

A grayscale photograph of a construction site for a large building. The steel framework is visible, and there are construction materials and vehicles in the foreground. A street lamp is on the left side.

Zoning Code Update Administrative Processes

Workshop on Proposed Zoning Administration
and Review Process Changes

City Council

Workshop – September 13, 2022



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Staff Recommendation



Staff is seeking early Council direction on key changes proposed to the current administrative and review processes as part of the current Zoning Code update effort (Title 17 of the Folsom Municipal Code).

1. Design Review
2. Use Permits and Minor Modifications
3. Public Hearings, Notices, and Outreach
4. Appeals

Proposed changes would apply to all of Folsom **except**:

- Historic District
- Specific Plan Areas (if processes differ from Zoning Code)

There will be separate process for Historic District

- Process will start in mid-2023
- Will evaluate design, form, use, and review process
- Will be incorporated into new Zoning Code

General Plan Policy LU 1.1.1 (Zoning Ordinance):

- *Ensure that the Folsom Zoning Ordinance is consistent with the 2035 General Plan.*

Housing Element Policy H-2.1 (Permit Processing & Review Times)

- *The City shall continually strive to shorten permit processing and review times to the greatest extent possible and will consider allowing concurrent processing for affordable housing projects.*

Issue #1: Design Review Process



Key Questions

- 1. Continue to require Planning Commission approval for projects if design complies with adopted City development and design standards?*
- 2. If so, what is the goal of Planning Commission review for projects that comply with development and design standards?*

Issue #1: Design Review Process

Policies and Design Standards



- August 2018 - City adopts General Plan which includes:
 - Land Use Element with Community Design section
 - Appropriate land uses for every area in Folsom
- Mid-2023 – City will adopt:
 - New Zoning Code
 - Objective Design Standards
 - Required by State for review of all residential and residential mixed-use projects

Issue #1: Design Review Process

Existing Design Review Thresholds



Current thresholds for Planning Commission design review:

- Commercial: *1,000 sq. ft. or more*
- Residential: *Projects with more than 2 units*
- Modifications: *Significant exterior modifications including changes in building materials*

Issue #1: Design Review Process

Regional Design Review Thresholds



Jurisdiction*	Director Level	Commission Level
Folsom (Existing)	Residential: 1 and 2 units Commercial: Less than 1,000 sq. ft.	Residential: 3 units or more Commercial: 1,000 sq. ft. or more
Citrus Heights	Residential: Projects with 5 to 9 units Commercial: Less than 5,000 sq. ft.	Residential: 10 units or more Commercial: 5,000 sq. ft. or more
Elk Grove	Residential: Less than 150 units Commercial: Less than 10,000 sq. ft.	Residential: 150 units or more Commercial: 10,000 sq. ft. or more
Rancho Cordova	Residential: Multi-family remodels Commercial: Less than 5,000 sq. ft. Industrial: Less than 10,000 sq. ft.	Residential: Residential master plans and multi-family Commercial: 5,000 sq. ft. or more Industrial: 10,000 sq. ft. or more
Rocklin	Residential: Less than 5 units or lots Commercial: None	Residential: 5 units/lots or more Commercial: New projects
Roseville	Residential: Minor alterations only Commercial: None	Residential: New multi-family and master plans Commercial: New projects or significant site changes
Sacramento (City)**	Projects involving historic resource Projects involving deviations from standards Projects elevated by Director	Projects involving change or construction to landmark or historic resource Projects elevated by Director

*Table is summary of more detailed table in staff report.

**City of Sacramento requires staff level site plan and design review of all projects except those noted above.

Issue #1: Design Review Process

Recommendation



Staff Recommendation:

Increase thresholds for director-level design review.

- Residential: 10 units or less
- Commercial: 5,000 square feet or less

Issue #2: Permitting and Modifications



Key Question

Should the City change its current process to allow for some use permits and requests for deviations to be handled at the director level?

Issue #2a: Use Permits

Current Use Permit Regulations



Use Permits:

- Minor and Major Use Permit process is the same
- Both require public hearing and noticing
- Both require Planning Commission review and approval
- Only difference is fee

Issue #2a: Use Permits

Regional Comparison of Use Permit Approval Level



Jurisdiction	Administrative/ Minor Use Permit	Conditional Use Permit
Folsom (<i>Existing</i>)	Commission	Planning Commission
Citrus Heights	Planning Director	Planning Commission
Elk Grove	Zoning Administrator	Planning Commission
Rancho Cordova	Planning Director	Planning Commission
Rocklin*	Not Applicable	Planning Commission
Roseville	Planning Manager	Planning Commission/ Design Committee
Sacramento (City)**	Planning Director/Zoning Administrator	Director or Commission

*Rocklin does not have a minor use or administrative use permit.

