



PROJECT REVIEW

A. Plan Administration

The City's designated planning agencies (Planning Department staff and City Council) will have primary responsibility for ensuring implementation of the Folsom Boulevard Specific Plan. As with all development in the city, any entitlement process requires review to ensure consistency with the land use plan and zoning for the area. All properties within the FBSP area are subject to the land use and development standards in this document. This chapter establishes the requirements for review of projects within the FBSP area and the procedures for completing project reviews. The City is committed both to the long-term enhancement of the character and quality of development on the boulevard and to the near-term attraction of private investment to the corridor. Recognizing that many near-term development opportunities will involve small-scale projects, the City has established project review procedures that address three tiers of development—Exempt, Minor, and Major Projects—as described herein.

B. Development Review

New development and redevelopment (reuse and building modification) within the plan area is generally subject to City approval. Approvals may include, but are not limited to, lot mergers and maps, Temporary Use Permits, Conditional Use Permits, and Design Review (minor and major). Individual project applications will be reviewed to determine consistency with the FBSP and other associated regulatory documents. Unless otherwise noted in this Plan, project reviews within the Plan area shall be conducted consistent with the procedures and requirements established in the City of Rancho Cordova Zoning Code. While review procedures in the plan area are typically dictated by the Zoning Code, the allowed uses and the development standards applicable in the plan area are set forth within this FBSP.

C. Project Type and Review Process

Generally, three categories of project types require subsequent review by the City for property located within the plan area, as follows:

- **Lot Changes.** This category of project includes lot mergers, lot splits, parcel and subdivision maps, as well as integrated developments. City rules and processes for these types of projects are the same everywhere within the city limits and are outlined in various locations of the Municipal Code. In other words, no special provisions or processes apply within the FBSP.
- **Land Use Changes.** This category of project includes any change of use within an existing building or site, any new use in a new building or site, and temporary and transitional uses. The FBSP does include allowed use provisions for permanent, temporary, and transitional uses as outlined in Chapter 2 (Land Use Plan and Allowed Uses). This Plan also identifies permit requirements associated with allowed uses (Conditional Use Permit, Limited Use Permit, Administrative Use Permit, and Temporary Use Permit) and refers to the citywide permit process for review of any required use permits consistent with the provisions in this Plan.
- **Structural/Physical Changes.** This category of project includes any structural or physical change to an existing building, any new structure, and temporary structures. The FBSP includes development standards for structural or physical changes, which vary depending on the scale or magnitude of change as outlined in Chapter 4 (Development Standards). Generally, the City requires Design Review for structural/physical changes that are not otherwise exempt. The City defines two levels of Design Review: Minor Design Review is acted upon by the Planning Director and Major Design Review is acted upon by the City Council. The process for Design Review entitlements is consistent with the citywide permit process outlined in the Zoning Code.

To simplify project type and review requirements for subsequent development within the plan area, this chapter of the FBSP defines projects as Exempt, Minor, or Major in subsection 1 below with reference to applicable provisions in subsequent chapters of the Plan. However, the City recognizes that not all projects match the City's regulations perfectly. In some cases, applicants will bring forward projects with demonstrated community benefits that are not consistent with some portion of the City's regulations. In these cases, the City may consider granting an Exception subject to the provisions of subsection D of this chapter. Finally, some uses that were established legally in the past may no longer be consistent with current City regulations. Such uses are referred to as legal non-conforming uses, and subsection E of this chapter explains how these uses are addressed by the City.

1. Exempt Projects, Minor Projects, and Major Projects

Prior to processing a development application, staff will consult with potential applicants to determine what level of review is required and the process for completing that review.

a) Exempt Projects

The following uses, structures, and improvements are considered exempt projects and are not generally subject to review under this FBSP. However, such uses and structures may still require additional permits, such as a City business license or building permit, to ensure compliance with adopted Building Code standards and Zoning Code provisions.

