ROCKLIN CITY COUNCIL SPECIAL

City Council Special Meeting
City Hall - Council Chambers
3970 Rocklin Rd. Rocklin, CA 95677
Website: www.rocklin.ca.us

February 4, 2025
Joint City Council & Planning Commission Meeting
Special Session 5:00 p.m.

JILL GAYALDO, *Mayor*
DAVID BASS, *Vice Mayor*
KEN BROADWAY, *Council Member*
BILL HALLDIN, *Council Member*
GREG JANDA, *Council Member*

TWIANA ARMSTRONG, *Chair*
MICHAEL BARRON, *Vice Chair*
ROBERTO CORTEZ, *Commissioner*
GREGG MCKENZIE, *Commissioner*
JARED THOMAS, *Commissioner*

HOW TO PARTICIPATE

The City of Rocklin welcomes your interest and involvement in the City's legislative process. The City Council has established a procedure for addressing the Council. Persons wishing to address the City Council are asked to voluntarily complete and submit a speaker identification sheet to the City Clerk. Speaker identification sheets are available near the entrance of the Council Chambers. For items listed on the agenda, any person may address the City Council at the time the item is considered. Speakers are requested to restrict their comments to the item as it appears on the agenda and stay within the required three-minute time limit. The Brown Act does not permit the City Council to take action on items brought up as public comment.

WRITINGS RECEIVED AFTER AGENDA POSTING

Any writing or documents related to an agenda item for this meeting provided to the City Council will be made available for public inspection at City Hall, 3970 Rocklin Road, Rocklin, during normal business hours.

AMERICANS WITH DISABILITIES ACT

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The Levine Act requires a party (or the party's agent(s)) to a proceeding before the City of Rocklin that involves any action or consideration to their contract, license, permit, or other entitlement for use, to disclose any campaign contribution made to a City elected or appointed officer (including Councilmembers, Planning Commissioners, and members of other City boards and commissions) totaling more than $500 within the 12 months before the City decision.

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If making a presentation regarding an agenda item, all audio/visual materials must be submitted to the City Clerk or Secretary at least 72 hours in advance. The City is not responsible for the compatibility or operation of non-city devices or the functionality of non-city presentations.

POSTING OF AGENDA

In accordance with Government Code Section 54954.2(a) this agenda was posted on the City's bulletin board at City Hall, 3970 Rocklin Road, Rocklin, and City of Rocklin website at www.rocklin.ca.us.

AGENDA

SPECIAL MEETING INSTRUCTIONS

The public may listen to audio or view the meeting via live stream at https://www.rocklin.ca.us/agendas-minutes. For those that do not plan on attending in person, but wish to make a public comment during the meeting, public comments will be accepted in email form until 3:00 p.m. on the meeting day. Public comments should be submitted to the City Clerk at PublicComments@rocklin.ca.us. Emailed public comments will be distributed to City Council and treated as a public record.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CITIZENS ADDRESSING THE CITY COUNCIL

DISCUSSION ITEMS

D1. Zoning Ordinance Update
Recommendation: Receive a presentation regarding the City of Rocklin Comprehensive Zoning Ordinance and Zoning Map Update Project (ZONE Rocklin), Discuss the Recommendations Memo, and Provide Feedback.

ADJOURNMENT

City Council Special Staff Report

Subject: Zoning Ordinance Update

Date: February 4, 2025

Submitted By: Nathan Anderson, Senior Planner
David Mohlenbrok, Community Development Director

Department: Community Development

Recommendation:
Receive a presentation regarding the City of Rocklin Comprehensive Zoning Ordinance and Zoning Map Update Project (ZONE Rocklin), Discuss the Recommendations Memo, and Provide Feedback.

Background:
Meeting Format and Purpose:
This meeting is an opportunity for decision-makers, stakeholders, members of the public, and interested parties to provide comments and initial feedback regarding the ZONE Rocklin Recommendations Memo (Attachment 1). This memo outlines the key findings and conclusions which resulted from an assessment of the current Zoning Ordinance and recommends a number of ways that the current ordinance could be improved to meet the overall goals and objectives of the update (stated below). It is intended to distill key choices and present “big ideas” for the update, which will be further developed and refined as draft regulations are created. While written comments are encouraged by February 18, 2025, and participation in the public hearing is welcomed, feedback on the memo will continue to be accepted throughout the update process.

During the Workshop, the City Council and Planning Commission will receive a presentation regarding the Recommendations Memo and share any initial comments, questions or input that any member of each body may have. Following this, the meeting will transition to public comment, allowing members of the public to share their perspectives. After public comment concludes, City Councilmembers and Planning Commissioners will have the opportunity to discuss the Memo and overall project and provide feedback to City staff and consultants.

No formal action will be taken on the memo during this meeting. If substantive or policy-related modifications are suggested, staff seeks input from the Planning Commission and City Council on whether these changes should be evaluated as part of the ZONE Rocklin update.

Background:
ZONE Rocklin is a comprehensive initiative to update the City of Rocklin's Zoning Ordinance and Zoning Map. The project's overall goal is to create modern, flexible, effective, and user-friendly zoning that will serve as an effective tool to achieve the community's vision for the future. Specific goals and objectives of the project are as follows:

Project Goal: The goal of the updated Zoning Ordinance is to create a document that achieves the following:

- Streamlined and transparent in its administration and decision-making processes
- Promotes economic development and high-quality design
- Provides flexibility
- Is intuitive, contains graphics, and is user-friendly
- Is consistent with State and federal law

General Objectives: The updated Zoning Ordinance is intended to:

- Provide for a logically organized ordinance with a user-friendly index and with provisions that are easily understood by all users (e.g., simplify legalistic language)
- Protect residential communities from incompatible developments
- Reflect contemporary best practices
- Update allowable uses to reflect current business practices
- Streamline approval process for minor permits and approvals
- Explore the option of reducing and/or eliminating planned development zones, architectural districts, overlay zones, and special requirements

As an initial step, City staff and the consultant team have analyzed the current Zoning Ordinance to identify key issues that should be considered as part of the Zoning Ordinance Update. The ZONE Rocklin Recommendations Memo summarizes the principal findings and conclusions from this analysis, offering recommendations to enhance the ordinance and align it with the project's goals and objectives.

Recommendations Memo Overview:
Overall, the substantive framework of Rocklin's zoning regulations, development standards, and review procedures provide a solid foundation. However, amendments and the adoption of numerous General Development Plans over time have made zoning in Rocklin complex and challenging to implement. A revised ordinance that integrates approaches differently could serve as a more effective tool for implementing the General Plan. Instituting the reforms outlined in the following recommendations could help Rocklin better achieve its goals by enhancing usability, streamlining review procedures, and clarifying standards.

The memo is organized by four topical areas listed below and discussed in detail in the body of the memo.

Ordinance Usability
- Develop a New Format and Organization
- Simplify Regulations and Procedures
- Update and Define Land Uses Regulated by the Zoning Ordinance
- Provide Clear Definitions and Rules of Measurement

Development Standards
- Update Development Standards
- Provide Certainty and Allow Flexibility
- Reduce Minimum Parking Requirements
- Enable Consideration of Parking Reductions
- Exempt or Reduce Parking Requirements for Change of Use

Review Processes
- Adjust Review Thresholds
- Clarify City Council's Role as a Legislative Body
- Consider a Minor Use Permit Process
- Clarify Review Procedures

Compliance with State and Federal Law
- Summary of common State and Federal laws relevant to land use regulation

The Recommendations Memo also includes a summary list of comments received during interviews with a handful of "ordinance users", including those who are familiar with development, design, and real estate in the Rocklin area. Interviews were conducted to learn about issues associated with the City's current Zoning Ordinance and Zoning Map in advance of this project. The experiences and perspective of the interviewees varied, which influenced the input from each ordinance user. Topics discussed ranged from the overall approach to land use regulation in Rocklin to the amount of building coverage allowed on an individual lot. Despite the varied input, some common themes emerged:

1. Simplify the regulatory framework, particularly the complex framework created by the City's reliance on General Development Plans.
2. Incorporate flexibility and revise standards to accommodate contemporary land use and development.
3. Streamline the review process and adjust review bodies to more appropriately reflect the significance of a project. Empower staff to make more decisions on projects and reduce reliance on Planning Commission and/or City Council review.

Comments from the study session and further work with City staff will guide preparation of initial draft regulations. The draft regulations will be presented in "modules" for subsequent review, and additional study sessions will be scheduled to review milestone products as needed.

ATTACHMENTS:
1. Zone Rocklin Recommendations Memo

City of Rocklin

Comprehensive Zoning Ordinance Update

Recommendations Memo

ZONE ROCKLIN

January 2025

Prepared By:
Miller Planning Associates
& RRM Design Group

Contents

1 Introduction 3

2 What is Zoning? 5

3 Ordinance Usability 10

4 Development Standards 17

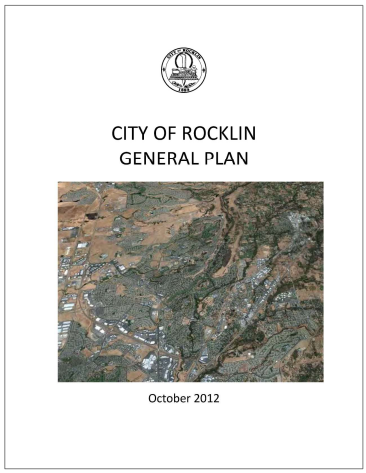
5 Review Processes 20

6 Compliance with State and Federal Law 25

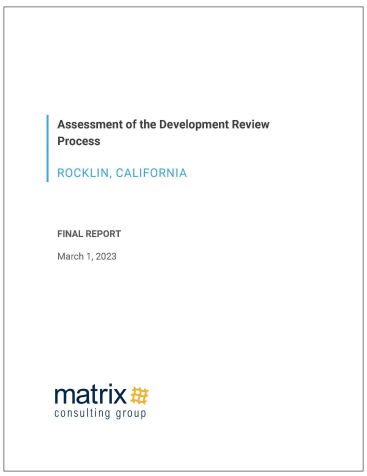
Appendix A: Ordinance User Interviews 31

1 Introduction

A General Plan is a city's primary policy document that sets forth a long-term vision for the community. Zoning regulations specify how each individual property can be used to achieve those objectives. Zoning is the body of rules and regulations that control what is built on the ground, and what uses occupy buildings and sites. Zoning determines the form and character of development, such as the size and height of buildings, and also includes provisions to ensure that new development and uses will fit into existing neighborhoods by establishing the rules for being a "good neighbor."


