



Folsom City Council Staff Report

MEETING DATE:	11/28/2023
AGENDA SECTION:	Consent Calendar
SUBJECT:	<p>1014 Sibley Street Rezone</p> <p>Ordinance No. 1340 - An Uncodified Ordinance of the City of Folsom to Amend the Zoning Designation for the 0.87-Acre Project Site (APN: 071-0200-056-0000) from R-M PD (Residential Multifamily Dwelling District, Planned Development) and R-4 (General Apartment District) to R-1-M PD (Residential, Single-Family Dwelling, Small Lot District, Planned Development) for the 1014 Sibley Street Project (Second Reading and Adoption)</p>
FROM:	Community Development Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff forwards the Planning Commission’s recommendation that the City Council take the following action:

1. Conduct a second reading of and move to adopt Ordinance No. 1340 to Amend the Zoning Designation for the 0.87-Acre Project Site (APN: 071-0200-056-0000) from R-M PD (Residential Multifamily Dwelling District, Planned Development) and R-4 (General Apartment District) to R-1-M PD (Residential, Single-Family Dwelling, Small Lot District, Planned Development) for the 1014 Sibley Street Project (Second Reading and Adoption)

BACKGROUND / ISSUE

The applicant, David Storer, is requesting approval of a rezone of the existing 0.87-acre property located at 1014 Sibley Street. The project site currently has split zoning (R-M PD- Residential Multifamily Dwelling District, Planned Development and R-4- General Apartment District) and is proposed to be rezoned to R-1-M PD (Residential, Single-Family Dwelling, Small Lot District). The project site has a General Plan designation of SFHD (Single-Family High Density). The Planning Commission considered this project at its regular meeting on October 18, 2023 and unanimously recommended City Council approval. City Council approved a Vesting Tentative

Subdivision Map, Planned Development Permit and Design Review for the 1014 Sibley Street Subdivision project and conducted a first reading of the proposed rezone ordinance at its November 14, 2023 meeting. Approval of the entitlements is contingent upon the second reading and approval of the rezone ordinance, which would be effective 30 days after ordinance adoption. No permits will be issued for the proposed project until the ordinance is final.

POLICY / RULE

The applicant is seeking to rezone the split-zoned property from R-M PD and R-4 to R-1-M PD to allow for the development of single-family residences. Folsom Municipal Code (FMC) Section 17.68.050 requires that applications for rezones be forwarded to the City Council for final action. City Council approval of a rezone occurs via ordinance.

ANALYSIS

General Plan and Zoning Consistency

The General Plan land use designation for the project site is SFHD (Single-Family High-Density) and the current zoning classifications for the site are R-M PD (Residential, Multifamily Dwelling District, Planned Development District) and R-4 (General Apartment District). The applicant is proposing a rezone to change the zoning designation from R-M PD and R-4 to R-1-M PD (Single-Family Small Lot, Planned Development District). The proposed R-1-M zone is consistent with the General Plan land use designation of SFHD. The project is consistent with the proposed Zoning designation for the site, as single-family residential development is identified as a permitted land use within the R-1-M zoning district (FMC Section 17.13). The SFHD General Plan land use designation is intended for single-family detached and attached homes and allows a density between 4 to 7 dwelling units per acre. The project proposes six single-family residences at an overall density of 6.9 dwelling units per acre, thereby meeting the requirements of the General Plan designation. While six additional ADUs are proposed as part of the project, FMC Section 17.105.010(B)(2) states that ADUs that meet the standards of FMC Chapter 17.105 shall not be deemed to exceed the allowable density for the parcel on which the ADU is located. As such, the ADUs do not cause the project to exceed the required maximum density of 7 units per acre. At the same time, the proposed project is maximizing the amount of housing to be developed on the site, consistent with policy direction from the State of California.

