



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

PLANNING COMMISSION AGENDA
February 1, 2017
CITY COUNCIL CHAMBERS
6:30 p.m.
50 Natoma Street
Folsom, California 95630

CALL TO ORDER PLANNING COMMISSION: Chair Ross Jackson, Vice Chair John Arnaz; Commissioners:, Jennifer Lane, Thomas Scott, Justin Raithe, Aaron Ralls, and Kevin Mallory

Any documents produced by the City and distributed to the Planning Commission regarding any item on this agenda will be made available at the Community Development Counter at City Hall located at 50 Natoma Street, Folsom, California and at the table to the left as you enter the Council Chambers. The meeting is available to view via webcast on the City's website the day after the meeting.

PLEDGE OF ALLEGIANCE

CITIZEN COMMUNICATION: The Planning Commission welcomes and encourages participation in City Planning Commission meetings, and will allow up to five minutes for expression on a non-agenda item. Matters under the jurisdiction of the Commission, and not on the posted agenda, may be addressed by the general public; however, California law prohibits the Commission from taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the Commission.

MINUTES

The minutes of January 18, 2017 will be presented for approval.

Oath of Office to be Administered to John Arnaz

NEW BUSINESS

1. PN 16-171, Parkway Apartments – Planned Development Permit and Consideration of Adoption of a Mitigated Negative Declaration

A Public Hearing to consider a request from the TPC Housing for approval of a Planned Development Permit for development of a 72-unit affordable apartment community on a 10.1-acre site located at the southeast corner of the intersection of Blue Ravine Road and Oak Avenue Parkway. The zoning classification for the site is SP 93-3, while the General Plan land-use designation is MHD. An Initial Study and Mitigated Negative Declaration have been prepared in accordance with the requirements of the California Environmental Quality Act. **(Project Planner: Principal Planner, Steve Banks / Applicant: TPC Housing)**

2. **PN 16-388 - Zoning Code Amendment to Certain Provisions in Title 17 of the Folsom Municipal Code, (FMC) Pertaining to Accessory and/or Second Dwelling Units and Determination that the Project is Exempt from CEQA**

The purpose of the proposed amendments is for consistency with recently amended State law and to clean up sections of the code pertaining to accessory and/or second dwelling units. The proposed amendment modifies Sections 17.104.030(C), 17.104.100(f), 17.105.030, 17.105.040, and 17.105.060 of the FMC pertaining to accessory and/or second dwelling units. The project is exempt from the California Environmental Quality Act by Section 15061 (B) (3) of the CEQA Guidelines. **(Project Planner: Associate Planner, Stephanie Henry)**

3. **PN 17-005, Zoning Code Amendment to Certain Provisions Pertaining to Allowed Uses in M-1, Light Industrial District and Determination that the Project is Exempt for CEQA**

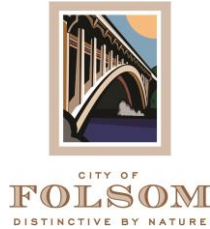
The primary purpose of the proposed amendments is to clarify which commercial land uses identified in the Commercial Land Use Table (FMC, Section 17.22.030E) are considered light industrial uses and therefore permitted within the M-1 zone (FMC, Section 17.28.020). The proposed amendment modifies Sections 17.28.020 of the Folsom Municipal Code. The project is exempt from the California Environmental Quality Act by Section 15061 (B) (3) of the CEQA Guidelines. **(Project Planner: Associate Planner, Stephanie Henry)**

PLANNING COMMISSION / PLANNING MANAGER REPORT

The next Planning Commission meeting is scheduled for **February 15, 2017**. Additional non-public hearing items may be added to the agenda; any such additions will be posted on the bulletin board in the foyer at City Hall at least 72 hours prior to the meeting. Persons having questions on any of these items can visit the Community Development Department during normal business hours (8:00 a.m. to 5:00 p.m.) at City Hall, 2nd Floor, 50 Natoma Street, Folsom, California, prior to the meeting. The phone number is 355-7222 and FAX number is 355-7274.

NOTICE REGARDING CHALLENGES TO DECISIONS

The appeal period for Planning Commission Action: Any appeal of a Planning Commission action must be filed, in writing with the City Clerk's Office no later than ten (10) days from the date of the action pursuant to Resolution No. 8081. Pursuant to all applicable laws and regulations, including without limitation, California Government Code Section 65009 and or California Public Resources Code Section 21177, if you wish to challenge in court any of the above decisions (regarding planning, zoning and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice/agenda, or in written correspondence delivered to the City at, or prior to, the public hearing



PLANNING COMMISSION MINUTES
January 18, 2017
CITY COUNCIL CHAMBERS
6:30 P.M.
50 Natoma Street
Folsom, CA 95630

CALL TO ORDER PLANNING COMMISSION: Chair Ross Jackson; Vice Chair John Arnaz; Commissioners: Jennifer Lane, Thomas Scott, Justin Raithel, Aaron Ralls, and Kevin Mallory

ABSENT: Arnaz,

CITIZEN COMMUNICATION: None

MINUTES: The minutes of December 7, 2016 were approved as submitted.

Oath of Office Administered to Aaron Ralls, Jennifer Lane, Kevin Mallory

Election of Chair and Vice-Chair

COMMISSIONER SCOTT MOVED TO ELECT ROSS JACKSON AS CHAIR OF THE PLANNING COMMISSION.

COMMISSIONER LANE SECONDED THE MOTION WHICH CARRIED THE FOLLOWING VOTE:

AYES: SCOTT, LANE, MALLORY, RAITHEL, RALLS, JACKSON
NOES: NONE
ABSTAIN: NONE
ABSENT: ARNAZ

COMMISSIONER RAITHEL MOVED TO ELECT JOHN ARNAZ AS VICE-CHAIR OF THE PLANNING COMMISSION.

