



STAFF REPORT

Community Development Department
 Planning Division
 6360 Fountain Square Dr.
 Citrus Heights, CA 95621
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Hearing Date: January 26, 2022

File Number: OTA-21-01

Application Type: Zoning Ordinance Update

Assessor's Parcel Number(s): Citywide

Prepared by: Eric Singer, Assistant Planner
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Project Name: Zoning Code Update

Project Address: N/A

Gross Acreage: N/A

Net Acreage: N/A

Net Density: N/A

Current Zoning: N/A

Proposed Zoning: N/A

Surrounding Zoning:

Surrounding Land Use Designation

Actual Use:

On-site:

North:

South:

West:

East:

Not Applicable
Citywide

Environmental Status:

Exempt Section 15061(b)(3)

Negative Declaration

Mitigated Negative Declaration

Previous Negative Declaration

Environmental Impact Report

Previous Environmental Impact Report

Planning Department Recommendations:

Recommend approval and forward to the City Council for final action

Approve with conditions

Denial

Applicant:

City of Citrus Heights
 Planning Division

Property Owner:

Citywide Ordinance

REQUEST

The Planning Division requests the Planning Commission review the attached proposed Zoning Code Amendments. The proposed amendments include fences and walls, parking, landscaping, trees, and other various sections of the Zoning Code as shown in Exhibit A. The Planning Commission's decision will be forwarded to the City Council for final action.

SUMMARY RECOMMENDATION

The Planning Division recommends the Planning Commission make the following motions:

Motion 1: Recommend the City Council adopt a Resolution to find the proposed amendments are exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the Guidelines in that adoption of the proposed Ordinance will not result in any impacts on the physical environment; and

Motion 2: Recommend the City Council adopt an Ordinance amending various sections of Chapter 106 of the City of Citrus Heights Municipal Code (Zoning Code Section) as shown in Exhibit A.

BACKGROUND

The city's land use and zoning regulations are contained in Title 106 (Zoning) of the city's Municipal Code (hereinafter referred to as the Zoning Code). The Zoning Code carries out the policies of the General Plan by providing standards and guidelines for the continuing orderly development of the city.

On occasion, refinements to the Zoning Code are necessary to clarify existing standards, implement new ones, reflect changes in law, and address changing business types and their activities. Staff proposes to modify various sections of the Zoning Code to implement necessary refinements. The approval of these amendments does not approve any development project. Rather, they amend and clarify the certain sections of the Zoning Code.

PROJECT DESCRIPTION

This staff report includes a table of the proposed changes. The table lists the code section number, the topic and a brief discussion of the change. Exhibit A includes a complete list of the zoning amendments in underline/strikeout text format.

While many of the proposed changes are minor, special attention should be given to the key areas discussed below where the changes are more significant.

- **Paving Standards** Due to the large number of public inquiries regarding paving front yards, staff has found it necessary to include specific provisions within the Zoning Code to limit the area allowed to be impervious (paved) surface.

As it is currently written, the Zoning Code does not specify the amount of total lot area that shall remain pervious surface, and states that no more than 50% of the front yard area shall be impervious surface. After consulting Zoning Codes of surrounding jurisdictions, staff has found that the majority of cities strive for greater pervious surface totals. Therefore, the proposed changes are as follows:

- A minimum of 25% of the lot area shall be pervious surface;