Rezone

The applicant is proposing that the project site, which currently has a split zoning of R-M PD and R-4, be rezoned to R-1-M PD. In evaluating the request for approval of a rezone, City staff took into consideration the compatibility of the proposed land use in relation to the existing land uses in the immediate project vicinity. As described previously, the project site is located on a partially developed parcel located on the southwest side of Sibley Street. The project site is bounded by the single-family Diamond Glen (formerly Suncountry) development, to the south and west (zoned R-M PD), a single-family residence to the north (zoned R-4), and Sibley Street to the northeast with multi-unit residential development (zoned R-4) beyond. Based on its location and the recent prevalence of single-family residential development in the immediate vicinity of the project site,

staff has determined that the proposed project is compatible with existing land uses in the project area.

The General Plan density of the project site allows for up to six primary units to be built on the lot. However, the description for the existing SHFD General Plan designation states that it provides for “single-family detached homes and single-family attached homes that include duplexes, halfplexes, and zero-lot-line homes.” The proposed rezone to R-1-M PD would allow for the creation of six lots that accommodate single-family detached homes. Therefore, this zoning change would both remove the split zoning on the parcel and allow for six separate lots to be utilized for single-family residences. Furthermore, the applicant proposes six ADUs on these lots which may provide more affordable rental housing opportunities.

Recent changes to state law including but not limited to Government Code section 66300 limit the City’s ability to downzone residential property. Downzoning often results in reducing a site’s residential development capacity, so the policy behind these rules aims to increase the development of housing in general and to prevent the development of projects at lower densities by restricting downzoning. In this case, the rezone is technically a down zone of the subject property, particularly the change from R-4 to R-1-M. However, this proposed project is actually maximizing the residential development capacity on the project site given the General Plan designation that sets a maximum density of 7 dwelling units per acre. By rezoning the project site to allow construction of six single family homes and six ADUs, this project allows greater density than would have occurred without the rezone and also facilitates the development of housing. Government Code section 66300(f) contains a carve-out for zoning changes that allow greater density, facilitate the development of housing, and further other policy goals. This project meets those criteria and as such the proposed rezone is permissible under state law.

Staff has determined that the proposed rezone is consistent with the existing General Plan designation. Because it is both compatible with the existing land uses in the project area and consistent with the existing General Plan designation, staff supports the proposed rezone.

Conformance with Relevant General Plan Goals and Policies

The City of Folsom General Plan (2035) outlines a number of goals, policies, and implementation programs designed to guide the physical, economic, and environmental growth of the City. Staff has determined that the proposed project is consistent with the General Plan goals and policies as outlined and discussed below:

GP GOAL LU 1.1 (Land Use/Growth and Change)

Retain and enhance Folsom’s quality of life, unique identity, and sense of community while continuing to grow and change.

GP POLICY LU 1.1.1 (Zoning Ordinance)

Ensure that the Folsom Zoning Ordinance is consistent with the policies and programs of the General Plan.

Analysis: The proposed project is consistent with this policy in that the project includes rezoning the project site from R-M PD and R-4 to R-1-M PD. The General Plan designation of SFHD allows for 4 to 7 dwelling units per acre. On the 0.87-acre project site, this equates

to between 3.48 and 6.09 dwelling units. By subdividing the project site into six parcels and building six single-family residences on each parcel, the project would meet the density range for SFHD. Changing the zoning on the project site to R-1-M both cleans up the error of two zoning designations on one lot and allows for the type of use that is described in the SFHD designation (single-family detached and attached homes).

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study and Mitigated Negative Declaration (IS/MND) for the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that with the proposed mitigation measures, the project will not have a significant effect on the environment.

A notice for the project and IS/MND was placed in the Sacramento Bee and mailed to property owners within 300 feet of the site prior to the Planning Commission hearing. Notices were also posted in the Folsom Telegraph and mailed to property owners within 300 feet of the project site prior to the first City Council hearing.

Pursuant to AB 52, before the release of the IS/MND for this project, the City began the process of consultation with California Native American tribes traditionally and culturally affiliated with the geographic area of the proposed project. The consultation was concluded and no changes to the project were required as a result of the consultation process. Mitigation measures regarding tribal and cultural resources were created in consultation with the Wilton Rancheria tribe.

