



AGENDA

April 12, 2018

PLANNING COMMISSION MEETING

7:00 p.m.

City Council Chambers
311 Vernon Street
Roseville, California

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. PUBLIC COMMENTS**

Persons may address the governing body on items not on this agenda. Speakers shall restrict their comments to issues that are within the subject jurisdiction of the governing body and limit their comments to three (3) minutes per person. The Brown Act, with certain exceptions, does not permit the governing body to discuss or take action on issues that are not listed on the agenda.

5. CONSENT CALENDAR

5.1. MINUTES OF MARCH 22, 2018

6. REQUESTS/PRESENTATIONS

6.1. DOWNTOWN CODE AMENDMENT - REGULATIONS RELATED TO ALLOWED USES IN THE DRY CREEK MIXED USE (DT-7) DISTRICT - FILE # PL18-0093

Recommendation: Pass a motion to

A. Recommend that the City Council amend Chapter 2, Subsection 2.3.2 (Detailed Land Use Matrix) of the Roseville Downtown Code to allow the College and University, Vocational School and Specialty School land use types as principally permitted uses with the DT-7 District.
(Bitter)

6.2. WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY - CITYWIDE ORDINANCE, 311 VERNON STREET. - FILE # PL18-0100

Recommendation: Pass a motion to

A. Recommend the City Council consider and adopt the amendment to Chapter 19.34 of the Roseville Municipal Code (RMC) regarding the placement

of telecommunication facility.
(Ogden)

6.3. ZONING ORDINANCE AMENDMENT RELATED TO ACCESSORY
DWELLING UNITS - CITYWIDE - FILE # PL18-0095

Recommendation: Pass a motion to

A. Recommend that the City Council consider and adopt the Ordinance
amending Title 19 - Zoning related to Accessory Dwelling Unites.

(Stewart)

7. BOARD MEMBER / COMMISSIONER / STAFF REPORT

8. ADJOURNMENT



PLANNING COMMISSION

Title: MINUTES OF MARCH 22, 2018

Meeting Date: 4/12/2018
Item #: 5.1.

ATTACHMENTS:

Description

March 22, 2018 draft minutes



Planning Commission Meeting March 22, 2018 – 7:00 p.m. Draft Minutes

I. ROLL CALL

Planning Commissioners Present

Bruce Houdesheldt, Chair
Joseph McCaslin, Vice-Chair
Krista Bernasconi
Erich Brashears
Justin Caporusso
Charles Krafka
Tracy Mendonsa

Staff Present

Greg Bitter, Planning Manager
Derek Ogden, Senior Planner
Lauren Hocker, Associate Planner
Sean Morales, Assistant Planner
Kinarik Shallow, Assistant Planner
Marc Stout, City Engineer
Michelle Sheidenberger, Assistant City Attorney
Lupe Nelson, Recording Secretary

II. PLEDGE OF ALLEGIANCE

Commissioner Bernasconi led those in attendance in the Pledge of Allegiance.

III. ORAL COMMUNICATION

Chair Houdesheldt opened the Oral Communication. Hearing none, Chair Houdesheldt closed the Oral Communication.

IV. CONSENT CALENDAR

Chair Houdesheldt asked if anyone wished to remove any of the items from the Consent Calendar for discussion.

Commissioner Bernasconi requested that the items be heard separately.

A. MINUTES OF JANUARY 25, 2018

MOTION

Commissioner Caporusso made the motion, which was seconded by Commissioner McCaslin, to approve the Consent Calendar item A.

The motion passed with the following vote:

Ayes: Brashears, Caporusso, Krafka, McCaslin, Mendonsa, Houdesheldt
Noes: None
Abstain: Bernasconi

B. NCRSP PCL 34A, 34B, COSTCO FUEL CANOPY EXPANSION – 6270 STANFORD RANCH RD – FILE # PL18-0004

MOTION

Commissioner McCaslin made the motion, which was seconded by Commissioner Bernasconi, to approve the Consent Calendar item B.

The motion passed with the following vote:

Ayes: Bernasconi, Brashears, Caporusso, Krafka, McCaslin, Mendonsa, Houdesheldt
Noes: None
Abstain: None

V. NEW BUSINESS

A. INFILL PCL 198 – RV TRAVEL WORLD – 2020 TAYLOR RD – FILE # PL17-0350.

Assistant Planner, Kinarik Shallow, presented the staff report and responded to questions.

Chair Houdesheldt opened the public hearing and invited comments from the applicant and/or audience.

Applicant, Jamie Codero, RV Travel World of Sacramento, addressed the Commission and responded to questions. He stated he had received a copy of the staff report and was in agreement with staff's recommendations.

Public Comment:

- None

Commission Discussion:

- Is the property owner aware of the parking reduction?
- Appreciative of the parking survey.

Chair Houdesheldt closed the public hearing and asked for a motion.

MOTION

Commissioner Caporusso made the motion, which was seconded by Commissioner Krafka, to adopt the three (3) findings of fact for the Conditional Use Permit and approve the Conditional Use Permit subject to seven (7) conditions of approval; and, adopt the four (4) findings of fact for the Administrative Permit and approve the Administrative Permit subject to two (2) conditions of approval.

The motion passed with the following vote:

Ayes: Bernasconi, Brashears, Caporusso, Krafka, McCaslin, Mendonsa, Houdesheldt

Noes: None

Abstain: None

B. NCRSP PCL S, WEIR ACCESSORY STRUCTURES – 329 WATERFIELD DR – FILE # PL17-0361.

Assistant Planner, Sean Morales, presented the staff report and responded to questions.

Chair Houdesheldt opened the public hearing and invited comments from the applicant and/or audience.

Applicant, Richard Weir, addressed the Commission and responded to questions. He stated he had received a copy of the staff report and was in agreement with staff's recommendations.

Public Comment:

- None

Commission Discussion:

- What are the consequences, besides fines, if conditions of approval are not adhered to?
- What recourse does the City have?
- How does the applicant plan to comply?
- How long after the dog complaint did this issue begin?
- Who sent the letters?

- It is difficult to weigh anonymous letters as Commissioners are unable to see how close the author of the letter is to the property in question.
- Are the neighbors in agreement with the conditions of approval?
- When were the structures erected?

Chair Houdesheldt closed the public hearing and asked for a motion.

MOTION

Commissioner Bernasconi made the motion, which was seconded by Commissioner Mendonsa, to approve the three (3) findings of fact for the Administrative Permit subject to four (4) conditions of approval.

The motion passed with the following vote:

Ayes: Bernasconi, Brashears, Caporusso, Krafka, McCaslin, Mendonsa, Houdesheldt

Noes: None

Abstain: None

C. INFILL PCL 326 – VERIZON WIRELESS MONOPOLE CUP – 1550 MAIDU DR – FILE # PL18-0023.

Associate Planner, Lauren Hocker, presented the staff report and responded to questions.

Chair Houdesheldt opened the public hearing and invited comments from the applicant and/or audience.

Applicant, Aaron De Lao, addressed the Commission and responded to questions. He stated he had received a copy of the staff report and was in agreement with staff's recommendations.

Steve Saxton and Elizabeth Davis spoke in opposition of the project

Public Comment:

- The need has not been described in the staff report or other documents.
- Why is the City considering giving up land?
- Concerns about the visual effects.
- Why isn't the Corp yard being considered as an alternative?
- The equipment on the pole is not the issue.
- The equipment will be seen as people travel along the public trail.
- What impression does this give to Maidu Park visitors?
- Please consider another location for the equipment.

Commission Discussion:

- Why was the project delayed?
- What is the timeline once the lease has been signed?
- Was another site considered for the equipment?
- Is there a need for the equipment to be above ground?
- What impact would there be by relocating the equipment to the Corp Yard?
- Appreciate improved design.
- Have coverage maps previously been supplied?

Chair Houdesheldt closed the public hearing and asked for a motion.

MOTION

Commissioner Bernasconi made the motion, which was seconded by Commissioner Mendonsa, to approve the three (3) findings of fact for the Administrative Permit subject to four (4) conditions of approval, condition # 7 modified to read, The chain link fencing and posts of the equipment cabinet shall be vinyl-dipped, and the privacy slats shall be winged to provide additional screening. The vinyl and the privacy slats *shall match the color (green) of the existing equipment enclosure located south of the proposed enclosure.* (Planning, Parks)

The motion passed with the following vote:

Ayes: Bernasconi, Brashears, Caporusso, Krafka, McCaslin, Mendonsa, Houdesheldt

Noes: None

Abstain: None

VI. REPORTS: COMMISSION/STAFF

Staff Reports

- At the April 12, 2018 Planning Commission meeting several ordinance amendments will be presented to the Planning Commission.
- At the April 26, 2018 Planning Commission meeting, two projects will be presented.

Commissioner Reports

- Thank you to the Marc Stout for his quick and thorough response to Commissioner's questions.
- Community Priorities Advisory Committee update.
- Welcome to Sean Morales and Kinarik Shallow.

VII. ADJOURNMENT

Chair Houdesheldt asked for a motion to adjourn the meeting.

MOTION

Commissioner Bernasconi made the motion, which was seconded by, Commissioner Caporusso to adjourn the meeting.

The motion passed unanimously at 8:14 p.m.



PLANNING COMMISSION

Title:

DOWNTOWN CODE AMENDMENT - REGULATIONS RELATED TO
ALLOWED USES IN THE DRY CREEK MIXED USE (DT-7) DISTRICT - FILE
PL18-0093

Meeting Date: 4/12/2018

Item #: 6.1.

ATTACHMENTS:**Description**

Staff Report

Exhibit A

ITEM 6A: **DOWNTOWN CODE AMENDMENT - REGULATIONS RELATED TO ALLOWED USES IN THE DRY CREEK MIXED USE (DT-7) DISTRICT - FILE #PL18-0093**

REQUEST

The application is a request to amend Chapter 2 – Land Use and Zoning, of the Roseville Downtown Code (DTC) related to allowed uses. The proposed Ordinance will amend the Downtown Code to allow the College and University, Vocational School and Specialty School land use types as principally permitted uses within the Dry Creek Mixed Use (DT-7) District.

SUMMARY RECOMMENDATION

The Planning Division recommends that the Planning Commission take the following actions:

- A. Recommend that the City Council amend Chapter 2, Subsection 2.3.2 (Detailed Land Use Matrix) of the Roseville Downtown Code to allow the College and University, Vocational School and Specialty School land use types as principally permitted uses within the DT-7 District.

BACKGROUND/EVALUATION

The Roseville Downtown Specific Plan (DTSP) was approved by City Council on April 1, 2009, with the intent of providing a vision and policies for redevelopment, revitalization and intensification of the 176 acre core of Roseville (including Historic Old Town, Vernon Street, and Royer and Saugstad Parks). With that approval, the DTSP assumed that approximately 1,020 new residential units and 4.4 million square feet of development would be added in the plan area over a 20-year period. Concurrent with approval of the DTSP, the Council adopted the Downtown Code (DTC) to provide guidelines, standards and a regulatory framework to encourage public and private investment, consistent with the vision of the DTSP.

The 176 acre Specific Plan area is divided into eleven districts. These districts serve as the regulatory zones within the Specific Plan area, and the permitted land uses and development standards vary for each district. The Specific Plan includes an overall goal for the development of these eleven districts:

LU Goal 4.6 - Reinforce the land use pattern through character districts and encourage land uses that are responsive to market opportunities.

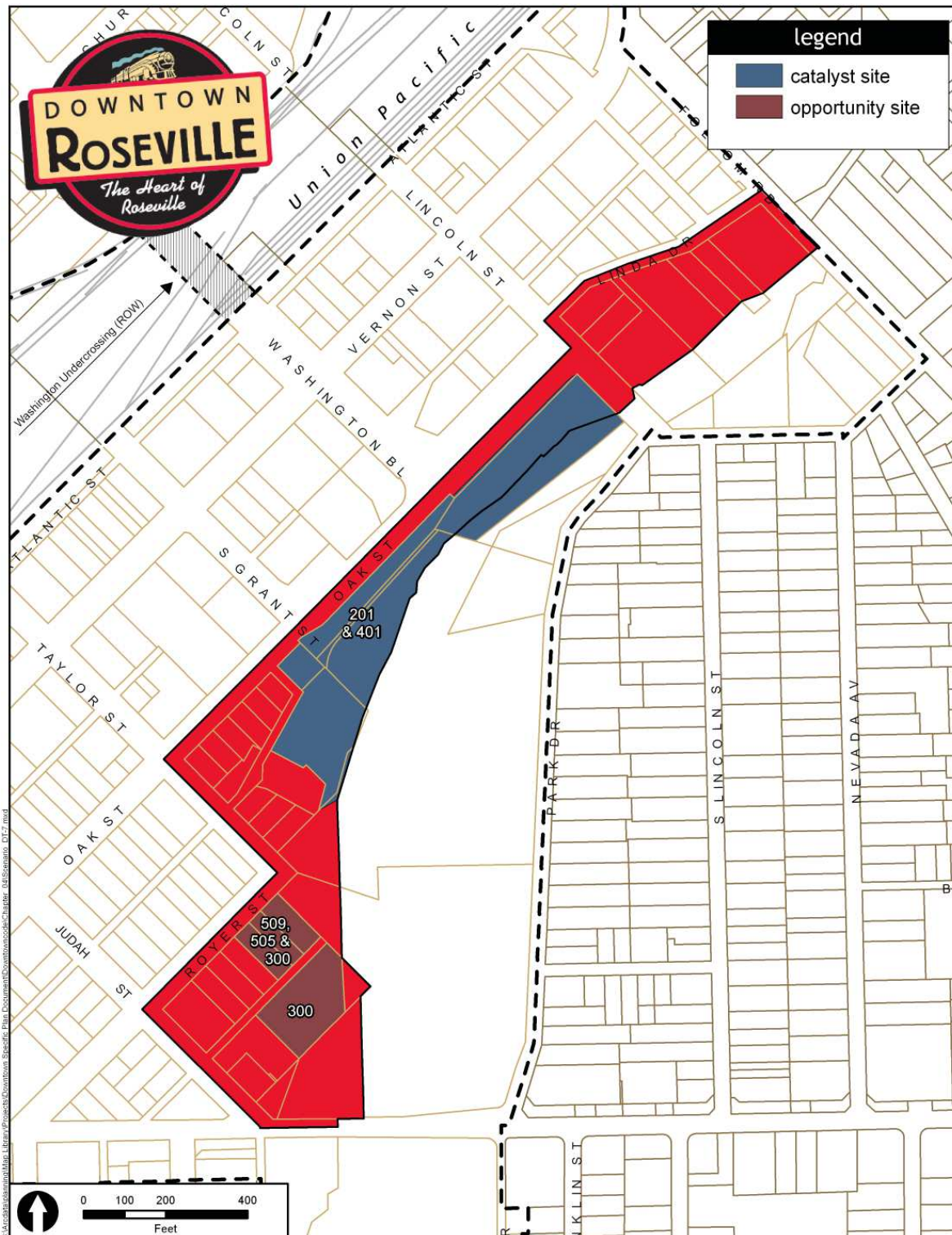
It was imperative that each district be provided with a land use pattern that emphasized the individual assets of each district. Additionally, the land use framework needed to be flexible enough to respond to market conditions.

The Dry Creek Mixed-Use (DT-7) District is located to the east of the Vernon Street corridor and directly abuts Dry Creek and Royer Park (See Figure 1). This district is unique given the location of the properties in relation to existing civic facilities and the creek. The land use plan was developed to create a relationship between uses abutting the creek and park that did not exist at the time of plan adoption and do not exist today. The Specific Plan included one implementing policy for the DT-7 District:

Policy 4.6.2a: Orient and provide land uses in the Dry Creek Mixed-Use District that take full advantage of the proximity of the creek and Royer Park.

The Dry Creek District is intended to be a mixed-use district. The flexibility of the land use will allow for multifamily housing opportunities and residential/office over retail. This district will also allow for office uses to be oriented onto the creek frontage.

Figure 1: Dry Creek Mixed Use (DT-7) District



The DT-7 District allows for a number of land uses that would implement the goals and policies of the DTSP, namely creating a mixed use district that takes advantage of the creek frontage. The DT-7 District includes a large catalyst site and two opportunity sites (see Figure 1 above) that are owned by the City and positioned to be developed with uses that will implement the vision of the DT-7 District. The soon to be vacated Fire Station 1 building, located at 401 Oak Street has been looked at for a potential university use. With the success of Sierra College offering courses at the 316 Vernon Street building, the potential for more complementary educational uses in the downtown would help to continue the redevelopment of the entire DTSP area.

During the evaluation of the 401 Oak street site, it was discovered that the College and University land use type was not an allowed use in the DT-7 District. At that time, staff began processing an ordinance amendment to amend the Downtown Code to allow this use in the DT-7 District. During this process, staff evaluated all of the allowed uses in the DT-7 District and determined that two additional uses would be appropriate to implement the vision of the DT-7 District; Vocational Schools and Specialty Schools. There are properties within the DT-7 District that could adequately accommodate these uses and would be complimentary to the various residential, commercial and office uses in the District. Before any of these uses could be located in the DT-7 District, they would be evaluated through the appropriate process in the Downtown Code to ensure their compliance with all of the DT-7 District standards and guidelines.

Staff is proposing the DT-7 District be amended to allow College and University, Vocational School and Specialty School land use types as principally permitted uses within the DT-7 District. A red-lined copy of the proposed Ordinance is provided in Exhibit A.

CONCLUSION

The proposed amendment to the DT-7 District to allow College and University, Vocational School and Specialty School land use types as principally permitted uses will further the vision of the DTSP. These uses will be complimentary to the currently allowed uses and promote the implementation of the DT-7 District policies.

ENVIRONMENTAL DETERMINATION

This action is not a project subject to the California Environmental Quality Act (CEQA) because it involves only general policy and procedure making and does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines, Sections 15002(d), 15378, 15061(b)(3)).

RECOMMENDATION

The Planning Division recommends that the Planning Commission:

- A. Recommend that the City Council adopt the Ordinance to Amend Chapter 2, Subsection 2.3.2 (Detailed Land Use Matrix) of the Roseville Downtown Code to allow the College and University, Vocational School and Specialty School land use types as principally permitted uses within the DT-7 District.

EXHIBIT

- A. Proposed Ordinance Amending Chapter 2, Section 2.3.2 (Detailed Land Use Matrix) of the Roseville Downtown Code.

ORDINANCE NO. ____

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE AMENDING SECTION
2.3.2 OF CHAPTER 2 OF THE ROSEVILLE DOWNTOWN CODE REGARDING
ALLOWED LAND USES WITHIN THE DRY CREEK MIXED-USE (DT-7) DISTRICT

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Background and Purpose. In 2009, the City Council, by Ordinance No. 4728, added Chapter 19.31 to the Roseville Municipal Code which adopted and incorporated by reference the Downtown Code. The proposed amendment of the Downtown Code would allow the College and University, Vocational School and Specialty School land use types as principally permitted uses within the Dry Creek Mixed-Use (DT-7) District, as shown in attached Exhibit A.

SECTION 2. Amendment of Downtown Code. Section 2.3.2 is hereby amended as shown in Exhibit A.

SECTION 3. This ordinance shall be effective at the expiration of thirty (30) days from the date of adoption.

SECTION 4. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Downtown Code a certificate or notation stating the time and place of said publication by posting. The Planning Manager is directed to replace pages 2-14 and 2-16 of the Downtown Code with new pages 2-14 and 2-16 as shown in Exhibit A.

PASSED AND ADOPTED by the Council of the City of Roseville this ____ day of _____, 20__, by the following vote on roll call:

AYES COUNCILMEMBERS:

NOES COUNCILMEMBERS:

ABSENT COUNCILMEMBERS:

MAYOR

ATTEST:

City Clerk

2.0 Land Use and Zoning

	Washington Corridor	Washington Corridor (Intensified)	Old Town Bungalow Residential	Old Town Commercial	Old Town Commercial (Extension)	Vernon Street	Dry Creek Mixed-Use	Creek View Residential	Vernon Bungalow Residential	Douglas Boulevard
	DT-1	DT-2	DT-3	DT-4	DT-5	DT-6	DT-7	DT-9	DT-10	DT-11
AGRICULTURE & OPEN SPACE USE TYPES										
Resource Protection & Restoration	-	-	-	-	P	P	P	P	-	P
Resource Related Recreation	P	P	P	P	P	P	P	P	P	P
CIVIC USE TYPES	DT-1	DT-2	DT-3	DT-4	DT-5	DT-6	DT-7	DT-9	DT-10	DT-11
Community Assembly (1)	P	-	-	CUP	-	CUP	-	CUP	-	P
Community Services	P	P	P	P	P	P	P	P	P	P
Essential Services	P	P	P	P	P	P	P	P	P	P
Hospital Services										
General Hospital Services	P	-	-	-	-	-	-	-	-	P
Psychiatric Hospital Services	CUP	-	-	-	-	-	-	-	-	CUP
Libraries & Museums, Private	P	-	-	P	P	P	P	-	-	P
Public Parking Services	P	P	P	P	P	P	P	P	P	P
Schools										
College & University	P	-	-	-	-	P	<u>-P</u>	P	-	P
Elementary & Secondary	P	-	-	-	-	-	CUP	-	-	P
Private Elementary & Secondary	P	-	-	-	-	-	CUP	-	-	P
Power Generating Facilities (2)										
Emergency	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
Supplemental/Individual Use	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Passive Power	P	P	P	P	P	P	P	P	P	P
RESIDENTIAL USE TYPES (13)	DT-1	DT-2	DT-3	DT-4	DT-5	DT-6	DT-7	DT-9	DT-10	DT-11
Live/Work (3)	P	P	P	P	-	P	P	P	P	P
Mixed Use (4)	P	P	-	P	P	P	P	P	-	P

2.0 Land Use and Zoning

	Washington Corridor	Washington Corridor (Intensified)	Old Town Bungalow Residential	Old Town Commercial	Old Town Commercial (Extension)	Vernon Street	Dry Creek Mixed-Use	Creek View Residential	Vernon Bungalow Residential	Douglas Boulevard
	DT-1	DT-2	DT-3	DT-4	DT-5	DT-6	DT-7	DT-9	DT-10	DT-11
Indoor Entertainment	CUP	CUP	-	P	P	P	P	-	-	CUP
Indoor Sports & Recreation	P	-	-	P	P	P	-	-	-	P
Outdoor Entertainment	-	-	-	-	-	-	P	-	-	-
Community Care Facility	P	-	-	-	-	P	P	P	-	P
Day Care Center	P	-	-	-	-	P	P	-	-	P
Eating & Drinking Establishments										
Convenience	P	P	-	P	P	P	P	-	-	P
Full Service	P	P	-	P	P	P	P	-	-	P
Food & Beverage Retail Sales⁽¹²⁾	P	P	-	P	-	P	P	P	-	P
Funeral & Internment Services	-	-	-	-	-	CUP	-	-	-	CUP
Lodging Services	P	-	-	P	-	P	P	-	-	P
Long Term Care Facility	CUP	-	-	-	-	-	CUP	-	-	CUP
Maintenance & Repair	P	-	-	P	P	P	-	-	-	P
Medical Services (General)	P	-	-	P	-	P	P	-	-	P
Neighborhood Commercial	P	P	-	P	P	P	P	P	-	P
Nightclubs (9)	-	-	-	ZC/CUP	CUP	CUP		-	-	-
Offices, Professional (10)	P	P	ZC	P	P	P	P	-	ZC	P
Personal Services (11)	P	P	ZC	P	CUP	P	P	-	ZC	P
Retail Sales & Services (12)	P	P	-	P	P	P	P	-	-	P
Specialized Education & Training										
Vocational Schools	P	-	-	P	-	P	-P	-	-	P
Specialty Schools	CUP	CUP	-	P	-	P	P	-	-	CUP



PLANNING COMMISSION

Title:

WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY
- CITYWIDE ORDINANCE, 311 VERNON STREET. - FILE # PL18-0100

Meeting Date: 4/12/2018

Item #: 6.2.

ATTACHMENTS:**Description**

Staff Report

Exhibit - draft ordinance

ITEM 6B: **WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY – CITYWIDE ORDINANCE, 311 VERNON ST. – FILE # PL18-0100**

REQUEST

The application is a request to amend Chapter 19.34 of the Roseville Municipal Code (RMC) regarding the placement of telecommunication facilities. Chapter 19.34 is being amended to clarify that this chapter does not apply to telecommunication facilities located within the public right-of-way if otherwise governed by Chapter 13.30. Chapter 13.30 is proposed to be added to the RMC to regulate the placement and design of wireless telecommunication facilities, including small cell facilities.

SUMMARY RECOMMENDATION

The Planning Division recommends that the Planning Commission take the following actions:

- A. Recommend the City Council consider and adopt the amendment to Chapter 19.34 of the Roseville Municipal Code (RMC) regarding the placement of telecommunication facilities.

BACKGROUND

The Development Services Department has worked with the City Attorney's Office, and various City Departments including Roseville Electric, Public Works and Parks, Recreation and Libraries to streamline requests by wireless carrier companies to access the public right-of-way for installations of personal wireless telecommunication facilities ("small cell"), which consists of base station equipment and antennas. City Staff has been in discussions with wireless carriers who propose to place a single ("small cell") antenna, shrouding (an antenna cover), and equipment in the right-of-way. These sites would typically be on an existing privately owned pole, or on a privately constructed new site in the public right-of-way that would require a new pole (See Figure 1 below). These telecommunication systems are referred to as "small cells" and are used to provide faster data coverage and capacity for mobile phone and device users. These systems do not necessarily provide Wi-Fi capability. None of the carriers that have approached the City indicate small cell usage for Wi-Fi.

The proposed Ordinance specifically regulates new poles in the public right-of-way. It does not involve sites on private property or publicly-owned, non-right-of-way property, such as city owned utility poles not located in streets, parking structures, community centers, parks and other City facilities. The proposed Ordinance specifically exempts small cell installations that would be installed on these types of facilities. Small cell facilities located on City owned infrastructure not located in the right-of-way would be approved through a standard design process and lease agreement which is approved by City Council. Small cell facilities located on City owned infrastructure located in the right-of-way would be approved through a sublicense agreement with the City's wireless telecommunications agent, XG Communities.

Currently, wireless carriers seeking to locate their wireless facilities in the public right-of-way must follow the process set forth in the Roseville Municipal Code (RMC), Chapter 19.34, which was established in 1996. Under the Zoning Code, this process was primarily designed for "Macro" cellular sites, or larger facilities traditionally known as cell towers. The facilities are typically much taller and more conspicuous than small cell facilities. The current Ordinance deals extensively with the siting and aesthetic aspects of wireless sites on private property and it doesn't address the legal rights carriers have to install new facilities in the right-of-way. In addition, it does not provide the necessary means for the City to approve multiple individual permits, and quickly expedite approvals, all while providing an adequate level of certainty for the wireless carriers. Additionally, the carriers have indicated the potential for a large volume of these sites to

be proposed in the right-of-way in Roseville (potentially upwards of 50 to 100 sites), and the current code process cannot adequately permit, lease, and manage such a large volume.

Figure 1: Example of Small Cell application



In light of the need to change this process for wireless telecommunication sites in the public right-of-way, staff in Development Services, working with the City Attorney's Office, have sought to address this problem by drafting a new ordinance for the Planning Commission's and City Council's consideration. This ordinance sets forth a streamlined procedure for wireless carriers seeking permits for small, low-impact, aesthetically acceptable wireless facilities in the public right-of-way, and while at the same time increasing the level of review that would be required for large, aesthetically-inappropriate wireless facilities in the public right-of-way. Wireless telecommunication sites on private property, or public property that is not located in a public right-of-way, go through a separate review process, administered solely by Development Services. This would remain unchanged.