COMMISSIONER SCOTT SECONDED THE MOTION WHICH CARRIED THE FOLLOWING VOTE:

AYES: LANE, SCOTT, MALLORY, RAITHEL, RALLS, JACKSON
NOES: NONE
ABSTAIN: NONE
ABSENT: ARNAZ

Nominate Two Planning Commissioners to the Historic District Commission

COMMISSIONER MALLORY WAS NOMINATED TO SIT ON THE HISTORIC DISTRICT COMMISSION AND THIS CARRIED THE FOLLOWING VOTE:

AYES: MALLORY, RALLS
NOES: JACKSON, SCOTT, LANE, RAITHEL
ABSTAIN: NONE
ABSENT: ARNAZ

MOTION FAILED

COMMISSIONER RAITHEL WAS NOMINATED TO SIT ON THE HISTORIC DISTRICT COMMISSION AND THIS CARRIED THE FOLLOWING VOTE:

AYES: SCOTT, JACKSON, RAITHEL
NOES: RALLS, LANE, MALLORY
ABSTAIN: NONE
ABSENT: ARNAZ

MOTION FAILED

COMMISSIONER LANE WAS NOMINATED TO SIT ON THE HISTORIC DISTRICT COMMISSION AND THIS CARRIED THE FOLLOWING VOTE:

AYES: MALLORY, RALLS, LANE
NOES: JACKSON, SCOTT, RAITHEL
ABSTAIN: NONE
ABSENT: ARNAZ

MOTION FAILED

COMMISSIONER ARNAZ WAS NOMINATED TO SIT ON THE HISTORIC DISTRICT COMMISSION AND THIS CARRIED THE FOLLOWING VOTE:

AYES: RALLS, SCOTT, JACKSON, RAITHEL
NOES: LANE, MALLORY
ABSTAIN: NONE
ABSENT: ARNAZ

MOTION PASSED

COMMISSIONER RAITHEL WAS RE-NOMINATED TO SIT ON THE HISTORIC DISTRICT COMMISSION AND THIS CARRIED THE FOLLOWING VOTE:

AYES: JACKSON, MALLORY, SCOTT, RALLS, RAITHEL
NOES: LANE
ABSTAIN: NONE
ABSENT: ARNAZ

MOTION PASSED

CONTINUED ITEMS

1. PN 16-334, Lake Forest Business Park, 181 Blue Ravine Road - Tentative Parcel Map and Determination that the Project is Exempt from CEQA – Continued from the December 7, 2016 Planning Commission Meeting

A Public Hearing to consider a request from R.E.Y. Engineers for approval of a Tentative Parcel Map to subdivide a 4.8-acre parcel (includes two existing building) located at 181 Blue Ravine Road within the Lake Forrest Technical Center into two parcels. The project is zoned M-L (Limited Manufacturing District) and the General Plan land-use designation for the site is IND (Industrial/Office Park). The project is categorically exempt from the California Environmental Quality Act (CEQA) under Minor Land Divisions (15315). **(Project Planner: Principal Planner, Steve Banks / Applicant: R.E.Y. Engineers)**

COMMISSIONER SCOTT MOVED TO APPROVE THE LAKE FOREST BUSINESS CENTER TENTATIVE PARCEL MAP PROJECT CREATING TWO (2) PARCELS AS ILLUSTRATED IN ATTACHMENT 2, WITH THE FOLLOWING FINDINGS AND CONDITIONS: GENERAL FINDINGS A & B; CEQA FINDING C; TENTATIVE PARCEL MAP FINDINGS D – I; CONDITIONS OF APPROVAL 1 – 11.

COMMISSIONER RAITHEL SECONDED THE MOTION WHICH CARRIED THE FOLLOWING VOTE:

AYES: RALLS, LANE, SCOTT, JACKSON, RAITHEL, MALLORY
NOES: NONE
ABSTAIN: NONE
ABSENT: ARNAZ

2. PN 16-339, Natural Result Surgery Center - Planned Development Permit and Determination that the Project is Exempt from CEQA – Continued from the December 7, 2016 Planning Commission Meeting

A Public Hearing to consider a request from Williams and Paddon Architects for approval of a Planned Development Permit for development of an 11,000-square-foot medical surgery center (Natural Result Surgery Center) on a 1.91-acre parcel located at the southeast corner of East Bidwell Street and Creekside Drive. The project is zoned BP PD (Business and Professional Planned Development District) and the General Plan land-use designation for the site is CA (Specialty Commercial). The project is categorically exempt from the California Environmental Quality Act (CEQA) under In-Fill Development Projects (15332). **(Project Planner: Principal Planner, Steve Banks / Applicant: Williams and Paddon Architects)**

COMMISSIONER RAITHEL MOVED TO APPROVE A PLANNED DEVELOPMENT PERMIT FOR DEVELOPMENT AND OPERATION OF AN 11,000-SQUARE-FOOT MEDICAL OFFICE AND SURGERY CENTER AT THE SOUTHEAST CORNER OF THE INTERSECTION OF EAST BIDWELL STREET AND CREEKSIDE DRIVE AS ILLUSTRATED ON ATTACHMENTS 2 THROUGH 7 FOR THE NATURAL RESULT MEDICAL OFFICE AND SURGERY PROJECT WITH THE FOLLOWING FINDINGS AND CONDITIONS: GENERAL FINDINGS A & B; CEQA FINDINGS C – G; PLANNED DEVELOPMENT PERMIT FINDINGS H – O; CONDITIONS OF APPROVAL 1 – 54.

COMMISSIONER JACKSON SECONDED THE MOTION WHICH CARRIED THE FOLLOWING VOTE:

AYES: JACKSON, SCOTT, RALLS, LANE, RAITHEL
NOES: MALLORY
ABSTAIN: NONE
ABSENT: ARNAZ

NEW BUSINESS

3. PN 16-380, Sutter Health Folsom Urgent Care – Planned Development Permit Modification for Illuminated Signage and Determination that the Project is Exempt from CEQA

A Public Hearing to consider a request from GNU Group for approval of a Planned Development Permit Modification for illuminated signage at the Sutter Health Folsom Urgent Care located at 2575 E. Bidwell St. The zoning is BP PD and the General Plan is CA. The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301 (Existing Facilities) of the CEQA Guidelines. **Project Planner: Assistant Planner, Josh Kinkade / Applicant: GNU Group)**

COMMISSIONER SCOTT MOVED TO APPROVE THE PLANNED DEVELOPMENT PERMIT MODIFICATION FOR ILLUMINATION OF EXISTING WALL SIGNAGE AT THE SUTTER HEALTH FOLSOM URGENT CARE BUILDING AT 2575 E. BIDWELL ST., SUITE 100 (PN 16-380) WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL: GENERAL FINDINGS A – C; CEQA FINDING C; PLANNED DEVELOPMENT PERMIT FINDINGS E – L; CONDITIONS OF APPROVAL 1 – 3, ADDING CONDITION OF APPROVAL NO. 4 THAT READS AS FOLLOWS, “THE URGENT CARE SIGN SHALL BE TURNED OFF AT CLOSE OF BUSINESS”.