ATTACHMENTS

1. Ordinance No. 1340 - An Uncodified Ordinance of the City of Folsom to Amend the Zoning Designation for the 0.87-Acre Project Site (APN: 071-0200-056-0000) from R-M PD (Residential Multifamily Dwelling District, Planned Development) and R-4 (General Apartment District) to R-1-M PD (Residential, Single-Family Dwelling, Small Lot District, Planned Development) for the 1014 Sibley Street Project (Second Reading and Adoption)

Submitted,



PAM JOHNS
Community Development Director

ORDINANCE NO. 1340

AN UNCODIFIED ORDINANCE OF THE CITY OF FOLSOM TO AMEND THE ZONING DESIGNATION FOR THE 0.87-ACRE PROJECT SITE (APN: 071-0200-056-0000) FROM R-M PD (RESIDENTIAL MULTIFAMILY DWELLING DISTRICT, PLANNED DEVELOPMENT) AND R-4 (GENERAL APARTMENT DISTRICT) TO R-1-M PD (RESIDENTIAL, SINGLE-FAMILY DWELLING, SMALL LOT DISTRICT, PLANNED DEVELOPMENT) FOR THE 1014 SIBLEY STREET PROJECT

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

SECTION 1. PURPOSE

The purpose of this Ordinance is to rezone a certain 0.87-acre property with split zoning (APN: 071-0200-056-0000), located at 1014 Sibley Street, from R-M PD (Residential Multifamily Dwelling District, Planned Development) and R-4 (General Apartment District) to R-1-M PD (Residential, Single-Family Dwelling, Small Lot District, Planned Development).

SECTION 2. FINDINGS

- A. The proposed rezoning is consistent with the objectives, goals and policies of the Folsom General Plan.
- B. The public necessity and convenience and the general welfare require the rezone in this case.
- C. A duly noticed public hearing was held before the Planning Commission on October 18, 2023.
- D. A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for the project in accordance with the California Environmental Quality Act. The Initial Study, Negative Declaration, and the Mitigation Monitoring and Reporting Program are incorporated herein by reference.
- E. Notice of hearing before the City Council has been given in the form and in the manner required by State statute and Folsom City Code.

SECTION 3. CHANGE OF ZONING MAP DESIGNATION

The Zoning Map designations for the subject parcel are hereby amended from R-M PD (Residential Multifamily Dwelling District, Planned Development) and R-4 (General Apartment District) to R-1-M PD (Residential, Single-Family Dwelling, Small Lot District, Planned Development), as set forth on Exhibit A.

SECTION 4. NO MANDATORY DUTY OF CARE

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons or property within or without the City so as to provide a basis for civil liability for damages, except as otherwise imposed by law.

SECTION 5. SEVERABILITY

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

SECTION 6. EFFECTIVE DATE

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

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on November 14, 2023 and the second reading occurred at the regular meeting of the City Council on November 28, 2023.

On a motion by Council Member _____ seconded by Council Member _____, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 28 day of November, 2023, by the following roll-call vote:

- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSTAIN:** Councilmember(s):
- ABSENT:** Councilmember(s):

Rosario Rodriguez, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK
Ordinance No. 1340
Page 2 of 4

Exhibit A

1014 Sibley Street - Rezone Exhibit



Existing Zoning Designation



Proposed Zoning Designation

Legend

- Residential, Small Lot District, Planned Development (R-1-M PD)
- Residential, Multifamily District, Planned Development (R-M PD)
- General Apartment District (R-4)
- Light Industrial District, Silverbrook Specific Plan Area (SP-INDUSTRIAL)
- Light Industrial District (M-1)
- Light Industrial District, Planned Development (M-1 PD)
- Open Space District, Silverbrook Specific Plan Area (SP-OS)



CITY OF
FOLSOM
ESTABLISHED BY ACT OF 1850