CITY OF ROCKLIN
GENERAL PLAN

October 2012


Assessment of the Development Review Process

ROCKLIN, CALIFORNIA

FINAL REPORT

March 1, 2023

matrix consulting group

The ZONE Rocklin project is intended to comprehensively revise the City's Zoning Ordinance, Title 17 of the Rocklin Municipal Code, in order to create a concise and user-friendly set of regulations, reflective of the recommendations of the Community Development Department Organizational Assessment completed in 2023 and consistent with the five pillars of the 2023-2025 Rocklin Strategic Plan, and to help realize Rocklin's vision as a safe, vibrant, and livable community with a robust local economy established in the General Plan. The goal of the updated Zoning Ordinance is to create a document that:

- Is *streamlined and transparent* in its administration and decision-making processes
- Promotes *economic development* and *high-quality design*
- Provides *flexibility*
- Is intuitive, contains graphics, and is *user-friendly*
- Is consistent with *State and federal law*

As one of the first steps in the revision process, City staff and the consultant team have been evaluating the current Zoning Ordinance to identify issues that need to be addressed and changes that should be considered as part of the update.

This memo summarizes the principal findings and conclusions of the consultant team's work and recommends a number of ways that the current ordinance could be improved to meet the overall objectives of the update. It is intended to distill key choices and present "big ideas" for the update, which will be further developed and refined as draft regulations are created.

The memo is organized by four topical areas:

- Ordinance Usability;
- Development Standards;
- Review Processes; and
- Compliance with State and Federal Law.

Next Steps

This paper will be the basis for a joint study session with the City Council and Planning Commission. Comments from the study session and further work with City staff will guide preparation of a preliminary outline and initial drafts of regulations. The draft regulations will be presented in “modules” for subsequent review.

2 What is Zoning?

While the General Plan sets forth a wide-ranging and long-term vision for the City, the Zoning Ordinance specifies how each individual property can be used to achieve those objectives. Zoning is the body of rules and regulations that control what is built on the ground, as well as what uses occupy buildings and sites. Zoning determines the form and character of development, such as the size and height of buildings, and also includes provisions to ensure that new development and uses will fit into existing neighborhoods by establishing the rules for being a "good neighbor."

A zoning ordinance deals with two basic concerns:

- How to minimize the adverse impacts that buildings or use of one's property can have on its neighbors; and
- How to encourage optimal development patterns and activities within a community, as expressed in planning policies.

What Zoning Can Do

Zoning is used to implement the community goals expressed in a general plan and other land use plan documents. Zoning can do the following:

- **Use Regulations.** Zoning specifies the types of uses allowed in each of the Zoning Districts. Specifically, each district specifies what uses are permitted, what uses are conditionally permitted and must apply for a conditional use permit and are required to meet specified standards or limitations, and what uses are prohibited. In this way, the zoning determines the appropriate mix of compatible uses, as well as how intense these uses can be.
- **Development and Design Standards.** Zoning reflects the desired physical character of the community in a set of development and design standards that control the height and bulk of buildings, streetfront and architectural character, location of parking and driveways, "buffering" of uses, and landscape needs.
- **Performance Standards.** Zoning often includes standards that control the "performance" of uses to ensure land use compatibility between new and existing neighborhoods or uses. Performance standards address items such as noise, glare, vibration, and stormwater runoff.
- **Predictability.** In addition to offering property owners safeguards relative to constitutionally protected property rights, the use regulations and development standards established in zoning provide neighbors with assurance of what land uses are permitted and to what scale they may be developed. Predictability is important to economic development. Prospective employers often

consider multiple communities during their site selection process. Employers will want to eliminate as much risk, or unpredictability, as possible in selecting a site. City staff benefits too, since the need for case-by-case discretionary review of development applications is reduced.

What Zoning Cannot Do

There are things that zoning cannot do, since zoning is limited in some respects by State and Federal law and legal precedent. However, issues not addressed in zoning are usually addressed by other planning tools, such as specific plans and design guidelines. Zoning will not do the following:

- **Dictate Architectural Design City-Wide.** Although zoning can improve the overall physical character of the community, it can only do so with respect to the building envelope—the height, bulk, and basic elements of structures and their orientation and location on the site. The architectural style or detailed design elements of a building, such as colors and finish materials, are better addressed in area specific design guidelines.
- **Regulate the Free Market.** Zoning cannot create a market for new development. For example, it cannot determine the exact mix of tenants in a private development. It can, however, create opportunities in the real estate market by removing barriers and offering incentives for desirable uses.
- **Establish Land Use Policy.** Zoning is a tool for implementing land use policy, not setting it. As such, zoning is not the appropriate means for developing a new vision for a community, or creating new City policy. Zoning takes direction from the General Plan and other established land use plans and policies.

The Basic Dilemma: Flexibility vs. Certainty

As Rocklin considers how best to improve its zoning regulations, one issue will be how to find the right balance between flexibility and certainty that will best reflect the community and implement the General Plan and other policy documents. The dichotomy between these concepts creates tension, not only for City officials and staff who use the Zoning Ordinance on a day-to-day basis, but also for homeowners, business owners, and others who may only come into contact with zoning a few times over the years they may live or work in the City. Everyone wants to know the rules and standards by which new development will be judged – how are decisions made to approve, conditionally approve, or reject applications? For many, knowing the timeframe as well as the criteria for approval also is important – who has appeal rights, and when is a decision final so a project can proceed?

For others, flexibility is important: the site or existing building may be unique, the design innovative and responsive, or the public benefits so compelling that some relief from underlying requirements and

generic architectural details may be appropriate. Perspectives of different ordinance users help inform the discussion about this issue.

USERS' PERSPECTIVES

Expectations about what zoning should or should not do, and how far it should go, can vary widely depending on individual perspectives. Applicants view zoning differently than design professionals, and City staff perspectives are not always the same as those of residents or City officials. At the risk of over-simplification, we offer the following set of expectations for different ordinance users as a starting point for thinking about regulatory options for updating the Zoning Ordinance.

Applicants

Individuals applying to the City for a development approval generally want to know:

- What are the rules that the City follows for development review? These include use regulations, design guidelines and standards, and development standards, review procedures, and criteria for decision-making.
- What is the timeframe for decision-making, and when is a decision final? Is it the day the approval is granted, or is there some stated time they have to wait before they know they can proceed with the next steps, refine an architectural design, solicit bids, and initiate construction?
- What relief or exceptions can they request if a standard limits what they would like to do with their property or their building? In thinking about relief, it often is useful to distinguish concerns about what the allowable uses are (recognizing that use variances are illegal and the only way to accommodate different uses would be through a rezoning (through text amendment or map amendment)) from concerns about how to accommodate a design or improvement on a lot. Relief may be needed from physical development standards (e.g. setbacks or fence height limitations) or from performance requirements that relate primarily to the impact of a use or building design on an adjacent lot.
- How important are neighbor concerns in the decision-making process? If an applicant follows the rules, does the City have the right to require changes to a design solely because of a neighbor's objections? Are there limitations on conditions of approval or are all elements of a project "negotiable"? Does the City distinguish "as-of-right" development applications from those requesting exceptions to the standards in weighing how far to go to respond to community concerns?

Design Professionals

Architects and other design professionals typically want to know the answer to the same questions applicants pose, but because of their specific role in a project, they often want to know more specifically how much flexibility the zoning ordinance allows for site planning and architectural design. If the City wants to mandate certain design solutions, as opposed to "encouraging" a type of design, the zoning ordinance should say so to avoid misunderstandings during the development review process.

An example of a mandated design solution is a requirement for windows or display spaces and a prohibition of blank walls on retail frontages. In this context, design professionals also want to know whether the mandate is a guideline or a development regulation. If it's a regulation and the proposed building design doesn't benefit from adding windows, it will be necessary to request a specific form of relief, which could be a variance or a design modification, in order to deviate from the dimensional requirements. By contrast, if the mandate is a design guideline, it may be possible to propose an alternative design solution that meets the guideline's objective without applying for a variance or design modification if the ordinance provides for alternative ways to comply with a guideline.

City Staff and Officials

City staff and officials also want flexibility for a number of reasons:

- To respond to community concerns;
- To implement the General Plan, more specific plans, and to further public policies;
- To reconcile competing priorities, as is frequently the case with a General Plan; and
- To protect unique and special resources, which may range from historic buildings, to affordable housing, and unique character areas.

Residents and Business Owners

While staff and City officials strive to respond to community concerns, residents and business owners don't always have the same perspective on zoning, particularly if they feel their self-interest is not served. Many critical issues are decided when a General Plan is prepared; however, as implementation details are worked out, community thinking about General Plan direction may evolve, and there may not be consensus on all of the regulatory solutions proposed to implement the plan.

Neighbors want to know with some certainty what can be built, so there are no surprises once construction begins. However, if they have concerns, they would like to know what the process is for community input – how much flexibility the City has to condition approval and what they can do to affect the final result.

Business owners likewise want to know whether they can expand or adapt space to new uses or activities. Being able to respond quickly to changing markets is important, and lengthy review times are an anathema to that objective.