COMMISSIONER RAITHEL SECONDED THE MOTION WHICH CARRIED THE FOLLOWING VOTE:

AYES: RALLS, LANE, SCOTT, JACKSON, RAITHEL, MALLORY
NOES: NONE
ABSTAIN: NONE
ABSENT: ARNAZ

REPORTS:

Planning Commission/Planning Manager Report:

The City of Folsom extended to the Commissioners the opportunity to attend the 2017 Planning Commissioners Academy.

A General Plan Workshop will be held on the February 15, 2017 Planning Commission.

RESPECTFULLY SUBMITTED,

Amanda Palmer, SECRETARY

APPROVED:

Ross Jackson, CHAIRMAN



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Transmittal Sheet

DATE: 1/26/17

TO: Planning Commission

FROM: Scott A. Johnson, AICP

**SUBJECT: PN 16-171, Parkway Apartments – Planned Development Permit and
Consideration that the Project is Exempt form CEQA**

The item, Parkway Apartments, will be presented to the Planning Commission with the recommendation from City staff for continuation to the March 15, 2017 Planning Commission meeting.

Respectfully submitted,

A handwritten signature in blue ink that reads "Scott A. Johnson".

Scott A. Johnson, AICP
Planning Manager

DATE: January 25, 2017

TO: Planning Commission

FROM: Community Development Department

SUBJECT: **ORDINANCE NO. ____ – AN ORDINANCE OF THE CITY OF FOLSOM AMENDING CERTAIN SECTIONS IN TITLE 17 OF THE FOLSOM MUNICIPAL CODE REGARDING SECOND DWELLING UNITS**

BACKGROUND/ISSUE

The primary purpose of this Ordinance is to amend certain provisions in Title 17 of the Folsom Municipal Code (FMC) in order to align with the amended State law that went into effect on January 1, 2017. In addition, this Ordinance proposes to clean up several inconsistent and/or ambiguous sections of the code that pertain to second dwelling units.

The State of California has determined that second dwelling units or “accessory dwelling units” provide a valuable source of affordable housing and thus the State enacted mandates for communities to follow. Under California Government Code Section 65852.2 local governments are required to use a ministerial process for second dwelling unit applications (subject to reasonable development standards). The primary intent of the State’s accessory dwelling unit law is to provide for additional housing opportunities in an efficient and affordable manner and remove unnecessary, excessive and/or burdensome barriers. Should a community not have an accessory dwelling unit ordinance in its municipal code that aligns with State law, State law becomes the governing law. Pursuant to this requirement, the City Council adopted a Second Dwelling Unit Ordinance (FMC, Chapter 17.105) in 2008 to allow ministerial approval in all single-family residential zoning districts subject to certain criteria such as minimum lot size requirements, owner-occupancy requirement, various development standards such as size, setback, and height limits, etc. Furthermore, the Ordinance had the intent of expanding housing opportunities by increasing the number of housing units available within existing neighborhoods, while maintaining the primary residential character of an area.

On September 27, 2016, Governor Brown signed Assembly Bill 2299 (“AB 2299”) and Senate Bill 1069 (“SB 1069”) into law, both of which became effective on January 1, 2017. These two bills amended various sections of the Government Code related to second dwelling unit regulations. The new laws, which took effect on January 1, 2017, require that all discretionary provisions related to accessory dwelling units be removed from local ordinances and includes additional changes regulating parking, setbacks, utility and passageway requirements. Attachment 2 provides a strikeout/underlined version of these statutory revisions to Section 65852.2 of the Government Code relating to second dwelling units.

The proposed amendments set forth by this Ordinance bring the Folsom Municipal Code into compliance with current accessory dwelling unit State law. In addition, several other changes are proposed to assure consistency with other chapters of the zoning code.

POLICY/RULE

Under Section 17.68.040 of the FMC, amendments to the FMC require review by the Planning Commission and a recommendation to the City Council. Under Section 2.12 of the City Charter, amendments to the FMC require review and approval by the City Council.

ANALYSIS

As indicated in the background section of this report, the primary purpose of this Ordinance is to amend certain provisions of Chapter 17 of the Folsom Municipal Code in order to align with the amended State law that went into effect on January 1, 2017. Together, AB 2299 and SB 1069 amend various sections of the Government Code that regulate second dwelling units, imposing considerable limitations to local authorities' ability to regulate such units. These changes can be categorized into four primary topic areas, which include parking, type and size of units, approval process and timeliness, and water and sewer utility requirements.

New State Accessory Dwelling Unit Law

Some of the most noteworthy changes to State law that local ordinances must now adhere to and which are thus reflected in these proposed Ordinance amendments include the following:

- A time limit of 120 days for approval or denial of a second dwelling unit application.
- Maximum dwelling size for attached second dwelling unit was increased from 30% maximum living area of Primary Dwelling Unit to 50% maximum living area of Primary Dwelling Unit.
- Accessory Dwelling Units shall not be considered new residential uses for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.
- No "Passageway" shall be required in conjunction with the construction of an Accessory Dwelling Unit.
- Local agencies are now prohibited from imposing parking standards on units that are:
 - Located within one-half mile of public transit;
 - Located within an architecturally and historically significant district;
 - Part of the existing primary residence or an existing accessory structure;
 - Located where parking permits are required; and
 - Located within one block of a car share vehicle business.
- Accessory units of any kind are not required to provide fire sprinklers if they are not required for the primary residence.

Additionally, there are several substantive changes to the State's regulations that have implications for building and utilities but are not necessarily reflected in the proposed Ordinance amendments and therefore will be addressed by the applicable City departments as appropriate. Some of these changes are summarized as follows:

- Second dwelling units that are contained within an existing structure shall not be required to install a new or separate utility connection between the second dwelling unit and the utility or impose a related connection fee or capacity charge.
- For Second dwelling units that are not contained within an existing structure, a separate utility connection may be required, but any connection fee or charge shall not exceed the

reasonable cost of providing the service.

Additional Amendments

In addition to changes required by AB 2299 and SB 1069, this Ordinance proposes several additional code amendments related to second dwelling units. As part of staff's ongoing efforts to identify unnecessary complications within the City's zoning code, several additional code amendments relating to second dwelling units have been proposed in order to clarify and correct inconsistent and/or ambiguous sections of the FMC regarding second dwelling unit regulations that pertain to development standards and inclusionary housing.