EVALUATION

Staff reviewed a number of other cities' ordinances, including the Cities of San Francisco and Rancho Palo Verdes. Staff determined that writing a new ordinance and establishing a model template of a master facility

permit or facility permit would serve as an appropriate foundation for the Planning Commission and City Council's consideration. Specifically staff recommends:

- A minor Amendment to Section 19.34.010 in the Zoning Chapter of the RMC, clarifying that the Zoning Ordinance Telecommunications Chapter only pertains to facilities placed on private property and on public property not located in the right-of-way; and
- Adding Chapter 13.30 in the Streets and Sidewalks Title of the Municipal Code to allow the Development Services Department to grant permits related to the installation of facilities supporting small wireless devices in the public right-of-way.

Consequently staff proposes that the Planning Commission recommend the City Council adopt a new ordinance to streamline and establish a permit process in the Development Services Department. All new permits are proposed to be issued by the Development Services Director. Below is a brief outline of the proposed permitting process and Design Standards.

New Ordinance Requirements:

1) New Permits Established

Pursuant to the new ordinance, there are two new permits established. A **Wireless Telecommunications Facilities Permit** is required if an applicant can demonstrate it meets the requirements for administrative review. Should an applicant seek a permit that does not meet the established requirements the Development Services Director may forward the application to the Planning Commission for review.

If the applicant seeks approval of five or more installations in the ROW, it can seek a **Master Wireless Telecommunications Facilities Permit**. The same substantive standards applicable to the individual sites are applicable to Master Permits. However, applications for a Master Permit include multiple approvals in a single application.

It should be noted that all permits still require the applicant to obtain any other applicable permit (e.g. encroachment permit and building permit) as may be required by the City.

2) Processing and Evaluation of Proposed Installations

When a telecommunications company is interested in modifying or placing a new cell site, said applicant shall initiate the process with the Development Services Department. Staff will provide the interested party with informal instructions on how to proceed with filing an application for the proposed installation. A pre-submittal conference is strongly encouraged so that the applicant is fully informed regarding the particulars of the proposed site and application process. The Development Services Department will process the application, routing the application to all utility providers who may have facilities in the right-of-way area, the City's Public Works and Parks Departments. All comments will be incorporated into the project plans. If the project meets the standards for approval, the Development Services Department will then send notice of the application to all property owners within 300 feet of the proposed project site, notifying them of the application and the intent to approve the permit administratively. If no requests for a public hearing are received the Director may approve the project administratively. After project approval the applicant may submit for the applicable building and encroachment permits. Section 13.30.060 outlines the pre-submittal and application submittal process.

3) Application and Development Standards

There are many new regulations applicable to wireless installations. The following is a highlight of those most significant.

a) Application Requirements

Applicants seeking to install small cell facilities within the ROW shall be required to provide the following pursuant to the new application requirements, as applicable:

- i. Detailed plans regarding the proposed installation
- ii. Justification study to support the proposed installation including an Alternative Sites Analysis
- iii. Visual impact analysis
- iv. Radio Frequency compliance report
- v. Noise Study
- vi. Traffic Control Plan
- vii. Landscape Plans
- viii. Geographic and Propagation maps
- ix. Certificate of Public Convenience or Necessity (CPCN) or other documentation to establish right to enter the ROW.

b) Standards Related to Community Impacts

Projects will be reviewed against the requirements contained in Section 13.30.070 of the proposed Ordinance. Some of the more pertinent standards include:

- i. Screening or camouflage design
- ii. Installations on existing poles are limited so as to protect aesthetics
- iii. Accessory equipment shall be installed underground to the extent feasible
- iv. Landscaping required where appropriate
- v. Lighting limitations as allowed
- vi. Noise limitations

CONCLUSION

Based on the analysis contained in this staff report, staff finds that the proposed Ordinance will provide a general framework for processing wireless telecommunications facilities within the City owned right-of-way.

ENVIRONMENTAL DETERMINATION

The proposed RMC revisions to accommodate wireless telecommunication facilities would allow for the installation of new utility poles and installation of related ground equipment to support “small cell” facilities within public right-of-way. These activities are categorically exempt from CEQA under Classes 3 (New Construction or Conversion of Small Structures), and 4 (Minor Alterations to Land). The Exemption(s) has been prepared and no further CEQA action is required.

PUBLIC OUTREACH

The proposed ordinance was sent to several wireless carriers who requested a copy of the ordinance. The City Attorney’s office incorporated comments and feedback from the carriers into the draft Ordinance. Development Services staff also reached out to the Roseville Chamber of Commerce and made them aware of the proposed Ordinance. To date no comments have been received from the Chamber.

RECOMMENDATION

The Planning Division recommends the Planning Commission take the following actions:

- A. Recommend the City Council consider and adopt the amendment to Chapter 19.34 of the Roseville Municipal Code (RMC) regarding the placement of telecommunication facilities.

EXHIBIT

- A. Proposed Ordinance

Note to Applicant and/or Developer: Please contact the Planning Division staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Manager at, or prior to, the public hearing.

ORDINANCE NO. ____

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE ADDING CHAPTER
13.30 TO TITLE 13 OF THE ROSEVILLE MUNICIPAL CODE REGARDING WIRELESS
TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY AND
AMENDING SECTION 19.34.010 OF CHAPTER 19.34 OF TITLE 19 OF THE ROSEVILLE
MUNICIPAL CODE REGARDING ANTENNAS AND COMMUNICATIONS FACILITIES

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Chapter 13.30 of Title 13 is hereby added to the Roseville Municipal Code
and shall read as follows:

Chapter 13.30

**WIRELESS TELECOMMUNICATIONS FACILITIES IN THE
PUBLIC RIGHT-OF-WAY**

13.30.010 Purpose.

The purpose and intent of this chapter is to provide a uniform and comprehensive set of regulations and standards for the permitting, development, siting, installation, design, operation, and maintenance of wireless telecommunications facilities in the city's public right-of-way.

These regulations are intended to prescribe clear and reasonable criteria to assess and process applications in a consistent and expeditious manner, while reducing the impacts associated with wireless telecommunications facilities. This chapter provides standards necessary:

- A. For the preservation of the public right-of-way in the city for the maximum benefit and use of the public;
- B. To promote and protect public health and safety, community welfare, visual resources, and the aesthetic quality of the city consistent with the goals, objectives and policies of the general plan; and
- C. To provide for the orderly, managed and efficient development of wireless telecommunications facilities in accordance with state and federal laws, rules and regulations.

13.30.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Accessory equipment" means any equipment associated with the installation of a wireless telecommunications facility, including but not limited to cabling, generators, fans, air conditioning units, electrical panels, equipment shelters, equipment cabinets, equipment buildings, pedestals, meters, vaults, splice boxes, uninterruptible power supplies, and surface location markers.

"Antenna" means that part of a wireless telecommunications facility which is designed to radiate or receive radio frequency signals.

“Base station” means a structure or equipment at a fixed location that enables Federal Communications Commission's (“FCC”) licensed or authorized wireless communications between user equipment and a communications network.

"Cellular" means an analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.

“City” means the City of Roseville or a designated agent of the City of Roseville.

“City-owned property” means any property owned, rented or leased by the city, or in which the city has the right to use or occupancy by virtue of an easement or other similar interest, excluding the public right-of-way. For purposes of this definition, “property” includes real property or improvements thereon, and personal property, fixtures or equipment.

"Code" means the Roseville Municipal Code.

"Co-Location" means the mounting or installation of transmission equipment on an eligible support structure which is for the purpose of transmitting and/or receiving radio frequency signal for communication purposes.

"COW" means a "cell on wheels," which is a wireless telecommunications facility temporarily rolled in or temporarily installed.

"Director" means the director of development services, or his or her designee.

“Eligible facilities” means the modification of an existing wireless tower or base station that involves the co-location of new transmission equipment, the removal of transmission equipment, or the replacement of transmission equipment as defined in 47 U.S.C. § 1455 or its successor statute.

“Eligible support structure” means any tower or base station provided that it is existing at the time the application is filed with the city.

"Facility(ies)" means wireless telecommunications facilities.

"Ground-mounted" means placed directly on the ground.

"Located within the public right-of-way" includes any facility which in whole or in part, itself or as part of another structure, rests upon, in, over, or under the public right-of-way.

"Modification" means a change to an existing wireless telecommunications facility that involves any of the following: co-location, expansion, alteration, enlargement, intensification, reduction, augmentation, removal of transmission equipment, or replacement of transmission equipment, including, but not limited to, changes in size, shape, color, visual design, or exterior material. "Modification" does not include repair, replacement (excluding replacement of transmission equipment) or maintenance if those actions do not involve a change to the existing facility involving any of the following: co-location, expansion, alteration, enlargement, intensification, reduction, or augmentation.

"Monopole" means a structure composed of a pole or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm and similar monopoles camouflaged to resemble faux trees or other faux objects attached on a monopole (e.g., water tower).

"Mounted" means attached or supported.

"Permittee" shall include the applicant and all successors in interest to the wireless telecommunications facilities permit.

"Pole" means a single shaft of wood, steel, concrete or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as required by provisions of this code.

"Public right-of-way" means the area on, below, or above a public roadway, highway, street, or alley that is owned by the city, publicly held by the city or dedicated to the city for public use and over which the city has jurisdiction and control and may lawfully grant access pursuant to applicable law. "Public right-of-way" shall also include: (1) public utility easements adjacent to public roadways, highways, streets, or alleys that are under the jurisdiction and control of the city wherein the city now or hereafter acquires the right to locate or permit the location of wireless telecommunications facilities, provided that the terms and conditions of any such easement expressly allow, or any restrictions thereon do not expressly prohibit, the use of the particular easement for purposes other than which it was conveyed, dedicated or condemned; and (2) all landscape corridors adjacent to public roadways, highways, streets, or alleys that are owned by the city, publicly held by the city or dedicated to the city for public use and over which the city has jurisdiction and control and may lawfully grant access pursuant to applicable law.

"Public right-of-way" shall not include: (1) county, state or federal rights-of-way; (2) property owned by any person other than the city; (3) service entrances or driveways leading from the road or street onto adjoining property; or (4) except as described above, any real or personal property of the city, such as, but not limited to, bike trails, city parks, buildings, fixtures, poles, conduits, sewer lines, facilities, or other structures or improvements, regardless of whether they are situated in the public right-of-way.

"Street light pole" means a pole located on the edge of the public right-of-way containing a raised source of light whose main purpose is to light the public right-of-way.

“Substantial evidence” means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

"Telecommunications tower" means a freestanding structure designed and primarily used to support wireless telecommunications facility antennas.

“Tower” means any structure built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

“Traffic signal pole” means a pole containing signaling devices positioned at road intersections, pedestrian crossings, and other locations to control the flow of traffic.

"Utility pole" means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services.

"Wireless telecommunications facility," "facility" or "facilities" mean any facility that transmits and/or receives electromagnetic waves. It includes, but is not limited to, antennas and/or other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting such equipment, related accessory equipment, equipment buildings, parking areas, fences, and other accessory development.

The term "wireless telecommunications facility" does not apply to the following:

- A. Government owned and operated telecommunications facilities.
- B. Emergency medical care provider-owned and operated telecommunications facilities.

C. A mobile wireless telecommunications facility operated by the media on a temporary basis at various locations in the city to provide public information coverage of news events.

D. Any wireless telecommunications facilities exempted from this code by state or federal law.

"Wireless telecommunications services" means the provision of services using a wireless telecommunications facility or a wireless telecommunications co-location facility, and shall include, but is not limited to, the following services: personal wireless services as defined in the federal Telecommunications Act of 1996 at 47 U.S.C. § 332(c)(7)(C) or its successor statute, cellular service, personal communication service, and/or data radio telecommunications.

13.30.030 Applicability.

A. This chapter applies to the siting, construction or modification of any and all wireless telecommunications facilities proposed to be located in the public right-of-way.

B. This chapter does not apply to the following:

1. Wireless telecommunication facilities not located within the public right-of-way.

These facilities are regulated by Chapter 19.34 of the Roseville Municipal Code.

2. Amateur radio facilities.

3. Over the air reception devices ("OTARD") antennas.

4. Facilities owned and operated by the city for its use.

5. Any entity legally entitled to an exemption pursuant to state or federal law or governing franchise agreement.

6. Wireless telecommunications facilities proposed to be located on city-owned property.

7. Wireless telecommunications facilities proposed to be located on city-owned street light poles, traffic signal poles, and utility poles located in the public right-of-way.

8. Like-kind replacements of antennas or accessory equipment.

13.30.040 Wireless telecommunications facility permit requirements.

A. Wireless Telecommunications Facilities Permit.

1. A wireless telecommunications facilities permit, subject to the director's approval, may be issued for new facilities or co-locations or modifications to existing facilities that comply with all applicable provisions in this chapter without need for an exception pursuant to Section 13.30.160 (Exceptions).

B. Master Wireless Telecommunications Facilities Permit.

1. Any applicant that seeks approval for five (5) or more wireless telecommunications facilities located within a one (1) mile radius (including new facilities and co-locations to existing facilities) may elect to submit an application for a master wireless telecommunications facilities permit subject to the director's approval. The proposed facilities in a master plan shall be reviewed together at the same time and subject to the same requirements and procedures applicable to a wireless telecommunications facilities permit.

2. A master wireless telecommunications facilities permit shall be deemed an approval for all wireless telecommunications facilities within the master plan; provided, however, that an individual encroachment permit shall be required for each wireless telecommunications facility.

3. After the director approves a master wireless telecommunications facilities permit, any deviations or alterations from the approved master plan for an individual wireless telecommunications facility shall require a new wireless telecommunications facilities permit.

C. Other Permits Required. In addition to any permit that may be required under this chapter, the applicant must obtain all other required prior permits or other approvals from other city departments, or state or federal agencies, including but not limited to building and encroachment permits. Any permit granted under this chapter is subject to the conditions and/or requirements of other required prior permits or other approvals from other city departments, state or federal agencies.

D. Eligible Applicants. Only applicants who have been granted the right to enter the public right-of-way pursuant to state or federal law shall be eligible for a permit to install or modify a wireless telecommunications facility or a wireless telecommunications co-location facility in the public right-of-way.

E. Speculative Equipment Prohibited. The city finds that the practice of pre-approving wireless equipment or other improvements that the applicant does not presently intend to install but may wish to install at some undetermined future time does not serve the public's best interest. The city shall not approve any equipment or other improvements in connection with a wireless telecommunications facility permit when the applicant does not actually and presently intend to install such equipment or construct such improvements.

13.30.050 Application for wireless telecommunications facility permits.

A. Application. In addition to the information required of an applicant for an encroachment permit or any other permit required by this code, each applicant requesting approval of the installation or modification of a wireless telecommunications facility in the public right-of-way shall fully and completely submit to the city a written application on a form prepared by the director.

B. Application Contents. The director shall develop an application form and make it available to applicants upon request. The application form for new wireless telecommunications facilities to be installed in the public right-of-way, or for modifications to existing wireless telecommunications facilities, shall require the following information, in addition to all other information determined necessary by the director:

1. The name, address and telephone number of the applicant, owner and the operator of the proposed or modified facility.

2. If the applicant is an agent, the applicant shall provide a duly executed letter of authorization from the owner of the facility. If the owner will not directly provide wireless telecommunications services, the applicant shall provide a duly executed letter of authorization from the person(s) or entity(ies) that will provide those services.

3. If the facility will be located on or in the property of someone other than city owned infrastructure or the owner of the facility (e.g., non-city owned utility pole, utility cabinet, vault, or cable conduit), the applicant shall provide a duly executed written authorization from the property owner(s) authorizing the placement of the facility on or in the property owner's property.

4. A list of applicant's existing facilities located in the city and any pending applications with the city.

5. Detailed engineering plans of the proposed facility and related report documenting the following:

a. Height, length, diameter and design of the facility, including technical engineering specifications, together with evidence that demonstrates that the proposed facility has been designed to be the least visible equipment within the particular technology the carrier chooses to deploy. A layout plan, section and elevation of the tower structure shall be included.

b. A photograph and model name and number of each piece of equipment included.

c. Power output and operating frequency for the proposed antenna.

d. Total anticipated capacity of the structure, indicating the number, types, power, and frequency ranges of applicant's antennas, which can be accommodated.

e. Sufficient evidence to the city's satisfaction of the structural integrity of the pole or other supporting structure as required by the city.

f. Electric service requirements to include metered service pedestal location, pedestal manufacturer and cut sheet, main bussing size of service in amps, voltage requested, service entrance conductor quantity and size, and load calculations.

g. Structural load calculations if planning on attaching antennae on existing poles or towers that shows the existing structure and base can support the new load without being replaced.

6. Site plan(s) to scale, specifying and depicting the exact proposed location of the pole, pole diameter, antennas, accessory equipment, public right-of-way, access or utility easements, landscaped areas, existing utilities, adjacent land uses, sidewalk, curb, road, street signs, traffic control devices, and showing compliance with Section 13.30.070 (Requirements for Facilities within the Public Right-of-Way).

7. Scaled elevation plans of proposed poles, antennas, accessory equipment, and related landscaping and screening.

8. If the applicant requests an exception to the requirements of this chapter (in accordance with Section 13.30.160 (Exceptions)), the applicant shall provide all information and studies necessary for the city to evaluate that request except that for eligible facilities, the city may only require the applicant to provide documentation or information only to the extent reasonably related to determining whether the request for an exception meets the requirements of this chapter.

9. An accurate visual impact analysis showing the maximum silhouette, color and finish palette and proposed screening for the facility, including scaled photo simulations from at least three (3) different angles. A visual impact analysis shall not be required for eligible facilities or for any application that will not impact appearance, such as a modification to equipment behind existing screening.

10. Completion of the radio frequency ("RF") emissions exposure guidelines checklist contained in Appendix A to the FCC's "Local Government Official's Guide to Transmitting Antenna RF Emission Safety" to determine whether the facility will be "categorically excluded" as that term is used by the FCC.

11. For a facility that is not categorically excluded under the FCC regulations for RF emissions, the applicant shall submit an RF exposure compliance report prepared and certified by an RF engineer acceptable to the city that certifies that the proposed facility will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts effective radio power "ERP") for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.

12. A traffic control plan for any work or staging of work within the traveled way including streets and sidewalks.

13. Copies of any documents that the applicant is required to file pursuant to Federal Aviation Administration ("FAA") regulations for the facility.

14. A noise study prepared by a qualified acoustic engineer documenting that the level of noise to be emitted by the proposed wireless telecommunications facility will comply with this code including Section 13.30.070(A)(16)(b), if requested by the director. In lieu of a noise study, the applicant may submit manufacturer specifications demonstrating no noise emissions. No noise study shall be required for modifications that will not introduce new noise-generating equipment.

15. Except for eligible facilities, a scaled conceptual landscape plan shall be prepared by a licensed landscape architect showing existing trees and vegetation and all proposed landscaping, concealment, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the site. Plans shall include repairs of any irrigation and plant replacements impacted by the proposed wireless telecommunications facility consistent with the city's parks construction standards.

16. A written description identifying the geographic service area for the subject installation including geographic maps, that identifies the location of the proposed facility in relation to all existing and planned facilities maintained within the city by each of the applicant, operator, and owner, if different entities. This requirement shall not apply to eligible facilities. In addition, applicant shall not be required to identify the location of its proposed facility in relation to existing and planned facilities of other entities.

17. Certification that applicant, owner, or operator is a telephone corporation or a statement providing the basis for its claimed right to enter the public right-of-way. If the applicant has a certificate of public convenience and necessity ("CPCN") issued by the California Public Utilities Commission, it shall provide a copy of its CPCN.

18. An application fee as established by resolution adopted by the city council, as amended from time to time.

19. Any other information and/or studies determined necessary by the director.

C. Effect of State or Federal Law Change. In the event a subsequent state or federal law prohibits the collection of any information required by Section 13.30.050(B), the director is authorized to omit, modify or add to that request from the city's application form. Nonetheless,

for requests for eligible facilities, the director shall not require the applicant to submit information beyond what is necessary to determine whether the proposed facility qualifies as an eligible facility which must be approved by law.

13.30.060 Review procedure.

A. Pre-submittal Conference. Prior to application submittal, the city strongly encourages all applicants to schedule and attend a pre-submittal conference with applicable city staff to receive informal feedback on the proposed location, design and application materials. The pre-submittal conference is intended to identify potential concerns and streamline the formal application review process after submittal. Development services department staff will endeavor to provide applicants with an appointment within approximately seven (7) calendar days after receipt of a written request and include other city departments as necessary.

B. Notice; Decisions. The provisions in this section describe the procedures for approval and any required notice for an application.

1. Director's Decision Notice; Public Hearings. The director may approve, or conditionally approve, an application only after he or she makes the findings required in Section 13.30.080 (Findings). Notice of an intent to approve a wireless telecommunications facilities permit shall be mailed or delivered at least ten (10) calendar days prior to an action to the applicant, the property owner, all property owners, as shown on the most recent secured assessor's roll, within three hundred (300) feet of the location where the wireless telecommunications facility is proposed to be located, and all persons who have requested notice. No public hearing shall be required unless a public hearing is requested in writing by anyone

wanting to comment on the project prior to the scheduled approval date. Alternatively, if the director determines that because of the location, size or design of the wireless telecommunications facility that a public hearing should be required, the director shall refer the project for a public hearing within the applicable shot clock period. If a public hearing is requested or required, the director shall schedule and notice the project for public hearing by the planning commission. If no public hearing is requested or required, within five (5) calendar days after the director approves or conditionally approves an application under this chapter, the director shall mail a notice of the decision to the applicant at the address appearing on the application.

2. Notice of Shot Clock Expiration. The city acknowledges there are federal and state shot clocks which may be applicable to a proposed wireless telecommunications facility. That is, federal and state law provide time periods in which the city must approve or deny a proposed wireless telecommunications facility. As such, the applicant is required to provide the city written notice of the expiration of any shot clock, which the applicant shall ensure is received by the city (e.g., overnight mail) no later than twenty (20) calendar days prior to the expiration.

3. Written Decision Required. All final decisions made pursuant to this chapter shall be in writing and based on substantial evidence in the written administrative record. The written decision shall include the reasons for the decision.

C. Appeals. Any aggrieved person or entity may appeal a decision by the director to the planning commission in accordance with the provisions set forth in Chapter 19.80 (Appeals). Any aggrieved person or entity may appeal a decision by the planning commission to the city

council in accordance with the provisions set forth in Chapter 19.80 (Appeals). All noticing and public hearing requirements shall be as set forth in Chapter 19.80 (Appeals).

13.30.070 Requirements for facilities within the public right-of-way.

A. Design and Development Standards. All wireless telecommunications facilities that are located within the public right-of-way shall be designed and maintained as to minimize visual, noise and other impacts on the surrounding community and shall be planned, designed, located, and erected in accordance with the city's design and construction standards and the following:

1. General Guidelines.

a. The applicant shall employ screening, undergrounding and camouflage design techniques in the design and placement of wireless telecommunications facilities in order to ensure that the facility is as visually screened as possible. Site lines for vehicular safety should be considered when adding screening.

b. All wireless telecommunications facilities that are located within the public right-of-way shall not obstruct vehicular travel, pedestrian travel, or any public utility.

c. Screening shall be designed to be architecturally compatible with surrounding structures using appropriate techniques to camouflage, disguise, and/or blend into the environment, including landscaping, color, and other techniques to minimize the facility's visual impact as well as be compatible with the architectural character of the surrounding buildings or structures in terms of color, size, proportion, style, and quality.

d. Screening of the metered service pedestal shall meet the minimum clear working space requirements per Section 10 of Roseville Electric's Specification for Commercial Construction, as amended from time to time.

e. All proposed equipment shall meet the minimum street light clear area per Section 10 of Roseville Electric's Specification for Commercial Construction, as amended from time to time.

f. If feasible, wireless telecommunications facilities shall not be installed directly in front of a residence. In locations where homes are only along one side of a street, it is the city's preference that such facilities be installed along the side of the street with no homes.

g. All network communications and power shall have a means of disconnection at the pole so that utility workers can turn off the antennae and accessory equipment while working on the pole.

2. Metered Service Pedestal. All power required shall come from an approved metered service location. The metered power pedestal shall meet the requirements of Roseville Electric's Metered Service Pedestal Requirements and the Roseville Electric approved pages of the Electric Utility Service Entrance Requirements Committee ("EUSERC"). All metered pedestals or any other above ground equipment shall be located a minimum of 3' from the edge of any existing joint utility trench. The owner or permittee is responsible for providing and paying for their own power. Any service pedestal with backup generation provisions must be disconnected from the utility service prior to operating any backup generation so that it does not back feed onto the utility system when in use. Any permanently installed backup generation will require a

break-before-make automatic transfer switch.

3. Traffic Safety. All facilities shall be designed and located in such a manner as to avoid adverse impacts on traffic safety including sight distance requirements, traffic control and sign visibility, Americans with Disabilities Act (“ADA”) requirements, and minimum road clearances.

4. Blending Methods. All facilities shall have subdued colors and non-reflective materials that blend with the materials and colors of the surrounding area and structures.

5. Equipment. It is the city’s preference that antenna elements be flush mounted or top mounted, to the extent feasible. All antenna mounts shall be designed so as not to preclude possible future co-location by the same or other operators or carriers.

6. New Poles in the Public Right-of-Way. If new poles are proposed in the public right-of-way the following requirements shall apply:

a. Such new poles shall be designed to resemble existing poles in the public right-of-way near that location, including size, height, color, materials and style, with the exception of any existing pole designs that are scheduled to be removed and not replaced.

b. Except for eligible facilities, the maximum height of any antenna shall not exceed ten (10) feet above the average height of any nearby poles.

c. Such new poles shall be located at least twenty-five (25) feet from any existing pole to the extent feasible.

d. Such new poles shall be located to the extent feasible in an area where there is an existing natural or other feature that obscures the view of the pole. The applicant shall further

employ concealment techniques to blend the pole with said features including but not limited to the addition of vegetation if appropriate.

e. Except for eligible facilities, a new pole justification analysis shall be submitted to demonstrate why existing infrastructure cannot be utilized and demonstrating the new pole is the least intrusive means possible including a demonstration that the new pole is designed to be the minimum functional height and width required to support the proposed facility.

f. All new poles and structures shall meet the minimum clearances to electric and other utility facilities per California Public Utilities Commission General Orders 95 and 128, as may be revised or superseded.

g. The owner must provide an engineered study demonstrating the minimum safe working distance from owner's active equipment. In addition, the minimum safe working distance must be clearly posted on the equipment. The owner shall also provide a method and procedure of disabling that same equipment if work closer than the minimum safe working distance is required.

h. All new poles shall be located such that there will be a minimum of 3' of native soil between the edge of any existing joint utility trench and the edge of the new pole or base.

i. All cables, including, but not limited to, electrical and utility cables, shall be run within the interior of the pole and shall be camouflaged or hidden to the fullest extent feasible. For all wooden poles wherein interior installation is infeasible, conduit and cables attached to the exterior of poles shall be mounted flush thereto and painted to match the pole.

7. Space. It is the city's preference that each facility shall be designed to occupy the least amount of space in the public right-of-way that is technically feasible.

8. Wind Loads. Each facility shall be properly engineered to withstand wind loads as required by this code or any duly adopted or incorporated code. An evaluation of high wind load capacity shall include the impact of modification of an existing facility.

9. Obstructions. Each component part of a facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, incommode the public's use of the public right-of-way, or safety hazards to pedestrians and motorists and in compliance with Sections 19.95.030(C)(3) and (C)(4) (Zoning Ordinance Definitions) so as not to obstruct the clear vision triangle.

10. Public Facilities. A facility shall not be located within any portion of the public right-of-way interfering with access to a fire hydrant, fire station, police station, fire escape, water valve, underground and pad mount utility vaults and structures, valve housing structure, bus stop, transportation facility, or any other public health or safety facility.