- 1) Uses in an existing structure that are permitted by right (P) as identified in Chapter 2 (Land Use Plan and Allowed Uses) of this Plan with little or no changes to the exterior, except in conformance with all other limitations below.
- 2) A single-family custom home on a lot that is consistent with existing zoning.
- 3) An addition to a single-family residential home that is consistent with existing zoning.
- 4) Additions to nonresidential structures less than 1,000 square feet in size.
- 5) Accessory structures consistent with provisions of Zoning Code Chapter 23.734 (Residential Accessory Structures).
- 6) Repairs, maintenance, and restoration of buildings, site improvements, or structures that do not substantially alter the appearance of the site or structures.
- 7) Painting, restoration to original condition, windows and window treatments, door installations, and minor façade improvements that involve less than 100 linear feet of building face.
- 8) Changes to site plan elements that are not specifically required by the citywide Zoning Code (e.g., decorative elements and landscaping that are not specifically required in the citywide landscape requirements).
- 9) Interior alterations that do not increase the gross floor area within the structure or change/expand the permitted use of the structure.

- 10) Second dwelling units subject to California Government Code Section 65583.1.
- 11) Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric, or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities and equipment).

b) Minor Projects

The following uses, structures, and improvements are considered Minor Projects, are subject to review under this FBSP, and will require one or more permits or entitlements that are acted upon by the Planning Director consistent with this Plan.

- 1) Uses allowed subject to an Administrative Use Permit (AUP) or Limited Use Permit (LUP) as identified in FBSP Chapter 2 (Land Use Plan and Allowed Uses) which also conform to the other minor structural modifications below.
- 2) New construction of a nonresidential building or structure or expansion of an existing nonresidential structure that results in less than 5,000 square feet additional building area in all zoning districts unless exempt in Zoning Code Section 23.140.030 are subject to Minor Design Review.
- 3) Nonresidential façade renovations that involve less than 200 linear feet of façade frontage of an existing building, unless exempt in Zoning Code Section 23.140.030, are subject to Minor Design Review.
- 4) Significant changes to multi-family and all nonresidential site plans that impact required site plan elements (e.g., required parking, shade canopy, lighting, landscaping) are subject to Minor Design Review.
- 5) The exterior remodel of multi-family residential buildings or structures are subject to Minor Design Review.

c) Major Projects

The following uses, structures, and improvements are considered Major Projects, are subject to review under this FBSP, and will require one or more permits or entitlements that are acted upon by the City Council consistent with this Plan.

- 1) Uses subject to a Conditional Use Permit (CUP) as identified in FBSP Chapter 2 (Land Use Plan and Allowed Uses).
- 2) Single-family residential subdivision maps are subject to the Major Design Review and Tentative Subdivision Map entitlement processes.
- 3) Master home plans for single-family residential subdivisions are subject to Major Design Review.

- 4) Multi-family residential development is subject to Major Design Review.
- 5) Commercial development equal to or greater than 5,000 square feet in building area (including new construction and expansion to existing structures) is subject to Major Design Review.
- 6) Office development equal to or greater than 5,000 square feet in building area (including new construction and expansion to existing structures) is subject to Major Design Review.
- 7) Industrial development equal to or greater than 5,000 square feet in building area (including new construction and expansion to existing structures) is subject to Major Design Review.
- 8) Public/quasi-public developments (e.g., public safety facilities, library, city facilities) equal to or greater than 5,000 square feet in building area (including new construction and expansion to existing structures) are subject to Major Design Review.
- 9) Exceptions to Development Standards.

2. Project Review Process and Timeline

As previously identified, the project review process for projects located within FBSP shall comply with the permit processing requirements in the Citywide Zoning Code. However, in order to provide some degree of certainty or predictability, the City has identified the following range of project review timelines for projects located within the plan area. These project review timelines commence with the determination of a complete application for the various entitlements listed below. The range of time takes into consideration varying degrees of project complexity.