With regards to development standards, the City applies two separate sets of development standards to second dwelling units regarding height and lot coverage based on whether the units are located within the Historic District or outside the district. And, while the existing Second Dwelling Unit Ordinance contains several provisions that allow for separate standards based on references to Chapter 17.52 (H-D, Historic District) and the Historic District Design and Development Guidelines (HDDDG), the provisions in the Ordinance fail to clearly inform readers about specific development standards associated with second dwelling units in the Historic District that are different than those identified in the Ordinance. As such, staff has identified this lack of specificity in the code regarding separate development standards as a matter that could benefit from clarification. Hence, the proposed Ordinance amends Sections 17.105.060(E) and 17.105.060(J)(3), by specifically referencing that Historic District exceptions apply to development standards associated with lot coverage and unit height.

Finally, the proposed Ordinance cleans up references to second dwelling units in the Inclusionary Housing Ordinance. In October of 2015, the City Council adopted Ordinance No. 1243, which modified the City's Inclusionary Housing Ordinance (FMC, Chapter 17.104) by removing second dwelling units as an alternative to on-site construction of inclusionary housing. Although the Ordinance removed second dwelling units as an alternative, staff has identified several remaining references to second dwelling units in Chapter 17.104. Since second dwelling units are no longer inclusionary housing alternatives, the proposed amendment eliminates irrelevant second dwelling unit references from Sections 17.104.030(C) and 17.104.100(F) of the code.

Conclusion

Several of the City's existing second dwelling unit regulations need update in order to comply with State law as of January 1st of this year. As such, the bulk of the amendments to the City's regulations described herein are crafted specifically to comply with the new State's requirements. Furthermore, these amendments are necessary to ensure that the City's goal of striking a balance between providing housing opportunities pursuant to State law and providing regulations (within the confines legally permitted by State law) that limit overall scale and maintain the primary residential character of Folsom's neighborhoods is achieved. In addition, several additional code amendments relating to second dwelling units have been proposed in order to clarify and correct inconsistent and/or ambiguous sections of the code regarding second dwelling unit regulations.

ENVIRONMENTAL REVIEW

The Ordinance is statutorily exempt from environmental review pursuant to Public Resources Code Section 21080.17 and Section 15282(h) of the California Environmental Quality Act (CEQA) Guidelines. In addition, the Ordinance is categorically exempt under Section 15061(b)(3), Review

for Exemption, of the CEQA Guidelines.

ATTACHMENTS

1. Ordinance No. _____ – An Ordinance of the City of Folsom Amending Certain Provisions in Title 17 of the Folsom Municipal Code Regarding Second Dwelling Units

2. Statutory Revisions to Section 65852.2 of the Government Code Relating to Second Dwelling Units.

RECOMMENDATION/PLANNING COMMISSION ACTION

MOVE TO RECOMMEND CITY COUNCIL APPROVAL OF ORDINANCE NO. _____ -AN ORDINANCE OF THE CITY OF FOLSOM AMENDING CERTAIN PROVISIONS IN TITLE 17 OF THE FOLSOM MUNICIPAL CODE REGARDING SECOND DWELLING UNITS, PER ATTACHMENT 1 WITH THE FOLLOWING FINDINGS:

GENERAL FINDINGS

- A. NOTICE OF HEARING HAS BEEN GIVEN AT THE TIME AND IN THE MANNER REQUIRED BY STATE LAW AND CITY CODE.

- B. THE PROJECT IS CONSISTENT WITH THE GENERAL PLAN AND ZONING CODE OF THE CITY.

CEQA FINDING

- C. THE ORDINANCE IS STATUTORILY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.17 AND SECTION 15282(h) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES. IN ADDITION, THE ORDINANCE IS CATEGORICALLY EXEMPT UNDER SECTION 15061(B)(3), REVIEW FOR EXEMPTION, OF THE CEQA GUIDELINES.

Respectfully Submitted,



DAVID E. MILLER, AICP
Community Development Director

ATTACHMENT 1

Ordinance No. _____ – An Ordinance of the City of
Folsom Amending Certain Provisions in Title 17 of the
Folsom Municipal Code Regarding Second Dwelling Units

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF FOLSOM AMENDING CERTAIN PROVISIONS
IN ~~CHAPTER TITLE~~ 17 OF THE FOLSOM MUNICIPAL CODE REGARDING
SECOND DWELLING UNITS**

The City Council of the City of Folsom does ordain as follows:

SECTION 1 PURPOSE

The purpose of this ordinance is to amend certain Sections in Chapters 17.104, Inclusionary Housing, and 17.105, Second Dwelling Units, of the Folsom Municipal Code, to comply with recent amendments to state law regarding Second Dwelling Units and to assure consistency with other chapters of the zoning code.

SECTION 2 AMENDMENT TO CODE

Section 17.104.030(C) of the Folsom Municipal Code is hereby amended to read as follows:

17.104.030 Inclusionary housing requirement.

C. Unit Size. The inclusionary housing requirement shall accommodate diverse family sizes by including a mix of studio, one-, two- and/or three-bedroom units and the mix of inclusionary unit sizes shall generally accommodate the household sizes identified in the city's general plan, ~~except "second dwelling units," or accessory dwellings, or~~ unless otherwise negotiated in the inclusionary housing agreement. A developer may propose an alternative mix of the size of units as part of its inclusionary housing plan.

SECTION 3 AMENDMENT TO CODE

Section 17.104.100(F) of the Folsom Municipal Code is hereby amended to read as follows:

17.104.100 Administration of the inclusionary housing requirement.

~~F. Second Dwelling Units. A real estate disclosure requirement shall be recorded against each lot with a second dwelling inclusionary unit requiring the buyer of the property to agree to tenant income requirements of the second dwelling inclusionary unit and a form for the city to be notified of transfer of title. Reserved.~~

SECTION 4 AMENDMENT TO CODE

Section 17.105.030(F) of the Folsom Municipal Code is hereby amended to read as follows:

17.105.30 Definitions

F. "Second Dwelling Unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking and sanitation sited on the same parcel as the Primary Dwelling Unit. A Second Dwelling Unit may also be referred to as a "Granny Flat," a "Second Unit", or an "Accessory Dwelling Unit".