11. Screening. All ground-mounted facilities, pole-mounted equipment, or walls, fences, landscaping or other screening methods shall be installed at least eighteen (18) inches from the face of curb.

12. Accessory Equipment. Not including the electric meter, it is the city's preference that all accessory equipment be located underground if feasible.

a. If accessory equipment will be ground-mounted, such accessory equipment shall:

- (i) be enclosed within a structure; (ii) be located in adjacent landscape corridors if feasible; (iii) not exceed a height of five (5) feet and a total footprint of fifteen (15) square feet; and (iv) be fully screened and/or camouflaged, including the use of landscaping, architectural treatment, or acceptable alternate screening. Required electrical meter cabinets shall be screened and/or

camouflaged and located in adjacent landscape corridors if feasible. Screening of the metered service pedestal shall meet the minimum clear working space requirements of Roseville Electric's Specifications for Commercial Construction, as amended from time to time.

b. If feasible, above-ground accessory equipment shall not be installed directly in front of a residence. In locations where homes are only along one side of a street, it is city's preference that such above-ground accessory equipment be installed along the side of the street with no homes.

13. Landscaping. Except for eligible facilities and where appropriate, each facility shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs. Additional landscaping shall be planted, irrigated and maintained at applicant's expense where such landscaping is deemed necessary by the city to provide screening or to conceal the facility.

14. Signage. No facility shall bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the city.

15. Lighting.

a. No facility may be illuminated unless specifically required by the FAA or other government agency. Beacon lights are not permitted unless required by the FAA or other government agency.

b. Legally required lightning arresters and beacons shall be included when calculating the height of facilities such as towers, lattice towers and monopoles.

c. Any required lighting shall be shielded to eliminate, to the maximum extent possible, impacts on the surrounding neighborhoods.

d. Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and lights, and must install such lights so as to avoid illumination impacts to adjacent properties to the maximum extent feasible. The city may, in its discretion, exempt an applicant from the foregoing requirement when the applicant demonstrates a substantial public safety need.

e. The applicant shall submit a lighting study which shall be prepared by a qualified lighting professional to evaluate potential impacts to adjacent properties. Should no lighting be proposed, no lighting study shall be required.

16. Noise.

a. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 7:00 p.m. and 7:00 a.m.

b. At no time shall equipment noise from any facility exceed the exterior noise levels set forth in Chapter 9.24 (Noise Regulation).

17. Security. Each facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight or attractive nuisances. The director may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location and/or accessibility, a facility has the potential to become an attractive nuisance. Additionally, no lethal devices or elements or electric fences shall be installed as a security device.

18. Timeframe to Construct. The installation and construction approved by a wireless telecommunication facility permit shall begin within one (1) year after its approval or it will expire without further action by the city.

B. Conditions of Approval. In addition to compliance with the design and development standards outlined in this section, all facilities shall be subject to the following conditions of approval (approval may be by operation of law), as well as any modification of these conditions or additional conditions of approval deemed necessary by the director:

1. The permittee shall submit an as-built drawing within ninety (90) calendar days after installation of the facility. As-builts shall be in an electronic format acceptable to the city which can be linked to the city's GIS.

2. The permittee shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. The permittee shall notify the city of any changes to the information submitted within thirty (30) calendar days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to, the following:

a. Identity, including the name, address and 24-hour local or toll free contact phone number of the permittee, the owner, the operator, and the agent or person responsible for the maintenance of the facility.

b. The legal status of the owner of the wireless telecommunications facility.

3. The permittee shall notify the city in writing at least ninety (90) calendar days prior to any transfer or assignment of the permit. The written notice required in this section must include:

- a. The transferee's legal name;
- b. The transferee's full contact information; and
- c. A statement signed by the transferee that the transferee shall accept all permit terms and conditions.

The director may require the transferor and/or the transferee to submit any materials or documentation necessary to determine that the proposed transfer complies with the existing permit and all its conditions of approval, if any. Such materials or documentation may include, but shall not be limited to: federal, state and/or local approvals, licenses, certificates or franchise agreements; statements; photographs; site plans and/or as-built drawings; and/or an analysis by a qualified radio frequency engineer demonstrating compliance with all applicable regulations and standards of the FCC. Noncompliance with the permit and all its conditions of approval, if any, or failure to submit the materials required by the director shall be a cause for the city to revoke the applicable permits pursuant to and following the procedure set on in Section 13.30.150 (Removal and Restoration—Permit Expiration, Revocation or Abandonment).

4. At all times, all required notices and/or signs shall be posted on the site as required by the FCC, California Public Utilities Commission, any applicable licenses or laws, and as approved by the city. The location and dimensions of a sign bearing the emergency contact name and telephone number shall be posted pursuant to the approved plans.

5. Permittee shall pay for and provide a performance bond or other form of security approved by the city attorney's office, which shall be in effect until the facilities are fully and completely removed and the site reasonably returned to its original condition, to cover permittee's obligations under these conditions of approval and this code. The security instrument

coverage shall include, but not be limited to, removal of the facility. The amount of the security instrument shall be calculated by the applicant in its submittal documents in an amount rationally related to the obligations covered by the bond and shall be specified in the conditions of approval. Before issuance of any building permit, permittee must submit said security instrument.

6. If a nearby property owner or tenant registers a noise complaint, the city shall forward the same to the permittee. Said complaint shall be reviewed and evaluated by the permittee. The permittee shall have fourteen (14) calendar days to file a written response regarding the complaint which shall include any applicable remedial measures. If the city determines the complaint is valid and the permittee has not taken any steps to minimize the noise, the city may hire a consultant to study, examine and evaluate the noise complaint and the permittee shall pay the fee for the consultant. The matter shall be reviewed by the director. If the director determines sound proofing or other sound attenuation measures should be required to bring the project into compliance with the code, the director may impose conditions on the facility to achieve said objective pursuant to Section 13.30.070(B)(8). In addition, violations of the city's noise ordinance may result in the enforcement proceedings, penalties, and remedies authorized by Chapters 2.50 and 2.52 of the Roseville Municipal Code.

7. A condition setting forth the permit expiration date in accordance with Section 13.30.130 (Permit Term and Renewals) shall be included in the conditions of approval.

8. The wireless telecommunications facility shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the director for the purpose of: (a) protecting the public health, safety, and welfare; (b) preventing interference with

pedestrian and vehicular traffic; and/or (c) preventing damage to the public right-of-way or any adjacent property. The city may modify the permit to reflect such conditions, changes or limitations by following the same notice requirements as are applicable to the underlying permit for similarly located facilities, except the permittee shall be given notice by personal service or by registered or certified mail at the last address provided to the city by the permittee.

9. The permittee shall not transfer the permit to any person prior to the completion of the construction of the facility covered by the permit, unless and until the transferee of the permit has submitted the security instrument required by Section 13.30.070(B)(5).

10. The permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement or property without the prior consent of the owner of that structure, improvement or property. No structure, improvement or property owned by the city shall be moved to accommodate a wireless telecommunications facility unless the city determines that such movement will not adversely affect the city or any surrounding businesses or residents, and the permittee pays all costs and expenses related to the relocation of the city's structure, improvement or property. Prior to commencement of any work pursuant to an encroachment permit issued for any facility within the public right-of-way, the permittee shall provide the city with documentation establishing to the city's satisfaction that the permittee has the legal right to use or interfere with any other structure, improvement or property within the public right-of-way to be affected by applicant's facilities.

11. To the fullest extent allowed by law and except for those matters caused by the city's sole negligence or willful misconduct, the permittee shall assume full liability for any damages or injuries caused to any property or person by the facility which resulted from or arose out of permittee's willful misconduct or negligent act.

12. The permittee shall repair, at its sole cost and expense, any damage including, but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to city streets, sidewalks, walks, curbs, gutters, landscaping, irrigation, parkways, street lights, traffic signals, improvements of any kind or nature, or utility poles, lines and systems, underground utility line and systems, or sewer systems and sewer lines that result from any activities performed in connection with the installation and/or maintenance of a wireless telecommunications facility in the public right-of-way. The permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. Such time period for correction shall be based on the facts and circumstances, danger to the community and severity of the disrepair. Should the permittee not make said correction within the time period allotted, the city shall cause such repair to be completed at permittee's sole cost and expense.

13. No facility shall be permitted to be installed in the drip line of any tree in the public right-of-way or in the minimum street light clear area of any publicly owned street light per Section 10 of Roseville Electric's Specifications for Commercial Construction, as amended from time to time.

14. Insurance. The permittee shall obtain, pay for and maintain, in full force and effect until the facility approved by the permit is removed in its entirety from the public right-of-way, an insurance policy or policies of commercial general liability insurance, with minimum limits of \$2,000,000 for each occurrence and \$4,000,000 in the aggregate, that fully protects the city from claims and suits for bodily injury and property damage. Alternatively, the permittee may self-insure under these same terms. The insurance must name the city and its elected and appointed council members, boards, commissions, officers, officials, agents, employees, and

volunteers as additional named insureds, be issued by an insurer admitted in the State of California with a rating of at least a A:VII in the latest edition of A.M. Best's Insurance Guide, and include an endorsement providing that the policies cannot be canceled or reduced except with thirty (30) calendar days prior written notice to the city, except for cancellation due to nonpayment of premium. The insurance provided by permittee shall be primary to any coverage available to the city, and any insurance or self-insurance maintained by the city and its elected and appointed council members, boards, commissions, officers, officials, agents, employees, and volunteers shall be excess of permittee's insurance and shall not contribute with it. The policies of insurance required by this permit shall include provisions for waiver of subrogation. In accepting the benefits of this permit, permittee hereby waives all rights of subrogation against the city and its elected and appointed council members, boards, commissions, officers, officials, agents, employees, and volunteers. The insurance must afford coverage for the permittee's and the wireless provider's use, operation and activity, representatives, agents, and employees, as determined by the city's risk manager. Before issuance of any building permit for the facility, the permittee shall furnish to the city's risk manager certificates of insurance and endorsements, in the form satisfactory to the city attorney or the risk manager, evidencing the coverage required by the city.

15. To the fullest extent allowed by law and except for those matters caused by the city's sole negligence or willful misconduct, permittee shall defend, indemnify, protect and hold harmless city, its elected and appointed council members, boards, commissions, officers, officials, agents, employees, and volunteers from and against any and all claims, actions, or proceedings against the city, and its elected and appointed council members, boards, commissions, officers, officials, agents, employees, and volunteers to attack, set aside, void or

annul, an approval of the city, planning commission or city council concerning this permit and the project. Such indemnification shall include damages of any type, judgments, awards, penalties, fines, defensive costs, or expenses, including, but not limited to, interest, reasonable attorneys' fees and expert witness fees, or liability of any kind related to or arising from such claim, action, or proceeding. The city shall promptly notify the permittee of any claim, action, or proceeding. Nothing contained herein shall prohibit city from participating in a defense of any claim, action or proceeding.

16. Additionally, to the fullest extent permitted by law, the permittee, and every permittee and person in a shared permit, jointly and severally, shall defend, indemnify, protect and hold the city and its elected and appointed council members, boards, commissions, officers, officials, agents, employees, and volunteers harmless from and against all claims, suits, demands, actions, losses, liabilities, judgments, settlements, costs (including, but not limited to, attorney's fees, interest and expert witness fees), or damages claimed by third parties against the city for any injury claim, and for property damage sustained by any person, arising out of or resulting from operation of the wireless telecommunications facility, or to any work done by or use of the public right-of-way by the permittee, owner or operator of the wireless telecommunications facility, or their agents, excepting only liability arising out of the sole negligence or willful misconduct of the city and its elected and appointed council members, boards, commissions, officers, officials, agents, employees, and volunteers.

17. Removal of Meter Cabinets. Should Roseville Electric not require the use of an above ground meter cabinet, the permittee shall at its sole cost and expense remove the meter cabinet and any related foundation within ninety (90) calendar days of electrical services being

offered and reasonably restore the area to its prior condition. An extension by Roseville Electric may be granted if circumstances arise outside of the control of the permittee.

18. Relocation. The permittee shall modify, remove, or relocate its facility, or portion thereof, without cost or expense to city, if and when made necessary by: (a) any public improvement project, including, but not limited to, the construction, maintenance, or operation of any underground or above ground facilities including but not limited to traffic signals, sewers, storm drains, conduits, gas, water, electric or other utility systems, or pipes owned by the city or any other public agency; (b) any abandonment of any street, sidewalk or other public facility; (c) any change of grade, alignment or width of any street, sidewalk or other public facility; or (d) a determination by the director or the public works director that the wireless telecommunications facility has become incompatible with public health, safety or welfare or the public's use of the public right-of-way. Such modification, removal, or relocation of the facility shall be completed within ninety (90) calendar days of notification by city unless exigencies dictate a shorter period for removal or relocation. Modification or relocation of the facility shall require submittal, review and approval of a modified permit pursuant to the code including applicable notice requirements. In the event the facility is not modified, removed, or relocated within said period of time, city may cause the same to be done at the sole cost and expense of permittee. Further, due to exigent circumstances including those of immediate or imminent threat to the public's health and safety, the city may modify, remove, or relocate wireless telecommunications facilities without prior notice to permittee provided permittee is notified within a reasonable period thereafter.

19. Permittee shall agree in writing that the permittee is aware of, and agrees to abide by, all conditions of approval imposed by the wireless telecommunications facility permit within

thirty (30) calendar days of permit issuance. The permit shall be void and of no force or effect unless such written consent is received by the city within said 30-day period.

C. Other Permits Required. In addition to any permit that may be required under this chapter, the applicant must obtain all other required prior permits or other approvals from other city departments, or state or federal agencies, including but not limited to building and encroachment permits. Any permit granted under this chapter is subject to the conditions and/or requirements of other required prior permits or other approvals from other city departments, state or federal agencies.

13.30.080 Findings.

No permit shall be granted for a wireless telecommunications facility unless all of the following findings are made by the director:

- A. All notices required for the proposed installation have been given.
- B. The proposed facility has been designed and located in compliance with all applicable provisions of this chapter.
- C. If applicable, the applicant has demonstrated its inability to locate on existing infrastructure.
- D. The applicant has provided sufficient evidence supporting the applicant's claim that it has the right to enter the public right-of-way pursuant to state or federal law.
- E. The applicant has demonstrated the proposed installation is supported by factual evidence and a meaningful comparative analysis to show that all alternative locations in the

public right-of-way and designs identified in the application review process were technically infeasible or not available.

F. All applicable fees have been paid.

G. The applicant has obtained any approvals that may be required under the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.) to construct, install, and maintain the proposed wireless telecommunications facility.

13.30.090 Nonexclusive grant.

No permit or approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the city for any purpose whatsoever. Further, no approval shall be construed as any warranty of title.

13.30.100 Temporary wireless telecommunications facilities in the public right-of-way.

A COW or other temporary wireless telecommunications facility shall be permitted for the duration of an emergency declared by the city or at the discretion of the director.

13.30.110 Operation and maintenance standards.

All wireless telecommunications facilities must comply at all times with the following operation and maintenance standards:

A. Unless otherwise provided herein, all necessary repairs and maintenance shall be completed by the permittee, owner, operator or any designated maintenance agent within forty-eight (48) hours:

1. After discovery of the need by the permittee, owner, operator or any designated maintenance agent; or

2. After permittee, owner, operator or any designated maintenance agent receives notification from the city.

B. Each permittee of a wireless telecommunications facility shall provide the director with the name, address and 24-hour local or toll free contact phone number of the permittee, the owner, the operator and the agent responsible for the maintenance of the facility ("contact information"). Contact information shall be updated within seven (7) calendar days of any change.

C. All facilities, including, but not limited to, telecommunication towers, poles, accessory equipment, lighting, fences, walls, shields, cabinets, artificial foliage or camouflage, and the facility site shall be maintained by the permittee, owner, or operator in good condition, including ensuring the facilities are reasonably free of:

1. General dirt and grease;
2. Chipped, faded, peeling, and cracked paint;
3. Rust and corrosion;
4. Cracks, dents, and discoloration;
5. Missing, discolored or damaged artificial foliage or other camouflage;

6. Graffiti, bills, stickers, advertisements, litter, and debris;
7. Broken and misshapen structural parts;
8. Exposed wires;
9. Missing pull box or hand hole lids or covers; and
10. Any damage from any cause including, but not limited to, vandalism.

D. All trees, foliage or other landscaping elements approved as part of the facility shall be maintained by the permittee, owner, or operator in good condition at all times, and the permittee, owner and operator of the facility shall be responsible for replacing any damaged, dead or decayed landscaping. No amendment to any approved landscaping plan may be made until it is submitted to and approved by the director.

E. The permittee shall replace its facilities, after obtaining all required permits, if maintenance or repair is not sufficient to return the facility to the condition it was in at the time of installation.

F. Each facility shall be operated and maintained to comply with all conditions of approval. Each permittee, owner, or operator of a facility shall routinely inspect each site to ensure compliance with the same and the standards set forth in this chapter.

G. Any damage to city owned utility, traffic signal or street light poles that is repaired or replaced by the city will be at the owner's expense.

H. Any damage to city owned equipment that is repaired or replaced by the city will be at the owner's expense.

I. The permittee, owner, operator, or their agents, must have in their possession at all times a city approved traffic control plan for any maintenance or repair work staged within the vehicle travel way, bicycle lanes, or sidewalks.

13.30.120 No dangerous condition or obstructions allowed.

No person shall install, use or maintain any facility which in whole or in part rests upon, in or over any public right-of-way, when such installation, use or maintenance violates the ADA or endangers or is reasonably likely to endanger the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such facility unreasonably interferes with or unreasonably impedes the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, the use of poles, posts, traffic signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture or other objects permitted at or near said location.

13.30.130 Permit term and renewals.

A. Initial Term of Permit. Unless Government Code Section 65964, as may be amended, authorizes the city to issue a permit with a shorter term, a permit for any wireless telecommunications facility shall be valid for a period of ten (10) years, unless pursuant to another provision of this code it lapses sooner or is revoked.

B. Renewals. At the end of the initial ten (10) year term set forth in subsection A above, the director may renew a wireless telecommunications facility permit for an additional ten (10) year term provided that permittee is in compliance with the provisions of this chapter and further provided that permittee does not seek modifications to the permit. A wireless telecommunications facility permit that has been renewed once under this subsection may not be renewed for a second time. Instead, permittee may file a new application for a wireless telecommunications facility permit for the permitted wireless telecommunications facility at the same location.

C. Modifications. Permittees seeking modifications to expiring permits must file a new application for a wireless telecommunications facility permit for the permitted wireless telecommunications facility at the same location.

D. Applications. Applications for renewals or new permits must be filed within one hundred and eighty (180) calendar days prior to expiration. Such applications shall comply with the city's current code requirements for wireless telecommunications facilities and will be processed in accordance with the procedures set forth in this chapter.

13.30.140 Cessation of use or abandonment.

A. A wireless telecommunications facility is considered abandoned and shall be promptly removed as provided herein if it ceases to provide wireless telecommunications services for ninety (90) or more consecutive calendar days unless the permittee has obtained prior written approval from the director which shall not be unreasonably denied. If there are two

(2) or more users of a single facility, then this provision shall not become effective until all users cease using the facility.

B. The operator of a facility shall notify the city in writing of its intent to abandon or cease use of a permitted site or a nonconforming site (including unpermitted sites) within ten (10) calendar days of ceasing or abandoning use. Notwithstanding any other provision herein, the operator of the facility shall provide written notice to the director of any discontinuation of operations of thirty (30) calendar days or more.

C. Failure to inform the director of cessation or discontinuation of operations of any existing facility as required by this section shall constitute a violation of any approvals and be grounds for:

1. Litigation;
2. Revocation or modification of the permit;
3. Acting on any bond or other assurance required by this chapter or conditions of approval of the permit;
4. Removal of the facilities by the city in accordance with the procedures established under this code for abatement of a public nuisance at the owner's expense; and/or
5. Any other remedies permitted under this code or state or federal law.

13.30.150 Removal and restoration—Permit expiration, revocation or abandonment.

A. Upon the expiration date of the permit, including any extensions, earlier termination or revocation of the permit or abandonment of the facility, the permittee, owner or

operator shall remove its wireless telecommunications facility and restore the site to its natural condition except for retaining the landscaping improvements and any other improvements at the discretion of the city. Removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the city. The facility shall be removed from the property, at no cost or expense to the city.

B. Failure of the permittee, owner or operator to promptly remove its facility and restore the property to a condition satisfactory to the director within ninety (90) calendar days after expiration, earlier termination or revocation of the permit, or abandonment of the facility, shall be a violation of this code. Upon a showing of good cause, an extension may be granted by the director where circumstances are beyond the control of the permittee after expiration.

Further failure to abide by the timeline provided in this section shall be grounds for:

1. Prosecution;
2. Acting on any security instrument required by this chapter or conditions of approval of permit;
3. Removal of the facilities by the city in accordance with the procedures established under this code for abatement of a public nuisance at the owner's expense; and/or
4. Any other remedies permitted under this code or state or federal law.

C. Summary Removal. In the event the director or public works director determines that the condition or placement of a wireless telecommunications facility located in the public right-of-way constitutes a dangerous condition, obstruction of the public right-of-way, or an imminent threat to public safety, or determines other exigent circumstances require immediate corrective action (collectively, "exigent circumstances"), the director or public works director

may cause the facility to be removed summarily and immediately without advance notice or a hearing. Written notice of the removal shall include the basis for the removal and shall be served upon the permittee and person who owns the facility within seven (7) calendar days of removal and all property removed shall be preserved for the owner's pick-up as feasible. If the owner cannot be identified following reasonable effort or if the owner fails to pick-up the property within sixty (60) calendar days, the facility shall be treated as abandoned property and disposed of at the city's discretion without compensation to the owner.

D. Removal of Facilities by City. In the event the city removes a facility in accordance with nuisance abatement procedures or summary removal, any such removal shall be without any liability to the city for any damage to such facility that may result from reasonable efforts of removal. In addition to the procedures for recovering costs of nuisance abatement, the city may collect such costs from the performance bond posted and to the extent such costs exceed the amount of the performance bond, collect those excess costs in accordance with this code. Unless otherwise provided herein, the city has no obligation to store such facility. Neither the permittee, owner nor operator shall have any claim if the city destroys any such facility not timely removed by the permittee, owner or operator after notice, or removed by the city due to exigent circumstances.

13.30.160 Exceptions.

A. The city council recognizes that federal law prohibits a permit denial when it would effectively prohibit the provision of personal wireless services and the applicant proposes the least intrusive means to provide such services. The city council finds that, due to wide

variation among wireless facilities, technical service objectives and changed circumstances over time, a limited exemption for proposals in which strict compliance with this chapter would effectively prohibit personal wireless services serves the public interest. The city council further finds that circumstances in which an effective prohibition may occur are extremely difficult to discern, and that specified findings to guide the analysis promotes clarity and the city's legitimate interest in well-planned wireless facilities deployment. Therefore, in the event that any applicant asserts that strict compliance with any provision in this chapter, as applied to a specific proposed personal wireless services facility, would effectively prohibit the provision of personal wireless services, the director may grant an exception from strict compliance subject to the provisions in this section.

B. Required Findings. The director shall not grant any exception unless the applicant demonstrates all the following:

1. The proposed wireless facility qualifies as a "personal wireless services facility" as defined in United States Code, Title 47, Section 332(c)(7)(C)(ii);
2. There is a "significant gap" in service coverage as that term is defined by federal law;
3. The applicant has provided the city with a clearly defined potential site search area; and
4. The applicant has provided the city with a meaningful comparative analysis that demonstrates the lack of available and technologically feasible alternative facilities or site locations.

C. Scope. The director shall limit its exception to the extent to which the applicant demonstrates such exception is necessary to reasonably achieve its reasonable technical service objectives. The director may adopt conditions of approval as reasonably necessary to promote the purposes in this chapter and protect the public health, safety and welfare.

D. Independent Consultant. The city shall have the right to hire, at the applicant's reasonable expense, an independent consultant to evaluate issues raised by the exception and to submit recommendations and evidence in response to the application.

13.30.170 Location preferences.

Wireless telecommunications facilities located within the public right-of-way of local streets as identified in the general plan, if within a residential zone, are the least-preferred location.

13.30.180 Effect on other ordinances.

Compliance with the provisions of this chapter shall not relieve a person from complying with any other applicable provision of this code. In the event of a conflict between any provision of this chapter and other sections of this code, this chapter shall control.

13.30.190 State or federal law.

A. In the event it is determined by the city that state or federal law prohibits discretionary permitting requirements for certain wireless telecommunications facilities, such requirements shall be deemed severable and all remaining regulations shall remain in full force and effect. For those facilities, a ministerial permit shall be required prior to installation or modification of a wireless telecommunications facility, and all provisions of this chapter shall be applicable to any such facility with the exception that the required permit shall be reviewed and administered as a ministerial permit by the director rather than as a discretionary permit. Any conditions of approval set forth in this chapter or deemed necessary by the director shall be imposed and administered as reasonable time, place and manner rules.

B. If subsequent to the city's determination pursuant to subsection A above, the city determines that the law has changed and that discretionary permitting is permissible, all discretionary permitting requirements shall be reinstated.

C. All installations permitted pursuant to this chapter shall comply with all federal and state laws including but not limited to the ADA.

13.30.200 Nonconforming wireless telecommunications facilities in the public right-of-way.

A. Nonconforming wireless telecommunications facilities are those facilities that do not conform to this chapter.

B. Nonconforming wireless telecommunications facilities shall, within ten (10) years from the date such facility becomes nonconforming, be brought into conformity with all

requirements of this chapter; provided, however, that should the owner desire to expand or modify the facility, intensify the use, or make some other change in a conditional use, the owner shall comply with all applicable provisions of this code at such time, to the extent the city can require such compliance under federal and state law.

C. An aggrieved person may file an appeal to the city council of any decision of the director made pursuant to this section. In the event of an appeal alleging that the ten (10) year amortization period is not reasonable as applied to a particular property, the city council may consider the amount of investment or original cost, present actual or depreciated value, dates of construction, amortization for tax purposes, salvage value, remaining useful life, the length and remaining term of the lease under which it is maintained (if any), and the harm to the public if the structure remains standing beyond the prescribed amortization period, and set an amortization period accordingly for the specific property.

D. This section shall not apply to applications for eligible facilities.

13.30.210 Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

SECTION 2. Section 19.34.010 of Chapter 19.34 of Title 19 of the Roseville Municipal Code is hereby amended to read as follows:

19.34.010 Purpose.

This chapter establishes standards for the placement of telecommunication facilities on private property in all zoning districts and on public property not otherwise governed by Chapter 13.30 (Wireless Telecommunications Facilities in the Public Right-of-Way). It is the intent of this chapter to minimize the adverse impacts of such equipment and structures on neighborhoods and surrounding developments by limiting the height, number, and location of such devices.

SECTION 3. This ordinance shall be effective at the expiration of thirty (30) days from the date of adoption.

SECTION 4. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville this ____ day of _____, 20__, by the following vote on roll call:

AYES COUNCILMEMBERS:

NOES COUNCILMEMBERS:

ABSENT COUNCILMEMBERS:

MAYOR

ATTEST:

City Clerk



PLANNING COMMISSION

Title:

ZONING ORDINANCE AMENDMENT RELATED TO ACCESSORY
DWELLING UNITS - CITYWIDE - FILE # PL18-0095

Meeting Date: 4/12/2018

Item #: 6.3.

ATTACHMENTS:**Description**

Staff Report

Attachment 1

Attachment 2

Exhibit A

ITEM 6C: **ZONING ORDINANCE AMENDMENT RELATED TO ACCESSORY DWELLING UNITS – CITYWIDE – FILE# PL18-0095**

REQUEST

The application is a request to amend the Roseville Municipal Code (RMC) in response to changes in State Law related to Accessory Dwelling Units (ADUs) (formerly referred to as Second Dwelling Units). The amendment will include a repeal and replacement of Chapter 19.60 of the Zoning Ordinance. Other various sections of the RMC will be adjusted to maintain consistency with the changes proposed in Zoning Ordinance Chapter 19.60. These proposed changes will bring the City's Zoning Ordinance into compliance with State Law.