- No more than 40% of the front yard are shall be impervious surface (e.g. sidewalks, driveway, or parking surfaces);
- Deviations from these standards may be allowed with a staff-level Design Review Permit.
- **Tree Mitigation** The proposed amendments include modification related to tree mitigation. Currently the Zoning Code allows for mitigation to be achieved via either an inch-for-inch replacement of the trees removed from the site, or payment of \$298-per-inch into a tree mitigation fund. Currently, there is no requirement or incentive for developers to retain existing trees that are below the minimum size to be considered protected. In order to offer additional incentive to preserve existing trees, staff is recommending to also allow on-site preservation of native oak trees under 6" in diameter at breast height (dbh) within the buildable areas of the lot to be counted toward mitigation totals. For example, if a 4" Valley oak is preserved within the buildable area of the site, it would count as 4" toward the total mitigation requirement. This standard is currently in place in other agencies including Sacramento County:
 - On-site preservation of native oak trees that are less than 6 inches dbh and within the buildable area of the site may also be used to meet the tree mitigation requirement
- **Fences and Walls** Currently, fences and walls have two triggers for when staff-level Design Review is required. The first is if the proposed fence or wall is visible from the public right-of-way and has a height greater than six feet and a length greater than 100 feet. The second trigger is if the length of the fence is 200 feet or more, regardless of height. Over the past few years, staff has received multiple inquiries regarding fencing along commercial corridors like Auburn Boulevard, Greenback Lane and Sunrise Boulevard. On occasion, some of the proposed fencing projects fell below the requirements for Design Review and have thus been allowed to be constructed without staff review or approval.

Fences and walls can be a significant visual component of a site, especially on commercial corridors that act as gateways into the city. After reviewing the Zoning Codes from surrounding jurisdictions, as well as the city's own previous planning documents, staff is proposing the following changes to the Zoning Code as it pertains to fences in commercial zones:

- Requiring Design Review for all fences proposed within commercial zones and visible from the public right-of-way;
- Eliminating the "six feet and length greater than 100 feet" requirement and instead requiring Design Review for any fence over eight feet tall and/or visible from a public right-of-way;
- Creating objective Design Review criteria for commercial fencing, including the following elements:
 - Maximum height of eight feet, with fences and walls not visible from a public right-of-way allowed to go up to ten feet tall;
 - Fences and walls should be treated as architectural extensions of the building and incorporate features that create visual interest;
 - When fronting pedestrian routes, fences and walls should be set back at least three feet to allow for landscaping.

These changes allow for greater discretion and reduce the aesthetic impact of fencing along commercial corridors.

- **Permits to Run with the Land** If a use on a property that was originally approved via Use Permit discontinues and remains inactive for more than a year, the Zoning Code currently states that a public hearing must be held to revoke the Use Permit from the property. In order to eliminate duplicative processes and streamline efficiency, staff is proposing the following changes:
 - If the use is discontinued for more than twelve months, the Use Permit shall expire as long as the following criteria have been met:
 - No appurtenant structure is required and the use has been discontinued for twelve months; or
 - If an appurtenant structure is required for the Use Permit but it is removed from the site for more than twelve consecutive months
 - If an appurtenant structure required for the Use Permit that has been issued a certificate of occupancy, and all other criteria of the Use Permit have been met, the Use Permit will continue even if the structure remains vacant for more than twelve consecutive months. However, no use may be re-established in the structure unless it has been determined by the Director to be substantially the same as the original conditionally permitted use.

SUMMARY OF ALL CHANGES

The table below includes all the changes proposed for the Zoning Code Update.

Article 2 – Zoning Code Districts and Allowable Land Uses		
<i>Code Section</i>	<i>Topic</i>	<i>Change</i>
106.26.030	Table 2-5 Allowed Land Uses and Permit Requirements for Commercial and Industrial Zoning Districts	➤ Created new category for “Artisan/Craft Product manufacturing”
Article 3 – Site Planning and Project Design Standards		
<i>Code Section</i>	<i>Topic</i>	<i>Change</i>
106.30.050(B)(1)	Fences and Walls	Changes thresholds for Design Review of fences and walls to the following: <ul style="list-style-type: none"> ➤ Required when visible from a public right-of-way and located within a commercial zone ➤ Eliminates the requirement of six feet tall and 100 feet long, instead required for all fences or walls over eight feet
106.30.050(F)	Fences and Walls – Commercial Fencing	Creates new section for objective design standards for new commercial fencing: <ul style="list-style-type: none"> ➤ Maximum allowed height of eight feet, with ten feet allowed with Design Review if not visible from the public right-of-way ➤ If walls or fences are not required for a specific screening or security purpose they should not be used. The intent is to keep a wall or fence as low as possible while still performing their screening and security function