SECTION 5 ADDITION TO CODE

Subsections (G) and (H) are hereby added to Section 17.105.030 of the Folsom Municipal Code to read as follows:

17.105.030 Definitions

G. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the Second Dwelling Unit.

H. "Car Share Vehicle" means a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization and provides hourly or daily service.

SECTION 6 AMENDMENT TO CODE

Section 17.105.040 of the Folsom Municipal Code is hereby amended to read as follows:

17.105.040 Ministerial approval

If the application for a Second Dwelling Unit complies with all of the requirements of this Chapter, and the project does not present any adverse impacts on any real property that is listed in the California Register of Historic Places, this application shall be considered ministerially without discretionary review, within 120 days of submittal of a complete building permit application.

SECTION 7 AMENDMENT TO CODE

Sections 17.105.060(C), (E), (F), (H), (I), (J), and (O) of the Folsom Municipal Code are hereby amended to read as follows:

17.105.060 Development Standards

C. Maximum dwelling size. If attached, the Second Dwelling Unit shall have a living area not to exceed 30%-50% of the living area of the Primary Dwelling Unit, up to a maximum of 1,200 square feet; however, if the floor area of the Primary Dwelling Unit is less than 1,200 square feet then, notwithstanding the foregoing, the floor area of an attached Secondary Dwelling Unit may exceed 30%-50% of the living area of the Primary Dwelling Unit, up to a maximum of 1,200 square feet as long as all other requirements of this Chapter are met. If detached, the Second Dwelling Unit shall not exceed a maximum of 1,200 square feet of living area.

E. Maximum Lot Coverage. The maximum lot coverage in the single-family residential zoning district may be increased for second dwelling units up to a maximum of ten percent, except in the Historic District where the maximum lot coverage may only be increased up to a maximum of five percent.

F. Utilities. All necessary public and private utilities and services shall be required for the Second Dwelling Unit. Second Dwelling Units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

H. Entrance. A separate entrance, independent of the entrance for the Primary Dwelling Unit, shall be provided. Any entrances to a Second Dwelling Unit shall not be located on the same building elevation as the entrance to the Primary Dwelling Unit. No Passageway shall be required in conjunction with the construction of a Second Dwelling Unit.

I. Parking. The Second Dwelling Unit shall be required to provide no more than one off-street parking space per unit. Additional parking may be added-required, up to a maximum of one parking space per bedroom, provided that a finding is made by the Director of Community Development Department that the additional parking requirements are directly related to the use of the Second Dwelling Unit and are consistent with any existing neighborhood standards applicable to the existing Primary Dwelling unit. Notwithstanding the foregoing, a Second Dwelling Unit is not required to provide parking in any of the following instances:

1. The Second Dwelling Unit is located within one-half mile of public transit.
2. The Second Dwelling Unit is located in the Historic District.
3. The Second Dwelling Unit is part of an existing Primary Dwelling Unit or an existing Accessory Building or Structure.
4. When there is a Car Share Vehicle, as defined in this Chapter, located within one block of the Second Dwelling Unit.

J. Conformity with Regulatory Requirements.

1. Attached or detached ~~second-Second dwelling-Dwelling units-Units~~ shall comply with the height, setback, and lot coverage standards as well as fees, charges and other zoning requirements applicable to construction in the permitted single-family residential zoning district.
2. A ~~second-Second dwelling-Dwelling unit-Unit~~ may be within, attached to, or detached from the existing primary dwelling unit. If within or attached, the ~~second-Second dwelling-Dwelling unit-Unit~~ shall comply with all required building setbacks for the ~~primary-Primary dwelling-Dwelling unit-Unit~~. If

detached, the ~~second-Second dwelling-Dwelling unit-Unit~~ shall be separated from the ~~primary-Primary dwelling-Dwelling unit-Unit~~ by a minimum of six feet or a separation defined in the California Building Code as being adequate to prevent fires from moving from one building to the next, whichever is the greater requirement to maximize fire safety, and shall maintain a minimum setback from property lines of five feet.

3. Notwithstanding the foregoing, a ~~second-Second dwelling-Dwelling unit-Unit~~ may be located as close as five feet from a rear property line; provided, that the structure is no higher than eighteen feet tall measured from the highest part of the structure to natural grade. The maximum allowed height of a ~~second-Second dwelling-Dwelling unit-Unit~~ may increase as the distance between the ~~second-Second dwelling-Dwelling unit-Unit~~ and the property line increases as follows: for every additional foot of setback, the maximum height may be increased by one-half foot; however, except in the Historic District, the height of the ~~second-Second dwelling-Dwelling unit-Unit~~ may not exceed the height of the ~~primary-Primary dwelling-Dwelling unit-Unit~~ or the maximum height allowed in the single-family residential zoning district, whichever is lower. In the Historic District, the height of the Second Dwelling Unit shall be governed by Chapter 17.52 of this Code and the Historic District Design and Development Guidelines.

O. All other zoning requirements generally applicable to residential construction in the zone in which the Second Dwelling Unit is located, as well as all applicable building and uniform codes, shall apply to the Second Dwelling Unit. ~~Second Dwelling Units shall not be required to provide fire sprinklers if they are not required for the Primary Dwelling Unit.~~

SECTION 8 SCOPE

Except as set forth in this ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 9 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 10 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on _____, 2017, and the second reading occurred at the regular meeting of the City Council on _____, 2017.

On a motion by Council Member _____, seconded by Council Member _____ the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this _____ day of _____, 2017, by the following vote, to wit:

AYES: Council Member(s)

NOES: Council Member(s)

ABSTAIN: Council Member(s)

ABSENT: Council Member(s)

Andrew J. Morin, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

ATTACHMENT 2

Statutory Revisions to Section 65852.2 of the Government
Code Relating to Second Dwelling Units.

Statutory Changes (Strikeout/Underline)

Government Code Section 65852.2

(a) (1) ~~Any~~ A local agency may, by ordinance, provide for the creation of ~~second-accessory dwelling~~ units in single-family and multifamily residential zones. The ordinance ~~may~~ shall do ~~any~~ all of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second-accessory dwelling~~ units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of ~~second-accessory dwelling~~ units on traffic ~~flow~~. flow and public safety.

(B) (i) Impose standards on ~~second-accessory dwelling~~ units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that ~~second-accessory dwelling~~ units do not exceed the allowable density for the lot upon which the ~~second-accessory dwelling~~ unit is located, and that ~~second-accessory dwelling~~ units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. ~~Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of ADUs.~~ permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of ADUs. an accessory dwelling unit.