Applicant– City of Roseville
Property Owner - Citywide

SUMMARY RECOMMENDATION

The Planning Division recommends the Planning Commission take the following action:

- A. Recommend that the City Council consider and adopt the Ordinance amending Title 19 – Zoning related to Accessory Dwelling Units.

SUMMARY RECOMMENDATION

There are no outstanding issues associated with this request.

BACKGROUND

In January 2017, the State of California enacted Senate Bill (SB) 1069 and Assembly Bills (AB) 2299 and 2406. These three bills prompted changes to the Government Code regarding Accessory Dwelling Units (ADUs) (formerly referred to as Second Dwelling Units) and created an option for Junior Accessory Dwelling Units (JADUs). In October 2017, SB 229 and AB 494 were signed into law to further clarify the new legislation. The new legislation (SB 1069 and AB 2299) requires local agencies to update their Zoning Ordinances to bring them into compliance with State Law. AB 2406, related to JADUs, provides local agencies the option to adopt an ordinance for JADUs, but is not required.

Per the State's Housing and Community Development Department (HCD) and Government Code Section 65852.150, the new requirements for ADUs serve to address California's lack of housing by providing additional housing options in a more streamlined and cost effective way. The State views ADUs and JADUs as an alternative to a traditional residential unit that can "...provide dwelling units for family members, students, the elderly, in-home health care providers, the disabled, and others at below market prices within existing neighborhoods."

At this time, staff requests that the Planning Commission recommend approval of the Zoning Ordinance Amendment to bring the Zoning Ordinance into compliance with State Law. This includes a repeal and replacement of Chapter 19.60 in its entirety as well as minor changes to Chapters 19.08, 19.10, 19.12, 19.26, 19.46, 19.72, and 19.95 to maintain consistency with Chapter 19.60. This effort to update the Zoning Ordinance has also prompted other changes which will be considered by the City Council. These include updates to Roseville Municipal Code (RMC) Chapters 14.08, 14.12, and 14.16 related to utilities as well as a revision to the City's ADU Fee Policy which addresses how and when fees for ADUs (connection

and development impact) are charged. All these proposed changes are necessary for consistency with State Law.

EVALUATION

The new legislation prompted multiple changes to the City's Zoning Ordinance and ADU Fee Policy. The purpose of the legislative changes was to make ADUs easier to create by allowing for reduced development standards and reduced fees. The most substantial changes were to Chapter 19.60 of the Zoning Ordinance. Other changes to the RMC, various Zoning Ordinance Chapters and the Fee Policy were needed to create consistency among the documents. The following outlines the main changes to Chapter 19.60 which has the most substantial changes. Changes to the Fee Policy are described later in the report.

Name: Previously referred to as Second Dwelling Units, the new legislation requires these units to be referred to as Accessory Dwelling Units.

Definition: The definition for an ADU has been revised for clarification and to address new requirements of the Government Code. The definition is substantially the same as the previous definition. The revised definition clarifies that an ADU shall be located on a permanent foundation and have a separate entrance from the primary unit. The State has also included the language "or proposed to be situated" to address situations where primary units and ADUs are constructed simultaneously. New text is shown as underlined text.

"An accessory dwelling unit shall be as defined by Government Code Section 65852.2, as it now exists or may hereafter be amended, and means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. The unit shall be located on a permanent foundation, have an independent exterior access, and shall include permanent provisions or infrastructure to support permanent provisions (such as stubbing gas, water or sewer lines) for living, sleeping, eating, cooking, and sanitation on the same parcel as where a single-family dwelling is situated or proposed to be situated. Accessory dwelling units can also include efficiency units, as defined in Section 17958.1 of the Health and Safety Code, manufactured homes, as defined in Section 18007 of the Health and Safety Code, second dwelling units, granny flats, in-law quarters, carriage units, and tiny houses as long as such units otherwise meet this definition.

Zoning: ADUs that meet the definition above can be located on any property that is zoned to permit a single-family dwelling and that has an existing or proposed single-family dwelling. The previous Ordinance only allowed ADUs on R1, RS, and RMU zoned lots. Now an ADU can be located on any property that has a single family dwelling and that meets the required development standards and use restrictions. This change expands the number of properties that could potentially allow for an ADU. Staff does not have concerns with this change as an ADU would only be permitted on a lot that already has a single family dwelling meaning that the zoning is appropriate for a single family home.

Number: Where ADUs are allowed, only one is permitted per lot.

Density: For purposes of calculating density, ADUs are not to be considered residential dwellings. While technically the ADU is an additional dwelling, the State does not want ADUs to be limited by maximum density requirements. Staff does not anticipate any concerns with this change as only one ADU is allowed per eligible lot and not all residential property owners will be interested in developing ADUs.

ADU Type: The changes to the Government Code introduced the concept of two types of ADUs, "existing" (conversion of an existing structure or living space) and "new" (new construction).

Existing: Any existing structure that is located on a property that has a single family home can be converted to an ADU. In this case, development standards that a local agency can apply are extremely limited. The Government Code indicates that setbacks only need to be sufficient for fire safety and no parking requirements can be imposed. In the case that an existing garage is converted to an ADU, the displaced parking spaces for the primary unit must be provided elsewhere on the property. While there is no maximum unit size for conversion of existing structures because the structure already exists, if existing living space within the primary dwelling unit is converted to an ADU, the size shall not exceed 50 percent of the primary dwelling up to 800 square feet.

New: When property owners choose to construct a new ADU that is not a conversion of an existing structure, the State gives local agencies that adopt ADU Ordinances more discretion on development standards. Under the scenario of new construction, staff was able to maintain some of the standards in the previous Second Dwelling Unit Ordinance. This includes a maximum lot size of 5,000 square feet, maximum lot coverage and setback requirements that are consistent with the zone district in which the lot is located, and requiring that the new unit maintain an appearance consistent with the primary unit.

Two areas that have changed include parking and a maximum unit size. Per the State, no parking is required for an ADU with a studio configuration and one parking space can be required for one or more bedrooms. Various parking exemptions exist, with the one most applicable to Roseville being, no parking for any unit within one-half mile of a bus stop. As it relates to unit size, the State allows local agencies with an ADU Ordinance to set a maximum size. Previously, the City's Ordinance allowed a maximum of 30 percent of the primary dwelling's square footage for an attached unit and up to 1200 square feet for a detached unit. Staff proposes a maximum unit size of 800 square feet. This is consistent with the maximum sizes that other jurisdictions in California are establishing and staff found it prudent to lower the maximum unit size given the limitations set by the state on parking and fees that can be collected that support utility infrastructure for the conversion of existing structures. If a property owner wanted a larger ADU, they would not necessarily be precluded from a larger ADU, rather they could apply for an Administrative Permit and staff would evaluate these requests on a case by case basis.

A summary of the development standards that would apply to existing and new construction is provided as Attachment 1.

Like development standards for new construction, the State gives local agencies discretion in requiring use restrictions for ADUs. Staff is supportive of the following use restrictions allowed by the State and has included these requirements in the proposed Ordinance. Staff finds that inclusion of these requirements will allow for the intended characteristic of existing neighborhoods to be maintained.

- **Sales Prohibited** - ADUs cannot be sold independently from the primary unit on the lot.
- **Owner Occupancy** - Applications for ADUs shall be submitted by the property owner and the property owner shall occupy, as principal residence, either the primary unit or ADU.
- **Rentals** - ADUs may be rented as long as the rental term exceeds thirty (30) calendar days or complies with the City's short-term rental policy. Long term rental of both the primary dwelling unit and the ADU at the same time is prohibited.
- **Deed Restriction** - A deed restriction shall be recorded with the Placer County Recorder's Office, which shall include the applicable restrictions and limitations of an ADU identified in Chapter 19.60. The deed restriction shall be submitted to the City prior

to issuance of the building permit and shall be recorded by the City following final building inspection.

Revisions to the City's Accessory Dwelling Unit Fee Policy (formerly the Second Unit Fee Policy) is proposed as a result of the changed legislation. This fee policy was established in the 1990s and has been updated periodically. This Policy document was established to set clear expectations regarding the application of fees (building permit fees, connection fees, and development impact fees) related specifically to ADUs. Staff has updated this policy and modified the document in response to the new requirements and to address the various situations that apply regarding types of ADU (existing, new, attached, detached, shared utilities, and separate utilities) as under various circumstances, connection fees cannot be charged and development impact fees can only be applied based on the burden that they place on the City's infrastructure. The proposed policy, as provided in Attachment 2, addresses these situations.

Lastly, there is another unit type that the Government Code gives local agencies discretion on including in their Ordinances which is a JADU. A JADU is defined as a residential dwelling unit that is less than 500 square feet, is located entirely within an existing single-family dwelling, includes an existing bedroom, provides an efficiency kitchen, and has independent exterior access from the primary unit, but may share a common bathroom with the primary dwelling. No parking is required and no connection fees shall be imposed.

The proposed Ordinance does not include JADUs at this time. Since JADUs are optional, staff's goal was to bring the ADU Ordinance forward first to bring it into compliance with State law. Staff would like to return at a later date with a revised ADU Ordinance addressing JADUs. All ADUs, including JADUs, do bring a benefit to residents and the City. This includes providing alternative housing opportunities including potential housing for extended family, in-home care takers, students, or the option for rental income. Any ADU unit, standard ADU or JADU, can receive credit towards the City's Regional Housing Needs Assessment (RHNA) allocation if the unit is intended to be occupied by a renter or family member. While connection fees cannot be imposed, these units as defined above, are not anticipated to have an impact on the City's utility infrastructure as they are not an expansion of the existing unit. Furthermore, a property can only have either a JADU or an ADU, but not both. Upon further research, staff intends to return later this year with a revised Ordinance to include JADUs. There is currently legislation proposed that would require local agencies to allow JADUs by right therefore by January 1, 2019, JADUs may be allowed by right.

PUBLIC OUTREACH

Staff presented the proposed project to the Building Industry Association (BIA) at their meeting of February 21, 2018 and to the Roseville Coalition of Neighborhood Associations (RCNA) at their meeting of March 15, 2018. As these changes are required for consistency with State Law, the project was taken before these groups as an information item and to address any questions or concerns. Neither group expressed concern over the proposed changes. At the time of these meetings, staff had not anticipated providing for an ordinance to allow JADUs. If City Council agrees with staff's recommendation to revise the Ordinance to allow JADUs, staff would reach out to these groups again before returning to Planning Commission and City Council with a subsequent Ordinance.

Zoning Ordinance Amendments are not site specific, therefore, public hearing notices were not mailed to individual property owners. Consistent with noticing requirements for a citywide project, a public hearing notice was published in the Press Tribune and copies were made available at the City's libraries for public review.

ENVIRONMENTAL DETERMINATION

Consistent with California Environmental Quality Act (CEQA) Guidelines Section 15282(h) and pursuant to Public Resources Code Section 21080.17, adoption of ordinances regarding accessory dwelling units are considered exempt.

RECOMMENDATION

The Planning Division recommends the Planning Commission take the following action:

- A. Recommend that the City Council consider and adopt the Ordinance amending Title 19 – Zoning related to Accessory Dwelling Units.

Attachments

1. Accessory Dwelling Units Development Standards Summary
2. Accessory Dwelling Units Fee Policy

Exhibits

- A. Proposed Ordinance Amending Title 19 - Zoning (*with the exception of Chapter 19.60 which is a repeal and replacement, all other changes are shown in redline format*)

Accessory Dwelling Unit Development Standards Summary

Attachment 1

Development Standards for ADUs within <u>existing structures, spaces, or living areas</u>		Development Standards for ADUs proposed as <u>new construction</u>	
A. Setbacks	No defined requirement, but setbacks must be sufficient for fire safety per building and fire.	A. Minimum Lot Area	Five thousand (5,000) square feet.
B. Floor Area	Within an existing "living area" shall not exceed 50% of existing living area not to exceed 800 square feet. Within a detached structure or existing non-living area attached to dwelling: shall not exceed the floor area of the existing space.	B. Maximum Lot Coverage	Maximum lot coverage for the combined buildings on lot shall not exceed what is allowed by the zoning district in which it will be located.
C. Minimum Unit Size	No smaller than an efficiency unit per H&S Code Section 17958.1.	C. Setbacks	The ADU shall maintain the required setbacks of the zoning district in which it will be located. A setback of five (5) feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above an existing garage.
D. Minimum Facilities	The structure shall provide an independent living unit, per ADU definition, and must include a separate exterior entrance from the primary.	D. Floor Area	Attached ADU: The total floor space shall not exceed 50% of the proposed or existing primary dwelling, not to exceed 800 square feet. Detached ADU: Shall not exceed 800 square feet.
E. Appearance	If includes exterior improvements, shall be compatible in terms of height, form, and materials and be subordinate to primary.	E. Minimum Unit Size	No smaller than an efficiency unit per H&S Code Section 17958.1.
F. Parking	No requirement for ADU itself. If ADU displaces required parking for primary unit (i.e. garage conversion) the required parking spaces shall be replaced. Replacement spaces may be located in any configuration on the same lot as the ADU (including front yard or street side setback)	F. Minimum Facilities	The structure shall provide an independent living unit, per ADU definition, and must include a separate exterior entrance from the primary.
G. Passageways	Not required.	G. Appearance	The ADU shall be compatible in terms of height, form, and materials and be subordinate to primary.

Accessory Dwelling Unit Development Standards Summary

H. Building & Fire Codes	ADUs shall comply with building and fire codes unless modified by this Chapter.	H. Parking	Parking for the ADU is in addition to required parking for the primary unit. Parking for the ADU is as follows and can be provided in the front yard setback and in tandem in accordance with required development standards for size: • Studio – No parking required • 1+ bedrooms – At least one space There are exceptions – refer to section 19.060.070(H)(3) for circumstances. If the ADU displaces required parking for the primary unit (i.e. garage demolition) the required parking spaces shall be replaced. Replacement spaces may be located in any configuration on the same lot as the ADU (including front yard or street side setback).
I. Fire Sprinklers	Fire sprinklers are not required in the ADU if they were not required of the primary dwelling.	I. Passageways	Not required
J. Utilities (Water, Sewer, Electric)	Shared connections: Shared connections are allowed and new or separate utility connection between ADU and public utility infrastructure cannot be required. If adequate utility infrastructure does not exist for both units, the property owner is responsible for all costs related to upsizing the system. Separate connections: At the property owner's request and discretion, new or separate utility connections between the ADU and public utility infrastructure can be installed.	J. Building & Fire Codes	ADUs shall comply with building and fire codes unless modified by this Chapter.
K. Height	If includes exterior improvements, the ADU shall not exceed maximum height limits of the zoning district that it is located in.	K. Fire Sprinklers	Fire sprinklers are not required in the ADU if they were not required of the primary dwelling.

Accessory Dwelling Unit Development Standards Summary

L Fees	All fees and charges, including but not limited to, mitigation fees, development impact fees, and connection fees and capacity charges for water, sewer, and electric services, will be charged in accordance with the Accessory Dwelling Units Fee Policy adopted by the City Council on _____ 2018 by Resolution No. 18-____.	L Utilities (Water, Sewer, Electric)	Shared utilities are allowed if adequate capacity exists or if systems are upsized. If upsized the property owner is responsible for all costs related to upsizing the system. Separate connections are permitted at the property owner's request.
		M. Height	The ADU shall not exceed maximum height limits of the zoning district that it is located in.
		N. Fees	All fees and charges, including but not limited to, mitigation fees, development impact fees, and connection fees and capacity charges for water, sewer, and electric services, will be charged in accordance with the Accessory Dwelling Units Fee Policy adopted by the City Council on _____ 2018 by Resolution No. 18-____.
An Administrative Permit would be required if applicant proposes to deviate from these standards.			

Accessory Dwelling Units Fee Policy



**City of Roseville
Development Services Department**

Adopted by City Council on (Date) by Resolution # (Insert #)

Table of Contents

Introduction.....	3
Utility Connection Fees	4
“New Structures” with Shared Connections	4
“New Structures” with Separate Connections	6
“Existing Structures/Spaces/Living Areas” with Shared Connections	7
“Existing Structures/Spaces/Living Areas” with Separate Connections	10
Development Impact Fees	12
Traffic Mitigation Fees	12
Park Fees	13
Public Facility Fees.....	13
Connection, Capacity, and Other Development Impact Fees.....	13
Refuse Fees	13
Water Connection Fees	13
Sewer Fees	13
Regional Fees.....	13
Dwelling Unit Types	14
Flat Rate	14
Other Fees	14
Carriage Units	14

INTRODUCTION

An accessory dwelling unit (ADU) is defined by Government Code Section 65852.2, as it now exists or may hereafter be amended, and means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. The unit shall be located on a permanent foundation, have an independent exterior access, and shall include permanent provisions (or infrastructure to support permanent provisions (such as stubbing gas, water or sewer lines) for living, sleeping, eating, cooking, and sanitation on the same parcel as where a single-family dwelling is situated or proposed¹ to be situated. ADUs can also include efficiency units, as defined in Section 17958.1 of the Health and Safety Code, manufactured homes, as defined in Section 18007 of the Health and Safety Code, second dwelling units, granny flats, in-law quarters, carriage units, and tiny houses as long as such units otherwise meet this definition. Roseville Municipal Code (RMC) Chapter 19.60 outlines the requirements for ADUs, which includes minimum and maximum sizes for ADUs.

The City of Roseville (City) originally established a fee policy for ADUs (formerly Second Dwelling Units) in the 1990's which has periodically been updated. New legislation has resulted in the repeal and replacement of RMC Chapter 19.60 addressing ADUs and requires revisions to the fee policy. This fee policy recognizes that since ADUs generally result in fewer infrastructure demands and impacts to City services than single-family dwelling units, fees are charged proportionally for ADUs. It is the City's intent, consistent with State law, that this policy also apply to any ADU where a primary dwelling and ADU are being constructed at the same time.

The purpose of maintaining and updating this fee policy is to clarify the application of fees on the various types of ADUs that may be constructed within the City. Specifically, this policy outlines the methodology pursuant to Government Code Section 65852.2 for the application of development impact and connection fees related to ADUs that are charged on a per unit basis. It is the City's goal, consistent with State Law and as reflected in this policy, to encourage the development of ADUs that can meet current City standards.

ADUs can take on multiple building configurations (attached and detached), type of ADU (existing or new), and service connections (shared or separate). The multiple configurations create different demands for services, and accordingly, fees are calculated and applied differently. This policy serves to address these different scenarios.

In the event that a provision of RMC Chapter 19.60 or this fee policy conflicts with the terms of a specific plan or associated development agreement, the provision that is most favorable to the property owner will be applied.

¹ For purposes of this policy, a single-family dwelling unit will be deemed "proposed" provided that an application for a building permit has been submitted to the City for the unit.

I. Utility Connection Fees

Pursuant to Section 65852.2(f)(2)(A) of the California Government Code, the City may not require the payment of utility connection fees or capacity charges for an ADU if the ADU is developed within the existing space of a single-family residence or accessory structure. For newly constructed ADUs, Section 65852.2(f)(2)(B) authorizes the City to charge such fees as long as the charges are proportionate to the burden of the proposed ADU. As of the date of the adoption of this policy, the City charges the following utility connection fees: water connection fee (RMC Chapter 14.08), local sewer connection fee (RMC Section 14.16.060), regional sewer connection fee (RMC Section 14.16.080), and electric backbone mitigation fee (RMC Chapter 4.54).

The following includes the provisions that will be applied to ADUs based on the type of structure and utilities proposed which include: (a) New Structures with Shared Connections; (b) New Structures with Separate Connections; (c) Existing Structures/Spaces/Living Areas with Shared Connections; and (d) Existing Structures/Spaces/Living Areas with Separate Connections.

a. “New Structures” with Shared Connections

Attached or detached ADUs developed as new structures, or the addition of new square footage to an existing structure, with common water, sewer, and/or electric connections will be subject to the following:

i. Water

1. When an ADU is constructed on the same parcel as an existing or proposed single-family dwelling, water service may be provided by utilizing a single water service for both the primary dwelling and the ADU.
 - a. When the existing water service is utilized for both the primary dwelling and the ADU, the property owner must prepare and submit an analysis demonstrating that the size of the water service is adequate to serve both units. If the existing service size is not adequate to serve both dwelling units, at the property owner’s discretion, the water service will either require upsizing to current City standards or a second service shall be installed at the property owner’s expense pursuant to Section I(b)(i).
2. Residential water service connection charges will be based on the size or number of City water meters installed to serve the dwelling units.
3. In addition to connection fees, the property owner should be aware that charges for any new City water meters and installation costs may be assessed by the City. Please contact the Environmental Utilities Department Engineering Division at (916) 774-5752 for cost estimates.

ii. Sewer/Wastewater

1. When an ADU is constructed on the same parcel as an existing or proposed single-family dwelling, sewer service may be provided by utilizing a single sewer service for both the primary dwelling and the ADU.
 - a. When the existing sewer service is utilized for both the primary dwelling and the ADU, the property owner must prepare and submit an analysis demonstrating that the size of the sewer service is adequate to service both units. If the existing service size is not adequate to serve both dwelling units, at the property owner's discretion, the sewer service will either require upsizing to current City standards or a second service shall be installed at the property owner's expense pursuant to Section I(b)(ii).
2. Local and regional sewer service connection fees will be charged to the ADU.
3. In addition to connection fees, the property owner should be aware that installation costs may be assessed by the City. Please contact the Environmental Utilities Department Engineering Division at (916) 774-5752 for cost estimates.

iii. Electric

1. When an ADU is constructed on the same parcel as an existing or proposed single-family dwelling, electric service may be provided by utilizing a single electric metered service panel for both the primary dwelling unit and the ADU.
 - a. When the existing metered service panel is utilized for both the primary dwelling and the ADU, the property owner must prepare and submit an analysis demonstrating that the size of the existing metered service panel is adequate to service both units. If the existing service panel is not adequate to serve both dwelling units, the panel and service entrance conductor will require upsizing to meet the version of the National Electric Code standards adopted by the City. This may also require the upsizing of the service box by the property owner to meet City standards. All costs associated with upgrading the customer owned infrastructure shall be at the property owner's expense.
2. The property owner should be aware that any upsizing of Roseville Electric equipment required to feed the additional load will be at the property owner's expense. Please contact the Electric Department – New Services Division at (916) 797-6937 for cost estimates.

b. “New Structures” with Separate Connections

Attached or detached ADUs developed as new structures, or the addition of new square footage to an existing structure, with separate water, sewer, and/or electric connections will be subject to the following:

i. Water

1. When an ADU is constructed on the same parcel as an existing or proposed single-family dwelling and is utilizing a separate water service, the property owner shall be responsible for payment of water service connection fees for the separate service.
2. Each water service connection requires installation of a City water meter. City water meters shall be installed per current City standards.
3. In addition to connection fees, the property owner should be aware that charges for any new City water meters and installation costs may be assessed by the City. Please contact the Environmental Utilities Department Engineering Division at (916) 774-5752 for cost estimates.

ii. Sewer/Wastewater

1. When an ADU is constructed on the same parcel as an existing or proposed single-family dwelling and is utilizing a separate sewer connection, the property owner shall be responsible for the payment of local and regional sewer service connection fees for the ADU.
2. In addition to connection fees, the property owner should be aware that installation costs may be assessed by the City. Please contact the Environmental Utilities Department Engineering Division at (916) 774-5752 for cost estimates.

iii. Electric

1. When an ADU is constructed on the same parcel as an existing or proposed single-family dwelling and is utilizing a separate electric metered service panel, the property owner shall be responsible for payment of an electric backbone fee for the ADU.
2. Only one point of connection is allowed per lot. Both the primary and secondary electric metered service panel shall be located at the same location.
3. If the existing secondary service conduit and conductor from the City service box to the dual meter location is not adequate to serve both dwelling units, the customer owned service conduit and conductor will require upsizing to meet the version of the National Electric Code standards adopted by the City. This may also require the upsizing of

the service box by the property owner to meet City standards. All costs associated with upgrading the customer owned infrastructure shall be at the property owner's expense.

4. The property owner should be aware that any upsizing of Roseville Electric equipment required to feed the additional load will be at the property owner's expense. Please contact the Electric Department – New Services Division at (916) 797-6937 for cost estimates.

c. “Existing Structures/Spaces/Living Areas²” with Shared Connections

Attached or detached ADUs developed within existing structures/spaces/living areas with common water, sewer, and/or electric connections will be subject to the following:

i. Water

1. When an ADU is proposed within an “existing structure,” “existing space,” or “existing living area” as defined in RMC Chapter 19.60, water service may be provided by utilizing a single water service for both the primary dwelling and the ADU.
 - a. When the existing water service is utilized for both the primary dwelling unit and the ADU, the property owner must prepare and submit an analysis demonstrating that the size of the water service is adequate to serve both units. If the existing service size is not adequate to serve both dwelling units, the water service will require upsizing to current City standards at the property owner's expense. While not required, at the property owner's discretion, the property owner can choose to install a second service. If the property owner chooses to install a second service, the cost will be at the property owner's expense, including any applicable connection fees.

i. There are two scenarios in this situation which are:

1. Shared connection and adequate capacity:

- a. Property owner may utilize the existing shared connection. If the shared connection has adequate capacity and a shared connection is utilized, no residential water service connection charges will be imposed on the ADU; or

² An “existing structure or space” is an existing accessory structure or non-living area (e.g., garage). An “existing living area” is a habitable space within an existing single family dwelling unit (e.g., basements, attics).

- b. Even though adequate capacity exists, if the property owner requests a separate connection, the separate connection would be at the property owner's discretion and expense and water connection fees would apply.

2. Shared connection and inadequate capacity:

- a. At property owner's cost, the existing line will be upsized to current City standards. No connection charges will be imposed. However, the property owner will be responsible for the cost of time and materials for upsizing the portion of the system located on public property; or
- b. At property owner's request and cost, a second service may be installed. If the shared connection has inadequate capacity, residential water service connection charges will not be imposed if the property owner chooses to install a second service. However, the property owner will be charged time and materials costs for the installation of the portion of the second service located on public property.

- 2. The property owner should be aware that charges for any new City water meters and installation costs may be assessed by the City. For ADUs that are developed within "existing structures," "existing spaces" or "existing living areas," connection fees will only be assessed if a property owner chooses to install a second service (meaning, it is not required because adequate capacity is available). Please contact the Environmental Utilities Department Engineering Division at (916) 774-5752 for cost estimates.

ii. Sewer/Wastewater

- 1. When an ADU is proposed within an "existing structure," "existing space," or "existing living area" as defined in RMC Chapter 19.60, sewer service may be provided by utilizing a single sewer service for both the primary dwelling and the ADU.
 - a. When the existing sewer service is utilized for both the primary dwelling and the ADU, the property owner must prepare and submit an analysis demonstrating that the size of the sewer service is adequate to service both units. If the existing service

size is not adequate to serve both dwelling units, the sewer service will require upsizing to current City standards at the property owner's expense. While not required, at the property owner's discretion, the property owner can choose to install a second service at the property owner's cost. If the property owner chooses to install a second service, the cost will be at the property owner's expense, including any applicable connection fees.

i. There are two scenarios in this situation which are:

1. Shared connection and adequate capacity:

- a. Property owner may utilize the existing shared connection. If the shared connection has adequate capacity and a shared connection is utilized, no local sewer service connection charges will be imposed on the ADU; or
- b. Even though adequate capacity exists, if the property owner requests a separate connection, the separate connection would be at the property owner's discretion and expense and local and regional sewer connection fees would apply.