Permit or Entitlement Type	Estimated Timeline to Decision/Action
Administrative Use Permit	4 to 6 weeks
Limited Use Permit	4 to 6 weeks
Conditional Use Permit	6 to 10 weeks
Minor Design Review	6 to 10 weeks
Major Design Review	8 to 12 weeks

D. Exceptions

The City Council supports the vision and development standards established in the Folsom Boulevard Specific Plan and encourages all developers to review and adhere to the strict application of these standards when designing future projects. The City Council also recognizes the real-world challenges that the vision and development standards present in a depressed economy and as such, desires to provide additional flexibility for projects that will benefit the community in specific, identified ways. In conjunction with Major Design Review, project-level CEQA review, and any other required entitlements, an applicant may request that the City Council approve an exception to allow a development project that does not strictly adhere to the Specific Plan or to other City development standards.

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The City Council may grant an Exception for any development standard in the FBSP if the use is permitted as outlined in this Plan and the project meets at least four of the following six conditions:

- 1) Will fulfill a compelling community need, as indicated by an existing City goal, General Plan policy, budget priority, or other Council-adopted policy document.
- 2) Will improve an existing blighted situation by removing 100 percent of the blight located on the subject property.
- 3) Will provide unmet services to a currently underserved community.
- 4) Will create at least 15 new permanent full-time jobs (or new jobs equivalent to at least 15 full-time equivalents) or a minimum of 1 job per 500 square feet.
- 5) Will generate annual sales tax contributions to the City in excess of \$25,000.
- 6) Investments in the property will increase the property tax revenue for the subject parcel(s) by at least 250 percent.

To the extent practical, development projects should comply with FBSP development standards. All projects remain subject to Design Review as established in Sections 23.140 and 23.141 of the Zoning Code. An Exception request must be included and will be reviewed in conjunction with the project's Design Review application. It is the applicant's responsibility to request relief from specific provisions of the FBSP development standards and provide justification for why standards cannot be met. It is also the applicant's responsibility to provide evidence of compliance with at least four of the conditions listed above to support the Exception request. The City Council is the approving authority for all Exception requests.

Under no circumstance shall an Exception result in any of the following:

- Allow a land use not otherwise permitted or conditionally permitted in the zone
- Allow a detrimental environmental impact not adequately analyzed
- Waive payment of applicable impact fees
- Waive a specific prohibition
- Waive or modify a procedural requirement

The procedure for granting Exceptions allowed under this provision is provided in Section 23.110.150(D) of the City's Zoning Code. In granting the Exception, the City Council shall make the following findings:

- 1) The proposed project qualifies for an Exception by meeting at least four of the six conditions required for granting of an Exception as defined above.
- 2) The City Council has determined that the proposed project has adhered to the vision of the Folsom Boulevard Specific Plan to the fullest extent practicable.

- 3) The applicant has provided substantial evidence that the conditions for the Exception will be met following construction and operation of the project. Further, the applicant has agreed to conditions of approval guaranteeing these requirements will be met or exceeded throughout the life of the project.
- 4) Granting the Exception will not adversely affect the interests of the public or the interests of the residents and property owners in the vicinity of the premises in question, and shall not establish a precedent for other project requests.
- 5) Granting the Exception will not endanger the public health and safety.

E. Nonconforming Uses and Structures

The FBSP assumes changes in land use and development patterns from existing conditions over time. This section establishes special considerations and exceptions to the FBSP regulations for nonconforming land uses and structures that were legal uses or structures when first established. If the same uses or development patterns came forward today, they would be prohibited, regulated, or restricted differently under the terms of the FBSP. It is the intent of these regulations to allow the continuation of nonconforming uses and structures, with some limitations as described below.