TRADEOFFS

As the City considers the next steps for regulatory reform, discussion of choices could address these basic philosophical issues:

- **Flexibility vs. predictability:** Is the zoning ordinance intended as a rule of law or a rule of individuals? Should the area for negotiation be wide or narrow? To what extent should this be determined by the ordinance or by practice?
- **Flexibility vs. administrative cost:** What are the costs to the applicant, to opponents, and to the City's tolerance for hearings?
- **Development cost vs. quality:** Standards should be written with an understanding of their effect on developers' and consumers' costs and on the quality of the environment for both user and community at large.
- **Preservation vs. development:** Will a particular regulation stimulate or dampen change in uses, users, or appearance? A related issue is whether adopting a new standard will result in a proliferation of nonconforming situations, which could also discourage investment.
- **Under regulation vs. over-regulation:** How does the community strike the right balance and find the least number of rules that will do the job?

Striking the right balance will not be easy, and lessons from similar communities that have recently amended their zoning ordinances can enable the City to avoid mistakes others have made and achieve its goals for economic development and sustainable land use.

3 Ordinance Usability

The need to make Rocklin's Zoning Ordinance and regulatory framework more user-friendly and concise was noted during meetings with ordinance users as well as City staff. Staff commented that the Zoning Ordinance is difficult to navigate and often uses antiquated terminology. Users and City staff have complained that when they look up the regulations governing a project, they have no confidence that they are seeing a comprehensive list, particularly because a General Development Plan may contain a site specific development standard or use allowance. Because standards are dispersed, and often located outside of the Zoning Ordinance itself, users are left with a nagging fear that a "hidden" regulation might affect the viability of a project. Uncertainty regarding development possibilities can be a significant barrier when attempting to attract investment. A well-organized zoning ordinance is easy to use, navigate, and understand. This section contains general observations about the existing organization, format, and usability, as well as strategies for improving these aspects of the existing Ordinance and regulatory framework.

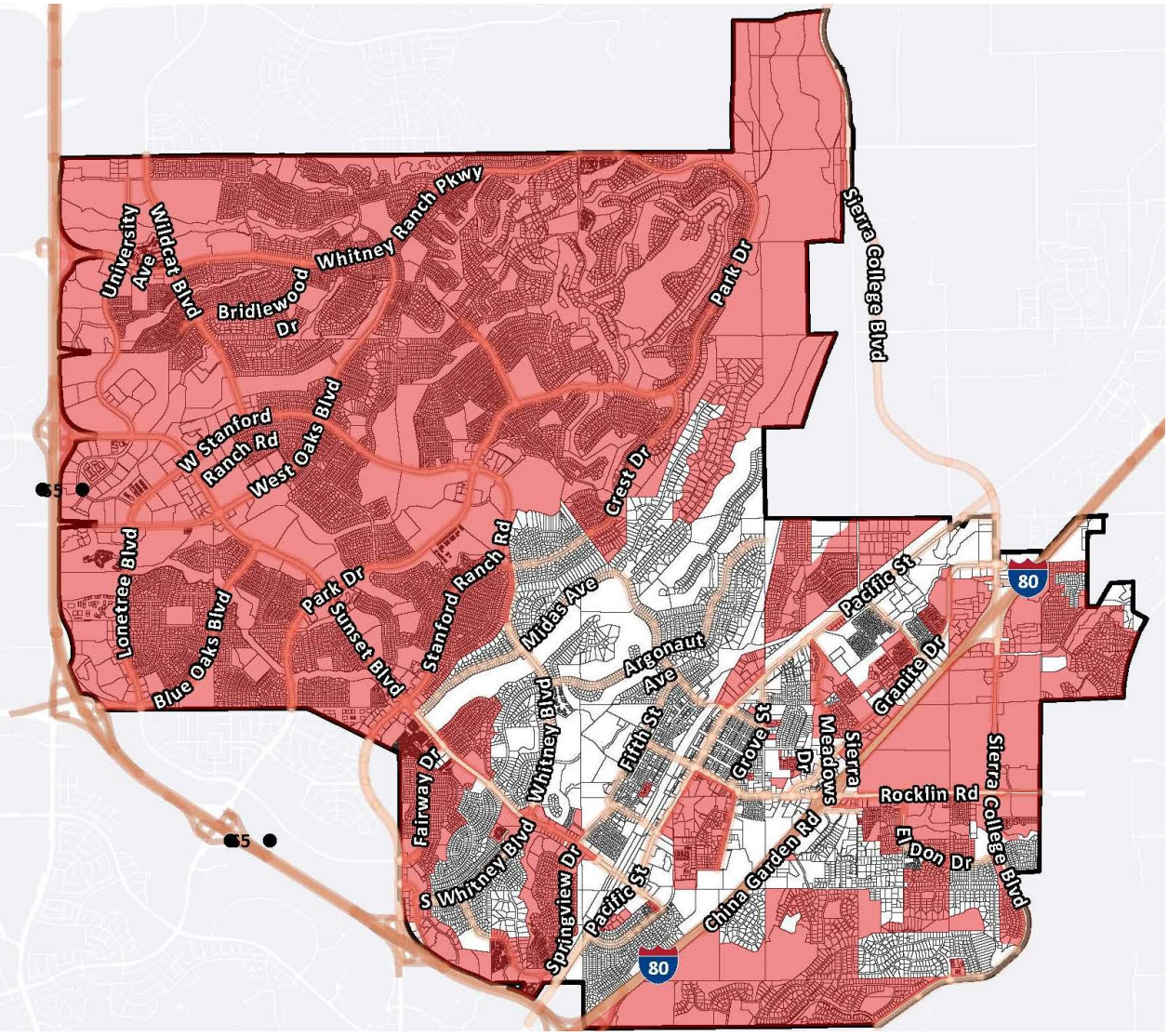
Organization and Style

The City's current Zoning Ordinance, Title 17 of the Rocklin Municipal Code, is organized in a manner that exhibits an underlying structure, but has been amended numerous times, where additional chapters and regulations were added without sufficient attention to the overall structure and organization. The basic framework of the current Ordinance was established nearly 50 years ago and has been amended dozens of times since then. The end result is a complex Ordinance that is difficult to navigate.

The general structure of the Ordinance begins with introductory provisions; follows with standards applicable to base zoning districts, overlay districts, and citywide; and concludes with administrative and review procedures. However, there are numerous exceptions to this structure. For example, the Greenbrae Island Annexation Area Overlay Zone is located by itself in the beginning of the Ordinance, 28 chapters before the rest of the overlay zones which are grouped together. Further in the document, chapters are haphazardly arranged, alternating between administrative procedures, use regulations, and citywide standards. Overall, the chapter ordering of the Ordinance is not always intuitive, and sections that should be grouped together are often found far apart or separated by other chapters. This organization leaves standards of development spread out among various sections.

General Development Plans in particular have been identified by users and City staff as problematic. Planned Development (PD) zones were intended to provide the means for greater creativity and flexibility in design than is provided under the strict application of standard zoning districts. General Development Plans (GDPs) have historically served as zoning documents within the PD zones. Unfortunately, GDPs have been overutilized within the City, and have resulted in PDs applying to approximately 75 percent of the

City's geographic area. Some of the larger GDPs include Stanford Ranch, Sunset West, and Northwest Rocklin.



Areas subject to General Development Plans.

The extent of development-specific standards varies in each General Development Plan, ranging from essentially creating new zoning districts and development standards to simply allowing a parking reduction or limited increase in lot coverage. Other General Development Plans rely solely on the Zoning Ordinance for development standards. Additionally, the prescriptive standards contained in the General Development Plans have not always retained their relevance over time, leading to the need for multiple amendments which may affect all or just a portion of the Planned Development area. While the original intention of using Planned Development and General Development Plans to allow for the master planning of development and provide flexibility in development standards and mix of land uses is commendable, they essentially created numerous mini-zoning codes that apply throughout the City. Further, as they are separate documents, users don't always know to look at development plans—or which version is the most recent—and often miss their development implications.

Users should be to be able to find out, by looking in the first part of the Zoning Ordinance, what can be built, what the rules are for a particular use or what can be done with a particular lot in a zoning district, and then how to get approval if any permits are required. It is preferable to place definitions last since they should not include policy statements, and would only be consulted to clarify a question about the meaning of a specific term. Finally, as discussed later in this memo, all of the land uses regulated by the Zoning Ordinance should be clearly defined. The number of undefined land uses in the current Zoning Ordinance has led to a considerable amount of ambiguity, which has resulted in numerous problems over the years.

DEVELOP A NEW FORMAT AND ORGANIZATION

The organization of Rocklin's Zoning Ordinance can be improved in several ways, with the overall organization and formatting of the ordinance reflecting a systematic, consistent, and sound arrangement to facilitate ease of use. First, the City should introduce a new level in the organizational hierarchy and group related chapters into divisions. The 65 chapters within the Zoning Ordinance could then be organized into logical groups, making it easier to navigate. For example, the chapters contained in Zoning Ordinance, could be grouped into five divisions as follows.

- Division I: Introductory Provisions
- Division II: District Regulations
- Division III: Citywide Standards
- Division IV: Administration and Permits
- Division V: Terms and Definitions

Chapters and sections within the divisions should be reorganized so that they flow logically and have a consistent structure. As a general rule, the most frequently consulted provisions should come before those less frequently consulted; and the more general should come before the more specific. These

organizational revisions should be coupled with improvements to the appearance of the text itself to help readability, including wider spacing, different fonts for chapters, sections, and the main text, and consistent indentation.

SIMPLIFY REGULATIONS AND PROCEDURES

Rocklin should ensure that the Zoning Ordinance functions efficiently and with the fewest number of provisions necessary to achieve its goals. To this end, unnecessary and obsolete sections of the ordinance should be removed in order to avoid ambiguity and reduce the sheer bulk of the ordinance.

Each of the over 50 General Development Plans should be reviewed for relevance and their potential to integrate necessary standards into zoning district regulations. In most cases, relevant General Development Plan standards may be integrated entirely into zoning district regulations and thus, the General Development Plan could be repealed. In a few cases, such as development areas that are under construction or subject to a Development Agreement, it will likely make sense to retain General Development Plans. In other cases, General Development Plan provisions unique to certain areas could be retained through overlay districts. Similarly, overlay districts should be evaluated to determine whether the provisions are still relevant and, if so, whether they could be achieved by incorporating requirements in the base district regulations.