~~(b) (4) (1) An~~ When existing ordinance governing the creation of an accessory dwelling unit by a local agency which has not adopted an ordinance governing ADUs in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a ADU if the ADU complies with all of the following: that complies with this section.

~~(A) The unit is not intended for sale and may be rented.~~

~~(B) The lot is zoned for single-family or multifamily use.~~

~~(C) The lot contains an existing single-family dwelling.~~

~~(D) The ADU is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~

~~(E) The increased floor area of an attached ADU shall not exceed 30 percent of the existing living area.~~

~~(F) The total area of floorspace for a detached ADU shall not exceed 1,200 square feet.~~

~~(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.~~

~~(H) Local building code requirements which apply to detached dwellings, as appropriate.~~

~~(I) Approval by the local health officer where a private sewage disposal system is being used, if required.~~

(2) ~~(5)~~ No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(3) ~~(6)~~ This subdivision establishes the maximum standards that local agencies shall use to evaluate ~~proposed ADUs on lots~~ a proposed accessory dwelling unit on a lot zoned for residential use ~~which contain~~ that contains an existing single-family dwelling. No additional standards, other than those provided in this ~~subdivision or subdivision~~ (a) subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an ~~owner-occupant~~ owner-occupant or that the property be used for rentals of terms longer than 30 days.

(4) ~~(7)~~ ~~No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any~~ A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ADUs an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(5) ~~(8)~~ A ADU which conforms to the requirements of An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use ~~which that is~~ consistent with the existing general plan and zoning designations for the lot. The ~~ADUs~~ accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

~~(e) (b) No~~ When a local agency shall adopt an ordinance which totally precludes ADUs within single-family or multifamily-zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing ADUs within single-family and multifamily-zoned areas justify adopting the ordinance. that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(d) ~~(c)~~ A local agency may establish minimum and maximum unit size requirements for both attached and detached ~~second~~ accessory dwelling units. No minimum or maximum size for a ~~second~~ an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings ~~which that~~ does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Parking requirements for ADUs shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the

use of the ADU and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of second-accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000), 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs. an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinances ordinance adopted pursuant to subdivision (a) or (e) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area," area means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) ~~"Second-"~~ Accessory dwelling unit means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ~~A second-~~ An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for ~~second-~~accessory dwelling units.

DATE: January 26, 2017

TO: Planning Commission

FROM: Community Development Department

SUBJECT: **ORDINANCE NO. _____ –AN ORDINANCE OF THE CITY OF FOLSOM AMENDING SECTION 17.28.020 OF THE FOLSOM MUNICIPAL CODE REGARDING PERMITTED USES IN THE M-1 LIGHT INDUSTRIAL ZONE**

BACKGROUND/ISSUE

This Folsom Municipal Code (FMC) amendment is a part of a continuing effort by the Community Development Department staff to encourage economic development and streamline zoning regulations. Staff is continually reviewing existing zoning regulations in an effort to bring forth common sense modifications that help to advance economic growth and ease the development and sustainability of new and existing businesses within the City of Folsom. In this case, staff is recommending an amendment to the FMC to clarify which commercial land uses identified in the Commercial Use Table (FMC 17.22.030E) that require a Conditional Use Permit (CUP) are considered light industrial uses and therefore permitted within the M-1 zone without a CUP.

City staff recently received interest from a local Folsom business to establish a microbrewery in Folsom. In reviewing this concept, staff identified an apparent discrepancy in the FMC relative to light industrial land uses identified in the Commercial Use Table that require a Conditional Use Permit (CUP) and those uses that are permitted in M-1. According to Section 17.28.020 of the FMC regarding M-1 Zones as currently drafted, “uses permitted in C-3 (General Commercial) districts with a Use Permit from the Planning Commission are permitted in the M-1 zoning district after securing a Use Permit from the Planning Commission”. In the particular case of a microbrewery, the Commercial Use Table stipulates that a CUP is required for microbreweries in a C-3 zone, and thus pursuant to above referenced FMC section, a CUP is also required for microbreweries in an M-1 zone. However, in reviewing the list of permitted uses in the M-1 zone (which include “manufacturing, processing, fabrication, refining, repairing and packaging” facilities, as well as “cooperage and bottling works”) staff concluded that a microbrewery (which manufactures and bottles beer) falls within the parameters of currently permitted uses identified in the M-1 zone, which do not require a CUP. Furthermore, considering that larger scale manufacturing facilities (such as Kikkoman and Gekkeikan Sake) are allowed in the M-1 zoning district without a CUP, staff determined that there is a need to address the aforementioned discrepancy.

Additionally, upon closer examination of the FMC, staff identified several additional light industrial uses (assembly-light manufacturing; billboard sign agency; building trade’s service yard and workshop; and garage equipment and tools sales) that are listed in the Commercial Use

Table where a similar discrepancy exists. As a result, staff is proposing to modify the FMC to clarify that the aforementioned light industrial uses do not require a CUP in the M-1 Zone.

As indicated above, the proposed amendments set forth by this Ordinance strive to bring forth common sense modifications that help advance economic growth and stream line zoning regulations within the City of Folsom. Specifically, the proposed amendments seek to clarify that a select group of light industrial uses that require a CUP in the C-3 zoning district do not require a use permit in the M-1 zone.

POLICY/RULE

Under Section 17.68.040 of the FMC, amendments to the FMC require review by the Planning Commission and a recommendation to the City Council. Under Section 2.12 of the City Charter, amendments to the FMC require review and approval by the City Council.

ANALYSIS

The proposed amendments set forth by this Ordinance are part of an ongoing effort by the Community Development Department staff to continually review existing zoning regulations in an effort to bring forth common sense modifications that help clarify zoning regulation inconsistencies and/or help to advance economic growth by streamlining zoning regulations.

