 2024 – PL24-0106****

**REQUEST**

The project is a city-initiated update to Title 18 (Subdivision Ordinance) and Title 19 (Zoning Ordinance) of the Roseville Municipal Code (RMC) in response to state legislation passed in 2023 and to make minor corrections and maintenance updates. The project includes amendments to the following Zoning Ordinance sections: Section 19.12.020 (Permitted Use Types) to add hydrogen fuel stations to the permitted uses table, remove the requirement for a Conditional Use Permit for electric vehicle charging stations, and create a new definition for hydrogen fuel stations in Section 19.08.090 (Commercial Use Types) pursuant to state law; Section 19.10.030 (Residential Zone General Development Standards) to add table notes limiting the number of units permitted on a parcel created through a ministerial mapping process, pursuant to state law; Section 19.22.030 (Accessory Structures) to reduce the setback for fences located in street side yards adjacent to key lots from ten feet down to five feet from back of sidewalk and create a new definition for a clear vision triangle adjacent to residential driveways in Section 19.95.030 (Definitions of Terms and Phrases); Chapter 19.28 (Residential Density Bonus) to incorporate changes to residential density bonuses per changes to state law; Sections 19.60.060 and 19.60.070 (Accessory Dwelling Units) to modify the language for evaluating the appearance of Accessory Dwelling Units to reflect objective design standards; and Chapter 19.80 (Appeals) to detail the process regarding an appellant's failure to appear for an appeal. The project also includes amendments to the following Subdivision Ordinance sections: Chapter 18.05 (Tentative Map Applications – Ministerial) to create a process for review and approval of Ministerial Multifamily Maps of 10 lots or fewer. The amendments to the Subdivision Ordinance are to reflect changes in state law (Senate Bill 684).

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 18 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 19.12.020 and Section 19.08.090 (Permitted Use Types and Commercial Use Types):** This update creates a new definition for hydrogen fueling stations to the Commercial use Types and adds them as a permitted use by right in all commercial zones in the permitted uses table pursuant to Senate Bill 1291. This update also removes the requirement for a

Conditional Use Permit for electric vehicle charging stations in all commercial zones, pursuant to Government Code Section 65850.7.

- **Section 19.10.030 (Residential Zone General Development Standards):** This update adds a table note limiting the number of units permitted on a parcel created through a ministerial mapping process, discussed in further detail in the Title 18 amendments described below.
- **Section 19.22.030 and Section 19.95.030 (Accessory Structures and Definitions of Terms and Phrases):** The development standard related to street side yard fence setbacks has resulted in numerous code enforcement cases and general confusion with homeowners. Currently, side yard fences adjacent to a street must be five (5) feet from the back of the sidewalk, unless it is adjacent to what is called a “key lot.” A key lot occurs where a rear yard abuts a neighbor’s side yard, and in this instance the side yard fence must be a minimum of ten (10) feet from the back of sidewalk. Planning staff have researched Zoning Ordinances from several surrounding jurisdictions and discovered that the ten (10) foot minimum setback is more restrictive than all but two other cities. Planning staff found the typical setback for surrounding jurisdictions was five (5) feet or less for a street side yard fence.

Taking into consideration surrounding jurisdictions’ standards as well as feedback from the Engineering division, the Planning division proposes to amend Municipal Code Section 19.22.030 as follows:

- Reduce the required street side setback for fences adjacent to a key lot from ten (10) to five (5) feet from the back of sidewalk or right-of-way
- Introduce a ten (10) by ten (10) foot clear vision triangle when adjacent to a driveway, instead of using the key lot standard

Reducing the key lot fencing standard to five (5) feet and adding a clear vision standard for driveways ensures the proposed changes are consistent with the intent of the existing standard to provide visibility for vehicle movements and attractive streetscapes, while also allowing residents greater flexibility with their side yard fencing. The new diagram illustrating the residential driveway clear vision triangle can be seen as Figure 1 below:

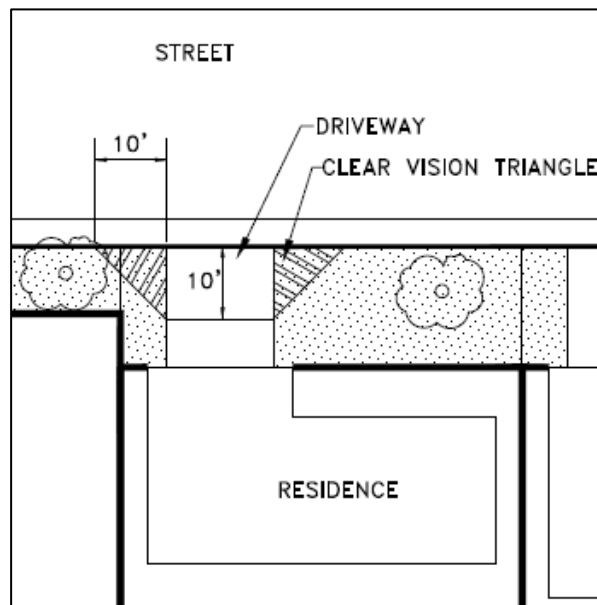


Figure 1: Clear Vision Triangle - Residential Driveway

- **Chapter 19.28 (Density Bonus):** Assembly Bills 323 and 1287 and Senate Bill 713 made various changes to density bonus law. Changes include the inclusion of an additional density bonus for qualifying projects and additional incentives for projects that include at least 16% affordable units to very low income households. Staff also included minor clean-up language regarding the definitions of “lower income”, “moderate income”, and “very low income” households for clarity and consistency.