Overall, related content should be organized together. Standards that apply solely to a particular set of base districts (i.e., Residential Districts, Commercial Districts, etc.), should be grouped together. Standards that are applicable to specific uses or development citywide, such as parking or sign standards, should be grouped together. Rules governing the construction of language, interpretation of code provisions, and measurement should likewise be grouped together to serve as a reference section that users can turn to in the event of uncertainty regarding code provisions. Consolidating these rules into one section will help to ensure that standards are logical and consistently interpreted and applied.

Unclear Lists of Allowed Uses

Each base zoning district currently contains a list of permitted and conditional uses. Many of the listed uses are not defined, leading to a considerable amount of ambiguity and the need to make numerous interpretations over the years. Frequently, the same type of use appears under similar, but different guises. Sometimes these similar uses are allowed in one zoning district but not another. For example, ‘arts and crafts store’, ‘hobby store’, ‘book store and periodical store’, ‘confectionery store’, ‘drug store’, ‘flower shop’, ‘gift shop’, ‘jewelry store’, ‘record store’, ‘stationary store’, ‘toy store’, and ‘video store’ are permitted uses in the C-1, C-2, and C-4 zones. They are not allowed in the C-3 Zone. However, a ‘variety store’ is permitted in the C-3 Zone and conditionally permitted in the C-4 Zone. Variety stores are not allowed in the C-1 and C-2 zones. None of these uses are defined and it’s difficult to determine the reason for, or the effectiveness of, the distinctions and differences in allowances.

Adding to the difficulty in determining use allowances, how the list of permitted and conditional uses is presented varies by the type of zone. Residential zones repeat a similar list of permitted and conditionally permitted uses. Rather than simply listing the allowed uses in each zone, certain commercial zones (C-1, C-2, C-3, and C-4) and industrial zones (M-1 and M-2) begin by referring to uses allowed in other zones as either permitted or not permitted, making it difficult to decipher what is actually allowed in any particular zone.

UPDATE AND DEFINE LAND USES REGULATED BY THE ZONING ORDINANCE

Many jurisdictions have adopted a flexible system for use regulation to accommodate new development and minimize the need for Zoning Ordinance amendments to accommodate new and changing uses. Typically, this strategy includes the formulation of "use groups" that classify all land uses and activities according to common characteristics. This approach could be incorporated into the Zoning Ordinance Update so that use types are consolidated into a clearly defined modern classification system, which places land uses and activities into groups based on common functional, product, or physical characteristics. There are many advantages to this type of use classification system. Listing use groups instead of specific uses help streamline the use regulation parts of the ordinance. Categories are also broad enough to allow classification of new, unanticipated uses, or types of businesses changes, so that the City does not need to amend these sections or make interpretations as frequently. This system can still allow for standards for problematic uses, such as adult businesses and auto repair, or uses that need to align with State definitions and regulations, such as family day cares and accessory dwelling units.

In the updated Zoning Ordinance, use regulations for each zone should be arranged in tables with cross-references to other applicable regulations to present information in a logical, consistent, and easily navigable format. The use regulations for multiple zones should be presented side-by-side to facilitate comparisons between similar zones and to ease user navigation.

HOW TO USE A LAND USE REGULATION TABLE

1 DETERMINE THE USE YOU ARE INTERESTED IN

All uses are defined in a single chapter - Use Classifications. Within this chapter, uses are categorized into broad groups so that similar uses are found near each other for comparison if a question arises.

2 IDENTIFY IF THE USE IS ALLOWED AND WHAT TYPE OF REVIEW IS REQUIRED

P = Permitted

C = Conditional Use Permit required

- = If a use is not listed it is not allowed

Land uses not listed in the table, and not substantially similar to the uses listed, are prohibited.

3 CHECK SPECIFIC USE STANDARDS

Cross-references identify where these are found in the Ordinance.

Zoning district grouping

District abbreviations

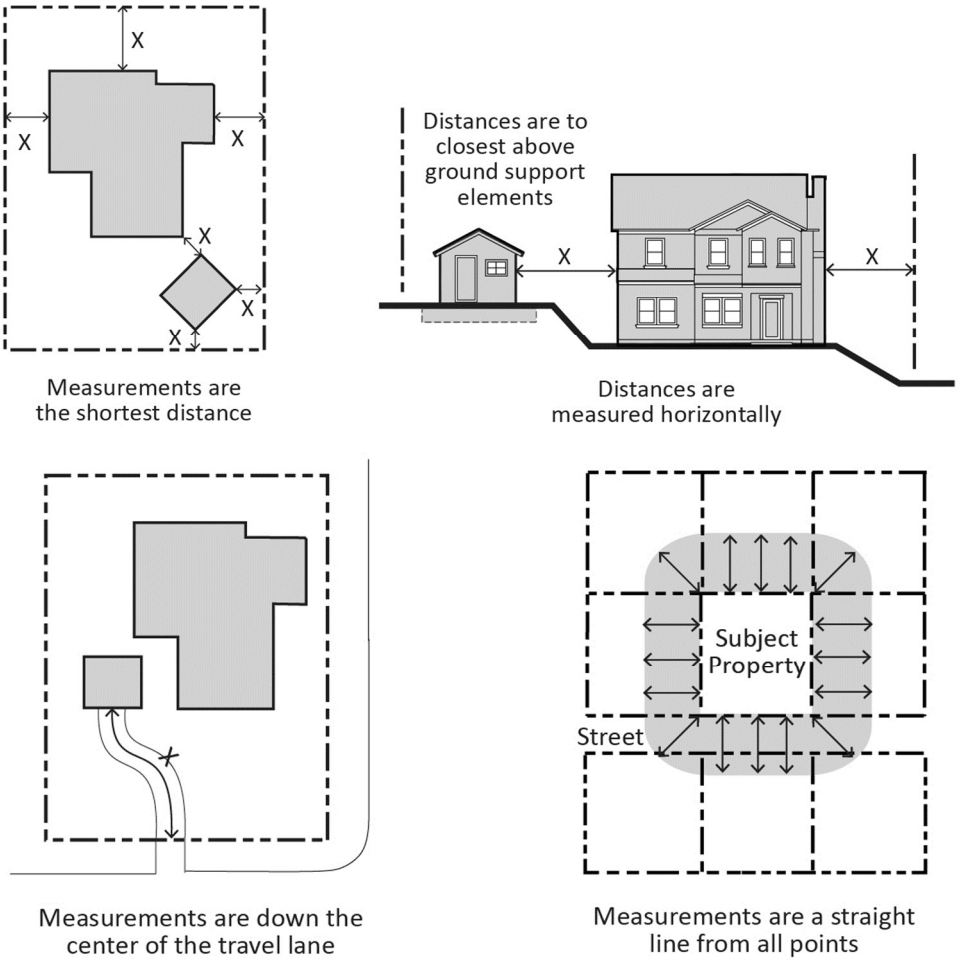
Use grouping

LAND USE REGULATIONS - COMMERCIAL AND MIXED-USE DISTRICTS						
"P" =Permitted Use; "C" = Conditional Use Permit required; "-" = use not allowed						
Land Use Classification	*DMX*	*CMX*	*CN*	*CR*	*CS*	*Additional Regulations*
Commercial Uses						
Animal Services	See subclassifications below					
Animal Shelter and Boarding	-	-	-	-	P	
Pet Day Care	C	P	P	P	P	
Veterinary Services	C	P	P	P	P	
Banks and Financial Institutions	P	P*	P	P	P	
Eating and Drinking Establishments (1)	See subclassifications below					
Bars/Nightclubs/Lounges (2)	C	C	C	C	C	
Restaurant	P	P	P	P	P	
Farmer's Markets	P	P	P	-	-	See §TBD, Farmer's Markets (3)
Food Preparation	P	P	P	P	P	
Hotels	P	P	P	P	P	
Personal Services	See subclassifications below					
Retail Sales	See subclassifications below					
Food and Beverage Sales	P	P	P	P	P	
Liquor Stores	C	C	C	P	C	See §TBD, Alcoholic Beverage Sales
General Retail	P	P	P	P	P	
Tobacco Retailers	C	C	C	A	C	
Industrial Uses						
Custom Manufacturing	P	P	P	-	P	
Food and Beverage Manufacturing	See subclassifications below					
Small Scale	-	P	P	-	P	
Large Scale	-	C	-	-	P	
Transportation, Communication, and Utility Uses						
Light Fleet Based Services	-	-	-	P	-	
Transit Stations and Terminals	P	-	-	-	P	

Additional regulations apply to certain uses

LACK OF CLEAR DEFINITIONS AND RULES OF MEASUREMENT

Though the Zoning Ordinance does currently include a section of definitions, some terms that should be defined aren't, while the definitions of some terms are overly specific. Definitions should convey the meaning of a term; standards should be located in the body of the regulations. The definitions should be updated to include modern terminology and be made more general so that they will apply to terms as they are used throughout the Zoning Ordinance and other City codes. The Zoning Ordinance does not include a separate chapter on rules of measurement. In many cases, they are incorporated into definitions or development standards. Clear rules of measurement ensure that all users are able to determine the way that standards should be applied in the same manner in order to arrive at the same conclusion. Locating a complete set of rules of measurement in one location, either at the beginning or the end of the Ordinance, provides an easy-to-locate reference tool to ensure consistent interpretation and application of standards.



Clear rules of measurement aid in interpretation.

4 Development Standards

The importance of quality design in community spaces and residential neighborhoods cannot be overemphasized. A well-designed city directly elevates the quality of life, which in turn, attracts investment and increases communal pride. Appropriate development standards serve to ensure new development and uses will fit into existing neighborhoods and further community objectives.

Development Standards

The current Zoning Ordinance has a variety of standards that address the design of development. Many of the standards were established more than 30 years ago and reflect the specific development style and context popular at the time. Over the years, additional development standards and requirements have been added with little analysis of how all the standards work together and collectively influence resulting development. Further, current development standards seem to have been written with new development in mind. As the City has grown and developed over the years, new development areas will cease to be the dominant pattern and attention must be paid to better address infill and redevelopment contexts.