**City of Sacramento determines level of review and approval base for CUPs on the type of conditional use in each zone.

Issue #2a: Use Permits

Administrative Use Permit

Administrative Use Permit (AUP) typically used when:

- Use is appropriate for zoning district
- Requires standard conditions to ensure compatibility

Examples of standard conditions:

- Hours of operation
- Standards for deliveries
- Prohibition on outdoor storage
- Compliance with State licensing requirements (if applicable)

Issue #2a: Use Permits

Recommendation

Staff Recommendation:

Create director-level Administrative Use Permit (AUP) for appropriate uses in zone that require standard conditions

Issue #2b: Minor Modifications

Existing Modification Regulations



- Modification to standards requires either:
 - Variance [Cost: \$1,567]
 - Planned Development (PD) Permit [Cost: \$8,525 + \$426/acre]
- Requires Planning Commission approval
- Variance has strict findings
- Process is costly and time-consuming

Issue #2b: Minor Modifications

Examples of Minor Modification Requests



- Minor front yard encroachment
 - Part of new addition encroaches into setback to avoid tree
- Minor side yard encroachment
 - 6' and 10' side setbacks instead of required 5' and 11' setbacks
- Minor height increase
 - Commercial project limited to 3 stories or 40' but project is 41' tall
- Existing non-conformity
 - House with 1-car garage wants to do addition or improvements
- Minor parking reduction
 - Building improvements trigger parking lot shading requirements which reduce parking spaces

Issue #2b: Minor Modifications

Regional Comparison of Allowed Minor Deviations



Jurisdiction	Amount of Deviation	Areas of Allowed Deviation	Approval Level
Folsom (Existing)	No threshold	Any area except density and use	Planning Commission
Citrus Heights	Up to 30% or 40%	Setbacks, parking, lot coverage and height	Planning Director
Elk Grove	Up to 10%	Height, setback, lot coverage, parking, sign area, sign height, sign setbacks, sign projections	Development Director
Rancho Cordova	Up to 30% or 40%	Parking, setbacks, height	Planning Director
Rocklin	Up to 10%	Lot area, depth, width, setbacks, height, lot coverage	Planning Director
Roseville	Up to 35%	Any modification to permit and deviation from development standards	Planning Manager
Sacramento (City)	No threshold	All development and design standards	Planning Director

Issue #2b: Minor Modifications

Recommendation



Staff Recommendation:

Create director-level Minor Modification Process that allows for up to a maximum 10% deviation from development standards with specific findings

Issue #3: Hearings, Notices & Outreach



Key Question

Should the City increase outreach and noticing especially for large projects?

Issue #3: Hearings, Notices & Outreach



Current Process

- Request for comments email sent after application submittal
- Applicant for large project encouraged to meet with neighbors/groups
- Notices mailed to property owners within 300' of site
- Notice placed in newspaper 10 days beforehand
- Site posting (Design Review only)
- Major projects and design review projects posted on CDD webpages

Issue #3: Hearings, Notices & Outreach

Regional Comparison of Noticing Distance

Jurisdiction	Required Noticing Area
Folsom (<i>Existing</i>)	300 feet
Citrus Heights	300 feet
Elk Grove	500 feet*
Rancho Cordova	500 feet
Rocklin	600 feet
Roseville	300 feet
Sacramento (City)	500 feet

**Note: In Elk Grove, projects in certain areas require noticing 1,000 feet and regional projects require noticing 2,000 feet from project site.*

Issue #3: Hearings, Notices & Outreach

Other Outreach Examples



- Early notification and posting
- Director reports on director-level decisions to Commission
- Expanded public hearing noticing area
- Public notices to owners and tenants
- Development activity website
- Community meeting required at director discretion

Issue #3: Hearings, Notices & Outreach

Recommendation



Staff Recommendation: Improve level of outreach and transparency by including the following in the new Zoning Code:

- Continue to require early notification/request for comment emails
- Provide expanded director reports to Planning Commission
- Expand noticing radius from 300 to 500 feet for all public hearing items
- Set up expanded development activity webpage
- Continue to encourage community meetings for large projects
- Grant authority to CDD Director to require community meeting

Issue #4: Appeals Process

Key Questions



- 1. What is the benefit of the two-level appeal process?*
- 2. If City changes to one-level appeal process, should Planning Commission or Council be final appeal body for director-level decisions?*

Issue #4: Appeals Process

Current Process



Two-level appeal process:

- Director decisions appealed to Planning Commission
- Planning Commission decisions appealed to Council
- City Council makes final decision

Issue #4: Appeals Process

Regional Comparison of Levels of Appeal



Jurisdiction	Level of Appeal
Folsom (<i>Existing</i>)	Two levels
Citrus Heights	One level
Elk Grove	One level
Rancho Cordova	Two level
Rocklin	Two level
Roseville	One level
Sacramento (City)	One level

Issue #4: Appeals Process

Recommendation



Staff Recommendation: One-level of appeal

- Director-level decisions appealed to Planning Commission for final decision
- Planning Commission decisions appealed to City Council for final decision

Recommendations

Summary



- 1. Design Review:** Increase thresholds to 5,000 sq. ft. or 10 dwelling units
- 2. Use Permits and Minor Modifications:** Create a) director-level Administrative Use Permits; and b) allow director-level minor modifications up to 10% deviation
- 3. Public Hearings, Noticing and Outreach:** Expand noticing area to 500', require early notification emails, director reports, development activity website, and grant CDD director authority to require community meetings.
- 4. Appeal Process:** Change to one-level of appeal with Director decisions appealed to Planning Commission and Commission decisions appealed to Council

Next Steps

- Council input included in draft administrative articles
- Early to Mid-2023, public review draft of new Zoning Code
- 30-day public review period
- Workshops with community, Planning Commission and Council
- Revisions to draft code based on feedback
- Adoption hearings for new Zoning Code in Summer 2023
- Start of Historic District zoning effort in mid-2023

Questions

Questions?