**Chapter 19.60 (Accessory Dwelling Units):** The amendments to this Chapter include clarifying language for evaluating the appearance of accessory dwelling units to reflect objective design standards, as well as language to specify that no physical improvements can be required for the creation or conversion of an accessory dwelling unit pursuant to state law.

The current language within this section uses subjective language such as “compatible with the existing primary dwelling”, where the proposed amendments state the accessory dwelling unit must have the same architectural style, colors and materials as the primary dwelling. This language adheres to the objective design standards guidelines provided by the state.

Additionally, Senate Bill 477 went into effect March 26, 2024 and relocated and consolidated all state ADU law into a new Government Code chapter. Staff will amend all references within this section to the new Government Code chapter prior to the item being heard by the City Council.

- **Section 19.80.070 (Action on Appeal):** Staff worked with the City Attorney’s office to develop revisions to the section which address what happens if an appellant fails to appear at the appeal hearing. The proposed language states that if an appellant does not appear at the public hearing for the appeal, the appeal will be denied, and they cannot appeal the denial.
- **Chapter 18.05 (Tentative Map Applications – Ministerial):** This update creates a new section within Chapter 18.05, including renaming it from “Parcel Map Applications – Ministerial” to “Tentative Map Applications – Ministerial.” The proposed changes are in response to Senate Bill 684, which requires the ministerial approval of up to 10 lots on a property within a multifamily zone district (which is the City’s R3 zone district). The new section establishes the application requirements, application materials, and process for reviewing and approving ministerial 10-lot multifamily maps. The application requirements are consistent with the standards of Senate Bill 684, and include:
  - Each created lot must have only one unit **and** the project must result in at least the *maximum* allowed density on a specific parcel. Taken together, these requirements of Senate Bill 684 ensure a developer cannot under-build a multifamily site.
  - A minimum lot size of 600 square feet.
  - An average habitable square footage for the proposed units not to exceed 1,750 square feet.
  - A requirement of one off-street parking space per unit unless the parcel is within ½-mile of a high-quality transit corridor or major transit stop, or there is a car-share vehicle within one block of the parcel, in which case no parking is required.
  - A prohibition on the demolition or alteration of affordable housing, rent-controlled housing, or housing occupied by a tenant anytime in the prior five years to make it possible to split the lot.
  - Parcels which have certain environmental conditions, such as the presence of wetlands, floodplains, high fire hazards, hazardous waste or earthquake zone, may not use the ministerial process. Likewise, parcels which are designated farmland or part of a conservation plan may not use the ministerial process.

- A requirement that the housing units must be for sale, either in fee simple or as part of a common interest development, housing cooperative, or community land trust.
- Accessory dwelling units and junior accessory dwelling units are not permitted on lots that are split using this process.

To summarize, Senate Bill 684 permits up to 10 lots and 10 homes (one home per lot) on multifamily sites, but only if this would not result in fewer units than the zoning and land use designation allows on the property. The majority of the multifamily properties in the City have a land use designation which would permit far more than ten units, making them ineligible to use this process. Only a handful of small infill sites may be eligible.

## **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 18, so staff is requesting Planning Commission review and comment on changes to Title 18, 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.

The proposed changes to the Subdivision Ordinance are to bring the City's regulations into conformance with enacted state law. Senate Bill 684 will come into effect on July 1, 2024 and the City will be required to comply with the resultant changes to the Government Code. Modifying the City's ordinances for consistency with these state laws establishes 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.

## **PUBLIC OUTREACH**

Staff discussed the entirety of the proposed amendments at the Roseville Coalition of Neighborhood Associations (RCONA) General Board meeting of March 21, 2024 and also posted a general notice of the Project on the RCONA website on March 6, 2024. RCONA Board members did not ask any specific questions about the amendments and expressed no comments or concerns, though one member did ask for staff contact information in case they had follow-up questions. To date, no comments or concerns have been received.

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 Subdivision 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 SUBDIVISION ORDINANCE LEGISLATIVE UPDATE 2024 – PL24-0106**.
- B. Review and comment on the **Title 18 ORDINANCE AMENDMENT – CITYWIDE – ZONING AND SUBDIVISION ORDINANCE LEGISLATIVE UPDATE 2024 – PL24-0106**.

## **Exhibits**

- A. Zoning Ordinance Redlines (RMC 19.08, 19.10, 19.12, 19.22, 19.28, 19.60, and 19.80)
- B. Subdivision Ordinance Redlines (RMC 18.05)

**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.