2. Shared connection and inadequate capacity:

- a. If the shared connection has inadequate capacity, local sewer service connection charges will not be imposed if the property owner chooses to install a second service. However, the property owner shall be charged time and materials costs for the construction of the portion of the second service located on public property; or
- b. At property owner's cost, the existing line will be upsized to current City standards. No local sewer service connection fees will be imposed if the property owner chooses to upsize the existing line to current City standards. However, the property owner will be responsible for the cost of time and materials for upsizing the portion of the system located on public property.

2. The property owner should be aware that installation costs may be assessed by the City. For ADUs that are developed within “existing structures,” “existing spaces,” or “existing living areas,” regional sewer connection fees apply. Local sewer connection fees will only be assessed if a property owner chooses to install a second service (meaning, it is not required because adequate capacity is available). Please contact the Environmental Utilities Department Engineering Division at (916) 774-5752 for cost estimates.

iii. Electric

1. When an ADU is proposed within an “existing structure,” “existing space,” or “existing living area” as defined in RMC Chapter 19.60, electric service may be provided by utilizing a single electric metered service panel for both the primary dwelling and the ADU.
 - a. When the existing metered service panel is utilized for both the primary dwelling and the ADU, the property owner must prepare and submit an analysis demonstrating that the size of the existing metered service panel is adequate to service both units. If the existing service panel is not adequate to serve both dwelling units, the panel and service entrance conductor will require upsizing to meet the version of the National Electric Code standards adopted by the City. This may also require the upsizing of the service box by the property owner to meet City standards. All costs associated with upgrading the customer owned infrastructure shall be at the property owner’s expense.
2. The property owner should be aware that any upsizing of Roseville Electric equipment required to feed the additional load will be at the property owner’s expense. Please contact the Electric Department – New Services Division at (916) 797-6937 for cost estimates.

d. **“Existing Structures/Spaces/Living Areas” with Separate Connections**

Attached or detached ADUs developed within existing structures/spaces/living areas with separate water, sewer, and/or electric connections will be subject to the following:

i. Water

1. When an ADU is proposed within an “existing structure,” “existing space,” or “existing living area” as defined in RMC Chapter 19.60, separate utility connections are not required. However, if the property owner chooses to install a separate connection in place of utilizing the existing system (if adequate) or in place of upsizing the system to current City standards, the property owner shall be responsible for time and materials costs for the installation of the portion of the separate water service located on public property.

2. If a property owner of an ADU chooses to have a separate water service (meaning, it is not required because adequate capacity is available or property owner did not want to upsize the system), then each water service requires installation of a City water meter and payment of the water service connection fees. City water meters shall be installed per current City standards.
3. The property owner should be aware that charges for new City water meters, installation costs, and potentially connection fees may be assessed by the City. Please contact the Environmental Utilities Department Engineering Division at (916) 774-5752 for cost estimates.

ii. Sewer/Wastewater

1. When an ADU is proposed within an “existing structure,” “existing space” or “existing living area” as defined in RMC Chapter 19.60, separate utility connections are not required. However, at the property owner’s discretion, if the property owner chooses to install a separate connection in place of utilizing the existing system (if adequate) or in place of upsizing the system to current City standards, the property owner shall be responsible for payment of time and materials costs for the installation of the portion of the separate sewer service located on public property.
2. If a property owner of an ADU chooses to have a separate sewer service (meaning, it is not required because adequate capacity is available or property owner did not want to upsize the system), local and regional sewer service connection fees will be charged to the ADU.
3. The property owner should be aware that installation costs and potentially connection fees may be assessed by the City. Please contact the Environmental Utilities Department Engineering Division at (916) 774-5752 for cost estimates.

iii. Electric

1. When an ADU is proposed within an “an existing structure,” “existing space,” or “existing living area” as defined in RMC Chapter 19.60, a second electric metered service panel is not required. However, if the property owner chooses to install a second electric metered service panel in place of a shared service, the property owner shall be responsible for payment of an electric backbone fee for the ADU.
2. Only one point of connection is allowed per lot. Both the primary and secondary electric metered service panel shall be located at the same location.

3. If the existing secondary service conduit and conductor from the City service box to the dual meter location is not adequate to serve both dwelling units, the customer owned service conduit and conductor will require upsizing to meet the version of the National Electric Code standards adopted by the City. This may also require the upsizing of the service box by the property owner to meet City standards. All costs associated with upgrading the customer owned infrastructure shall be at the property owner's expense.
4. The property owner should be aware that any upsizing of Roseville Electric equipment required to feed the additional load will be at the property owner's expense. Please contact the Electric Department – New Services Division at (916) 797-6937 for cost estimates.

II. Development Impact Fees

Development Impact Fees (also known as Mitigation Fees) will apply to all ADUs, whether newly constructed or constructed within existing spaces or living areas. As provided for in RMC Chapter 19.60, Development Impact Fees charged for ADUs shall be proportionate to the actual impact caused by the ADUs.

Detached units tend to function more as separate standalone units and may generate the same level of service or utility impacts as the primary residence. For this reason, fees are assessed to each of the detached units. For the purpose of assessing fees, attached structures shall be deemed attached when connected by a common wall. Breezeways, corridors, gazebos or other like features shall not be considered attached units for the purpose of this policy. It must be recognized that this fee policy is established for the calculation and assessment of fees and the provisions within this policy do not correlate to the building code or other construction or improvement standards. For example, a breezeway connecting two structures may meet the building code requirements for the two structures to be considered attached; however, the building code definition has no bearing on the application of impact fees for ADUs.

a. Traffic Mitigation Fees

- i. **Attached ADU:** Where the primary dwelling unit and the ADU are constructed as attached structures, the development impact fees shall be calculated for the primary dwelling unit only at the single-family development impact fee rate and no fee shall apply to the attached ADU. Fees are to be calculated consistent with the fee established for the property/plan area.
- ii. **Detached ADU:** A detached ADU shall be charged a development impact fee at the multi-family rate consistent with the traffic impact fees established for the property/plan area. The multi-family rate is the dwelling unit equivalent (DUE) established for Land Use (220) "Apartment" by the Institute of Transportation Engineers (ITE) in their regularly published Trip Generation report, the latest copy of which is incorporated into the City's approved Traffic Mitigation Fee program (TMF). At the time of adoption of this policy, the DUE equivalent for multi-family development is 0.62 dwelling units.

When a single permit is required for construction of the primary residence and the ADU, the development impact fees for the new primary dwelling and ADU shall be calculated as follows:

Primary dwelling unit	= 1.0
ADU	= +0.62
Primary and ADU Unit Fee	= 1.62 DUE

Where separate permits are required or utilized, the primary unit shall be charged traffic mitigation fees based on 1.0 DUE and the ADU shall be charged traffic mitigation fees based on 0.62 DUE or the current multi-family rate approved with the City's TMF program if other than 0.62 DUE.

b. Park Fees

Neighborhood park development fees shall be waived.

As it relates to Citywide Park fees the following shall apply.

- i. **Attached ADU:** Construction of an attached ADU shall not be subject to City-wide park development fees provided the primary dwelling unit paid the fee at the full single-family rate.
- ii. **Detached ADU:** City-wide park development impact fees for construction of detached ADUs shall be charged the multi-family rate.

c. Public Facility Fees

- i. **Attached ADU:** Construction of an attached ADU shall not be subject to public facility fees provided the primary dwelling unit paid the fees at the full single-family rate.
- ii. **Detached ADU:** Public facility development impact fees for construction of detached ADUs shall be charged the multi-family rate.

d. Connection, Capacity, and Other Development Impact Fees

For development impact fees not listed above, including utility connection fees and capacity charges, fees for ADUs will be charged as follows:

- 1. **Refuse Fees:** Solid waste impact fees that are collected will be charged at the full flat rate based on a single family dwelling unit.
- 2. **Water Connection Fees:** Water connection fees that apply to an ADU will be based on the high density residential rate.
- 3. **Sewer Fees:** Sewer connection fees that are collected include local and regional fees and are charged at the full flat rate based on one living unit.
- 4. **Regional Fees:** Fees collected on behalf of another public agency or joint powers authority (such as the regional sewer connection fee) shall be

charged in accordance with the rates established by such public agency or joint powers authority.

If not addressed in the list directly above, fees will be charged as follows:

5. **Dwelling Unit Types:** For fees charged based on dwelling-unit type, ADUs will be charged at the multi-family rate.
6. **Flat Rate:** For fees charged based on a flat rate, ADUs will be charged 62% of the flat rate.

III. Other Fees

Property owners shall be responsible for paying all other applicable City fees including, but not limited to, permit fees, administrative fees, service fees, and any other fees set forth in development agreements applicable to the property or plan area.

IV. Carriage Units

Some Specific Plans and Development Agreements include an additional dwelling type referred to as "Carriage Units". These types of Carriage Units have been approved for construction on medium density residential parcels in some areas of the City. In these instances, a Carriage Unit is limited to a maximum of 500 square feet and includes a kitchen. They shall have a studio configuration, be constructed over a garage only, and have separate entrances which may be accessible from alleys. A single electrical service is required; however, separate meters may be installed. Carriage Units that meet this definition are required to have a single water and sewer service to the primary dwelling (separate water and sewer services are not allowed). For purposes of collecting fees, these types of Carriage Units will not be charged development impact fees.

ORDINANCE NO. ____

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE AMENDING SECTIONS 14.08.026 AND 14.08.105 OF CHAPTER 14.08, AMENDING SECTION 14.12.020 OF CHAPTER 14.12, AMENDING SECTION 14.16.010 OF CHAPTER 14.16 OF TITLE 14, AMENDING SECTIONS 19.08.030 AND 19.08.080 OF CHAPTER 19.08, AMENDING SECTIONS 19.10.020 AND 19.10.030 OF CHAPTER 19.10, AMENDING SECTION 19.12.020 OF CHAPTER 19.12, AMENDING SECTIONS 19.26.030 AND 19.26.040 OF CHAPTER 19.26, AMENDING SECTION 19.46.010 OF CHAPTER 19.46, REPEALING AND REPLACING CHAPTER 19.60, AMENDING SECTION 19.72.020 OF CHAPTER 19.72, AND AMENDING SECTION 19.95.030 OF CHAPTER 19.95 OF TITLE 19 OF THE ROSEVILLE MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Section 14.08.026 of Chapter 14.08 of Title 14 of the Roseville Municipal Code is hereby amended to read as follows:

14.08.026 Standard connection fee.

A. The standard connection fee for various types of service and applicable DUEs are based upon water service sizes required by the Uniform Plumbing Code and DUEs as shown in Section 14.08.029 for nonresidential connections and upon large lot use density categories for

residential connections as defined herein. The standard connection fee shall be calculated as follows:

For all dwellings, as defined in Roseville Municipal Code Section 19.08.080(FE), the connection fee shall be based upon the large lot land use density as defined within the Land Use Element of the city's general plan, the water service size as required by the Uniform Plumbing Code, and the equivalent DUEs as shown in Section 14.08.029. The minimum connection fee shall be based on a three-quarter-inch service size and the equivalent dwelling unit shall be one DUE if zoned low density residential; 60 percent of the cost of one DUE for each dwelling unit if zoned medium density residential; and, 40 percent of the costs of one DUE for each dwelling unit if zoned high density residential. Fees shall not be based on the size of the master meter to a multifamily dwelling. Multifamily dwellings shall also pay an irrigation connection fee as defined in Roseville Municipal Code Section 19.08.027.

B. For all dwellings, as defined in Roseville Municipal Code Section 19.08.080(FE), that require automatic fire protection systems pursuant to Roseville Municipal Code Section 16.16.120, the increased service size will not be assessed an additional fee associated with the fire protection system requirement. Connection fees shall be based on a three-quarter inch service size and the equivalent dwelling units required by subsection A without consideration for any fire protection system required by Roseville Municipal Code Section 16.16.120.

C. No additional water connection fee shall be charged for facilities located within a multifamily dwelling complex that are appurtenant to the general function of the multifamily dwelling complex. Such facilities include, but shall not be limited to, community centers, recreational centers, rental offices, maintenance offices and fire systems.

D. Pursuant to the fee policy identified in Roseville Municipal Code Section 19.60.100, no water connection fee shall be charged for accessory dwelling units developed within existing structures.

SECTION 2. Section 14.08.105 of Chapter 14.08 of Title 14 of the Roseville Municipal Code is hereby amended to read as follows:

14.08.105 Installation of water meters.

A. New Construction. Except as otherwise provided in Chapter 19.60 of the Roseville Municipal Code, Aa water meter shall be required for all residential dwelling units for which a building permit was issued after January 1, 1992.

B. Installation and Location.

1. All water meters and metering equipment will be supplied and installed by the city upon the service premises at a location approved by the environmental utilities director.

2. The following charges for water meter installation shall be made:

a. A \$75.00 labor charge for installation shall be paid by the applicant for service prior to installation. The labor charge shall be increased by the finance director as labor costs increase, as reflected in the adoption of the city's salary ordinances.

b. A meter supply charge shall be paid by the applicant for service prior to installation. The meter supply charge shall be equal to the per meter amount of the most recent water meter bid awarded by the city.

c. In addition to the direct meter supply charge, additional charges may apply for meter appurtenances as required by the environmental utilities director. This includes, but is not limited to, features required to make meter ready for remote reading.

d. A \$75.00 water quantity charge per unit for water use during construction of residential units shall be paid by the applicant prior to meter installation. The water quantity charge shall be increased by the environmental utilities director to reflect increases in water supply rates.

3. All water meters shall be safely accessible to authorized employees of the city at all times for inspection, testing and reading.

4. The city may require a customer to relocate a metering installation, at customer's expense, if any existing water meter location becomes inaccessible or for other operational needs.

5. Property owners of condominium and apartment complexes are liable for costs to install meters on their property upon receipt of bill for such services.

C. Rights of Access.

1. The city shall have the right of access to the customer's premises, at all reasonable hours for any purpose related to the furnishing of water service including, but not limited to, meter reading, testing, inspection, construction, maintenance and repair of meter.

2. Service may be refused or disconnected if permanent safe accessibility is not provided by the customer.

3. Upon termination of service, the city shall have the right of access to the service premises to remove the water meter.

D. Customer Responsibilities. It shall be the duty of each customer upon whose premises the city has installed a water meter to ensure that such meters are not damaged, destroyed or interfered with and, in the case of any defect in any such meter, to notify the city. The customer is also responsible for keeping the meter box clear and accessible for reading and maintenance by keeping landscape and other improvements from covering or encroaching over the meter box.

E. Metered Water Rate. New services installed after January 1, 2002 will be placed on a metered water rate.

SECTION 3. Section 14.12.020 of Chapter 14.12 of Title 14 of the Roseville Municipal Code is hereby amended to read as follows:

14.12.020 Use of public sewers required.

A. It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, any human or animal excrement, garbage or other objectionable waste.

B. Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

C. It is unlawful for any person to construct or use a graywater system or discharge graywater on public or private property within the city.

D. Except as otherwise provided in Chapter 19.60 of the Roseville Municipal Code,
The owner of any house, building or property used for human occupancy, employment, recreation, or other purposes, situated within the city, adjacent to which there is located a public sanitary sewer, is required, at the owner's expense, to install suitable toilet facilities therein and to connect such facilities directly with the public sewer in accordance with the provisions of this chapter.

SECTION 4. Section 14.16.010 of Chapter 14.16 of Title 14 of the Roseville Municipal Code is hereby amended to read as follows:

14.16.010 Sewer connection fee established.

Except as otherwise provided by this chapter or the fee policy identified in Roseville Municipal Code Section 19.60.100, for each connection to the city-owned public sewer connection fees shall be paid as provided in this article.

SECTION 5. Section 19.08.030 of Chapter 19.08 of Title 19 of the Roseville Municipal Code is hereby amended to read as follows:

19.08.030 Listing of use classifications.

All primary uses are classified into the following use types. The following primary use types are more fully described in Sections 19.08.060 through 19.08.110, inclusive.

A. Agricultural and Open Space Use Types

Agricultural

Animal Keeping

Resource Protection and Restoration

Resource Related Recreation

B. Civic Use Types

Community Assembly

Community Services

Essential Services

Hospital Services

General Hospital Services

Psychiatric Hospital Services

Intensive Public Facilities

Libraries and Museums, Private

Power Generating Facilities

Public Parking Services

Schools

College and University

Elementary and Secondary

Private Elementary and Secondary

Social Services

Emergency Shelter

Food Distribution

Food Service

C. Residential Use Types

[Accessory Dwelling Units](#)

Caretaker/Employee Housing

Community Care Facility, Small

Community Care Facility, Large

Dwelling

Multi-Family

Single-Family

Two-Family

Efficiency Units

Family Day Care Homes, Small

Family Day Care Homes, Large

Live/Work

Mobile Home Park

Rooming and Boarding Houses

~~Second Dwelling Unit~~

Single Room Occupant

Supportive Housing

Transitional Housing

D. Commercial Use Types

Adult Oriented Business

Animal Sales and Service

Grooming and Pet Stores

Kennels

Veterinary Clinic

Veterinary Hospital

Automotive and Equipment

Automotive Body and Equipment Repair

Automotive Rentals

Automotive Repairs

Automotive Sales

Car Wash and Detailing

Commercial Parking

Gasoline Sales

Heavy Equipment Rental and Sales

Banks and Financial Services

Bars and Drinking Places

Broadcasting and Recording Studios

Building Material Stores

Business Support Services

Commercial Recreation

 Amusement Center

 Indoor Entertainment

 Indoor Sports and Recreation

 Large Amusement Complexes

 Outdoor Entertainment

 Outdoor Sports and Recreation

 Residential Recreation Facilities

Community Care Facility

Day Care Centers

Eating and Drinking Establishments

 Convenience

Fast Food with Drive-Through

Full Service

Food and Beverage Retail Sales

Funeral and Interment Services

Lodging Services

Long Term Care Facility

Maintenance and Repair

Medical Services, General

Neighborhood Commercial

Nightclubs

Nursery, Retail

Offices, Professional

Personal Services

Retail Sales and Services

Single Room Occupant

Specialized Education and Training

Specialty Schools

Vocational Schools

Storage, Personal Storage Facility

E. Industrial Use Types

Day Care Center, Secondary (employees only)

Equipment and Materials Storage Yards

General Industrial

Hazardous Materials Handling

Impound Yards

Laundries, Commercial

Light Manufacturing

Printing and Publishing

Recycling, Scrap and Dismantling

Enclosed

Unenclosed

Research Services

Specialized Industrial

Wholesale and Distribution

Heavy

Light

F. Transportation and Communication Use Types

Antennas and Communications Facilities

Developed Lot

Undeveloped Lot

Heliport

Intermodal Facilities

SECTION 6. Section 19.08.080 of Chapter 19.08 of Title 19 of the Roseville Municipal Code is hereby amended to read as follows:

19.08.080 Residential use types.

Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis and includes uses which are typically associated with and provide support to residential areas, but exclude institutional living arrangements providing 24-hour skilled nursing or medical care and those providing forced residence, such as asylums and prisons. Transitional housing and supportive housing are considered residential uses. Specific residential use types referred to in this title are:

A. Accessory Dwelling Unit. An accessory dwelling unit shall be as defined by Government Code Section 65852.2, as it now exists or may hereafter be amended, and means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. The unit shall be located on a permanent foundation, have an independent exterior access, and shall include permanent provisions or infrastructure to support permanent provisions (such as stubbing gas, water or sewer lines) for living, sleeping, eating, cooking, and sanitation on the same parcel as where a single-family dwelling is situated or proposed to be situated. Accessory dwelling units can also include efficiency units, as defined in Section 17958.1 of the Health and Safety Code, manufactured homes, as defined in Section

[18007 of the Health and Safety Code, second dwelling units, granny flats, in-law quarters, carriage units, and tiny houses as long as such units otherwise meet this definition. \(Also see Chapter 19.60.\)](#)

AB. **Caretaker/employee housing**, includes permanent or temporary housing that is secondary or accessory to the primary use of the property. Such housing is used for caretakers employed on the site of a non-residential use where a caretaker is needed for security or to provide 24-hour care or monitoring of facilities, equipment, or other conditions on the site.

BC. **Community Care Facility, Small.** A dwelling where non-medical care is provided to six or fewer persons on a 24-hour basis. Small community care facilities shall be licensed by the State Department of Social Services.

CD. **Community Care Facility, Large.** A dwelling where non-medical care is provided to no less than seven and no more than 12 persons on a 24-hour basis and which is operated and occupied by the owners. Large community care facilities shall be licensed by the State Department of Social Services, shall permit no more than two persons per bedroom and shall be designed so as to be compatible with the residential character of the neighborhood.

DE. **Efficiency units**, includes a room or group of internally connected rooms that have independent sleeping, cooking, eating and sanitation facilities, which constitutes an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

EF. **Dwelling**, includes a room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitutes an independent housekeeping unit, occupied by or intended for one household on a long-term basis. Types of dwellings include single-family dwellings, duplexes, [accessory](#)

[dwelling units](#), multi-family dwellings, mobile homes, condominiums, and townhouses, all of which are separately defined.

1. Multi-family, includes a building designed and intended for occupancy by three or more families living independently of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord. Includes apartments, ~~townhomes~~[condominiums](#), rowhouses, triplexes and fourplexes.

2. Single-family, includes [an attached or](#) detached building designed exclusively for occupancy by one family. [Includes houses, half-plexes and townhomes.](#)

3. Two-family, includes a duplex, or other buildings designed for occupancy by two families living independently of each other, where both dwellings are located on a single lot.

[FG.](#) Family day care homes, small, includes a private single-family dwelling where care, protection and supervision of seven or fewer minor children is provided for periods of less than 24 hours or as otherwise provided by state law.

[GH.](#) Family day care homes, large, includes a private single-family dwelling where care, protection and supervision of eight and up to, and including, 14 children is provided for periods of less than 24 hours or as otherwise provided by state law. (Also see Chapter 19.46.)

[HI.](#) Live/work, includes units that are occupied by business operators who live in the same structure that contains commercial activity. The units functions primarily as a workspace with incidental residential accommodations.

[IJ.](#) Mobile home park, includes any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for

rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes. (Also see Chapter 19.48.)

JK. Rooming and boarding houses, includes the renting of individual bedrooms within a dwelling by a property owner or other manager in residence to three or more people, whether or not meals are provided; or a single-family dwelling occupied by six or more unrelated people, living together as a single housekeeping unit; by prearrangement for definite periods, with compensation.

~~**K. Second Dwelling Unit.** A dwelling unit, attached or detached, with permanent provisions for independent living, sleeping, eating, cooking and sanitation within the unit and includes a separate entrance from the primary unit. (Also see Chapter 19.60.)~~

L. Single Room Occupant. Lodging establishments providing a room(s) which does not include a kitchen or bathroom. These establishments include a communal bathroom and may have a communal kitchen and/or living area. This is not a temporary or transitional housing type and is typically found on the second story above a retail use.

M. Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population as defined in Health and Safety Code Section 53260(d), and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and when possible, work in the community. (California Health and Safety Section 50675.14(b).)

1. Target Population. Adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities

Services Act and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people. (California Health and Safety Section 53260(d).)

N. Transitional Housing and Transitional Housing Development. Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. (California Health and Safety Section 50675.2(h).)

SECTION 7. Section 19.10.020 of Chapter 19.10 of Title 19 of the Roseville Municipal Code is hereby amended to read as follows:

19.10.020 Permitted use types.

Primary uses are permitted in residential zones subject to the requirements of this title as designated below:

- A.** Principally permitted use, designated as “P”;
- B.** Conditionally permitted use, designated as “CUP”; and
- C.** Administratively permitted use, designated as “A.”

Primary use types not listed or designated by a dash (-) are not permitted in that zone district.

	R1	RS	R2	R3	RMU
AGRICULTURE AND OPEN SPACE USE TYPE					

	R1	RS	R2	R3	RMU
Animal Keeping	P	P	P	P	P
Resource Protection and Restoration	P	P	P	P	P
Resource Related Recreation	P	P	P	P	P
CIVIC USE TYPES					
Community Assembly	CUP	CUP	CUP	P	P
Community Services	CUP	CUP	CUP	CUP	P
Essential Services	P	P	P	P	P
Schools, Elementary and Secondary	P	P	P	P	P
Schools, Private Elementary and Secondary	CUP	CUP	CUP	CUP	P
Power Generating Facilities ⁽³⁾					
Emergency	P	P	P	P	P
Passive Power	P	P	P	P	P
RESIDENTIAL USE TYPES					
<u>Accessory Dwelling Units ⁽¹⁾</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Community Care Facilities, Small	P	P	P	P	P
Community Care Facilities, Large	CUP	CUP	CUP	P	P
Dwelling ⁽⁵⁾					

	R1	RS	R2	R3	RMU
Multi-Family	-	-	-	P	P
Single-Family	P	P	P	P	P
Two-Family	-	-	P	P	P
Family Day Care Homes, Small	P	P	P	P	P
Family Day Care Homes, Large ⁽²⁾	A	A	A	A	P
Mobile Home Park	CUP	CUP	CUP	CUP	P
Rooming and Boarding House	-	-	-	P	P
Second Dwelling Unit ⁽⁴⁾	P	P	-	-	P
COMMERCIAL USE TYPES					
Commercial Recreation, Residential Recreation Facilities	CUP	CUP	CUP	CUP	P
Community Care Facility	-	-	-	P	P
Day Care Center	CUP	CUP	CUP	CUP	P
Long Term Care Facility	-	-	-	CUP	P
Neighborhood Commercial	-	-	-	CUP	P
TRANSPORTATION AND COMMUNICATION USE TYPES					
Telecommunication Facilities ⁽⁴⁾	AP/CUP	AP/CUP	AP/CUP	AP/CUP	AP/CUP

Notes:

- (1) [Accessory dwelling units are only permitted within areas zoned to allow single-family or multifamily use and must be located on a lot that contains an existing or proposed single-family dwelling unit as defined in Section 19.08.080\(F\)\(2\) \(Residential Use Types\).](#) See Chapter 19.60 for [additional](#) ~~second~~ [accessory](#) dwelling unit regulations.
- (2) See Chapter 19.46 for large family day care home regulations.
- (3) See Chapter 19.55 for power generating facilities requirements.
- (4) See Chapter 19.34 for antennas and communications facilities requirements.
- (5) Transitional housing and supportive housing are considered residential use types.

