City Council
Workshop – September 13, 2022
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).
Issue Areas

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
Key City Policies

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.
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
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

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Director Level</th>
<th>Commission Level</th>
</tr>
</thead>
</table>
| **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.*
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?*
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**

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

*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.*
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)
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

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Amount of Deviation</th>
<th>Areas of Allowed Deviation</th>
<th>Approval Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Folsom (Existing)</td>
<td>No threshold</td>
<td>Any area except density and use</td>
<td>Planning Commission</td>
</tr>
<tr>
<td>Citrus Heights</td>
<td>Up to 30% or 40%</td>
<td>Setbacks, parking, lot coverage and height</td>
<td>Planning Director</td>
</tr>
<tr>
<td>Elk Grove</td>
<td>Up to 10%</td>
<td>Height, setback, lot coverage, parking, sign area, sign height, sign setbacks, sign projections</td>
<td>Development Director</td>
</tr>
<tr>
<td>Rancho Cordova</td>
<td>Up to 30% or 40%</td>
<td>Parking, setbacks, height</td>
<td>Planning Director</td>
</tr>
<tr>
<td>Rocklin</td>
<td>Up to 10%</td>
<td>Lot area, depth, width, setbacks, height, lot coverage</td>
<td>Planning Director</td>
</tr>
<tr>
<td>Roseville</td>
<td>Up to 35%</td>
<td>Any modification to permit and deviation from development standards</td>
<td>Planning Manager</td>
</tr>
<tr>
<td>Sacramento (City)</td>
<td>No threshold</td>
<td>All development and design standards</td>
<td>Planning Director</td>
</tr>
</tbody>
</table>
Staff Recommendation:
Create director-level Minor Modification Process that allows for up to a maximum 10% deviation from development standards with specific findings.
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
### Regional Comparison of Noticing Distance

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Required Noticing Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Folsom (Existing)</td>
<td>300 feet</td>
</tr>
<tr>
<td>Citrus Heights</td>
<td>300 feet</td>
</tr>
<tr>
<td>Elk Grove</td>
<td>500 feet*</td>
</tr>
<tr>
<td>Rancho Cordova</td>
<td>500 feet</td>
</tr>
<tr>
<td>Rocklin</td>
<td>600 feet</td>
</tr>
<tr>
<td>Roseville</td>
<td>300 feet</td>
</tr>
<tr>
<td>Sacramento (City)</td>
<td>500 feet</td>
</tr>
</tbody>
</table>

*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
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?
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

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Level of Appeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Folsom (Existing)</td>
<td>Two levels</td>
</tr>
<tr>
<td>Citrus Heights</td>
<td>One level</td>
</tr>
<tr>
<td>Elk Grove</td>
<td>One level</td>
</tr>
<tr>
<td>Rancho Cordova</td>
<td>Two level</td>
</tr>
<tr>
<td>Rocklin</td>
<td>Two level</td>
</tr>
<tr>
<td>Roseville</td>
<td>One level</td>
</tr>
<tr>
<td>Sacramento (City)</td>
<td>One level</td>
</tr>
</tbody>
</table>
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
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?