		<ul style="list-style-type: none"> ➤ Screen walls and fences should be architecturally treated as an extension of the building, using similar colors, design, and materials. Vertical and horizontal reveals, accents, reliefs, and other details shall be included. Chain link fences are prohibited, unless they are used as temporary security fencing ➤ Wherever possible along pedestrian routes, screen walls and fences should be set back a minimum of three feet from the sidewalk to allow for landscaping. Additionally, the use of climbing vines or ivy on walls and fences is highly encouraged
106.30.100(2)	Setback Requirements and Exceptions – Storage	Includes recreational vehicles and trailers specifically among items not to be stored within front or street side setbacks, unless they are on an approved parking surface
106.30.100(3)	Setback Requirements and Exceptions – Parking	Moves and redirects the provisions of this section to 106.36.080 (Parking Design and Development Standards)
106.31.030(3)(D)	Small Lot Housing Product Project Designs	Changes the word “subdivisions” to “developments” in first paragraph as small lot housing products are not exclusive to land divisions
106.34.020	Landscaping Standards	Adds mixed-use to the land use categories and indicates all existing development comply with minimum maintenance provisions of newly created section 106.34.025
106.34.025	Special Landscape Provisions	<p>New section specifies following landscaping requirements for single- and two-family residential zoning districts:</p> <ul style="list-style-type: none"> ➤ 25% of lot area shall be pervious surface ➤ No more than 40% of front yard area shall be impervious surface (sidewalks, driveway, parking surface) ➤ Allows for deviation of requirements through Design Review
106.36.030(D)	General Parking Regulations	Eliminates this subsection from this section and moves it to section 106.36.080, subsection (B)(2) – Residential Parking Restrictions
106.36.080(A)(1)(b)	Parking Design and Development Standards – Location of Parking, Multi-unit residential	Eliminates the word Duplex from description, as duplex is allowed within both single- and multi-family residential zones
106.36.080(B)	Residential parking restrictions	Creates new subsection that consolidates information from disparate parts of the Zoning Code, including from Section 106.30.100 (Setback Requirements and Exceptions) and 106.36.030 (General Parking

		Regulations), into single location titled Residential parking restrictions. Subsection includes the following: <ul style="list-style-type: none"> ➤ Residential parking surface requirements ➤ Recreational vehicle and trailer parking requirements, which also incorporates language from the Municipal Code regarding fire access
106.38.060	Table 3-11 Sign Standards for Residential Zones	Under non-residential uses, separates wall and freestanding sign allowances and increases allowances for each from 50 SF for all combined signs to the following: <ul style="list-style-type: none"> ➤ .50 (1/2) SF wall signage for every linear foot of primary building frontage ➤ Total combined SF of all freestanding signs not to exceed 100 SF
106.39.020(A)	Tree Preservation and Protection – Applicability to protected trees	Defines a native oak tree as any of the following four species: <ul style="list-style-type: none"> ➤ Blue oak (<i>Quercus douglasii</i>) ➤ Interior live oak (<i>Quercus wislizenii</i>) ➤ Coastal live oak (<i>Quercus agrifolia</i>) ➤ Valley oak (<i>Quercus lobata</i>) Also adds privet (<i>Ligustrum</i> spp.) and tree of heaven (<i>Ailanthus altissima</i>) to list of non-protected trees, regardless of size
106.39.020(C)	Tree Preservation and Protection – Exceptions	Removes language about properties being exempt if they cannot be subdivided further based on minimum lot area requirements
106.39.060	Tree Planting and Replacement	Renames the section to Tree Mitigation, moves language from first paragraph into subsection A and provides bullet points of mitigation requirements for clarity. <p>Also introduces subsection E, which states the following:</p> <ul style="list-style-type: none"> ➤ On-site preservation of native oak trees that are less than 6 inches (<6 inches) dbh, as described in Section 106.39.020, and within the buildable area of the site may also be used to meet the tree mitigation requirement pursuant to the formula described in Section 106.39.060(A)
Article 4 – Standards for Specific Land Uses		
<i>Code Section</i>	<i>Topic</i>	<i>Change</i>
106.42.010(D)(7)	Junior Accessory Dwelling Unit	Changes to the definition of JADU include the following: <ul style="list-style-type: none"> ➤ A unit is considered a JADU if the unit is created within the walls of the proposed or existing single-family residence. The old text states a JADU is created through the conversion of living space within an existing single dwelling. ➤ Removal of item b, stating “A junior accessory dwelling unit shall be permitted to develop an