As indicated in the background section of this report, staff identified several discrepancies in the FMC relative to light industrial land uses identified in the Commercial Use Table that currently are identified as requiring a Conditional Use Permit (CUP) in the M-1 zoning district but, given the nature of their operations, are very similar to uses that are currently permitted in M-1 without a CUP. As a result, the proposed Ordinance sets out to remedy this discrepancy by simply clarifying that a number of light industrial land uses that require a CUP in the C-3 zoning district are permitted uses in the M-1 zone, and do not require a CUP. Specifically, the amendment modifies Section 17.28.020 of the FMC as follows:

17.28.020 Permitted uses.

Uses permitted are:

1. Uses permitted in C-3 districts, except that dwellings, as defined herein, and hotels are not permitted. Uses permitted in C-3 districts with use permit from the planning commission are permitted in this district after securing a use permit from the planning commission. **Notwithstanding the foregoing, no use permit shall be required for the following uses, when conducted within a building or enclosed within a solid wall or fence of a type approved by the planning commission, not less than 6 feet in height:**

- a. **Microbrewery**
- b. **Billboard sign agency – service yard and workshop**
- c. **Building trades service yard and workshop**
- d. **Garage equipment and tool sales with or without outside storage**
- e. **Assembly – light manufacturing;**

In crafting the subject Ordinance, staff was focused on examining the FMC as it pertains to industrial uses permitted in the M-1 zoning district and identifying similar land uses that, under current zoning regulations, require a CUP in the C-3 (and by default M-1) zoning district. Based on staff’s analysis, there are five light industrial uses identified in the Commercial Use Table that require a CUP in the C-3 zoning district which are similar to uses currently permitted without a CUP in the M-1 zoning district. The Land Use Comparison Table below summarizes staff’s analysis.

Land Use Comparison Table Similar Land Uses	
Light Industrial Uses That Require a CUP in C-3	Uses Permitted in M-1
Building trades service yard and workshop	<ul style="list-style-type: none"> • Construction and material yards (except gravel, rock and cement) • Cabinet shops
Assembly-light manufacturing	<ul style="list-style-type: none"> • Manufacturing, processing fabricating, refining, repairing and packaging
Garage equipment and tools sales	<ul style="list-style-type: none"> • Wholesale and storage warehouses
Microbrewery	<ul style="list-style-type: none"> • Cooperage and bottling works • Manufacturing, processing fabricating, refining, repairing and packaging
Billboard sign agency	<ul style="list-style-type: none"> • Sheet metal shops, welding shops • Manufacturing, processing fabricating, refining, repairing and packaging

As indicated in the Land Use Comparison Table above, assembly-light manufacturing; microbrewery; billboard sign agency; building trade’s service yard and workshop; and garage equipment and tools sales are uses that are similar to currently permitted uses in the M-1 zoning district that do not require a CUP. Furthermore, each of these aforementioned land uses are comparable to existing businesses (see list below) currently operating in the City of Folsom’s Light Industrial zoning designations without a CUP.

- Gekkeikan Sake (Beverage Manufacturer)
- Kikkoman Foods (Food Processing and Manufacturing)
- Syblon Reid (Construction Company)
- Signs Now (Sign Manufacturer)
- Acme Saw & Supply (Power Equipment Sales and Repair)
- Thomas Custom Woodworks (Cabinet Shop)

As noted earlier, this proposed Ordinance is a part of a continuing effort by the Community Development Department staff to encourage economic development and streamline zoning regulations. The proposed amendment is consistent with the intent of the Light Industrial zoning district in providing for wholesale and warehousing uses as well as those industrial uses that involve fabrication, manufacturing, processing of raw materials or assembly of finished goods, products or equipment. In addition, it is important to note that any new construction in the M-1 zoning districts is subject to Design Review. By amending the Folsom Municipal Code to clarify

that specific light industrial uses requiring a CUP in the C-3 zoning designation are permitted uses in the M-1 zoning designation without a CUP, future ambiguity regarding these uses will be eliminated.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Section 15061(b)(3) Review for Exemption of the California Environmental Quality Act (CEQA) Guidelines.

ATTACHMENTS

1. Ordinance No. _____ - An Ordinance of the City of Folsom Amending Section 17.28.020 of the Folsom Municipal Code Regarding Permitted Uses in the M-1 Light Industrial Zone
2. Map of M-1 Zoned Properties in City of Folsom

RECOMMENDATION/PLANNING COMMISSION ACTION

MOVE TO RECOMMEND CITY COUNCIL APPROVAL OF ORDINANCE NO. _____ – AN ORDINANCE OF THE CITY OF FOLSOM AMENDING SECTION 17.28.020 OF THE FOLSOM MUNICIPAL CODE REGARDING PERMITTED USES IN THE M-1 LIGHT INDUSTRIAL ZONE, PER ATTACHMENT 1 WITH THE FOLLOWING FINDINGS:

GENERAL FINDINGS

- A. NOTICE OF HEARING HAS BEEN GIVEN AT THE TIME AND IN THE MANNER REQUIRED BY STATE LAW AND CITY CODE.
- B. THE ORDINANCE IS CONSISTENT WITH THE GENERAL PLAN AND ZONING CODE OF THE CITY.

CEQA FINDING

- C. THE ORDINANCE IS CATEGORICALLY EXEMPT UNDER SECTION 15061(B)(3) REVIEW FOR EXEMPTION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.

Respectfully Submitted,

DAVID E. MILLER, AICP
Community Development Director

Table where a similar discrepancy exists. As a result, staff is proposing to modify the FMC to clarify that the aforementioned light industrial uses do not require a CUP in the M-1 Zone.

As indicated above, the proposed amendments set forth by this Ordinance strive to bring forth common sense modifications that help advance economic growth and stream line zoning regulations within the City of Folsom. Specifically, the proposed amendments seek to clarify that a select group of light industrial uses that require a CUP in the C-3 zoning district do not require a use permit in the M-1 zone.

POLICY/RULE

Under Section 17.68.040 of the FMC, amendments to the FMC require review by the Planning Commission and a recommendation to the City Council. Under Section 2.12 of the City Charter, amendments to the FMC require review and approval by the City Council.

ANALYSIS

The proposed amendments set forth by this Ordinance are part of an ongoing effort by the Community Development Department staff to continually review existing zoning regulations in an effort to bring forth common sense modifications that help clarify zoning regulation inconsistencies and/or help to advance economic growth by streamlining zoning regulations.

As indicated in the background section of this report, staff identified several discrepancies in the FMC relative to light industrial land uses identified in the Commercial Use Table that currently are identified as requiring a Conditional Use Permit (CUP) in the M-1 zoning district but, given the nature of their operations, are very similar to uses that are currently permitted in M-1 without a CUP. As a result, the proposed Ordinance sets out to remedy this discrepancy by simply clarifying that a number of light industrial land uses that require a CUP in the C-3 zoning district are permitted uses in the M-1 zone, and do not require a CUP. Specifically, the amendment modifies Section 17.28.020 of the FMC as follows:

17.28.020 Permitted uses.

Uses permitted are:

1. Uses permitted in C-3 districts, except that dwellings, as defined herein, and hotels are not permitted. Uses permitted in C-3 districts with use permit from the planning commission are permitted in this district after securing a use permit from the planning commission.