Many ordinance users have commented that the standards are inflexible and out of date. They do not reflect contemporary development types such as small lot and townhome development. This sentiment is supported by the number of projects developed through the Planned Development process through which development standards such as lot size, lot coverage, and required setbacks are modified. While the Planned Development process allows development standards to be customized to reflect the specific project and site, overuse of this process has led to an overly complex and difficult to use regulatory framework as discussed in the previous section of this paper.

UPDATE DEVELOPMENT STANDARDS

In order to accommodate contemporary land use and development trends, reflect a more infill pattern of development, and avoid need for extensive use of Planned Development, the City should update development standards to reflect contemporary development patterns, including small lot, townhome, mixed-use, and mixed-density development. For some districts, this may consist of adjustments to required setbacks, reduced minimum lot sizes, and increased, or eliminated, lot coverage restrictions. In some instances, new residential districts reflecting a smaller lot pattern may be warranted.

PROVIDE CERTAINTY AND ALLOW FLEXIBLITY

There is common sentiment that more flexibility should be built into the development standards. At the same time, everyone wants to know the rules and standards by which new development will be judged. The City may strike a balance between flexibility and certainty in its development standards by

establishing a system where development standards address key elements of development form (i.e., height, building placement, site layout) with defined allowances for modifications to the standards provided specific criteria are met. For example, a lesser setback may be provided on one side if a greater setback is provided on the other side. Another option is to offer a menu of options as a flexible way to comply with a particular design principle. The Zoning Ordinance can also include more options for administrative relief from standards where modifications are consistent with General Plan objectives and warranted by special circumstances that may not meet the requirements for approval of a variance based on physical hardship. This could be done in the form of additional provisions for approval of waivers and exceptions specifically targeted at certain types of infill development.

Parking Requirements

The quantity, location, and appearance of parking areas have a substantial impact on the character and functionality of streets, commercial corridors, and residential neighborhoods. Too much parking can limit the utilization of a property and be an impediment to achieving a wide range of community goals. Too little parking can impede accessibility and impact neighborhoods. The amount of parking is optimized when it strikes a right balance between supply and demand.

The majority of the City's parking requirements were established more than 30 years ago. Even the most recently updated requirements—those for commercial, industrial, and assembly uses—were established nearly 20 years ago. The parking requirements reflect the development style and context popular at the time they were adopted and fail to reflect the change in the development context. As the City has grown and developed over the years, new development areas will cease to be the dominant pattern and attention must be paid to better address infill and redevelopment contexts, as well as development trends such as mixed-use and higher-density residential development which are relatively new development types to Rocklin.

Parking requirements also have a large influence on the ability to utilize property. This is particularly true in already built-out areas, where there may not be enough space to provide required parking on already developed sites. Where additional parking spaces cannot be provided due to site constraints, this may result in the negative effect of deterring businesses from expanding or investing within the City.

REDUCE MINIMUM PARKING REQUIREMENTS

The City's parking requirements should be evaluated and reduced where appropriate based on actual and anticipated parking demand, market considerations, and development trends; as well as in consideration of the collective of City goals, including economic development, pedestrian orientation, and housing affordability.

In revising parking requirements, the City should also consider providing uniform parking requirements for grouped land uses with similar space and operational requirements. The City could still provide

separate requirements for land uses that generate unique parking demands. Standardizing parking requirements so multiple uses have the same requirements can ease administration and provide flexibility with regard to what uses occupy a building. Flexibility could also be offered in the way that parking is designed and located, such as allowances for tandem, valet, and stacked parking (parking lifts), thus providing more opportunity for parking in less space.

ENABLE CONSIDERATION OF PARKING REDUCTIONS

The current Zoning Ordinance does not contain provisions that allow a reduction in parking requirements for certain projects. In the past, such reductions were reviewed and approved through General Development Plans. The City could establish a process to allow for the reduction of parking requirements in specific situations where other conditions exist—such as the nature of the proposed operation, proximity to transit service, or characteristics of persons residing, working, or visiting—or elements are provided that would reduce parking demand. Elements that qualify for parking reductions could include proximity to transit, provision of bicycle and/or motorcycle parking, and shared parking.

EXEMPT OR REDUCE PARKING REQUIREMENTS FOR CHANGE OF USE

It is often infeasible to provide additional on-site parking on an already developed site, thus limiting the types of new uses that may locate in an existing building. To support the continued occupancy of existing buildings, the City could consider not requiring additional parking where a new use is established in an existing building even if the new use is subject to a higher parking requirement than the previous use, provided existing parking is retained and there is no change to the building that results in additional square footage.

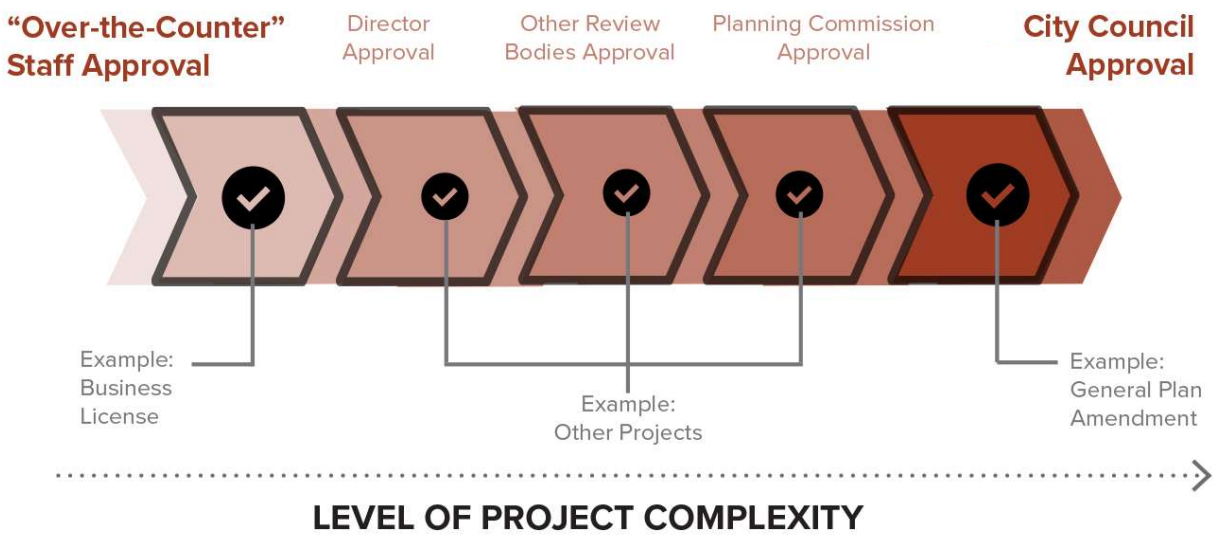
5 Review Processes

Zoning provisions governing development review and other administrative matters create the procedural environment through which the City can achieve the goals and policies laid out in its General Plan and other adopted policies. At their best, development review provisions can promote the type of development a community wants by providing a clear, predictable path to project approval; conversely, vague review processes with unclear requirements can cause developers a high level of anxiety, frustrate community residents, and severely dampen a City's ability to attract desirable growth.

Generally, prospective investors value three central qualities in any administrative code: (1) certainty in the requirements and structure of the review process, (2) built-in flexibility to adjust development standards to the needs of individual projects, and (3) opportunities to request relief from requirements that constitute a substantial burden. Certainty about the types of development they can expect to see in their community is also important to residents. The degree to which Rocklin can incorporate these qualities into its Zoning Ordinance will help improve its ability to compete for desirable development. This section contains general observations about the existing development review procedures and strategies to streamline development review and approval process.

Reliance on Discretionary Review

The flexibility of a Zoning Ordinance is largely defined by its hierarchy of uses and their required permits. This hierarchy establishes the different levels of review the Ordinance requires to make various types of zoning decisions. These decisions typically range from a relatively informal counter staff review of proposed uses and structures for compliance prior to the issuance of a building permit, to more formal and complex procedures requiring public notice and a hearing before the Planning Commission and/or City Council prior to issuance of a use permit or other discretionary zoning approval. The greater the level of review, the more time it takes to process the project; thus, the more time it takes for a business or homeowner to know if they can make a change or operate a business. Creating a lower level of review for minor projects reduces processing times and can reserve staff resources for larger, more complex projects.



The primary factor influencing a project's place in the hierarchy of uses is whether the proposed use is permitted "by right" or allowed subject to certain conditions, or whether a Conditional Use Permit, with review by the Planning Commission or, as is sometimes the case in Rocklin, the City Council, is required. This determination is a reflection of community issues and concerns that should be embodied in the General Plan. Decisions about where an application fits in the hierarchy may also, however, be influenced by how a jurisdiction selects and designs administrative techniques. It is often possible, for example, to reduce the review threshold for a particular type of application (i.e. place it lower in the hierarchy), by increasing the specificity of development standards and performance-based criteria.

ADJUST REVIEW THRESHOLDS

The Zoning Ordinance Update provides an opportunity to adjust review thresholds based on analysis of the types of issues and projects in the City that have typically generated the most interest and concern. Generally speaking, responsibilities should be assigned with a view toward minimizing the number of players involved in making any given decision, while increasing opportunities for meaningful public input.

The number of uses that require discretionary review can be reduced by including carefully crafted standards and restrictions that are specific to specific uses throughout the City or in particular zoning districts into the Zoning Ordinance. As a result, the community and decision-makers may be confident their vision is being implemented and may reduce its watch over individual projects, allowing more projects to be approved administratively.

There are a variety of approaches the City could use to reduce the number of uses requiring review, including permitting more uses by right subject to:

- Compliance with development and design standards that could be added to the Zoning Ordinance based on the community's goals for design quality;

- Compliance with new standards and requirements that reflect "standard conditions" that are typically imposed when such uses have been conditionally approved by the Planning Commission or City Council; and
- Compliance with specific limitations on location, floor area, hours of operation, and similar features that are the source of potential adverse impact.

