

October 21, 2020 Changes/Modifications to the Planning Commission Agenda

Agenda Item No. 1

P19-051: Zoning Code Update - Presentation on Districts, Uses and Development Standards and Direction to Staff

Correction to Paragraph 2 on Page 11 of the Staff Report:

Review and Regulation of Multi-Unit Projects: While in most cases State law has not yet eliminated discretionary review of residential multi-unit development projects, it has narrowed the scope of that review. State law now requires the use of objective design standards for the design review of all multi-unit development projects. This includes new single-unit homes proposed with an accessory dwelling unit (ADU), duplexes, tri-plexes, four-plexes, apartments, and condominiums. Furthermore, the number of hearings for a multi-unit project is limited to five (Senate Bill 330 of 2019). For design review hearings, the discretion of the Commission and City Council is now limited to whether the project has met the City's objective design standards.

The one exception to this is any project that meets the requirements of Senate Bill 35 (2017). This type of project is subject only to ministerial (staff-level) review if it is requested by the applicant and the project meets certain conditions (i.e., deed-restricted affordable project, on infill site, pays prevailing wages, etc.).

Though the requirements in SB 330 sunset after five years, staff expects the State to extend these requirements. If they do not, staff will return with options for the Commission and Council to consider, which could involve possible changes to the Zoning Code. State law now requires staff level review of multi-unit development projects (i.e., new single-unit homes proposed with an ADU, duplexes, apartments and condominiums) using objective design standards (refer to Senate Bill 35 of 2017, Senate Bill 167 of 2017, and Senate Bill 330 – Housing Crisis Act of 2019).

Staff and ~~our~~ its consultant team have developed new draft design standards for use in evaluating multi-unit and residential mixed-use development projects. Design standard topics include standards for the following design areas:

- Primary entrances
- Structure Massing
- Structure Materials and Elements
- Roof design and materials
- Property access
- Common open space
- Street frontage
- Carport and garage design
- Color palettes
- Landscaping
- Storage spaces
- Outdoor lighting
- Trash and recycling enclosures
- Screening
- Stairways

The purpose of these objective design standards is to ensure residential multi-unit development use quality architectural design that is appropriate for Folsom. If a multi-unit project cannot comply with the object design standards, then it could be denied.

The key question for the Commission is whether it wishes to continue to review multi-unit development projects given the new State limitations or whether it prefers to delegate this responsibility to staff to conduct design review. The benefits to continuing the current process is that it ensures the public is notified and has an opportunity to weigh in on new multi-unit projects. The drawback is that the Commission is limited in its evaluation of the design of the project to whether it complies with the City's objective design standards. Adding any additional design requirements could be viewed as inconsistent with State law and could potentially expose the City to legal challenge.