1. Continuation, Re-Occupancy, and Maintenance of Nonconforming Uses and Structures

- a) A nonconforming use may continue to operate in perpetuity, be transferred, or be sold, provided that the use shall not be enlarged or intensified nor be expanded to occupy a greater area than it lawfully occupied before becoming nonconforming (except as provided in the Nonconforming Use Permit Procedures subsection below). Any use approved as of the date this chapter becomes effective may be carried out as approved. Any extension of such approval, for which the applicant was entitled to apply as of the effective date, may be granted according to the regulations in effect prior to the effective date; if granted, such extension will be considered the same as an approval granted before the effective date.
- b) A nonconforming structure may be maintained or improved as follows:
 - **Maintenance and repair.** A nonconforming structure may be maintained and repaired.
 - **Seismic retrofitting and Building Code compliance.** Repairs, alterations, or reconstruction to reinforce unreinforced masonry structures or to comply with Building Code requirements shall be allowed, provided that the work is exclusively to comply with applicable earthquake safety standards and the Building Code.
 - **Structural alteration** of a nonconforming structure to improve safety or to reduce fire hazard.

2. Modification and Expansion of Nonconforming Uses and Structures

A nonconforming use or structure may be modified or expanded, subject to the provisions of the Nonconforming Use Permit Procedures subsection as follows:

- a) **Structural modification.** Addition, enlargement, extension, or relocation of a nonconforming structure may be allowed if the changes to the structure conform to applicable provisions of this Specific Plan. Such modifications may not expand the extent of the nonconforming aspect of the structure or result in any new nonconforming conditions for the subject property.
- b) **Expansion of use.** Expansion or **modification** of a nonconforming use may be allowed subject to the Nonconforming Use Permit Procedures subsection.
- c) **Exterior improvements** or expansion of structures may also require Design Review approval in keeping with the City's Zoning Code.

3. Destruction and Replacement of Nonconforming Uses and Structures

If a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed, the structure may be repaired or rebuilt and reoccupied in the same manner in which it originally existed, if the restoration is started within one year of the date of the damage and is diligently pursued to completion.

4. Loss of Nonconforming Status

If a nonconforming use is discontinued for a continuous period of 18 months or more, rights to nonconforming status shall terminate. The Planning Director shall base determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation. Maintenance of a valid business license shall in and of itself not be considered a continuation of the use. Without further action by the City, any subsequent use of the site or structure shall comply with all of the regulations of the applicable district and all other applicable provisions of this Specific Plan and relevant sections of the Zoning Code.

5. Extension of Nonconforming Use Status

A property owner may request of the Planning Director an additional 6 months' extension to the 18-month nonconforming use time period. Such a request must be supported by any of the following:

- a) Evidence of active marketing of the tenant space accompanied with regular maintenance of the property in a manner that supports such marketing efforts.
- b) A signed lease agreement and anticipated occupancy within the extension period.

- c) Issuance of a valid Building Permit for interior or exterior remodel and anticipated occupancy within the extension period.

6. Nonconforming Use Permit Procedures

- a) **Permit requirements.** A Nonconforming Use Permit is required for the expansion or modification of existing nonconforming structures or uses. The intent of this permit is to allow for individual review of requests to expand or modify a nonconforming use in a manner that ensures compatibility with surrounding areas and uses.
- b) **Approving authority.** The City Council shall be the final decision-making body for all Nonconforming Use Permits.
- c) **Required findings.** A Nonconforming Use Permit shall be granted only when the designated approving authority determines that the proposed use or activity complies with all of the following findings.
 - i. The establishment, maintenance, or operation of the use expansion applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.
 - ii. The benefit to the public health, safety, or welfare exceeds the detriment inherent in the expansion of nonconformity.
 - iii. The modified or expanded nonconforming structure or use would not be incompatible with reasonably foreseeable uses as allowed under the applicable zoning regulations.
 - iv. The modified or expanded nonconforming structure or use would be consistent with the General Plan.
- d) **Conditions/guarantees.** The designated approving authority may impose conditions and/or require guarantees for the Nonconforming Use Permit to ensure compliance with this section and other applicable provisions of the citywide Zoning Code and to prevent adverse or detrimental impact to surrounding neighborhoods.

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