The incorporation of "limited uses" makes it possible to eliminate discretionary review for those uses that meet specific standards and limitations and do not exceed specified threshold criteria.

The City could extend this concept of assigning the hierarchy of review for development projects based on size and potential impacts to the applicability of Design Review. For example, single-family homes within the Architectural Districts are currently subject to review by the Architectural Review Committee (ARC), except for infill lots, which are defined as projects with no more than four single-family lots which are not part of a larger residential subdivision. These "infill" projects within the Architectural Districts are still subject to staff level Design Review. Design review of single-family homes in these areas rarely results in revisions or refinements of design, indicating that design considerations are sufficiently addressed by development standards and design guidelines. As such, single-family homes in these areas could be exempt from district architectural guidelines, streamlining the process and allowing the ARC and staff to focus on development types that involve more nuanced design considerations, such as new nonresidential and multi-unit development.

CLARIFY CITY COUNCIL'S ROLE AS A LEGISLATIVE BODY

City councils are the legislative branch of City government, responsible for policy-making and enacting ordinances. Review and determination of an individual project's consistency with city policy and adopted ordinances is typically left to Planning Commissions, department heads, or other review bodies. City council review of individual projects is relatively rare, except in cases where the project requires a legislative action or the decision of the Planning Commission or other review body is appealed to the City Council.

In Rocklin, the City Council is the review body for more projects than the average city. The City Council is the approving authority for projects that have certain features, including, but not limited to residential buildings with a height of greater than thirty feet, or with more than two stories and nonresidential buildings or structures with a height of greater than forty feet, or with more than three stories, or include certain uses such as cemeteries, hospitals, and enterprises involving large assemblies of people or automobiles on a permanent basis. At the time such requirements were adopted, these features may have represented significant, community character-defining projects, warranting review by the City's highest governing body. However, as the City has developed, as the overall land use and development context has changed, and as City policies and regulations define a framework under which to evaluate whether specific projects with these components are or are not appropriate, the City can reevaluate the

need for de facto City Council review of these, and other, projects. The City Council also currently sees a large number of projects due to the City's historic reliance on Planned Development, discussed in previous -sections of this memo. This current review process increases review times and reduces predictability, anathemas to the objective of economic development.

Coupled with updated development standards and use allowances in the updated Zoning Ordinance, the City Council may feel confident their policy direction is being implemented and may reduce its watch over individual projects. Through the Planning Commission public hearing process, there would still be opportunity for public review and discretionary action, as well as City Council review should the Planning Commission's decision be appealed.

CONSIDER A MINOR USE PERMIT PROCESS

The City may consider a new type of use permit—a Minor Use Permit—approved by the Community Development Director. The Minor Use Permit would be required for uses that are "limited in scope and impacts" but which currently require a hearing by the Planning Commission. Applications for Minor Use Permits would be subject to public notice and a hearing would only be held if the project were appealed. The Director would also have the authority to defer action and refer the application to the Planning Commission for final action. This concept is similar to the review process currently applicable in the Business Attraction, Retention and Revitalization Overlay (BARRO) Zone, intended to provide a streamlined review process for projects that are consistent with the goals, objectives, and policies of the General Plan and purposes of the zone; however the approach would be refined based on lessons learned through implementing the BARRO Zone procedures. Such a procedure creates more certainty in the process for both the community and developers while still providing opportunities for meaningful public input. Conditional Use Permits would be reserved for uses that pose potential or significant land use compatibility issues and warrant Planning Commission review and approval.

CLARIFY REVIEW PROCEDURES

Finally, the new Zoning Ordinance should set forth clear administrative procedures to be followed for all types of zoning decisions. The level and extent of administrative process required for different types of decisions will vary. However, for even the simplest administrative procedures, the Zoning Ordinance should, at a minimum, establish unambiguous authority for approval.

The approval process can be streamlined simply by consolidating and clarifying procedures and permit approval criteria. Decision-making protocols should be clearly defined so that it is clear how approvals are processed, and the intent of these regulations should be included to help determine if a proposal meets the purpose of the regulation. All pertinent public hearing information (e.g., what information should be included in the notices, how notices are to be given [e.g., mailing, posting, publishing, use of the Internet],

to whom notices should be sent, how hearings are to be conducted) should be located in one succinct chapter so that users will only need to look in one place to locate the applicable information.

6 Compliance with State and Federal Law

California law grants cities and counties relatively broad discretion in the regulation of land uses and development, and the Federal courts and United States Congress have, for the most part, left land use and environmental regulation up to state and local government. There are, however, some important exceptions to this approach. If local regulations conflict with federal law, pursuant to the supremacy clause of the United State Constitution, then local laws are preempted. In some cases, both Congress and the State have identified matters of critical concern that limit the authority of California cities.

This section discusses some State and Federal laws to consider through the update of the Zoning Ordinance and Map.

Housing

As California's housing supply and homelessness crisis continues, the State Legislature has passed numerous pieces of housing legislation in each legislative session of the past several years. Most recent legislation is aimed at reducing barriers to the creation of housing. Highlights of housing related legislation most relevant to the Zoning Ordinance are briefly summarized below.

SB9 - DUPLEXES AND 'URBAN LOT SPLITS'

Intended to increase housing production and affordability, SB 9 provides for the ministerial approval of a two-lot subdivision (also referred to as urban lot splits) and/or development projects for up to two units per single-family residential lot. SB 9 supersedes several City regulations regarding single-family residential subdivision and development standards; however, the bill does preserve some authority for local jurisdictions to impose objective zoning and subdivision regulations.

Specifically, SB 9 provides for the following, effective January 1, 2022:

- A single-family residential property can be improved with up to four units on lot.
- A single-family lot can be subdivided into two separate lots, and each lot can be improved with two units of any kind for a total of four units. The new lots would be subject to the following requirements:
    - Each new lot must be at least 1,200 square feet and must be at least 40 percent of the area of the original lot.
    - The new lots cannot be further subdivided under SB9.

  - The property owner must sign an affidavit stating that they intend to live on one of the lots for at least three years. Community land trusts and qualifying nonprofit corporations are exempt from this requirement.
  - The same owner cannot subdivide adjacent parcels.
- Cities may only apply objective zoning and design standards to properties developed pursuant to SB 9, with certain limitations:
  - Cities cannot apply any standard that would preclude the construction of two units of at least 800 square feet each.
  - Cities must allow minimum side and rear setbacks of no greater than four feet.
  - Cities may only require one parking space per unit and cannot require any parking if the property is located within one-half mile of a transit corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours, within one-half mile of a major transit stop, or located within one block of a car share vehicle parking location.

SB330 – HOUSING CRISIS ACT

SB330, the Housing Crisis Act, limits cities' and counties' ability to regulate housing developments, including residential development, mixed use development with 2/3 of the square footage for residential, and transitional and supportive housing. It creates a preliminary application process where the date the preliminary application is submitted vests, or locks in, the existing regulations (objective development standards, General Plan policies and fees) that are in effect at that time, establishes timeframes for when a historic determination and project approval must be made, and limits the number of public hearings.

A number of provisions address housing density. General Plan and zoning densities may not be reduced below 2018 numbers. This includes changes to development standards that lessen intensity of housing. Zoning may not be changed to remove housing, and there may be no onsite reduction in the number of units.

The Housing Crisis Act also prohibits local jurisdictions from imposing or enforcing new subjective design standards, requiring housing developments to be reviewed against 'objective standards' that are uniformly verifiable and do not involve personal or subjective judgment.

ACCESSORY DWELLING UNITS (ADUS)

Recent laws further restrict what local agencies may regulate regarding ADUs. Local agencies may not adopt ADU ordinances that: impose minimum lot size requirements for ADUs; set certain maximum ADU dimensions; or require replacement off-street parking when a "garage, carport or covered parking structure" is demolished or converted to construct the ADU. New laws allow for an ADU as well as a

"junior" ADU where certain access, setback and other criteria are met and explicitly identifies opportunities for ADUs in multifamily buildings. Additionally, cities may not condition approval of ADU building permit applications on the applicant being the "owner-occupant" of either the primary dwelling or the ADU.

AFFORDABLE HOUSING

The State Density Bonus Law (Cal. Gov't Code §65915) allows for density bonuses and additional incentives for affordable housing. Cal. Gov't Code §65913 expedites state and local residential development, assuring local agencies can sufficiently zone for affordable housing, and encourage and incentivize affordable housing. Recent changes to the State Density Bonus Law increase the density bonus and other concessions for 100 percent affordable housing projects. Housing projects with a minimum of 80 percent low income units and up to 20 percent moderate income units are eligible for a density bonus of up to 80 percent the maximum allowed density or a density bonus with no limit if located within ½ mile of a major transit stop and qualify for at least four concessions, reduced parking requirements, and a height increase of up to three stories or 33 feet when located within ½ mile of a major transit stop.

HOUSING FOR PERSONS WITH DISABILITIES

Various provisions in both federal and State law limit the authority of local agencies to regulate facilities for mentally and physically handicapped persons. In 1988, Congress extended the 1968 Fair Housing Act's prohibitions against housing discrimination to include discrimination on the basis of handicap or familial status (families with children). The Federal Fair Housing Act Amendments (FHAA) defined "handicapped" to include persons with physical or mental disabilities and recovering alcoholics and drug addicts. The FHAA not only prevents communities from discriminating against handicapped individuals but also requires "reasonable accommodations in rules policies, practices, or services, when such accommodations are necessary to afford [handicapped persons an] equal opportunity to use and enjoy a dwelling." The California Fair Employment and Housing Act, codified as Government Code Sections 12900 to 12996, reinforces provisions of federal statute to prohibit any unlawful discrimination against persons with disabilities. The State Supreme Court has prohibited local agencies from limiting the number of persons unrelated by blood, marriage, or adoption who can reside in a single-family home.

