

ITEM 6.2: **ORDINANCE AMENDMENT – CITYWIDE – ZONING AND SUBDIVISION ORDINANCE AMENDMENTS – TOLLING PROVISIONS – PL25-0439**

REQUEST

The request is a city-initiated request to amend Roseville Municipal Code Chapter 19 (Zoning Ordinance) to add a new Section 19.76.140 (Tolling Provisions) and amend Roseville Municipal Code Chapter 18 (Subdivision Ordinance) to modify Section 18.06.230 (Time Period of Approvals) to indicate that the expiration of approved projects shall be paused (tolled) during any time the approvals are or were the subject of a lawsuit.

Applicant – City of Roseville

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

A tolling provision is a clause that pauses a statute of limitations if certain conditions are met. There are many tolling provisions in existing state law related to the expiration of project approvals, particularly for housing development projects (example: Government Code 65914.4). These tolling provisions are usually triggered when an issue that is out of the applicant's control will delay project construction. The most common issue is when a lawsuit is filed challenging the approval of the project. Lawsuits may take years to resolve, and without a tolling provision, the entitlements may expire during this time period even though the applicant was not in a position to be able to move forward with their project. The applicant then must apply for an extension of the entitlement or a new approval, which can itself be the subject of another lawsuit. Pausing the approval time period for the duration of any lawsuit grants the applicant the time needed for a lawsuit to be resolved.

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 the 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.***

Staff is proposing that a tolling provision be added for all project applications approved by the City, which would pause the expiration of a project approval during the time period that a project is or was the subject of a legal challenge. Staff proposes the amendments be retroactive to any project set to expire during this calendar year (on or after January 1, 2025); this term is included in the draft enacting Ordinance language within Exhibit A.

To effect this change, staff proposes adding the language below (*underlined italics*) and included as Exhibit A.

ADD RMC Section 19.76.140 Tolling Provisions to read as follows: *Any approvals granted pursuant to this Chapter shall be tolled, and shall not expire, during the time that any or all such approvals are, or were, the subject of a lawsuit pending in a court of competent jurisdiction.*

ADD TEXT to RMC Section 18.06.230 (Time Period of Approvals) to read as follows: Tentative maps shall be initially approved or conditionally approved for 24 months. Within 24 months from the date of approval or conditional approval, the applicant may prepare, submit and record the final map, parcel map or other documents required by this title and the Subdivision Map Act. *This 24-month period shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is, or was, pending in a court of competent jurisdiction.*

The proposed tolling provisions will protect applicants from the unreasonable expiration of entitlements during a time period when an applicant is not in a position to effectuate those entitlements. The proposed amendments provide the necessary time for the due process of a legal challenge to be completed, and therefore are consistent with the public interest, health, safety, or welfare of the City and are consistent with the General Plan and the City's Specific Plans.

PUBLIC OUTREACH

A public notice of the Planning Commission hearing was published in the Sacramento Bee and on the Roseville Coalition of Neighborhood Associations website 20 days prior to the public hearing. No comments were received.

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:

1. Adopt the findings of fact as stated in the staff report and approve the **TITLE 19 ORDINANCE AMENDMENT – CITYWIDE – ZONING AND SUBDIVISION ORDINANCE AMENDMENTS – TOLLING PROVISIONS – PL25-0439.**
2. Review and comment on the **Title 18 ORDINANCE AMENDMENT – CITYWIDE – ZONING AND SUBDIVISION ORDINANCE AMENDMENTS – TOLLING PROVISIONS – PL25-0439.**

Exhibits

A. Subdivision and Zoning Ordinance Redlines

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.