SECTION 8. Section 19.10.030 of Chapter 19.10 of Title 19 of the Roseville Municipal Code is hereby amended to read as follows:

19.10.030 Residential zone general development standards.

A. Residential Development Standards. Permitted uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this title:

-

RESIDENTIAL ZONE GENERAL DEVELOPMENT STANDARDS

	Requirement by Zoning District
--	--------------------------------

	R1	RS with attached sidewalk ⁽¹⁰⁾	RS with separated sidewalk ^{(8), (10)}	R2	R3 ⁽²⁾	RMU
Area, interior lot	6,000 sq ft	4,500 sq ft	4,275 sq ft	6,000 sq ft	6,000 sq ft	None ⁽⁷⁾
Area, corner lot	7,500 sq ft	5,500 sq ft	4,710 sq ft	7,500 sq ft	7,500 sq ft	
Width, interior	60 ft	45 ft	45 ft	60 ft	60 ft	
Width, corner	75 ft	55 ft	50 ft	75 ft	75 ft	
<u>Residential Density</u>						
Residential Density (Maximum number of primary dwelling units per lot)	1 dwelling 1-second-unit	1 dwelling 1-second-unit	1 dwelling 1-second-unit	2 dwellings ⁽¹⁾	As provided by General Plan	As provided by General Plan

	Requirement by Zoning District					
	R1	RS with attached sidewalk ⁽¹⁰⁾	RS with separated sidewalk ⁽⁸⁾ , (10)	R2	R3⁽²⁾	RMU
<u>Maximum number of accessory dwelling units per lot⁽¹¹⁾</u>	<u>1 dwelling</u>	<u>1 dwelling</u>	<u>1 dwelling</u>	<u>1 dwelling</u>	<u>1 dwelling</u>	<u>1 dwelling</u>
Setbacks (minimum) See Chapter 19.22 for setbacks for accessory structures.						
Front ⁽⁹⁾	20 ft for interior lots; 15 ft for corner lots; 20 ft minimum driveway depth	15 ft to living space or side wall of garage; 12.5 ft to porch; 18 ft minimum	10 ft to first floor living space or side wall of garage; 7.5 ft to porch, but in no case may	20 ft for interior lots; 15 ft for corner lots; 20 ft minimum driveways	20 ft minimum on all street frontages	None ⁽⁷⁾

	Requirement by Zoning District					
	R1	RS with attached sidewalk ⁽¹⁰⁾	RS with separated sidewalk ⁽⁸⁾ , (10)	R2	R3⁽²⁾	RMU
		driveway depth ⁽⁶⁾	encroach into a PUE; 15 ft to second floor living space; 18 ft minimum driveway depth ⁽⁶⁾	depth		
Sides ⁽⁹⁾	5 ft interior; 15 ft street side on corner	5 ft interior; 12.5 ft street side on first floor; 15 ft street	5 ft interior; 10 ft street side on first floor; 13 ft street side on second	5 ft interior; 15 ft street side on corner	5 ft interior; 20 ft minimum on all street	None ⁽⁷⁾

	Requirement by Zoning District					
	R1	RS with attached sidewalk ⁽¹⁰⁾	RS with separated sidewalk ⁽⁸⁾ , (10)	R2	R3⁽²⁾	RMU
		side on second floor	floor		frontages	
Rear	20% of lot depth; need not exceed 20 ft; 10 ft minimum ⁽³⁾	10 ft minimum with minimum useable open space of 700 sq ft or 500 sq ft where a usable front porch is provided ⁽⁴⁾	10 ft minimum with minimum useable open space of 500 sq ft ⁽⁴⁾	20% of lot depth; need not exceed 20 ft; 10 ft minimum	20 ft; 20 ft minimum on all street frontages	None ⁽⁷⁾

	Requirement by Zoning District					
	R1	RS with attached sidewalk ⁽¹⁰⁾	RS with separated sidewalk ⁽⁸⁾ , (10)	R2	R3⁽²⁾	RMU
Site Coverage	35% for 2 story; 45% for 1 story	None ⁽⁴⁾	None ⁽⁴⁾	40%	50%	None ⁽⁷⁾
Height Limits	35 ft	35 ft	35 ft	35 ft	45 ft ⁽⁵⁾	None ⁽⁷⁾
Additions greater than 700 square feet in area⁽¹²⁾	May only be permitted upon approval of an Administrative Permit					

Notes:

- (1) Attached or detached. Detached dwelling units must maintain a minimum 10-foot building separation.
- (2) The general development standards for the R3 district may be modified through approval of a Design Review Permit.

- (3) On corner lots, the minimum rear setback may be determined by using an average of three measurements taken at the ends of the structure and a point midway between the ends of the structure. The measurements shall be made perpendicular to the rear lot line.
- (4) The rear and side yards may be utilized to meet the minimum usable open space provided the minimum dimension, measured perpendicular to the applicable rear or side yard is 10 feet. Maximum coverage is a function of lot size, required setbacks and usable open space. A minimum usable open space of 500 square feet may be applied where a front porch is provided with minimum dimensions of six feet by 10 feet exclusive of entry way.
- (5) Except for units immediately adjacent to the R1 and RS zone districts, where the height limit shall be 35 feet.
- (6) Minimum driveway depth of 18 feet requires a roll-up garage door.
- (7) As provided in development standard overlay or special area overlay district.
- (8) Sidewalk separated from back of curb by five-foot planter strip.
- (9) Front setback (and side setback where adjacent to street) measured from back of walk. Fence side yard setback is five feet from back of walk where facing a street. In the absence of sidewalk, setbacks measured from the edge of right-of-way.
- (10) Variations to the standards and other housing product types may be permitted subject to processing of a Design Review Permit for Residential Subdivision (DRRS) concurrent with the approval of a tentative subdivision map and review of product type.
- (11) One accessory dwelling unit is permitted within areas zoned to allow single-family or multifamily use provided the lot contains an existing or proposed single-family dwelling unit as defined in Section 19.08.080(F)(2) (Residential Use Types) and the accessory dwelling unit complies with the standards identified in Chapter 19.60 (Accessory Dwelling Units). For purposes of density, accessory dwelling units shall be deemed to be an accessory use or an accessory building or structure and shall not be considered to exceed the allowable density for the lot upon which it is located.
- (12) Excludes accessory dwelling units complying with the standards identified in Chapter 19.60 (Accessory Dwelling Units).

B. Clear Vision Triangle, Residential. The following standards shall apply to the installation of structures on corner parcels:

1. On a corner parcel, no fence, wall, sign or other structure, mounds of earth, or other visual obstruction over 36 inches in height above the top of the existing or planned curb elevation shall be erected or placed within a residential clear vision triangle (see Chapter 19.95 Definitions).

2. The foregoing provision shall not apply to public utility poles; trees trimmed (to the trunk) to a line at least eight feet above the elevation of the intersection; saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave, at all seasons, a clear and unobstructed cross view; supporting members of appurtenances to permanent structures existing on the date that the ordinance codified in this section becomes effective; and official warning signs or signals.

C. Exceptions to Height Limits. Notwithstanding the requirements of subsection A, the following structures are permitted to exceed the maximum height limits, as follows:

Architectural features, mechanical equipment. Chimneys, vents, and other architectural or mechanical appurtenances on buildings may be a maximum of 15 percent higher than the height limit of the applicable zone.

D. Exceptions to Setbacks. Notwithstanding the requirements of subsection A, the following structures are permitted to encroach into the required development setbacks, as follows:

1. Architectural features, such as but not limited to: cornices, eaves, canopies

fireplaces and similar features, but not any flat wall or addition creating living space, may encroach up to two feet into any required setback.

2. Covered, unenclosed projections attached to the primary structure may encroach up to six feet into any front yard setback.

E. **Manufactured Homes.** Manufactured homes are permitted in residential zones provided they meet the following architectural standards:

1. The manufactured home shall be covered with exterior material customarily used on conventional dwellings within the subdivision. The exterior covering material shall extend to the ground as close to grade as allowed by the manufacturer's recommendation;

2. The manufactured home shall have a minimum of 16-inch roof overhangs and roofing material on the manufactured home shall be compatible with other dwellings existing in the area and shall consist of materials customarily used on conventional dwellings. The roof shall have a minimum 2 1/2 in 12 pitch.

F. **Landscaping Requirements in Setback Areas.**

1. **Single-Family and Two-Family Dwellings—Front-Yard and Street Side-Yard Setbacks.**

a. **Setback Area Paving Restrictions.** A maximum of 50 percent of the required front-yard setback may be paved for off-street parking, driveways, walkways, or uncovered patio use. A maximum of 50 percent of the required street side-yard setback may be paved for off-street parking, driveways, walkways, or uncovered patio use; however, this maximum limitation does not apply to that portion of the street side-yard located behind a fence that is in

compliance with the street side fence requirements set forth in Chapter 19.22 of this code. These requirements may be modified with approval of a Design Review Permit for Residential Subdivision (DRRS), as provided for in Article V of this title.

b. **Landscape and Maintenance Requirements.** The unpaved portion of a front-yard setback and street side-yard setback shall be landscaped, irrigated, and maintained. The landscape shall include grass, annuals, perennials, groundcover, shrubs, trees, or other living vegetation. Synthetic grass or artificial turf may be used if it is permeable and has a minimum pile height of 1.25 inches. Design elements like planters, rocks, mulch, or similar elements are permitted when integrated as part of the landscape. All landscaping materials shall be mowed, trimmed, and maintained as often as necessary to prevent overgrowth and blight. No junk, debris, or other similar materials shall be stored in the landscaped setback area.

c. **Height Restrictions for Landscaping Located in the Clear Vision Triangle.** All landscaping located within the clear vision triangle for driveways and corner lots, as defined in Section 19.95.030 of this code, shall not exceed two feet in height, except that trees exceeding two feet in height are allowed if the tree is maintained free of branches eight feet above the curb grade.

d. **Vehicle Parking Requirements.** Vehicles, including without limitation, automobiles, boats, campers, trailers, and other recreational vehicles, must be parked on a paved surface, as provided for in Section 11.20.110 of this code. Vehicles shall not be parked within the landscaped setback area.

2. Multi-Family Dwellings (Three or More Units)—Front-Yard and Street Side-Yard Setbacks. All minimum front-yard and street side-yard setbacks shall be landscaped, irrigated and maintained with primarily low ground cover or turf. The landscape shall include grass, annuals, perennials, groundcover, shrubs, trees, or other living vegetation. Synthetic grass or artificial turf may be used if it is permeable and has a minimum pile height of 1.25 inches. Design elements like planters, rocks, mulch, or similar elements are permitted when integrated as part of the landscape. All landscaping materials shall be mowed, trimmed, and maintained as often as necessary to prevent overgrowth and blight. No junk, debris, or other similar materials shall be stored in the landscaped setback area. Driveways and uncovered walkways are permitted to cross over the required front-yard and street side-yard setback. The required front-yard and street side-yard setbacks may not be paved for parking or patio areas.

SECTION 9. Section 19.12.020 of Chapter 19.12 of Title 19 of the Roseville Municipal Code is hereby amended to read as follows:

19.12.020 Permitted use types.

Primary uses are permitted in commercial zones subject to the requirements of this title as designated below:

- A.** Principally permitted use, designated as “P”;
- B.** Conditionally permitted use, designated as “CUP”; and
- C.** Administratively permitted use, designated as “A.”

Refer to the Downtown Code for permitted uses within the CBD and HD zones.

COMMERCIAL ZONE DISTRICTS PERMITTED USES

	BP	NC	CC	GC	HC	RC	CMU
AGRICULTURAL AND OPEN SPACE USE TYPES							
Resource Protection and Restoration	CUP	CUP	CUP	CUP	CUP	CUP	P
Resource Related Recreation	P	P	P	P	P	CUP	P
CIVIC USE TYPES							
Community Assembly	CUP	P	P	P	-	-	P
Community Services	P	CUP	P	P	P	P	P
Essential Services	P	P	P	P	P	P	P
Hospital Services							
General Hospital Services	-	-	CUP	CUP	-	-	P
Psychiatric Hospital Services	-	-	CUP	CUP	-	-	P
Libraries and Museums, Private	-	CUP	P	P	P	P	-
Public Parking Services	P	P	P	P	P	P	P
Schools							
College and University	A	-	P	P	-	P	P
Elementary and Secondary	P	P	P	P	P	P	P
Private Elementary and Secondary	-	CUP	CUP	CUP	-	-	P
Social Services							
Emergency Shelter ⁽⁵⁾	-	-	-	CUP	CUP	-	CUP
Food Distribution ⁽³⁾	-	-	-	A/CUP	A/CUP	-	A/CUP
Food Service ⁽⁴⁾	-	-	-	A/CUP	A/CUP	-	A/CUP
Power Generating Facilities ⁽⁹⁾							
Emergency	A	A	A	A	A	A	A
Supplemental/Individual Use	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Passive Power	P	P	P	P	P	P	P
RESIDENTIAL USE TYPES							

	BP	NC	CC	GC	HC	RC	CMU
Accessory Dwelling Units ⁽¹¹⁾	-	CUP	CUP	CUP	CUP	-	P
Caretaker/Employee Housing	-	CUP	CUP	CUP	CUP	CUP	P
Dwelling ⁽¹⁰⁾							
Multi-Family ⁽¹⁾	-	CUP	CUP	-	-	-	P
Single-Family ⁽¹⁾	-	CUP	CUP	CUP	CUP	-	P
Two-Family	-	CUP	CUP	CUP	CUP	-	P
Family Day Care Home, Small	P	P	P	P	-	P	P
Family Day Care Home, Large	CUP	CUP	CUP	CUP	-	CUP	P
Single Room Occupant ⁽¹⁾	-	-	-	-	-	-	CUP
COMMERCIAL USE TYPES							
Adult Oriented Businesses ⁽²⁾	-	-	-	P	-	P	P
Animal Sales and Service							
Grooming and Pet Stores	-	P	P	P	-	P	P
Kennels	-	-	-	-	-	-	P
Veterinary Clinic	-	CUP	P	P	-	-	P
Veterinary Hospital	-	-	CUP	CUP	-	-	P
Automotive and Equipment							
Automotive Body and Equipment Repair	-	-	-	CUP	-	CUP	CUP
Automotive Rentals	-	-	-	P	P	P	P
Automotive Repairs	-	-	CUP	P	P	P	P
Automotive Sales	-	-	CUP	P	-	P	P
Car Wash and Detailing	-	-	CUP	P	-	P	P
Commercial Parking	P	-	-	P	P	-	P
Gasoline Sales	CUP	P	P	P	P	P	P
Heavy Equipment Rental and Sales	-	-	-	P	-	P	P

	BP	NC	CC	GC	HC	RC	CMU
Banks and Financial Services	P	P	P	P	-	P	P
Bars and Drinking Places	-	-	P	P	-	P	P
Broadcasting and Recording Studios	P	-	-	P	-	-	P
Building Material Stores	-	-	CUP	P	-	P	P
Business Support Services	P	-	P	P	-	-	P
Commercial Recreation							
Amusement Center	-	CUP	P	P	-	P	P
Indoor Entertainment	-	-	P	P	-	P	P
Indoor Sports and Recreation	-	-	P	P	-	P	P
Large Amusement Complexes	-	-	-	CUP	CUP	P	P
Outdoor Entertainment	-	-	-	CUP	-	CUP	P
Outdoor Sports and Recreation	-	-	-	P	CUP	P	P
Community Care Facility	P	P	P	P	-	-	P
Day Care Center	P	P	P	P	-	P	P
Eating and Drinking Establishments							
Fast Food with Drive-Through	-	-	P	P	P	P	P
Convenience	P	P	P	P	P	P	P
Full Service	P	P	P	P	P	P	P
Food and Beverage Retail Sales	-	-	P	P	-	-	P
Funeral and Interment Services	-	-	P	P	-	-	P
Lodging Services	-	-	P	P	P	P	P
Long Term Care Facility	CUP	CUP	P	P	-	-	P
Maintenance and Repair	-	P	P	P	-	-	P
Medical Services, General	P	P	P	P	P	P	P
Neighborhood Commercial	P	P	-	-	-	-	P

	BP	NC	CC	GC	HC	RC	CMU
Nightclubs ⁽⁶⁾	-	-	CUP	CUP	-	CUP	CUP
Nursery, Retail	-	-	-	P	-	P	P
Offices, Professional	P	P	P	P	-	P	P
Personal Services	P	P	P	P	P	P	P
Retail Sales and Services	-	-	P	P	P	P	P
Specialized Education and Training							
Vocational Schools	-	-	P	P	-	-	P
Specialty Schools	-	CUP	P	P	-	P	P
Storage, Personal Storage Facility	-	-	CUP	P	-	-	P
INDUSTRIAL USE TYPES							
Laundries, Commercial	-	-	CUP	CUP	-	-	P
Printing and Publishing	-	-	-	CUP	-	-	P
Research Services	-	-	-	P	-	-	P
Wholesaling and Distribution, Light	-	-	-	P	-	-	P
TRANSPORTATION AND COMMUNICATION USE TYPES							
Heliport	CUP	CUP	CUP	CUP	CUP	CUP	P
Intermodal Facilities ⁽⁸⁾	CUP	CUP	CUP	CUP	CUP	CUP	P
Telecommunication Facilities ⁽⁷⁾	P/A/CUP	P/A/CUP	P/A/CUP	P/A/CUP	P/A/CUP	P/A/CUP	P/A/CUP

Notes:

- (1) Dwellings or single room occupants are principally permitted on the second floor of buildings in the historic district and the central business district. In all other instances, dwellings in the historic district and the central business district require a Conditional Use Permit.
- (2) Additional requirements are contained in Chapter 19.32.
- (3) Additional requirements are contained in Chapter 19.40.
- (4) Additional requirements are contained in Chapter 19.39.
- (5) Additional requirements are contained in Chapter 19.38.
- (6) Additional requirements are contained in Chapter 19.49.
- (7) Additional requirements are contained in Chapter 19.34.
- (8) Additional requirements are contained in Chapter 19.36.
- (9) Additional requirements are contained in Chapter 19.55.
- (10) Transitional housing and supportive housing are considered residential use types.

(11) Accessory dwelling units are only permitted within areas zoned to allow single-family or multifamily use and must be located on a lot that contains an existing or proposed single-family dwelling unit as defined in Section 19.08.080(F)(2) (Residential Use Types). See Chapter 19.60 for additional accessory dwelling unit regulations.

SECTION 10. Section 19.26.030 of Chapter 19.26 of Title 19 of the Roseville Municipal Code is hereby amended to read as follows:

19.26.030 Parking space requirements by use type.

The number of off-street parking spaces required for the land uses identified by Article II (Zoning Districts and Permitted Uses) shall be as provided by this section, except where parking requirements are established by Article IV (Special Area and Specific Use Requirements) for a particular use.

A. Number of Spaces Required. The number of off-street parking spaces required for new uses shall be based upon the use type, listed below.

1. Terms Used in Tables. The following terms are used throughout the tables and are defined below:

“Square feet” means the total gross building/tenant space area;

“Use area” means the total of gross building/tenant space area plus the gross area of any outdoor/storage/activity.

2. Civic use types shall provide off-street parking spaces as follows:

CIVIC USE TYPES	NUMBER OF PARKING SPACES REQUIRED

CIVIC USE TYPES	NUMBER OF PARKING SPACES REQUIRED
Community Assembly	
Places of Worship	1 per 3 fixed seats or 1:50 sq. ft. for non-fixed seats in the assembly area, plus 1 per classroom
Club, Lodges, Meeting Halls	1 per 3 fixed seats or 1:50 sq. ft. for non-fixed seats in the assembly area
Public Community Facilities	As determined as part of the design review approval
Community Services	As determined as part of the design review approval
Essential Services	None
Hospital Services	
General Hospital Services	1 per doctor, plus 1 per 3 employees for the largest shift, plus 1 per 3 beds
Psychiatric Hospital Services	1 per doctor, plus 1 per 3 employees for the largest shift, plus 1 per 3 beds
Intensive Public Facilities	As determined as part of the design review approval

CIVIC USE TYPES	NUMBER OF PARKING SPACES REQUIRED
Libraries and Museums, Private	1 per 400 sq. ft.
Public Parking Services	As determined as part of the design review approval
Schools	
College and Universities	As determined as part of the design review approval
Elementary, Middle and Junior High	2 per classroom, plus 60 lineal feet of loading area for every 100 students
High Schools	1 per classroom, plus 1 per every 4 students, plus 60 lineal feet of loading area for every 200 students
Social Services	
Emergency Shelter	1 per staff member, plus 1 per every 10 shelter residents
Food Distribution	1 per employee, plus 1 per every 500 sq. ft. of floor area
Food Service Facility	1 per employee, plus 1 per every 4 seats within facility

3. Residential use types shall provide off-street parking spaces as follows:

RESIDENTIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
<u>Accessory Dwelling Units</u>	
<u>Studios</u>	<u>None</u>
<u>1+ Bedrooms</u>	<u>1 per dwelling. For exceptions, see Chapter 19.60 (Accessory Dwelling Units).</u>
Caretaker/Employee Housing	2 per dwelling
Community Care Facility, Small	2 per dwelling
Community Care Facility, Large	2 per dwelling plus 0.5 per sleeping room (a maximum of 2 spaces may be located within the front setback)
Dwelling	
Multi-Family	
Studio	1.5 per unit, plus guest parking (see below)
1 Bedroom	1.5 per unit, plus guest parking (see below)

RESIDENTIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
2+ Bedrooms	2 per unit, plus guest parking (see below)
Senior Citizen Apartments	1 per unit, plus guest parking (see below)
Guest Parking	Projects with 10 or more dwelling units shall provide 1 additional space for each 10 dwelling units or portion thereof
Single-Family and Two-Family	2 per dwelling
Family Day Care Home, Small	2 per dwelling plus 1 space for loading
Family Day Care Home, Large	2 per dwelling plus 1 space per employee not residing in the home, plus loading areas as required by Section 19.46.020(B)
Mobile Home Park	2 per dwelling unit plus 1 guest space for each 10 dwelling units or portion thereof
Rooming and Boarding Houses	2 per dwelling plus 0.5 per sleeping room (a maximum of 2 spaces may be located within the front setback)

RESIDENTIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
Second Units	
1 Bedroom	1 per dwelling
2+ Bedrooms	2 per dwelling

4. Commercial use types shall provide off-street parking spaces as follows, but no fewer than four spaces for each separate commercial use or tenant:

COMMERCIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
Adult Business Establishments	1 per 300 sq. ft.
Animal Sales and Service	
Grooming and Pet Stores	1 per 300 sq. ft.
Kennels	Minimum 10 spaces
Veterinary Clinic	1 per 150 sq. ft.

COMMERCIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
Veterinary Hospital	1 per 150 sq. ft.
Automotive and Equipment	
Automotive Rentals	1 per 300 sq. ft. of office plus 1 per 1,000 sq. ft. of fleet or vehicle storage area
Automotive Repairs	1 per 400 sq. ft. plus 1 per bay plus 1 for every company vehicle
Automotive Sales	1 per 1,000 sq. ft. of indoor and outdoor display area
Car Wash and Detailing	
Full Service	10 spaces or 3 times internal washing capacity, whichever is greater; additional parking required for drying or vacuum areas and 100 lineal feet for stacking
Self-Service	4 spaces; additional parking required for drying or vacuum areas and 20 lineal feet in front of each bay for stacking
Automatic Car Wash Service	1 space per drying and vacuum areas plus 100 linear feet in front of car wash for stacking

COMMERCIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
Commercial Parking	As determined as part of the design review approval
Equipment Rental and Sales	1 per 300 sq. ft. of office plus 1 per 1,000 sq. ft. of outdoor display area
Gasoline Sales	
With Neighborhood Commercial Sales	1 per 300 sq. ft. of commercial sales area with a 5 space minimum
Without Neighborhood Commercial Sales	5 spaces
With Repair	1 per 300 sq. ft. of commercial sales area with a 5 space minimum plus 2 spaces per service bay
Impound Yards	1 per 250 sq. ft. of office plus 1 for every company vehicle
Storage of Operable Vehicles	1 per 250 sq. ft. of office plus 1 for every company vehicle
Banks and Financial Institutions	1 per 250 sq. ft. plus 1 additional space per ATM machine which may be a reserved space at the discretion of the property owner or

COMMERCIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
	landlord
Bars and Drinking Places	1 per 50 sq. ft.
Broadcasting and Recording Studios	As determined as part of the design review approval
Building Material Stores	1 per 300 sq. ft. of building area plus 1 per 1,000 sq. ft. of outdoor display/storage area
Business Support Services	1 per 300 sq. ft.
Commercial Recreation	
Amusement Center	1 per 200 sq. ft.
Indoor Entertainment	
Theater	1 per 3.5 fixed seats or 1 per 50 sq. ft. for non-fixed seating or as determined as part of the design review approval
Indoor Sports and Recreation	
Billiard and Pool Hall	2 per table plus additional spaces as required for other uses in the

COMMERCIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
	facility (e.g., restaurant)
Bowling Center	5 per lane plus additional spaces as required for other uses in the facility (e.g. restaurant)
Handball, Tennis, Racquet Ball Facilities	2 per court plus additional spaces as required for other uses in the facility (e.g., restaurant)
Health Clubs and Athletic Clubs	1 per 150 sq. ft. of weight room, pool and spa area plus 1 per 50 sq. ft. of aerobics or martial arts area plus 1 per tanning or massage room plus additional spaces as required for other uses in the facility, excluding area for locker and dressing rooms
Indoor Sport Arenas (such as soccer, volleyball)	50 per field or sports court plus 1 per 3 fixed seats for spectator area plus additional spaces as required for other uses at the facility (e.g., retail)
Skating/Ice Rinks	1 per 175 sq. ft.
Outdoor Entertainment	As determined as part of the design review approval
Outdoor Sports and Recreation	

COMMERCIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
Amusement Parks	As determined as part of the design review approval
Driving Range	1.5 per tee plus additional spaces as required for other uses at the facility (e.g., golf course)
Golf Course	6 per hole plus additional spaces as required for other uses at the facility (e.g., driving range, restaurant, pro shop)
Handball, Tennis, Racquet Ball Facilities	2 per court plus additional spaces as required for other uses at the facility (e.g., restaurant)
Miniature Golf Course	2 per hole plus additional spaces as required for other uses at the facility (e.g., restaurant)
Swimming Pools	1 per 100 sq. ft. of pool area
Residential Recreation Facilities	As specified for the sum of all of the uses within the facility by utilizing the parking requirement for each use as outlined throughout this chapter
Large Amusement Complexes	As determined as part of the design review approval

COMMERCIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
Community Care Facilities	0.75 per unit
Day Care Centers	1 per employee plus 1 per company vehicle plus a loading space for every 8 persons at the facility. The number of persons permitted at the facility is determined as a part of the licensing by the state or county
Eating and Drinking Establishments	
Fast Food with Drive Through	1 per 50 sq. ft.
Convenience	1 per 100 sq. ft.
Full Service	1 per 100 sq. ft.
Enclosed Outdoor Seating See Chapter 19.52	1 per 100 sq. ft.
Food and Beverage Retail Sales	1 per 300 sq. ft.

COMMERCIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
Funeral and Interment Services	1 per 3 fixed seats or 1 per 50 sq. ft. of assembly area
Lodging Services	1 per room plus additional spaces as required for other uses in the facility
Long Term Care Facilities	1 per 3 employees for largest shift, plus 1 per 3 beds
Maintenance and Repair of Appliances	1 per 300 sq. ft.
Medical Services, General	1 per 150 sq. ft.
Neighborhood Commercial	1 per 300 sq. ft.
Nightclubs	1 space per 2 occupants based on maximum occupancy load of the building as calculated by the California Building Code plus bus space as determined as part of the Conditional Use Permit
Nursery, Retail	1 per 300 sq. ft. plus 1 per 1,000 sq. ft. of outdoor display/storage area
Offices, Professional	1 per 250 sq. ft. of net leasable square footage as determined with

COMMERCIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
	approval of the initial building shell. Where a more intensive office use, as determined by the Planning Manager (i.e., call and telemarketing centers), is proposed the required parking shall be determined as part of the Design Review Permit approval, or via a zoning clearance pursuant to the provisions of Section 19.26.030(B).
Personal Services	1 per 300 sq. ft.
Retail Sales and Services	
Furniture, Large Appliance, Floor Covering	1 per 400 sq. ft.
General Retail	1 per 300 sq. ft.
Shopping Centers (minimum of 4 commercial establishments, designed or planned in a	Designed and planned at 1 per 200 sq. ft. As tenant spaces are leased, each tenant shall utilize the parking requirement for that use as outlined in this chapter

COMMERCIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
coordinated fashion, utilizing such elements as common access and parking)	
Specialized Education and Training	
Vocational Schools	1 per 50 sq. ft. of instructional area plus 1 per 250 sq. ft. of office area
Specialty Schools	
Storage, Personal Storage Facilities	4 spaces plus 2 spaces for the manager's quarters

5. Industrial use types shall provide off-street parking spaces as follows, but no fewer than four spaces for each separate industrial use or tenant:

INDUSTRIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
Day Care Centers,	None, see parking requirements for applicable industrial use type

INDUSTRIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
Secondary	
Equipment and Material Storage Yards	1 per 300 sq. ft. plus 1 per 10,000 sq. ft. of yard area
General Industrial	1 per 1,000 sq. ft. Where other uses exceed 10% of the gross floor area (e.g., office, warehouse, etc.) the parking requirement shall be the combined total for each use as outlined in this chapter or as otherwise determined by design review approval
Hazardous Materials Handling	1 per 1,000 sq. ft. Where other uses exceed 10% of the gross floor area (e.g., office, warehouse, etc.) the parking requirement shall be the combined total for each use as outlined in this chapter or as otherwise determined by design review approval
Light Manufacturing	1 per 1,000 sq. ft. Where other uses exceed 10% of the gross floor area (e.g., office, warehouse, etc.) the parking requirement shall be the combined total for each use as outlined in this chapter or as otherwise determined by design review approval
Recycling, Scrap and Dismantling	
Enclosed	1 per 250 sq. ft. of office area, plus 1 per 10,000 sq. ft. of yard area

INDUSTRIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
Unenclosed	
Research Services	1 per 3000 sq. ft., plus 1 per company vehicle
Specialized Industrial	As determined as part of the design review approval
Wholesale and Distribution	
Light	1 per 1,000 sq. ft.
Heavy	Where other uses exceed 10% of the gross floor area (e.g., office, warehouse, etc.) the parking requirement shall be the combined total for each use as outlined in this chapter or as otherwise determined by design review approval

6. Transportation and communication use types shall provide off-street parking spaces as follows:

TRANSPORTATION AND COMMUNICATION USE TYPES	NUMBER OF PARKING SPACES REQUIRED
Antennas and Communications Facilities	

Developed Lot	None, see parking requirements for applicable use type
Undeveloped Lot	1 per full-time employee
Bus Depots	As required by Chapter 19.36
Heliports	As determined as part of the design review approval
Intermodal Facilities	As determined as part of the design review approval

B. Special Parking Requirements. The number of parking spaces required for uses not specifically listed in subsection A shall be determined by the Planning Manager based on common functional, product or compatibility characteristics and activities, as provided for in Section 19.08.050 (Classification of uses not specifically listed).