Pursuant to Cal. Health & Safety Code §1566.3, a residential care facility that serves six or fewer people is considered a residential use and its occupants, regardless of legal relation, are considered a family for purposes of residential use laws and zoning codes. Further, such a use shall not be included within the definition of a boarding house, rooming house, institution or home for the care of minors, the aged, or persons with mental health disorders, foster care home, guest home, rest home, community residence, or other similar term that implies that the residential facility is a business run for profit or differs in any other way from a family dwelling.

MANUFACTURED HOUSING

The Zoning Ordinance is compliant with Cal. Gov't. Code §§65852.35 which requires local agencies to allow the installation of manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§5401 et seq.) on a foundation system, pursuant to Cal. Health & Safety Code §1855, on lots zoned for single-family dwellings.

Adult Oriented Businesses

Local agencies may regulate, pursuant to a content-neutral ordinance, the time, place, and manner of operation of sexually-oriented business when the ordinance serves a substantial government interest, does not unreasonably limit alternative avenues of communication, and is based on narrow, objective, and definite standards (Cal. Gov't Code §65850.4). Through the Zoning Ordinance update, regulations must ensure there are a reasonable range of alternative sites where adult-oriented businesses may be located.

Cottage Food Operations

Pursuant to Cal. Gov't Code §51035, a city or county may not prohibit cottage food operations (homemade and packaged food defined in Cal. Health & Safety Code §113758) in any residential dwelling, but shall do one of the following: Classify the use as a permitted use in any residential zone, grant a nondiscretionary permit for the use, or require a permit for the use.

Emergency Shelters; Transitional and Supportive Uses

Cal. Gov't Code §§65582, 65583, and 65589.5 require each local government to: 1) amend its Zoning Code to identify district(s) where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit to include sufficient capacity to accommodate the need for emergency shelter identified in the housing element, and 2) treat transitional and supportive housing as a residential use of the property subject only to those restrictions that apply to other residential dwellings of the same type in the same district. Cal. Gov't Code §65582 contains definitions for "supportive housing," "target population," and "transitional housing" to be more specific to housing element law.

AB2162 requires that supportive housing be a use by right in districts where multifamily and mixed uses are permitted, including nonresidential districts permitting multifamily uses, if the proposed housing development meets specified criteria, and requires a local government to approve, within specified periods, a supportive housing development that complies with these requirements. Local governments are prohibited from imposing any minimum parking requirement for units occupied by supportive housing residents if the development is located within ½ mile of a major public transit stop.

Family Day Care Homes

Pursuant to Cal. Health & Safety Code §§1597.30 et seq., small family day care homes which provide care for eight or fewer children in a residential unit is a residential use and is not subject to a fee or business license. Large family day care homes which provide care for seven to 14 children may not be prohibited in any district where residential is allowed, but a city or county shall do one of the following: classify the use as a permitted residential use, grant a non-discretionary permit for the use, or require a permit for the use. However, zoning requirements for large family day care home must be reasonable and are limited to spacing and concentration, traffic control, parking, and noise control. Noise control standards must be consistent with the general noise ordinance and must take noise levels generated by children into consideration.

Processing and Review Procedures

State law specifies a number of processing requirements and review procedures related to land use regulation. These include procedures and requirements for development agreements (Cal. Gov't Code §§65864 et seq.), general plan consistency (Cal. Gov't Code §65860), permit review timelines (Cal. Gov't Code §§65920 et seq.), prezoning land upon annexation (Cal. Gov't Code §65859), notice of public hearings (Cal. Gov't Code §§65090 et seq.), variances (Cal. Gov't Code §§65900 et seq.), and zoning amendment procedures Cal. Gov't Code §§65853 et seq.).

Religious Uses

The Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) requires public agencies to demonstrate a compelling government interest and to use the least restrictive means when making a land use decision that imposes a substantial burden on religious exercise. Religious uses must be treated the same as similar non-religious uses. Additionally, regulations cannot impose a substantial burden to religious exercise.

Signs

In June 2015, the U.S. Supreme Court decision in Reed v. Town of Gilbert (No. 135 S.CT. 2218, 2015) affirmed that sign regulations must be “content-neutral” to survive a legal challenge. In order to be content-neutral and satisfy First Amendment limitations, sign regulations must be based on “time, place, and manner” restrictions, rather than by content- or message-based restrictions. Content-based regulations are subject to what is called a “strict scrutiny” standard – that is, a compelling governmental interest must be demonstrated and regulations must be narrowly tailored to serve that interest.

Solar Energy Systems

Cal. Gov't Code §65850.5 requires that solar energy systems be approved administratively with requirements limited to health and safety requirements per local, State, and federal law and those necessary to ensure systems will not have a specific, adverse impact on public health or safety. A use permit may be required if the Building Official makes a finding based on substantial evidence that a specific, adverse impact on public health or safety would result. Every city and county is required to have an ordinance expediting permitting for small residential rooftop solar energy systems.

Telecommunications

The Federal Telecommunications Act of 1996 Limits state or local governments' authority to regulate placement, construction, and modification of personal wireless service facilities. State or local governments must not unreasonably discriminate against providers of functionally equivalent services and not prohibit or effectually prohibit use of personal wireless devices. Further, state or local governments shall not regulate placement, construction, and modification of personal wireless service facilities based on the environmental effect of radio frequency emissions, to the extent that such facilities comply with FCC regulations. Cal. Gov't Code § 65850.6 requires a city or county to ministerially approve an application for a co-location facility on or immediately adjacent to an existing wireless telecommunications co-location facility. It also prohibits a city or county from imposing certain conditions of approval on permits for construction or reconstruction of wireless telecommunications facility.

Water Conservation and Landscaping

Cal. Gov't Code §53087.7 prohibits cities or counties from enacting any regulation that substantially increases the cost of installing, effectively prohibits, or significantly impedes the installation of drought tolerant landscaping, synthetic grass, or artificial turf on residential property. The Water Conservation in Landscaping Act of 2006 (Cal. Gov't Code §65597) requires local agencies to adopt the updated Department of Water Resources (DWR) Model Water Efficient Landscape Ordinance (MWELO) or a local landscape ordinance that is at least as effective in conserving water.

Ordinance User Interviews

Introduction

To learn about the issues associated with the City's current Zoning Ordinance and Zoning Map, the consultant team conducted interviews with a handful of "ordinance users", including those who are familiar with development, design, and real estate in the Rocklin area.

The interview sessions were conducted virtually through Zoom or phone call on July 17th and 22nd and August 1st, 2024. Participants were asked a series of questions regarding their experience with the City's regulations, but conversations revolved around areas of familiarity or issues of significance to the individual users.

THEMES

The experiences and perspective of the interviewees varied, which influenced the input from each ordinance user. Topics discussed ranged from the overall approach to land use regulation in Rocklin to the amount of building coverage allowed on an individual lot. Despite the varied input, some common themes emerged:

1. Simplify the regulatory framework, particularly the complex framework created by the City's reliance on Planned Development.
2. Incorporate flexibility and revise standards to accommodate contemporary land use and development.
3. Streamline the review process and adjust review bodies to more appropriately reflect the significance of a project. Empower staff to make more decisions on projects and reduce reliance on City Council review.

A summary list of comments received, organized by topic, follows.

Ordinance User Comments

GENERAL COMMENTS

- The code is piecemeal, it's like a house that's been added on to too many times. It needs a lot more internal consistency, a refresh.
- The goal for this project is modernization of the zoning code, not only content, but also how it is organized and published. It should be digital, searchable, and people should be able to easily communicate applicable information.

- No one is picking up a code book anymore. Everything is going digital. Use links to other relevant information. From a user's perspective, the code would be much easier to use and understand.
- Make the code more user-friendly. Things should be explained clearly. Use illustrations and tables, not just text.
- Folsom started a zoning update. At the time, it seemed like they were exploring different ways of making the code more user-friendly.
- The code should be 'flexi-certain.' Give flexibility within certain defined parameters.
- The code regulations should strike a balance between certainty and flexibility. Enable land owners to do the maximum possible with their property without making it so wide open that everything ends in a fight with the City.
- Update the regulations so the code is on the leading edge of current practices.
- Rocklin should acknowledge market realities and what the market is going to support. Rocklin's 'box' is too small and a little bit out of date.
- For City officials and staff, it can be hard to understand economic feasibility. If there is no demand, no one is going to build it. And there's already high level vacancy in the market. Rather than force certain things, you can promote ideas. If the code requires things that aren't economically viable, then you're stuck with vacant land for a generation.
- Rocklin needs more attainable housing; moderate density housing is going to be within reach for more people.
- Nobody is building 6,000 sf lots anymore. There are enough of those. The demand now is for smaller lots that younger people can afford.
- In Rocklin, there is an increased demand for multi-family housing. There is more demand for infill type development. The trend in general is going toward smaller units or multi-family housing types.
- The general trend right now is that houses and lots are getting smaller. The City doesn't seem like they want to accept that certain housing projects are subject to streamlined processing and objective standards. They fight about what is objective and still want to require long processing.
- Rocklin is going to see a demand for multi-family and luxury type condos. This is the opportunity for the City to prepare for it and put standards in place that allow for that type of development and shape it appropriately. Builders prefer not to build a product that people do not want to live in or near. The City can lean into that growing trend and get ahead of it. Demographics and the needs of the City are changing. It's better to accept it, be prepared, and be set up to make sure it happens in a way that is acceptable for City.
- Rather than have higher density housing happen to the City, plan and accommodate for it. If the City doesn't, it will later be forced to and then people will get upset about certain projects. Pre-plan and prepare for it.

- The regulatory environment on many different subjects has changed quite a bit – at the federal and state level. Rocklin really needs to catch up and realize that some flexibility helps the applicant create a viable project while meeting all these requirements that didn't exist 20, 30 years ago. Zoning needs to be able to pivot to those changing regulatory environments, particularly related to housing and stormwater.
- Staff and the City's plans/requirements need to be more coordinated with others in the region. Staff should be aware of what's being planned in Placer County and other jurisdictions so they know how it will affect development in the City.