Notwithstanding the foregoing, no use permit shall be required for the following uses, when conducted within a building or enclosed within a solid wall or fence of a type approved by the planning commission, not less than 6 feet in height:

- a. Microbrewery
- b. Billboard sign agency – service yard and workshop
- c. Building trades service yard and workshop
- d. Garage equipment and tool sales with or without outside storage
- e. Assembly – light manufacturing;

In crafting the subject Ordinance, staff was focused on examining the FMC as it pertains to industrial uses permitted in the M-1 zoning district and identifying similar land uses that, under current zoning regulations, require a CUP in the C-3 (and by default M-1) zoning district. Based on staff’s analysis, there are five light industrial uses identified in the Commercial Use Table that require a CUP in the C-3 zoning district which are similar to uses currently permitted without a CUP in the M-1 zoning district. The Land Use Comparison Table below summarizes staff’s analysis.

Land Use Comparison Table Similar Land Uses	
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As indicated in the Land Use Comparison Table above, assembly-light manufacturing; microbrewery; billboard sign agency; building trade’s service yard and workshop; and garage equipment and tools sales are uses that are similar to currently permitted uses in the M-1 zoning district that do not require a CUP. Furthermore, each of these aforementioned land uses are comparable to existing businesses (see list below) currently operating in the City of Folsom’s Light Industrial zoning designations without a CUP.

- Gekkeikan Sake (Beverage Manufacturer)
- Kikkoman Foods (Food Processing and Manufacturing)
- Syblon Reid (Construction Company)
- Signs Now (Sign Manufacturer)
- Acme Saw & Supply (Power Equipment Sales and Repair)
- Thomas Custom Woodworks (Cabinet Shop)

As noted earlier, this proposed Ordinance is a part of a continuing effort by the Community Development Department staff to encourage economic development and streamline zoning regulations. The proposed amendment is consistent with the intent of the Light Industrial zoning district in providing for wholesale and warehousing uses as well as those industrial uses that involve fabrication, manufacturing, processing of raw materials or assembly of finished goods, products or equipment. In addition, it is important to note that any new construction in the M-1 zoning districts is subject to Design Review. By amending the Folsom Municipal Code to clarify

that specific light industrial uses requiring a CUP in the C-3 zoning designation are permitted uses in the M-1 zoning designation without a CUP, future ambiguity regarding these uses will be eliminated.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Section 15061(b)(3) Review for Exemption of the California Environmental Quality Act (CEQA) Guidelines.

ATTACHMENTS

1. Ordinance No. _____ - An Ordinance of the City of Folsom Amending Section 17.28.020 of the Folsom Municipal Code Regarding Permitted Uses in the M-1 Light Industrial Zone

2. Map of M-1 Zoned Properties in City of Folsom

RECOMMENDATION/PLANNING COMMISSION ACTION

MOVE TO RECOMMEND CITY COUNCIL APPROVAL OF ORDINANCE NO. _____ – AN ORDINANCE OF THE CITY OF FOLSOM AMENDING SECTION 17.28.020 OF THE FOLSOM MUNICIPAL CODE REGARDING PERMITTED USES IN THE M-1 LIGHT INDUSTRIAL ZONE, PER ATTACHMENT 1 WITH THE FOLLOWING FINDINGS:

GENERAL FINDINGS


- A. NOTICE OF HEARING HAS BEEN GIVEN AT THE TIME AND IN THE MANNER REQUIRED BY STATE LAW AND CITY CODE.

- B. THE ORDINANCE IS CONSISTENT WITH THE GENERAL PLAN AND ZONING CODE OF THE CITY.

CEQA FINDING

- C. THE ORDINANCE IS CATEGORICALLY EXEMPT UNDER SECTION 15061(B)(3) REVIEW FOR EXEMPTION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.

Respectfully Submitted,



DAVID E. MILLER, AICP
Community Development Director

ATTACHMENT 1

Ordinance No. _____ - An Ordinance of the City of
Folsom Amending Section 17.28.020 of the Folsom
Municipal Code Regarding Permitted Uses in the M-1
Light Industrial Zone

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF FOLSOM AMENDING SECTION 17.28.020 OF THE FOLSOM MUNICIPAL CODE REGARDING PERMITTED USES IN THE M-1 LIGHT INDUSTRIAL ZONE

The City Council of the City of Folsom does ordain as follows:

SECTION 1 PURPOSE

The purpose of this ordinance is to amend Subsection (1) of Section 17.28.020 of the Folsom Municipal Code, M-1 Light Industrial District, to clarify types of land uses permitted within the M-1 Zone without a use permit.

SECTION 2 AMENDMENT TO CODE

Section 17.28.020(1) of the Folsom Municipal Code is hereby amended to read as follows:

17.28.020 Permitted uses.

Uses permitted are:

1. Uses permitted in C-3 districts, except that dwellings, as defined herein, and hotels are not permitted. Uses permitted in C-3 districts with use permit from the planning commission are permitted in this district after securing a use permit from the planning commission.

Notwithstanding the foregoing, no use permit shall be required for the following uses, when conducted within a building or enclosed within a solid wall or fence of a type approved by the planning commission, not less than 6 feet in height:

- a. Microbrewery
- b. Billboard sign agency – service yard and workshop
- c. Building trades service yard and workshop
- d. Garage equipment and tool sales with or without outside storage
- e. Assembly – light manufacturing:

SECTION 3 SCOPE

Except as set forth in this ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 4 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on _____, 2017, and the second reading occurred at the regular meeting of the City Council on _____, 2017.

On a motion by Council Member _____, seconded by Council Member _____ the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this _____ day of _____, 2017, by the following vote, to wit:

- AYES: Council Member(s)
- NOES: Council Member(s)
- ABSTAIN: Council Member(s)
- ABSENT: Council Member(s)

Andrew J. Morin, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

ATTACHMENT 2

Map of M-1 Zoned Properties in City of Folsom

CITY OF FOLSOM

M-1 Zoned Properties

Industrial Zoning

-  M-1
-  Silverbrook Specific Plan Industrial/Office Park