1. Uses Not Listed. The number of parking spaces required for uses not specifically listed in subsection A shall be determined by the Planning Manager based on common functional, product or compatibility characteristics and activities, as provided for in Section 19.08.050 (Classification of uses not specifically listed).

2. New Buildings or Development Projects Without Known Tenants. If the type of tenants that will occupy a non-residential building are not known at the time of the development entitlement or building permit approval, the amount of parking to be provided shall be:

The minimum number of parking spaces required by subsection A for any land use allowed on the site by the applicable zoning, provided that the Planning

Manager determines the proposed building as designed can reasonably accommodate such use, and provided further a zoning clearance certification is obtained to authorize the use.

3. Mixed Use Projects. Where a project contains more than one major use classification (such as a residential and a commercial use), the amount of parking to be provided shall be the total of that required for each use, except as otherwise provided by subsection C (Adjustment to number of required parking spaces).

4. Tenant Spaces with Multiple Functions. When a tenant has several functions, such as sales and office, the amount of parking to be provided for the tenant shall be calculated as specified by subsection A for the primary use, using the gross floor area of the tenant space.

5. Tenant Spaces with Accessory Storage. When a tenant has enclosed accessory storage in excess of 2,000 square feet, the required parking for that portion of the tenant space dedicated to storage shall be calculated as specified by subsection (A)(5) for warehousing which is one parking space per 1,000 square feet of warehousing. The required parking for the remainder of the tenant space shall be calculated as specified in subsection A using the primary use.

6. Changes in Use. When an existing use is enlarged, increased or intensified, or a new use having greater parking requirements than the previous use is proposed, the required number of parking spaces for the new use or existing, enlarged, increased or intensified use shall be calculated as specified by subsection A.

7. Rounding Off. When the required number of parking spaces is other than a whole number, the total number of spaces shall be rounded to the nearest whole number (0.49 and below round down, 0.50 and above round up).

8. Commercial Centers. Commercial centers and building complexes shall provide parking which is the sum of all users within the commercial center or building complex as specified in subsection A, regardless of whether or not the parking is provided on a single or multiple parcels. Where parking is provided on multiple parcels, reciprocal parking and access agreements shall be recorded to provide equal use and access to parking for all users within the commercial center or building complex.

9. Professional Office Uses. Professional office projects shall calculate parking based on the net leasable square footage of the proposed office building(s). Net square footage shall be 90 percent of the total square footage of the proposed building(s). The net square footage shall be determined at original building shell approval and subsequent tenant improvements shall not be granted any additional reduction for net square footage.

C. Adjustment to Number of Required Parking Spaces. The number of parking spaces required by subsection A may be reduced as follows:

1. Specific Plan Provisions. Provisions may be made in a specific plan to allow reductions in the number of required parking spaces based upon special provisions, such as providing golf cart or electric car parking where special provisions are made for golf carts or electric cars.

2. Parking Reductions for Shared Parking. If an applicant believes the number of parking spaces required for their building complex as specified in subsection A (which is the sum of all the users within the building complex) is not applicable because the hours of operation of different tenants/uses within the building complex will effectively allow for dual use of the parking spaces then the applicant may request an Administrative Permit. The Approving Authority shall be the Planning Manager. The applicant shall have the burden of proof for

requesting a reduction in the total number of required off-street parking spaces, and documentation shall be submitted substantiating this request. Shared parking reductions shall only be approved by the Approving Authority if:

- a. A sufficient number of spaces are provided to meet the greatest parking demand of the participating uses;
- b. Satisfactory evidence is provided describing the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential conflict between them;
- c. Overflow parking will not impact any adjacent use; and
- d. Additional documents, covenants, deed restrictions, or other agreements as may be deemed necessary by the Planning Manager are executed to assure that the required parking spaces provided are maintained and uses with similar hours and parking requirements as those uses sharing the parking facilities remain for the life of the project.

3. Parking Reductions for an Individual Use. If an applicant for a proposed use believes the number of parking spaces required for their use as specified in subsection A is not applicable because their use functions differently than the generic use type and associated parking standards established in this title, then the applicant may request an Administrative Permit. The Approving Authority shall be the Planning Manager. The applicant shall have the burden of proof for requesting a reduction in the total number of required off-street parking spaces, and documentation shall be submitted substantiating the request. Such documentation may include, but is not limited to: a parking study of another facility of the same use which is

similar in size and operation, calculating the required parking spaces with field data of peak parking usage. Reduced parking shall only be approved by the Approving Authority if:

- a. Satisfactory evidence is provided describing the nature of the use, the operation and data from other facilities or similar facilities so as to demonstrate that the required parking standards are excessive and the proposed parking standards are appropriate; and
- b. Overflow parking will not impact any adjacent use.

4. Parking Reductions for Eating and Drinking Establishments. The Approving Authority for any application for a parking reduction by an eating and drinking establishment as defined in Section 19.08.030(L) shall be the Planning Commission.

D. Downtown/Old Town Parking Requirements. All principally permitted uses within the historic district (HD) and central business district (CBD) zone districts, with the exception of community assembly, colleges and universities, and new uses requiring and discretionary permit shall be permitted in the HD and CBD zone districts without the need to provide additional off-street parking.

Community assembly, college and university uses and new uses which require a discretionary permit, shall comply with the parking standards specified in subsection A, or request approval of a parking reduction or variance from the parking standards.

SECTION 11. Section 19.26.040 of Chapter 19.26 of Title 19 of the Roseville Municipal Code is hereby amended to read as follows:

19.26.040 Design and improvement of parking.

Parking spaces and areas shall be designed in accordance with this section.

A. Parking Lot and Parking Space Design and Layout. Except where otherwise provided by Section 19.26.030(C) (Adjustments to number of required parking spaces), parking spaces shall be designed as follows:

1. Parking Space Design. Except as provided below, all parking spaces shall be standard spaces, designed to accommodate full-sized passenger vehicles.

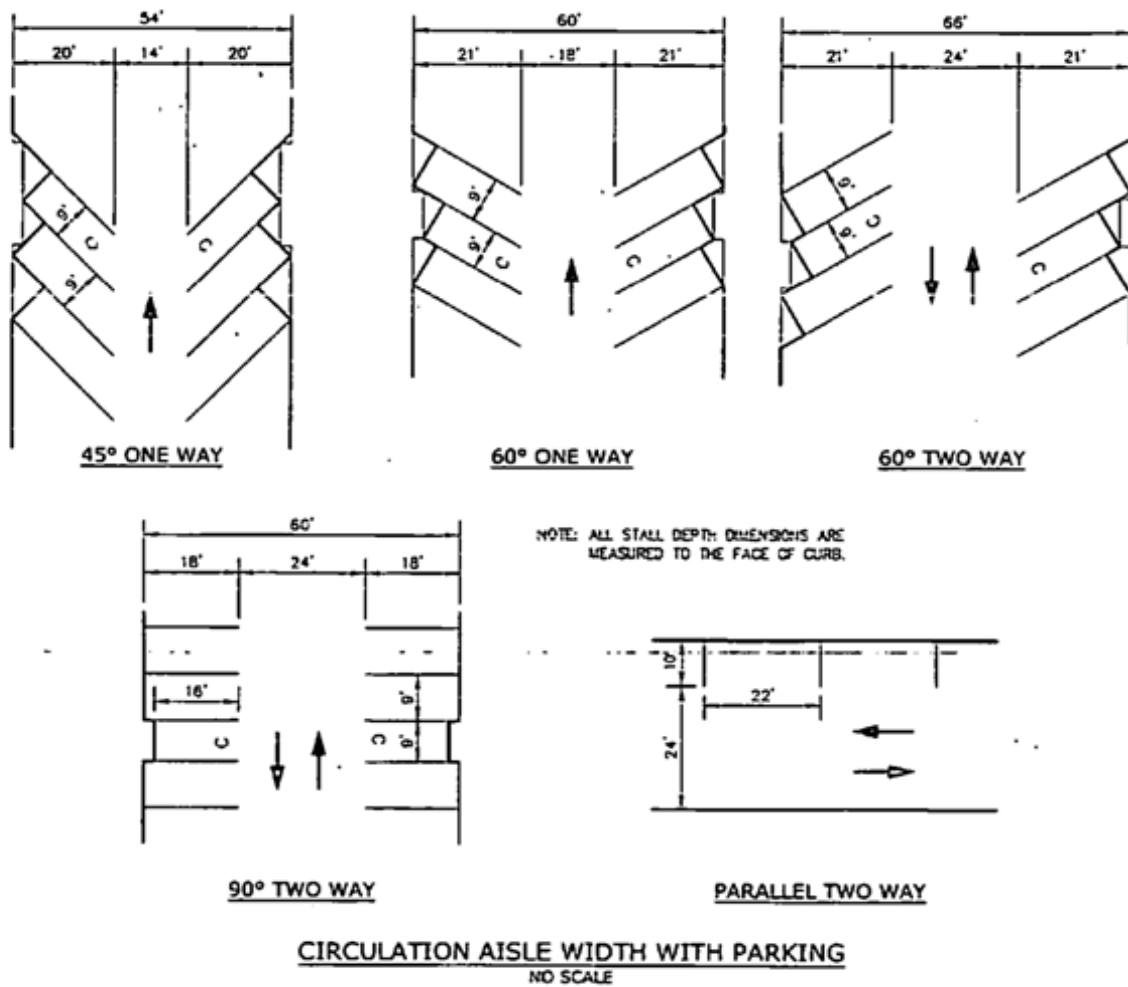
- a. **Parking Space Sizes.** Standard spaces shall be a minimum of nine feet by 18 feet; compact car spaces shall be a minimum of nine feet by 16 feet; and parallel parking spaces shall be a minimum of 10 feet wide by 22 feet long. Accessible spaces shall be a minimum of nine feet by 18 feet with a five-foot loading area; an accessible van space shall be a minimum of nine feet by 18 feet with an eight-foot loading area.
- b. **Compact Car Space Substitution.** Parking lots with a minimum of 20 parking spaces may substitute standard spaces with compact spaces for up to 30 percent of the total parking spaces required. Each compact space shall be labeled “COMPACT” or “C.”
- c. **Motorcycle Space Substitution.** Parking lots with a minimum of 40 parking spaces may substitute standard parking spaces with motorcycle spaces. One standard parking space may be replaced with a motorcycle space for each 40 required standard parking spaces. Motorcycle spaces shall be a minimum size of three by six feet.

d. Bicycle Space Sizes. Each bicycle space shall be a minimum of two feet by six feet to prevent encroachment into any walkway, parking space, landscape area or similar.

2. Parking Lot Design. The design and layout of parking lots shall conform to the following standards:

a. Circulation Aisle Width with Parking. The minimum width of a two-way drive aisle providing access to parking spaces shall be 24 feet. The minimum width of a one-way drive aisle providing access to parking spaces shall be as follows:

ANGLE	AISLE WIDTH
90°	24'
60°	18'
45°	14'
PARALLEL	12'



Other parking designs utilizing other parking angles may be approved upon securing an Administrative Permit.

b. Circulation Aisle Width Without Parking. The minimum width of a two-way drive aisle with no parking on either side of the drive aisle is 20 feet. The minimum width of a one-way drive aisle with no parking on either side of the drive aisle is 12 feet.

c. Circulation Aisle for Emergency Access. The minimum width of a drive aisle needed for an emergency response vehicle shall be 20 feet.

d. Vehicular Overhang. Vehicular overhang is permitted, provided no vehicle shall overhang into a sidewalk which would reduce the unencumbered width of a sidewalk to less than four feet. A vehicle is permitted to overhang into a landscaped area by two feet, provided that the required landscaped area is extended by two feet.

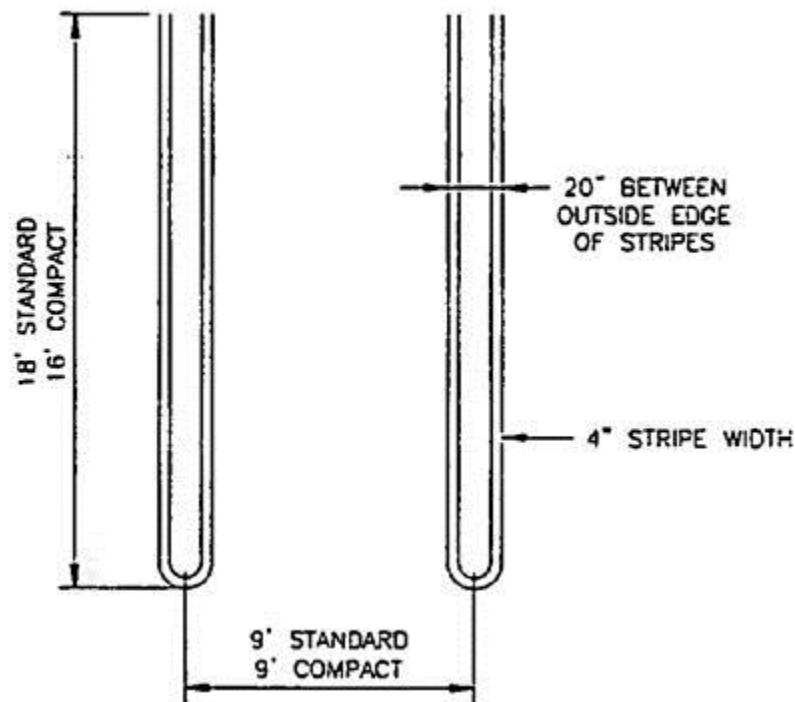
e. Perimeter Landscaping. Where a parking lot is adjacent to a public right-of-way, a landscape planter shall be established and continuously maintained between the public right-of-way and the parking lot. The minimum width of the landscape planter shall be determined by the design guidelines or the applicable specific plan landscape guidelines. In addition, all unused right-of-way between the public street and the parking lot shall be landscaped and maintained by the property owner.

f. Bicycle Racks and Lockers. When bicycle spaces are required, a bicycle rack or locker shall be installed. The bicycle rack shall be designed to allow a bicycle to be secured to the rack. The location of the bicycle rack or locker shall not encroach into the sidewalk which would reduce the unencumbered width of the sidewalk to less than four feet and shall provide adequate clearance surrounding the rack or locker such that bicycles shall not encroach into any walkway, parking space, landscape area or similar.

g. Curb Stops. A permanent curb, bumper, wheel stop or similar device at least six inches in height shall be installed adjacent to sidewalks, planters and other landscaping areas, parking lot fixtures and buildings and walls to protect these improvements from vehicular damage. The stopping edge of such protected

bumper shall be placed no closer than two feet from the above noted improvement.

h. Parking Space Design. All parking spaces shall be delineated and separated by a painted divider (double stripe) as shown on the typical stall illustration below. The stripes shall be a four-inch solid line painted either white or yellow in color. The use of graphics or text in or around the striping is prohibited. The striping shall be maintained in a clear and visible manner.



However, existing parking areas with single striping, which require additional parking spaces or modified parking spaces due to building expansion, parking lot restriping or reconfiguration may maintain the single striping upon securing an Administrative Permit.

B. Controlled Access Required. All parking spaces (including garage spaces) required for any land use other than a single-family or two-family dwelling shall be designed and located to provide for vehicle maneuvering on the site so that vehicles will enter any adjacent public right-of-way or private road in a forward direction.

C. Location of Parking on a Single-Family Lot. Parking spaces may be located as needed on a site, provided that no required parking space shall be located within a front or street side setback required by Article II (Zoning Districts and Permitted Uses) except as provided in ~~Section 19.60.040(G)~~[Chapter 19.60](#) (~~Second units~~[Accessory Dwelling Units](#)), or other use types (community care facility, congregate residence and rooming and boarding house) according to [Section 19.26.030](#). A driveway providing access to a street may be located within a front or street side setback.

D. Surfacing of Parking Areas. Required parking and circulation areas shall be surfaced with asphalt concrete or Portland cement concrete, or other approved all-weather, hard, non-eroding surface. It shall be the responsibility of the property owner to insure that the surface is maintained free from significant cracks or holes.

E. Specialized Parking and Circulation. The standards of this subsection apply to the design and construction of specialized parking and on-site circulation facilities. Additional information regarding stacking capacity for drive through facilities and other types of uses with stacking, are contained in the community design guidelines.

1. Drive-Through Facilities. The following requirements apply to any use with drive-through facilities:

- a. Separation and Marking of Lanes. Drive-through aisles shall be a minimum of 12 feet wide and shall be separated from other circulation aisles

necessary for ingress or egress, or aisles providing access to any parking space.

Each such aisle shall be striped, marked, or otherwise distinctly delineated.

F. Loading Requirements. Loading shall be provided as identified below:

1. No Maneuvering Within Public Rights-of-Way. All site designs shall be designed so as to prevent truck back-up maneuvering within the public right-of-way.

2. Design. The location, number, size and access of the loading area shall be determined pursuant to design review.

SECTION 12. Section 19.46.010 of Chapter 19.46 of Title 19 of the Roseville Municipal Code is hereby amended to read as follows:

19.46.010 Purpose.

This chapter establishes requirements and standards for the location and operation of large family day care homes, as defined in Section 19.08.080(HG).

SECTION 13. Chapter 19.60 of Title 19 of the Roseville Municipal Code is hereby repealed and replaced with revised Chapter 19.60 to read as follows:

Chapter 19.60

ACCESSORY DWELLING UNITS

19.60.010 Purpose.

This chapter provides criteria for the approval of accessory dwelling units. This chapter is adopted pursuant to the authority of Government Code Section 65852.2, as it now exists or may hereafter be amended.

19.60.020 Findings.

The City Council finds that accessory dwelling units are considered a residential use that is consistent with existing General Plan objectives and the zoning designation for the lot upon which the accessory dwelling unit is located. The City Council further finds that accessory dwelling units that comply with the requirements set forth in this chapter shall be deemed to be an accessory use or an accessory building or structure and shall not be considered to exceed the allowable density for the lot upon which the accessory dwelling unit is located.

19.60.030 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section. Words and phrases not defined in this section, shall have the meanings respectively ascribed to them in Chapter 19.95 (Definitions of Terms and Phrases).

A. “Accessory dwelling unit” shall be as defined by Government Code Section 65852.2, as it now exists or may hereafter be amended, and means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. The unit shall be located on a permanent foundation, have an independent exterior

access, and shall include permanent provisions or infrastructure to support permanent provisions (such as stubbing gas, water or sewer lines) for living, sleeping, eating, cooking, and sanitation on the same parcel as where a single-family dwelling is situated or proposed to be situated.

Accessory dwelling units can also include efficiency units, as defined in Section 17958.1 of the Health and Safety Code, manufactured homes, as defined in Section 18007 of the Health and Safety Code, second dwelling units, granny flats, in-law quarters, carriage units, and tiny houses as long as such units otherwise meet this definition.

B. “Car share vehicle” means a vehicle that can be rented for short periods of time and is available 24-hours a day, 7 days a week at unattended self-service locations.

C. “Existing structure” for the purposes of defining an allowable space that can be converted to an accessory dwelling unit means within the four (4) walls and roofline of any structure existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning development standards.

D. “Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

E. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

F. “Primary dwelling unit” means a proposed or existing single-family dwelling unit located on the lot where the accessory dwelling unit is proposed to be developed.

G. “Tandem parking” means that two (2) or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

H. “Within the existing space” includes areas within an existing primary dwelling unit or within an existing attached or detached accessory structure such as a garage, a carriage house, a pool house, studio, and similar enclosed structures. The addition of square footage including, but not limited to, the addition of another floor, is not considered to be “within the existing space.” Such situations are considered new construction.

19.60.040 Permit requirements.

Prior to the issuance of a building permit for an accessory dwelling unit, approval of a zoning clearance certification in accordance with Chapter 19.72 (Zoning Clearance Certification) is required.

19.60.050 Designated areas.

A. Principally Permitted. Accessory dwelling units are principally permitted in the commercial mixed use (CMU), single-family residential (R1), small lot residential (RS), two-family residential (R2), attached housing (R3), and residential mixed use (RMU) zoning districts, provided the lot contains an existing or proposed single-family dwelling unit as defined in Section 19.08.080(F)(2) (Residential Use Types) and the accessory dwelling unit complies with the standards identified in this chapter. Only one accessory dwelling unit is permitted per lot.

B. Conditionally Permitted. Accessory dwelling units are conditionally permitted in the neighborhood commercial (NC), community commercial (CC), general commercial (GC), and highway commercial (HC) zoning districts, provided the lot contains an existing or proposed

single-family dwelling unit as defined in Section 19.08.080(F)(2) (Residential Use Types) and the accessory dwelling unit complies with the standards identified in this chapter. Only one accessory dwelling unit is permitted per lot.

19.60.060 Development standards for accessory dwelling units proposed within existing spaces or living areas.

Accessory dwelling units are permitted to be developed within existing spaces or within the living area of an existing primary dwelling unit. Accessory dwelling units developed within existing spaces or living areas shall be allowed only in compliance with the following standards:

A. Setbacks. Accessory dwelling units developed within existing spaces shall have side and rear yard setbacks sufficient for fire safety, as required by the building division and the fire department. No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.

B. Floor Area. The total area of floorspace of an accessory dwelling unit developed within an existing living area shall not exceed fifty percent (50%) of the existing living area, with a maximum conversion in floor area not to exceed eight hundred (800) square feet. The total area of floorspace of an accessory dwelling unit developed within the existing space of a detached accessory structure, or within the existing non-living area attached to a dwelling unit (e.g., attached garage), shall not exceed the total area of floorspace as the existing space or existing non-living area.

C. Minimum Unit Size. An accessory dwelling unit shall not be less than the minimum size for an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, as it now exists or may hereafter be amended.

D. Minimum Facilities. Accessory dwelling units developed within existing spaces or living areas shall include permanent provisions for independent living, sleeping, eating, cooking, and sanitation within the unit and must include a separate exterior entrance from the primary dwelling unit.

E. Appearance. The accessory dwelling unit shall be designed and constructed so as to be compatible with the existing primary dwelling unit and neighborhood in terms of height, form, and materials, as determined by the Planning Manager, and the accessory dwelling unit shall be subordinate to the primary dwelling unit.

F. Parking Requirements. Accessory dwelling units developed within existing spaces or living areas shall not be required to provide parking except that when a garage, carport, or covered parking structure is converted to an accessory dwelling unit, the required off-street parking spaces for the primary dwelling unit, if eliminated, shall be replaced. The replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including within the front yard or street side setback, and may be covered spaces subject to conformance with the applicable requirements set forth in Section 19.22.030(C)(2) (Permitted Accessory Structures Single-Family and Two-Family) or Section 19.22.030(D)(3) (Permitted Accessory Structures Multi-Family), uncovered spaces or tandem spaces. All replacement parking shall comply with the requirements set forth in Section 11.20.110 (Parking on Private Property Prohibited) and Section 19.10.030(F) (Residential Zone General Development Standards).

G. Passageways. No passageways shall be required in conjunction with accessory dwelling units developed within existing spaces or living areas.

H. Building and Fire Codes. Except as otherwise provided in this chapter, accessory dwelling units developed within existing spaces or living areas shall comply with all local building and fire codes.

I. Fire Sprinklers. Accessory dwelling units developed within existing spaces or living areas shall not be required to provide fire sprinklers if fire sprinklers were not required for the primary dwelling unit.

J. Utilities. Accessory dwelling units developed within existing spaces or living areas shall not be required to install a new or separate utility connection directly between the accessory dwelling unit and the public utility infrastructure. However, if necessary utility infrastructure does not exist with capacity available to serve both the primary dwelling unit and the accessory dwelling unit, the property owner shall be responsible for all costs related to installation of necessary infrastructure or upsizing existing infrastructure. Property owners may install a new or separate utility connection directly between the accessory dwelling unit and the public utility infrastructure at the property owner's option and expense.

K. Height. An accessory dwelling unit shall not exceed the height limits prescribed in Section 19.10.030 (Residential Zone General Development Standards) for the district in which the accessory dwelling unit will be located.

19.60.070 Development standards for accessory dwelling units proposed as new construction.

Newly proposed accessory dwelling units are permitted to be attached to a proposed or existing primary dwelling unit or detached from a proposed or existing primary dwelling unit as long as the newly proposed accessory dwelling unit is located on the same lot as a proposed or existing primary dwelling unit. Newly proposed accessory dwelling units shall be allowed only in compliance with the following standards:

- A. Minimum Lot Area.** Five thousand (5,000) square feet.
- B. Maximum Lot Coverage.** The maximum combined building coverage shall not exceed the percentage prescribed in Section 19.10.030 (Residential Zone General Development Standards) for the district in which the accessory dwelling unit will be located.
- C. Setbacks.** An accessory dwelling unit shall maintain the setbacks required in the zoning district in which the accessory dwelling unit will be located and shall comply with all local building and fire codes. A setback of five (5) feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above an existing garage.
- D. Floor Area.** The total area of floorspace of an attached accessory dwelling unit shall not exceed fifty percent (50%) of the proposed or existing primary dwelling unit living area, with a maximum increase in floor area not to exceed eight hundred (800) square feet. The total area of floorspace for a detached accessory dwelling unit shall not exceed eight hundred (800) square feet.
- E. Minimum Unit Size.** An accessory dwelling unit shall not be less than the minimum size for an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, as it now exists or may hereafter be amended.

F. Minimum Facilities. The accessory dwelling unit shall include permanent provisions for independent living, sleeping, eating, cooking, and sanitation within the unit and must include a separate exterior entrance from the primary dwelling unit.

G. Appearance. The accessory dwelling unit shall be designed and constructed so as to be compatible with the proposed or existing primary dwelling unit and neighborhood in terms of height, form, and materials, as determined by the Planning Manager, and the accessory dwelling unit shall be subordinate to the primary dwelling unit.