PLANNED DEVELOPMENT AND ZONING DISTRICT STANDARDS

- Rocklin still relies on Planned Developments (PDs) quite a bit. They were popular in the 60s and 70s but most jurisdictions have really stopped using them.
- City has done a lot of development through PDs, so the code is not always the place to find the information needed. Where the City must have PDs, digital information must have links to PDs. You waste a lot of time navigating to the right thing.
- Some PDs are 'empty' (don't really have much in them) while others almost seem to supplant the Code.
- Through the process, site development tends to get micromanaged and then there is no flexibility. Sometimes things take time to develop and if the plan for a site is too prescriptive, you have to amend the plan every time something changes, even if that change is still in line with the original intention.
- Things in the City often need a rezone because the PD process creates things that are so specific to the point in time when they are first approved. Those approvals do not stand the test of time and are not reflective of current market demand or realities.
- PDs are not ideal. They are code amendments which require a bare minimum of two hearings.
- Moving forward, the City should not do any more PDs. Focus on base zones and standards that allow infill development.
- The Planned Development process is helpful in enabling sites to be developed to their allowed density. It provides flexibility to work around development limitations such as steep slopes or habitat areas.
- Without the flexibility that Planned Development offers, it's hard to reach housing requirements on a site. The City's base zoning standards don't work.
- Typically, we follow base zoning standards unless there is a compelling reason to customize them. The ideal is to follow a base district.
- Lot configuration is typically set by the subdivision map. General Development Plans typically establish development standards related to the building envelope such as lot coverage, setbacks, and height.
- Growth areas all seem to be PDs. PDs seem to represent more 'contemporary' development patterns.

- PDs have contemporary development standards that reflect the market at the time they are developed. People are proposing things that they can get built.
- Where PDs establish differences in use allowances, it's more tedious than anything. It's not typically because of a wholesale change in the nature of appropriate uses.
- Be cognizant of creating nonconforming situations and make sure there are provisions included to address situations. It’s best to avoid making properties nonconforming as they require a lot of disclosures and can leave the property owner feeling cheated in a way.

LAND USE AND SITE DEVELOPMENT

- General Plan densities are applied on a broader scale. When you start to plan out a specific site, it can be hard to meet those densities considering terrain, access, and other site-specific constraints.
- It can be hard to achieve the minimum required density because of the amount of land needed to accommodate other requirements such as those for stormwater or utilities. It would be helpful to clarify if density is calculated on a gross or net basis, and what is included in each.
- The code should enable maximum density to be achieved across the different housing types. There should be more certainty around where high density housing can be built.
- Setback requirements should be reduced for alley-loaded development.
- With water quality regulations, developers asked to do more and more with the same amount of area. It makes it more and more difficult to squeeze all of these things into a smaller and smaller area.
- Emergency vehicles turning radiuses are seem to be increasing over time. This is another element that needs to be accommodated on site.
- In order to develop a site, Planned Development is often needed to adjust setbacks, lot size, or other development standards.
- Horizontal mixed use can be successful. Vertical mixed use probably wouldn't be viable in Rocklin. Even in urban centers vertical mixed-use development is difficult. In certain areas, it can work, but a broad application won’t.
- Zoning should allow for synergy between residential and commercial uses, and allow for walkable situations.
- Explore permitted uses that are better defined and more flexible to allow for how uses change and morph over time.
- City is perpetually in need of multifamily housing to meet its RHNA obligations. City doesn't want to give up "employment generating, revenue generating" land.
- The City needs to allow for some flexibility in land use. Even if the land they wanted to be commercial ends up having a lot of housing on it, that can lead to more viable and vibrant commercial.

DEVELOPMENT STANDARDS

- In general, supportive of fewer, clear restrictions. Even if the requirements are quite restrictive, it is helpful to know what they are ahead of time, and where to find them.
- Getting rid of minimum lot sizes and letting density dictate is a great idea. Basically, people proposed their own lot sizes through the subdivision process anyway.
- Rocklin is pretty conservative. Getting rid of minimum lot sizes would feel too radical to Rocklin. A more palatable approach may be to add more zoning categories into the Zoning Code.
- Setback requirements need to be adjusted on smaller lots.
- Lot coverage or other requirements, such as setbacks, are important for the character of the area. Really, the most important thing is to not have garages dominate.
- Driveway length has driven a lot of design – Rocklin's large requirement (18-20 ft driveway) precludes alley-loaded products. There should be a different standard for alleys.
- Lot coverage of 40% precludes a lot of multifamily buildings. Lot coverage, minimum house size, and other development standards are outdated and don't reflect contemporary development realities.
- Get rid of the building story limitation.
- The sign code is confusing, but not any more confusing than other sign codes. That's just their nature.
- Don't recite the law, but make it clear that there is a State requirement for streamlined review of housing projects.
- Shading requirements in parking areas is difficult when also providing EV charging. Utility companies don't want anything planted near EV charging facilities and related infrastructure.
- There is some concern with the design districts. Well designed, appealing projects are good but design guidelines and design standards tend not to keep up with the times. They reflect a certain style and approach that is popular or considered desirable at the time they are written and they work for projects that get built immediately. Those projects look great because the standards are written in the present context. For projects that come later, the standards and guidelines force a dated approach. They age pretty quickly and become stale.

Parking

- Rocklin could use more flexibility in its parking standards. Parking tends to be a challenge for any project. It doesn't tend to kill a project, but it does determine what type of yield that can be achieved.
- Parking requirements seem a little bit heavy in general compared to other jurisdictions.
- Recent residential project used a Density Bonus ratio for parking. Even though it's state law, the City pushed back. It seems like the City is panicked about not providing enough parking.

- Multifamily developers generally want to provide as much parking as they can while having a viable project. That being said, flexibility would be appreciated so you can get a viable project which sometimes necessitates less than the required number of parking spaces.
- Parking requirements are a big barrier to housing development. Anyone building detached homes in Rocklin are going to provide a two- or three-car garage, regardless of what the parking requirements are. It would be helpful to reduce parking requirements for multi-family. Developers will still likely provide as much parking as possible because of the market, but a lower (1 or 1.5 space per unit) requirement would provide some flexibility for constrained sites or where other factors limit the ability to provide more parking.
- Elk Grove recently reduced their parking requirements and they're not having issues with it. Rocklin needs to test their assumptions about parking. Most cities are going in the opposite direction right now, and they're seeing some new types of opportunities pop up because of it.
- Rocklin should provide flexibility regarding parking standards. Jurisdictions are afraid of developers coming in and building dense units without providing any parking. I would not build an apartment building with no parking or vehicle chargers, because nobody would lease it.

PROCESS

- Processes could be dramatically improved. Also, having staff helps. Whenever the City loses staff, I worry about the impact that will have on the process timeline.
- Too many things require a hearing and the hearing calendars are a bottleneck. Each agenda is full and a project might not get on until 4 months after it is found complete.
- If a project has a permitted use and is zoned for that, the decision-maker shouldn't be able to reject it. Certain decision makers have tried to use a process required for one part of a project (the subdivision) to have discretion over another part of the project (use allowances).
- A surprising number of things go to the City Council. That is unique to Rocklin.
- Rocklin requires Council approval for anything that is more than 2 stories. This is very outdated, even from more conservative jurisdictions. No other city has this requirement, and every city is going in the exact opposite direction. Council approval creates a lengthier processing time and more entitlement risk.
- The City has a requirement that any building over 2 stories needs a use permit, even if it is a permitted and allowed use encouraged in that zone. I've never seen that anywhere else.
- Other than legislative entitlements (rezoning) - nothing should be going to Council unless it is appealed. That is standard practice.
- Establish some lower-level decision makers below Planning Commission.

- It would be good to have a permit level where there is some City discretion, but not making a huge deal out of everything.
- Rocklin could consider having a Zoning Administrator or other process so that not everything that requires a hearing has to go to Planning Commission.
- Rocklin's current design review process with an Architecture Review Committee results in often having a full blown project hearing before you're even going to Planning Commission. It's redundant.
- There is no staff-level design review. It would be helpful to have this option, particularly for minor things.
- Roseville is an example of a City with a process. The process is predictable. Staff is more empowered to make decisions.
- Roseville is an example of streamlined processing. They have an overlay that applies to single-family residential that encourages innovative housing process. It gives staff some discretion to allow variations in standards. Standards like front yard, minimum setbacks can get waived through a standard process.
- Roseville has a Design Committee - 2 PC members, 1 member of the public. Makes decisions that are appealable to the PC.
- Roseville is empowering housing that looks good and is innovative. Rocklin has more of a perspective of being regulators, and there is not enough flexibility in-built to address something that hasn't been seen before.
- Staff at Roseville is very committed to having a simple process that can accommodate a customized project. Staff in Roseville seem to have the backing of senior staff and city council to enable projects to happen.
- Roseville has staff level design review, which can be appealed to the Planning Commission. This process works well.
- The City of Lincoln is amending their approval expiration and time extension provisions to establish consistent four year approval periods and consistent parameters for time extensions. Rocklin should do the same. Rocklin has always had very short approval periods and time extensions can be process heavy. Most cities have longer approval periods and the approval of time extensions are nearly automatic. It is very discouraging to investors when you are trying to get the extension but the decision-makers feel like it is a new opportunity to re-litigate the merits of the entire project.

OTHER

- No significant water or water infrastructure needs in the City that would pose a barrier to planned land use development.

- GIS mapping that is available isn't well maintained. It would be great if everything that is commonly referenced by applicants (General Plan, Zoning, development plans) connected.
- There's only 1 or 2 people who do CEQA on staff. City should align with a - 3rd party consultant who can help them process their environmental documents.

Interviewees

- Brian Rickards, PCWA (Placer County Water Authority)
- Carie Huff, SPMUD (South Placer Municipal Utility District)
- Dave Berry, UBORA Engineering & Planning
- Jeff Short, North State BIA
- Kris Steward, Plan Steward
- Marcus Lo Duca, Lo Duca Law
- Rob Cole, Cole Partners Development Company