		additional 150 square feet which may exceed the allowable lot coverage otherwise permitted by the underlying zoning district to allow for ingress and egress of the junior accessory dwelling unit.”	
106.42.010(D)(8)(b)(2)	Accessory Dwelling Unit – Exceptions	Additional clarification of the definition of multi-family dwelling to include the language “For the purpose of this subsection, a structure with two or more attached dwellings on a single lot is considered a multi-family dwelling. Multiple detached single-unit dwelling on the same lot are not considered multi-family.”	
106.44.050	Wireless Telecommunications Facilities	Adds a section discussing the criteria for the installation of emergency standby generators meeting the definition of a Minor Modification pursuant to Section 6409(a) of the Federal Statute.	
Article 6 – Planning Permit Procedures			
<i>Code Section</i>	<i>Topic</i>	<i>Change</i>	
106.62.040	Design Review	Design Review Thresholds Table modified to include the following:	
		Project - Nonresidential development	Review Authority
		Fences or wall – more than 8 ft in height	Director
106.64.050	Permits to Run with the Land	<p>Introduces subsection A, which establishes that a use that has been allowed by Use Permit and has discontinued for twelve months may be considered lapsed if:</p> <ul style="list-style-type: none"> ➤ If no appurtenant structure is required and the use is discounted for more than twelve (12) consecutive months; ➤ If an appurtenant structure is required for the conditionally-permitted use and the structure is removed from the site for more than twelve (12) consecutive months <ul style="list-style-type: none"> ○ If a structure associated with the operation of a conditionally permitted use is issued a certificate of occupancy and all other conditions of approval of the conditional use permit are satisfactorily completed, the entitlement remains in effect even if the structure is vacant for more than twelve (12) consecutive months; however, no use may be reestablished in the structure and/or on the site unless the use is determined by the Director to be substantially the same as the original conditionally permitted use 	
106.64.070	Permit Time Limits, Extensions, and Expiration	Time limits on approved entitlements extended from two to three years, including on phased projects. This is intended to match the Subdivision Map Act time limits	

Article 8 – Glossary		
<i>Code Section</i>	<i>Topic</i>	<i>Change</i>
106.80.020	Definitions of Specialized Terms and Phrases	Added definitions for the following terms: <ul style="list-style-type: none"> ➤ Artisan/Craft Product Manufacturing to include small scale food/beverage production like coffee roasting ➤ Pervious Surface ➤ Base Station and Macro Cell Tower Site in Telecommunications Facilities

CONCLUSION

The proposed Zoning Code amendment is consistent with the General Plan and will not be detrimental to the public interest, health, safety, convenience, or welfare of the city. The proposed modifications are intended to update the Zoning Code based on changing trends, new legal requirements or best practices; therefore, staff recommends approval of the amendments.

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from the California Environmental Quality Act (CEQA Guidelines Section 15061(b) (3)) in that adoption of the proposed Ordinance will not result in any impacts on the physical environment; and under the general rule that the proposed amendments to the Municipal Code do not have the potential to have a significant effect on the environment.

RECOMMENDATION

The Planning Division recommends the Planning Commission make the following motions:

Motion 1: Recommend the City Council adopt a Resolution to find the proposed amendments are exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines; and

Motion 2: Recommend the City Council adopt an Ordinance amending Chapter 106 of the City of Citrus Heights Municipal Code (Zoning Code Section) as shown in Exhibit A.

Exhibit A: Redline of Zoning Code Text