H. Parking Requirements. Except as otherwise provided by this chapter, the parking required by this section is in addition to that required for the primary dwelling unit located on the lot by Chapter 19.26 (Off-Street Parking and Loading).

1. Accessory dwelling units with one (1) or more bedrooms shall provide at least one off-street parking space. Studios shall not be required to provide any parking spaces. The parking requirement for accessory dwelling units with bedrooms can be met by providing the required parking space within the 20-foot front yard setback and may be located in tandem with other on-site parking as long as it complies with the requirements set forth in Section 11.20.110 (Parking on Private Property Prohibited) and Section 19.10.030(F) (Residential Zone General Development Standards).

2. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the required off-street parking spaces for the primary dwelling unit, if eliminated, shall be replaced. The replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including within the front yard or street side setback, and may be covered spaces subject to conformance with the applicable requirements set forth in Section 19.22.030(C)(2) (Permitted Accessory Structures Single-Family

and Two-Family) or Section 19.22.030(D)(3) (Permitted Accessory Structures Multi-Family), uncovered spaces or tandem spaces. All replacement parking shall comply with the requirements set forth in Section 11.20.110 (Parking on Private Property Prohibited) and Section 19.10.030(F) (Residential Zone General Development Standards).

3. Notwithstanding the above, accessory dwelling units shall not be required to provide parking in any of the following circumstances:

- a. When the accessory dwelling unit is located within one-half mile of a public bus stop, bus station or train station.
- b. When the accessory dwelling unit is located within the Old Town Historic District or the Central Business District.
- c. When the accessory dwelling unit is part of an existing or proposed primary dwelling unit or an existing accessory structure.
- d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- e. When there is a car share vehicle located within one block of the accessory dwelling unit.

I. Passageways. No passageways shall be required in conjunction with the construction of an accessory dwelling unit.

J. Building and Fire Codes. Except as otherwise provided in this chapter, newly proposed accessory dwelling units shall comply with all local building and fire codes.

K. Fire Sprinklers. Accessory dwelling units shall not be required to provide fire sprinklers if fire sprinklers were not required for the primary dwelling unit.

L. Utilities. New or separate utility connections directly between the accessory dwelling unit and the public utility infrastructure shall only be required if directed by the environmental utilities department or the electric department. In such cases, if necessary utility infrastructure does not exist with capacity available to serve both the primary dwelling unit and the accessory dwelling unit, the property owner shall be responsible for all costs related to installation of necessary infrastructure or upsizing existing infrastructure.

M. Height. An accessory dwelling unit shall not exceed the height limits prescribed in Section 19.10.030 (Residential Zone General Development Standards) for the district in which the accessory dwelling unit will be located.

19.60.080 Use restrictions.

A. Sales Prohibited. Accessory dwelling units shall not be sold independently of the primary dwelling unit on the lot.

B. Owner Occupancy. Applications for building permits for accessory dwelling units must be submitted by the owner of the property proposed for an accessory dwelling unit. The owner of the property proposed for an accessory dwelling unit shall occupy as a principal residence either the primary dwelling unit or the accessory dwelling unit.

C. Rentals. Accessory dwelling units may be rented as long as the rental term exceeds thirty (30) calendar days or complies with all city short-term rental regulations, policies and procedures.

D. Deed Restriction. Following final inspection approval of a building permit for an accessory dwelling unit, a deed restriction, in a form approved by the City Attorney, shall be recorded with the Placer County Recorder's Office, which shall include the applicable restrictions and limitations of an accessory dwelling unit identified in this chapter. Said deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the City stating that:

1. The accessory dwelling unit shall not be sold separately from the primary dwelling unit.
2. The accessory dwelling unit is restricted to the maximum size allowed per the development standards identified in this chapter.
3. The accessory dwelling unit shall be considered legal only so long as either the primary dwelling unit, or the accessory dwelling unit, is occupied by the owner of record of the property.
4. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain an accessory dwelling unit on the property.

19.60.090 Accessory dwelling units with nonconforming primary dwelling unit.

When the primary dwelling unit is nonconforming, an accessory dwelling unit in compliance with the above standards is still permitted, providing that the accessory dwelling unit does not increase the nonconformity.

19.60.100 Fees.

All fees and charges, including but not limited to, mitigation fees, development impact fees, and connection fees and capacity charges for water, sewer, and electric services, will be charged in accordance with the Accessory Dwelling Units Fee Policy adopted by the City Council on _____2018 by Resolution No. 18-_____, as amended from time to time.

19.60.110 Administrative permit requirements.

An accessory dwelling unit which does not meet the standards set forth in this chapter, shall be required to obtain an Administrative Permit pursuant to Chapter 19.74 (Permit and Variance Requirements). The provisions of this chapter do not apply to junior accessory dwelling units as defined in Government Code Section 65852.22, as it now exists or may hereafter be amended. Junior accessory dwelling units shall also be required to obtain an Administrative Permit pursuant to Chapter 19.74.

SECTION 14. Section 19.72.020 of Chapter 19.72 of Title 19 of the Roseville Municipal Code is hereby amended to read as follows:

19.72.020 Zoning clearance required.

A zoning clearance certification shall be required prior to the issuance of a building permit for a parcel, ~~and~~ prior to the initiation of a home occupation as provided in Chapter 19.42 (Home Occupations), or prior to the issuance of a building permit for an accessory dwelling unit as provided in Chapter 19.60 (Accessory Dwelling Units). In addition, any person may request and the Planning Division shall issue a zoning clearance certification stating the zoning standards for any parcel located within the City.

SECTION 15. Section 19.95.030 of Chapter 19.95 of Title 19 of the Roseville Municipal Code is hereby amended to read as follows:

19.95.030 Definitions.

- A. **1. Accessory Building or Structure:** (See Building, Accessory).
- 2. Act:** The Fair Housing Amendments Act of 1988.
- 3. Amendment:** Any change, modification, deletion, or addition to the wording, text or substance of this title or any change, modification, deletion, or addition to the application of this title to property within the City of Roseville, including any alteration in the boundaries of a zone district, when adopted by ordinance passed by the City Council in the manner prescribed by law.
- 4. Antenna:** A device used in communications which transmits or receives radio signals. Common forms of antennae are panel arrays and whip antennas. Panel arrays are designed to concentrate a radio signal in a particular area and are typically flat and rectangular in design. Whip antennas transmit a signal 360 degrees and are cylindrical with an 18-foot height limit.

- a. Co-Location. Locating wireless communications equipment from more than one provider on a single site.
- b. Telecommunication Facility. A land use facility supporting antennas and microwave dishes that sends and/or receives radio-frequency signals.

Communication facilities include structures (aka monopole, towers) and accessory buildings.
- c. Dish Antenna. A dish-like antenna used to link communication sites together by wireless transmission of voices or data. Also called microwave antenna or microwave dish antenna.
- d. Equipment Building, Shelter or Cabinet. A structure designed and used to house equipment used by telecommunication providers at a facility.
- e. Monopole. A structure of a single spire used to support communications equipment.
- f. Related Equipment. All equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.
- g. Satellite Antennas. A satellite antenna is a dish like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.
- h. Stealth Facility. Any communications facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building mounted antennas

painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles. Also called concealed antennas.

i. **Telecommunication Tower.** A mast, pole, monopole or guyed or lattice, free-standing tower designed and primarily used to support antennas, to include dishes, arrays and similar devices.

5. **Appellate Approving Authority:** As designated in Section 19.80.020, it is either the Planning Commission or the City Council that is authorized to hear and act on appeals to actions and decisions provided by this title.

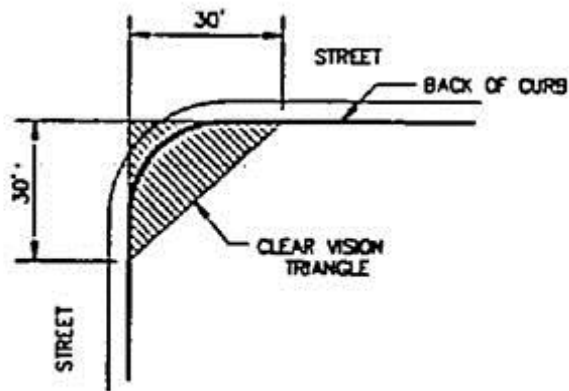
6. **Approving Authority:** As designed in Section 19.80.020, it means one of the following depending on the nature of the application: City Council, Planning Commission, Design Review Commission, Planning Manager, Community Development Manager or designee.

B. 1. **Building:** Any structure having a roof supported by columns and/or walls and intended for the shelter, housing and enclosure of any individual, animal, process, equipment, vehicles, goods or materials of any kind or nature.

2. **Building or Structure, Accessory:** A building or structure detached from a principal building on the same lot and incidental to the principal building.

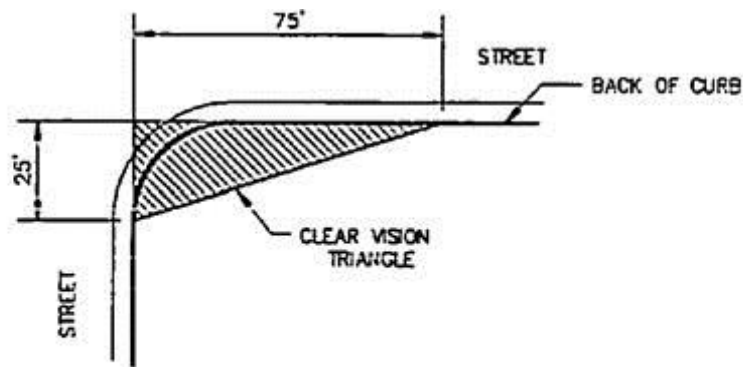
3. **Building or Structure, Nonconforming:** A building or structure, or portion thereof, which was lawfully erected, altered or maintained, prior to the effective date of the ordinance codified in this title, but which, because of the application of this title to it, no longer conforms to the specific regulations applicable to the zoning district in which it is located.

4. **Building Coverage:** The land area covered by all primary buildings on a lot.
 5. **Building, Primary:** A building devoted primarily to the principal or conditionally permitted use of the lot or building site on which it is situated, as permitted by this title.
 6. **Bus Depot or Station:** A place of business serving as a point of arrival or departure for passengers traveling by intercity or interstate bus, except those buses operated by a governmental entity.
- C.
1. **City:** The City of Roseville, California.
 2. **City Council:** The City Council of the City of Roseville.
 3. **Clear Vision Triangle, Commercial:** That portion of both private property and public right-of-way located at any corner defined by the triangular area created by the diagonal connection of two points measured 30 feet back from the intersection of the prolongation of points measures along the front and corner street side back of curb (see figure below). The dimensions of the clear vision triangle may be required to be increased if the Director of Public Works determines that additional area is needed to ensure that a potential traffic hazard is not created.



CLEAR VISION TRIANGLE - COMMERCIAL
NO SCALE

4. **Clear Vision Triangle, Residential:** That portion of both private property and public right-of-way located at any corner defined by the triangular area created by the diagonal connection of two points measured 25 feet along the front and 75 feet along the side of a property measured from the back of curb. The third side of the clear vision triangle shall be the hypotenuse of the triangle described connecting the other two sides (see figure below). The dimensions of the clear vision triangle may be required to be increased if the Director of Public Works determines that additional area is needed to ensure that a potential traffic hazard is not created.



CLEAR VISION TRIANGLE - RESIDENTIAL
NO SCALE

5. **Compact Residential Development:** Attached or detached single-family housing units on a parcel or parcels with a General Plan land use designation of medium density residential or higher (seven dwelling units per acre or higher, as depicted on the General Plan Land Use Map).

6. **Condominium:** An estate in real property consisting of an undivided interest in common in portions of a parcel of real property together with a separate interest in a dwelling, industrial or commercial building on such real property, such as an apartment, office, warehouse or store. A condominium may include, in addition, a separate interest in other portions of such real property.

7. **Condominium Conversion:** Condominium conversion occurs whenever a multiple residential dwelling unit building or a residential housing project containing three or more dwelling units under the same ownership, or such a project that has been granted an occupancy permit is subdivided so that individual dwelling units are available for sale as condominiums within the meaning of Civil Code Section 783.

8. **Cooking:** As referred to in Sections 19.08.080(J) and ~~19.60.040(E)~~[Chapter 19.60](#), “cooking” means that the unit will contain a residential stove/oven/cooktop requiring dedicated utility connections such as large amperage wiring or a dedicated gas connection.

9. **Council, or City Council:** The City Council of the City of Roseville, California.

10. **Construction Trailer:** A trailer used as an on-site office only during actual construction of an approved building site.

D. 1. **Density:** The number of dwelling units per gross acre [excluding accessory dwelling units pursuant to Government Code Section 65852.2](#).

2. **Department:** The planning and redevelopment department of the City of Roseville.

3. **Design Guidelines:** A set of guidelines adopted by the City of Roseville, defining elements and dimensions to be followed in site, building design, landscaping and development.

4. **Development:** Shall be as defined by California Government Code Section 65927.

5. **Development Standard:** Those parts of a zone district and any other regulation of this title which regulates aspects of physical development, including, but not limited to, density, lot area, lot width, lot coverage, building height, and setbacks.

6. **Disabled Person:** Any person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has record of such impairment. People who are currently using illegal substances are not covered under the Act unless they have a separate disability or otherwise qualify.

7. **Distance between Structures:** The shortest horizontal distance measured between two vertical walls of two structures.

E. 1. **Expansion, Building or Structure:** An alteration of a building/structure that results in an increase in its size, either in extent or bulk, or an increase in its area or volume.

2. **Expansion, Use:** An alteration of a use that results in an increase in its size, either in extent, intensity or in the nature of the activities conducted.

F. 1. **Family:** An individual or group of two or more persons occupying a dwelling and living together as a single housekeeping unit in which each resident has access to all parts of the

dwelling and where the adult residents share expenses for food or rent.

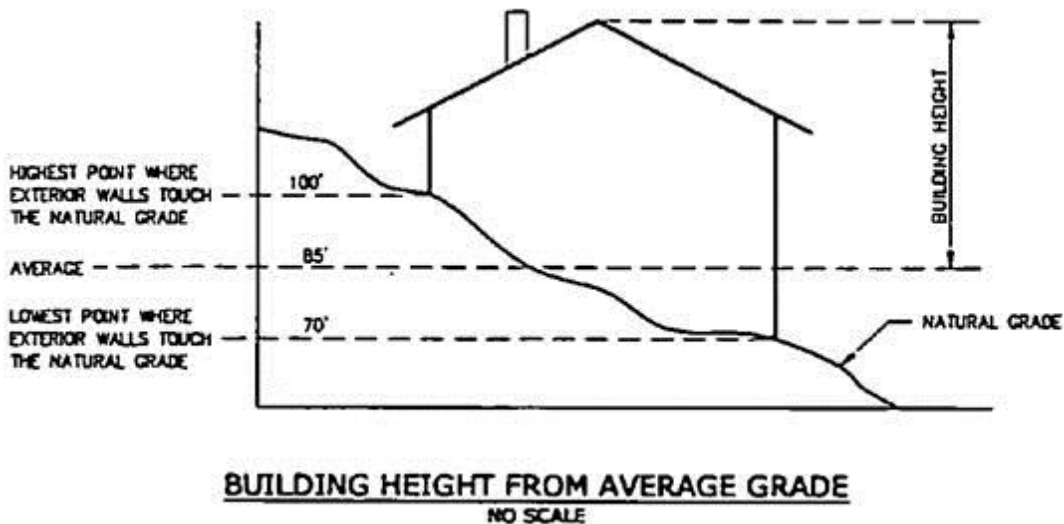
2. **Fence:** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

G. 1. **Garage Sale:** The temporary sale of used household or personal articles held on the seller's own residential premises, also referred to as a yard sale or rummage sale.

2. **General Plan:** As used in this title, the term General Plan means the City of Roseville General Plan, and all revisions and amendments to the Plan.

3. **"Group Home"** shall mean those uses or facilities identified with Sections 19.08.070(J)(3), 19.08.080(~~C~~~~B~~), 19.08.080(~~D~~~~E~~) and such other sections of this title, which provide for the care of disabled or supervised individual(s).

H. 1. **Height, Building and Other Structures:** The vertical distance from the highest point of the building or structure to the average of the highest and lowest points where the exterior walls or supports touch the natural grade.



2. **Height, Fence or Wall:** The height of a fence or wall shall be determined from the highest finished grade adjacent to the fence or wall.

3. **Home, Model Complex:** One or more dwelling units or one temporary trailer temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental for the first time in a particular subdivision or residential development which may be comprised of single detached, semi-detached, or multiple unit dwellings, or a combination thereof. It also includes one sales office and associated parking.

I. **Reserved.**

J. 1. **Junk Yard:** Any area of 200 square feet or more used for the storage of junk, scrap materials, materials, salvaged from wrecked or demolished buildings, machinery or equipment; or used for the wrecking or demolishing of automobiles, other vehicles, or machinery.

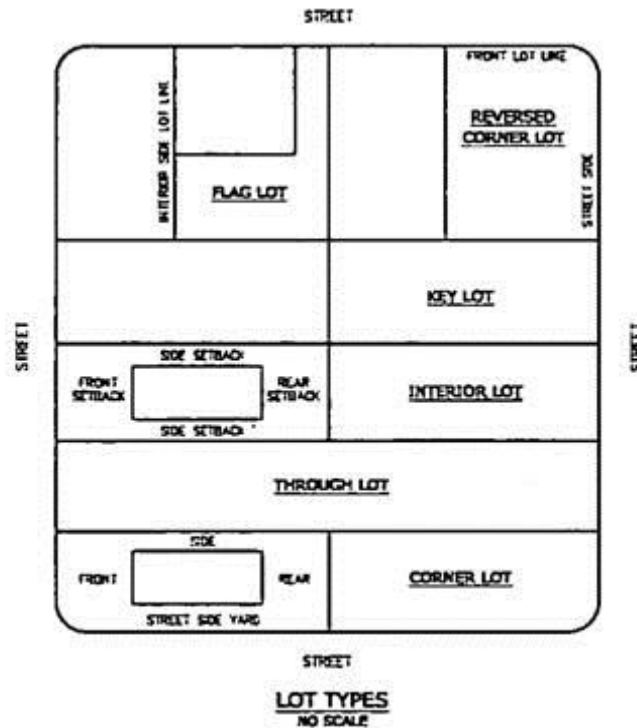
K. **Reserved.**

L. 1. **Landscaped Area:** An area devoted to lawn, groundcover, trees, or shrubs or hardscape, and as specified in this title, the Design Guidelines, any applicable specific plan or by other City requirement.

2. **Loading Space:** An area, other than a street, alley, or driving aisle, on the same lot with a building or a group of buildings which is permanently reserved and maintained for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

3. **Lot:** A legally created parcel of land used or capable of being used under the regulations of this title.

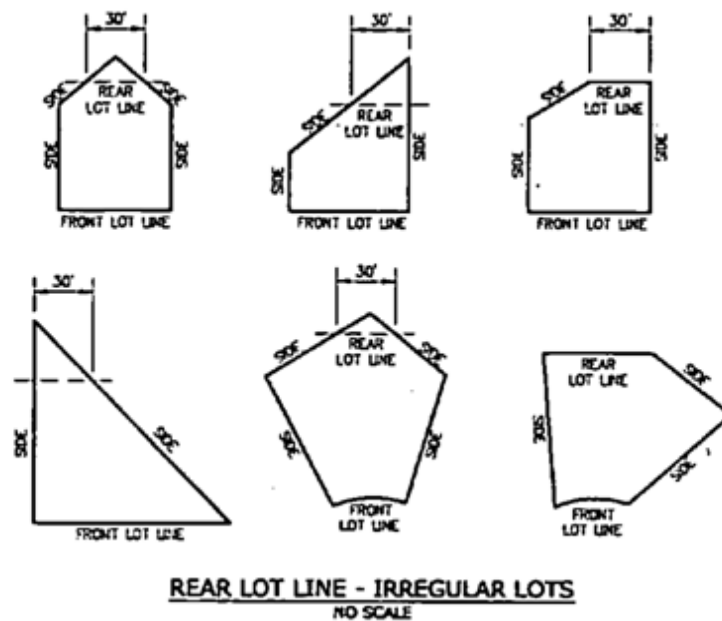
4. **Lot, Corner:** A lot located at the intersection of two or more streets, with one property boundary bordering on each street frontage (see figure).



5. **Lot, Developed:** A lot with buildings or structures.
6. **Lot, Flag:** A lot having access to a public or private street by a narrow strip of land (see figure under Lot, Corner).
7. **Lot, Frontage:** That portion of the lot contiguous to the street.
8. **Lot, Interior:** A lot, other than a corner lot, abutting only one street (see figure under Lot, Corner).
9. **Lot, Key:** A lot with a side line that abuts the rear line of any one or more adjoining lots (see figure under Lot, Corner).

10. Lot Line, Front: The lot line separating a lot from a street right-of-way. The front lot line of a corner lot may face either street frontage, at the option of the owner, provided that the required rear yard setback is obtainable opposite from the front lot line.

11. Lot Line, Rear: That lot line, not intersecting a front lot line, which is most distant from and most closely parallel to the front lot line. In the case of an irregularly shaped lot or a lot bounded by only three lot lines, a line within the lot having a length of 30 feet parallel to and most distant from the front lot line shall be interpreted as the rear lot line for the purpose of determining required yards, setbacks, and other provisions of this title (see figures below).



12. Lot Line, Side: Any lot line which is not a front or rear lot line.

13. Lot, Reversed Corner: A corner lot, the rear of which abuts the side of another lot (see figure under Lot, Corner).

14. Lot, Area: The area contained within the boundary lines of a lot.

15. **Lot, Through:** A lot having frontage on two generally parallel streets (see figure under Lot, Corner).

16. **Lot, Width:** The horizontal distance between the side lot lines, measured at the front setback line.

M. 1. **Manager:** The Planning Manager of the City of Roseville or the Manager's designee.

2. **Manufactured Home:** A factory built or manufactured home permitted by State of California and federal laws.

3. **Mobile Home:** Same as manufactured home, but subject to the National Manufactured Housing Construction and Safety Act of 1974.

4. **Mobile Home Park:** Any area or tract of land where one or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies.

5. **Model Home Complex:** One or more dwellings used for the display and sale of units and lots within a subdivision.

N. 1. **Nonconforming Structure or Building:** A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to comply to the present requirements of the zoning district.

2. **Nonconforming Use:** A use or activity that was lawful prior to the adoption, revision or amendment of the Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to comply to the present requirements of the zoning district.

O. 1. **Open Air Vending Facilities:** The sale of prepared food, fresh cut flowers or plants, or the sale of items determined by the Planning Manager to be consistent with this type of use, from a stand or non-motorized non-stationary cart or pushcart.

2. **Outdoor Sales Area:** An outdoor area located on the same lot as the principal business used for merchandise display or storage as allowed under this title.

P. 1. **Parcel:** Means an area of land.

2. **Parcel, Nonconforming:** A parcel of land having less area, frontage, or dimensions than required in the zoning district in which it is located.

3. **Parking Lot:** An area of land, a yard or other open space on a lot legally used for or designed for parking motor vehicles.

4. **Parking Space:** An unobstructed space or area other than a street or alley which is permanently reserved and maintained for the parking of one motor vehicle.

5. **Peak Load:** The generation of electricity during the highest electrical demand within a particular period of time. Daily electric peaks on weekdays occur in late afternoon and early evening. Annual peaks occur on hot summer days.

6. **Permitted:** Means any use or activity allowed by the provisions of this title, and subject to the applicable regulations contained within this title.

7. **Person:** An individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, local agency, or any other group or combination acting as an entity.

8. **Planning Commission:** The Planning Commission of the City of Roseville.

9. **Property Owner:** A person or persons having a possessory interest in the property, other than a periodic tenancy, estate at will, or sufferance, or a person having a contractual right which will ripen into such a possessory interest in the property.

Q. **Reserved.**

R. **Reserved.**

S. 1. **Sale, Fundraising:** The temporary sale of new or used merchandise conducted by a charitable, eleemosynary, or non-profit organization or by groups associated with churches, schools and clubs.

2. **Seating Capacity:** The actual seating capacity of an area based upon the number of seats of one seat per 18 inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the Uniform Building Code.

3. **Secondary Use:** A purpose for which land or a building is or may be intended, occupied, maintained, arranged, or designed, which is less visible, prominent, or important than the primary use(s) on the same lot or parcel.

4. **Setback:** The required distance that a building, parking lot or other designated item must be located from a lot line.

5. **Setback, Front:** The front setback is an area formed by a line parallel to a front lot line. The front setback is measured at right angles to the front lot line.

6. Setback, Rear: The rear setback is an area formed by a line parallel to the rear lot line. Rear setbacks are measured at right angles to the rear lot lines.

7. Setback, Side: The side setback is an area formed by a line parallel to the side lot line, that extends between front and rear setback areas. Side setbacks are measured at right angles to the side lot lines.

8. Shopping Center: Two or more contiguous or separate retail commercial stores that share access and/or parking, which function by design, or ultimately function, as a single entity.

9. Street: A public or permanent private way 30 feet or more in width, which affords a primary means of access to property.

10. Structural Alterations: Any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joints, girders or rafters, or changes in roof or exterior lines.

11. Structure: Anything constructed or erected which requires location on the ground or attachment to something having a permanent location on the ground, including but not limited to antennas, signs and billboards, but not including outdoor areas such as paved areas, tennis courts, driveways, parking spaces where the area is unobstructed from the ground up.

T. 1. “Theater” means a building or structure used for the purpose of conducting live dramatic, comedic or musical performances, the showing of motion pictures or similar recorded media, or other live performing arts.

U. 1. Uniform Building Code: The Uniform Building Code currently in use and adopted by the City of Roseville.

2. **Usable Open Space:** One or more open areas adjacent to residential uses, the purpose of which is to provide an outdoor area designed for outdoor living and recreation, and which is located at, below, or above grade. This space is typically accommodated within side and rear yard areas.

3. **Use:** The purpose of which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

4. **Use, Accessory:** See Accessory Uses, Article III, Chapter 19.22.

5. **Use, Conditionally Permitted:** A use type subject to a Conditional Use Permit, which use may be essential or desirable to the public convenience or welfare in one or more zones but which may also impair the integrity and character of the zone or adjoining zone or be detrimental to the public health, safety or welfare unless additional restrictions on location and extent of use are imposed and enforced. Such use shall be permitted when all specific additional restrictions are completed and permanently satisfied in conformance with an approved Conditional Use Permit. Should such restrictions be of a continuing nature, the use will remain conditional so long as the restrictions are complied with, but shall become an illegal use whenever and so long as the restrictions are not complied with.

6. **Use, Primary:** The primary use or uses for which land or a building is or may be intended, occupied, maintained, arranged or designed and includes principally, conditionally and administratively permitted uses.

7. **Use, Principally Permitted:** The primary use of land or of a main building which use is compatible with the purpose of the zone and which is permitted in the zone. If a use is listed in a specific zone as a principally permitted use, it means that the owner, lessee or other

person who has legal right to use the land, has right to conduct such principally permitted use subject to the regulations and procedural requirements of this title.

8. Use, Temporary: See Temporary Uses, Article IV, Chapter 19.64.

9. Use Type: A category or class of land uses which share common functional, product or compatibility characteristics and which have been classified under a discreet use type in these regulations, commencing at Article II of this title.

V. Reserved.

W. Reserved.

X. Reserved.

Y. Reserved.

Z. 1. Zoning District: A designated/mapped portion of the City within which a uniform set of regulations apply.

SECTION 16. This ordinance shall be effective at the expiration of thirty (30) days from the date of adoption.

SECTION 17. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville this ____ day of _____, 20__, by the following vote on roll call:

AYES COUNCILMEMBERS:

NOES COUNCILMEMBERS:

ABSENT COUNCILMEMBERS:

MAYOR

ATTEST:

City Clerk